

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

June 7, 2012

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:40 p.m. on the 7th day of June, 2012 being the 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

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 May 22, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the award of a bid for paving.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NO. 2550-12

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

[1] That the City Procurement Agent did send out advertisements for bids for the paving project of various streets of the city, the bid opening being set for the 30th day of May, 2012, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

| BIDDER | 408A Planing Per SY | 424A Wearing Surface Per Ton | 424A Patching Per Ton | 424B Binder Per Ton | Full Depth Saw Cut Per LF | Total Bid Amount |
|---|---------------------------|---------------------------------------|-----------------------------|---------------------------|------------------------------------|---------------------|
| APAC Mid-South, Inc. | \$2.47 | \$75.46 | \$139.84 | \$81.00 | \$0.46 | \$148,058.00 |
| Joe Keenum Excavation & Construction | \$10.00 | \$84.00 | \$92.00 | \$81.50 | \$5.50 | \$163,650.00 |
| North Alabama Paving | \$4.00 | \$88.00 | \$125.00 | \$69.90 | \$2.00 | \$167,600.00 |
| Rogers Group | \$13.00 | \$79.00 | \$85.00 | \$70.00 | \$7.50 | \$156,100.00 |

[3] The lowest, responsible and responsive 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 APAC Mid-South, Inc. with a total bid price amount of \$148,058.00.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the apparent lowest, responsive and responsible bidder, APAC Mid-South, Inc. is now awarded the bid based upon the total bid amount for the paving of various city streets at the bid price of \$148,058.00.

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 approval of the job description and pay rate for the Golf Professional at Cypress Lakes Golf & Tennis. Council Member Grissom moved that the job description and pay rate of \$32,000 annually be approved as presented. 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 job description and pay rate for the Golf Professional had been approved.

Mayor Bradford 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. Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 2nd day of July, 2012, 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 is hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 5041 & 5042, Highland Park Subdivision #12

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.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (off premises only) to DOLGENCORP LLC dba Dollar General Store 8662 located at 716 Woodward 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, 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 the approval of amendments to the 2011-2012 General Fund Budget.

Council Member Noles introduced the following budget amendments and moved for their immediate consideration:

Council Member Willis seconded the motion and 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the motion for immediate consideration was approved. Council Member Noles moved that the budget amendments be approved. Council Member Willis seconded the motion and 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the budget amendments had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the North Alabama Gas District Board.

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

RESOLUTION NUMBER 2551 - 12

WHEREAS, the term of a member of the North Alabama Gas District 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 individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Wayne Holt
Edward P. Staley

Freddie Patrick Moon

Charles W. Snipes

WHEREAS, Charles W. Snipes was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Pampinto: Charles W. Snipes
Council Member Willis: Charles W. Snipes
Council Member Grissom: Charles W. Snipes
Council Member Holland: Charles W. Snipes
Council Member Noles: Charles W. Snipes
Mayor Bradford: Charles W. Snipes

WHEREAS, Mayor Bradford announced that Charles W. Snipes 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> |
|-------------------|----------------------------|---------------------------|
| Charles W. Snipes | North Alabama Gas District | May 2018 |

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 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.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve a lease agreement with Table 18 LLC for food and beverage services at Cypress Lakes Golf & Tennis.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2552 - 12

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has reviewed a lease agreement for the City’s facilities at Cypress Lakes whereby Table 18, LLC a limited liability company, will lease certain of the City’s facilities for the purpose of operating a food and beverage service business at said facilities;

WHEREAS, the City Council has reviewed the contents of the lease agreement 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 Table 18, LLC providing for the company to provide food and beverage services at the City's facilities at Cypress Lakes; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said lease agreement 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 lease agreement 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 lease agreement authorizing Table 18, LLC to lease certain of the City's facilities at Cypress Lakes for the purpose of providing food and beverage services at said location according to the terms and conditions contained in said lease agreement.

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 lease agreement with Table 18, LLC; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Table 18, LLC along with the executed lease agreement and furthermore shall retain a copy to be kept on file by the said 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.

Mayor Bradford announced that the next item of business was consideration of moving the June 18, 2012 Council meeting and work session to the Muscle Shoals Living Center in Gattman Park. Council Member Holland moved that the June 18, 2012 meeting be moved to the Living Center (994 Gattman Park Street) and held at the regularly scheduled times. 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 meeting location change 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