

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

October 17, 2011

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 17th day of October, 2011 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by James Holland, Mayor Pro Tem of the City. 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, JERRY KNIGHT GRISSOM
JAMES HOLLAND, ALLEN NOLES

ABSENT: DAVID H. BRADFORD

James Holland, Mayor Pro-Tem 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 3, 2011 and approved the minutes as written.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution to award bids for pipe products for the 2011 - 2012 fiscal year.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2515-11

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

[1] That advertisements for bids for the purchase of various types of construction pipes were distributed, the bid opening set for the 11th day of October, 2011, 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:

DESCRIPTION	POLYETHYLENE PIPE with SMOOTH INTERIOR			
DESCRIPTION OF PIPE SIZE	% usage	EAGLE WHOLESALE 0%	G & O SUPPLY 100 %	SET-A-STEPS 0%
		\$ Price per LFt	\$ Price per LFt	\$ Price per LFt
12"	49	4.29	4.16	6.25
15"	10	6.03	5.82	8.65
18"	26	7.83	7.52	11.25
24"	5	13.59	12.99	18.00
30"	5	19.24	18.40	22.50
36"	5	23.91	22.88	26.87

[3] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as G & O Supply based upon lowest price on 100% of City usage. The apparent low, responsive and responsible bidder, G & O Supply is now awarded the bid for polyethylene pipe, with said bid being awarded for a one-year period ending September 30, 2012.

DESCRIPTION	CORRUGATED ALUMINIZED METAL PIPE			
DESCRIPTION OF PIPE SIZE	% usage	CONTECH CONSTRUCTION 100%	G & O SUPPLY 0%	SET-A-STEPS 0%
		Price: \$ per LFt	Price: \$ per LFt	Price: \$ per LFt
12"	49	7.70	8.17	8.89
15"	10	9.24	9.80	10.63
18"	26	11.55	12.25	13.85
24"	5	14.63	15.52	16.90
30"	5	18.48	19.61	22.54
36"	5	22.33	23.68	26.91

[4] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as Contech Construction Products based upon lowest price on 100% of City usage. The apparent low, responsive and responsible bidder, Contech Construction is now awarded the bid for corrugated metal pipe, with said bid being awarded for a one-year period ending September 30, 2012.

DESCRIPTION		CONCRETE PIPE		
DESCRIPTION OF PIPE SIZE	%	EAGLE WHOLESale 59%	SET-A-STEPS 41%	
		Price per foot	Price per foot	
12"	41	13.57	10.70	
15"	10	9.15	13.86	
18"	34	12.47	16.73	
24"	5	19.96	25.45	
30"	5	28.26	36.78	
36"	5	37.40	47.93	

[5] The lowest, responsive, responsible bidder after evaluation of the bid has been determined as Eagle Wholesale based upon lowest price on 59% of City usage. The apparent low, responsive and responsible bidder, Eagle Wholesale is now awarded the bid for concrete pipe, with said bid being awarded for a period of one year ending September 30, 2012.

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

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of an ordinance to amend Section 30-1 of the Code of Ordinances assessing court costs to traffic and non-traffic convictions.

Council Member Noles introduced the following ordinance in writing which was read at length and moved for its immediate consideration:

ORDINANCE NUMBER 1436 - 11

AN ORDINANCE AMENDING SECTION 30-1 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA ASSESSING THE COSTS OF COURT UPON CONVICTION IN MUNICIPAL COURT OF ANY ORDINANCE OF 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. Section 30-1 of the Code of Ordinances of the City of Muscle Shoals, Alabama heretofore adopted by the Council of the City of Muscle Shoals, Alabama by Ordinance Number 1174-97 on February 17, 1997 and by Ordinance Number 1379-06 on November 6, 2006 is hereby amended so that the said Section 30-1, shall read in its entirety as follows:

Upon each conviction in municipal court for a violation of any ordinances of the city, there shall be taxed against the defendant as court costs the costs and fees imposed by the statutes of the state and such costs and fees shall be remitted pursuant to the statutes.

In addition thereto, upon conviction of any traffic ordinance of the city, the defendant shall be taxed, levied and assessed, as additional court costs, the sum of \$34.50, same to be paid into the city treasury and a special municipal fund designated as the "Corrections Fund" shall be maintained for all such costs taxed, levied, assessed and collected hereunder.

In addition thereto, upon conviction of any ordinance of the city, other than traffic ordinances, the defendant shall be taxed, levied and assessed, as additional court costs, the sum of \$64.00, same to be paid into the city treasury and a special municipal fund designated as the "Corrections Fund" shall be maintained for all such costs taxed, levied, assessed and collected hereunder.

The City Council, upon allocation and appropriation of any sums from the "Corrections Fund", shall expend the funds exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities, if any, any juvenile detention center, or any court complex or as otherwise provided by law.

The costs or fees authorized herein and to be paid into the "Corrections Fund" shall not be waived by any court unless all other costs, fees, assessments, fines or charges associated with the case are waived. All costs taxed for the city hereunder shall be paid into the city treasury.

II. The Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Noles moved for immediate consideration of the ordinance. Council Member Willis seconded the motion 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

NAYS: None

Mayor Pro Tem Holland 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, 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

NAYS: None

Mayor Pro Tem Holland thereupon declared said motion carried and that the Ordinance had been approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution to declare an emergency purchase for HVAC equipment for the public library.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2516 - 11

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a declaration from Lisa Ricks, the City's Procurement Agent, of the need for an emergency purchase HVAC equipment and its installation for the City's library building, as well as the removal and disposal of the existing equipment therein; and

WHEREAS, the City Council is informed that the existing equipment in the library building has been kept operational through repairs and that future repairs will be both expensive and futile to maintain the existing system; and

WHEREAS, the project and the time necessary to complete it, will have an adverse impact on the health, safety and convenience to the public due to the oncoming of likely harsh and inclement weather patterns; and;

WHEREAS, the procedures under the Competitive Bid Law, in this instance, will delay the start and completion of the project in such a manner that the impact on the health, safety and convenience of the public will be enhanced;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve, ratify and adopt the declaration of the City's Procurement Agent for the emergency purchase and installation of HVAC equipment for the Muscle Shoals Public Library and does authorize the Procurement Agent to immediately proceed with the completion of the project as described in said declaration.

BE IT FURTHER RESOLVED that the Clerk shall give notice of this action to the public by preparing forthwith a certified copy of this Resolution and, along with a copy of the Notice of Declaration, by publishing or posting same in the manner as Ordinances adopted by this Council.

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

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was approval of an agreement for professional services with Lambert, Ezell, Durham Architecture for HVAC replacement at the public library.

Council Member Pampinto moved that the agreement be approved as presented. Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted “AYE” and “NAYS” were none.

Mayor Pro Tem Holland announced that the agreement had been approved.

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