

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
December 3, 2007**

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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 3<sup>rd</sup> day of December 2007 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 Bill Howard. 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

Elaine Coan, Assistant 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.

Upon motion duly made by Council Member Holland, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of November 19, 2007 and the November 27, 2007 work session and approved the minutes as written.

Mayor Bradford announced that the City had received recognition for service to the National League of Cities.

Mayor Bradford announced that the next item of business was consideration of a resolution appointing members to the Muscle Shoals Library Board.

Mayor Bradford 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: Lucy Heidorn and Doris McDaniel  
Council Member Willis: Lucy Heidorn and Doris McDaniel  
Council Member Grissom: Lucy Heidorn and Doris McDaniel

Council Member Holland: Lucy Heidorn and Doris McDaniel

Council Member Noles: Lucy Heidorn and Doris McDaniel

Mayor Bradford: Lucy Heidorn and Doris McDaniel

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2302 - 07**

**WHEREAS**, vacancies on the Library Board of the City of Muscle Shoals have occurred 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:

Michelle Hatcher

Lucy Heidorn

Doris McDaniel

**WHEREAS**, Lucy Heidorn and Doris McDaniel were determined to have received the best overall rankings on the City Council evaluations, and

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

Council Member Pampinto: Lucy Heidorn and Doris McDaniel

Council Member Willis: Lucy Heidorn and Doris McDaniel

Council Member Grissom: Lucy Heidorn and Doris McDaniel

Council Member Holland: Lucy Heidorn and Doris McDaniel

Council Member Noles: Lucy Heidorn and Doris McDaniel

Mayor Bradford: Lucy Heidorn and Doris McDaniel

**WHEREAS**, Mayor Bradford announced that Lucy Heidorn and Doris McDaniel 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 persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Lucy Heidorn	Library Board	November 2011
Doris McDaniel	Library Board	November 2011

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 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 appointing members to the Shoals Economic Development Authority Board.

Mayor Bradford 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: Douglas Ruggles and William "Buster" Smith

Council Member Willis: Douglas Ruggles and William "Buster" Smith

Council Member Grissom: Douglas Ruggles and William "Buster" Smith

Council Member Holland: Douglas Ruggles and William "Buster" Smith

Council Member Noles: Douglas Ruggles and William "Buster" Smith

Mayor Bradford: Douglas Ruggles and William "Buster" Smith

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

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2303 - 07**

**WHEREAS**, vacancies on the Shoals Economic Development Authority Board have occurred and the City Council being desirous of making the necessary appointments to said board;

**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:

Richard Davis Sr.                      Douglas Ruggles                      Williams "Buster" Smith

**WHEREAS**, Douglas Ruggles and William "Buster" Smith were determined to have received the best overall rankings on the City Council evaluations, and

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

Council Member Pampinto: Douglas Ruggles and William "Buster" Smith

Council Member Willis: Douglas Ruggles and William "Buster" Smith

Council Member Grissom: Douglas Ruggles and William "Buster" Smith

Council Member Holland: Douglas Ruggles and William "Buster" Smith

Council Member Noles: Douglas Ruggles and William "Buster" Smith

Mayor Bradford: Douglas Ruggles and William "Buster" Smith

**WHEREAS**, Mayor Bradford announced that Douglas Ruggles and William "Buster" 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 persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Douglas Ruggles	SEDA Board	September 2009
William "Buster" Smith	SEDA Board	September 2010

The Clerk is hereby directed to notify the above named persons of their appointment and to further notify the respective board of said appointment.

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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 appointing a member to the Recreation Board.

Mayor Bradford 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: Jeff Isbell

Council Member Willis: Jeff Isbell

Council Member Grissom: Jeff Isbell

Council Member Holland: Jeff Isbell

Council Member Noles: Jeff Isbell

Mayor Bradford: Jeff Isbell

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

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2304 - 07**

**WHEREAS**, the term of a member of the Recreation Board of the City of Muscle Shoals has expired 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 members 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:

Jeff Isbell

**WHEREAS**, Jeff Isbell was determined to be the lone applicant and qualified to serve, and

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

Council Member Pampinto: Jeff Isbell

Council Member Willis: Jeff Isbell

Council Member Grissom: Jeff Isbell

Council Member Holland: Jeff Isbell

Council Member Noles: Jeff Isbell

Mayor Bradford: Jeff Isbell

**WHEREAS**, Mayor Bradford announced that Jeff Isbell 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>
Jeff Isbell	Recreation Board	November 2012

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 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 an ordinance to amend the speed limits in the City.

