

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
February 21, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 21st day of February 2005 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 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 regular meeting of February 7, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution rejecting bids for the purchase of an enclosed trailer for the fire department.

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 NO. 2107-05

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of a new, enclosed trailer, the bid opening being set for the 17th day of February, 2005, 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:

<u>BIDDER:</u>	<u>BID PRICE:</u>	<u>ALTERNATE BID PRICE:</u>
North American Fire Equipment	\$16,062.00	\$18,612.00
Sports Transportation	\$19,630.80	\$23,010.80

[3] Evaluation of the bids results in the determination that all bids received are non-responsive bids, in that each bid includes exceptions to the minimum specifications required.

The exceptions are outlined below:

North American Fire Equipment:

1. Bidder proposes the overall height to be 8ft. 10 inches.
(Specifications of the bid required a height of no less than 8 ft. and no more than 8 ft. 7 inches.)

Sports Transportation:

1. Bidder proposes the overall height to be 10 ft. 4 inches (required no more than 8ft. 7 inches)
2. Bidder proposed 75" H side door (Bid required 80-1/2 inches)
3. Bidder proposed 75" H rear door (bid required minimum 77 inches)
4. Bidder proposed 4700 lbs. curb weight (bid required maximum 4050 lbs.)
5. Bidder proposed anodized aluminum front corner covers (bid required stainless steel corner uprights)
6. Bidder proposed four 48-3/4" wide shelving units with bin fronts (bid required three adjustable shelves to run the entire length of the trailer on each side)
7. Bidder proposed a Honda ES6500 portable generator (bid required a Honda 7500 portable generator)
8. Bidder proposed a trailer 24' in length (bid required 26 ft. - 28 ft. in length)

[4] Be it hereby resolved that all bids for the purchase of an enclosed trailer are hereby rejected, and the Purchasing Agent is authorized to advertise for bids with modified specifications.

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 awarding a bid for gasoline.

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 2108-05

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of gasoline, the bid opening being held February 21, 2005 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:

<u>BIDDER:</u>	<u>GASOLINE:</u>
O'Steen Oil Company	Per Gallon:
Tatum Oil Company	\$1.314
	\$1.329

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$1.314 for the purchase of gasoline.

The apparent low and best bidder, O'Steen Oil Company is now awarded the bid for gasoline.

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 the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Scottie's LLC dba Scottie's located at 1311 E. 6th Street .

Mayor Bradford announced that at a hearing to be held at the City Hall in said City at 6:30 p.m. on the 21st day of March, 2005 the Council will consider the approval of the issuance of a Restaurant Retail Liquor License to Scottie's LLC, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the issuance of such license.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the mayor to execute a project development agreement with WHP Health Initiatives, Inc.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2109-05

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has been presented an instrument styled Project Development Agreement pertaining to the project known as the WHP Health Initiatives Project, same being by and between the City of Muscle Shoals and the Colbert County Commission and WHP Health Initiatives, Inc., a subsidiary of Walgreen Co.;

WHEREAS, the City Council finds that the said instrument is in due and proper order and is desirous of authorizing its execution;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize David H. Bradford, as Mayor of the City to execute and deliver the instrument styled Project Development Agreement, same being by and between the City of Muscle Shoals and the Colbert County Commission and WHP Health Initiatives, Inc., a subsidiary of Walgreen Co. For and as the act of the City of Muscle Shoals, Alabama;

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 and project.

BE IT FURTHER RESOLVED that the Clerk of the City is hereby directed to provide the executed copy, along with as many certified copies as may be required, unto WHP Health Initiatives, Inc., a subsidiary of Walgreen Co. And to maintain an executed copy in the City's files.

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 prohibiting the use of dynamic breaking systems or devices within the City and police jurisdiction.

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

ORDINANCE NUMBER 1342-05

AN ORDINANCE PROHIBITING THE USE OF DYNAMIC BREAKING SYSTEMS OR DEVICES WITHIN THE CITY OF MUSCLE SHOALS AND ITS POLICE JURISDICTION AND DECLARING SUCH USE TO BE AN OFFENSE AND PRESCRIBING PUNISHMENTS FOR VIOLATION OF THE PROVISIONS OF SAID ORDINANCE

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

SECTION ONE. It shall be unlawful for any person to operate a dynamic braking, engine braking, or mechanical exhaust device designed to aid in the de-acceleration of any vehicle except when such device is operated or engaged solely and only for the purpose of the aversion of imminent danger to life, limb or property. Such devices are commonly referred to as "jake brakes", and result in excessive and loud noise from the vehicle.

SECTION TWO. Should any part of this ordinance be construed and declared invalid in a court of competent jurisdiction, the remaining parts, hereof, shall continue in full force and effect as though the invalid portion were stricken from said ordinance.

SECTION THREE. Each and every violation of any provisions of this ordinance shall constitute a separate offense.

SECTION FOUR. Any person found in violation of the provisions of this Ordinance shall , upon conviction, be punished as provided in Section 1-7 of the Code of Ordinances of the City of Muscle Shoals, Alabama.

SECTION FIVE. This Ordinance, and its provisions, shall become effective upon 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 Holland 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, 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 approved.

Mayor Bradford announced that the next item of business was consideration of a resolution making appointments to the Electric 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: L. D. "Butch" Whitehead, Tom V. Whatley

Council Member Willis: L. D. "Butch" Whitehead, Tom V. Whatley

Council Member Grissom: L. D. "Butch" Whitehead, Tom V. Whatley

Council Member Holland: L. D. "Butch" Whitehead, Tom V. Whatley

Council Member Noles: Abstained

Mayor Bradford: L. D. "Butch" Whitehead, Tom V. Whatley

Mayor Bradford announced that L. D. "Butch" Whitehead and Tom V. Whatley had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2110 - 05

WHEREAS, the terms of certain members of the Electric Board within the City of Muscle Shoals have expired or will soon expire 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 boards;

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

Bob Ashley	Gene Clark	Sharon D. Jackson
Barbara Moore	Steve Nesbitt	David Yarber
L. D. "Butch" Whitehead	Tom V. Whatley	

WHEREAS, L. D. "Butch" Whitehead and Tom V. Whatley were 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: L. D. "Butch" Whitehead and Tom V. Whatley
Council Member Willis: L. D. "Butch" Whitehead and Tom V. Whatley
Council Member Grissom: L. D. "Butch" Whitehead and Tom V. Whatley
Council Member Holland: L. D. "Butch" Whitehead and Tom V. Whatley
Council Member Noles: Abstained
Mayor Bradford: L. D. "Butch" Whitehead and Tom V. Whatley

WHEREAS, Mayor Bradford announced that L. D. "Butch" Whitehead and Tom V. Whatley 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>
L. D. "Butch" Whitehead	Electric Board	February 2011
Tom V. Whatley	Electric Board	February 2011

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

Mayor Bradford announced that the next item of business was consideration of a resolution making appointments to the Colbert County Tourism and Convention Bureau 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: Thomas Pennington and James Robert Black
Council Member Willis: Thomas Pennington and James Robert Black
Council Member Grissom: Thomas Pennington and James Robert Black
Council Member Holland: Thomas Pennington and James Robert Black
Council Member Noles: Thomas Pennington and James Robert Black
Mayor Bradford: Thomas Pennington and James Robert Black

Mayor Bradford announced that Thomas Pennington and James Robert Black had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2111 - 05

WHEREAS, the terms of certain members on the Colbert County Tourism and Convention Bureau Board within the City of Muscle Shoals have expired or will soon expire and the City Council being desirous of making the necessary appointments to said boards within the City;

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

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

Jeff Darnell	James Robert Black	Rebecca Joyce Lovette
Thomas Pennington	Martha J. Sherrill	

WHEREAS, Thomas Pennington and James Robert Black were determined to have received the best overall scores on the City Council evaluations, and

WHEREAS, a roll call vote was had by the Mayor and City Council for the appointment of two individuals to the Board as follows:

Council Member Pampinto: Thomas Pennington and James Robert Black
Council Member Willis: Thomas Pennington and James Robert Black
Council Member Grissom: Thomas Pennington and James Robert Black
Council Member Holland: Thomas Pennington and James Robert Black
Council Member Noles: Thomas Pennington and James Robert Black
Mayor Bradford: Thomas Pennington and James Robert Black

WHEREAS, Mayor Bradford announced that Thomas Pennington and James Robert Black had received a majority of the votes cast, 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:

Thomas Pennington is hereby appointed to serve a three year term commencing on October 1, 2004 and expiring October 1, 2007 .

James Robert Black is hereby appointed to serve a three year term commencing on October 1, 2005 and expiring on October 1, 2008.

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

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

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK