

**MINUTES OF THE ORGANIZATIONAL SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA HELD
NOVEMBER 7, 2016**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:00 o'clock p.m. on the 7th day of November 2016, being the first Monday in November as provided by law, in organizational session. The meeting was called to order by Richard Williams, City Clerk of the City. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART,
KEN SOCKWELL, ALLEN NOLES
ABSENT: NONE

City Clerk Richard Williams stated that a quorum was present and that the meeting was convened for the purposes of transaction of the business of organization of the Council.

The invocation was given by Dr. William Rushing, Pastor of Woodward Avenue Baptist Church.

District Court Judge Chad Coker administered the oaths of office to the Mayor and the Members of the Council.

The next order of business was the election of a President of the Council and the matter before the Council was the nomination of members for the position of President of the Council. The following nominations for President of the Council were made and had:
Council Member Neal Willis nominated Allen Noles.

There being no additional nominations, Council Member Lockhart moved that the nominations be closed. Council Member Sockwell seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none. Mr. Williams announced that the motion had been approved. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

CHRIS HALL votes for Allen Noles
NEAL WILLIS votes for Allen Noles
MIKE LOCKHART votes for Allen Noles
KEN SOCKWELL votes for Allen Noles
ALLEN NOLES abstained

After tabulation of the vote, the City Clerk announced the vote and declared Allen Noles as President of the Council.

President Noles stated that the next order of business the election of a President Pro tempore of the Council.

The following nominations for President Pro tempore of the Council were made and had: Council Member Mike Lockhart nominated Neal Willis.

There being no additional nominations Council Member Sockwell moved that the nominations be closed. Council Member Lockhart seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none. President Noles announced that the motion had been approved. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

CHRIS HALL votes for Neal Willis
NEAL WILLIS abstained from voting
MIKE LOCKHART votes for Neal Willis
KEN SOCKWELL votes for Neal Willis
ALLEN NOLES votes for Neal Willis

After tabulation of the vote, President Noles announced the vote and declared Neal Willis as President Pro tempore of the Council.

President Noles stated that the next item of business was consideration of an ordinance setting the rules of procedure for meetings of the Council.

Council Member Sockwell introduced the following ordinance and moved for its immediate consideration:

ORDINANCE NUMBER 1497 - 16

AN ORDINANCE APPROVING THE RULES OF PROCEDURE FOR MEETINGS OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA FOR THE TERM COMMENCING NOVEMBER 7, 2016

The Council of Muscle Shoals, Alabama being elected and meeting pursuant to law in organizational session on the first Monday of November 2016 and for the purposes of setting forth the rules of procedure and operation of the Council of Muscle Shoals, Alabama desires to enact certain rules of procedure and operation:

BE IT ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that Resolution Number 2581-12, and the provisions thereof, is hereby repealed and of no further force and effect.

BE IT FURTHER ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that the order and rules of procedure in all instances for meetings of the Council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the Council of Muscle Shoals, Alabama.

Section 2. Regular meetings of the Council shall be held on the following dates: The first and third Monday of each month except on holidays as recognized and/or designated by the Council of Muscle Shoals, Alabama. In lieu of the foregoing, the Council may schedule a regular meeting of the Council at another time by setting the date and time certain at and during any regular or special meeting of the council.

Section 3. Special meetings may be held at the call of the President of the Council by serving notice to each member of the Council not less than twenty-four hours before the time set for such special meetings, or special meetings may be held as provided by Section 11-43-50 of the Alabama Code of 1975, whenever two Council members request in writing that the presiding officer call such meeting, upon the failure or refusal of the presiding officer to call such meeting when requested, the two Council members making the request shall have the right to call such meeting and notice shall be given to each member of the Council not less than twenty-four hours before the time set for the special meeting.

Section 4. A quorum of the Council shall be determined as provided by Section 11-43-48 of the Alabama Code of 1975. In the event that a lesser number than a quorum shall convene at any regular or special meeting of the Council, they are authorized to send the Chief of Police or some other person for any or all absent members, as the majority of the members present may agree.

Section 5. There shall be a work session of the Council preceding the regular meetings of the Council or at such other time as the President of the Council may designate by giving notice to the public by posting the time of said meeting at City Hall at least three (3) hours before the commencement of said work session. The work sessions preceding the regular meetings of the Council shall commence at 5:30 p.m. The regular meetings of the Council shall commence immediately at the conclusion of the work session but in no instance prior to 6 p.m. All meetings of the Council, regular, special or work sessions, shall be open to the public.

Section 6. The Clerk of the City shall prepare and furnish copies of the minutes of the previous meeting and shall also prepare and furnish an agenda of the next meeting of the Council to each member of the Council by Friday of the next succeeding meeting of the Council.

Section 7. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Adoption of the minutes
4. Comments of the Mayor

5. Comments of the public
6. Reports of standing committees
7. Reports of special committees.
8. Reports of officers.
9. Hearing on petitions, applications, appeals, communications, etc.
10. Financial reports
11. Resolutions, ordinances, orders and other business.

Section 8. In all roll call votes of the Council, the Clerk shall call the roll of the Council members in order of the place numbers held by each of them [i.e. Place 1, Place 2, Place 3, Place 4 and Place 5].

Section 9. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 10. No person, not a member of the Council, shall be allowed to address the same while in session without unanimous consent of the Council.

Section 11. Persons seeking to address the Council during the meetings of the Council shall be recognized to do so during and pursuant to Item 4 of Section 7 [Comments of the public] of these rules of order and procedure. All persons shall address and speak to the Council from a designated rostrum. Each person so recognized to address the Council shall be allowed a period of five (5) minutes to do so and the Clerk shall keep the time and shall notify the person addressing the Council when one (1) minute of the time remains. All persons obtaining recognition to address the Council shall do so only upon the matters within the purview and jurisdiction of the Council and touching upon matters that are to be acted upon or which may be acted upon by the Council. All general supervisory and executive matters within the Mayor's responsibility shall be taken up with the Mayor at a time other than during the meetings of the Council.

Section 12. Every officer, whose duty it is to report at the regular meetings of the Council who shall be in default thereof, may be fined at the discretion of the Council.

Section 13. All resolutions and ordinances shall be in writing.

Section 14. Motions to reconsider must be by a member who voted with the prevailing side and at the same or next succeeding regular meeting of the Council. If the latter, such intent to make a motion to reconsider must be filed in writing with the Clerk of the City by 4 o'clock p.m. on Thursday before the next succeeding regular meeting of the Council. A matter shall be subject to a motion to reconsider one time only.

Section 15. Whenever it shall be requested by one or more members the "yeas" and "nays" shall be recorded; and any member may call for a division on any question.

Section 16. All questions of order shall be decided by the presiding officer of the Council

with the right of appeal to the Council by any member. The presiding officer shall refrain from voting on any appeal of a ruling by the presiding officer to the Council.

Section 17. Motions to lay any matter on the table shall be first in order and a motion for adjournment shall always be in order.

Section 18. The rules of the Council may be altered, amended or temporarily suspended by a vote of three-fifths of the members present. Notice of intent to alter or amend these rules of procedure shall be given in writing at the regular meeting of the council before the next succeeding regular meeting of the council at which a member intends to alter or amend the said rules.

Section 19. The chairman of each respective committee, or the Council member acting for him in his place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 20. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting, provided, that such ordinances, resolutions or propositions may be considered earlier by the unanimous consent of the Council, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes; and provided further, that this rule shall not apply to the budgeted items and/or current expenses of officers, or wages of employees, of the city.

Section 21. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes.

Section 22. This Ordinance shall become effective immediately upon its passage and approval by the Mayor or upon its otherwise becoming effective as provided by law.

Council Member Lockhart 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 Hall, Council Member Willis, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration had passed unanimously. Council Member Sockwell moved that the Ordinance be approved. Council Member Lockhart 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 Hall, Council Member Willis, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the Ordinance was approved unanimously.

President Noles stated that the next item of business was consideration of a resolution appointing the city attorney.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2841 - 16

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various action be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's attorney for and during the term of the Council commencing November 7, 2016;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that D. Marcel Black of the firm of Black & Hughston, P.C. be, and he hereby is, appointed as City Attorney for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was consideration of a resolution appointing the city engineer.

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 2842 - 16

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's engineer for and during the term of the Council commencing November 7, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that Brad Williams of the firm of Civil Group, LLC be, and he hereby is, appointed as City Engineer for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was consideration of a resolution appointing the Fiscal Agent.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2843 - 16

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's financial manager for and during the term of the Council commencing November 7, 2016;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the firm of Joe Jolly & Co., Inc. be, and said firm hereby is, appointed as the City Financial Manager for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was consideration of a resolution affirming the City's bank depositories.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2844 - 16

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's depositories for and during the term of the Council commencing November 7, 2016;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following depositories of the accounts of the City are hereby approved and ratified:

| <u>Account</u> | <u>Fund:</u> | <u>Bank</u> |
|-----------------------------|--------------|------------------|
| General | 010 | First Metro Bank |
| Christmas Parade Account | 010-10103 | First Metro Bank |
| Cypress Lakes Account | 010-10140 | First Metro Bank |
| Municipal Court Fund | 100-10101 | First Metro Bank |
| Cash Bond Account | 100-10122 | First Metro Bank |
| Defensive Driving School | 100-10123 | First Metro Bank |
| Judicial Administration | 100-10141 | First Metro Bank |
| Street Repair Fund | 117 | First Metro Bank |
| One Half Cent Sales Tax | 120 | Bank Independent |
| Police | 121 | First Metro Bank |
| Corrections | 122 | First Metro Bank |
| State Gas Fund | 124 | First Metro Bank |
| Special Trust | 151 | First Metro Bank |
| 2015-C warrant Construction | 160 | First Metro Bank |

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was consideration of a resolution approving a contract with James William Howard to serve as City Planner.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2845 - 16

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA as follows:

SECTION 1. _____ That the contract with James William Howard for professional consulting services to provide advice, consulting, prepare and provide planning for the transportation and infrastructure needs, now and in the future, and to assist in advising the Council for the long-range needs of the City, and to assist in preparing requests for grants and funding to meet such needs has been reviewed by the Council and determined to be in the best interests of the City and the same is hereby approved, ratified and confirmed.

SECTION 2. _____ That the Council has investigated and ascertained and hereby finds the said James William Howard to be qualified, responsible, and competent to perform said professional services.

SECTION 3. _____ That the contract for such services be awarded to James William Howard and that David H. Bradford as Mayor is hereby authorized to execute the contract in the name of and on behalf of said City. The Clerk is directed to provide a copy of the contract to the said James William Howard and to retain a copy in the City's files.

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was consideration of a resolution to establish the regular meeting dates for the City Council for 2016-2017 fiscal year.

Council Member Willis introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2846 - 16

WHEREAS, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

WHEREAS, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council commencing with the organizational meeting on November 7, 2016 and ending on September 30, 2017 as noted on Exhibit "A" of this resolution, and

BE IT FURTHER RESOLVED that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

BE IT FURTHER RESOLVED that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

BE IT FURTHER RESOLVED that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

BE IT FURTHER RESOLVED that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

EXHIBIT "A"

Schedule of Regular Meetings/Work Sessions Muscle Shoals City Council

Monday, November 7, 2016

Monday, November 21, 2016

Monday, December 5, 2016

Monday, December 19, 2016

Tuesday, January 3, 2017 (Conflict with New Year's Day Holiday)

Tuesday, January 17, 2017 (Conflict with Martin Luther King Federal Holiday)

Monday, February 6, 2017

Monday, February 20, 2017

Monday, March 6, 2017 (NLC Conference, Washington D.C. 3/11 - 3/16)

Monday, March 20, 2017

Monday, April 3, 2017

Monday, April 17, 2017

Monday, May 1, 2017

Monday, May 15, 2017 (AL League - Birmingham 5/20 - 5/23)

Monday, June 5, 2017

Monday, June 19, 2017

Monday, July 3, 2017 (AL Electric Cities 7/9 - 7/11)

Monday, July 17, 2017

Monday, August 7, 2017

Monday, August 21, 2017

Tuesday, September 5, 2017 (Conflict with Labor Day Holiday)

Monday, September 18, 2017

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

President Noles announced that the Resolution had been approved.

President Noles stated that the next item of business was the appointment of Council committees for the Council term of 2016-2020. President Noles announced the following appointments:

Police Department Committee

Allen Noles - Chairman
Chris Hall
Neal Willis

Fire Department Committee

Mike Lockhart - Chairman
Allen Noles
Neal Willis

Public Works Committee

Neal Willis - Chairman
Allen Noles
Ken Sockwell

Parks & Recreation Committee

Chris Hall - Chairman
Ken Sockwell
Mike Lockhart

Administration Committee

Ken Sockwell - Chairman
Chris Hall
Mike Lockhart

President Noles stated that the next item of business was the approval of the minutes of the October 24, 2016 regular meeting and work session.

Upon motion duly made by Council Member Hall, seconded by Council Member Sockwell the Council waived the reading of the minutes of the October 24, 2016 regular meeting and work session and unanimously approved.

At this time President Noles recognized Mayor Bradford for his comments. Mayor Bradford read aloud a proclamation declaring November as “National Hospice Month” in the City. He also announced that the City’s Christmas parade will be held on December 8th at 7:00 pm.

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

CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation

COUNCIL MEMBER - PLACE NO. 1

COUNCIL MEMBER - PLACE NO. 2

COUNCIL MEMBER - PLACE NO. 3

COUNCIL MEMBER - PLACE NO. 4

COUNCIL MEMBER - PLACE NO. 5

ATTEST:

CITY CLERK