

**MINUTES OF THE ORGANIZATIONAL SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA HELD
NOVEMBER 3, 2008**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 o'clock p.m. on the 3rd day of November 2008, being the first Monday in October as provided by law, in organizational session. The meeting was called to order by David H. Bradford, Mayor of the City. On roll call the following were found to be present or absent, as indicated:

PRESENT:

David Bradford, Mayor; Joe Pampinto, Council Member Place No. 1; Neal Willis, Council Member Place No. 2; Jerry Knight Grissom, Council Member Place No. 3; James Holland, Council Member Place No. 4; and Allen Noles, Council Member Place No. 5

ABSENT:

None

The invocation was given by William Bonee, Pastor of First Church of the Nazarene. District Court Judge George Carpenter administered the oaths of office to the Mayor and the Members of the Council.

After the oaths were taken, Mayor David Bradford took the chair and presided over the meeting. The Mayor stated that a quorum was present and that the meeting was convened for the purposes of transaction of the business of organization of the Council.

The Mayor stated that the next order of business was the election of a Chairman pro tempore and that the matter before the Council was the nomination of Members for the position of Chairman pro tempore.

The following nominations for Chairman pro tempore were made and had:

Council Member Joe Pampinto nominated James Holland.

Upon motion duly made, seconded and unanimously carried, the nominations for Chairman pro tempore were closed. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

DAVID BRADFORD, MAYOR, votes for James Holland

JOE PAMPINTO, Member, votes for James Holland

NEAL WILLIS, Member, votes for James Holland

JERRY KNIGHT GRISSOM, Member, votes for James Holland

JAMES HOLLAND, Member, votes for James Holland

ALLEN NOLES, Member, votes for James Holland

After tabulation of the vote, Mayor Bradford announced the vote and declared James Holland as Chairman pro tempore of the Council.

Mayor Bradford stated that the next item of business was consideration of the ordinance setting the rules of procedure for meetings of the Council.

Council Member Grissom introduced the following Ordinance in writing, which was presented to the meeting:

ORDINANCE NUMBER 1411 - 08

AN ORDINANCE APPROVING THE RULES OF PROCEDURE FOR MEETINGS OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA FOR THE TERM COMMENCING NOVEMBER 3, 2008

The Council of Muscle Shoals, Alabama being elected and meeting pursuant to law in organizational session on the first Monday of November 2008 and for the purposes of setting forth the rules of procedure and operation of the Council of Muscle Shoals, Alabama desires to enact certain rules of procedure and operation:

BE IT ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that Ordinance Number 1339-04, and the provisions thereof, is hereby repealed and of no further force and effect.

BE IT FURTHER ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that the order and rules of procedure in all instances for meetings of the Council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the Council of Muscle Shoals, Alabama.

Section 2. Regular meetings of the Council shall be held on the following dates: The first and third Monday of each month except on holidays as recognized and/or designated by the Council of Muscle Shoals, Alabama. In lieu of the foregoing, the Council may schedule a regular meeting of the Council at another time by setting the date and time certain at and during any regular or special meeting of the council.

Section 3. Special meetings may be held at the call of the mayor by serving notice to each member of the Council not less than twenty-four hours before the time set for such special meetings, or special meetings may be held as provided by Section 11-43-50 of the Alabama Code of 1975, whenever two Council members request in writing that the presiding officer call such meeting, upon the failure or refusal of the presiding officer to call such meeting when requested, the two Council members making the request shall have the right to call such meeting and notice shall be given to each member of the Council not less than twenty-four hours before the time set for the special meeting.

Section 4. A quorum of the Council shall be determined as provided by Section 11-43-48 of the Alabama Code of 1975. In the event that a lesser number than a quorum shall convene at any regular or special meeting of the Council, they are authorized to send the Chief of Police or some other person for any or all absent members, as the majority of the members present may agree.

Section 5. There shall be a work session of the Council preceding the regular meetings of the Council or at such other time as the Mayor may designate by giving notice to the public by posting the time of said meeting at City Hall at least three (3) hours before the commencement of said work session. The work sessions preceding the regular meetings of the Council shall commence at 5:30 p.m. The regular meetings of the Council shall commence immediately at the

conclusion of the work session but in no instance prior to 6 p.m. All meetings of the Council, regular, special or work sessions, shall be open to the public.

