

**MINUTES FROM A WORK SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 19, 2022**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 5:00 p.m. on the 19th day of September, 2022. 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. Mayor Mike Lockhart was not present. Elaine Coan, City Clerk was present and kept the minutes of the meeting.

The council interviewed the following applicants for the Shoals Economic Development Authority:

Kyle Defoor, Michael Self

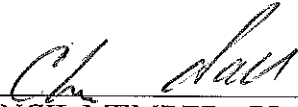
Upon completion of the interviews, the council reconvened their work session in the auditorium at 5:45 p.m.

The council spoke with representatives of Dirty South Towing Company who has located their business in the Colbert County Industrial Park which is located in the Muscle Shoals Police Jurisdiction. They spoke with the council concerning their request for their company to be included in the monthly rotation towing service for the police department. The council discussed the issue, and asked City Attorney, Marcel Black to do research and to inform them of his findings.

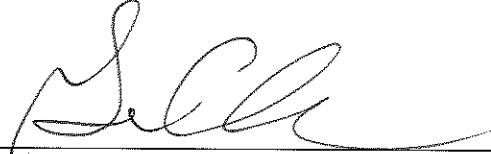
The council reviewed agenda items.

There being no further business the meeting was adjourned at 6:15 p.m.


CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation



COUNCIL MEMBER - PLACE ONE



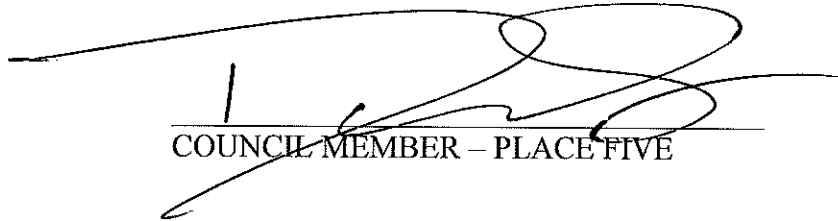
COUNCIL MEMBER - PLACE TWO



COUNCIL MEMBER - PLACE THREE



COUNCIL MEMBER - PLACE FOUR



COUNCIL MEMBER - PLACE FIVE

ATTEST:

ELAINE COAN, CITY CLERK

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 19, 2022**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:15 p.m. on the 19th day of September, 2022 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 not present. Elaine Coan, City Clerk, was present and kept the minutes of the meeting.

The invocation was given by Chief Clint Reck. President Ken Sockwell led in the pledge of allegiance.

Upon motion duly made by Council Member Thompson and seconded by Council Member Moore and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 6, 2022 and approved the minutes as written.

Ken Sockwell announced that Mayor Lockhart would be presenting a proclamation for Childhood Cancer Awareness Month to Ella Kate Nichols who is Miss Tennessee Valley on Thursday, September 22, 2022. Ms. Nichols will be in town and receive the proclamation.

President Sockwell made the announcement that the next item of business was a public hearing to consider the issuance of a retail beer license to Easy Stop, LLC., Aiman Al Saeedi, owner.

President Sockwell noted that the proper notice of the date, time and place of said hearing had been given and the matter was before the council.

President Sockwell stated that the council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, President Sockwell stated that approval of the retail beer license 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 was 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 license had been approved.

President Sockwell announced that the next item of business was to set a public hearing to consider the issuance of a retail beer license to Cazadores Taqueria Jalisco, LLC., 1000 Woodward Avenue, owner, Maria D. Bermudez. President Sockwell announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 3rd of October, 2022 to consider the issuance of the license.

President Sockwell announced that the next item of business was an ordinance to authorize and approve assistance to the Solid Waste Disposal Authority.

ORDINANCE NO. 1550-22

AN ORDINANCE AUTHORIZING AND APPROVING ASSISTANCE TO THE SOLID WASTE DISPOSAL AUTHORITY OF THE CITIES OF MUSCLE SHOALS, SHEFFIELD, AND TUSCUMBIA WITH RESPECT TO THE TAKE OVER OF THE CHEROKEE INDUSTRIAL LANDFILL BY SUCH AUTHORITY

WHEREAS, the Solid Waste Disposal Authority of the Cities of Muscle Shoals, Sheffield, and Tuscumbia (the "Authority") on September 2, 2022 approved and authorized a \$6,000,000 principal amount Taxable Revenue Bond, Series 2022, to be dated the date of delivery (the "Series 2022 Bond"), the proceeds of which will be used to acquire the leasehold interest of the current operator of the Landfill defined below and pay operational transition costs and other current operating costs and expenses. As part of such leasehold acquisition, the Authority will assume the obligations of said current operator with respect to the outstanding Series 2020 Bonds heretofore issued by the Authority.

WHEREAS, the Authority has presented its resolutions approving such Series 2022 Bond and authorizing its officers to pursue a final agreement with the operator of the Landfill in order for the Authority to complete the takeover of said Landfill.

WHEREAS, as a condition to the issuance of the Series 2022 Bond and the pursuant by the Authority of a final agreement with the current operator of said Landfill, it is necessary for the City, and the other two partner cities, to agree to assist the Authority, if necessary, with the payment of debt service on the Series 2020 Bonds and the Series 2022 Bond, in the event that the net revenues of the Landfill, once acquired by the Authority, are insufficient to pay such debt service.

WHEREAS, it is the intention of the Authority to restructure the outstanding Series 2020 Bonds and the Series 2022 Bond on or about the first optional call date of the Series 2020 Bonds of February 1, 2025, and to structure such financing without the need for financial assistance of the cities.

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

1. The Council has determined that it is in the best financial interest and in the best interest of public health, welfare, and safety in the City to partner with the Cities of Tuscumbia and Sheffield to assist the Solid Waste Disposal Authority of the Cities of Muscle Shoals, Sheffield, and Tuscumbia (the "Authority") with the takeover of the Cherokee Industrial Landfill (the "Landfill") by the Authority by acquiring the leasehold interest of the current operator thereof.
2. The Authority has transmitted to the City the resolutions of the Authority adopted on September 2, 2022 approving such Series 2022 Bond and authorizing its officers to pursue a final agreement with the operator of the Landfill in order for the Authority to complete the takeover of said Landfill.
3. In order to assist the Authority with the acquisition and takeover of the operation of the Landfill, it is necessary for the City to enter into a Funding Agreement with the Authority, providing for the payment, if necessary, by the City, to and on behalf of the Authority, of a portion of any debt service shortfall in any fiscal year with respect to the Authority's (a) Series 2020-A and Series 2020-B Bonds issued under the Trust Indenture dated June 23, 2020, and any obligations issued to refund the same, and (b) Series 2022 Bond payable to First Metro Bank, and any obligations issued to refund the same, on the basis of proportion of population according to the 2020 U.S. Decennial Census.
4. The Funding Agreement, in substantially the form presented to the City, with such changes as are approved by the Mayor, whose approval shall be evidenced by his execution of the same, is hereby approved, ordered, and confirmed. The Mayor and City Clerk are authorized to execute, attest, seal, and deliver such Funding Agreement as and when requested by the Authority.
5. The Council recognizes that the take-over of the Landfill by the Authority is an urgent and priority matter and that time is of the essence, and hereby authorizes and directs the Mayor to take such action as is necessary to assist the Authority with such consent and take-over process and to execute such documents, take such action, or provide such information, as is necessary on behalf of the City in connection therewith. If the Authority determines that it is in the better financial interest of the parties involved to complete the takeover with a different structure, then the City hereby authorizes the Authority to pursue such negotiations with the City's agreement to enter into a funding agreement consistent with the terms hereof, not to exceed the principal amounts contemplated hereinabove.
6. The ordinance shall not become effective unless and until (i) the other two partner cities approve the same or similar ordinance, (ii) the holders of the Series 2020 Bonds consent to the takeover of the Cherokee Industrial Landfill by the Authority, if necessary, and (iii) the Authority and the operator of such Landfill execute and deliver a final agreement with respect to the terms of the said takeover of said landfill by the Authority, including a full general release in favor of the City by the operator of the

Landfill, and all other documents necessary or in connection therewith, including any documents requested by or of the City and its counsel.

7. This ordinance shall be published and/or posted by the City Clerk in accordance with the City's customary publishing and/or posting procedures under ALA. CODE § 11-45-8 (1975). This ordinance shall become effective upon due publication and/or posting thereof, and the rights, privileges, consents, and franchises herein granted shall begin at the effective date thereof and shall continue through the thirtieth anniversary of such effective date, or such other maximum date fixed by applicable state constitutional law.

After the said ordinance had been discussed and considered in full by the Council, it was moved by Council Member Gina Clark that the said ordinance be now placed upon its final passage and adopted. The motion was seconded by Council Member Willis Thompson. The question being put as to the adoption of the said motion and the final passage of the said ordinance, the roll was called with the following results:

Ayes: Chris Hall, Gina Clark, Ken Sockwell and Willis Thompson

Nays: David Moore

President Sockwell declared the motion unanimously carried and the said ordinance passed and adopted as introduced.

