

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 27, 2014**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:45 p.m. on the 27<sup>th</sup> day of October, 2014 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JAMES HOLLAND,  
ALLEN NOLES  
ABSENT: MIKE LOCKHART

James Holland, 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 Bradford was present at the meeting. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 6, 2014 and the Council recreation committee meeting of October 6, 2014 and approved the minutes as written.

President Holland announced that the next item of business was consideration of a resolution to reject bids for the addition to the Public Works building.

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

**RESOLUTION NUMBER 2710-14**

**BE IT RESOLVED** by the Council of the City of Muscle Shoals, Alabama that;  
**WHEREAS**, the City Architect, Lambert Ezell Durham Architecture, LLC, did send out advertisements for bids for the construction of an office addition to the Muscle Shoals Public Works Building, the bid opening being held October 21, 2014 at the City Hall of the City of Muscle Shoals, Alabama; and

**BE IT FURTHER RESOLVED**, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

| <b>BIDDER</b>                 | <b>BASE BID AMOUNT</b>                              |
|-------------------------------|---|
| Brad Slater Construction, LLC | \$174,700.00  |
| Butler Construction Co., LLC  | \$129,300.00<br><u>3,950.00 ADD</u><br>\$133,250.00 |
| CALENCO, LLC                  | \$137,988.00  |
| H & N Construction, Inc.      | \$154,400.00  |
| Johnson Contractors, Inc.     | \$124,900.00  |
| Nelson Construction Co., Inc. | \$165,000.00  |
| RDT Enterprises, LLC          | \$168,900.00  |

**BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder after evaluation of the submitted bids, has been determined as Johnson Contractors, Inc. with a total bid price of \$124,900.00 for the construction of an office addition to the Muscle Shoals Public Works building; and

**BE IT FURTHER RESOLVED**, that all bids received exceeded the budgeted and approved amount by the Council for said project; and

**BE IT FURTHER RESOLVED**, that it was determined that in the City's best interest the project will be reviewed for revisions to reduce the overall cost of the project; now

**THEREFORE, BE IT RESOLVED** that all bids submitted for the construction of an office addition to the Muscle Shoals Public Works building are hereby rejected with no award.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to award a bid for coarse aggregates for fiscal year 2014-2015.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2711-14**

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

[1] That advertisements for bids for the purchase of coarse aggregates for the 2014-2015 fiscal year were distributed, the bid opening set for the 9th day of October, 2014, at the City Hall of the City of Muscle Shoals, Alabama.

[2] **BE IT FURTHER RESOLVED** that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

| BIDDER             | No. 57 / Ton | No. 78 / Ton | Crusher Run | Rip Rap | Dense Graded Base |
|--------------------|--------------|--------------|-------------|---------|-------------------|
| Rogers Group, Inc. | \$11.25      | \$11.50      | \$10.75     | \$11.75 | \$11.00           |
| Vulcan Materials   | \$11.00      | \$11.00      | \$8.50      | \$13.00 | \$9.00            |

[3] **BE IT FURTHER RESOLVED**, that the apparent lowest bid of Vulcan Materials was determined to be non-responsive, due to bidder's failure to include the required documents of proof for compliance with the Alabama E-Verify requirements.

[4] **BE IT FURTHER RESOLVED**, that the lowest, responsive, and responsible bidder has been determined as Rogers Group, Inc. with a bid price of \$11.25 per ton for No. 57 coarse aggregate; \$11.50 per ton for No. 78 coarse aggregate; \$10.75 per ton for crusher run; \$11.75 per ton for rip rap, and \$11.00 per ton for dense graded base.

**NOW, THEREFORE BE IT RESOLVED** that the lowest, responsive and responsible bidder, Rogers Group, Inc. is now awarded the bid for the purchase of coarse aggregates.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to award a bid for asphalt for fiscal year 2014-2015.

Council Member Pampinto introduced the following resolution and moved for its approval:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NO. 2712-14**

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

[1] That advertisements for bids for the purchase of asphalt and binder for the 2014 - 2015 fiscal year were distributed, the bid opening set for the 24th day of October, 2014, at the City Hall of the City of Muscle Shoals, Alabama.

[2] **BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

| <b>NAME OF BIDDER</b>     | <b>424A- 3/8" Asphalt / ton</b> | <b>424A - 1/2" Asphalt / ton</b> | <b>424A- 3/4" Asphalt / ton</b> | <b>424B - 1" Binder/ton</b> |
|---------------------------|---------------------------------|----------------------------------|---------------------------------|-----------------------------|
| <b>ROGERS GROUP, Inc.</b> | \$61.64                         | \$58.94                          | \$55.42                         | \$49.48                     |

[3] **BE IT FURTHER RESOLVED**, that it has been determined that the lowest, responsive, responsible bidder submitting a bid is Rogers Group.

[4] **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the bid is hereby awarded to Rogers Group, Inc.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was to set a public hearing to consider the issuance of a Retail Table Wine license (off premises only) to Loves Travel Stops & Country Stores Inc. dba Loves Travel Stop 580 located at 2048 Highway 20.

President Holland announced that at a public hearing to be held at the City Hall in said City at 1:30 p.m. on the 12<sup>th</sup> day of November, 2014, the Council will consider the issuance of the Retail Table Wine license (off premises only). At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such license.

President Holland announced that the next item of business was to set a public hearing to consider the issuance of a Restaurant Retail Liquor license to Logans Roadhouse Inc. dba Logans Roadhouse 545 located at 1716 Woodward Avenue

President Holland announced that at a public hearing to be held at the City Hall in said City at 1:30 p.m. on the 12<sup>th</sup> day of November, 2014, the Council will consider the issuance of the Restaurant Retail Liquor license. At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such license.

President Holland announced that the next item of business was to set a public hearing to consider the issuance of a Retail Table Wine license (off premises only) to SHRI Swami Inc. dba Riverside Texaco located at 100 River Road A1.

President Holland announced that at a public hearing to be held at the City Hall in said City at 1:30 p.m. on the 12<sup>th</sup> day of November, 2014, the Council will consider the issuance of the Retail Table Wine license (off premises only). At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such license.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor - Class I license to Whirlwind Investments LLC dba Darbys located at 2701 Woodward Avenue.

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

President Holland 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 Holland stated that approval of the Lounge Retail Liquor license- Class I 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 recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the license had been approved.

President Holland announced that the next item of business was to consider a resolution establishing a pretrial diversion program for the municipal court under the provision of Act #2013-353 of the state legislature.

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

### **RESOLUTION NUMBER 2713-14**

**WHEREAS**, it has been determined that the City of Muscle Shoals Municipal Court has both a need and a desire to create and establish a Pretrial Diversion Program to offer to qualified defendants in the Municipal Court an opportunity to seek rehabilitative and other services, and,

**WHEREAS**, the Council of the City of Muscle Shoals has decided to establish and authorize the Muscle Shoals Municipal Court to operate a Pretrial Diversion Program pursuant to the provisions of Alabama Legislature Act No. 2013-353, and,

**WHEREAS**, the Municipal Court has compiled the Requirements for Admission to the Pretrial Diversion Program and forms needed to implement the Pretrial Diversion Program, which are attached hereto, and,

**WHEREAS**, the Municipal Court requests authority to assess and collect fees from Pretrial Diversion Program participants for the administration of the Pretrial Diversion Program as follows: up to \$ 1000.00 monitoring fee, and court costs, including bail bonding fees, in the amount currently being collected and as said court costs and bail bonding fees are amended from time to time by governing bodies, and, that the monitoring fees be deposited to the currently existing Special Corrections Fund, the Municipal Judicial Administration Fund, and the City of Muscle Shoals General Fund, and,

**WHEREAS**, the Municipal Court, acting through the Municipal Judge, with the approval of the Municipal Prosecutor, for the purpose of providing the services needed by the Pretrial Diversion Program, requests the authority to allow and appoint non-contracted agencies, persons, and business entities who have agreed to provide their services to the Pretrial Diversion Program.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the City of Muscle Shoals, Alabama, shall and does hereby create and establish a Muscle Shoals Municipal Court Pretrial Diversion Program according to the provisions of Alabama Legislature Act No. 2013-353, which said Pretrial Diversion Program shall be administered in the manner directed in Act No. 2013-353. The Pretrial Diversion Program is hereby given, and shall have, the authority to assess and collect fees from participants in an amount up to \$ 1000.00 for monitoring, plus court costs, including bail bonding fees, in the amount currently being collected and, for the purpose of fulfilling the services needed by the Pretrial Diversion Program, as said court costs and bail bonding fees are amended from time to time by governing bodies. The monitoring fees shall be deposited to the currently existing funds as follows: 50% to the Corrections Fund and the 50% to the City of Muscle Shoals General Fund. The Municipal Judge, for the purpose of providing the services needed by the Pretrial Diversion Program, with the approval of the Municipal Prosecutor, shall have the authority to allow and appoint non-contracted agencies, persons, and business entities who have agreed to provide their services to the Pretrial Diversion Program, without cost to the City of Muscle Shoals.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was the appointment of a municipal court judge.

Council Member Willis moved that William Henry Marthalar III be reappointed to a two year term commencing November 1, 2014. Council Member Noles seconded the motion and upon said motion being put to a vote, the following vote was recorded:

AYES: Council Member Willis, Council Member Holland, Council Member Noles

Nays: Council Member Pampinto

President Holland announced that the appointment had been approved.

President Holland announced that the next work session of the City Council would meet on November 3, 2014 at 5:00 pm in order for the Council to interview applicants for appointment to the Colbert County Tourism and Conventions Bureau Board.

Council Member Pampinto announced that the Recreation Committee of the Council will meet at 4:30 pm in the City Hall conference room on November 17, 2014.

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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK