

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 8, 2020**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 pm on the 8th day of September, 2020 in a regular meeting. The meeting was called to order by Allen Noles, Council President.

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. Mayor David Bradford was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

At this time, Mayor Bradford read aloud a proclamation declaring September 30th as “Neonatal Intensive Care Awareness Day” in the City. Mayor Bradford also read aloud a proclamation declaring September 28th as “Family Day” and the week of October 3rd as “Family Week” in the City.

Council President Noles announced that the next item of business was approval of the purchase of a digital job application process from MCCI, LLC through the NCPA purchasing cooperative.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3086 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has identified a paperless process for distributing, receiving and processing applications for employment, and

WHEREAS, this digital job application process will eliminate face to face contact with the public and the exchange of paper applications thereby reducing the possibility of COVID-19 contamination; and

WHEREAS, preliminary guidance from the Alabama State Comptroller’s office suggests that such an expenditure would be eligible for reimbursement under the Coronavirus Aid, Relief and Economic Security Act (CARES Act); 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 the laserfiche employment application process is \$40,738.60 to be purchased from MCCi, LLC, and further that MCCi, LLC is the awarded contractual vendor for said item with NCPA Cooperative, a State of Alabama approved purchasing cooperative; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that MCCi, LLC, the contractual vendor of the NCPA Cooperative is now hereby awarded the purchase of the digital job application process system, for the total purchase price of \$40,738.60.

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 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 5th day of October, 2020, 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 B-2 and is hereby incorporated in and made a part of the R-2 District, to wit:

500 - 508 W. Courtland Avenue

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

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 5th day of October, 2020, 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-3 and is hereby incorporated in and made a part of the M-1 District, to wit:

Lots numbered 274-281 in Riverside Park Subdivision

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

President Noles announced that the next item of business was a public hearing to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama, the proposed ordinance being as follows:

ORDINANCE NO. 1524 - 20
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 R-3 and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Lots 6837 thru 6848, Highland Park Subdivision #16

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 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 8th day of September, 2020 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 amendment; and

WHEREAS, said 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.

Mr. Keith Medley, Attorney for the owner Mark Simpson spoke for passage of the ordinance citing conformity with surrounding properties. There being no one else to speak, President Noles stated that approval of the ordinance was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question 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 ordinance had been approved.

President Noles announced that the next item of business was a public hearing to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama, the proposed ordinance being as follows:

ORDINANCE NO. 1525 - 20
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 R-2 and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Blks 16 & 22-27, Muscle Shoals City Subdivision Addition #2

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 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 8th day of September, 2020 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 amendment; and

WHEREAS, said 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 to speak, President Noles stated that approval of the ordinance was

before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question 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 ordinance had been approved.

President Noles announced that the next item of business was consideration of a resolution to transfer funds from the General Fund to the Half Cent account.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3087 - 20

WHEREAS, the City Council of the City of Muscle Shoals has approved expenditures for the annual paving program in the amount of \$250,000.00 in the 2019-2020 General Fund Budget; and

WHEREAS, it now appears that only \$150,000.00 of these funds will be expended from the General Fund Budget in the current fiscal year; and

WHEREAS, the City Council deems it necessary and expedient to transfer the balance of these funds, \$100,000.00, to the Half Cent Sales Tax account in order to provide local matching funds for an Alabama Department of Transportation grant to expand the Wilson Dam Road retention pond; now

THEREFORE BE IT RESOLVED by the City Council of the City of Muscle Shoals, that the City Clerk-Treasurer be directed to transfer \$100,000.00 from the City's General Fund account to the Half Cent Sales Tax account prior to the end of the fiscal year.

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 authorize the purchase of storm drainage pumps for the Airport Pumping station from MWI through a sole source purchase.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3088 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has determined that that the existing diesel engine drive unit which powers the three (3) pumps at the Airport Pumping Station is in need replacement and based upon the recommendation of the City Engineer the replacement of the single drive unit with three (3) individual drive units to power each pump independently is in the best interest of the City's continued operation of the individual pumps if one pump fails;

WHEREAS, the City Council finds the existing Airport Pumping Station was designed and constructed by MWI Pumps and are the sole manufacturer of the Hydraflow pumps which are compatible with the existing pumps;

WHEREAS, the City Council has determined that the drive units needed to repair the pumps and maintain each separately in good working order is unique to the existing pumps at the Airport Pumping Station and are related to the intended purpose of repairing the specific pumps located there; and other similar goods or services are not available to perform the objectives of repairing the equipment at the Airport Pumping Station;

WHEREAS, the City Council determines that MWI Pumps, as the producer and supplier of the drive units and associated material qualifies as a sole source exception to the competitive bidding requirements applicable to public contracts;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that MWI PUMPS for the purposes stated herein is found to be a sole source producer and supplier as an exception to the competitive bidding requirements applicable to public contracts; and

BE IT RESOLVED that the Mayor, David H. Bradford, be, and he hereby is, authorized to enter into a contract for and on behalf of the City with MWI Pumps for the repair and replacement of material and equipment as set out in the August 17 2020 letter from MWI Pump for and in consideration of the sum of \$211,000.00 plus any sales taxes.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute and deliver any additional documents necessary in the accomplishment of and completion of said project.

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 condemn property located at 302 Markate Avenue.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3089 - 20

WHEREAS, the City's Building Official, Tandy Crosswhite, has determined that the building, structure, part of building or part of structure located at 302 Markate Avenue, Muscle Shoals, AL is unsafe to the extent that it is a public nuisance; and

WHEREAS, notice was provided to Jeff Lamar Johnson by certified mail and received by Fred C. Woods on July 9, 2020; and

WHEREAS, notice was also posted at or near the entrance of said building or structure; and

WHEREAS, more than 30 days have elapsed from the date said notices were given and no written request for a hearing with his objections to the finding by the City's Building Official that the building or structure is unsafe to the extent it is a public nuisance has been received by the City; and

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. That the findings of the City's Building Official that the building or structure located at 302 Markate Avenue, Muscle Shoals, Alabama are received and approved.
2. That the Council of the City of Muscle Shoals, Alabama does hereby find and declare that the building or structure located at 302 Markate Avenue, Muscle Shoals, Alabama is unsafe to the extent that it is a public nuisance.
3. That the City Council hereby ORDERS the building or structure located at 302 Markate Avenue, Muscle Shoals, Alabama to be demolished.
4. That the demolition may be accomplished by the City by the use of its own forces or it may provide by contract for the demolition and the city may sell or otherwise dispose of salvaged materials resulting from the demolition.
5. That any person aggrieved by this finding by the City Council may, within ten (10) days thereafter, appeal to the circuit court as provided by §11-40-32(b) of the Code of Alabama of 1975 (as amended).
6. That the City Clerk shall mail a copy of this Resolution to Jeff Lamar Johnson at 96 Hovater Drive, Cherokee, AL 35616.

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 the Legal Services Agreement for damages associated with the illegal sale of opioids and opioid derivatives drugs in our area.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3090 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has reviewed a document styled Legal Services Contract pertaining to the City’s entry of a claim for damages due to the illegal sale and distribution of opioids within the City;

WHEREAS, the Council has determined it is in the best interest of the City to pursue said claim under the terms and conditions contained in said Legal Services Agreement; now

THEREFORE, the premises considered, **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, for and on behalf of the City, or in his absence the President of the Council, Allen Noles, to execute the instrument styled Legal Services Agreement; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and a copy be retained on file by the said Clerk.

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.

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