

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 20, 2018**

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 20th day of August, 2018 being the regular time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Reverend Greg Beasley, Pastor of Valley Grove Baptist Church. 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 Willis and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 6, 2018 and approved the minutes as written.

Mayor Bradford presented certificates of achievement to coaches and members of the Muscle Shoals High School boys and girls golf teams who won 6A state championships in May.

President Noles announced that the next item of business was consideration of a request by Lanning Alabama Property Management LLC to vacate a portion of an alleyway located in Muscle Shoals Center No. 1 more particularly described as follows.

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

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

WHEREAS, the undersigned, Lanning Alabama Property Management, LLC, a limited liability company, is the owner of the following described tract of property, to wit:

Lots Numbered 245, 246, 247, 248, 249, 250, 251, 252, 363, 364, 365 through 378 in MUSCLE SHOALS CENTER NUMBER ONE, a Subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 52 in the office of the Judge of Probate, Colbert County, Alabama.

ALSO a portion of an east-west alley lying and being in Muscle Shoals Center Number One, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 52, in the Office of the Judge of Probate, Colbert County, Alabama, being more fully described as follows: Commence at the SE corner of Lot 252 and the NE corner of Lot 378; thence run west a distance of 150 feet to the point of ending; said east-west alley abutting the south line of all of Lots 250 through 252, both inclusive, and the East 30 feet of Lot 249, and said alley abutting the North line of all of Lots 372 through 378, both inclusive, and the East 10 feet of Lot 371.

LESS AND EXCEPT: Part of Lots 251, 252, 377 & 378 in Muscle Shoals Center Number One, as conveyed to the State of Alabama by deed dated 03/18/2008 and recorded 03/18/2008 in Book 2008 at Page 1735 et seq., office of the Judge of Probate, Colbert County, Alabama.

WHEREAS, the above described properties abut the portions of a partially vacated alleyway lying between Lots 245 through 252 and Lots 363 and 378 of the above described property and the undersigned owner desires to vacate the hereinafter described portion of the alleyway that remains unvacated.

NOW, THEREFORE, PREMISES CONSIDERED, the undersigned does hereby declare the following streets to be vacated, to wit:

All that portion of the said alleyway lying South of and bounded by Lots 245 through 248 and the West 10' feet of Lot 249 and lying North of and bounded by Lots 363 through 370 and the West 10' of Lot 371, in MUSCLE SHOALS CENTER NUMBER ONE, a Subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 52 in the office of the Judge of Probate, Colbert County, Alabama.

SUBJECT TO any existing utility easements.

The undersigned, Lanning Property Management, hereby requests that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described portion of said alleyway as described herein and, further, to authorize conveyance by quit-claim deed, to the petitioner of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove described alleyway.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed on this 10th day of August, 2018.

LANNING ALABAMA PROPERTY
MANAGEMENT, LLC

By: s/ Karen C. Lanning
KAREN LANNING
Its: Authorized Member

STATE OF TENNESSEE
LAWRENCE COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that KAREN LANNING, whose name as Authorized Member of Lanning Alabama Property Management, LLC, a limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in such capacity and with full authority, 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 10th day of August, 2018.

s/ Kristina Francis

NOTARY PUBLIC

My Commission Expires: 12/02/2019

S E A L

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2963 - 18

WHEREAS, Lanning Alabama Property Management, LLC hereinafter referred to as Petitioner, is the owner of all of the lots and properties in MUSCLE SHOALS CENTER NUMBER ONE, a subdivision in the City of Muscle Shoals, Alabama, as recorded in Map Book 2, Page 52, in the office of the Judge of Probate, Colbert County, Alabama abutting the portions of an east-west alleyway hereinafter described with particularity; said Petitioner being desirous of vacating said portions of the east-west alleyway, have presented its signed Petition and Declaration of Vacation of said portions the east-west alleyway hereinafter described to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the portions of the said east-west alleyway to be vacated are more particularly described as follows:

All that portion of the said alleyway lying South of and bounded by Lots 245 through 248 and the West 10' feet of Lot 249 and lying North of and bounded by Lots 363 through 370 and the West 10' of Lot 371, in MUSCLE SHOALS CENTER NUMBER ONE, a Subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 52 in the office of the Judge of Probate, Colbert County, Alabama.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portions of the east-west alleyway 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; and

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 east-west alleyway are located, such means of ingress and egress being afforded by the remaining dedicated streets in the area.

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 portions of the east-west alleyway herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Lanning Alabama Property Management, LLC, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portions of the said east-west alleyway 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 all voted “AYE” and “NAYS” were none.

President Noles declared the request for vacation was approved.

President Noles announced that the next item of business was consideration of a resolution to appoint an additional election worker for the August 28th Special Tax election.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2964 - 18

WHEREAS, a special municipal tax election has been called to be held on the 28th day of August 2018, and

WHEREAS, the City Council is required to appoint from the qualified electors, officers to hold the election, and

WHEREAS, the City Council made the appointment of the required number of officers to hold the election on August 6, 2018, and

WHEREAS, Gloria Boatwright has notified the City Clerk that she will be unable to fulfill her duties on election day, now

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA that the following individual is appointed and summoned to serve during the special municipal tax election on the 28th of August 2018:

GATTMAN PARK REC CENTER- BOX 2
Megan Sessions - 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.

President Noles announced that the next item of business was consideration of a resolution to appoint a member to the Utilities Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2965 - 18

WHEREAS, the term of a member of the Utilities Board has expired and the City Council being desirous of making the necessary appointment to said board;

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

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Donna Ricks

Frankie J. Tubbs Jr.

WHEREAS, Donna Ricks received the best overall score on the council evaluations, and

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

Council Member Hall: Donna Ricks
Council Member Willis: Donna Ricks
Council Member Lockhart: Donna Ricks
Council Member Sockwell: Donna Ricks
Council Member Noles: Donna Ricks

WHEREAS, Council President Noles announced that Donna Ricks had received a majority of the votes cast, 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>
Donna Ricks	Utilities Board	July, 2024

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

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 declare three police vehicles and related equipment surplus and authorize their conveyance to the Town of North Courtland.

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

RESOLUTION NUMBER 2966 - 18

WHEREAS, the City Council has been informed by the Police Chief that certain vehicles and related equipment hereinafter described previously used in the performance of duties at the Muscle Shoals Police Department are no longer required for use by City personnel; and

WHEREAS, the City Council has determined that the said vehicles and related equipment are surplus property and the City has no further use for said vehicles and related equipment due to their age and condition and it is not economical for the City to retool or refit the said vehicles and related equipment in order that it be able to be placed in service in the police department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following described certain vehicles and related equipment be declared surplus property and be disposed of by the Police Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said certain vehicles and related equipment and the Council does hereby authorize the Police Chief to dispose of said certain vehicles and related equipment in such manner. The Council finds that the following vehicles and related equipment are surplus property:

2010 Ford Crown Victoria VIN 2FABP7BV5AX124473, Asset #1005280001
Motorola mobile radio PM, Serial #019TLAC004, Asset #002807
Siren Code 3 Mater Com, Asset #002892
Lightbar Tomar Scorpion - Asset #100301004
Mobile Radar Stalker II RDR, Serial #13730, Asset #002811
Video Camera Watch Guard, Serial #DVR2-035735
2010 Ford Crown Victoria VIN 2FABP7BV7AX124474, Asset #1004300001
Lightbar Tomar Scorpion - Asset #1003010002
Video Camera MPH, Serial #1CV781003127, Asset #002593
Mobile Radar Stalker II RDR, Serial #13757, Asset #002809
Siren Code 3 Mater Com, Asset #002899
Mobile Radio Motorola PM400, Serial #019TLAC010, Asset #002758
2011 Ford Crown Victoria VIN 2FABP7BV9BX15596, Asset #1105310001
Mobile Radar Stalker DS, Serial #DP016726, Asset #002948
Video Camera Watch Guard, Serial #DVR2-017707
Mobile Radio Motorola PM400, Serial #019TMAB150, Asset #002962
Lightbar Tomar Scorpion, Asset #1103020004
Siren Code 3 Mater Com, Serial #CPM005299, Asset #1103210001

BE IT FURTHER RESOLVED that the Police Chief is authorized to take the steps necessary to convey the above described certain vehicle and related equipment to the Town of North Courtland for the sum of \$2,400.00 and in a manner consistent with the terms and conditions and pursuant to this Resolution; and

BE IT FURTHER RESOLVED that in consideration of the conveyance to the Town of North Courtland, shall execute and deliver a release to the City of Muscle Shoals, Alabama releasing the City of Muscle Shoals from all liability, claim, loss or expense, in the operation of said vehicle and equipment herein described.

BE IT FURTHER RESOLVED that the title to the vehicle and related equipment shall be delivered, to the Town of North Courtland, and that all expenses of the transfer shall be borne by the Town of North Courtland.

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 establish a checking account for the Miracle Field development, CDBG Project #LR-CE-PF-17-021.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2967 - 18

WHEREAS, the City of Muscle Shoals has received approval of a grant for Community Enhancement Funds through the State of Alabama’s Community Development Block Grant (CDBG) Program, and

WHEREAS, the City of Muscle Shoals will utilize CDBG grant funds (Project # LR-CE-PF-17-021) and local funds to construct a barrier-free ballfield in Gattman Park, and

WHEREAS, CDBG guidelines require the establishment of a checking account for the receipt and disbursement of funds associated with the project, now

THEREFORE, BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that the City Clerk-Treasurer be authorized to establish a checking account with First Metro Bank designated as “City of Muscle Shoals - CDBG Project # LR-CE-PF-17-021”; and

BE IT FURTHER RESOLVED that the City Clerk-Treasurer be authorized to transfer local funds already received for this project to the newly established account at First Metro Bank.

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 Mayor to execute a grant agreement with the Alabama Department of Transportation for a sidewalk construction project designated TAPAA-TA18(909).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2968 - 18

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

That the City Council enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Sidewalks along Brown Street, Elledge Lane, Webster Street, Edwards Avenue, and Brookford Street; Project TAPAA-TA18(909); CPMS# 100068358;

which Agreement is before this Council., and that the Agreement be executed in the name of the City, by its Mayor, for and on its behalf and that the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

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 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 purchase 1.48 acres from Valley Grove Baptist Church for development as a fire station.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2969 - 18

WHEREAS, the Council of the City of Muscle Shoals, Alabama has deemed it necessary to acquire certain additional property to facilitate the construction, maintenance and operation of a fire station; and

WHEREAS, the Council has entered into negotiations with Valley Grove Baptist Church of Tuscumbia for the purchase of certain property hereinafter described for use in the furtherance of the intended purpose herein above stated for and in the sum of Ninety Thousand and no/100 (\$90,000.00) Dollars; and

WHEREAS, as additional consideration the said Church is the owner of a larger tract of property that will remain after the property purchased by the City is concluded that is adjacent to the current city limits and the Church has agreed to annex said tract of property into the City within 24 months from the date of the purchase of the tract herein approved;

WHEREAS, the Council finds that the purchase price of the property is reasonable and that the purchase of property is in the best interests of the City for establishment of an additional fire station to provide fire protection to an area of the City that is adjacent to existing residences within the city limits of the City as well as proposed residences in new and expanded subdivisions in said area and further the City will benefit from the future annexation of certain property adjacent to current city limits by the Church;

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

1. That the City of Muscle Shoals, Alabama acquire from Valley Grove Baptist Church of Tuscumbia the following described parcel of real property, same being, lying and situated in Colbert County, Alabama, to wit:

A parcel of land being a part of the Northwest 1/4 of the Northwest 1/4 of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows:

Commence at a mag nail and washer found (stamped PLS 12693) at the Northwest corner of the Northwest 1/4 of said Section 20; thence run South 44°53'42" East a distance of 56.72 feet to an iron pin set (capped typical 33944) at the intersection of the East right of way line of Gargis Lane (a.k.a. County Road 77 - 80 foot right of way) and the North right of way line of Old Alabama Highway 20 (a.k.a. Joe Wheeler Highway - 80 foot right of way) which is the **Point of Beginning**; thence run along said North right of way line of Old Alabama Highway 20, South 88°31'51" East a distance of 205.00 feet to an iron pin set on said right of way line; thence leaving said right of way, run South 00°19'46" East a distance of 314.52 feet to an iron pin set; thence run North 88°36'19" West a distance of 205.00 feet to an iron pin set on the East right of way line of said Gargis Lane; thence run along said East right of way line of Gargis Lane, North 00°19'41" West a distance of 314.78 feet to the point of beginning.

Said parcel contains an area of **1.48 acres**, more or less, and is subject to any right of ways, easements, or restrictions existing on said parcel.

2. That the purchase price of said property shall be the sum of Ninety Thousand and no/100 (\$90,000.00) Dollars and the City of Muscle Shoals, Alabama shall, in exchange for a deed conveying good and sufficient merchantable title to said property unto the City and duly executed and authorized by the Trustees or authorized agents of the Church , pay said sum unto the Church.

3. That the City shall construct thereon a fire station adequate in size and manpower to provide fire protection services to the area.

3. That the Mayor of the City of Muscle Shoals, Alabama, Mr. David H. Bradford, is hereby authorized to execute and deliver all documents and checks necessary to effectuate the acquisition of the property by the City.

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 the rescheduling of the September 4, 2018 meeting set for 5:30 pm work session and 6:00 pm regular meeting. Council Member Lockhart moved that the meeting time be changed to 11:30 am for the work session and 12:00 for the regular meeting.

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