

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 20, 2008**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 20th day of October 2008 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, Council Member 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
ALLEN NOLES

ABSENT: JAMES HOLLAND, DAVID H. BRADFORD

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

Allen Noles, Council Member 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 Pampinto, seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 6, 2008 and approved the minutes as written.

Council Member Noles announced that the next item of business was a resolution authorizing the award of bids for asphalt and various types of pipe.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NO. 2354-08

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 asphalt, polyethylene corrugated with a smooth interior pipe, aluminized metal corrugated pipe with smooth interior, aluminized metal

corrugated pipe, and concrete pipe for the fiscal year beginning October 1, 2008 and ending September 30, 2009, were distributed.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

DESCRIPTION:	ASPHALT				
NAME OF BIDDER	429-A (3/8") PRICE PER TON	429-A (1/2") PRICE PER TON	429-A (3/4") PRICE PER TON		429-B (1") PRICE PER TON
APAC	\$67.33	\$64.56	\$55.48		\$53.68
ROGERS GROUP	\$88.00	\$71.00	\$69.00		\$55.50

DESCRIPTION	SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE			
SIZE OF PIPE	CONSTRUCTION MATERIALS PRICE PER FT	EAGLE WHOLESALE PRICE PER FT	HARVEY CULVERTS PRICE PER FT	J & G CULVERTS PRICE PER FT
			<i>EXCEPTION TO BID</i>	<i>EXCEPTION TO BID</i>
12"	\$ 5.50	\$ 5.04	\$ 5.07	\$ 4.75
15"	\$ 7.41	\$ 6.79	\$ 6.82	\$ 6.35
18"	\$10.39	\$ 9.52	\$9.57	\$ 7.75
24"	\$16.28	\$14.92	\$14.98	\$13.43
30"	\$25.65	\$23.51	\$23.62	\$18.71
36"	\$31.18	\$28.57	\$28.71	\$23.28
42"	\$44.08	\$40.41	\$40.59	\$33.76
48"	\$53.12	\$48.69	\$48.91	\$44.00
60"	\$93.22	\$85.45	\$85.41	\$85.00

* Harvey Culvert offered no delivery date making his bid non-responsive. J & G Culverts offered no delivery date, and took exception to the bell end of the pipe being compatible with plain end pipe, making the bid non-responsive.

DESCRIPTION:	ALUMINIZED CORRUGATED METAL PIPEwith SMOOTH INTERIOR	
NAME OF BIDDER:	PERCENTAGE DISCOUNT OFF PRICE LIST	
1. Hanson Pipe & Precast	50.1 % Discount	

DESCRIPTION:	ALUMINIZED CORRUGATED METAL PIPE	
NAME OF BIDDER:	PERCENTAGE DISCOUNT OFF PRICE LIST	
1. Hanson Pipe & Precast	32.0 % Discount	

DESCRIPTION:	CONCRETE PIPE		
SIZE OF PIPE		HARVEY CULVERT PRICE PER FT	SET-A-STEPS PRICE PER FT
12"		\$ 9.58	\$11.52
15"		\$11.60	\$14.92
18"		\$14.75	\$18.02
24"		\$22.66	\$27.41
30"		\$30.71	\$39.61
36"		\$39.60	\$51.62

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for asphalt is APAC; the lowest, responsive, responsible bidder for polyethylene corrugated with smooth interior pipe has been determined as Eagle Wholesale; the best, responsive and responsible bidder for aluminized metal corrugated pipe with a smooth interior is Hanson Pipe and Precast offering a 50.1% discount off the provided price list; and the best, responsive, responsible bidder submitting a bid for aluminized metal corrugated pipe is Hanson Pipe and Precast offering a 32.0% discount off the provided price list; and the lowest, responsive and responsible bidder for concrete pipe has been determined as Harvey Culvert.

[4] The above bids have been awarded to the lowest, responsive and responsible bidders as detailed.

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Council Member Noles announced that the Resolution had been approved.

Council Member Noles announced that the next item of business was consideration of a resolution appointing a member to the Shoals Economic Development Authority Board.

Council Member Noles called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: James McCarty

Council Member Willis: James McCarty

Council Member Grissom: James McCarty

Council Member Noles: James McCarty

Council Member Grissom introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2355 - 08

WHEREAS, a vacancy on the Shoals Economic Development Authority Board has occurred and the City Council being desirous of making the necessary appointment to said board;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for a member 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:

James A. McCarty

WHEREAS, James A. McCarty was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: James A. McCarty

Council Member Willis: James A. McCarty

Council Member Grissom: James A. McCarty

Council Member Noles: James A. McCarty

WHEREAS, Council Member Noles announced that James A. McCarty 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>
James A. McCarty	SEDA Board	September 2011

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 Pampinto seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Council Member Noles announced that the Resolution had been approved.

Council Member Noles announced that the next item of business was consideration of a resolution appointing a member to the Muscle Shoals Utilities Board.

Council Member Noles called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: William Smith

Council Member Willis: William Smith

Council Member Grissom: William Smith

Council Member Noles: William Smith

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2356 - 08

WHEREAS, vacancy on the Muscle Shoals Utilities Board has occurred and the City Council being desirous of making the necessary appointment to said board;

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, are eligible for appointment to fill the pending vacancy:

Donna Ricks William M. Smith

WHEREAS, William M. Smith 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: William M. Smith
Council Member Willis: William M. Smith
Council Member Grissom: William M. Smith
Council Member Noles: William M. Smith

WHEREAS, Council Member Noles announced that William M. Smith 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>
William M. Smith	Utilities Board	July 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.

Council Member Noles announced that the Resolution had been approved.

Council Member Noles announced that the next item of business was consideration of ordinance to amend the speed zone ordinance of the City.

Council Member Willis thereupon introduced the following ordinance in writing in the meeting:

ORDINANCE NUMBER 1410 - 08

AN ORDINANCE AMENDING ORDINANCE NUMBER 1142-94 AND ORDINANCE NUMBER 1254-01 AND ORDINANCE 1301-03 AND ORDINANCE 1398-07 AND ORDINANCE 1404-08 FIXING AND ESTABLISHING SPEED LIMITS AND PARKING REGULATIONS IN THE CITY OF MUSCLE SHOALS, ALABAMA AND ITS POLICE JURISDICTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:

Ordinance 1142-94 and Ordinance Number 1254-01 and Ordinance 1301-03 and Ordinance 1398-07 and Ordinance 1404-08 are hereby amended so that the ordinance shall read in its entirety as follows:

Section 1. No person shall operate a motor vehicle at greater speed than 55 miles per hour in the following listed zones of the City:
On Alabama Highway No. 133 from a point north of Alabama Highway 184 (2nd Street) beginning at MP 4.500 and extending northward to its intersection with the north city limits (MP 5.610), a distance of 1.11 miles.

Section 2. No person shall operate a motor vehicle at greater speed than 45 miles per hour in the following listed zones of the City:

On Alabama Highway No. 133 from a point at its intersection with the south city limits (MP 1.23), thence northward to its intersection with a point on Alabama Highway 133 north of Alabama Highway 184 (2nd Street) at MP 4.500, a distance of 3.33 miles.

On River Road (County Road No. 40) from a point at its intersection with Alabama Highway No. 133, thence easterly to the east city limits (Ford Road), a distance of 1.90 mile.

On U.S. Highway Nos. 43 and 72, Alabama Highway Nos. 2, 13, 17, 20 and 157, also known as Woodward Avenue, from a point at its intersection with the south city limits (Fairground Road, MP 27.00), thence northward to a point at its intersection with Alabama Highway No. 184 (Second Street, MP 29.59), a distance of 2.59 miles.

On 6th Street from a point at the west city limits, thence easterly to a point at its intersection with U.S. 43/72 (Woodward Avenue), a distance of 0.60 mile.

On County Road No. 24, also known as Tuscumbia Road, from a point at its intersection with Woodward Avenue, thence easterly to a point at its intersection with the east city limits, a distance of 3.00 miles.

On Avalon Avenue from a point at the west city limits (Cox Blvd.), thence easterly to a point at the east city limits, a distance of 3.26 miles.

On Alabama Highway No. 184, (Second Street) from a point at its intersection with Woodward Avenue (MP 3.00), thence easterly to a point at the east city limits, a distance of 3.00 miles.

On Second Street at a point at the west city limits, thence easterly to a point at its intersection with U.S. 43/72 (Woodward Avenue), a distance of 0.60 mile.

On Webster Avenue from a point at its intersection with Avalon Ave., thence northerly to its intersection with Alabama Highway No. 184, a distance of 1.00 mile.

Section 3. No person shall operate a motor vehicle at a greater speed than 35 miles per hour in the following listed zones of the City:

On Elledge Lane at a point at the south city limits, thence northerly to a point at its intersection with Sixth Street, a distance of .50 mile.

On Harding Avenue at a point at its intersection with Trojan Drive thence Southerly to its intersection with Sixth Street.

On Harding Avenue at a point at its intersection with Trojan Drive thence Northerly to its intersection with Avalon Avenue, with the exception that during the hours of 7 a.m. unto 8:30 a.m. and 2:30 p.m. unto 3:30 p.m. on Mondays through Fridays during the school year, the said area shall be designated as a school zone and during such times, no person shall operate a motor vehicle at a speed greater than 25 miles per hour.

Section 4. No person shall operate a motor vehicle at a greater speed than 15 miles per hour in the following listed zones of the city:

On Gattman Park Drive from a point at its intersection with Gusmus Avenue thence westerly to the end of Gattman Park Drive, a distance of 0.03 mile.

On Oak Hill Drive from a point at its intersection with Dearborn Avenue thence southerly to a point at its intersection with Gattman Park Drive, a distance of 0.018 mile.

On Lewis Street from a point at its intersection with Midland Avenue then northerly to a point at its intersection with Second Street, a distance of 0.47 mile.

On Moss Avenue from a point at its intersection with Harding Avenue thence westerly to a point at its intersection with Gusmus Avenue, a distance of 0.22 mile.

- Section 5. No person shall operate a motor vehicle at a greater speed than 25 miles per hour on any street or alley not specifically mentioned or set out herein.
- Section 6. Speed limits as described above shall apply so long as the city limits remain as they are this date. In the event they are extended this ordinance shall be revised to properly cover the new territory.
- Section 7. No person shall park a motor vehicle in any designated area when said prohibited area is properly marked with yellow paint and/or signed.
- Section 8. In addition to all other provision of law relating to speed and operation of motor vehicles in said City, there is hereby adopted by the City of Muscle Shoals, Alabama, all laws of the State of Alabama and all rules and regulations of the Alabama Department of Transportation pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the State laws and a violation of such laws, rules, and regulations in the City of Muscle Shoals, or in the police jurisdiction thereof shall be violations of this ordinance.
- Section 9. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$100.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the City for a period not exceeding twenty days, or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine or not more than \$100.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the City for a period not exceeding six months, or by both fine and imprisonment.
- Section 10. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 11. Each section and provision of this ordinance is independent of and separate from the others, and the invalidity of any section or provision shall not affect the other sections and provisions.
- Section 12. The Ordinance, and its provisions, shall become effective, after due publication or posting pursuant to law or as otherwise provided for by law.
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Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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 Noles

NAYS: None

Council Member Noles announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Willis 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 Noles

NAYS: None

Council Member Noles thereupon declared said motion carried and the Ordinance was adopted.

Council Member Noles announced that the next item of business was consideration of a resolution requesting the Probate Judge conduct an election for the resident of Leighigh Acres subdivision. The required number of property owners have petitioned the City Council for annexation of the subdivision.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2357 - 08

WHEREAS, a petition by a majority of the owners of property in Leighigh Acres, a subdivision in Colbert County, Alabama has been presented to the Clerk requested that the property be annexed into the City of Muscle Shoals, Alabama; and

WHEREAS, the Council has reviewed the petitions and signatures as well as the property sought to annexed into the City of Muscle Shoals, Alabama; and

WHEREAS, the Council has determined that the public health or public good requires the property comprising Leighigh Acres, as hereinafter described, be brought within the corporate limits of the City of Muscle Shoals, Alabama;

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

1. The public health or public good requires that the following described property be brought within the corporate limits of the City of Muscle Shoals, Alabama, said territory being described as follows, to wit:

Leighigh Acres Subdivision, a subdivision in Colbert County, Alabama according to the map and plat thereof filed for record in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 5 at Page 20, being Lots 1 through 90, both inclusive.

The metes and bounds description of the subject property is as follows, to wit: A tract of land in the NE 1/4 of Section 19, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit:

Commence at the NE corner of the NW 1/4 of the NE 1/4 of said Section 19; thence run S 0 degrees 07 minutes W 40 feet to a point on the South line of Highway 20, for the point of beginning; thence run S 0 degrees 07 minutes W 2524.79 feet to a point on the North line of Highway 157; thence run N 66 degrees 05 minutes W 1442.62 feet to a point; thence run N 0 degrees 07 minutes E 1975.84 feet to a point; thence run S 88 degrees 27 minutes E 1320.00 feet to the point of beginning.

2. That a copy of map of said territory is attached hereto as Exhibit A.

3. That the Mayor, David H. Bradford, Mayor of the City shall certify a copy of this Resolution and present a copy of same to the Probate Judge of Colbert County, Alabama.

4. This Resolution is adopted pursuant and under the authority of Section 11-42-2 of the *Code of Alabama, 1975*.

Council Member Pampinto seconded the motion 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 Noles

NAYS: None

Council Member Noles thereupon declared said motion carried and the Resolution was adopted.

Council Member Noles announced that the next item of business was consideration of a resolution appointing two members to the Recreation Board.

Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, which motion was seconded by Council Member Willis 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 Noles

NAYS: None

Council Member Noles announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved.

Council Member Noles called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Joe Beaver, T. G. Tommy Thornton
Council Member Willis: Joe Beaver, T. G. Tommy Thornton
Council Member Grissom: Joe Beaver, T. G. Tommy Thornton
Council Member Noles: Joe Beaver, T. G. Tommy Thornton

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2358 - 08

WHEREAS, the term of certain members of the Recreation Board of the City of Muscle Shoals have expired and the City Council being desirous of making the necessary appointments to said board within the City;

WHEREAS, notice was given to the public of said pending vacancies and applications solicited for members to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Joe Beaver T. G. (Tommy) Thornton

WHEREAS, each of the above named individuals were determined to be the sole applicants for the two vacancies on the Recreation Board, and

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

Council Member Pampinto: Joe Beaver, T. G. (Tommy) Thornton
Council Member Willis: Joe Beaver, T. G. (Tommy) Thornton
Council Member Grissom: Joe Beaver, T. G. (Tommy) Thornton
Council Member Noles: Joe Beaver, T. G. (Tommy) Thornton

WHEREAS, Council Member Noles announced that Joe Beaver and T. G. (Tommy) Thornton 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>
Joe Beaver	Recreation Board Place 2	November 2013
T. G. (Tommy) Thornton	Recreation Board Place 5	November 2013

The Clerk is hereby directed to notify the above named persons 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.

Council Member Noles 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