

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 4, 2013**

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 4th day of Noevember, 2013 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 Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART
 JAMES HOLLAND, ALLEN NOLES
ABSENT: NONE

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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 21, 2013 meeting and approved the minutes as written.

President Holland announced that the next item of business was consideration of a resolution to reject bids for fuel products.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2655-13

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

That the Procurement Agent did send out advertisements for bids for the purchase of fuel products, the bid openings being held October 30, 2013 at the City Hall of the City of Muscle Shoals, Alabama.

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

Bidder	Fuel Type	Cost of > 5000 gal	Cost of < 1000 Gal
Mansfield Oil Company	Regular Unleaded (no Ethanol)	\$0.0318	\$0.2630
	Diesel #2 (ULS, Clear)	\$0.0343	\$0.2630
	Diesel #2 (ULS, Red-Dyed)	\$0.0343	\$0.2630
Petroleum Traders Corporation	Regular Unleaded (no Ethanol)	\$0.0674	\$0.3359
	Diesel #2 (ULS, Clear)	\$0.0783	\$0.3513
	Diesel #2 (ULS, Red-Dyed)	\$0.0783	\$0.3510
Tatum Oil Company	Regular Unleaded (no Ethanol)	\$0.0594	\$1.1800
	Diesel #2 (ULS, Clear)	\$0.0670	\$1.1875
	Diesel #2 (ULS, Red-Dyed)	\$0.0670	\$1.1875

BE IT FURTHER RESOLVED, that the bidders Mansfield Oil, and Tatum Oil Company were determined to be non-responsive bids, as both bidders failed to include required documentation with the bid submittal. The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Petroleum Traders Corporation with the detailed prices in the above table. Due to the escalated pricing for loads less than 1000 gallons, and the term of the contract for said pricing, it was determined that in the best interest of the City, all bids were rejected with no award, and the City will pursue other available options for the purchase of fuel products at this time.

NOW THEREFORE, BE IT RESOLVED, that all bids submitted for the purchase of fuel were rejected.

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 a public hearing to consider the vacation of an alley in Block 5 of Wilson Square Subdivision No. 3.

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

Council Member Noles moved that immediate consideration be given to hold the public hearing since it was not an agenda item. Council Member Willis seconded the motion and upon said motion being put to a vote the following vote was recorded:

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

NAYS: None

President Holland announced that the motion for immediate consideration had been approved.

President Holland stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the vacation was before the Council. Council Member Noles introduced the following petition and resolution and moved for its adoption:

PETITION

WHEREAS, Charles and Vicki Darling, (hereinafter "Petitioners") seek to obtain title to certain property within the city limits of Muscle Shoals City, Alabama;

WHEREAS, the Petitioners wish to vacate an alley in Block 5, Wilson Square No. 3, a portion of a subdivision according to the plat as recorded in the Office of Judge of Probate in Colbert County in Plat Book 2, page 431;

WHEREAS, that portion of the above described Block 5 was developed and originally used as a public alleyway;

WHEREAS, the alleyway the Petitioners wish to vacate is located within and is part of the public right-of-way designated by Muscle Shoals City, all of which is designated according to maps and plats recorded in the Office of the Judge of Probate of Colbert County, Alabama;

WHEREAS, convenient and reasonable means of ingress and egress to and from other property located within the city is afforded to all other property owners and further the desired vacation shall not deprive any property owners of a convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, that portion of Block 5, the subject of this vacation request, is not currently being used a public street, and, to the best of the Petitioners' knowledge, information and belief, there are no facilities or equipment such as utility lines, both aerial or buried with public right-of-way of the street, or portions thereof, proposed to be vacated;

WHEREAS, the Petitioner seeks and requests assent to the vacation by the governing body of Muscle Shoals City, Alabama and that this assent be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, the Petitioners request that the governing body of the City of Muscle Shoals set a hearing for the vacation of the Alleyway in Block 5, Wilson Square No. 3, a portion of a subdivision according to the plat as recorded in the Office of Judge of Probate in Colbert County in Plat Book 2, page 431, lying within the limits of the City and that proper notice of this proposed vacation be given.

/s/ Charles Darling
Charles Darling, Petitioner

Dated this 4th day of November, 2013.

/s/ Vicki Darling
Vicki Darling, Petitioner

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2656 - 13

_____ WHEREAS there has been exhibited to the Council of the the City of Muscle Shoals, Alabama, an instrument duly executed and acknowledged by Charles and Vicki Darling an instrument to vacate the following streets, alleys and avenues, or portions thereof, lying in, known and designated according to the map and plat thereof, recorded in the Office of the Judge of Probate Judge of Colbert County, Alabama, in Plat Book 2, page 431, to wit:

Block 5, Wilson Square No. 3, Colbert County, Alabama. Specifically, that certain alley landlocked by Lots 1-4, 6-9, 17-18, Block 5, Wilson Square No. 3, Colbert County, Alabama.

