

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 4, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 4th day of April 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 Bill Howard. 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.

At this time, Mayor Bradford presented a proclamation declaring April 9th - 15th, 2005 as "Second Hand Smoke Awareness Week" in the City. Diane Peoples, representing the American Cancer Society received the proclamation.

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 March 28, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding a bid for the Union Avenue Drainage Project.

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. 2119-05

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

[1] That the City Engineer did send out advertisements for bids for the construction of the Union Avenue Retention Ponds Project, the bid opening being set for the 24th day of March, 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 AMOUNT:</u>
Parallax Building Systems, Inc.	\$327,287.00
Joe Keenum Construction	\$341,984.00
S & M	\$379,889.18
APAC	\$413,947.34
Gilco	\$469,400.00

[3] The lowest, responsible, responsive bidder, after verifying the bid with the specifications, has been determined as Parallax Building Systems, Inc. with a total bid price of \$327,287.00.

The apparent low and best bidder, Parallax Building Systems, Inc., is now awarded the bid for the construction of the Union Avenue Retention Ponds Project.

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 2120-05

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 April 4, 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>
	Per Gallon:
O'Steen Oil Company	\$1.772
Tatum Oil Company	\$1.859

[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 \$1.772 for the purchase of gasoline.

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

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 the abandonment of a portion of a utility easement abutting Lot 103 in Cedar Place Subdivision and being more particularly described below.

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

PETITION FOR ABANDONMENT OF UTILITY EASEMENT

Comes now Wade Wimberly, owner of Lot 103, in Cedar Place Subdivision, as the same appears of record in Map Cabinet C, Slide 16 in the Colbert County Probate Office, and hereby petitions the City of Muscle Shoals to abandon the East six feet of a 10 foot utility easement located on the west side of the above described lot.

Petitioner represents that the approval of all City departments to the proposed abandonment of easement has been obtained. A plot plan of said Lot 103 reflecting the location of the easement is attached hereto.

This the 7th day of March, 2005.

s/ Wade Wimberly
WADE WIMBERLY

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and State hereby certify that Wade Wimberly, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, he has executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 7th day of March, 2005.

s/ Mary Francis McGee
NOTARY PUBLIC
My Commission Expires: 9-19-07

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2121 - 05

WHEREAS, Wade Wimberly has presented to the City Council of Muscle Shoals, Alabama, a written petition for abandonment of a utility easement, duly executed and acknowledged, setting forth that he is the owner of Lot 103, in Cedar Place Subdivision, as the

same appears of record in the Office of the Judge of Probate of Colbert County, Alabama, in Map Cabinet C, Slide 16, in Muscle Shoals, Alabama; and

WHEREAS, the City Council of Muscle Shoals, Alabama, a municipal corporation, has been requested to assent to and approve the abandonment of the East six feet of a 10 foot utility easement located on the west side of the above described property; and

WHEREAS, the City Council of Muscle Shoals, Alabama, does hereby find that the abandonment of the utility easement of the above described property is not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Muscle Shoals, Alabama, a municipal corporation, that the East six feet of a 10 foot utility easement located on the west side of Lot 103, in Cedar Place Subdivision, as the same appears of record in Map Cabinet C, Slide 16, in the Colbert County Probate Office, is hereby abandoned and of no further force or effect.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim Wade Wimberly whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described easement and that the Mayor is hereby authorized to execute a quit-claim deed to Wade Wimberly, for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Grissom seconded 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 vacation of a portion of an east-west alley portion between 2nd Street and Woodside more particularly described below.

Council Member Grissom thereupon introduced the following resolution which was presented in the meeting:

PETITION

WHEREAS, the undersigned, **MUSCLE SHOALS CENTER, INC.**, a corporation, (hereinafter referred to as “Petitioner”) is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyways, or portions thereof.

WHEREAS, Petitioners states that the alleyways, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as **MUSCLE SHOALS CENTER NUMBER 2**, all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama.

WHEREAS, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further, that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, Petitioner states that the alleyways, or portions thereof, desired to be vacated are not currently being used;

WHEREAS, Petitioner states that there are no public utilities situated or located on, over or through the alleyways, or portions thereof, desired to be vacated;

WHEREAS, Petitioner seeks and requests assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, the undersigned Petitioner, being all of the owners of property in the subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting on the alleyways, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following alleyways, or portions thereof, to be vacated, to wit:

That portion of that certain alleyway bounded on the North by the South line of Lots 35 through 60, inclusive, and bounded on the South by the North line of Lots 137 through 162, inclusive, all in **MUSCLE SHOALS CENTER NUMBER 2**, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot of Lot 60 (extended) South to the Northeast corner of Lot 137 and bounded on the West by the West line of Lot 35 (extended) South to the Northwest corner of Lot 162 as shown on the above described plat.

IN WITNESS WHEREOF, Petitioner has caused this instrument to be executed this 4th day of April 2005.

MUSCLE SHOALS CENTER, INC.

By: s/ William Britton

Its Authorized Officer

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that William Britton, whose name as President of **MUSCLE SHOALS CENTER, INC.**, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as said officer, executed the same voluntarily on the day the same bears date for and as the act of said corporation.

Given under my hand and official seal this 4th day of April 2005.

s/ Mechele Bradford

NOTARY PUBLIC

My Commission Expires:2/24/08

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2122 -05

WHEREAS, MUSCLE SHOALS CENTER, INC., a corporation, hereinafter referred to as Petitioner, is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyways, or portions thereof, has presented its signed Petition of Vacation of a part of said alleyways to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the property above referred to is more particularly described as follows: That portion of that certain alleyway bounded on the North by the South line of Lots 35 through 60, inclusive, and bounded on the South by the North line of Lots 137 through 162, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot of Lot 60 (extended) South to the Northeast corner of Lot 137 and bounded on the West by the West line of Lot 35 (extended) South to the Northwest corner of Lot 162 as shown on the above described plat.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portions of the alleyways to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks within the City of Muscle Shoals, Alabama, and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and the same is hereby given and granted to the vacation of the portion of the alleyway herein above described.

Council Member Holland seconded the motion and, upon said 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 establishing a motor vehicle policy for city employees operating motor vehicles.

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 2123 - 05

A RESOLUTION APPROVING A MOTOR VEHICLE POLICY IN THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE USE OF CITY VEHICLES AND THE EMPLOYEES WHO OPERATE SAID CITY VEHICLES

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of instituting a motor vehicle policy providing for the use and operation of city vehicles and the employees who operate said city vehicles; and

WHEREAS, the City Council is desirous of instituting said motor vehicle policy in an effort to enhance safe operation of said city vehicles and to insure that the employees operating same are properly licensed at all times to do so; and

WHEREAS, the City Council is desirous of instituting said motor vehicle policy in an effort to control the costs of its liability insurance for the use and operation of city vehicles;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that the City Council does hereby adopt, approve and institute the following policy pertaining to city vehicles and the employees who operate said city vehicles:

**City of Muscle Shoals
Motor Vehicle Operations Policy**

- 1.01 Purpose: To establish a City of Muscle Shoals Policy pertaining to the requirements and responsibilities for operating a City vehicle.
- 1.02 Definition of a City Vehicle: Any vehicle that is owned, leased, rented, or loaned to the City of Muscle Shoals. This includes equipment that does not require a driver's license but will be operated on a public street.
- 1.03 Drivers License Requirements:
 - A. Prospective and current employees, whose job duties include the operation of a City vehicle, must be in possession of a valid and current Alabama driver's license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstances shall a City employee, whose license has been canceled, revoked, suspended, or expired, operate a vehicle around or about a roadway.
 - B. Prior to employment, a prospective employee whose duties are to include the operation of a City vehicle, shall produce a valid and current Alabama driver's license.
 - C. An employee, whose job duties include the operation of a City vehicle, shall no later than the next business day, notify his/her department head (or delegated representative) of any change in the status of his/her driver's license or the receipt of any citation for a moving violation in the operation of a City vehicle whether the citation is on or off the job. Failure to immediately report a driver's license revocation, suspension, cancellation, or citation, as required by this paragraph, shall result in disciplinary action.

An employee who fails to report a change in the status of his/her driver's license or the receipt of any citation for a moving violation in the operation of a city vehicle no later than the next business day, shall be subject to one or more of the following:

- letter of reprimand, or
- suspension without pay, or
- revocation of driving privileges and reassignment/demotion to a job not requiring the ability to drive if available, or
- termination of employment

All disciplinary action and related matters shall be conducted in compliance with Chapter 8 of the City of Muscle Shoals Policies and Procedures.

1.04 Motor Vehicle Record (MVR) Requirements:

A. An applicant for a position with the City of Muscle Shoals, whose job duties include driving a City vehicle, will have his/her current MVR reviewed, prior to being employed, by the hiring authority or so delegated official. If the MVR has greater than eight points in a 24 month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration for the position in question.

B. If a current employee whose job description includes the duty to operate a City vehicle, has, at any time, an MVR that is found to be greater than eight (8) points according to the points scale for the State of Alabama Uniform Traffic Citation (UTC) offense codes, that employee shall be required to attend a defensive driving course at his/her own expense. The accumulation of points is for a 24-month period. The date of reference for points accumulation shall be the date of the conviction. The City Clerk's Office shall be responsible for reviewing MVRs for all employees whose job descriptions include the duty to operate a City vehicle. MVR reviews will be conducted every 24 months.

C. The employee who is identified as having an MVR greater than eight (8) points will be given thirty calendar days from the date of notification to present a certificate from a school of defensive driving to his/her department head (or delegated representative).

Any employee who fails to present such certificate within the required time frame shall be subject to one or more of the following:

- letter of reprimand, or
- suspension without pay, or
- revocation of driving privileges and reassignment/demotion to a job not requiring the ability to drive if available, or
- termination of employment

D. Any current employee convicted of the offense of driving under the influence of alcohol or drugs will be immediately prohibited from operating City vehicles. It is the responsibility of the employee to report such a conviction to his/her department head (or delegated representative) no later than the next business day.

An employee who fails to report a conviction for the offense of driving under the influence of alcohol or drugs within the required time frame shall be subject to one or more of the following:

- letter of reprimand, or
- suspension without pay, or
- revocation of driving privileges and reassignment/demotion to a job not requiring the ability to drive if available, or
- termination of employment

1.05 Seat Belt Use

A. Seat belt use is mandatory in all City vehicles as required by state law.

1.06 Responsibilities

A. Department heads shall be responsible for:

- Ensuring that employees are aware of the driver's license requirements and Motor Vehicle Record (MVR) requirements of this policy.
- Ensuring employees are aware of and comply with the seat belt usage requirement.

BE IT FURTHER RESOLVED that the City Clerk shall make sufficient copies of the foregoing motor vehicle policy and shall cause said copies to be distributed to the Department Heads of the City. The Department Heads shall post a copy of the motor vehicle policy in a conspicuous place within the department and shall take any other reasonable steps to inform the employees in the department of the motor vehicle policy.

BE IT FURTHER RESOLVED that the motor vehicle policy adopted herein shall become effective immediately upon passage.

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.

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