Section 6. The Clerk of the Council shall prepare and furnish copies of the minutes of the previous meeting and shall also prepare and furnish an agenda of the next meeting of the Council to each member of the Council by Friday of the next succeeding meeting of the Council.

Section 7. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Adoption of the minutes
4. Comments of the public
5. Reports of standing committees
6. Reports of special committees.
7. Reports of officers.
8. Hearing on petitions, applications, appeals, communications, etc.
9. Financial reports
10. Resolutions, ordinances, orders and other business.

Section 8. In all roll call votes of the Council, the Clerk shall call the roll of the Council members in order of the place numbers held by each of them [i.e. Place 1, Place 2, Place 3, Place 4 and Place 5 and Mayor] and the Mayor shall be called last.

Section 9. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 10. No person, not a member of the Council, shall be allowed to address the same while in session without unanimous consent of the Council.

Section 11. Persons seeking to address the Council during the meetings of the Council shall be recognized to do so during and pursuant to Item 4 of Section 7 [Comments of the public] of these rules of order and procedure. All persons shall address and speak to the Council from a designated rostrum. Each person so recognized to address the Council shall be allowed a period of five (5) minutes to do so and the Clerk shall keep the time and shall notify the person addressing the Council when one (1) minute of the time remains. All persons obtaining recognition to address the Council shall do so only upon the matters within the purview and jurisdiction of the Council and touching upon matters that are to be acted upon or which may be acted upon by the Council. All general supervisory and executive matters within the mayor's responsibility shall be taken up with the mayor at a time other than during the meetings of the Council.

Section 12. Every officer, whose duty it is to report at the regular meetings of the Council who shall be in default thereof, may be fined at the discretion of the Council.

Section 13. All resolutions and ordinances shall be in writing.

Section 14. Motions to reconsider must be by a member who voted with the prevailing side and at the same or next succeeding regular meeting of the Council. If the latter, such intent to make a motion to reconsider must be filed in writing with the Clerk of the Council by 4 o'clock p.m. on Thursday before the next succeeding regular meeting of the Council. A matter shall be subject to a motion to reconsider one time only.

Section 15. Whenever it shall be requested by one or more members the "yeas" and "nays" shall be recorded; and any member may call for a division on any question.

Section 16. All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the Council by any member. The presiding officer shall refrain from voting on any appeal of a ruling by the presiding officer to the Council.

Section 17. Motions to lay any matter on the table shall be first in order and a motion for adjournment shall always be in order.

Section 18. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present. Notice of intent to alter or amend these rules of procedure shall be given in writing at the regular meeting of the council before the next succeeding regular meeting of the council at which a member intends to alter or amend the said rules.

Section 19. The chairman of each respective committee, or the Council member acting for him in his place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 20. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting, provided, that such ordinances, resolutions or propositions may be considered earlier by the unanimous consent of the Council, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes; and provided further, that this rule shall not apply to the budgeted items and/or current expenses of officers, or wages of employees, of the city.

Section 21. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes.

Section 22. This Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles 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 announced that the Ordinance had been adopted.

Mayor Bradford stated that the next item of business was consideration of a resolution appointing the city attorney.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2359 - 08

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's attorney for and during the term of the Council commencing November 3, 2008;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that D. Marcel Black of the firm of Black & Hughston, P.C. be, and he hereby is, appointed as City Attorney for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

Council Member Willis seconded the motion and upon said motion being put to a vote, voting "AYE" were Council Member Pampinto, Council Member Willis, Council Member Holland, Council Member Noles and Mayor Bradford. Voting "NAY" were none and Council Member Grissom abstained.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford stated that the next item of business was consideration of a resolution appointing the city engineer.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2360 - 08

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's engineer for and during the term of the Council commencing November 3, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that Larry Lynn of the firm of White, Lynn, Collins & Associates, Inc. be, and he hereby is, appointed as City Engineer for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 stated that the next item of business was consideration of a resolution appointing the Fiscal Agent.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2361 - 08

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's financial manager for and during the term of the Council commencing November 3, 2008;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the firm of Joe Jolly & Co., Inc. be, and said firm hereby is, appointed as the City Financial Manager for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 stated that the next item of business was consideration of a resolution affirming the City's bank depositories.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2362 - 08

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's depositories for and during the term of the Council commencing November 3, 2008;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following depositories of the accounts of the City are hereby approved and ratified:

<u>Account</u>	<u>Fund:</u>	<u>Bank</u>	<u>Acct #</u>
General	010	First Metro Bank	450
CityFest Account	010-10102	First Metro Bank	51136
Christmas Parade Account	010-10103	First Metro Bank	51160
NOW Account	010-10119	SunTrust Bank	1000031251068
Municipal Court Fund	100	First Metro Bank	54305
Street Repair Fund	117	First Metro Bank	11746
One Half Cent Sales Tax	120-10101	Bank Independent	3089531
Police	121	First Metro Bank	4758
Corrections	122	First Metro Bank	24651
State Gas Fund	124	First Metro Bank	11738
Sidewalk Construction	131	First Metro Bank	55174
Wilson Dam Corridor Fund	145	First Metro Bank	50024
Industrial Park	150	First Metro Bank	485
Special Trust	151	First Metro Bank	26816

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 stated that the next item of business was the appointment of Council committees. Mayor Bradford announced the following appointments:

<u>Police Department Committee</u>	<u>Fire Department Committee</u>
Allen Noles - Chairman	Jim Holland - Chairman
Jim Holland	Allen Noles
Jerry Knight	Joe Pampinto
<u>Public Works Committee</u>	<u>Parks & Recreation Committee</u>
David Bradford - Chairman	Neal Willis - Chairman
Jerry Knight	Allen Noles
Neal Willis	Joe Pampinto
<u>Fiscal Committee</u>	<u>Storm Drainage Committee</u>
Entire Council	Entire Council

Mayor Bradford stated that the next item of business was the approval of the minutes of the October 20, 2008 regular meeting and work session.

Upon motion duly made by Council Member Grissom, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the meeting of October 20, 2008 and approved the minutes as written.

At this time, James Black, 2218 Marietta Avenue sought recognition and addressed the Council during the period of public comments.

At this time, Walter Rumkus, 682 Grand Avenue sought recognition and addressed the Council during the period of public comments.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (Off Premises only) to Singh Investments Group Inc. dba Paradise Food Mart, 2526 Avalon Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call 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 announced that the license had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (Package) to Singh Investments Group Inc. dba Paradise Food Mart, 2526 ½ Avalon Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call 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 announced that the license had been approved.

Mayor Bradford stated that the next item of business was consideration of a resolution to authorize the Mayor to enter into a contract with TTL Inc. for geotechnical services on property optioned by the City for the Shoals Research Air Park.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2363 - 08

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled CLIENT PROJECT SERVICES AGREEMENT, TTL Proposal # 0508-044G, between the City and TTL, Inc. for provide geotechnical services to the City in connection with a tract of property of approximately 122 acres east of the Shoals Research Air Park; and

WHEREAS, the City Council has reviewed the contents of the instrument and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to the TTL, Inc.; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents to TTL, Inc. in connection with the facilitation of the proposal;

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, to execute and deliver the instrument to TTL, Inc.;

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.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto TTL, Inc. along with the executed instrument pertaining to geotechnical services.

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 stated that the next item of business was consideration of a resolution to authorize the Mayor to enter into a contract with TTL Inc. for environmental and cultural studies on property optioned by the City for the Shoals Research Air Park.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2364 - 08

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled CLIENT PROJECT SERVICES AGREEMENT, TTL Proposal # 0208-076E. between the City and TTL, Inc. for provide environmental and cultural studies to the City in connection with a tract of property of approximately 122 acres east of the Shoals Research Air Park; and

WHEREAS, the City Council has reviewed the contents of the instrument and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to the TTL, Inc.; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents to TTL, Inc. in connection with the facilitation of the proposal;

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, to execute and deliver the instrument to TTL, Inc.;

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.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto TTL, Inc. along with the executed instrument pertaining to environmental and cultural studies.

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 motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE NO. 1

COUNCIL MEMBER - PLACE NO. 2

COUNCIL MEMBER - PLACE NO. 3

COUNCIL MEMBER - PLACE NO. 4

COUNCIL MEMBER - PLACE NO. 5

ATTEST:

CITY CLERK