

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

December 5, 2011

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:00 p.m. on the 5th day of December, 2011 being the regularly 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 Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, JAMES HOLLAND
ALLEN NOLES, DAVID H. BRADFORD

ABSENT: NEAL WILLIS

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.

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 November 21, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Wholesale Retail Table Wine Only license to Supreme Beverage Co. Inc. dba Supreme Beverage Company located at 106 W. Avalon Avenue.

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

Mayor Bradford 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, Mayor Bradford stated that approval of the license application 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 Grissom, Council Member Holland
Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the Mayor to enter into a contract with Audwin McGee for the “Singing River Sculpture.”

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2523 - 11

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of entering a contract with Audwin McGee for the creation of a sculpture to be displayed within the City of Muscle Shoals, Alabama and has received a proposed contract agreement between the City of Muscle Shoals and Audwin McGee setting forth the terms and conditions of the agreement; 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 the said Audwin McGee; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said matter and issue presented in the above described instrument and is desirous of authorizing the execution and delivery of other instruments and related documents in connection therewith;

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, David H. Bradford, for and on behalf of the City to execute the instrument styled CONTRACT BETWEEN THE CITY OF MUSCLE SHOALS AND AUDWIN McGEE . pertaining to the provision for the creation of a sculpture to be displayed within the City.

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the matters and issues presented in the above described instrument.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered , along with an executed copy of the Contract, unto Audwin McGee and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Grissom 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 authorize the Mayor to enter into an agreement with the Alabama Department of Transportation for utilities relocation for the East Avalon Avenue Project.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2524 - 11

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 State of Alabama, acting by and through the Alabama Department of Transportation for:
Utility Agreement Project STPOA-8828(), Project Reference Number 100008544 for Avalon Avenue from Wilson Dam Road to Webster Street 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 Noles 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 authorize the City Clerk/Treasurer as Plan Administrator to execute plan amendments to the Mayor's 457 (b) retirement plan.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2525 - 11

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

1. That the HEART/WRERA and PPA Amendments to the City of Muscle Shoals, Alabama 457(b) Plan (the Amendments) are hereby approved and adopted.
2. That the Agreement be executed in the name of the City, by the authorized representative of the City, for and on its behalf;
3. That the Agreement be delivered to the Administrator of the Plan one or more counterparts of the Amendments.

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 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 Resolution 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