

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

August 1, 2011

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6: 40 p.m. on the 1<sup>st</sup> day of August, 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 Paul McDougle. 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, DAVID H. BRADFORD  
ABSENT:    ALLEN NOLES

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. 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 July 18, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Muscle Shoals Utilities Board.

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 2508 -11**

**WHEREAS**, a vacancy on the Muscle Shoals Utilities Board 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 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:

Wayne Holt

Rebecca Narmore

David Yarber

**WHEREAS**, David Yarber 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: David Yarber  
Council Member Willis: David Yarber  
Council Member Grissom: David Yarber  
Council Member Holland: David Yarber  
Mayor Bradford: David Yarber

**WHEREAS**, Mayor Bradford announced that David Yarber 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>
David Yarber	Utilities Board	July 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.

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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 an ordinance to amend Chapter 70 of the Muscle Shoals City Code.

Council Member Pampinto introduced the following ordinance in the meeting which was read in the meeting in its entirety:

## **ORDINANCE NO. 1434 - 11**

### **AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO OFFENSES AND MISCELLANEOUS PROVISIONS WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA AND ITS POLICE JURISDICTION**

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

I. Chapter 70 of the Code of Ordinances of the City of Muscle Shoals, Alabama, heretofore adopted, is hereby amended so that the said Chapter 70 Section 70-1 include the following amendatory language and read in its entirety as follows:

Section 70-1. Violations; Penalties.

(a) Any person or corporation committing an offense within the corporate limits of the city, or within the police jurisdiction thereof, which is declared by a law of the State of Alabama, now existing or hereafter enacted, including specifically, but not limited to, the provisions of Act 2003-355 of the laws of the State of Alabama, to be a misdemeanor, shall be guilty of an offense against the City of Muscle Shoals, Alabama.

(b) Any person or corporation committing an offense within the corporate limits of the city, or within the police jurisdiction thereof, which is declared by a law of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the city.

(c) Any person or corporation committing within the corporate limits of the city, or within the police jurisdiction thereof, an offense as defined by Code of Ala. 1975, § 13A-1-2, Alabama Criminal Code, which offense is not declared by a law of the State of Alabama, now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the city.

(d) The provisions of Code of Ala. 1975, §§ 32-1-1 et seq., 32-5-1 et seq. and 32-5A-1 et seq. are adopted by reference in this section as if fully set out.

(e) Any person found to be in violation of subsections (a), (b), (c) or (d) of this section shall, upon conviction, be punished as provided in section 1-7 of this Code, except and unless as otherwise provided by Section 70-81 of this Code. Any corporation found to be in violation of subsections (a), (b) or (c) of this section shall, upon conviction, be punished as provided in section 1-7 of this Code.

Notwithstanding the foregoing, the provisions of Section 70-81, Chapter 70 of the Code of Ordinances of the City of Muscle Shoals, Alabama shall remain in full force and effect.

II. This Ordinance, and its provisions, shall become upon publication or posting pursuant to law or otherwise as provided by law.

Council Member Pampinto moved for immediate consideration of the ordinance. Council Member Grissom 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 Grissom,  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Pampinto then moved that the said ordinance be finally adopted, which motion was seconded by Council Member Grissom and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis Council Member Grissom,  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Ordinance had been approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance to repeal Section 110-1 of Chapter 110 of the Muscle Shoals City Code.

Council Member Grissom introduced the following ordinance in the meeting which was read in the meeting in its entirety:

## **ORDINANCE NO. 1435 - 11**

### **AN ORDINANCE REPEALING SECTION 110-1 OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO TRAFFIC AND VEHICLES WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA AND ITS POLICE JURISDICTION**

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**WHEREAS**, Section 110-1 of Chapter 110 of the Code of Ordinances of the City of Muscle Shoals, Alabama reads as follows:

Sec. 110-1. Adoption of state law provisions.

The provisions of Code of Ala. 1975, §§ 32-1-1 et seq., 32-5-1 et seq. and 32-5A-1 et seq. are adopted by reference in this section as if fully set out.

**WHEREAS**, the City Council of Muscle Shoals, Alabama has by ordinance duly adopted incorporated the language contained in Section 110-1 of Chapter 110 of the Code of Ordinances of the City of Muscle Shoals, Alabama in Section 70-1 of Chapter 70 of said Code; and

**WHEREAS**, the City Council, having adopted and incorporated the language contained in Section 70-1 of Chapter 70 of said Code or Ordinances, is desirous of repealing Section 110-1 of Chapter 110 of said Code of Ordinances.

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

I. Section 110-1 of Chapter 110 of the Code of Ordinances of the City of Muscle Shoals is hereby repealed.

II. Said repeal of said Section 110-1 of Chapter 110 of the Code of Ordinances is prospective from the date that said Ordinance shall be of full force and effect.

III. This Ordinance, and its provisions, shall become upon publication or posting pursuant to law or otherwise as provided by law.

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Council Member Grissom moved for immediate consideration of the ordinance. 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 Grissom, Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Grissom then moved that the said ordinance be finally adopted, which motion was seconded by Council Member Willis and,

upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis Council Member Grissom,  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Ordinance 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

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MAYOR

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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