WHEREAS this council is satisfied that Charles and Vicki Darling, is the owner of all lands abutting all streets, avenues, alleys, or portions thereof; and

WHEREAS said Charles and Vicki Darling, has published notice in the Colbert County Reporter, a publication of general circulation for once a week for four (4) consecutive weeks in the City of Muscle Shoals, Colbert County, Alabama; and

WHEREAS it is in the interest of the public that such streets, avenues and alleys, or portions thereof be vacated; and

WHEREAS after the vacation of said public streets, avenues or alleys, or portions thereof, convenient means of ingress and egress to from their property will be afforded to all other property owners shown on said map;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals that the ascent of this Council be and the same is hereby given and granted to the said vacation of said public streets, avenues and alleys, or portions thereof, as vacated.

_____ Council Member Willis seconded the motion and and upon said motion being put to a vote the following vote was recorded:

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

NAYS: None

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

President Holland announced that the next item of business was consideration of a resolution to declare certain property in the police department surplus and authorize its sale.

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

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2657 - 13

WHEREAS, the City Council has been informed by the Police Chief that a certain vehicle used in the performance of their duties is no longer required for use by the Police Department; and

WHEREAS, the City Council is informed that the vehicle is no longer in service and that a request by the Lawrence County Sheriff's Department has been made for transfer of the vehicle for use in the performance of their duties within Lawrence County; and

WHEREAS, the City Council has determined that the said vehicle is surplus property and the City has no further use for said vehicle due to its age and condition and it is not economical for the City to retool or refit the said vehicle in order that it be placed in service in the Police Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following vehicle be declared surplus property and be disposed of by the Police Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said items and the Council does hereby authorize the Police Chief to dispose of said items in such manner. The Council finds that the following item is surplus property:

Description of Property	Serial Number	Asset #	Price
2005 Ford Crown Vic	2FAHP71W85X138944	0504040003	\$600.00

BE IT FURTHER RESOLVED that the Police Chief is authorized to take the steps necessary to convey the above described vehicle to the Lawrence County Sheriff's Department in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum as previously stated.

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 make an appointment to the Colbert County Tourism and Conventions Bureau Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2658 - 13

WHEREAS, the term of a member of the Colbert County Tourism and Conventions Bureau Board has expired and the City Council being desirous of making the necessary appointment to said board within the City;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for members to said board;

WHEREAS, the following individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Shirish Patel Thomas Pennington

WHEREAS, Thomas Pennington was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Pampinto: Thomas Pennington
Council Member Willis: Thomas Pennington
Council Member Lockhart: Thomas Pennington
Council Member Holland: Thomas Pennington
Council Member Noles: Thomas Pennington

WHEREAS, President Holland announced that Thomas Pennington 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>
Thomas Pennington	Tourism Board	October 2016

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 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 authorize the Mayor to execute an agreement with Williams Engineering for construction engineering services and inspection for Project #IAR-017-000-010 for improvements to Sixth Street adjacent to the Shoals Research Park to benefit CBC INGS America.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2659 - 13

WHEREAS, the City of Muscle Shoals has secured industrial access funding from the Alabama Department of Transportation for improvements to Sixth Street for the CBC INGS America project, and

WHEREAS, construction engineering services and inspection are necessary for the successful completion of the project, now

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

1. That the City enters into an agreement with the Williams Engineering Group LLC, for:

Construction engineering services and inspection for project IAR-017-000-010 for improvements to Sixth Street adjacent to the Shoals Research Park to benefit CBC ING America in the City of Muscle Shoals; which Agreement is before this Council.
2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Council Member Lockhart 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 authorize the Mayor to execute an agreement with S. S. Nesbitt & Co. for consulting services related to the evaluation and negotiation of health insurance benefits.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2660 - 13

WHEREAS, the City of Muscle Shoals is desirous of evaluating various insurance proposals and options related to providing quality health insurance and benefits to its employees, and

WHEREAS, S. S. Nesbitt & Company was established to provide expertise in the evaluation and negotiation of health insurance and benefits, now

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

1. That the City enters into an agreement with the S. S. Nesbitt & Co. for:

The evaluation and negotiation of various proposals for health and benefit services; which Agreement is before this Council.

2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.

3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

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.

Council Member Pampinto announced that the City Council Recreation Committee will meet on Tuesday, November 4th at 10:30 am at the Muscle Shoals Sportsplex, Hwy 43 south to review maintenance issues in the city parks.

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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK