

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 20, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 20th day of April 2009 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, 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.

At this time, Mayor Bradford presented a proclamation declaring the week of May 3rd - 9th as "Youth Week" in the City.

Upon motion duly made by Council Member Holland, seconded by Council Member Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of April 6, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to reject a bid for the purchase of trash containers previously awarded for the public works department.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2393 -09

WHEREAS, the City Council of the City of Muscle Shoals, Alabama received and awarded a bid to Schaefer Systems International, Inc. for the purchase of wheeled refuse containers; and

WHEREAS, the City's Purchasing Agent notified representatives of the said Schaefer Systems International, Inc. of the award of the bid and the City's intent to purchase said wheeled refuse containers; and

WHEREAS, the said Schaefer Systems International, Inc. notified the City by letter dated April 7, 2009 that a mistake had been made in the submission of the bid and that the company would not be able to provide the product at the bid price;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby reconsider the award of the bid to the said Schaefer Systems International, Inc. along with the bids of the other companies that submitted a bid. The City Council does hereby find that the bids of the other companies did not comply with the specifications set forth in the bid solicitation and were properly rejected and that the said Schaefer Systems International, Inc. has notified the City of its intent to not honor the bid price that was accepted by the City and based upon said notification does hereby reconsider the action of the City Council in awarding the bid and upon reconsideration, based upon the notification from Schaefer Systems International, Inc. does hereby find that the City is without a provider of the specified wheeled refuse containers.

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 presentation of the annual audit report for the year ended September 30, 2008. City Clerk/Treasurer Ricky Williams presented the report as prepared by Leigh, King & Associates. Mayor Bradford directed that the report be spread upon the minutes of the meeting as follows:

Mayor Bradford announced that the next item of business was consideration of a resolution to reappoint the Mayor to the Public Park Authority of the Shoals.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2394 - 09

WHEREAS, the City Council of the City of Muscle Shoals is aware of the necessity of an appointment to Board of Directors of The Public Park Authority of the Shoals and deems it necessary and expedient that such appointment be made to insure the continued representation of the City's interest on the Board of the Authority and for the continued efficient and orderly conduct of the Authority's business; and

WHEREAS, the City Council finds it expedient to appoint a member of the Board of Directors to The Public Park Authority of the Shoals for a term that expired December 13, 2008 and to make such election and appointment for a term of six (6) years from the date of this Resolution forward;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that David H. Bradford, a qualified elector of the City of Muscle Shoals, Alabama, be, and he hereby is, elected and appointed as a Member of the Board of Directors of The Public Park Authority of the Shoals for a term of six (6) years from the date of this Resolution forward and said appointment ending six (6) years from said date or on such date as the successor is elected, appointment and qualified in his stead.

BE IT FURTHER RESOLVED by the Council that the Clerk of the City, for and on behalf of the Council of the City of Muscle Shoals, Alabama is hereby directed to prepare and deliver a certified copy of this Resolution to the Secretary of the Board of Directors of The Public Park Authority of the Shoals notifying the Board of the election and appointment of the said David H, Bradford as a member of the said Board of Directors.

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 authorize the Mayor to execute an agreement with the Alabama Forestry Commission.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2395 - 09

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled MEMORANDUM OF AGREEMENT between the City of Muscle Shoals and the Alabama Forestry Commission pertaining to the issuance of prescribed burn permits with the City and its police jurisdiction; and

WHEREAS, the City Council has reviewed the contents of the instrument 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 execute and deliver said instrument to the Alabama Forestry Commission; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said matter and issue presented in the above described instrument and is desirous of authorizing the execution and delivery of other instruments and related documents in connection therewith;

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 instrument styled MEMORANDUM OF AGREEMENT with the Alabama Forestry Commission pertaining to the issuance of prescribed burn permits within the City and its police jurisdiction and related matters;

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 matters and issues presented in the above described instrument.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto the Alabama Forestry Commission along with the executed instrument styled MEMORANDUM OF AGREEMENT pertaining to the issuance of prescribed burn permits within the City and its police jurisdiction and related and furthermore shall retain a copy to be kept on file by the said Clerk.

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 authorize the creation of the Northwest Alabama Cooperative District and to appoint the Mayor to a four year term as a director of the District.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2396 - 09

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS (the "City") as follows:

1. That application in writing was filed with this governing body for incorporating a public corporation under the provisions of Chapter 99B of Title 11 of the CODE OF ALABAMA 1975, as amended, to be known as The Northwest Alabama Cooperative District, hereinafter called the "District".

2. That attached to said application as Exhibit A was a proposed Certificate of Incorporation.

3. That the contents of said Application and the accompanying Certificate of Incorporation have been reviewed by the governing body and it has been found and determined as a matter of fact that the statements in the said application are true.

4. There is a public need for the proposed project and it is wise, expedient, and necessary that the proposed district be formed.

5. That the said proposed Certificate of Incorporation is hereby approved as to its form and content.

6. That Dewey D. Mitchell, Rex Burlson, Bobby Irons, David Bradford, Ian T. Sanford, and Billy S. Shoemaker are hereby authorized to proceed to form the proposed district by the filing for record of the certificate of incorporation in accordance with Section 11-99B-4.

7. That, upon evidence duly presented to and considered by the City Council, the City Council does hereby find and determine that David Bradford is a qualified elector of the City of Muscle Shoals and does hereby elect and appoint David Bradford as a director of The Northwest Alabama Cooperative District for a term of office beginning on the date of incorporation of said District and ending at 12:01 a.m. four years from the date of such incorporation.

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.

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