Council Member Noles introduced the following ordinance in the meeting:

**ORDINANCE NUMBER 1398 - 07**

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

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**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 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 (2<sup>nd</sup> 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 (2<sup>nd</sup> 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 6<sup>th</sup> 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), 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.

Council Member Noles 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 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 ordinance be finally adopted and spread upon the minutes of the meeting, 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 Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance passed and adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute documents related to an agreement with the Alabama Department of Transportation for preliminary engineering work on Avalon Avenue from Wilson Dam Road to Webster Street.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2301 - 07**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled Agreement for Preliminary Engineering STPOA-8828 ( ), Project Reference Number 100024571 between the State of Alabama and the City of Muscle Shoals, Alabama pertaining to improvements on Avalon Avenue; 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 State of Alabama; 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 in connection with said project and the facilitation of the commencement and completion of the said project herein above described;

**BE IT HEREBY RESOLVED** that the City of Muscle Shoals, Alabama enter into said Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for

Preliminary Engineering Agreement for Project STPOA-8828 ( ) and Project Reference Number 100024571 for improvements on Avalon Avenue from Wilson Dam Road to Webster Street in the City of Muscle Shoals ; which Agreement is before the Council for approval; and

**BE IT HEREBY 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 execute the instrument styled Preliminary Engineering Agreement for Project STPOA-8828 ( ) and Project Reference Number 100024571 for improvements on Avalon Avenue from Wilson Dam Road to Webster Street in the City of Muscle Shoals for and on behalf of the City of Muscle Shoals, Alabama; and

**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 installation of said project herein described that may be required during the commencement of and through the completion of the said project.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be prepared forthwith by the Clerk and attested by said Clerk and with the seal of the City affixed thereto delivered unto the State of Alabama along with the executed instrument pertaining to the project herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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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 announced that the next item of business was consideration of an ordinance to amend the compensation and benefits of the Mayor beginning November 3, 2008.

Council Member Pampinto introduced the following ordinance in the meeting:

### **ORDINANCE NO. 1399 - 07**

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**AN ORDINANCE OF THE CITY OF MUSCLE SHOALS ESTABLISHING THE  
SALARY AND COMPENSATION OF THE MAYOR  
EFFECTIVE ON THE FIRST MONDAY IN  
NOVEMBER, 2008**

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**WHEREAS**, Section 11-43-2, Code of Alabama, 1975 as amended, provides that in all cities and towns having a population of less than 12,000 inhabitants according to the last or any subsequent federal census, that the governing body may determine, not less than six (6) months before an election, the salary of the mayor and council members for the next succeeding term of office of such elected officials.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Muscle Shoals that effective with the newly elected mayor of the City of Muscle Shoals, who shall take office on the first Monday in November 2008, that the full and only salary and compensation of such mayor shall be as follows:

I. Compensation of the Mayor of the City of Muscle Shoals, Alabama.

The annual salary of the Mayor shall be in an amount equal to one hundred ten (110%) per cent per annum of annual base salary of the Chief of the Muscle Shoals Police Department, payable in equal bi-weekly installments.

In addition thereto, the Mayor shall be provided an automobile, gasoline and oil at city expense. Such Mayor shall also have paid by the City as part of the salary, compensation and benefits health and dental insurance premiums for health insurance for the Mayor, spouse and dependents, if any, through the City's health insurance program for its employees. The Mayor shall also have only actual expenses incurred on behalf of duties as an elected official by travel, meals and accommodations paid by the City upon submitting vouchers and paid receipts for such expenses. The Mayor shall devote full time to the duties of Mayor of the City of Muscle Shoals. Furthermore, the City shall establish for the benefit of the Mayor a non-qualified pension plan and contribute unto the plan a sum of money equal to the same percentage of salary as is contributed to the State Retirement System for the benefit of employees of the City and in the same manner. The Mayor shall be permitted to contribute an amount not exceeding fifteen (15%) per annum of the salary of the Mayor to the plan and shall be considered fully vested in the plan at all times during the period of service as Mayor of the City of Muscle Shoals, Alabama.

II. Effective Date.

The Ordinance, and its provisions, shall become effective commencing with the first Monday in November 2008, after due publication or posting pursuant to law or as otherwise provided for by law.

Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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 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 Pampinto then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, 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 the Ordinance passed and adopted as introduced.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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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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ASSISTANT CITY CLERK