

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
July 21, 2014**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 21<sup>st</sup> day of July, 2014 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 Noles 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 July 1, 2014 and approved the minutes as written.

President Holland announced that the next item of business was consideration of a resolution to award a bid for lawn services.

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

STATE OF ALABAMA  
COUNTY OF COLBERT

**RESOLUTION NO. 2696-14**

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

That the Purchasing Agent did send out advertisements for bids for lawn maintenance services at the locations of City Hall, Public Library, Police Department, Fire Station #1 to include Fire Annex Building and Haz-Mat Building, Shoals Research Airpark, and Police Firing Range the bid opening being held the 9<sup>th</sup> day of July, 2014 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:

	David DeVaney	Dixie Lawn Care	Rutland Lawn Care	Turf Target Inc. dba/Frank's Lawn Service
Monthly Price	\$1800.00	\$2500.00	\$1495.00	\$1350.00
Alternate # 1: Firing Range Facility	\$250.00	\$400.00	150.00	\$1500.00
Alternate # 2: Firing Range Berm Only	\$100.00	\$200.00	\$175.00	\$1400.00

**BE IT FURTHER RESOLVED**, that the evaluation of bids determined that the following bids submitted were non-responsive as follows:

David DeVaney: failed to include addendum and e-Verify documents as required  
 Dixie Lawn Care: failed to include e-Verify document as required  
 Turf Target Inc.: failed to include addendum and e-Verify documents as required

**BE IT FURTHER RESOLVED**, that the lowest, responsible, responsive bidder, after verifying the bid with the specifications and requirements, has been determined as Rutland Lawn Care with a total monthly bid price of \$1495.00, for a one year contract and options to renew the contract as outlined within the bid specifications.

**THEREFORE, BE IT FURTHER RESOLVED**, that the lowest, responsive and responsible bidder, Rutland Lawn Care, is now awarded the bid for lawn maintenance services.

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 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. the proposed ordinance being as follows:

**ORDINANCE NO. 1463 - 14**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND**  
**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 R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 179 & 180, Highland Park #1

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 21<sup>st</sup> day of July, 2014, at 6:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and President Holland announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Holland stated that approval of the ordinance 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 Willis, Council Member Lockhart,  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the ordinance had been approved.

President Holland announced that the next item of business was consideration of a resolution to appoint a member to the Civil Service Board.

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

**STATE OF ALABAMA**

**COLBERT COUNTY**

**RESOLUTION NUMBER 2697 - 14**

**WHEREAS**, the term of a member of the Civil Service Board of the City of Muscle Shoals 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 a member 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:

Robert Bentley Sr.

Paula Michael

Donna Tipps

**WHEREAS**, Donna Tipps 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: Donna Tipps  
Council Member Willis: Donna Tipps  
Council Member Lockhart: Donna Tipps  
Council Member Holland: Donna Tipps  
Council Member Noles: Donna Tipps

**WHEREAS**, Council President Holland announced that Donna Tipps had received a majority of the votes cast, 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 a term effective until June 20, 2017.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Donna Tipps	Civil Service Board	June 20, 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 all voted "AYE" and "NAYS" were none.

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

President Holland announced that the next item of business was consideration of a resolution to appoint a member to the Utilities Board.

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

**STATE OF ALABAMA**  
**COLBERT COUNTY**

**RESOLUTION NUMBER 2698 - 14**

**WHEREAS**, the term of a member of the Utilities Board of the City of Muscle Shoals 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 a member 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:

Kevin Self

William Smith

**WHEREAS**, William Smith 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: William Smith  
Council Member Willis: William Smith  
Council Member Lockhart: William Smith  
Council Member Holland: William Smith  
Council Member Noles: William Smith

**WHEREAS**, Council President Holland announced that William Smith had received a majority of the votes cast, 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 a term effective until July, 2020.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
William Smith	Utilities Board	July, 2020

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 the vote and declared that the resolution was approved.

President Holland announced that the next item of business was consideration of an ordinance to annex certain properties on 6<sup>th</sup> Street east of Marthalar Lane.

Council Member Pampinto moved that the ordinance be tabled until the next regular meeting. 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 the vote and declared that the motion to table was approved.

President Holland announced that the next item of business was consideration of a resolution to approve a one time lump-sum cost of living adjustment for retirees or their beneficiaries.

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2699 - 14**

**ACT 2014-429**

(Local Unit Retirees and Beneficiaries of Deceased Retirees)

Be it resolved by the City Council of the City of Muscle Shoals, Alabama through its governing authority elects to come under the provisions of Section 2 of Act 429 of the Regular Session of the 2014 Legislature, and

Be it further resolved that the City of Muscle Shoals agree to provide all funds necessary to the Employee's Retirement System to cover the cost of the one-time lump sum payment as provided by this Act for those eligible retirees and beneficiaries of deceased retirees of City of Muscle Shoals with the aforementioned lump sum payment being paid in October 2014.

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Council Member Noles seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

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 was unanimously adopted. Council Member Lockhart moved that the resolution be adopted 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 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 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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK