

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 3, 2021**

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 May, 2021 being the scheduled time and place for said meeting. The meeting was called to order by Ken Sockwell, Council President. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON
KEN SOCKWELL, DAVID MOORE
ABSENT: NONE

Ken Sockwell, 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 Mike Lockhart was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

The invocation was given by Rusty Wheelles. Mayor Mike Lockhart led in the pledge of allegiance.

Upon motion duly made by Council Member Thompson and seconded by Council Member Clark and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of April 26th, 2021, and approved the minutes as written.

Mayor Lockhart reported on the successful "Clean Up Day" on May 1st in the City. He thanked Education Superintendent Chad. Holden and students for their participation as well as volunteers and city staff. Mayor Lockhart also noted that the Governor had extended the "Safer at home" provisions for an additional 60 days to July 7, 2021.

President Sockwell announced that the next item of business was a resolution granting a 10 year non-exclusive franchise extension to Bell South Telecommunications, LLC f/k/a BellSouth Telecommunications Inc. d/b/a AT&T Alabama. Council Member Clark introduced the following resolution and moved for its adoption:

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3144 - 21

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled Addendum to Video Services Agreement, between the City and Bell South Telecommunications, LLC f/k/a BellSouth Telecommunications, Inc. d/b/a AT&T Alabama (“AT&T Alabama”) pertaining video services, and

WHEREAS, the City Council has reviewed the contents of the instrument 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 “AT&T Alabama”; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents to “AT&T Alabama” in connection with the facilitation of the proposal, and

BE IT FURTHER RESOLVED that the City Council of the City, that Mike Lockhart, as Mayor of the City, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the video services agreement with “AT&T Alabama”.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto “AT&T Alabama” along with the executed instrument pertaining to the agreement for video services.

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

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was an ordinance authorizing the Shoals Solid Waste Disposal Authority to provide recycling services in the City.

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

**STATE OF ALABAMA
COLBERT COUNTY**

ORDINANCE NUMBER 1533- 21

**AN ORDINANCE TO AMEND CHAPTER 94
CODE OF ORDINANCES OF
THE CITY OF MUSCLE SHOALS, ALABAMA**

BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama, that:

Sec. 94-17 of the Code of Ordinances, City of Muscle Shoals, Alabama, is hereby amended to read as follows:

Section 1:

- (a) *Recycling.* The City of Muscle Shoals shall participate in and enter into such agreements, as approved by the City Council, with the Shoals Solid Waste Disposal Authority (hereinafter SSWDA) to provide recycling services within the City Limits of the City of Muscle Shoals, Alabama.
- (b) *Term of Agreement.* Recycling services shall commence on June 1, 2021 and shall be for three (3) years, and automatically renew for additional three (3) year terms, until cancelled or modified by the City or SSWDA on written notice, at least ninety (90) days prior to the expiration of each term.
- (c) *Recycling Services.* SSWDA, or its assigns may maintain collection bins and trailers within the corporate limits of the City, in number and locations to be determined by SSWDA, and shall periodically make arrangements for the transfer of collected recyclable materials to the Recycling facilities operated by SSWDA or its assigns.
- (d) *Rates.* SSWDA shall charge the City the sum of \$11,790.00, to be paid on a monthly basis, beginning June 1, 2021, payable on or before July 1, 2021, and on the first day of each month thereafter, for providing the services described in Sec. 94-7(c), which shall be based upon a charge of \$1.75 per customer within the jurisdiction of the City capable of participating in recycling.,
- (e) *Description of Curbside Recycling.* Reserved.
- (f) *Rates for Curbside Recycling.* Reserved.
- (g) *Contingent application.* This ordinance shall become effective upon the passage of substantially similar ordinances and/or resolution and agreements by the City Councils of Sheffield and Tuscumbia and the Colbert County Commission and upon the Mayor presenting copies of said ordinances and/or resolutions to the City Council which shall be spread upon the minutes of the City.

Section 2. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 3. Effective Date.

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

Council Member Clark seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration had passed unanimously. Council Member Clark then moved that the Ordinance be approved. Council Member Thompson 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 Clark, Council Member Thompson, Council Member Sockwell,
Council Member Moore

NAYS: Council Member Hall

President Sockwell announced that the motion for approval of the Ordinance was approved.

President Sockwell announced that the next item of business was consideration of an ordinance to adjust the monthly sanitation fees for residential and commercial accounts serviced by the City of Muscle Shoals.

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

ORDINANCE NUMBER _____ - _____

**AN ORDINANCE TO AMEND CHAPTER 94-7(b)
CODE OF ORDINANCES OF
THE CITY OF MUSCLE SHOALS, ALABAMA**

BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama, that:
Section 1. Sec. 94- 7(b) of the Code of Ordinances, City of Muscle Shoals, Alabama, is hereby amended to read as follows:

(b) All residential households and qualifying commercial establishments as determined by the superintendent of public works persons shall be required to have their refuse collected by the department of sanitation, or should they, in the alternative, contract for private refuse collection, be required to pay as if the department of sanitation is in fact collecting their refuse, including single-family residences, apartments, businesses, plants, commercial establishments unless otherwise excluded herein and public schools, and they shall pay the following fees per month:

<u>CLASS</u>	<u>FEE</u>
Residential	Minimum \$14.75 for one container, additional container \$3.00 for a minimum period of 12 months.
Commercial	Minimum \$26.75 for one container; \$10.00 additional Per container up to a maximum of for containers total; for one pickup weekly.
Special	Minimum \$30.00 per hour.

Section 2. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 3. Effective Date.

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

Council Member Clark seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration had passed unanimously. Council Member Thompson then moved that the Ordinance be approved. Council Member Clark seconded the motion. Following further discussion, Council Member Moore moved that the matter be tabled to the May 17, 2021 meeting. Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the motion to table had been approved.

President Sockwell announced that the next item of business was consideration of an ordinance to regulate sales from tents in the city.

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

ORDINANCE NUMBER 1534 - 21

AN ORDINANCE TO AMEND SECTION 22-65-RETAIL LICENSE REQUIREMENTS BY ALLOWING FOR TENT SALES AND THE LIMITATIONS THEREON FOR LICENSED RETAIL HOLDERS OPERATING WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City Council of Muscle Shoals, Alabama has determined that allowing and providing for the outdoor or tent sales within the City of Muscle Shoals or its police jurisdiction and to provide for the following:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama, for the amendment to section 22-65 of the Code of Ordinances of the City of Muscle Shoals to allow and provide for outdoor or tent sales

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Section 1. Section 22-65- Retail license requirements as currently written shall remain in force and effect and the following and additional provisions incorporated therein and shall be in full force and effect:

A. Businesses or persons currently holding a valid business license issued by the City of Muscle Shoals shall be allowed and permitted to hold an outdoor or tent sale on their business premises upon and under the following requirements:

- a. The person or business must have a current and valid business license issued by the City of Muscle Shoals.
- b. The outdoor or tent sale must be conducted on the premises connected with the business location for which the license was issued.
- c. Any outdoor or tent sale or sales shall be limited to a total of sixty (60) calendar days during any one (1) calendar year.
- d. Multiple outdoor or tent sales conducted hereunder shall be allowed during a calendar year but must not exceed a total of sixty (60) days in a calendar year.
- e. Any day, or portion thereof, that the outdoor or tent sale is open for business shall count as one of the sixty (day) limit.
- f. Outdoor or tent sales conducted hereunder shall be done so only during the time period that the main business location is open for business.
- g. The person or business holding a current business license from the City of Muscle Shoals shall notify the Business or License Inspector of the City in writing of the dates that the outdoor or tent sale shall be in operation and said notice shall be given at least ten (10) days before the outdoor or tent sale is commenced.

Section 2. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 3. Effective Date.

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

Council Member Clark seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration had passed unanimously. Council Member Moore moved that the proposed ordinance be amended to allow sales for up to 60 calendar days per year. Council Member Hall seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Sockwell, Council
Member Moore

NAYS: Council Member Thompson

President Sockwell announced that the motion to amend had been approved.

Council Member Moore moved that the ordinance be adopted as amended. Council Member Hall seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Sockwell,
Council Member Moore

NAYS: Council Member Thompson

President Sockwell announced that the motion for adoption had been approved.

President Sockwell announced that the next item of business was consideration of a proposal from Nathan Willingham to provide for planning services in preparation for development of a comprehensive plan. Council Member Clark moved that the rules be suspended for immediate consideration of the proposal. Council Member Thompson seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Clark, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration had passed unanimously. Council Member Moore then moved that the Ordinance be approved. Council Member Thompson 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 Clark, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for approval of the Ordinance was approved unanimously.

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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