

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
February 20, 2006**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 20th day of February 2006 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 Robert Evans. 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

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

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.

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 work session and regular meeting of February 6, 2006 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award bid for a pump for the Wilson Dam Road detention pond.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2196-06

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of a submersible drainage pump, the bid opening being scheduled for February 16, 2006 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:	BID AMOUNT:
J.H. Wright	\$17,930.00
Jim House & Associates	\$49,258.00

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as J.H. Wright with a bid price of \$17,930.00 for the purchase of a submersible drainage pump.

The apparent low and best bidder, J.H. Wright is now awarded the bid for a submersible drainage pump.

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 Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for bleachers for the recreation department.

Council Member Noles introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2197-06

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of six (6) complete sets of aluminum bleacher system materials only, the bid opening being held February 15, 2006, 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:	BID AMOUNT:
Outdoor Aluminum	\$9,576.00
Passon's Sports / BSN Sports	\$11,759.46
Highland Sports	\$11,850.00
Collegiate Pacific	\$12,210.00
The Bleacher Company	\$15,600.00
Contract Connection	No Bid

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Outdoor Aluminum with a total bid price of \$9,576.00.

The apparent low and best bidder, Outdoor Aluminum is now awarded the bid for materials only for six (6) sets of aluminum bleachers.

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 an ordinance to establish a Retail Common Carrier Liquor License.

Council Member Willis thereupon introduced the following ordinance which was presented in the meeting:

ORDINANCE NO. 1361-06

AN ORDINANCE AMENDING ORDINANCE 1017 AS AMENDED BY ORDINANCE 1018 AND AS FURTHER AMENDED BY ORDINANCE 1023 AND AS FURTHER AMENDED BY ORDINANCE 1195-98 OF THE CITY OF MUSCLE SHOALS, ALABAMA BEING AN ORDINANCE TO REGULATE AND CONTROL ALCOHOLIC BEVERAGE TRANSACTIONS IN THE CITY OF MUSCLE SHOALS AND TO IMPOSE AND LEVY AND AUTHORIZE LICENSE FEES FOR ENGAGING IN WHOLESALE OR RETAIL SALES OF ALCOHOLIC BEVERAGES IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR WITHIN ITS POLICE JURISDICTION

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

Ordinance 1017 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on November 3, 1981, as amended by Ordinance 1018 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on December 10, 1981, and as amended by Ordinance 1023 of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama on September 28, 1982, as amended by Ordinance 1195-98 of the City of Muscle Shoals, Alabama as heretofore adopted by the City of Muscle Shoals on July 28, 1998 is hereby amended so that the said Section 2, (A) through (K) of Ordinance 1017, as amended by Ordinance 1018 and as further amended by Ordinance 1023 and as further amended by Ordinance 1195-98 shall include the following language and read in its entirety as follows:

I. Section 2 (A) through (K) of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to read as follows:

Section 2. Each person licensed by the Board, who shall engage in the alcoholic beverage, liquor, beer or wine business within the corporate limits, or the police jurisdiction, shall, prior to engaging in such business, pay to the City, for the privilege of so engaging in business, an annual license fee and further license fees as established below:

(A) BEER WHOLESALER LICENSE. Each person licensed as a beer wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Fifty Dollars (\$250.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, the privilege or excise tax levied on the sale of beer by the “Uniform Beer Tax Act”, Acts 1982, No. 82-344. Wholesale beer dealers and distributors will not sell to any retail outlet that does not have a current City of Muscle Shoals beer license. Each person licensed as a beer wholesaler having engaged in selling malt or brewed beverages within the police jurisdiction, but outside the corporate limits, shall pay license fees of one-half (1/2) of the amounts set forth above.

(B) WINE WHOLESALER LICENSE. Each person licensed by the Board as a wine wholesaler in the City of Muscle Shoals, shall pay to the City an annual license fee of Two Hundred Seventy-Five Dollars (\$275.00), and also that tax provided by the Alabama Table Wine Act 1980, Section 28-7-1 through 28-7-24 Code of Alabama 1975, as amended. Each person licensed by the Board as a wine wholesaler engaged in business outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(C) BEER AND WINE WHOLESALER LICENSE. Each person licensed as a beer and wine wholesaler in the City of Muscle Shoals shall pay to the City an annual license fee of Three Hundred Seventy-Five Dollars (\$375.00). In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month, the privilege or excise tax levied on the sales of beer by the “Uniform Beer Tax Act”, Acts 1982, No. 82-344. In addition, each licensee will remit to the City Clerk of the City of Muscle Shoals, on forms provided by him, each month the privilege or excise tax levied on the sales of table wine by the “Alabama Table Wine Act”, Acts 1980, No. 80-382. Each person licensed by the Board as a beer and wine wholesaler engaged in selling malt or brewed beverages outside of the corporate limits, but within the city police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(D) LOUNGE RETAIL LIQUOR LICENSE. Each person licensed by the Board to operate a retail liquor lounge in the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Five Hundred Dollars (\$1,500.00). In addition to said stated license fee, each such retail liquor lounge licensee shall pay, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of so engaging in such business in said calendar month, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding month. Each person licensed by the Board to operate a retail liquor lounge engaging in such business outside of the corporate limits of the City, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above. No person under the age of nineteen (19) years shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

(E) RESTAURANT RETAIL LIQUOR LICENSE. Each person licensed by the Board to sell alcoholic beverages in connection with the operation of a restaurant by the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Dollars (\$1,000.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each restaurant licensed by the Board engaging in such business outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amount set forth above.

(F) CLUB RETAIL LIQUOR LICENSE. Each person licensed by the Board to operate a club, Class I or Class II, in the City of Muscle Shoals, shall pay to the City an annual license fee of One Thousand Dollars (\$1,000.00). In addition to said stated license tax, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of such business derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month. Each private club, Class I or Class II, licensed by the Board engaging in such business outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above.

(G) RETAIL TABLE WINE LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell wine at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City, an annual license fee of Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell wine at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

(H) RETAIL TABLE WINE LICENSE FOR ON-PREMISE CONSUMPTION. Each person licensed by the Board to sell table wine at retail for on-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00), unless such person shall have paid for an on-premise liquor license. In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell table wine at retail for on-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

(I) RETAIL BEER LICENSE FOR ON-PREMISE AND OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for on-premise and off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license fee of

Seventy-Five Dollars (\$75.00). Each person licensed by the Board to sell beer for on-premise and off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees and license taxes of one-half (1/2) of the amounts set forth above.

(J) RETAIL BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell beer for off-premise consumption in the City of Muscle Shoals shall pay to the City an annual license fee of Fifty Dollars (\$50.00). Each person licensed by the Board to sell beer for off-premise consumption outside of the corporate limits, but within the police jurisdiction shall pay license fees of one-half (1/2) of the amounts set forth above.

(K) The stated annual license fees levied by the schedule under the foregoing provisions shall be due January 2nd of each year and shall be delinquent after January 15th of the year for which such license is due, and a penalty of fifteen percent (15%) shall be collected on or after January 16th of such year. All additional license taxes levied by said schedule shall be due the fifteenth (15th) day of the calendar month specified in each levy and shall be delinquent if not paid by such date and a penalty of fifteen percent (15%) shall be collected after such day of such month. There shall be no proration of any license fee because of having operated only a part of a calendar year, except as required by State Law.

II. Section 2 of Ordinance 1017 as amended is hereto amended to include the following and to read as follows:

(L) RETAIL COMMON CARRIER LICENSE. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premise consumption by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people shall pay to the City an annual license fee of Seventy-Five Dollars (\$75.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board as a retail common carrier liquor licensee to sell liquor, wine and beer for on-premise consumption by passengers within the City of Muscle Shoals, Alabama while aboard a railroad, airline, bus line, ship line, vessel or other common carrier entity operating passenger vehicles with a passenger seating capacity of at least ten (10) people outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amounts set forth above.

III. Section 2 of Ordinance 1017 of the City of Muscle Shoals, Alabama as amended is hereby further amended to include the following and to read as follows:

(L) RETAIL LIQUOR, WINE AND BEER LICENSE FOR OFF-PREMISE CONSUMPTION. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption in the City of Muscle Shoals, shall pay to the City an annual license

fee of Seven Hundred Fifty Dollars (\$750.00). In addition to said stated license fee, each such person shall pay to the City, on or before the fifteenth (15th) day of the calendar month next succeeding each separate calendar month, for the privilege of having engaged in such business, an additional license tax of five percent (5%) of the gross receipts of all such business derived from the sale of all alcoholic beverages, except table wine and beer, during such immediate next preceding calendar month. Each person licensed by the Board to sell liquor, table wine and beer at retail for off-premise consumption outside of the corporate limits, but within the police jurisdiction, shall pay license fees of one-half (1/2) of the amount set forth above.

III. All other provisions of Ordinance 1017 heretofore adopted and the amendments thereto shall remain in full force and effect.

IV. The Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Grissom 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, Council Member Noles, 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 Willis then moved that the reading of said Ordinance be waived and it 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, Council Member Noles, Mayor Bradford

NAYS: None

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

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