

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
March 20, 2017**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:10 p.m. on the 20<sup>th</sup> day of March, 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 Rusty Wheelles. 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 Lockhart 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 March 6, 2017 and approved the minutes as written.

Mayor Bradford informed the Council that the City had received a \$207,000 Industrial Access grant for road improvements at Constellium. He also noted that city is continuing road repairs at Poplar and 1<sup>st</sup> Avenues. The installation of a new pump has been completed at the Wilson Dam retention pond.

President Noles announced that the next item of business was consideration of a resolution to award a bid for lawn care services.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2874-17**

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama, as follows:

That the Purchasing Agent did send out advertisements for bids for lawn maintenance services at the locations of City Hall, Public Library, Police Department, Fire Station #1 to include Fire Annex Building and Haz-Mat Building, Shoals Research Airpark the bid opening being held the 16th day of March, 2017 at the City Hall of the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

| <b>Name of Bidder</b>               | <b>Monthly Price (Basis of Award)</b> |
|-------------------------------------|---------------------------------------|
| Capstone Landscaping & Lawn Service | \$1,617.00                            |
| Green Guys Lawn Services            | \$2,826.65                            |
| Turf Target, Inc.                   | \$2,155.00                            |

BE IT FURTHER RESOLVED, that after an evaluation of the bid with the specifications and requirements, the lowest, responsive and responsible bidder has been determined as Capstone Landscaping & Lawn Service with a total monthly bid price of \$1,617.00, for a one year contract and options to renew the contract as outlined within the bid specifications for an additional two years.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the lowest, responsive and responsible bidder, Capstone Landscaping & Lawn Service, is now awarded the bid for lawn maintenance services.

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 consideration of a resolution to authorize the purchase of a generator for Fire Station #1 through the Houston-Galveston Area purchasing cooperative (HGAC).

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2875-17**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama approved the purchase of an emergency stand-by generator to be installed at the fire department location; and

**WHEREAS**, the Procurement Agent advised that said purchase must comply with the Alabama Competitive Bid Law and further that a cooperative contract eliminating the need for further formal, sealed bidding process has been approved by the State of Alabama and is valid for such purchase; and

**WHEREAS**, the Procurement Agent further advised that the purchase price for the Kohler 64kw, natural gas, emergency stand-by generator is \$21,088.00 to be purchased from Loftin Equipment Company and further that Loftin Equipemnt Company is the awarded contractual vendor for said item with HGAC-Buy, a State of Alabama approved purchasing cooperative; now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals that Loftin Equipment Company, the contractual vendor of HGAC-Buy is awarded the purchase of one (1) new, Kohler 64kw, natural gas, emergency stand-by generator for the total purchase price of \$21,088.00.

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 appoint a member to the Zoning Board of Appeals.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2876 - 17**

**WHEREAS**, a member of the Zoning Board of Appeals of the City of Muscle Shoals has resigned and the City Council being desirous of making the necessary appointment to said board within the City;

**WHEREAS**, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

**WHEREAS**, the following individual made proper application and met the requirements for appointment, and is eligible for appointment to fill the pending vacancy:

Edward R. Hester

**WHEREAS**, Edward R. Hester was the sole applicant for appointment to the board and otherwise qualified to serve, and

**WHEREAS**, a roll call vote was had by the City Council as follows:

Council Member Hall: Edward R. Hester  
Council Member Willis: Edward R. Hester  
Council Member Lockhart: Edward R. Hester  
Council Member Sockwell: Edward R. Hester  
Council Member Noles: Edward R. Hester

**WHEREAS**, Council President Noles announced that Edward R. Hester had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

| <u>APPOINTEE</u> | <u>BOARD</u>  | <u>EXPIRATION OF TERM</u> |
|------------------|---------------|---------------------------|
| Edward R. Hester | Appeals Board | December 2019             |

The Clerk is hereby directed to notify the above named persons of their appointment and to further notify the respective board of said appointments.

