

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
July 6, 2020**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:08 p.m. on the 6th day of July, 2020 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, Council President. 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, TERRY MCMINN, MIKE LOCKHART,
KEN SOCKWELL, ALLEN NOLES
ABSENT: NONE

Allen Noles, Council President, 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. Ricky 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 McMinn and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of June 15, 2020 and approved the minutes as written.

At this time, Leon Madden, 203 Elliott Avenue was recognized and addressed the City Council.

Council President Noles announced the next item of business was consideration of a resolution to authorize the purchase of a library self check system from the Omnia Partners, Public Sector purchasing cooperative.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3075 -20

WHEREAS, the Coronavirus Aid, Relief and Economic Security Act (CARES ACT) provides funds to municipalities for costs associated with response to the COVID-19 outbreak, and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has determined that the purchase of a library self check system will aid in that response; and

WHEREAS, the Procurement Agent advised that the amount of said purchase must comply with the Alabama Competitive Bid Law and further that a purchasing 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 a library self check system is \$44,144.21 to be purchased from SHI International Corp., and further that SHI International Corp. is the awarded contractual vendor for said item with OMNIA Partners, Public Sector, a State of Alabama approved purchasing cooperative; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that SHI International Corp. the contractual vendor of OMNIA Partners Public Sector is now hereby awarded the purchase of a library self check system for the total purchase price of \$44,144.21.

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

Council President Noles announced that the resolution had been approved.

Council President Noles announced the next item of business was consideration of a resolution to authorize the purchase of trash containers from the HGAC Buy purchasing cooperative.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3076 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama approved the purchase of refuse containers for refuse collections; and

WHEREAS, the Procurement Agent advised that the amount of said purchase must comply with the Alabama Competitive Bid Law and further that a purchasing 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 486 refuse containers is \$29,225.38 to be purchased from Schaefer Systems International, Inc., and

further that Schaefer Systems International, Inc. is the awarded contractual vendor for said item with HGACBuy, a State of Alabama approved purchasing cooperative; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that Schaefer Systems International, Inc. the contractual vendor of HGACBuy is now hereby awarded the purchase of 486 refuse containers for the total purchase price of \$29,225.38.

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

Council President Noles announced that the resolution had been approved.

Council President Noles announced the next item of business was a request for the vacation of a portion of Tanner Street lying in the Burghart's Subdivision, Addition No. 1 as requested by Aaron & Erica Holland and Rodney W. & Alison L. Porter.

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

STATE OF ALABAMA)
) **PETITION AND DECLARATION OF VACATION**
COLBERT COUNTY)

WHEREAS, the undersigned, Aaron Holland and Erica Holland, are the owners of Lots 49-52, inclusive, and Lots 57-60, inclusive, together with that portion of the platted alley lying between the South line of Lots 49-52 and the North line of Lots 57-60 Block 9, all in BURGART'S ADDITION NUMBER ONE TO THE CITY OF MUSCLE SHOALS, a subdivision in Colbert County, Alabama, recorded in Map Book 2, Page 605, in the Office of the Judge of Probate of Colbert County, Alabama (the "Holland Property"); and Rodney Wayne Porter and Alison Lynn Porter are the owners of approximately 2.28 acres lying to the West of Jackson Boulevard, also known as Tanner Street, as particularly described in that certain deed recorded in OFRD Book 2010, Pages 8001-8002 in the Office of the Judge of Probate of Colbert County, Alabama (the "Porter Property"); the Holland Property and Porter Property being the only property abutting the portion of Jackson Boulevard, also known as Tanner Street, hereinafter set out, do hereby declare the following portion of Jackson Boulevard in said Burghart's Addition Number One to be vacated, to wit:

A strip of land, being all that part of Jackson Boulevard (47.5' right of way), lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition Number One to the City of Muscle Shoals as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: BEGIN at an iron pin set (capped Jamey Alexander PLS #24022) marking the Southwest corner of Lot

57 of said Burghart's Addition Number One, said point lying on the existing East right of way margin of said Jackson Boulevard; thence North 88 degrees 58 minutes 03 seconds West crossing said right of way for a distance of 48.01 feet to an iron pin set on the West right of way margin of said Jackson Boulevard; thence North 00 degrees 48 minutes 16 seconds West along said right of way for a distance of 256.88 feet to an iron pin set at the intersection of said West line with the South line of Maple Street (60' right of way) extended; thence South 88 degrees 57 minutes 22 seconds East, crossing said Jackson Boulevard, for a distance of 47.59 feet to a mag nail and stamped washer set (stamped Jamey Alexander PLS #24022) at the Northwest corner of Lot 49 of said Burghart's Addition Number One, said point also being on the East right of way margin of said Jackson Boulevard; thence South 00 degrees 53 minutes 49 seconds East along the West line of said Lot 49, crossing a vacated 16' ally and continuing along the West line of said Lot 57 for a distance of 256.88 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.28 acre, more or less, and is subject to a 20 foot drainage and utility easement off the West side thereof, and is subject to a 10 foot drainage and utility easement off the South side thereof and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The undersigned request that the City Council of Muscle Shoals quit-claim the above-described street to the Petitioners as follows:

To Aaron Holland and Erica Holland: A strip of land being part of Jackson Boulevard (47.5 foot right of way) lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition No. 1 to the city of Muscle Shoals, as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: Begin at an iron pin set (capped typical Jamey Alexander PLS# 24022) marking the Southwest corner of Lot 57 in said Burghart's Addition No. 1, said point lying on the existing East right of way margin of said Jackson Boulevard; thence N 88° 58' 03" W, crossing said right of way, for a distance of 48.01 feet to an iron pin set on the West right of way margin of said Jackson Boulevard; thence N 00° 48' 16" W, along said right of way for a distance of 211.56 feet to an iron pin set; thence S 89° 58' 23" E, 5.14 feet to an iron pin set; thence N 01° 25' 21" W, 26.68 feet to a point; thence N 24° 25' 32" E, 11.29 feet to a point; thence N 00° 48' 21" W, 8.19 feet to an iron pin set on the South line of Maple Street (60 foot right of way, extended); thence S 88° 57' 22" E, 37.92 feet to a mag nail and stamped washer set (stamped typical Jamey Alexander PLS# 24022) at the Northwest corner of Lot 49 of said Burghart's Addition No. 1, said point also being on the East right of way margin of said Jackson Boulevard; thence S 00° 53' 49" E, along the West line of said Lot 49, crossing a vacated 16 foot alley, and continue along the West line of said Lot 57, for a distance of 256.88 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.27 acre± and is subject to a 20 foot

drainage and utility easement off the West side thereof and is subject to a 10 foot drainage and utility easement off the South side thereof and is subject to any all easements or restrictions of record or unrecorded affecting said property.

To Rodney Wayne Porter and Alison Lynn Porter: A strip of land being part of Jackson Boulevard (47.5 foot right of way) lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition No. 1 to the city of Muscle Shoals, as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: Commence at an iron pin set (capped typical Jamey Alexander PLS# 24022) marking the Southwest corner of Lot 57 in said Burghart's Addition No1, said point lying on the existing East right of way margin of said Jackson Boulevard; thence N 88° 58' 03" W, 48.01 feet to an iron pin set; thence N 00° 48' 16" W, along said right of way for a distance of 211.56 feet to an iron pin set and POINT OF BEGINNING of the tract of land hereby described; thence continue N 00° 48' 16" W, along said right of way for a distance of 45.32 feet to an iron pin set at the intersection of said West line with the South line of Maple Street (60 foot right of way, extended); thence S 88° 57' 22" E, crossing Jackson Boulevard for a distance of 9.67 feet to an iron pin set; thence S 00° 48' 21" E, 8.19 feet to an iron pin set; thence S 24° 25' 32" W, 11.29 feet to an iron pin set; thence S 01° 25' 21" E, 26.68 feet to an iron pin set; thence N 89° 58' 23" W, 5.14 feet to the point of beginning of the tract of land hereby described; said tract of land contains 0.01 acre± and is subject to a drainage and utility easement on the entire parcel described, and is subject to any all easements or restrictions of record or unrecorded affecting said property.

The undersigned, Aaron Holland, Erica Holland, Rodney Wayne Porter, and Alison Lynn Porter, hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described portion of said street as described herein and, further, to authorize conveyance by quit-claim deed, to the Petitioners, as specifically set forth above, of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove described street.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 30th day of June, 2020.

s/ Aaron Holland
Aaron Holland

s/ Erica Holland
Erica Holland

STATE OF ALABAMA)
COLBERT COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Aaron Holland and Erica Holland, whose names are signed to the foregoing instrument and who

are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 30th day of June, 2020.

s/ Ashlie Llewellyn _____

NOTARY PUBLIC

My Commission Expires: 4-3-24

SEAL

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 26th day of June, 2020.

s/ Rodney Wayne Porter _____

Rodney Wayne Porter

s/ Alison Lynn Porter _____

Alison Lynn Porter

STATE OF ALABAMA)
COLBERT COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Rodney Wayne Porter and Alison Lynn Porter, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily and as the binding act of said company as of the day the same bears date.

Given under my hand and official seal this the 26th day of June, 2020.

s/ Shelia Sartin _____

NOTARY PUBLIC

My Commission Expires: 7-10-23

SEAL

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3077 - 20

WHEREAS, Aaron Holland and Ericia Holland, and Rodney Wayne Porter and Alison Lynn Porter, hereinafter collectively called Petitioners, the Hollands being the owners of Lots 49-52, inclusive, and Lots 57-60, inclusive, together with that portion of the platted alley lying between the South line of Lots 49-52 and the North line of Lots 57-60 Block 9, all in BURGART'S ADDITION NUMBER ONE TO THE CITY OF MUSCLE SHOALS, a subdivision in Colbert County, Alabama, recorded in Map Book 2, Page 605, in the Office of the Judge of Probate of Colbert County, Alabama; and the Porters being the owners of approximately 2.28 acres lying to the West of Jackson Boulevard, also known as Tanner Street, as particularly described in that certain deed recorded in OFRD Book 2010, Pages 8001-8002 in the Office of the Judge of Probate of Colbert County, Alabama; said Petitioners being desirous of vacating the

hereinafter described portion of Jackson Boulevard, also known as Tanner Street, have presented their signed Petition and Declaration of Vacation of said portion of Jackson Boulevard to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the portion of the said street to be vacated is more particularly described as follows:

A strip of land, being all that part of Jackson Boulevard (47.5' right of way), lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition Number One to the City of Muscle Shoals as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: BEGIN at an iron pin set (capped Jamey Alexander PLS #24022) marking the Southwest corner of Lot 57 of said Burghart's Addition Number One, said point lying on the existing East right of way margin of said Jackson Boulevard; thence North 88 degrees 58 minutes 03 seconds West crossing said right of way for a distance of 48.01 feet to an iron pin set on the West right of way margin of said Jackson Boulevard; thence North 00 degrees 48 minutes 16 seconds West along said right of way for a distance of 256.88 feet to an iron pin set at the intersection of said West line with the South line of Maple Street (60' right of way) extended; thence South 88 degrees 57 minutes 22 seconds East, crossing said Jackson Boulevard, for a distance of 47.59 feet to a mag nail and stamped washer set (stamped Jamey Alexander PLS #24022) at the Northwest corner of Lot 49 of said Burghart's Addition Number One, said point also being on the East right of way margin of said Jackson Boulevard; thence South 00 degrees 53 minutes 49 seconds East along the West line of said Lot 49, crossing a vacated 16' ally and continuing along the West line of said Lot 57 for a distance of 256.88 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.28 acre, more or less, and is subject to a 20 foot drainage and utility easement off the West side thereof, and is subject to a 10 foot drainage and utility easement off the South side thereof and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

WHEREAS, the aforesaid Petitioners, are the owners of all property abutting the said portion of the said street to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama;

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described street is located, such means of ingress and egress being afforded by the remaining dedicated streets in the area; and

WHEREAS, the aforesaid Petitioners have requested that the City of Muscle Shoals, Alabama divide and quitclaim the above-described street to the Petitioners as follows:

To Aaron Holland and Erica Holland: A strip of land being part of Jackson Boulevard (47.5 foot right of way) lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition No. 1 to the city of Muscle Shoals, as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: Begin at an iron pin set (capped typical Jamey Alexander PLS# 24022) marking the Southwest corner of Lot 57 in said Burghart's Addition No. 1, said point lying on the existing East right of way margin of said Jackson Boulevard; thence N 88° 58' 03" W, crossing said right of way, for a distance of 48.01 feet to an iron pin set on the West right of way margin of said Jackson Boulevard; thence N 00° 48' 16" W, along said right of way for a distance of 211.56 feet to an iron pin set; thence S 89° 58' 23" E, 5.14 feet to an iron pin set; thence N 01° 25' 21" W, 26.68 feet to a point; thence N 24° 25' 32" E, 11.29 feet to a point; thence N 00° 48' 21" W, 8.19 feet to an iron pin set on the South line of Maple Street (60 foot right of way, extended); thence S 88° 57' 22" E, 37.92 feet to a mag nail and stamped washer set (stamped typical Jamey Alexander PLS# 24022) at the Northwest corner of Lot 49 of said Burghart's Addition No. 1, said point also being on the East right of way margin of said Jackson Boulevard; thence S 00° 53' 49" E, along the West line of said Lot 49, crossing a vacated 16 foot alley, and continue along the West line of said Lot 57, for a distance of 256.88 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.27 acre± and is subject to a 20 foot drainage and utility easement off the West side thereof and is subject to a 10 foot drainage and utility easement off the South side thereof and is subject to any all easements or restrictions of record or unrecorded affecting said property.

To Rodney Wayne Porter and Alison Lynn Porter: A strip of land being part of Jackson Boulevard (47.5 foot right of way) lying West of a line running between the Northwest corner of Lot 49 and the Southwest corner of Lot 57, Burghart's Addition No. 1 to the city of Muscle Shoals, as recorded in Plat Book 2, Page 605, in the Probate Office of Colbert County, Alabama, and being more particularly described as follows: Commence at an iron pin set (capped typical Jamey Alexander PLS# 24022) marking the Southwest corner of Lot 57 in said Burghart's Addition No1, said point lying on the existing East right of way margin of said Jackson Boulevard; thence N 88° 58' 03" W, 48.01 feet to an iron pin set; thence N 00° 48' 16" W, along said right of way for a distance of 211.56 feet to an iron pin set and POINT OF BEGINNING of the tract of land hereby described; thence continue N 00° 48' 16" W, along said right of way for a distance of 45.32 feet to an iron pin set at the intersection of said West line with the South line of Maple Street (60 foot right of way, extended); thence S 88° 57' 22" E, crossing Jackson Boulevard for a distance of 9.67 feet to an iron pin set; thence S 00° 48' 21" E, 8.19 feet to an iron pin set; thence S 24° 25' 32" W, 11.29 feet to an iron

pin set; thence S 01° 25' 21" E, 26.68 feet to an iron pin set; thence N 89° 58' 23" W, 5.14 feet to the point of beginning of the tract of land hereby described; said tract of land contains 0.01 acre± and is subject to a drainage and utility easement on the entire parcel described, and is subject to any all easements or restrictions of record or unrecorded affecting said property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and there same is hereby given and granted to the vacation of the portion of the street herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Aaron Holland and Erica Holland and Rodney Wayne Porter and Allison Lynn Porter, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of the said street in accordance with the specific request for division by Petitioners set forth above and that the Mayor, David H. Bradford, is hereby authorized to execute and deliver said quit-claim deed to for and on behalf of the City of Muscle Shoals, Alabama.

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 McMinn, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the Resolution was adopted.

President Noles announced that the next item of business was to set a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Map of the City of Muscle Shoals, Alabama. President Noles announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 3rd day August, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently zoned R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

BE IT FURTHER RESOLVED, that upon completion of the execution of the agreement by all parties, a copy of such agreement be kept on file by the City.

Council Member McMinn 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 approve an Assignment & Assumption Agreement for tax abatements to Project XYZ. These abatements were originally granted to CBC INGS America Inc. in 2013.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3079 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled ASSIGNMENT AND ASSUMPTION AGREEMENT by and between CBC INGS America, Inc. (“CBC Inc.”) and Project XYZ of Muscle Shoals, LLC (“XYZ”) and Shoals Economic Development Authority (“SEDA”) pertaining to the assignment by CBC Inc. of all its rights, privileges and interests in the Abatement Agreement unto XYZ and the assumption and agreement to perform all of the obligations of CBC Inc by XYZ , the City Council doe hereby authorize David H. Bradford, the Mayor of the City of Muscle Shoals to execute said Assignment and Assumption Agreement by and between CBC Inc. and XYZ to evidence the City’s consent to said assignment and assumption.

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, or in his absence Allen Noles, the President of the Council, for and on behalf of the City to execute the instrument styled ASSIGNMENT and ASSUMPTION AGREEMENT pertaining to the Tax Abatement Agreement dated June 10, 2013.

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, or in his absence, Allen Noles, the President of the Council, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the matters and issues presented in the above described instrument.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto SEDA sufficient copies for distribution to all parties thereto. and furthermore shall retain a copy to be kept on file by the said Clerk.

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.

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

ATTEST:

COUNCIL MEMBER - PLACE FIVE

CITY CLERK