

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 6, 2013**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:25 p.m. on the 6th day of May, 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 Bill Howard. 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 April 15, 2013 meeting and approved the minutes as written.

City Clerk Ricky Williams read aloud a proclamation declaring May, 2013 as “Tourism Month” and May 4-12, 2013 as “Travel and Tourism Week” in the city.

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

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2615-13

WHEREAS the City Procurement Agent did send out advertisements for bids for the 2013 Paving Project of various streets of the city, the bid opening being set for the 19th day of April, 2013, at the City Hall of the City of Muscle Shoals, Alabama; and

WHEREAS at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

				Rogers Group		North Alabama Paving	
Item No.	Description	Est Qty	Units	Unit Price	Extension	Unit Price	Extension
1	408A, Planing Existing Pavement (Approx 1.10" Thru 2.0" Thick)	500	SY	\$11.60	\$5,800.00	\$12.00	\$6,000.00
2	424A Superpave Bituminous Concrete Wearing Surface Layer ½" Masimum Aggregate Size Mix, ESAL Range A/B	1035	TON	\$75.00	\$77,625.00	\$78.58	\$81,330.30
3	424A, Superpave Bituminous Concrete Wearing Surface Layer Patching, ½" Maximum Aggregate Size Mix, ESAL Range A/B	100	TON	\$85.00	\$8,500.00	\$165.00	\$16,500.00
TOTAL BID PRICE					\$91,925.00		\$103,830.30

WHEREAS, that the lowest bid submitted by Rogers Group was determined to be non-responsive. The bidder failed to include the contractor's license number as required by state law; and

BE IT RESOLVED, that the lowest, responsive and responsible bidder, after verifying the bid with the specifications and unit prices submitted for estimated quantities of the specifications, and based upon the total bid amount, has been determined as North Alabama Paving with a total bid price amount of \$103,830.30; and

BE IT FURTHER RESOLVED, that the lowest, responsive, and responsible bid submitted exceeds the original budget for this project, and it is not in the best interest of the City

to accept such bid; and that it is in the best interest of the City to reject all bids and authorize the Procurement Agent to again solicit bids for this project;

NOW, THEREFORE BE IT FURTHER RESOLVED, that all bid received for the 2013 Paving Project be rejected, and bids solicited again for said project.

Council Member Noles 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. Council Member Lockhart moved that the resolution be approved as presented. Council Member Noles seconded the motion and upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

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

NAYS: None

President Holland announced the vote and declared that the resolution was adopted and approved.

President Holland announced that the next item of business was the rescheduling of a public hearing to consider the vacation of a portion of Harrison Street and a certain alley within Second Street Terrace Addition No. 1.

President Holland announced that at a meeting to be held at the City Hall in said City at 6:00 pm on the 10th day of June, 2013, the Council will consider the vacation of the street and alley. 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 vacation.

President Holland announced that the next item of business was the scheduling of a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. President Holland announced that at a regular meeting of the City Council to be held at the City Hall in said City on the 10th day of June, 2013, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently zoned B-2A and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at the centerline of Alabama Avenue & Jackson Avenue (vacated) proceed east for a distance of 250 feet and being the point of beginning, thence run north for a distance of 130 feet, thence run east a distance of 340 feet, thence run south for a distance of 130 feet, thence run west for a distance of 340 feet. This tract of property is located on the north side of Jackson Avenue (vacated) in Muscle Shoals Center #1 and being lots 546 thru 560.

At said time and place, _____ shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

President Holland announced that the next item of business was the scheduling of a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. President Holland announced that at a regular meeting of the City Council to be held at the City Hall in said City on the 10th day of June, 2013, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently zoned MH and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at the Firestone Avenue and Florence Avenue, thence run west for a distance of 1133.12, thence run north 134.23 feet, thence run west for a distance of 100 feet, thence run north for a distance of 218.79, thence run east for a distance of 100 feet, thence run north a distance of 100 feet, thence run east for a distance of 16 feet, thence run south for a distance of 100 feet, thence run east for a distance of 115 feet, thence run north for a distance of 128 feet, thence run east for a distance of 1001.96, thence run south a distance of 555 feet. This tract of property is the existing Holiday Trailer Park.

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 adoption of such Ordinance.

President Holland announced that the next item of business was consideration of a resolution to purchase Tract #9 in the Shoals Research Airpark from the North Alabama Gas District for the sum of \$300,000.00.

Council Member Noles introduced the following ordinance and moved for its immediate consideration:

ORDINANCE NO. 1445 - 13

AN ORDINANCE APPROVING THE PURCHASE OF REAL ESTATE BY THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City of Muscle Shoals, Alabama is one of the owners of a parcel of real estate known and designated as SHOALS RESEARCH AIRPARK RE-PLAT"; and

WHEREAS, North Alabama Gas District is one of the owners of a parcel of real estate known and designated as SHOALS RESEARCH AIRPARK RE-PLAT"; and

WHEREAS, the City has negotiated with the said North Alabama Gas District for the purchase of said parcel of property owned by said North Alabama Gas District;

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

1. The Council finds it in the interest of the City to acquire the hereinafter described real property from North Alabama Gas District, said parcel being, known and designated as Tract 9 of the SHOALS RESEARCH AIRPARK RE-PLAT", same being more particularly described herein.
2. The City of Muscle Shoals, Alabama shall acquire said interest in said property for the sum of \$300,000.00, being the amount paid by the said North Alabama Gas District when acquired by the said North Alabama Gas District.
3. Furthermore, the Mayor, David H. Bradford, is authorized to execute and deliver any other documents necessary and required to consummate the transaction.
4. The property subject to and covered by this action of the Council is more particularly described as follows, to wit:

Tract 9 of the "SHOALS RESEARCH AIRPARK RE-PLAT", same being more particularly described as follows:

A tract of land lying in **Section 5, Township 4 South, Range 10 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at an existing cotton spindle in the centerline of 6th Street (Colbert County Road #24 - 80 foot right of way), said point being locally known and accepted as the SE corner of said Section 5; thence N 00 degrees 40' 08" W and along the eastwardly line of said Section 5 for 40.03

feet to an iron pin set (capped typical R. Collins, L.S.-13406) on the northwardly right of way of said 6th Street and to the point of beginning; thence N 88 degrees 29' 13" W and along said right of way 559.76 feet to an iron pin set; thence leaving said right of way N 00 degrees 43' 55" W 4325.95 feet to an iron pin set lying on the southwardly boundary of the Northwest Regional Airport; thence along said Northwest Regional Airport boundary line the following bearings and distances: S 65 degrees 53' 00" E 621.97 feet to an existing concrete monument on the eastwardly line of said Section 5; S 00 degrees 26' 09" E and along said section line 139.87 feet to an existing concrete monument; thence leaving said boundary line S 00 degrees 40' 08" E and along said section line 2378.51 feet to an iron pin set at the NE corner of an existing 2 acre cemetery (as pointed out by Mr. Price Counts); thence N 88 degrees 53' 04" W 312.11 feet to an iron pin set at the NW corner of said cemetery; thence S 00 degrees 40' 08" E 279.27 feet to an iron pin set at the SW corner of said cemetery; thence S 88 degrees 53' 04" E 312.11 feet to an iron pin set at the SE corner of said cemetery lying on the eastwardly line of said Section 5; thence S 00 degrees 40' 08" E and along said section line 1288.86 feet to the point of beginning. Said tract contains 52.24 acres, more or less, is subject to a 20 foot ingress/egress access easement along the eastwardly side thereof running from the northwardly right of way of 6th Street N 00 degrees 40' 08" W 1288.86 feet to the southwardly side of the aforementioned 2 acre cemetery; and is subject to any easements of record or easements existing on site and is subject to a 10 foot Private Water Easement being described as follows: To find the point of beginning, commence at the NE corner of the above described 2 acre cemetery; thence N 00 degrees 40' 08" W and along the eastwardly line of said section 5 for 891.82 feet to the point of beginning of said easement; thence leaving said section line S 89 degrees 19' 52" W 10 feet; thence N 00 degrees 40' 08" W 10 feet; thence N 89 degrees 19' 52" E 10 feet to a point on said section line; thence S 00 degrees 40' 08" E and along said section line 10 feet to the point of beginning of said easement.

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. Council Member Noles moved that the resolution be approved as presented. Council Member Willis seconded the motion and upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

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

NAYS: None

President Holland announced the vote and declared that the ordinance was adopted and approved.

President Holland announced that the next item of business was consideration of a resolution to appropriate funds to the Muscle Shoals Board of Education.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2616 - 13

WHEREAS, the Muscle Shoals Board of Education has committed to make certain infrastructure improvements within the school system, and

WHEREAS, these improvements include the construction of a new Center for Technology, a multipurpose athletic complex and systemwide security upgrades; and

WHEREAS, the Muscle Shoals Board of Education has informed the City that the financing of these projects will be best accomplished by the issuance of Special Tax School Warrants, Series 2013; now

THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Muscle Shoals, Alabama, that the City agrees to budget, apportion, allocate and pay to the Board funds in the amount of 40% of the annual debt service requirements of these school warrants, up to \$200,000.00 annually commencing on or before May 15, 2014 and on or before May 15th in each successive year thereafter until and including the fiscal year in which the Warrants have been fully paid and retired (now expected to be in 2038); and

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is hereby directed to draw on the City's One-half cent sales tax fund the authorized amount payable to the Muscle Shoals Board of Education to be applied by the Board to the payment of annual debt service on the Warrants.

Council Member Pampinto 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 the vote and declared that the resolution was adopted and approved.

President Holland announced that the next item of business was consideration of a resolution to make an appointment for an unexpired term to the Riverbend Center for Mental Health Board.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2617 - 13

WHEREAS, a vacancy on the Board of Directors of the Riverbend Center for Mental Health 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 vacancy and applications solicited for membership 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:
Sara Bonfield

WHEREAS, Sara Bonfield was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: Sara Bonfield
Council Member Willis: Sara Bonfield
Council Member Lockhart: Sara Bonfield
Council Member Holland: Sara Bonfield
Council Member Noles: Sara Bonfield

WHEREAS, Council President Holland announced that Sara Bonfield 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>
Sara Bonfield	Riverbend Mental Health	April 2017

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 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 the vote and declared that the resolution was adopted and approved

President Holland announced that the next item of business was the rescheduling of the

June 3, 2013 regular Council meeting. Council Member Pampinto moved that the June 3rd meeting be moved to Monday, June 10, 2013 beginning with the work session at 5:30 pm and the regular meeting upon the conclusion of the work session or 6:00 pm, whichever is later. Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted “Aye” and the “nays” were none.

President Holland announced the vote and declared the motion approved and the meeting was rescheduled.

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