\_\_\_\_\_  
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 endorse passage of proposed legislation deemed ATRIP-2.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION IN NUMBER 2877 - 17**  
**IN SUPPORT OF ATRIP-2**

**WHEREAS**, Governor Robert Bentley unveiled the Alabama Transportation Rehabilitation and Improvement Program (“ATRIP”) in 2012 as a bold infrastructure initiative to improve Alabama’s rapidly deteriorating road and bridge infrastructure, and to generate a positive economic impact and safety improvements for the entire state, and;

**WHEREAS**, the final deadline for all ATRIP projects is quickly approaching, and engineers from all corners of the state fear the momentum generated from the hundreds of road projects completed under the program will come to a rapid halt, and;

**WHEREAS**, the Association of County Commissions of Alabama recently proposed a statewide bond issue at its 2017 Legislative Conference, whose revenue would be dedicated to improving Alabama's declining road and bridge infrastructure, and the aforementioned proposal received the unanimous support of all 53 counties in attendance at the conference, and;

**WHEREAS**, under the terms of the bond issue, the City of Muscle Shoals would receive approximately \$1,218,945.60 for road and bridge improvements, and;

**WHEREAS**, the primary function of the Muscle Shoals City Council is to provide for the safety, economic growth, and highest possible quality of life for the citizens of this city, and the members of the Muscle Shoals City Council believe this proposal would have a monumental impact for the residents of the city.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS**, that it does hereby voice its public support for the ATRIP-2 proposed by the Association of County Commissions of Alabama as priority legislation for the 2017 regular legislative session.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairs of the Senate and House Rules Committee.

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 request legislative authority to regulate and permit the sale of alcoholic beverages on Sundays.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2878 - 2017**

#### **A RESOLUTION REQUESTING THE PASSAGE OF A LOCAL LEGISLATIVE ACT CONCERNING THE SALE OF ALCOHOLIC BEVERAGES ON CERTAIN HOURS ON SUNDAYS**

**WHEREAS**, the City of Muscle Shoals, Alabama is a wet municipality pursuant to § 28-2A-1, *et al.*, of the *Code of Alabama*; and

**WHEREAS**, the Muscle Shoals City Council desires the adoption of a local law that would authorize the City Council of the City of Muscle Shoals, Alabama to regulate and permit the sale of alcoholic beverages during certain hours on Sunday in the city, pursuant to §§ 28-3A-25(19) and (20) of the *Code of Alabama*, and subject to the ordinances and regulations adopted by the City of Muscle Shoals.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA** while in regular session at March 20, 2017 at 6:00 p.m., as follows:

1. The Muscle Shoals City Council requests that the Colbert County Legislative Delegation cause the Alabama Legislature to adopt a local law that would authorize the City Council of the City of Muscle Shoals, Alabama to regulate and permit the sale of alcoholic beverages on certain hours on Sundays by properly licensed retail licensees serving the general public in the city, subject to ordinances and regulations adopted by the City Council of the City of Muscle Shoals, Alabama.
2. The Mayor and City Clerk are hereby directed to provide a copy of this Resolution to the members of the Colbert County Legislative Delegation.

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Council Member Sockwell 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 limit the terms of service for members of the various boards appointed by the City Council.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2879 - 17**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA as follows:**

The Council of the City of Muscle Shoals hereby approves, effective immediately upon adoption of this Resolution, the following regarding the appointment to and service on all boards and commissions whereby the Council has appointing authority of the members to said boards and commissions:

1. No individual shall be appointed hereafter for more than two (2) consecutive full terms to the same board or commission.
2. Appointment to a vacancy for the remainder of an unexpired terms shall not preclude an individual from being subsequently appointed for two (2) full terms of the same board or commission.
3. In determining eligibility for appointment to a board or commission, current

service and tenure of an individual on said board or commission prior to the adoption of this Resolution shall be calculated to determine if the individual is eligible for appointment or re-appointment.

4. An individual who has served two (2) full terms on a board or commission shall be eligible to appointment to another board or commission.
5. An individual who is an employee of the City of Muscle Shoals shall be ineligible for appointment or service to a board or commission. Employees currently serving on a board or commission may continue to serve until the expiration of their term and thereafter shall not be eligible for re-appointment to said board or commission or any other board or commission during their employment with the City of Muscle Shoals.
6. The term of an individual serving on a board or commission who, during said service, shall become employed by the City of Muscle Shoals, shall immediately be deemed vacated.
7. The terms and conditions set forth herein shall become effective immediately upon adoption of this Resolution and all appointments hereafter shall be subject thereto.

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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 consideration of a resolution to amend the certificate of incorporation of the Health Care Authority of North Alabama.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2880 - 17**

#### **A RESOLUTION APPROVING AN APPLICATION SEEKING PERMISSION TO AMEND THE CERTIFICATE OF INCORPORATION OF THE HEALTH CARE AUTHORITY OF NORTH ALABAMA d/b/a HEALTHGROUP OF ALABAMA**

**WHEREAS, THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS,  
ALABAMA (herein called the "City Council") FINDS AS FOLLOWS:**

Section 1. Findings. **THE HEALTH CARE AUTHORITY OF NORTH  
ALABAMA, d/b/a HEALTHGROUP OF ALABAMA** (herein called "the Authority") has

filed with the City Council an Application to Amend the Certificate of Incorporation of Authority under Section 22-21-315 of the Code of Alabama, 1975, as amended, a copy of which has been made a part of the minutes of this meeting of the City Council.

Section 2. Form of Second Amendment to Certificate of Incorporation. The proposed Second Amendment to Certificate of Incorporation is attached hereto as Exhibit "A."

Section 3. Resolution of Madison City Council. The intent of the Second Amendment is to change the authorizing political subdivision from the City Council to the City Council of the City of Madison, Alabama. A resolution from the City Council of Madison, Alabama is attached as Exhibit "B."

Section 4. Authority to File Second Amendment. The Authority has filed an application requesting that a proper resolution be adopted by the City Council to approve and adopt the Second Amendment to Certificate of Incorporation and authorize the Authority to proceed to sign and file the Second Amendment to Certificate of Incorporation for the Authority.

**NOW THEREFORE, BE IT RESOLVED** by the City Council that said Application, which the City Council has reviewed, is regular in all respects and complies with all requirements of the laws of Alabama.

**BE IT FURTHER RESOLVED**, that permission is hereby granted to the Authority and they shall be and hereby are authorized to proceed to sign and acknowledge and cause to be filed for record the Second Amendment to Certificate of Incorporation attached hereto as Exhibit "A."

The form of Second Amendment to Certificate of Incorporation attached to the aforesaid Application and set forth above is hereby approved by the City Council.

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EXHIBIT "A"  
SECOND AMENDMENT TO CERTIFICATE OF INCORPORATION OF THE HEALTH  
CARE AUTHORITY OF NORTH ALABAMA

SECOND AMENDMENT O CERTIFICATE OF INCORPORATION OF  
THE HEALTH CARE AUTHORITY OF  
NORTH ALABAMA D/B/A HEALTHGROUP OF ALABAMA

TO:THE HONORABLE JUDGE OF PROBATE OF COLBERT COUNTY, ALABAMA

The undersigned Chair and Secretary of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama and its members, authorized to further the public interests of five North Alabama health care authority hospitals, *i.e.*, The Health Care Authority of the City of Huntsville d/b/a Huntsville Hospital; HH Health System -Morgan, LLC, a wholly-owned subsidiary of The Health Care Authority of the City of Huntsville d/b/a Decatur Morgan Hospital; HH Health System - Athens Limestone, LLC, a wholly-owned subsidiary of The Health Care Authority of the City of Huntsville d/b/a Athens-Limestone Hospital; The Marshall County Health Care Authority d/b/a Marshall Medical Center North and Marshall Medical Center South; and Colbert County- Northwest Alabama Health Care Authority d/b/a Helen Keller Hospital and Red Bay Hospital (herein collectively referred to as the "Authority Hospitals"), hereby amend the Certificate of Incorporation of The Health Care Authority of North Alabama (the "Corporation") pursuant to the provisions of Section 22-21-315, et seq. of the Code of Alabama, 1975, as amended (the "Code"). The Chairman and Secretary do make, sign and file this Second Amendment to Certificate of Incorporation under the provisions of said Code as follows:

1. The name of the corporation is THE HEALTH CARE AUTHORITY OF NORTH ALABAMA d/b/a HEALTHGROUP OF ALABAMA.
2. The Health Care Authority of Morgan County - City of Decatur d/b/a Decatur General Hospital shall be removed as a Member, and HH Health System-Morgan, LLC, a wholly-owned subsidiary of the Health Care Authority of the City of Huntsville d/b/a Decatur Morgan Hospital shall be substituted as a Member as of September 1, 2012.
3. The Healthcare Authority of Athens- Limestone County d/b/a Athens-Limestone Hospital shall be removed as a Member, and HH Health System-Athens Limestone, LLC, a wholly-

owned subsidiary of The Health Care Authority of the City of Huntsville d/b/a Athens-Limestone Hospital shall be substituted as a Member as of December 1, 2015.

4. The Health Care Authority of North Alabama hereby amends the appointment process for the Board of Directors to change the governing body of the authorizing subdivision from the City Council of Muscle Shoals to the City Council of Madison as follows:

The number of directors of the Corporation shall be eleven (11) directors. The Board of Directors shall consist of one (1) director from each Authority Hospital, one (1) At-Large Director, and five (5) directors who are the Chief Executive Officers from each Authority Hospital who shall serve in an ex officio capacity on the Board. Upon the expiration of the current terms, the directors shall be appointed as follows:

- a. Each Authority Hospital shall nominate three (3) persons for each director ("Authority Director") to the Board of Directors of the Corporation.
- b. One (1) director designated as the At-Large director (the "At-Large Director") shall be appointed by the City Council of Madison from three (3) names presented to the City Council of Madison from the Board of Directors of the Corporation.
- c. The remaining five (5) directors shall be the Chief Executive Officers of the Authority Hospitals (the "CEO Directors") who shall serve in an ex officio capacity for a term concurrent with employment as the CEO of the Authority Hospital but shall be reappointed every six (6) years. The Corporation shall provide the names of the CEO Directors to the City Council of Madison.
- d. The term of office of each Authority Director and At-Large Director shall be two years.
- e. The Board of Directors of the Corporation shall, not more than ninety (90) days nor less than ten (10) days prior to the expiration of the term of office of the Authority Director or At-Large Director, submit to the City Council of Madison, in writing, a list of the names of the person(s) proposed by resolution duly adopted by the Board of Directors of the Corporation as nominees for such Authority Director or At Large Director; provided, that the Board of Directors shall in such resolution propose the names of not less than three (3) persons for each director position; and provided further, that no name shall be so proposed by the Board of Directors if: (i) the election of such person by the

City Council of Madison would contravene any provision of this Certificate of Incorporation or of law applicable to the Corporation, or (ii) such person is otherwise not qualified hereunder or under applicable provisions of law to occupy the place or seat in question. The City Council of Madison shall appoint a person to occupy the place or seat in question only from the list of persons whose names were so submitted to it by the Board of Directors of the Corporation.

f. In accordance with applicable provisions of the aforesaid Code, (a) any director whose term of office shall have expired prior to the election of successor thereto shall continue to hold office until his successor shall be so elected, and (b) any director elected to fill a vacancy on the Board of Directors of the Corporation.

(resulting from the death or resignation of director or cause other than the expiration of the stated term of a director) shall be elected to serve for the unexpired term applicable to such vacancy.

5. Resolutions approving this Second Amendment from the City Council of Muscle Shoals and the City Council of Madison are attached hereto.

6. All other sections of the Certificate of Incorporation shall remain valid and in force as if fully set forth herein.

IN WITNESS WHEREOF, the undersigned have hereunto subscribed their signatures, in their respective official capacities hereunder noted, this     day of     , 2017.

s/ Nathaniel Richardson Jr.

Secretary

EXHIBIT "B"  
RESOLUTION OF THE MADISON CITY COUNCIL

**CERTIFICATION**

I, Melanie A. Williard, City Clerk-Treasurer of the City of Madison, Alabama, do hereby certify, that the attached Resolution No. 2017-53-R, is a true and correct copy of said resolution as was adopted by the Madison City Council at a regular meeting held Monday, March 13, 2017, designated as Minutes No. 2017-05-RG.

IN WITNESS WHEREOF, I have hereon subscribed my name and affixed the Corporate Seal of the City of Madison, Alabama, on this the 15th day of March, 2017.

s/ Melanie A. Williard  
Melanie A. Williard  
City Clerk-Treasurer  
THE CITY OF MADISON, ALABAMA

## RESOLUTION NO. 2017-53-R

### **A RESOLUTION AUTHORIZING THE INTERGOVERNMENTAL TRANSFER OF THE HEALTH CARE AUTHORITY OF NORTH ALABAMA, D/B/A HEALTHGROUP OF ALABAMA**

**WHEREAS**, the Health Care Authority of North Alabama, d/b/a HealthGroup of Alabama (herein called "the Authority"), was incorporated in Colbert County, Alabama on November 14, 2003 pursuant to Article 11, Chapter 21, of Title 22 of The Code of Alabama, 1975, as amended (the "Act"), and authorized the political subdivision as the City Council of Muscle Shoals; and

**WHEREAS**, the Authority has requested to amend its Certificate of Incorporation to conduct an intergovernmental transfer from the City of Muscle Shoals, Alabama, to the City of Madison, Alabama, ("Madison") in order for Madison to become the new political subdivision for the Authority; and

**WHEREAS**, the political subdivision of the Authority holds the appointing authority for the Authority's Board of Directors, pursuant to §§22-21-316, 22-21-352 of the Act; and

**WHEREAS**, the Certificate of Incorporation, the First Amendment, and the Second Amendment to the Certificate of Incorporation are attached hereto; and

**WHEREAS**, the Authority has requested that a proper resolution be adopted by the City Council of Madison authorizing the Second Amendment to the Certificate of Incorporation to accept, permit, and allow the intergovernmental transfer from the City Council of Muscle Shoals, Alabama, to the City Council of Madison, so that Madison may both become the political subdivision for the Authority and assume the appointing authority for the Board of Directors of the Authority, and to authorize the Authority and the City of Muscle Shoals, Alabama to proceed to file for record the Second Amendment to the Certificate of Incorporation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Madison, Alabama, that the City of Madison consents to the intergovernmental transfer in order to become the Authority's political subdivision, as well as to assume the appointing authority for the Board of Directors for The Health Care Authority of North Alabama, d/b/a HealthGroup of Alabama; and

**BE IT FURTHER RESOLVED THAT** the Second Amendment to the Certificate of Incorporation attached hereto is hereby approved; that permission is hereby granted to the Authority and the City of Muscle Shoals to file for record the Second Amendment to the Certificate of Incorporation in the manner provided by the laws of Alabama; and that this Resolution be directed and filed with the City of Muscle Shoals, Alabama.

**READ, PASSED, AND ADOPTED** at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 13<sup>th</sup> day of March, 2017

ATTEST:

s/ Melanie A. Williard \_\_\_\_\_  
Melanie A. Williard, City-Clerk-Treasurer

Approved this 14<sup>th</sup> day of March, 2017.

\_\_\_\_\_ s/ Paul Finley  
Paul Finley, Mayor  
City of Madison, Alabama

Council Member Willis 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 Willis, 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 Willis 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 Willis, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: 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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK