

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
January 19, 2016**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:18 p.m. on the 19th day of January, 2016 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President Pro tempore 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
 ALLEN NOLES
ABSENT: JAMES HOLLAND

Allen Noles, President Pro tempore 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. Mayor David Bradford was also present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto and 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 January 4, 2016 and approved the minutes as written.

Mayor Bradford reported on the progress of the East Avalon road project and the Publix project. He noted that the City was awaiting word of a possible FEMA disaster declaration to coordinate repairs on Pepi Drive due to recent floodwaters. He also noted that Dairy Queen had acquired property at Firestone and Avalon Avenue in the City.

President Pro tempore Noles announced that the next item of business was approval of a resolution to award a bid for the leasing of golf carts at the Cypress Lakes golf course.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2789-16

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that the Procurement Agent did send out advertisements for bids for the leasing of golf cars, the bid opening being held January 15, 2016 at the City Hall of the City of Muscle Shoals, Alabama, and

BE IT FURTHER RESOLVED that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

DESCRIPTION	E-Z-Go		Jerry Pate Turf & Irrigation, Inc.		Yamaha	
	Unit Price	Extended Monthly Price	Unit Price	Extended Monthly Price	Unit Price	Extended Monthly Price
(64) Electric Powered	\$72.95	\$4668.80	\$74.24	\$4751.36	\$65.50	\$4192.00
(1) Gasoline Range	\$172.74	\$172.74	\$273.98	\$273.98	\$155.00	\$155.00
GRAND TOTAL of	\$4841.54		\$5025.34		\$4347.00	

BE IT FURTHER RESOLVED, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Yamaha Golf Car Company with a total monthly bid price of \$4347.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the apparent low and best bidder, Yamaha Golf Car Company is now awarded the bid for the 36-monthly leasing program of golf cars.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro tempore Noles announced that the resolution had been approved.

President Pro tempore Noles announced that the next item of business was approval of resolution to vacate a portion of a utility easement across Lot 2 of Plantation Pointe, Phase I.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION TO VACATE

Comes now the undersigned, Robert J. Eaton, hereinafter referred to as Petitioner, and presents unto the City Council of the City of Muscle Shoals, Alabama, as follows: That Petitioner is the sole owner of all of the property abutting upon the following described property, more particularly described below, and that he desires to vacate said property and that he does, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to wit:

The westerly 6 feet of that part of Lot 2 in PLANTATION POINTE, PHASE I, which is designated as a "26' drainage and utility easement", as shown on the plat of said subdivision, all being in PLANTATION POINTE, PHASE I in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Cabinet C, Slide 149, and in Official Record Book 2009, Page 2, in the office of the Judge of Probate of Colbert County, Alabama.

That the undersigned Petitioner desires to vacate said drainage and utility easement as it pertain to said 6' strip of land, effectively making said drainage and utility easement a 20' easement, commensurate with the width of the easement of adjoining lots, and to nullify the effect of the dedication of said drainage and utility easement to the use of the public.

NOW, THEREFORE, in consideration of the premises, Petitioners hereby request that the City Council of the City of Muscle Shoals, assent to, approve, ratify and confirm the vacation of the above described easement and the annulment of the dedication of such property to the use of the public.

The undersigned Petitioner further requests that the City Council of the City of Muscle Shoals authorize and direct Mr. David H. Bradford, as Mayor the City of Muscle Shoals, to execute a quit-claim deed to Robert J. Eaton by which deed, the City of Muscle Shoals, shall remise, release and quit-claim unto Robert J. Eaton whatever right, title and interest the said City of Muscle Shoals, may have acquired in and to the hereinabove described easement by virtue of the dedication of the same, or otherwise, and that the City Clerk, be authorized and directed on behalf of the City of Muscle Shoals, Alabama, to attest the same.

IN WITNESS WHEREOF, Petitioner has hereunto set his hand and affixed his seal on this the 2nd day of December, 2015.

s/ Robert J. Eaton

Robert J. Eaton

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert J. Eaton, who is known to me, and whose name is signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, he executed the same voluntarily.

Given under my hand and official seal this the 2nd day of December, 2015.

s/ Angela Hollins

Notary Public

My Commission Expires: 5-9-18

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2790 - 16

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has reviewed a request from Robert Eaton for an abandonment of a portion of a drainage and utility easement pertaining to Lot 2 in PLANTATION POINTE, PHASE I Subdivision; and

WHEREAS, the City's Building official and the Manager of The Utilities Board of the City of Muscle Shoals have reviewed the request and determined that such an abandonment of the portion of the easement sought will not adversely affect the City's drainage or utility operations; and

WHEREAS, the City Council has reviewed the contents of the instrument styled Petition to Vacate and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City abandon the portion of the easement as hereinafter described the said instrument styled Petition to Vacate filed by Robert Eaton; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with the said abandonment of the portion of the easement and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with said request as herein above described;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the abandonment of that certain portion of the easement described in said Petition to Vacate requested and filed by Robert Eaton and does hereby abandon same, said portion of the easement abandoned hereby is more particularly described as follows, to wit:

The westerly 6 feet of that part of Lot 2 in PLANTATION POINTE, PHASE I, which is designated as a "26' drainage and utility easement", as shown on the plat of said subdivision, all being in PLANTATION POINTE, PHASE I in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Cabinet C, Slide 149, and in Official Record Book 2009, Page 2, in the office of the Judge of Probate of Colbert County, Alabama.

BE IT FURTHER 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 and any all documents that may be required or necessary to affect the abandonment of said portion of the said easement described in the Petition to Vacate requested and filed by Robert Eaton for and on behalf of 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 Robert Eaton, and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Pampinto seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro tempore Noles announced that the resolution had been approved.

President Pro tempore Noles announced that the next item of business was to set a public hearing to consider the issuance of a Retail Table Wine License (off premises only) to Circle K Stores Inc. dba Circle K Store 2723685 located at 2525 E. Avalon Avenue.

President Pro tempore Noles announced that at a public hearing to be held at the City Hall in said City at 6:00 p.m. on the 15th day of February, 2016, the Council will consider the issuance of the Retail Table Wine License (off premises only). 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 license.

President Pro tempore Noles announced that the next item of business was consideration of a resolution to amend section 9.2.4 and 9.2.5 of the City of Muscle Shoals Civil Service Policies and Procedures.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2791 - 16

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has duly considered a change in the grievance policies of the City of Muscle Shoals, Civil Service Personnel Policies and Procedures ; and

WHEREAS, due and proper notice of the proposed change has been posted pursuant to said polices; and

WHEREAS, the issue of the proposed change to the bereavement policy as currently found in Sections 9.2.4 and 9.2.5 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures is properly before the Council for consideration;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the following change to the bereavement policy of the City of Muscle Shoals as same is applied to the eligible employees of the city and does hereby replace the existing language of said section and replace and amend said Section 9.2.4 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures to read in its entirety as follows, to wit:

9.2.4. Department Head's Findings and Decision. Within five (5) working days of his receipt of the employee's grievance, the department head will notify the employee of his findings and decision. The department head's notification will be in writing and will contain as a minimum the following information:

- (a) a summary of the department head's investigation and/or findings;
- (b) the department head's decision; and
- (c) the employee's right to request within five (5) working days, in writing, that the grievance be submitted to the mayor of the city for consideration, if he is not satisfied with the department head's findings and/or decision.

Notice of the employee's grievance to the department head and the request for submission to the Mayor shall be deemed to occur upon either in hand delivery to the department head or by delivery to the department head via first class certified mail restricted delivery to addressee only. The day of delivery shall not be used in the calculation of the time for notification of the employee of the department head's findings and decision.

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the following change to the bereavement policy of the City of Muscle Shoals as same is applied to the eligible employees of the city and does hereby replace the existing language of said section and replace and amend said Section 9.2.5 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures to read in its entirety as follows, to wit:

9.2.5 Mayor's Review. The mayor will schedule a meeting with the employee within five (5) working days of his receipt of the employee's grievance. The mayor will review the department head's findings and decision and may interview other individuals as requested by the employee, the department head, and/or as they determine necessary. The employee and/or his representative and the department head and/or his representatives may address the mayor and present their position on the grievance.

Notice of the employee's submission to the Mayor for consideration shall be deemed to occur upon either in hand delivery to the Mayor or by delivery to the Mayor via first class certified mail restricted delivery to addressee only. The day of delivery shall not be used in the calculation of the time for the Mayor to render his decision.

BE IT FURTHER RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby direct the City Clerk to post notice of this amendment to said policy pursuant to the requirements of ordinances and/or resolutions and to further deliver a copy to each department head with instructions that same be posted in an open and conspicuous place within the office of said department for a period of no less than (30) days.

Council Member Willis seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Pro tempore Noles announced that the resolution had been approved.

President Pro tempore Noles announced that the next item of business was consideration of a resolution to amend section 10.4.3.2 of the City of Muscle Shoals Civil Service Policies and Procedures.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2792 - 16

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has duly considered a change in the bereavement policies of the City of Muscle Shoals, Civil Service Personnel Policies and Procedures ;
and

WHEREAS, due and proper notice of the proposed change has been posted pursuant to said polices;
and

WHEREAS, the issue of the proposed change to the bereavement policy as currently found in Section 10.4.3.2 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures is properly before the Council for consideration;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the following change to the bereavement policy of the City of Muscle Shoals as same is applied to the eligible employees of the city and does hereby replace the existing language of said section and replace and amend said Section 10.4.3.2 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures to read in its entirety as follows, to wit:

10.4.3.2 Bereavement.

A covered employee will be credited with three (3) working days (one (1) working day if the covered employee is regularly assigned twenty-four (24) hour shifts of work) assigned of leave for the death of an immediate family member, as hereinafter defined, provided however the days of leave occur on a scheduled working day or shift. A work day will be calculated at eight (8) hours. The days of leave shall be the day before, the day of and the day after the funeral of the deceased immediate family member. If an employee is notified of the death on a scheduled work day and is released from his duties, a sick leave day will be credited for that day. Any additional leave requested by a covered employee before or after the days of leave herein defined, if granted, will be charged against the covered employee's annual leave, if available, or shall be leave without pay, if granted. Such additional leave shall be granted only if work schedules permit and said decision is solely within the discretion of the covered employee's department head.

Immediate family member is defined as and includes the following: Husband, Wife, Son, Daughter, Parents, Grandparents, Grandchildren, Step-Parents, Step-Children, Brothers, Sisters, Step-Brothers; Step-Sisters, Son-in-law, Daughter-in-law, Brothers-in-law and Sisters-in-law. Included in the definition of immediate family members are those persons who live with the covered employee's family whether related or not.

BE IT FURTHER RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby direct the City Clerk to post notice of this amendment to said policy pursuant to the requirements of ordinances and/or resolutions and to further deliver a copy to each department head with instructions that same be posted in an open and conspicuous place within the office of said department for a period of no less than (30) days.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro tempore Noles announced that the resolution had been approved.

President Pro tempore Noles announced that the next item of business was the appointment of Mayor Bradford to the Shoals Solid Waste Authority Board.

Council Member Pampinto moved that Mayor Bradford be appointed to the Shoals Solid Waste Authority Board for a term ending in January, 2019. Council Member Willis seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro tempore Noles announced that the appointment had been approved.

At this time Mayor Bradford announced the following appointments to the Planning and Zoning Board:

Tandy Crosswhite reappointed to a term ending December, 2021

Andy Laster reappointed to a term ending December, 2020

Terri Self appointed to a term ending December, 2021

Zach Morgan appointed to a term ending December, 2021

There being no further business to come before the meeting, upon the motion duly made and seconded 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