

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 18, 2017**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 18th day of December, 2017 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART,
 KEN SOCKWELL, ALLEN NOLES
ABSENT: NONE

Allen Noles, President of the Council, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business. Mayor David Bradford was also present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Hall and seconded by Council Member Sockwell and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of December 4, 2017 and approved the minutes as written.

At this time Mayor Bradford commented on the tremendous job the volunteer committee did on the 15th annual Christmas parade. He also noted that improvements to the Gattman park walking trail and 6th Street sidewalk projects were nearing completion. The new senior center bus funded by an ALDOT grant has been received. Mayor Bradford also noted that several new retail locations have opened or shortly will do so.

At this time the Council received comments from the public.

Jason and Amanda Hollander, 106 Brandt Drive, Tuscumbia appeared before the Council and was recognized.

Owen Hollander, 106 Brandt Drive, Tuscumbia appeared before the Council and was recognized.

Daniel Bell, 508 W. Eason Avenue appeared before the Council and was recognized.

Kansas Adams, 508 W. Eason appeared before the Council and was recognized.
Mike James, Dogwood Circle appeared before the Council and was recognized.
Dana Ratliff, 401 Stutts Street appeared before the Council and was recognized.
Jonathan Ratliff and son Eli, 401 Stutts Street appeared before the Council and was recognized.

Amy and Donovan Henry, 567 Baker Road appeared before the Council and was recognized.

Amanda Underwood Lee appeared before the Council and was recognized.

Valerie and Matt Hines appeared before the Council and was recognized.

Leon Madden, 203 Elliott Avenue appeared before the Council and was recognized.

Steve Thompson, 154 Allen Circle, Tuscumbia appeared before the Council and was recognized.

Clayton Wood, 150 Cottonwood Drive appeared before the Council and was recognized.

Tara Wages, Florence, AL appeared before the Council and was recognized.

Leon Madden, 203 Elliott Avenue appeared before the Council and was recognized.

President Noles announced that the next item of business was consideration of a resolution to award a bid for two greens mowers through the North Alabama Cooperative Purchasing Association.

Council Member Sockwell introduced the following resolution and moved for its adoption:

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2920-17

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of two (2), new, riding greens mowers to be utilized at Cypress Lakes Golf; and

BE IT FURTHER RESOLVED, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for two (2) new, riding greens mowers is \$64,890.00 to be purchased from Greenville Turf & Tractor and further that Greenville Turf & Tractor is the awarded contractual vendor for said item with North Alabama Cooperative Purchasing Association (NACPA), an approved purchasing cooperative;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that Greenville Turf & Tractor, the contractual vendor of NACPA is awarded the purchase of the approved riding greens mowers for the total purchase price of \$64,890.00.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to award a bid for a Traxx all-terrain mower through the National Joint Powers Alliance Cooperative.

Council Member Lockhart introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2921-17

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of one (1) new, remote-controlled all-terrain mower to be utilized in the Storm Drainage Department; and

BE IT FURTHER RESOLVED, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for one (1) new, remote-controlled, all-terrain mower is \$84,808.40 to be purchased from Alamo Industrial with the delivering dealer being CMI Equipment Sales and further that ALAMO Industrial is the awarded contractual vendor for said item with National Joint Powers Alliance (NJPA), an State of Alabama approved purchasing cooperative;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that ALAMO Industrial and the delivering vendor, CMI Equipment Sales, the contractual vendor of NJPA is awarded the purchase of the approved remote-controlled, all-terrain mower for the total purchase price of \$84,808.40.

Council Member Willis seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to award a bid for a fire truck through the Houston-Galveston Area Buy Cooperative.

Council Member Willis introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2922-17

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of one (1) new, custom built fire apparatus to be utilized in the Fire Department; and

BE IT FURTHER RESOLVED, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for one (1) new, custom built fire apparatus is \$449,875.00 to be purchased from E-One, Inc./Sunbelt Fire and further that E-One, Inc./Sunbelt Fire, is the awarded contractual vendor for said item with Houston-Galveston Area Council-Buy (HGAC-Buy), a State of Alabama approved governmental purchasing cooperative; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that E-One, Inc./Sunbelt Fire is awarded the purchase of the approved custom built fire apparatus for the total purchase price of \$449,875.00.

Council Member Hall seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was a public hearing to receive public comment on a proposed increase in an ad valorem tax levied pursuant to Amendment No. 56 to the Constitution.

The Council finds that legal notice of the public hearing to consider the proposed increase in ad valorem tax was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 10 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 18th day of December, 2017, at 6:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said resolution. The public hearing was held and President Noles announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Noles stated that approval of the resolution was before the Council.

Council Member Hall introduced the resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2923 - 17

BE IT RESOLVED by the City Council (herein called "the Council") of the City of Muscle Shoals (herein called "the City"), in the State of Alabama, as follows:

Section 1. Definitions. The following words and phrases used in this Resolution, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

"Board" means the Muscle Shoals City Board of Education.

"Constitution" means the Constitution of Alabama of 1901.

"Special School Tax" means the special annual ad valorem tax for public school purposes authorized in Amendment No. 56 to the Constitution and pursuant to elections held in the City on April 7, 1987, and April 28, 2015, to be levied and collected on taxable property situated in the City at the rate of 7.5 mills.

Section 2. Findings. The Council has ascertained and does hereby find and declare as follows:

- (a) The City is presently authorized to levy and collect the Special School Tax at a rate of \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value pursuant to Amendment No. 56 to the Constitution.
- (b) The Board has requested that the City increase the rate at which the Special School Tax is levied and the Board and the Council have agreed that the said increase should be to a maximum rate, for any tax year of the City, which is equal to \$1.25 on each \$100 (12.5 mills on each dollar) of assessed value.
- (c) Pursuant to a notice posted in four (4) public places (viz., the Muscle Shoals City Hall, the Muscle Shoals Public Library, Gattman Park Recreation Center and First Metro Bank) in the City, the Council called a special public hearing to be held at 6:00 p.m. on Monday, December 18, 2017, on the proposed increase in the rate at which the Special School Tax is levied.
- (d) At the said special public hearing held on December 18, 2017, all members of the public were afforded the opportunity to express their views, orally and in writing, on the proposed increase in the Special School Tax.

(e) It is necessary and desirable and in the public interest that the Council, acting pursuant to the request of the Board and of its own initiative, propose an increase in the rate at which the Special School Tax is levied in accordance with Section 3 of this Resolution, subject to the conditions set forth in Section 4 of this Resolution.

Section 3. Proposed Increase in Rate of Special School Tax. Pursuant to subsection (f) of Amendment No. 373 and after the said public hearing, the Council proposes to increase the rate at which the City is authorized to levy and collect the Special School Tax to a maximum rate, for any tax year of the City, which is equal to \$1.25 on each \$100 (12.5 mills on each dollar) of assessed value.

Section 4. Proposed Increase Subject to Approval of Legislature and Electorate. The proposed increase in the rate at which the Special School Tax may be levied and collected pursuant to this Resolution is subject to (a) the approval of the Legislature to be evidenced by an act thereof, and (b) the approval of a majority of the qualified electors of the City who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Council Member Sockwell seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Lockhart, Council Member Sockwell,
Council Member Noles
NAYS: None

President Noles announced that the motion for immediate consideration had passed unanimously. Council Member Hall moved that the Resolution be approved. Council Member Sockwell seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Lockhart, Council Member Sockwell, Council Member Noles
NAYS: Council Member Hall
President Noles announced that the motion for approval of the Resolution was approved.

President Noles announced that the next item of business was consideration of a resolution to authorize an application to the Alabama Department of Transportation for sidewalks under their Transportation Alternative Projects.

Council Member Sockwell introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2924 - 17

WHEREAS, the Alabama Department of Transportation is soliciting applications for Transportation Alternative Projects for FY 2018, and

WHEREAS, the City of Muscle Shoals desires to apply for and receive funding for the 2018 City of Muscle Shoals Sidewalk Project in the amount of \$516,709; and

WHEREAS, the City of Muscle Shoals agrees to match twenty percent (20%) and pay one hundred percent (100%) of any amount over \$103,342 of said project cost; and

NOW, THEREFORE BE IT RESOLVED, THAT the city of Muscle Shoals does hereby approve the submission of the 2018 City of Muscle Shoals Sidewalk Project.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to accept an irrevocable letter of credit from CMM Finance Inc. for sidewalk improvements in the Highland Subdivision and authorize the disbursement of funds received from the prior developer.

Council Member Lockhart introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2925 - 17

WHEREAS, it has been made known to the City Council of the City of Muscle Shoals that the improvements to the subdivision known as Highland Subdivision have not been completed as agreed to by Walker-Waddell Investments, LLC; and

WHEREAS, it has been made known to the City Council of the City of Muscle Shoals that Walker-Waddell Investments, LLC is no longer the owner or developer of the subdivision and same is currently owned by CMM Finance, Inc. has acquired ownership of the subdivision and intends to complete the improvements in said subdivision; and

WHEREAS, the City of Muscle Shoals, Alabama, upon failure of Walker-Waddell Investments, LLC redeemed a Letter of Credit securing completion of the improvements in the amount of \$40,500.00; and

WHEREAS, CMM Finance, Inc. has agreed to complete the improvements to the subdivision known as Highland Subdivision in lieu of the City constructing the improvements and agrees to post a Letter of Credit in the amount of \$40,500.00 in favor of the City to secure the completion of said improvements, being the installation of sidewalks according the City's regulations in exchange for disbursement to CMM Finance, Inc. the balance of the Letter of

Credit redeemed by the City upon the failure of the initial developer, Walker-Waddell Investments, LLC to do so.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals does hereby authorize the City Clerk to accept an Irrevocable Letter of Credit in the amount of \$40,500.00 in favor of the City of Muscle Shoals, Alabama , same conditioned upon the completion of the improvements to Highland Subdivision on or before December 1, 2018 according to the City’s regulations and specifications by CMM Finance, Inc. and upon presentment of same to draw on the funds evidenced by the Letter of Credit provided by Walker-Waddell Investments, LLC and redeemed by the City and pay same to CMM Finance, Inc.

Council Member Willis seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Noles announced that the resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK