

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 2, 2006**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 2<sup>nd</sup> day of October 2006 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

Richard Williams, City Clerk of the City, 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.

Mayor Bradford presented a proclamation setting October 1 -7 , 2006 as “Mental Illness Awareness Week” in the City.

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 work session and regular meeting of September 18, 2006 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award and reject bids for the purchase of various types of drainage pipe for fiscal year 2006-2007.

Council Member Pampinto introduced the following resolution which was presented in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2236-06**

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

[1] That advertisements for bids for the purchase of concrete pipe, aluminized metal corrugated pipe, aluminized metal corrugated pipe with a smooth interior, and polyethylene corrugated with a smooth interior pipe for the fiscal year beginning October 1, 2006 were distributed, the bid opening set for the 26th day of September, 2006, 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 with the basis of award being the percentage discount off the published price list submitted by the city to bidders:

**CONCRETE PIPE**

<u>BIDDER:</u>	<u>% DISCOUNT:</u>
Set-a-Steps	Zero (0)
Harvey Culvert Company	Zero (0)

**ALUMINIZED METAL CORRUGATED PIPE:**

<u>BIDDER:</u>	<u>% DISCOUNT:</u>
Contech Construction Products, Inc.	35
Hanson Pipe and Products	20
Harvey Culvert Company	31
Cole Industrial	30

**ALUMINIZED METAL CORRUGATED WITH SMOOTH INTERIOR PIPE:**

<u>BIDDER:</u>	<u>% DISCOUNT:</u>
Contech Construction Products, Inc.	45.7
Harvey Culvert Company	40
Cole Industrial	30

**POLYETHYLENE PIPE:**

<u>BIDDER:</u>	<u>EACH LINE ITEM:</u>
Eagle Wholesale	Price List Attached
Harvey Culvert Company	Price List Attached

[3] After verifying the bids with the specifications it has been determined that the best, responsive, responsible bidder submitting a bid for aluminized metal corrugated pipe is Contech Construction Products, Inc. offering a 35% discount.; and the best, responsive, responsible bidder submitting a bid for aluminized metal corrugated with smooth interior pipe is Contech Construction Products, Inc. offering a 45.7% discount. The bid is hereby awarded to Contech Construction Products, Inc. for aluminized metal corrugated pipe and for aluminized metal corrugated with smooth interior pipe.

All bids for the purchase of concrete pipe are hereby rejected due to cost vs. volume of use by the City. Further, all bids for the purchase of smooth interior corrugated polyethylene pipe are hereby rejected due to unstable pricing at present.

**ATTACHMENT "A" - RESOLUTION NO. 2236-06**  
**PRICE TABULATION- City of Muscle Shoals**  
**SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE**

ITEM	Eagle \$	Harvey \$	ITEM	Eagle \$	Harvey \$	ITEM:	Eagle \$	Harvey \$
12" Pipe / per foot	4.47	5.42	24" Pipe / per foot	13.71	15.39	42" Pipe / Per foot	32.26	41.00
12" - 45° Bend / each	42.27	47.43	24" - 45° Bend / each	120.77	178.04	42" - 45° Bend / each	566.67	543.90
12" - 90° Bend / each	42.27	54.28	24" - 90° Bend / each	120.77	209.46	42" - 90° Bend / each	566.67	760.99
12" - T pipe / each	54.35	80.25	24" - T Pipe / each	270.30	260.16	42" - T Pipe / each	910.50	922.50
12" Coupling / each	7.79	6.07	24" - Coupling / each	21.10	24.29	42" - Coupling / each	106.70	107.71
15" Pipe / per foot	6.51	6.98	30" Pipe / per foot	19.06	24.00	48" - Pipe / per foot	42.10	49.00
15" - 45° Bend / each	60.39	65.43	30" - 45° Bend / each	150.97	277.26	48" - 45° Bend / each	949.37	696.92
15" - 90° Bend / each	60.39	75.51	30" - 90° Bend / each	150.97	433.51	48" - 90° Bend / each	949.37	916.43
15" - T Pipe /each	108.70	119.95	30" - T Pipe / each	543.47	525.00	48" - T Pipe / each	1097.00	1085.63
15" Coupling / each	8.85	10.11	30" - Coupling / each	48.31	56.47	48" - Coupling / each	127.91	135.00
18" Pipe / per foot	8.04	9.79	36" Pipe / per foot	24.77	29.29	60" - Pipe / per foot	74.08	84.00
18" - 45° Bend / each	87.56	87.18	36" - 45° Bend / each	241.54	424.68	60" - 45° Bend / each	989.47	1057.50
18" - 90° Bend / each	87.56	105.93	36" - 90° Bend / each	241.54	577.60	60" - 90° Bend / each	1490.92	1593.00
18" - T Pipe / each	144.93	168.28	36" - T Pipe/each	664.70	706.25	60" - T Pipe / each	2147.36	2295.00
18" Coupling / each	13.36	17.22	36" Coupling / each	97.69	78.57	60" - Coupling / each	176.84	213.38

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 award a bid for the purchase of asphalt for the North American Lighting project.

Council Member Willis introduced the following resolution which was presented in the meeting:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2237-06**

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

[1] That advertisements for bids for the purchase of bituminous concrete wearing surface and bituminous concrete upper binder were distributed, the bid opening set for the 27th day of September, 2006, 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:

<b>Description:</b>	<b>BIDDERS:</b>	
	<b>APAC Southeast, Inc.</b>	<b><u>Rogers Group</u></b>
1. 424A Superpave bituminous concrete wearing surface layer, 1/2" maximum aggregate size mix, Esal range A/B	\$46.00 / ton	\$38.50 / ton
2. 424B Superpave bituminous concrete upper Binder layer, 1" maximum aggregate Size mix, esal range A/B	\$41.00 / ton	\$31.50 / ton

[3] The lowest responsible and responsive bidders, after verifying the bids with the specifications, has been determined as being Rogers Group for Item #1, and for Item #2.

The apparent low and best bidder, Rogers Group, is now awarded the bid for the items listed above.

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 the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Alfredo RojoRojo and Francisco Sombra Rita dba dba El Parian located at 603 Tyler 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 6<sup>th</sup> day of November 2006, 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 the scheduling of a public hearing to consider the appropriation of funds to the Shoals Area Chamber of Commerce.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 16<sup>th</sup> day of October 2006, the Council will conduct a public hearing for purposes of discussion, the receipt of comments and input from the public and to consider a resolution appropriating \$10,000.00 of public monies to the Shoals Area Chamber of Commerce to assist the efforts of the Shoals Area Chamber of Commerce in its purpose of promoting the Shoals Area as a location for residential and business location for the families and support personnel relocating to North Alabama as a results of the decisions to realign and relocate military personnel and supporting companies and employees [BRAC]. Said relocation of the families, companies and employees would provide a positive economic impact in the entire Shoals area and in the City of Muscle Shoals, Alabama, thus providing benefit to the citizenry of Muscle Shoals, Alabama and the surrounding cities and counties.

This proposed appropriation would constitute a grant of public funds for the benefit of the Shoals Area Chamber of Commerce. Notice of this proposed action, is hereby given pursuant to Amendment 772 to the Constitution of Alabama of 1901. 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 appropriation.

Mayor Bradford announced that the next item of business was the appointment of the municipal judge.

Council Member Noles moved that Henry W. (Bill) Marthalar be reappointed to a two year term as municipal judge. 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:

Council Member Pampinto: Abstained

Council Member Willis: Henry W. (Bill) Marthalar

Council Member Grissom: Henry W. (Bill) Marthalar

Council Member Holland: Henry W. (Bill) Marthalar

Council Member Noles: Henry W. (Bill) Marthalar

Mayor Bradford: Henry W. (Bill) Marthalar

Mayor Bradford announced that Henry W. (Bill) Marthalar had received a majority of the votes cast and was reappointed as municipal judge.

Mayor Bradford announced that the next item of business was consideration of an ordinance to amend Section 22-25 of the Code of Ordinances pertaining to the issuance of business licenses.

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

ORDINANCE NO. 1376 - 06

**AN ORDINANCE AMENDING CHAPTER 22 SECTION 22-25 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE ISSUANCE OF BUSINESS LICENSES IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR WITHIN ITS POLICE JURISDICTION**

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

I. Chapter 22 Section 22-25 of the Code of Ordinances of the City of Muscle Shoals, Alabama heretofore adopted, is hereby amended so that the said Chapter 22 Section 22-25 as adopted by Ordinance No. 1268-02 by the City Council of the City of Muscle Shoals, Alabama on April 1, 2002 is hereby amended to read in its entirety as follows:

No license shall be issued for the operation of a retail establishment within the City of Muscle Shoals, Alabama or its police jurisdiction for a person engaged in the furnishing or selling or offering for sale goods, wares or other products unless the operation of such establishment is conducted within a permanent structure with sanitary facilities on and within the structure and with permanent electric power being supplied thereto.

Notwithstanding the foregoing, the operation of a retail establishment that solely consists of the furnishing or selling or offering for sale goods, wares or other products through a self-service vending type machine or facility which operates and dispenses said goods, wares or other products without the assistance of a person or attendant and does not have access by the public to the interior of the facility or the structure containing the said machine or facility shall be exempt from providing sanitary facilities on or within the said facility or structure.

Notwithstanding the foregoing, a permit shall be required and may be issued by the License Inspector to conduct a retail operation on a temporary basis and shall be available only to a charitable, religious or educational institution as approved by the License Inspector. The License Inspector shall have full and final discretion as to the issuance or not of a permit for the conduct of a retail operation on a temporary basis.

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

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Council Member Grissom moved for unanimous consent for immediate consideration of the ordinance. Council Member Holland 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 approved, which motion was seconded by Council Member Holland 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 was approved.

There being no further business to come before the meeting, upon the motion duly made and approved the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK