

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 6, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:15 p.m. on the 6th 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 Bill Howard. 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 April 6, 2009 as “Noise-Induced Hearing Loss Day” in the City.

Upon motion duly made by Council Member Pampinto, 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 March 23, 2009 and approved the minutes as written.

At this time, C. C. Wright, 2001 Virginia Avenue was recognized and addressed the Council.

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

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 NO. 2389-09

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

[1] That the Procurement Agent did send out advertisements for bids for the purchase of wheeled refuse containers, the bid opening being set for the 3rd day of April, 2009, 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 per unit price:

Otto Environmental, Inc.	\$45.77
Rehrig Pacific	\$44.42
Schaefer Systems	\$45.23
Toter Incorporated	\$48.48 / 47.86 / 47.56 (based on # containers)

[3] The low bid of Rehrig Pacific reflected exceptions deemed unacceptable to the City's required minimum technical specifications as follows:

1. Minimum wall thickness is .175" (Bid required minimum .200" thickness)
2. 3/4" Axle (Bid specifications required minimum 7/8" Axle)

The bid of Schaefer Systems was submitted with the condition that the price would be held firm for six months after the award of the bid. The bid stated that the City should be offered the purchase amount at the same price for a period of one year. Being that this condition did not affect the technical manufacturing specifications, and the City offered no guarantee of an additional purchase within one year, this condition was waived as a minor informality in the best interest of the City.

[4] The lowest, responsive, and responsible bid is that of Schaefer Systems with a bid price of \$45.23 per container.

BE IT HEREBY RESOLVED that the bid for the purchase of wheeled refuse containers be awarded to Schaefer Systems International with a bid price of \$45.23 per container.

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 encourage jobs creation and economic growth in the national economy through spending economic recovery funds on goods and services that maintain or create jobs focused on those goals.

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 2390 - 09

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama have developed a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding; green projects, and other projects that will require manufactured components; and

WHEREAS, taxpayer dollars should be spent to maximize the creation of American jobs and restore the economic vitality of our communities; and

WHEREAS, domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, economic recovery spending should - to every extent possible - include a commitment to buy materials, goods, and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery spending in the first place, now

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, that the City Council encourages the creation of American jobs and the restoration of economic growth and opportunity by spending economic recovery funds on products and services that both create jobs and help keep Americans employed, and

BE IT FURTHER RESOLVED that the City Council encourages the use of products and services that are made or performed in the United States of America whenever and wherever possible when economic recovery monies provided by the American taxpayers are expended.

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.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Riverbend Mental Health Board.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Pam Gargis
Council Member Willis: Pam Gargis
Council Member Grissom: Pam Gargis
Council Member Holland: Pam Gargis
Council Member Noles: Pam Gargis
Mayor Bradford: Pam Gargis

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 2391 - 09

WHEREAS, the term of a member of the Board of Directors of the Riverbend Center for Mental Health has expired and the City Council being desirous of making the necessary appointment to said board;

WHEREAS, notice was given to the public of said vacancy and applications solicited for membership to said board;

WHEREAS, the following individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Pam Gargis

WHEREAS, Pam Gargis was the lone applicant and determined to be eligible for appointment, and

WHEREAS, a roll call vote was had by the Mayor and City Council as follows:

Council Member Pampinto: Pam Gargis
Council Member Willis: Pam Gargis
Council Member Grissom: Pam Gargis
Council Member Holland: Pam Gargis
Council Member Noles: Pam Gargis
Mayor Bradford: Pam Gargis

WHEREAS, Mayor Bradford announced that Pam Gargis 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>
Pam Gargis	Riverbend Mental Health	April 2015

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 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.

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

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Pam Doyle
Council Member Willis: Pam Doyle
Council Member Grissom: Pam Doyle
Council Member Holland: Pam Doyle
Council Member Noles: Pam Doyle
Mayor Bradford: Pam Doyle

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 2392 - 09

WHEREAS, a vacancy on the Board of Education within the City of Muscle Shoals has occurred 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:

Pam Doyle Kristi Phillips

WHEREAS, Pam Doyle 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: Pam Doyle
Council Member Willis: Pam Doyle
Council Member Grissom: Pam Doyle
Council Member Holland: Pam Doyle
Council Member Noles: Pam Doyle
Mayor Bradford: Pam Doyle

WHEREAS, Mayor Bradford announced that Pam Doyle 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>
Pam Doyle	Board of Education	June 2014

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 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.

Mayor Bradford announced that the next item of business was consideration of a revised Section 115 Trust Agreement for post employment benefits for City retirees.

Council Member Holland moved that the trust be approved as presented. Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Bradford announced that the Declaration of Trust 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