

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

February 6, 2012

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:15 p.m. on the 6th day of February, 2012 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

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

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 January 17, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for a fire truck.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2531-12

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 a custom pumper fire apparatus, the bid opening being held January 13, 2012 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:

| <u>BIDDER:</u> | <u>BID AMOUNT:</u> |
|-------------------------------|---------------------------|
| North American Fire Equipment | \$387,152.00 |
| Sunbelt Fire Equipment | \$396,629.00 |

[3] **BE IT FURTHER RESOLVED**, that the low bid of North American Fire Equipment was determined to be a non-responsive bid, due to the omission of certain documents required to be included with the bid submittal; and

[4] **BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Sunbelt Fire Equipment with a total bid price of 396,629.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the apparent low and best bidder, Sunbelt Fire Equipment is now awarded the bid for the purchase of a new, custom pumper fire apparatus.

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 Resolution had been approved.

Mayor Bradford announced that the next item of business was approval of a job description for the position of Pump and Equipment Maintenance Operator in the City Clerk - Storm Drainage. Council Member Grissom moved that the job description be approved as presented. 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 job description had been approved.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. Mayor Bradford announced that at a regular meeting of the City Council to be held at the City Hall in said City on the 5th day of March, 2012, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently zoned R-3 and is hereby incorporated in and made a part of the B-2 District, to wit:

A tract or parcel of land lying and being in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 3 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: To find the point of beginning, commence at the Southwest corner of said Section 31; run thence North 3 degrees 22 minutes East 1320 feet to a bottle cap in the center of Wilson Dam Road; run thence South 85 degrees 33 minutes East 350 feet to the point of beginning; run thence South 3 degrees 04 minutes West 641.3 feet to a point; run thence South 86 degrees 56 minutes East 135 feet to a point; run thence North 3 degrees 04 minutes East 643.4 feet to a point; run thence North 85 degrees 33 minutes West 135.1 feet to the point of beginning, containing 2 acres. Together with the appurtenances thereunto belonging.

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 adoption of such Ordinance.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to SRI BABA LLC dba HT Express located at 503 Highway 43 South.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 5th day of March, 2012, 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 consideration of a resolution to authorize the Mayor to make application for site grant funds to reimburse North American Lighting Inc. for site development costs of their new facility.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2532 - 12

WHEREAS, the State of Alabama Industrial Development Authority provides funding for qualifying industrial development projects throughout the state; and

WHEREAS, the City of Muscle Shoals desires to apply for and receive funding for site improvement costs incurred in connection with the North American Lighting Inc., now

THEREFORE BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama that an application for funding be hereby approved for submission for reimbursement of site improvement costs incurred by North American Lighting Inc. in connection with the development project, and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute all necessary documents to fulfill the requirements of the grant program.

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 trade in of a tractor.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2533 - 12

WHEREAS, the City Council of the City of Muscle Shoals, Alabama seeks to purchase a John Deere 5075M tractor along with a MX7 Life-Type rotary cutter under state contract T222 from Snead AG Supply and Services, Snead, Alabama for the price of \$41,080.30; and

WHEREAS, the City Council seeks to trade-in a John Deere 5300 tractor, Serial # LV5300E431493 and has obtained a trade-in credit of \$7,500.00 against the purchase price of the new tractor herein above described; and

WHEREAS, upon the net purchase price of the tractor sought to be acquired by the City shall be \$33,580.30;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve the purchase of the John Deere 5075M tractor along with a MX7 Life-Type rotary cutter under state contract T222 from Snead AG Supply and Services, Snead, Alabama for the price of \$41,080.30; and

BE IT FURTHER RESOLVED that the City shall trade-in its John Deere 5300 tractor, Serial # LV5300E431493 in exchange of a credit of \$7,500.00 against the gross purchase price of the new tractor;

BE IT FURTHER RESOLVED that the City Council does hereby authorize the transaction as herein described and the acquisition of the John Deere 5075M tractor along with a MX7 Life-Type rotary cutter under state contract T222 from Snead AG Supply and Services, Snead, Alabama for the net price of \$33,580.30;

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 authorize the mayor to execute an agreement with the Alabama Fire College and Personnel Standards Commission for operation of the City’s fire training center as a regional fire training center.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2534 -12

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a proposal from **Alabama Fire College and Personnel Standards Commission** styled Regional Training Center Agreement that provides for the use of certain facilities of the City located at 3020 Central Avenue, Muscle Shoals, Alabama for classroom instruction and associated facilities for training purposes; and

WHEREAS, the City Council has reviewed the contents of the proposal and finds that said agreement proposed thereby is due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said agreement to **Alabama Fire College and Personnel Standards Commission** providing for the use of the said facilities according to its terms and conditions as set forth therein; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said proposal and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with said proposal and the facilitation of the commencement and completion of the said proposal herein above described;

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 agreement authorizing **Alabama Fire College and Personnel Standards Commission** to use said facilities according to the terms and conditions set forth in the instrument styled Regional Training Center Agreement; and

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 proposal of **Alabama Fire College and Personnel Standards Commission** to use said facilities according to the terms and conditions set forth in the instrument styled Regional Training Center Agreement; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto **Alabama Fire College and Personnel Standards Commission** along with the executed proposal pertaining to the proposal herein described 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.

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 the numbering of council places for the 2012 election.

Council Member Pampinto introduced the following ordinance in writing which was read at length and moved for its immediate consideration:

ORDINANCE NO. 1441 - 12

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE 2012 MUNICIPAL ELECTIONS

WHEREAS, Section 11-46-22, Code of Alabama, 1975 as amended, provides that in cities and towns having an election of Mayor and Council Members and whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled in the regular election, that the governing body shall designate each of the offices by number; and

WHEREAS, the City of Muscle Shoals, Alabama shall conduct and hold a regular election in 2012 for the purpose of electing a Mayor and five (5) Council Members, all of said positions and offices to be elected at-large by the registered and qualified electors of the City of Muscle Shoals, Alabama;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Muscle Shoals that for the purposes of the regular election the following municipal offices for the City of Muscle Shoals, Alabama shall be filled at the regular election held in 2012:

Mayor

- Council Member Place Number One (1)
- Council Member Place Number Two (2)
- Council Member Place Number Three (3)
- Council Member Place Number Four (4)
- Council Member Place Number Five (5)

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that all persons qualifying as a candidate for the regular election to be held by the City of Muscle Shoals, Alabama in 2012 shall, in the announcement of his or her candidacy, shall designate the number of the office for which he or she is a candidate;

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that all of said positions and offices herein above named are to be elected at-large by the registered and qualified electors of the City of Muscle Shoals, Alabama;

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

Council Member Pampinto moved for immediate consideration of the ordinance. Council Member Grissom seconded the motion 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 ordinance 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 that the Ordinance had been approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance to establish five council places elected at large for cities with populations in excess of 12,000 for the 2012 election.

Council Member Grissom introduced the following ordinance in writing which was read at length and moved for its immediate consideration:

ORDINANCE NO. 1442 - 12

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE 2012 MUNICIPAL ELECTIONS

WHEREAS, Section 11-43-40, Code of Alabama, 1975 as amended, provides that in cities having a population of 12,000 or more, may by ordinance, if duly passed, provide that a council consisting of five (5) members may be elected from the city at large; and

WHEREAS, the City of Muscle Shoals, Alabama, has a population of 12,000 or more, according to the 2010 federal decennial census;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama that the city council of the City of Muscle Shoals, Alabama shall consist of five (5) members to be elected from the city at large.

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

Council Member Grissom moved for immediate consideration of the ordinance. Council Member Noles seconded the motion 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, 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 that the Ordinance had been approved.

Mayor Bradford announced his appointment of Melvon Ingram II to the Planning and Zoning Commission for a six year term expiring in December, 2017.

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