President Sockwell announced that the next item of business was consideration of a resolution to establish the city council meeting dates for the 2022-2023 fiscal year pursuant to the Open Meetings Act.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3225-22

WHEREAS, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

WHEREAS, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council commencing with the regular meeting on October 3, 2022 and ending on September 30, 2023 as noted on Exhibit "A" of this resolution, and

BE IT FURTHER RESOLVED that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

BE IT FURTHER RESOLVED that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

BE IT FURTHER RESOLVED that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

BE IT FURTHER RESOLVED that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

EXHIBIT "A"
Schedule of Regular Meetings/Work Sessions
Muscle Shoals City Council

Monday, October 3, 2022
Monday, October 17, 2022
Monday, November 7, 2022
Monday, November 21, 2022 (NLC Conference November 17th – 19th)
Monday, December 5, 2022
Monday, December 19, 2022
Tuesday, January 3, 2023 (Conflict with New Years Day Holiday)
Tuesday, January 17, 2023 (Conflict with Martin Luther King Federal Holiday)
Monday, February 6, 2023
Monday, February 20, 2023
Monday, March 6, 2023
Monday, March 20, 2023 (NLC Conference March 26th – 28th)
Monday, April 3, 2023
Monday, April 17, 2023
Monday, May 1, 2023
Monday, May 15, 2023 (AL League meeting dates unknown)
Monday, June 5, 2023
Monday, June 19, 2023
Monday, July 3, 2023 (AL Electric Cities July 9th – 12th)
Monday, July 17, 2023
Monday, August 7, 2023
Monday, August 21, 2023
Tuesday, September 5, 2023 (Conflict with Labor Day Holiday)
Monday, September 18, 2023

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 resolution had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to approve the agreement between the Alabama Fire College and City of Muscle Shoals.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3226-22

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a proposal from Alabama Fire College and Personnel Standards Commission styled Regional Training Center Agreement that provides for use of certain facilities of the City located at 3020 Central Avenue, Muscle Shoals Alabama for classroom instruction and associated facilities for training purposes; 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 Alabama Fire College and Personnel Standards Commission providing for the use of the said facilities according to its terms and conditions as set forth therein; and

WHEREAS, the City Council finds that other instruments and related documents may be required with said proposal and is desirous of authorizing the execution and delivery of other instruments and related documents in connection

with aid proposal and the facilitation of the commencement and competition of said proposal herein 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, Michael Lockhart, for and on behalf of the City to execute the agreement authorizing Alabama Fire College and Personnel Standards Commission to use said facilities according to the terms and conditions set forth in the instrument styled Regional Training Center Agreement;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Alabama Fire College and Personnel Standards Commission along with executed agreement pertaining to the proposal herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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

President Sockwell announced that the next item of business was consideration of a resolution to appoint a member to the Shoals Economic Development Authority.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3227-22

WHEREAS, a term on the Shoals Economic Development Authority 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:

Kyle Defoor

Michael Self

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

Council Member Hall: Kyle Defoor
Council Member Clark: Kyle Defoor
Council Member Sockwell: Kyle Defoor
Council Member Thompson: Kyle Defoor
Council Member Moore: Kyle Defoor

WHEREAS, Council President Sockwell announced that Kyle Defoor 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>
Kyle Defoor	Shoals Economic Development Authority	Sept. 2025

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 Clark seconded the motion and upon said motion being put to a vote, all voted "AYE" and the "NAYS" were none.

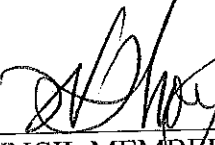
President Sockwell announced that the resolution had been approved.

There being no further business to come before the regular meeting, upon the motion duly made and seconded the meeting was adjourned.


CITY OF MUSCLE SHOALS
A Municipal Corporation


COUNCIL MEMBER - PLACE ONE

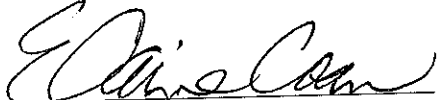

COUNCIL MEMBER - PLACE TWO


COUNCIL MEMBER - PLACE THREE


COUNCIL MEMBER - PLACE FOUR


COUNCIL MEMBER - PLACE FIVE

ATTEST:


Elaine Coan, City Clerk

