

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
July 5, 2016**

---

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 5<sup>th</sup> day of July, 2016 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT:   JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART  
              TERRY MCMINN  
ABSENT:    ALLEN NOLES

Neal Willis, President Pro Tem of the Council, 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 David Bradford was also present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto and seconded by Council Member McMinn and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of June 20, 2016 and approved the minutes as written.

Mayor Bradford reported to the Council that the Pepi Drive and E. Avalon projects were progressing.

President Pro Tem Willis announced that the next item of business was consideration of a resolution to authorize the purchase of a precision cut fairway mower for the Cypress Lakes Golf Course from the North Alabama Cooperative Purchasing Cooperative (NACPA).

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2819-16**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama approved the purchase of a used, John Deere precision cut fairway mower to be utilized at Cypress Lakes Golf and Tennis, and

**WHEREAS**, the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

**WHEREAS**, the Procurement Agent further advised that the purchase price for the mower is \$26,000.00 to be purchased from Greenville Turf & Tractor and further that Greenville Turf & Tractor is the awarded contractual vendor for said item with North Alabama Cooperative Purchasing Cooperative (NACPA), a State of Alabama approved purchasing cooperative; now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals that Greenville Turf & Tractor, the contractual vendor of NACPA is awarded the purchase of the approved used, precision cut fairway mower for the total purchase price of \$26,000.

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

President Pro Tem Willis announced that the resolution had been approved.

President Pro Tem Willis announced that the next item of business was consideration of a resolution to authorize the purchase of a backhoe for Storm Drainage from the National Intergovernmental Purchasing Alliance (NIPA).

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2820-16**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama approved the purchase of a new backhoe to be utilized in the Muscle Shoals Storm Drainage Department, and

**WHEREAS**, the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase eliminating the need for additional formal sealed bidding; and

**WHEREAS**, the Procurement Agent further advised that the purchase price for the new backhoe is \$98,641.00 to be purchased from the dealing vendor of Caterpillar being Thompson Tractor Company, Inc. and further that Thompson Tractor Company (representing Caterpillar) is

the awarded contractual vendor for said item with National Intergovernmental Purchasing Alliance (NIPA), a State of Alabama approved purchasing cooperative; now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals that Thompson Tractor Company, the dealing vendor for the contractual vendor Caterpillar awarded by NIPA is awarded the purchase of the approved new, Caterpillar backhoe for the total purchase price of \$98,621.00.

---

Council Member Pampinto seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro Tem Willis announced that the resolution had been approved.

President Pro Tem Willis announced that the next item of business was a public hearing to receive public comment on the City’s application for federal assistance under Section 5310 of the Federal Transit Act Amendments of 1991. The grant request would provide funding to purchase a bus for the senior center.

President Pro Tem Willis announced that anyone wishing to speak should come forward and be recognized. There being no one wishing to speak the public hearing ended.

President Pro Tem Willis announced that the next item of business was consideration of a resolution to appoint the City Clerk to fulfill the Mayor’s election duties since the Mayor has qualified for re-election.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2821 - 16**

**WHEREAS**, elections for filling the offices of Mayor and Council Member Places 1, 2, 3, 4 and 5 will be held in the City of Muscle Shoals, Alabama on August 23, 2016 and a second election, if necessary, held on October 4, 2016; and

**WHEREAS**, the Mayor of the City, namely, David H. Bradford, is a candidate for the office of Mayor in the election to be held in the City on August 23, 2016 and by virtue of his candidacy is disqualified to perform the duties of preparation, certification, filing and publication of the lists of qualified regular voters as set forth in Section 11-46-36 of the *Code of Alabama of 1975* as amended; and

**WHEREAS**, the City Council has determined that it is necessary and expedient to

appoint a disinterested person to perform the duties set forth in Section 11-46-36 of the *Code of Alabama of 1975*; and

**WHEREAS**, the City Council does hereby find that the said Richard L. Williams is a disinterested person and is capable of performing the duties set forth in Section 11-46-36 of the *Code of Alabama of 1975* as amended, for and during the elections to be held within the City on August 23, 2016, and during the second election, if necessary, to be held on October 4, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that Richard L. Williams is hereby appointed to perform the duties preparation, certification, filing and publication of lists of qualified regular voters and all other duties set forth in Section 11-46-36 of the *Code of Alabama of 1975* for and during the elections to be held within the City on August 23, 2016, and during the second election, if necessary, to be held on October 4, 2016.

---

Council Member McMinn seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Pro Tem Willis announced that the resolution had been approved.

President Pro Tem Willis announced that the next item of business was consideration of a resolution to authorize the Mayor to file a grant application with the Alabama Department of Transportation for federal assistance under Section 5310 of the Federal Transit Act Amendments of 1991. The grant request would provide funding to purchase a bus for the senior center.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2822 - 16**

**WHEREAS**, Federal financial assistance as authorized under Section 5310 of the Federal Transit Act Amendments of 1991, is available through the Alabama Department of Transportation to provide transportation services to meet the special needs of seniors and individuals with disabilities; and

**WHEREAS**, the submission of an application for said financial assistance is deemed necessary to aid in addressing the transportation needs of seniors and individuals with disabilities residents of the City of Muscle Shoals, Alabama and

**WHEREAS**, any agreement for capital financial assistance with the State of Alabama, acting by and through its Alabama Department of Transportation, will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

**WHEREAS**, it is the goal of the applicant to provide the best transit project that can be

provided with the funds available.

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

That the Mayor of the City of Muscle Shoals is authorized to execute, file a grant application, and enter into an agreement with the Alabama Department of Transportation for aid in the financing of a Section 5310 transportation assistance project.

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

President Pro Tem Willis announced that the resolution had been approved.

President Pro Tem Willis announced that the next item of business was consideration of a resolution to authorize the sale of surplus dirt in the Shoals Research Airpark to Rogers Group under certain conditions as outlined.

Council Member Lockhart introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2823- 16**

**WHEREAS**, the City Council has been informed that it has a request for the purchase of surplus dirt to be excavated from the City's dirt stockpile located at Shoals Research Airpark and the City Engineer has inspected and approved that the dirt be acquired from said location under certain conditions; and

**WHEREAS**, the City Council is informed that the removal of the quantity of dirt requested will not adversely affect the present needs and operations of the City; and

**WHEREAS**, the City Council has caused the value of the dirt to be ascertained and is informed that a fair price for the surplus dirt is \$0.50 per cubic yard; and

**WHEREAS**, the City Council is informed that there is no current need of the surplus dirt for future or anticipated projects at this time and finds that the dirt to be removed is surplus dirt;

**WHEREAS**, the City Council has determined that the City has no current or anticipated use for said dirt and that the removal of the dirt from the City's dirt stockpile located at Shoals Research Airpark is not detrimental to the City's interests and the receipt of the funds for the purchase of the said surplus dirt is beneficial to the City;

**WHEREAS**, the City Council is desirous of authorizing the sale of and removal of the dirt from the dirt stockpile at Shoals Research Airpark by Rogers Group in its "as is, where is" location under the following conditions:

1. The material must be removed at areas and locations designated by the City Engineer or his designee.
2. The purchaser, Rogers Group, shall pay the City \$0.50 per loose cubic

- yard of material removed.
3. The amount of dirt to be removed is approximately 10,000.00 cubic yards.
  4. The purchaser, Rogers Group, shall, in all areas where the dirt is removed, shape the areas in such manner as to prevent erosion during and after the removal of the dirt.
  5. All disturbed areas shall be covered with seed and mulch once removal is complete as approved by the City Engineer or his designee and maintain same until permanent vegetation is established.
  6. The purchaser, Rogers Group, shall maintain all erosion control measures as approved by the City Engineer or his designee for the removal area until permanent vegetation is established.
  7. The volume of the surplus dirt removed shall be determined pursuant to ALDOT requirements that the borrow area shall be cross sectioned before and after the removal is complete and the quantities of surplus dirt removed shall be determined by this method.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the sale of the surplus from the dirt stockpile at Shoals Research Airpark to Robert Eaton on the herein contained conditions and requirements is hereby approved. The price of the surplus dirt shall be \$0.50 per cubic yard and shall be calculated per cubic yard of dirt removed from the dirt stockpile at Shoals Research Airpark. The terms of the sale shall include the purchaser to accept the dirt in its "as is, where is" condition. The purchaser shall be responsible for loading and transporting the dirt. The City shall require payment of the surplus dirt based upon the calculation of the quantity of dirt removed from the dirt stockpile at Shoals Research Airpark and said payment shall be due upon presentment to the purchaser of the invoice for the surplus dirt.

---

Council Member Pampinto seconded the motion and upon said motion 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 Lockhart  
Council Member McMinn

NAYS: None

President Pro Tem Willis announced that the motion for immediate consideration was unanimously adopted. Council Member Lockhart moved that the resolution be adopted as presented. Council Member Pampinto seconded the motion and upon said motion 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 Lockhart  
Council Member McMinn,

NAYS: None

President Pro Tem Willis announced the vote and declared that the resolution was approved.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

---

COUNCIL MEMBER - PLACE ONE

---

COUNCIL MEMBER - PLACE TWO

---

COUNCIL MEMBER - PLACE THREE

---

COUNCIL MEMBER - PLACE FOUR

---

COUNCIL MEMBER - PLACE FIVE

ATTEST:

---

CITY CLERK