

**MINUTES FROM AN ORGANIZATIONAL MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 2, 2020**

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 2nd day of November, 2020 being the scheduled time and place for said meeting. The meeting was called to order by City Clerk Ricky Williams. 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

City Clerk Ricky Williams 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 Reverend Carlos Felton, Pastor of Zion #1 Baptist Church. Saylor Collum, President of the Muscle Shoals High School Student Council led those present in the Pledge of Allegiance.

The Honorable Kyle W. Brown, Circuit Court Judge of Colbert County administered the oath of office to the Mayor and City Council Members.

City Clerk Ricky Williams stated that the next item of business was the election of the City Council President. Mr. Williams noted that the floor was open for nominations.

Council Member Hall nominated Ken Sockwell. There being no additional nominations, Council Member Willis moved that the nominations be closed. Council Member Clark seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mr. Williams announced that the motion had been approved.

At this time, the City Clerk called the roll and the following vote was recorded:

Council Member Hall: Ken Sockwell
Council Member Clark: Ken Sockwell
Council Member Thompson: Ken Sockwell
Council Member Sockwell: Ken Sockwell
Council Member Moore: Ken Sockwell

Mr. Williams announced that Ken Sockwell had received a unanimous vote and was elected Council President. At this time, Mr. Sockwell presided over the meeting.

Council President Sockwell announced that the next item of business was the election of the Council President Pro-tempore. President Sockwell noted that the floor was open for nominations.

Council Member Moore nominated Chris Hall. There being no additional nominations, Council Member Moore moved that the nominations be closed. 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 had been approved.

At this time, the City Clerk called the roll and the following vote was recorded:

Council Member Hall: Chris Hall
Council Member Clark: Gina Clark
Council Member Thompson: Chris Hall
Council Member Sockwell: Chris Hall
Council Member Moore: Chris Hall

President Sockwell announced that Chris Hall had received a majority of the votes cast and was elected Council President.

President Sockwell announced the next item of business was consideration of an ordinance to establish Rules of Procedure for the Council.

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

ORDINANCE NUMBER _____

AN ORDINANCE APPROVING THE RULES OF PROCEDURE FOR MEETINGS OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA FOR THE TERM COMMENCING NOVEMBER 2, 2020

The Council of Muscle Shoals, Alabama being elected and meeting pursuant to law in organizational session on the first Monday of November 2020 and for the purposes of setting forth the rules of procedure and operation of the Council of Muscle Shoals, Alabama desires to enact certain rules of procedure and operation:

BE IT ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that Ordinance Number 1497 - 16, and the provisions thereof, is hereby repealed and of no further force and effect.

BE IT FURTHER ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that the order and rules of procedure in all instances for meetings of the Council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the Council of Muscle Shoals, Alabama.

Section 2. Regular meetings of the Council shall be held on the following dates: The first and third Monday of each month except on holidays as recognized and/or designated by the Council of Muscle Shoals, Alabama. In lieu of the foregoing, the Council may schedule a regular meeting of the Council at another time by setting the date and time certain at and during any regular or special meeting of the council.

Section 3. Special meetings may be held at the call of the President of the Council by serving notice to each member of the Council not less than twenty-four hours before the time set for such special meetings, or special meetings may be held as provided by Section 11-43-50 of the Alabama Code of 1975, whenever two Council members request in writing that the presiding officer call such meeting, upon the failure or refusal of the presiding officer to call such meeting when requested, the two Council members making the request shall have the right to call such meeting and notice shall be given to each member of the Council not less than twenty-four hours before the time set for the special meeting.

Section 4. A quorum of the Council shall be determined as provided by Section 11-43-48 of the Alabama Code of 1975. In the event that a lesser number than a quorum shall convene at any regular or special meeting of the Council, they are authorized to send the Chief of Police or some other person for any or all absent members, as the majority of the members present may agree.

Section 5. There shall be a work session of the Council preceding the regular meetings of the Council or at such other time as the President of the Council may designate by giving notice to the public by posting the time of said meeting at City Hall at least three (3) hours before the commencement of said work session. The work sessions preceding the regular meetings of the Council shall commence at 5:30 p.m. The regular meetings of the Council shall commence immediately at the conclusion of the work session but in no instance prior to 6 p.m. All meetings of the Council, regular, special or work sessions, shall be open to the public. Any person wishing to appear at the work session shall notify the Clerk's office by 3 p.m. on the Thursday preceding the work session of their intent to speak and the subject matter they wish to address at the work session.

Section 6. The Clerk of the City shall prepare and furnish copies of the minutes of the previous meeting and shall also prepare and furnish an agenda of the next meeting of the Council to each member of the Council by Friday of the next succeeding meeting of the Council.

Section 7. The order of business shall be as follows:

1. A call to order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll call
5. Adoption of the minutes
6. Comments of the Mayor
7. Comments of the public

8. Reports of standing committees
9. Reports of special committees.
10. Reports of officers.
11. Hearing on petitions, applications, appeals, communications, etc.
12. Financial reports
13. Resolutions, ordinances, orders and other business.
14. Adjournment.

Section 8. In all roll call votes of the Council, the Clerk shall call the roll of the Council members in order of the place numbers held by each of them [i.e. Place 1, Place 2, Place 3, Place 4 and Place 5].

Section 9. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 10. No person, not a member of the Council shall be allowed to address the same while in session without unanimous consent of the Council.

Section 11. Persons seeking to address the Council during the meetings of the Council shall be recognized to do so during and pursuant to Item 4 of Section 7 [Comments of the public] of these rules of order and procedure or at the work session preceding the regular meeting of the Council. All persons seeking to address the Council shall notify the Clerk's office by 3 p.m. on Thursday preceding the meeting by stating their name and the substance of the matter to be addressed before the Council. All persons shall address and speak to the Council from a designated rostrum. Each person so recognized to address the Council shall be allowed a period of five (5) minutes to do so and the Clerk shall keep the time and shall notify the person addressing the Council when one (1) minute of the time remains. All persons obtaining recognition to address the Council shall do so only upon the matters within the purview and jurisdiction of the Council and touching upon matters that are to be acted upon or which may be acted upon by the Council. All general supervisory and executive matters within the Mayor's responsibility shall be taken up with the Mayor at a time other than during the meetings of the Council.

Section 12. Every officer, whose duty it is to report at the regular meetings of the Council who shall be in default thereof, may be fined at the discretion of the Council.

Section 13. All resolutions and ordinances shall be in writing.

Section 14. Motions to reconsider must be by a member who voted with the prevailing side and at the same or next succeeding regular meeting of the Council. If the latter, such intent to make a motion to reconsider must be filed in writing with the Clerk of the City by 4 o'clock p.m. on Thursday before the next succeeding regular meeting of the Council. A matter shall be subject to a motion to reconsider one time only.

Section 15. Whenever it shall be requested by one or more members the "yeas" and "nays" shall be recorded; and any member may call for a division on any question.

Section 16. All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the Council by any member. The presiding officer shall refrain from voting on any appeal of a ruling by the presiding officer to the Council.

Section 17. Motions to lay any matter on the table shall be first in order and a motion for adjournment shall always be in order.

Section 18. The rules of the Council may be altered, amended or temporarily suspended by a vote of four-fifths of the members present. Notice of intent to alter or amend these rules of procedure shall be given in writing at the regular meeting of the council before the next succeeding regular meeting of the council at which a member intends to alter or amend the said rules.

Section 19. The chairman of each respective committee, or the Council member acting for him in his place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 20. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting, provided, that such ordinances, resolutions or propositions may be considered earlier by the unanimous consent of the Council, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes; and provided further, that this rule shall not apply to the budgeted items and/or current expenses of officers, or wages of employees, of the city.

Section 21. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes.

Section 22. This Ordinance shall become effective immediately upon its passage and approval by the Mayor or upon its otherwise becoming effective as provided by law.

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

Ayes: Ms. Clark; Mr. Thompson; Mr. Sockwell

Nays: Mr. Hall, Mr. Moore

President Sockwell announced the vote and declared that the motion for unanimous consent for immediate consideration of the Ordinance had been failed.

President Sockwell announced the next item of business was consideration of a resolution to appoint the City Attorney.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3106 - 20

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's attorney for and during the term of the Council commencing November 2, 2020; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that D. Marcel Black of the firm of Black & Hughston, P.C. be, and he hereby is, appointed as City Attorney for the City of Muscle Shoals, Alabama, and

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

Council Member Moore 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 the next item of business was consideration of a resolution to appoint the City Engineer.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3107 - 20

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's engineer for and during the term of the Council commencing November 2, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that Brad Williams of the firm of Williams Engineering Group, LLC be, and he hereby is, appointed as City Engineer for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 the next item of business was consideration of a resolution to appoint the Fiscal Agent.

Council Member Moore introduced the following resolution and moved for its adoption
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3108 - 20

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City’s business; and

WHEREAS, the City Council finds it necessary to appoint the City’s fiscal agent/financial manager for and during the term of the Council commencing November 2, 2020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that Johnny Dill of the firm of Frazer Lanier Company be, and he hereby is, appointed as the City Fiscal Agent/Financial Manager for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 the next item of business was consideration of a resolution to designate the bank depositories and authorize the signatories for the accounts.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3109 - 20

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's depositories for and during the term of the Council commencing November 2, 2020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following depositories of the accounts of the City are hereby approved and ratified:

<u>Account Name</u>	<u>Fund</u>	<u>Financial Institution</u>
General Fund	010-10120	First Metro Bank
Christmas Parade Account	010-10103	First Metro Bank
Cypress Lakes Account	010-10140	First Metro Bank
Municipal Court Fund	100-10101	First Metro Bank
Cash Bond Account	100-10122	First Metro Bank
Defensive Driving School Account	100-10123	First Metro Bank
Judicial Administration Fund	100-10141	First Metro Bank
Street Repair Fund	117-10101	First Metro Bank
One Half Cent Sales Tax	120-10101	Bank Independent
Police Department	121-10101	First Metro Bank
Corrections Fund	122-10101	First Metro Bank
State Gas Fund	124-10101	First Metro Bank
Special Trust	151-10101	First Metro Bank
2015-C Warrant Construction	160-10101	First Metro Bank
Rebuild Alabama Account	118-10101	First Metro Bank
2018 Warrant Fund	165-10101	First Metro Bank

BE IT FURTHER RESOLVED BY THE Council that two signatories shall be required for all checks or drafts drawn on the City's funds and that the persons authorized to sign shall be either one or the other of, Mike Lockhart as Mayor or Ken Sockwell as President of the Council and either one of the other of Ricky L. Williams as City Clerk or Elaine Coan as Assistant City Clerk, and

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 Resolution had been approved.

President Sockwell announced the next item of business was the approval of the October 19, 2020 minutes of the regular meeting and work session.

Council Member Moore moved that the minutes are approved as presented. 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 minutes had been approved.

At this time, Mayor Lockhart congratulated the City Council on their election and thanked those in attendance for their presence for the organizational meeting.

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