

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

April 23, 2012

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:25 p.m. on the 23rd day of April, 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.

At this time Mayor Bradford read aloud a proclamation declaring the week of May 13th - 19th as “Women’s Health Week in the City. Bonita McKay was present to receive the proclamation.

At this time Mayor Bradford read aloud a proclamation declaring the week of April, 2012 as “Earth Month” in the City. Susann Hamlin was present to receive the proclamation.

At this time Mayor Bradford read aloud a proclamation declaring the week of April, 2012 as “Volunteer Appreciation Month” in the City. Britania Butler and Johnny Wagnon were present to receive the proclamation.

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 April 2, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was comments of the public. Mr. Carl Overton was recognized and addressed the Council.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve the widening of Wilson Dam Road by the Alabama Department of Transportation under Project #STPAAF-8829 (003).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2543 - 12

WHEREAS, the City of Muscle Shoals, (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made to SR-133 (Wilson Dam Road) from North of Norfolk Southern Railroad to 700 Feet South of Avalon Avenue in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No.(s) STPAAF-8829(003), from Station 116+00.00 to Station 216+50.00 for a total distance of 1.903 miles.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said projects until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of the City of Muscle Shoals, that the plans of said projects including alignment, profile, grades, typical sections and paving layouts as submitted to this Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said projects as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said projects in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said projects and intersecting streets for as long as necessary while the said projects are being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not

at any time be permitted. The City shall indemnify and hold harmless the State, the Department, its officers, officials, servants, agents, representatives, and employees in both their individual and official capacities from all suits, actions, or claims for damage done to existing private property, public utilities, or the traveling public due to acts, or omissions, committed on behalf of the agency, its officers, officials, servants, agents, representatives, or employees. By entering into this agreement, the City is not an agent of the State, its officers, employees, agents, or assigns. The City is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.

The Council hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

Temporarily detour traffic both along parallel and intersecting streets.
Temporarily close intersecting streets during construction.

BE IT FURTHER RESOLVED by the City, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said projects, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned projects the City will not now or in the future permit encroachments upon the right-of-way; and will assist ALDOT in removal of the same. Nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossovers, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation and of the Federal Highway Administration, prior to installation and the County further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City of Muscle Shoals.

2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

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 consideration of a resolution to approve the dissolution of Cypress Lakes Golf and Country Club Inc.

Council Member Grissom introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2544 - 12

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received delivery of a stock power conveying all of the outstanding stock of Cypress Lakes Golf and Country Club, Inc. unto the City of Muscle Shoals, Alabama through a gift of all of the outstanding stock of said company by the owner, Neil Whitesell; and

WHEREAS, the City Council seeks to dissolve said corporation and pursuant to law acquire all of the physical assets, both real property and personal property, of the said corporation, subject only to the recurring obligations of the corporation as set out in the Gift Agreement which the City has undertaken to acknowledge and be responsible for; and

WHEREAS, the Council, has reviewed the contents of the Certificate of Dissolution and all related documents and upon consideration of same determines that it is wise and expedient that the City take the appropriate action to dissolve said corporation; and

BE IT HEREBY RESOLVED by the Council, for and on behalf of the City of Muscle Shoals, Alabama as sole stockholder of all of the outstanding and issued stock of Cypress Lakes Golf & Country, Club, Inc, does hereby consent to the dissolution of said corporation.

BE IT FURTHER 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 take all necessary and appropriate actions to dissolve Cypress Lakes Golf & Country Club, Inc., a corporation, and further to cause all of the physical assets, both real property and personal property, to be transferred to the City of Muscle Shoals, Alabama.

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 dissolution of the corporation that may be meet and proper and that pending the dissolution and subsequent thereto that he shall be authorized to do all things necessary to see to the winding up and liquidation and completion of its business affairs down of said corporation and further to convey all assets of the said corporation unto the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and 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, 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 resolution 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 Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to request the Colbert 911 Board to utilize Shoals Ambulance Service as the primary provider of ambulance services within the City of Muscle Shoals.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2545 - 12

WHEREAS, on April 19, 2012, the Colbert County E-911 Board voted to continue solely using Keller EMS as the primary ambulance service provider for Colbert County, including within the city limits of Muscle Shoals; and

WHEREAS, Shoals Hospital has entered into a partnership with Shoals Ambulance Service, a licensed ambulance service, which is headquartered at Shoals Hospital within the City of Muscle Shoals, to better serve the citizens of Muscle Shoals; and

WHEREAS, in the past, Muscle Shoals has requested the Colbert County E-911 Board to utilize certain primary and secondary ambulance service providers; and

WHEREAS, a municipality may by Resolution request from an E-911 district that ambulance services be provided by a particular provider within the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that David H. Bradford, Mayor of the City, forward a letter, along with a copy of this Resolution, to the Colbert County E-911 Board, to utilize Shoals Ambulance Service as the primary provider of ambulance services within the city limits of Muscle Shoals, Alabama.

Council Member Willis 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 Noles then moved that the said resolution be finally adopted, which motion was seconded by Council Member Willis 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 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.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2546 - 12

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 and are eligible for appointment to fill the pending vacancy:

Nathan Johnson	Donald Pendergrass	Terri Snipes
Clayton Wood		

WHEREAS, Terri Snipes 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: Terri Snipes
Council Member Willis: Terri Snipes
Council Member Grissom: Terri Snipes
Council Member Holland: Terri Snipes
Council Member Noles: Terri Snipes
Mayor Bradford: Terri Snipes

WHEREAS, Mayor Bradford announced that Terri Snipes had received a majority of the votes cast, 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>
Terri Snipes	Board of Education	June 2017

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.

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