

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 17, 2012**

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 17th day of September, 2012 being the scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM,
 JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD
ABSENT: NONE

David H. Bradford, Mayor of the City, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Mayor Bradford read aloud a proclamation declaring October 21-27, 2012 as “Pro Bono Week” in the City.

Upon motion duly made by Council Member Holland seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 10, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve the construction plans for road improvements to Wilson Dam Road(ST 133) from the railroad overpass to Highway 157. The Alabama Department of Transportation will be awarding the bids for the improvements.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2572 - 12

WHEREAS, the City Of Muscle Shoals, (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made to Additional Lanes on SR 133 from SR 157 to South of Norfolk Southern Railroad in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. (s) STPAAF-1709(106), from Station 55+00.00 to Station 109+00.00 for a total distance of 1.022 miles.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said projects until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of the city of Muscle Shoals, that the plans of said projects including alignment, profile, grades, typical sections and paving layouts as submitted to this Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said projects as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said projects in accordance with said plans. The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said projects and intersecting streets for as long as necessary while the said projects are being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted. The City shall indemnify and hold harmless the State, the Department, its officers, officials, servants, agents, representatives, and employees in both their individual and official capacities from all suits, actions, or claims for damage done to existing private property, public utilities, or the traveling public due to acts, or omissions, committed on behalf of the agency, its officers, officials, servants, *agents, representatives*, or employees. By entering into this agreement, the City is not an agent of the State, its officers, employees, agents, or assigns. The City is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.

The Council hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

BE IT FURTHER RESOLVED by the City, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said projects, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned projects the City will not now or in the future permit encroachments upon the right-of-way; and will assist ALDOT in removal of the same. Nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossovers, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation and by the Federal Highway Administration. The city further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable Laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation and of the Federal Highway Administration, prior to installation and the County further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this Council:

1. That the city agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the city of Muscle Shoals.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to transfer General Fund monies to the half-cent fund for certain capital purchases.

Council Member Grissom introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2573 - 12

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken to insure the continued efficient and orderly conduct of the City's business, particularly in connection with certain capital purchases and improvements; and

WHEREAS, the City Council finds it in the interest of the City to purchase an additional fire truck; to improve the grounds at Cypress Lakes Golf & Tennis facility and to reconstruct the improvements at the City's Senior Citizens' Center; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the sum of \$879,105.00 be transferred from the City's General Fund account unto the City's half-cent fund account as follows and for the following purposes:

1. To purchase a fire truck in the amount of \$396,250.00;
2. To improve the grounds and replace greens at the City's Cypress Lakes Golf & Tennis facility in the amount of \$224,400.00;
3. To complete the reconstruction of the improvements at the City's Senior Citizen's Center in the amount of \$258,455.00.

BE IT FURTHER RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the City Clerk/Treasurer of the City is hereby is hereby authorized to effectuate said transfers as herein outlined so as the transfer of the funds from the General Fund unto the Half-cent Fund shall be made promptly.

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

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Grissom then moved that the said transfer of funds be finally adopted, which motion was seconded by Council Member Noles and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to set the City Council meeting dates for the 2012-2013 fiscal year in compliance with Act#2005-40, the Open Meetings Act.

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

RESOLUTION NUMBER 2574 - 12

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, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, 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 for the fiscal year commencing on October 1, 2012 and ending on September 30, 2013 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 1, 2012

Monday, October 15, 2012

Monday, November 5, 2012

Monday, November 19, 2012

Monday, December 3, 2012

Monday, December 17, 2012

Monday, January 7, 2013

Tuesday, January 22, 2013 (Conflict with Martin Luther King Federal Holiday)

Monday, February 4, 2013
Monday, February 18, 2013
Monday, March 4, 2013
Monday, March 18, 2013
Monday, April 1, 2013
Monday, April 15, 2013
Monday, May 6, 2013
Tuesday, May 28, 2013 (AL League - Montgomery 5/18 - 5/21, Memorial Day 27th)
Monday, June 3, 2013
Monday, June 17, 2013
Monday, July 1, 2013
Monday, July 15, 2013
Monday, August 5, 2013
Monday, August 19, 2013
Tuesday, September 3, 2013 (Conflict with Labor Day Holiday)
Monday, September 16, 2013

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Muscle Shoals Utilities Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2575 - 12

WHEREAS, a vacancy on the Muscle Shoals Utilities Board has occurred 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:

Donna Ricks

WHEREAS, Donna Ricks was the sole applicant and a currently serves on the board, and

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

Council Member Pampinto: Donna Ricks
Council Member Willis: Donna Ricks
Council Member Grissom: Donna Ricks
Council Member Holland: Donna Ricks
Council Member Noles: Donna Ricks
Mayor Bradford: Donna Ricks

WHEREAS, Mayor Bradford announced that Donna Ricks had received a majority of the votes cast, now

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> |
|------------------|-----------------|---------------------------|
| Donna Ricks | Utilities Board | July 2018 |

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was the approval of amendments to the agreement with the Tennessee Valley Authority for fire services on the TVA reservation. Council Member Willis moved that the amendments be approved and the Mayor be authorized to execute the agreement. Council Member Holland seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Bradford announced that the amendments had been approved.

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

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK