

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
July 3, 2017**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 3rd day of July, 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 Ricky Williams. 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 Hall 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 June 19, 2017 and the work session of June 26, 2017 and approved the minutes as written.

President Noles announced that the next item of business was consideration of a resolution to authorize the purchase of trash containers from the Houston-Galveston Area purchasing cooperative (HGAC-Buy).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2896-17

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

WHEREAS, the Procurement Agent advised that the amount of 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 456 refuse containers is \$25,864.08 to be purchased from Otto Environmental Systems North America, Inc. and further that Otto Environmental Systems North America, Inc. 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 Otto Environmental Systems North America, Inc., the contractual vendor of HGAC-Buy is awarded the purchase of 456 refuse containers for the total purchase price of \$25,864.08.

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 to consider an ordinance to amend provisions of Chapter 10 of the City Code related to the sale of alcoholic beverages.

Council Member Lockhart introduced the following ordinance and moved for its immediate consideration:

ORDINANCE NUMBER 1503 - 17

AN ORDINANCE AMENDING ORDINANCE 1017 AS AMENDED BY ORDINANCE 1018 AND AS FURTHER AMENDED BY ORDINANCE 1023 AND AS FURTHER AMENDED BY ORDINANCE 1195-98 , AND ORDINANCE 1361-06 OF THE CITY OF MUSCLE SHOALS ALABAMA BEING AN ORDINANCE TO REGULATE AND CONTROL ALCOHOLIC BEVERAGE TRANSACTIONS IN THE CITY OF MUSCLE SHOALS AND TO IMPOSE AND LEVY AND AUTHORIZE LICENSE FEES FOR ENGAGING IN WHOLESALE OR RETAIL SALES OF ALCOHOLIC BEVERAGES IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR WITHIN ITS POLICE JURISDICTION

BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows: Ordinance 1017 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on November 3,1981, as amended by Ordinance 1018 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on December 10,1981, and as amended by Ordinance 1023 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on September 28,1982, as amended by Ordinance 1195-98 of the City of Muscle Shoals, Alabama as heretofore adopted by the City of

Muscle Shoals on July 28,1998 is hereby amended so that the said Section 2, (A) through (K) of Ordinance 1017, as amended by Ordinance 1018 and as further amended by Ordinance 1023 and as further amended by Ordinance 1195-98 and as further amended by Ordinance 1361-06 shall include the following language and read in its entirety as follows:

I. Section 2 (A) through (K) of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to read as follows:

Section 2. Each person licensed by the Board, who shall engage in the alcoholic beverage, liquor, beer or wine business within the corporate limits, or the police jurisdiction, shall, prior to engaging in such business, pay to the City, for the privilege of so engaging in business, an annual license fee and further license fees as established below:

(A) BEER WHOLESALER LICENSE. Each person licensed as a beer wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Fifty Dollars (\$250.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, the privilege or excise tax levied on the sale of beer by the “Uniform Beer Tax Act”, Acts 1982, No. 82-344. Wholesale beer dealers and distributors will not sell to any retail outlet that does not have a current City of Muscle Shoals beer license. Each person licensed as a beer wholesaler having engaged in selling malt or brewed beverages within the police jurisdiction, but outside the corporate limits, shall pay license fees of one-half (1/2) of the amounts set forth above.

(B) WINE WHOLESALER LICENSE. Each person licensed by the Board as a wine wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Seventy-Five Dollars (\$275.00), and also that tax provided by the Alabama Table Wine Act 1980, Section 28-7-1 through 28-7-24 Code of Alabama 1975, as amended. Each person licensed by the Board as a wine wholesaler engaged in business outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(C) BEER AND WINE WHOLESALER LICENSE. Each person licensed as a beer and wine wholesaler in the City of Muscle Shoals shall pay to the City an annual license fee of Three Hundred Seventy-Five Dollars (\$375.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, the privilege or excise tax levied on the sales of beer by the “Uniform Beer Tax Act”, Acts 1982, No. 82-344. In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month the privilege or excise tax levied on the sales of table wine by the “Alabama Table Wine Act”, Acts 1980, No. 80-382. Each person licensed by the Board as a beer and wine wholesaler engaged in selling malt or brewed beverages outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(D) LOUNGE RETAIL LIQUOR LICENSE. Each person licensed by the Board to operate a retail liquor lounge in the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Five Hundred Dollars (\$1,500.00). In addition to said stated license fee,

each such retail liquor lounge licensee shall pay, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of so engaging in such business in said calendar month, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding month. Each person licensed by the Board to operate a retail liquor lounge engaging in such business outside of the corporate limits of the City, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above. No person under the age of nineteen (19) years shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

(E) RESTAURANT RETAIL LIQUOR LICENSE. Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant by the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Dollars (\$1,000.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each restaurant licensed by the Board engaging in such business outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amount set forth above.

(F) Omitted.

(G) RETAIL TABLE WINE LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell wine at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City, an annual license fee of Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell wine at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(H) RETAIL TABLE WINE LICENSE FOR ON-PREMISE CONSUMPTION. Each person licensed by the Board to sell table wine at retail for on-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00), unless such person shall have paid for an on-premise liquor license. In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell table wine at retail for on-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

(I) RETAIL BEER LICENSE FOR ON-PREMISE AND OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for on-premises and off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell beer for on-premises and off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above.

(J) RETAIL BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for off-premise consumption in the City of Muscle Shoals shall pay to the City an annual license fee of Fifty Dollars (\$50.00). Each person licensed by the Board to sell beer for off-premise consumption outside of the corporate limits, but within the police jurisdiction shall pay license fees of one-half (1/2) of the amounts set forth above.

(K) The stated annual license fees levied by the schedule under the foregoing provisions shall be due January 2nd of each year and shall be delinquent after January 15th of the year for which such license is due, and a penalty of fifteen percent (15%) shall be collected on or after January 16th of such year. All additional license taxes levied by said schedule shall be due the fifteenth (15th) day of the calendar month specified in each levy and shall be delinquent if not paid by such date and a penalty of fifteen percent (15%) shall be collected after such day of such month. There shall be no proration of any license fee because of having operated only a part of a calendar year, except as required by State Law.

II. Section 2 of Ordinance 1017 as amended is hereto amended to include the following and to read as follows:

(L) RETAIL COMMON CARRIER LICENSE. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premises consumption by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people shall pay to the City an annual license fee of Seventy- Five Dollars (\$75.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premises consumption by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

III. Section 2 of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to include the following and to read as follows:

(L) RETAIL LIQUOR, WINE AND BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seven Hundred Fifty Dollars (\$750.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

IV. All other provisions of Ordinance 1017 heretofore adopted and the amendments thereto shall remain in full force and effect.

V. The Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

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 Lockhart moved that the Ordinance 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 motion for approval of the Ordinance was approved unanimously.

President Noles announced that the next item of business was to consider a resolution to appoint the Mayor to the Northwest Alabama Cooperative District.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2897 - 17

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is the appointing authority for a director of The Northwest Alabama Cooperative District.; and

WHEREAS, the term of office for the director appointed by the City Council has expired and City Council is desirous of appointing a director for the term expiring June 18, 2021 at 12:01 a.m.;

WHEREAS, David H. Bradford has been duly nominated as said director, is a duly qualified elector of the City of Muscle Shoals, and is otherwise is eligible for appointment;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby elect and appoint David H. Bradford as a director of The Northwest Alabama Cooperative District for a term of office ending at June 18, 2021 at 12:01 a.m.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto The Northwest Alabama Cooperative District and furthermore shall retain a copy to be kept on file by the said Clerk.

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 to consider a resolution to approve an agreement with the Alabama Department of Transportation for preliminary engineering services for project #STPOA-1715 (252).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2898 - 17

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

1. That the City Council enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated January 17, 2017, for:

Preliminary engineering program, Project STPOA-1715 (252), Project Reference Number 100065043 for improvements to Pepi Drive from 2nd Street to River Road, Covenant Drive from SR-2 (US-43) to 6th Street, Alabama Avenue from Avalon Avenue to 6th Street, Sheffield Avenue from Avalon Avenue to 6th Street, and Elledge Lane from King Street to 6th Street in the City of Muscle Shoals; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. 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 by the City Clerk in the minute book of the City Council.

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 to consider a resolution to approve an agreement with the Alabama Department of Transportation for construction services for project #STPOA-1715 ().

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2899 - 17

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

1. That the City Council enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated January 17, 2017, for:

Construction program for Project STPOA-1715 (), Project Reference Number 100065044 for improvements to Pepi Drive from 2nd Street to River Road, Covenant Drive from SR-2 (US-43) to 6th Street, Alabama Avenue from Avalon Avenue to 6th Street, Sheffield Avenue from Avalon Avenue to 6th Street, and Elledge Lane from King Street to 6th Street in the City of Muscle Shoals; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. 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 by the City Clerk in the minute book of the City Council.

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

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK