

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 6, 2010**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:00 p.m. on the 6th day of December, 2010 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, 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.

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 November 15, 2010 and the work session of November 23, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Table 18 LLC dba Table 18, 1311 E. 6th Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 3rd day of January, 2011, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor License - Class 1 to GANGAR Inc. dba SK Package Store #3, located at 1922A 2nd Street.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call 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 announced that the license had been approved.

Mayor Bradford announced that the next item of business was consideration of the 2010-2011 General Fund Budget.

Council Member Pampinto introduced the following budget in writing:

Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, 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 Pampinto then moved that the said General Fund Budget 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 General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of an amendment to the City Code regulating obstructions around fire hydrants.

Council Member Grissom introduced the following ordinance which was presented and read in the meeting:

ORDINANCE NO. 1429 - 10

AN ORDINANCE AMENDING CHAPTER 42-4 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE OBSTRUCTION OF FIRE OR PUBLIC HYDRANTS WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA

BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows:
Chapter 42, Section 4 of the Code of Ordinances of the City of Muscle Shoals, Alabama, heretofore adopted, is hereby amended so that the said Chapter 42, Section 4 shall include the following language and read in its entirety as follows:

I. It shall be unlawful for any person or entity to tamper with or, by means of a vehicle, trailer, equipment, trees, shrubbery, landscaping, lumber, brick, stone or material of any type or kind to obstruct access to fire protection systems or public hydrants. For purposes of this section, access to fire protection connections or public hydrants shall be defined a six foot (6') clear and unobstructed space surrounding the fire protection connections or public hydrant and six foot (6') wide clear and unobstructed pathway to the center of the adjoining public right-of-way.

II. It shall be unlawful for any person or entity to obstruct access to or place any object or material so that the center of the steamer cap on any public hydrant shall be less than eighteen inches (18") from the ground upon which the public hydrant is situated.

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

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles 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 Grissom then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, which motion was seconded by Council Member Noles 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 passed and adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute an agreement with the Alabama Technology Network for rental of the City's fire training center.

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 2469 - 10

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled AGREEMENT between the City of Muscle Shoals and the Alabama Technology Network (hereafter referred to as ATN) pertaining to the use by ATN of the City of Muscle Shoals Fire Department Training Center; 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 ATN; 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 AGREEMENT with the ATN pertaining to the use by ATN of the City of Muscle Shoals Fire Department Training Center.

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 AGREEMENT with the ATN pertaining to the use by ATN of the City of Muscle Shoals Fire Department Training Center and furthermore shall retain a copy to be kept on file by the said Clerk.

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 appoint a member to the Library Board.

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 2470 - 10

WHEREAS, the term of a member of the Library Board of the City of Muscle Shoals has expired 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 members to said board;

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

Debbie Moss

WHEREAS, Debbie Moss was determined to be the lone applicant and otherwise

qualified for appointment, and

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

- Council Member Pampinto: Debbie Moss
- Council Member Willis: Debbie Moss
- Council Member Grissom: Debbie Moss
- Council Member Holland: Debbie Moss
- Council Member Noles: Debbie Moss
- Mayor Bradford: Debbie Moss

WHEREAS, Mayor Bradford announced that Debbie Moss 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>
Debbie Moss	Library Board	November 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 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 appoint a member to the Recreation Board.

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 2471 - 10

WHEREAS, the term of a member of the Recreation Board of the City of Muscle Shoals has expired 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 members 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:

Dan Starkey

WHEREAS, Dan Starkey was determined to be the lone applicant and otherwise qualified for appointment, and

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

Council Member Pampinto: Dan Starkey
Council Member Willis: Dan Starkey
Council Member Grissom: Dan Starkey
Council Member Holland: Dan Starkey
Council Member Noles: Dan Starkey
Mayor Bradford: Dan Starkey

WHEREAS, Mayor Bradford announced that Dan Starkey 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>
Dan Starkey	Recreation Board	November 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 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 the rescheduling of the times for the December 20, 2010 Council work session and regular meeting.

Council Member Willis moved that the December 20th work session begin at 4:30 pm with the regular meeting to commence upon completion of the work session. 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 motion 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