

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 17, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 17th day of August 2009 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 Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, NEAL WILLIS
 JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD
ABSENT: NONE

Richard Williams, City Clerk, 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 3, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for the purchase of a knuckleboom unit for the Public Works Department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2408 - 09

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

[1] That the Procurement Agent did send out advertisements for bids for the purchase of a knuckleboom unit, the bid opening being held August 10, 2009 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>
Ingram Equipment Company	\$43,882.00
Ramer Manufacturing	36,696.00
Sansom Equipment Company	51,714.00

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Ramer Manufacturing with a total bid price of \$36,696.00 for the purchase of a new, knuckleboom unit.

NOW, THEREFORE, the apparent low and best bidder, Ramer Manufacturing is now awarded the bid for the purchase of a new, knuckleboom unit.

Council Member Noles 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 to authorize the Mayor to execute a contract with the Northwest Alabama Council of Local Government to administer EDA Grant Project #04-78-06238 on behalf of the City.

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 2409 - 09

A RESOLUTION AUTHORIZING NORTHWEST ALABAMA COUNCIL OF LOCAL GOVERNMENTS TO PERFORM CERTAIN SERVICES IN THE ADMINISTRATION OF UNITED STATES DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT ADMINISTRATION GRANT PROGRAM, PROJECT NUMBER 04-78-06238 ON BEHALF OF THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Northwest Alabama Council of Local Governments [NACOLG] for the performance of administrative requirements of the Economic Development Administration Grant Program; and

WHEREAS, the City and NACOLG have agreed upon terms and conditions for the undertaking of the services to be rendered by NACOLG hereinafter referred to as the Scope of Services and the Council has determined that the terms and conditions are as agreed upon by the City; and

WHEREAS, the City Council has reviewed the contents of an instrument styled Project Number EDA #04-78-06238 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 NACOLG; 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 the said Project Number EDA #04-78-06238 as above described;

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 for and on behalf of the City to execute the instrument styled Project Number EDA #04-78-06238 with NACOLG;

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 said Project Number EDA #04-78-06238 with NACOLG that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto NACOLG along with the executed instrument styled EDA #04-78-06238 herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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 tobacco tax ordinance.

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

ORDINANCE NO. 1417 - 09

**AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES
OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE
LEVY OF GASOLINE, MOTOR FUELS AND LUBRICATING OILS LICENSE TAXES
IN THE CITY OF MUSCLE SHOALS, ALABAMA,
OR WITHIN ITS POLICE JURISDICTION**

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

I. Chapter 106, Section 147 of the Code of Ordinances of the City of Muscle Shoals, Alabama, heretofore adopted, is hereby amended so that the said Chapter 106, Section 147 shall include the following language and read in its entirety as follows:

Section 106-147. Levy

In addition to all other taxes now imposed by law, every person who is engaged in the business of selling or distributing gasoline or other liquid motor fuels and lubricating oils shall pay a license tax to the city, and a license is hereby fixed and levied for engaging in the business of selling or distributing gasoline or other motor fuels and lubricating oils, which license shall be in the following amounts (which amounts shall be in addition to all amounts of the license taxes levied with respect to the aforesaid business in any general license ordinances of the city):

(1) An amount equal to \$0.03 on each gallon of gasoline or other motor fuels and lubricating oils sold or delivered within the corporate limits of the city; and

(2) An amount equal to \$0.015 on each gallon of gasoline or other motor fuels and lubricating oils, with the exception of diesel fuel, sold or delivered within the police jurisdiction of the city; and

(3) An amount equal to \$0.015 on each gallon of diesel fuel up to and including the first five thousand (5000) gallons period sold or delivered during any monthly period within the police jurisdiction and an amount equal to \$0.0075 on each gallon of diesel fuel in excess of five thousand gallons sold or delivered during any monthly period within the police jurisdiction of the city,

II. This Ordinance, and its provisions, shall become effective September 1, 2009 upon publication or posting pursuant to law or otherwise as provided 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 Pampinto 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 Holland
Council Member Grissom, 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 Ordinance be finally adopted, which motion was seconded by Council Member Pampinto 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 Holland
Council Member Grissom, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance was adopted.

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