

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
March 26, 2018**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:05 p.m. on the 26th day of March, 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 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 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 March 5, 2018 and approved the minutes as written.

Mayor Bradford thanked Senator Larry Stutts and Representatives Johnny Mack Morrow and Marcel Black for their approval of grant funds for the new Miracle Field totaling \$13,000. Mayor Bradford also noted that the city had received the silver award from the Alabama Municipal Workers Compensation fund. He also reminded everyone that the Muscle Shoals Education Foundation annual fund-raising dinner is April 5th at 6:30 pm.

President Noles announced that the next item of business was consideration of a resolution to authorize the purchase of three (3) automated garbage trucks from National Auto Fleet Group through the National Joint Powers Alliance Cooperative (NJPA).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2935-18

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of three (3) new and unused, Freightliner M2 Chassis with New Way Sidewinder XTR 22 yard Automated Side Loader garbage trucks to be utilized in the Public Works Department; and

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

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for three (3) new, automated garbage trucks is \$597,156.00 to be purchased from National Auto Fleet Group the delivering dealer being Sansom Equipment, and further that National Auto Fleet Group is the awarded contractual vendor for said item with National Joint Powers Alliance (NJPA), a State of Alabama approved purchasing cooperative; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that National Auto Fleet Group, the contractual vendor of NJPA is awarded the purchase of the approved three (3) automated garbage trucks for the total purchase price of \$597,156.00.

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 award a bid for concessions for the Cypress Lakes Golf & Tennis facility and the Parks & Recreation Department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2936-18

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that;

WHEREAS, the Procurement Agent did send out advertisements for bids for the purpose of entering into an exclusive seller’s right contract for the purchase of beverage concessions (carbonated beverages, water, sports drinks) and related products and services, the bid opening being held March 22, 2018 at the City Hall of the City of Muscle Shoals, Alabama; and

WHEREAS, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

PRODUCT	BUFFALO ROCK	COCA-COLA BOTTLING
Bag in Box Syrup / Per Gallon	\$15.30	\$15.88
CO2 CANISTERS / EA	\$25.00	\$27.00
CO2 CANISTER DEPOSIT / EA	\$100.00 (Refundable deposit)	\$0.00
12 OZ. CANNED DRINKS / 24 CT	\$8.00	\$12.74
20 OZ. PLASTIC BOTTLED SOFT DRINK / 24 CT	\$15.00	\$18.75
20 OZ. PLASTIC BOTTLED BRAND WATER / 24 CT	\$12.00	\$15.75
20 OZ. PLASTIC BOTTLED SPORTS DRINK / 24 CT	\$16.00	\$20.75
16 OZ. CUPS / 500 CT.	\$15.00	\$22.08
16 OZ. LIDS / 1000 CT	\$19.70	\$20.16
COMMISSION ON SALES OF THIS CONTRACT (BID REQUIRED MINIMUM 18% COMMISSION)	18%	20%

WHEREAS, that the lowest, responsive, responsible bidder after evaluation of the submitted bids, has been determined as Buffalo Rock for the purchase of carbonated beverages, water, sports drinks, and related products and services for a period of one year, with an option to renew at the same terms and conditions for an additional two, one year periods; and now

THEREFORE, BE IT RESOLVED that the apparent lowest, responsive and responsible bidder, Buffalo Rock, is now awarded the bid for the purchase of carbonated beverages, water, sports drinks and related products and services.

The motion was seconded by Council Member Lockhart 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 a tractor - mower surplus in Storm Drainage and authorize its sale to Tri-Green Equipment Co.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2937 - 18

WHEREAS, the City Council has been informed by the City Clerk-Treasurer that certain equipment hereinafter described previously used in the performance of duties at the Muscle Shoals Storm Drainage is no longer required for use by City personnel; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following described certain equipment be declared surplus property and be disposed of by the City Clerk-Treasurer 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 equipment and the Council does hereby authorize the City Clerk-Treasurer to dispose of said equipment in such manner. The Council finds that the following equipment is surplus property:

John Deere 1435 tractor w/72" mowing deck, Serial #TC1435D080390,
Asset #080416001

BE IT FURTHER RESOLVED that the City Clerk-Treasurer is authorized to convey the equipment to Tri-Green Equipment Co. for the sum of \$5,500.00 and in a manner consistent with the terms and conditions and pursuant to this Resolution.

The motion was seconded by Council Member Willis 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 Northwest Alabama Council of Locals Government (NACOLG) to administer CDBG grant #LR-CE-PF-17-021.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2938 - 18

**AUTHORIZING THE NORTHWEST ALABAMA COUNCIL OF LOCAL
GOVERNMENTS TO ADMINISTER PROJECT LR-CE-PF-17-021**

WHEREAS, the City of Muscle Shoals has received a Community Enhancement CDBG grant in the amount of \$250,000 to construct a new accessible outdoor ballfield within Gattman Park as part of the Adaptive Recreation Program to serve those with physical or developmental disabilities, and

WHEREAS, the receipt of this grant is conditional upon providing conditions to the Alabama Department of Economic and Community Affairs by no later than April 18, 2018

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Muscle Shoals, that the Northwest Alabama Council of Local Governments is hereby authorized to provide administration services for the project as provided for under ADECA Policy Letter 1 (Revision 9).

FURTHER BE IT RESOLVED that the City of Muscle Shoals authorizes its Mayor to enter into a contract with the Northwest Alabama Council of Local Governments to provide said services for a fee not to exceed \$22,650.00.

The motion was seconded by Council Member Hall 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 April 2018 as "Fair Housing Month" in the City.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2939 - 18

**FAIR HOUSING MONTH - CITY OF MUSCLE SHOALS
CDBG Project #LR-CE-PF-17-021**

WHEREAS, the month of April is recognized throughout these United States of America as Fair Housing Month; and

WHEREAS, TITLE VIII of the Civil Rights Act of 1968, as amended, set forth a national policy of fair housing without regard to race, color, national origin, religion, sex,

familial status, or disability; and

WHEREAS, the City of Muscle Shoals continues to affirmatively further fair housing for its citizens; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that we do hereby declare April 2018, as

“Fair Housing Month”

The motion was seconded by Council Member Sockwell 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 the U. S. Department of Transportation grant additional Essential Air Service waivers for the 1,500 flight hour training requirements.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2940 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, COLBERT COUNTY, ALABAMA, REQUESTING THE UNITED STATES CONGRESS TO ALLOW THE ESSENTIAL AIR SERVICE SPECIFIC WAIVERS FOR THE 1,500 FLIGHT HOUR TRAINING REQUIREMENTS FOR COMMERCIAL PILOTS.

WHEREAS, the City of Muscle Shoals is an Essential Air Service, (EAS) community; and,

WHEREAS, the United States Congress ordered an updated flight hour requirement following a Colgan Air Flight 3407 crash in February 2009; and,

WHEREAS, the National Transportation Safety Board ruled pilot error and inability to correctly operate the aircraft was the cause of the accident; and,

WHEREAS, following the crash, the United States Department of Transportation implemented 1,500 required prerequisite hours of flight time for all second-in-command commercial pilots; and,

WHEREAS, the first pilot in command of Colgan Air Flight 3407 logged 3,379 total hours of flight time and the second pilot in command logged 2,244 hours of flight time; and,

WHEREAS, the pilots who caused the Flight 3407 accident previously attained far more than the required hours under the new rule, but were unfamiliar with the aircraft they were piloting during the accident and,

WHEREAS, the flight hour requirement rule remains the same regardless of the aircraft in use; and,

WHEREAS, the flight hour requirement prioritizes flight hour quantity over quality; and,

WHEREAS, EAS communities are often small or rural in nature, that depend on smaller regional airlines, including smaller turboprop or jets to support their communities; and,

WHEREAS, without these smaller airlines and the pilots to fly the aircraft, rural EAS communities are deprived of their connectivity to the rest of the nation; and,

WHEREAS, many pilots cannot afford the high and increasing cost of education with a low salary and unpredictable schedules for the several years required to obtain the required 1,500 hours before advancing to a regional or major airline; and,

WHEREAS, the 1,500-flight hour requirement incentivizes many pilots to work for large commercial airlines, instead of EAS communities, to pay off their debt; and,

WHEREAS, prior to the rule, second in command commercial pilots only needed approximately 250 hour of flight time; and,

WHEREAS, the 1,500-flight hour rule has drastically decreased the supply of pilots for EAS communities.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MUSCLE SHOALS AS FOLLOWS:

Section 1: That the City of Muscle Shoals hereby urges the passage and signing of an Alabama House Joint Memorial, which requests that the United States Congress act quickly to allow the United States Department of Transportation to provide additional EAS-specific waivers for the 1,500 flight hour training requirements to airlines, which would allow second in command commercial airline pilots the flexibility to serve EAS communities, like Muscle Shoals, Alabama.

Section 2: THAT the Mayor and staff are authorized to sign and approve this Resolution.

Section 3. THAT copies of this resolution be delivered to Alabama Governor Kay Ivey, Senators Richard Shelby and Doug Jones, Representatives in the Alabama House of Representatives, Robert Aderholt and Mo Brooks, and to the Alabama League of Municipalities.

The motion was seconded by Council Member Lockhart 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 conveyance of a parcel of land in consideration of the granting of an easement from Richard and Pamela Russell.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2941 - 18

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Richard Russell and Pamela Russell for an easement over, across and through a parcel of property owned by the Russells; and

WHEREAS, the City and the Russells have agreed upon terms and conditions for the grant of the easement by the Russells to the City; and

WHEREAS, the City has agreed to convey a parcel of property adjoining the property of the Russells in consideration of the grant of the easement to be granted to the City; and

WHEREAS, the City Council has reviewed the contents of an instrument styled Deed and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to the Russells in exchange for the grant of an easement to the City; and

WHEREAS, the City Council has reviewed the contents of an instrument styled Easement and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City accept the easement over, across and through the Russell property; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said exchange and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with the said Easement and Deed as above described;

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 to execute the instrument styled Deed, same conveying unto the Russells a portion of property adjoining the property currently owned by the Russells and as consideration for the grant of the Easement to the City from the Russells;

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the said Easement and property transfer with the Russells that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto the Russells along with the executed instrument styled Deed herein described upon execution and delivery of the Easement from the Russells to the City. and furthermore shall retain a copy to be kept on file by the said Clerk.

The motion was seconded by Council Member Willis 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