

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

March 21, 2011

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:15 p.m. on the 21st day of March, 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 Rusty Wheels. 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

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

David 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.

Upon motion duly made by Council Member Holland seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of March 7, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Himelda Guzman dba El Parian, 603A & B Tyler Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 18th day of April, 2011, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was consideration of a resolution to declare certain personal property surplus and authorize its disposal.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2488 - 11

WHEREAS, the City Council has been informed by the Procurement Agent that certain items of property as shown and described on Exhibit A attached hereto are no longer used in the performance of city business and are no longer required for use by the City; and

WHEREAS, the City Council is informed that the said items of property have been replaced and are no longer in service in the performance of city business; and

WHEREAS, the City Council has determined that the said items of property are surplus property and the City has no further use for said items of property due to their age and condition and it is not economical for the City to retool or refit the said items of property in order that they be able to be placed in service in the performance of city business; now

THEREFORE, BE IT RESOLVED the City Council of the City of Muscle Shoals, Alabama does hereby determine that the following items of property be declared surplus property and be disposed of by the Procurement Agent of the City by listing for sale said items on the GovDeals website, and in the event of an unsuccessful sale, in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said items of property; and the Council does hereby authorize the Procurement Agent of the City to dispose of said items of property in such manner, and

The Council states that the following items of property are surplus property:
See Exhibit A attached hereto and made a part hereof as if set out in full.

EXHIBIT "A"

DEPARTMENT	DESCRIPTION
FIRE	1996 Ford Crown Victoria, VIN 2FALP73W0TX20483
	2000 Chevrolet Impala, VIN 2G1WF52E119239586
POLICE	1996 Ford Thunderbird, VIN 1FALP62WXTH139111

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 an application for CDBG funds for development in the Shoals Research Airpark and direct the Mayor to sign all necessary documents.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2489 - 11

**AUTHORIZING AND APPROVING APPLICATION TO THE
STATE OF ALABAMA'S CDBG ECONOMIC DEVELOPMENT FUND**

WHEREAS, the City of Muscle Shoals has completed its application for Economic Development Funds through the State of Alabama's Community Development Block Grant Program, and

WHEREAS, the City of Muscle Shoals concurs with objectives, needs and program activities proposed therein, and

WHEREAS, priorities for proposed program activities adopted by the City of Muscle Shoals were determined in accordance with State and Federal guidelines and determinations on eligibility of activities,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF MUSCLE SHOALS:**

1. That said application shall be designated as the official application for the City of Muscle Shoals to be submitted to the Alabama Department of Economic and Community Affairs for CDBG-ED Funds (\$494,000.00);
2. That the Mayor is duly authorized to sign said application for and act on behalf of the City of Muscle Shoals and is further authorized to execute all other documents required for application or disbursement of State of Alabama CDBG-ED funds for the City of Muscle Shoals;
3. That the City of Muscle Shoals hereby pledges \$99,500.00 of local matching funds towards the project's completion, if the project is funded.

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 adopt the federal E-Verify program.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2490 - 11

A RESOLUTION APPROVING PARTICIPATION IN THE E-VERIFY PROGRAM AND TO INCLUDE A SPECIFICATION IN CERTAIN BID PROPOSALS FOR THE CITY'S PUBLIC WORKS PROJECTS AND CONSTRUCTION PROJECTS AND THAT EMPLOYERS AND FIRMS AWARDED SUCH CONTRACTS PARTICIPATE IN SAID PROGRAM

BE IT RESOLVED that the City of Muscle Shoals, Alabama take the necessary steps to participate in the E-Verify Program operated by U.S. Citizenship and Immigration Services, part of the Department of Homeland Security; and

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama shall include a specification in proposals for bids for the City's Public Works projects, to the extent allowed by law, that employers, firms and their sub-contractors participate in the E-Verify Program operated by U.S. Citizenship and Immigration Services, part of the Department of Homeland Security; and

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama shall include a "Proof of Lawful Presence" clause in its bid proposals for public works projects or construction projects as hereinafter defined requiring that the person, firm or entity awarded the bid for the public works project shall certify, to the extent allowed by law, that its employees are lawfully present within the United States of America.

BE IT FURTHER RESOLVED that all bid proposals for public works projects or construction projects which are reasonably expected to in an amount equal to \$15,000.00 or more shall include the "Proof of Lawful Presence" clause.

BE IT FURTHER RESOLVED that the City Council shall be authorized to establish policies and procedures in order to effectuate the purpose of this Resolution.

Council Member Pampinto 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 in support of keeping Colbert and Lauderdale Counties in the same Congressional district in the redistricting process.

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 2491 -11

WHEREAS, the Alabama Legislature will be responsible for revising Alabama's voting jurisdictions for the United States House of Representatives in 2011 (Redistricting), and

WHEREAS, Colbert County and Lauderdale County, Florence, Muscle Shoals, Sheffield, Tuscumbia, and all Municipalities located within two counties have one Shoals Chamber of Commerce, one Shoals Economic Development Authority, one Shoals Industrial Development Committee, one Public Park Authority, one United Way, one Home Builders Association, one Board of Realtors, one Associated General Contractors, one Shoals Entrepreneurial Center and numerous other associations that combine membership from the Shoals area as one economic unit, and

WHEREAS, the Shoals area is one economic entity as a trade center, population center education center, health care center, functioning in essentially every area in solidarity as such center, and

WHEREAS, the United States government has designated the Shoals as a Metropolitan Statistical Area, and

WHEREAS, the Shoals, as a region, has worked extremely hard for twenty five years to achieve the cohesiveness and unity it now enjoys.

NOW, THEREFORE, BE IT RESOLVED that the City of Muscle Shoals, requests the Alabama Legislature to keep Colbert and Lauderdale Counties in one Congressional District in the Redistricting process, and

BE IT FURTHER RESOLVED that the City of Muscle Shoals is content with both counties remaining in the 5th Congressional District, and would be satisfied with both counties being moved to the 4th Congressional District.

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.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve an agreement with nCourt to provide software for offenders to remit fines via debit and credit cards.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2492 - 11

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a proposal from nCourt that provides fines for traffic offenses and citations to be paid with credit or debit cards; and

WHEREAS, the City Council has reviewed the contents of the proposal and finds that said agreement proposed thereby is due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said agreement to nCourt providing for the company to accept on behalf of the City fines for traffic offenses and citations at no cost of expense to the City; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said proposal and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with said proposal and the facilitation of the commencement and completion of the said proposal herein above described;

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 agreement authorizing nCourt to provide the necessary equipment to accept, collect and remit fines for traffic offense and citations according to the terms and conditions of the proposal and at no cost of expense to the City of Muscle Shoals, Alabama ; and

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 proposal of nCourt for the institution and installation of the system to accept, collect and remit fines for traffic offense and citations according to the terms and conditions of the proposal and at no cost of expense to the City of Muscle Shoals, Alabama during the commencement of and through the completion of the installation of the proposal and its use for collection and remittance of said fines to the City of Muscle Shoals,, Alabama; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto nCourt along with the executed proposal pertaining to the project herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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.

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