

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 20, 2010**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:05 p.m. on the 20th day of September, 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 September 7, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a request from the police chief for a \$500.00 travel advance for the Police Tactical Operations Team.

Council Member Pampinto moved that the travel advance be approved. 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 travel advance had been approved.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (Package) to Much More Petroleum Inc. Inc. dba Greenlife Package Store, 1300B Woodward Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 18th day of October, 2010, 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 amend chapter 10 of the Civil Service Policies and Procedures.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2455 - 10

WHEREAS, the following amendments to the Muscle Shoals Civil Service Board Personnel Policies and Procedures were proposed and noted that said proposed amendments shall be considered at a regular meeting of the City Council of the City of Muscle Shoals, Alabama subsequent to the expiration of thirty days from the initial posting, and

WHEREAS, the Council of the City of Muscle Shoals, Alabama has determined that the proposed amendments to the Muscle Shoals Civil Service Board Personnel Policies and Procedures are suitable and in the best interests of the City; now

THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that the Muscle Shoals Civil Service Board Personnel Policies and Procedures be amended so that Section 10.3.2 Scheduled Holidays shall read in its entirety as follows:

10.3.2. Scheduled Holidays. The following holidays have been approved by the city council to be observed as paid holidays:

- (1) New Year's Day
- (2) Martin Luther King Day
- (3) Memorial Day (May)
- (4) Independence Day
- (5) Labor Day
- (6) Veteran's Day
- (7) Thanksgiving Day
- (8) Following Friday after Thanksgiving
- (9) Christmas Eve
- (10) Christmas Day

When an approved holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When an approved holiday falls on a Sunday, the following Monday will be observed as the holiday.

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that the Muscle Shoals Civil Service Board Personnel Policies and Procedures be amended so that Section 10.3.3 Qualification for Holiday Pay shall read in its entirety as follows:

10.3.3. Qualification for Holiday Pay. An eligible employee will receive holiday pay for all official holidays. If an employee is required to work on an official holiday, the department head will attempt to provide comparable time off on another day that is agreeable to the employee. If the department head cannot give the employee comparable time off, the employee will be paid for the hours he worked in addition to his regular holiday pay. However, Public Safety employees will not be compensated for the holiday designated as “Martin Luther King Day” or the “Friday after Thanksgiving”. They shall receive an alternate day off. No employee is eligible for more than eight (8) hours of holiday pay for each paid holiday. If an employee is not required to work on the holiday, he will receive only holiday pay for the holiday.

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that the Muscle Shoals Civil Service Board Personnel Policies and Procedures be amended so that Section 10.4.3 Administrative Leave shall read in its entirety as follows:

10.4.3. Administrative Leave. Covered employees may be granted administrative leave with pay in accordance with the following guidelines, provided the absence is on a regularly scheduled workday for the employees. The number of hours of leave granted for each approved day of leave will not exceed eight (8) hours, (one (1) day for employees who are regularly assigned 24 hours shifts). Administrative leave will not be charged against the vacation or sick leave of an employee. The following types of administrative leave are provided by the city.

10.4.3.1 Civil/Legal. Leave will be granted eligible employees for jury duty and voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. Employees shall be required to report back to work if dismissed from jury duty during normally scheduled work time. Attendance in court by an employee who is acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or city policy that requires any fees provided an employee who is attending court in an official capacity to be turned into the city will be observed. In other situations, any fees paid an employee will be retained by the employee in addition to his administrative leave pay.

10.4.3.2 Bereavement. Leave will be granted a covered employee who has a death in his immediate family (spouse, parents, step-parents, grandparents, children, grandchildren, brothers, step-brothers, sisters, step-sisters and the equivalent relations of the employee's spouse). Included within the definition of immediate family are those persons who live with the family as a member of the family whether related or not and the employee's spouse. Bereavement leave will not exceed three (3) consecutive, regularly scheduled work days in length, (one (1) day for employees who are regularly assigned 24 hour shifts). Each day of bereavement leave shall be limited to eight (8) hours of compensation. If additional time is required, an employee may request vacation leave or leave without pay.

10.4.3.3 Hazardous Weather. When considered necessary for the safety of covered employees, the mayor may authorize the closure of city offices and activities and/or a late arrival or early departure time for hazardous weather conditions. Such time will be reported on attendance reports as administrative leave hazardous weather. When a hazardous weather

situation occurs, any employee may be required to work if his presence is required to perform essential operations. Emergency closing and/or late arrival times will be approved by the mayor and will normally be broadcast over the local radio station. However, it is the responsibility of each employee to contact his supervisor, if he is uncertain as to the situation. If the mayor does not declare a hazardous weather condition and authorize a late arrival time, an employee is expected to make a good faith effort to get to work during inclement weather conditions. An employee who is unable to get to work under such conditions is expected to notify his supervisor. Such employee will be placed on vacation leave or leave without pay, at the discretion of the employee. If the employee is placed on leave without pay, he may be authorized by his department head to make up the missed time so long as feasible work is available and the time can be made up in the same workweek.

BE IT FURTHER RESOLVED that the foregoing amendments shall become effective immediately upon approval and adoption by the City Council.

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 declare certain property surplus and authorize its sale.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2456 - 10

WHEREAS, the City Council has been informed by the Procurement Agent that a 1989 Ford Aerostar Van is no longer used in the performance of city business and is no longer required for use by the City; and

WHEREAS, the City Council is informed that the said item of property has been replaced and is no longer in service in the performance of city business; and

WHEREAS, the City Council has determined that the said item of property is surplus property and the City has no further use for said item of property due to its age and condition and it is not economical for the City to retool or refit the said item of property in order that it be able to be placed in service in the performance of city business; now

THEREFORE, BE IT RESOLVED the City Council of the City of Muscle Shoals, Alabama does hereby determine that the following item of property be declared surplus property and be disposed of by the Procurement Agent of the City by listing for sale said item on the GovDeals website, and in the event of an unsuccessful sale, in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said item of property; and the Council does hereby authorize the Procurement Agent of the City to dispose of said item of property in such manner, and

The Council states that the following item of property is surplus property:

1989 Ford Aerostar Van VIN 1FMDA31U5KZB96142

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 set the City Council meeting dates for 2010 -2011.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2457 - 10

WHEREAS, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

WHEREAS, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

WHEREAS, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2010 and ending on September 30, 2011 as noted on Exhibit "A" of this resolution, and

BE IT FURTHER RESOLVED that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

BE IT FURTHER RESOLVED that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

BE IT FURTHER RESOLVED that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

BE IT FURTHER RESOLVED that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

EXHIBIT “A”
Schedule of Regular Meetings/Work Sessions
Muscle Shoals City Council

Monday, October 4, 2010
Monday, October 18, 2010
Monday, November 1, 2010
Monday, November 15, 2010
Monday, December 6, 2010
Monday, December 20, 2010
Monday, January 3, 2011
Tuesday, January 18, 2011 (Conflict with Martin Luther King Federal Holiday)
Monday, February 7, 2011
Monday, February 21, 2011
Monday, March 7, 2011
Monday, March 21, 2011
Monday, April 4, 2011
Monday, April 18, 2011
Monday, May 9, 2011 (Conflict with AL League - Huntsville 4/30 - 5/3)
Monday, May 16, 2011
Monday, June 6, 2011
Monday, June 20, 2011
Tuesday, July 5, 2011 (July 4th holiday)
Monday, July 18, 2011
Monday, August 1, 2011
Monday, August 15, 2011
Tuesday, September 6, 2011 (Conflict with Labor Day Holiday)
Monday, September 19, 2011

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