

**MINUTES OF THE ORGANIZATIONAL SESSION OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA HELD  
NOVEMBER 5, 2012**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:10 o'clock p.m. on the 5<sup>th</sup> day of November 2012, 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.

The invocation was given by Brett Pitman, Pastor of Highland Park Baptist Church.

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

After the oaths were taken, 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 next order of business was the election of a President of the Council and that 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 Joe Pampinto nominated James Holland.

There being no additional nominations, the City Clerk announced that nominations were closed. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

JOE PAMPINTO, Member, votes for James Holland

NEAL WILLIS, Member, votes for James Holland

MIKE LOCKHART, Member, votes for James Holland

JAMES HOLLAND, Member, votes for James Holland

ALLEN NOLES, Member, votes for James Holland

After tabulation of the vote, the City Clerk announced the vote and declared James Holland as President of the Council.

President Holland 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 Neal Willis nominated Allen Noles.

There being no additional nominations, the President Holland announced that

nominations were closed. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

JOE PAMPINTO, Member, votes for Allen Noles  
NEAL WILLIS, Member, votes for Allen Noles  
MIKE LOCKHART, Member, votes for Allen Noles  
JAMES HOLLAND, Member, votes for Allen Noles  
ALLEN NOLES, Member, votes for Allen Noles

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

President Holland stated that the next item of business was consideration of the resolution setting the rules of procedure for meetings of the Council.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2581 - 12**

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#### **A RESOLUTION APPROVING THE RULES OF PROCEDURE FOR MEETINGS OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA FOR THE TERM COMMENCING NOVEMBER 5, 2012**

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The Council of Muscle Shoals, Alabama being elected and meeting pursuant to law in organizational session on the first Monday of November 2012 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 RESOLVED 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 twenty-four (24) hours before the commencement of said work session or meeting unless otherwise provided by law. 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 5 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.

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Council Member Lockhart seconded the motion and upon said motion being put to a vote, voting "AYE" were Council Member Pampinto, Council Member Willis, Council Member Lockhart, Council Member Holland and Council Member Noles. Voting "NAY" were none.

President Holland announced that the Resolution had been approved.

President Holland 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 2582 - 12**

**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 attorney for and during the term of the Council commencing November 5, 2012;

**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.

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Council Member Noles seconded the motion and upon said motion being put to a vote, voting "AYE" were Council Member Pampinto, Council Member Willis, Council Member Lockhart, Council Member Holland, Council Member Noles. Voting "NAY" were none.

President Holland announced that the Resolution had been approved.

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

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 NUMBER 2583 - 12**

**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 5, 2012;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Muscle Shoals, Alabama that Brad Williams of the firm of Williams Engineering 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.

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

President Holland announced that the Resolution had been approved.

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

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 2584 - 12**

**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 5, 2012;

**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.

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

President Holland announced that the Resolution had been approved.

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

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2585 - 12**

**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 5, 2012;

**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>	<u>Acct #</u>
General	010	First Metro Bank	450
Christmas Parade Account	010-10103	First Metro Bank	51160
Cypress Lakes Account	010-10140	First Metro Bank	82661
Municipal Court Fund	100	First Metro Bank	54305
Cash Bond Account	100-10122	First Metro Bank	76619
Judicial Administration	100-10141	First Metro Bank	89001
Street Repair Fund	117	First Metro Bank	11746
One Half Cent Sales Tax	120-10101	Bank Independent	3089531
Police	121	First Metro Bank	4758
Corrections	122	First Metro Bank	24651
State Gas Fund	124	First Metro Bank	11738
Special Trust	151	First Metro Bank	26816

**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 Holland announced that the Resolution had been approved.

President Holland announced that the next item of business was the appointment of the municipal judge for a two year term commencing November 1, 2012.

Council Member Lockhart moved that Bill Marthalar be reappointed to a two year term as municipal judge effective November 1, 2012. Council Member Noles seconded the motion and upon said motion being put to a vote, the following vote was recorded:

AYES: Council Member Willis, Council Member Lockhart, Council Member Holland,  
Council Member Noles,

NAYS: Council Member Pampinto

Mayor Bradford announced that the motion had been approved and the appointment was ratified.

President Holland stated that the next item of business was to authorize the City Clerk to give public notice of the application process to select a City Prosecutor. Council Member Noles moved that a 15 day application period be established to receive resumes from prospective attorneys desiring appointment to the position of City Prosecutor. Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Holland announced that the application process had been approved.

President Holland stated that the next item of business was the appointment of Council committees. President Holland announced the following appointments:

Police Department Committee

Mike Lockhart - Chairman  
Jim Holland  
Neal Willis

Fire Department Committee

Jim Holland - Chairman  
Mike Lockhart  
Joe Pampinto

Public Works Committee

Allen Noles - Chairman  
Jim Holland  
Joe Pampinto

Parks & Recreation Committee

Joe Pampinto - Chairman  
Allen Noles  
Neal Willis

Administration Committee

Neal Willis - Chairman  
Allen Noles  
Mike Lockhart



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

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 2586 - 12**

**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.

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

President Holland announced that the Resolution had been approved.

At this time President Holland recognized Mayor Bradford for any comments. Mayor Bradford read aloud a proclamation declaring November 13, 2012 as "Retired Teachers Day" in the City.

President Holland stated that the next item of business was the approval of the minutes of the October 15, 2012 regular meeting and work session and the October 22, 2012 work session.

Upon motion duly made by Council Member Pampinto, seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the October 15, 2012 regular meeting and work session and the October 22, 2012 work session.

President Holland stated that the next item of business was consideration of a resolution to appoint a member to the Muscle Shoals Recreation Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2587 - 12**

**WHEREAS**, a vacancy on the Recreation Board has occurred and the City Council being desirous of making the necessary appointment to said board;

**WHEREAS**, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

**WHEREAS**, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Jeff Isbell

**WHEREAS**, Jeff Isbell was the sole applicant for appointment to the board and currently serving on the board, and

**WHEREAS**, a roll call vote was had by the City Council as follows:

Council Member Pampinto: Jeff Isbell  
Council Member Willis: Jeff Isbell  
Council Member Lockhart: Jeff Isbell  
Council Member Holland: Jeff Isbell  
Council Member Noles: Jeff Isbell

**WHEREAS**, Council President Holland announced that Jeff Isbell had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Jeff Isbell	Recreation Board	November, 2017

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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

President Holland announced that the Resolution had been approved.

President Holland stated that the next item of business was consideration of a resolution to appoint a member to the Muscle Shoals Library Board.

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2588 - 12**

**WHEREAS**, a vacancy on the Library Board has occurred and the City Council being desirous of making the necessary appointment to said board;

**WHEREAS**, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

**WHEREAS**, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Martha Black

**WHEREAS**, Martha Black was the sole applicant for appointment to the board, and

**WHEREAS**, a roll call vote was had by the City Council as follows:

Council Member Pampinto: Martha Black

Council Member Willis: Martha Black

Council Member Lockhart: Martha Black

Council Member Holland: Martha Black

Council Member Noles: Martha Black

**WHEREAS**, Council President Holland announced that Martha Black had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Martha Black	Library Board	November, 2016

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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

President Holland announced that the Resolution had been approved.

President Holland stated that the next item of business was consideration of a resolution to authorize the disbursement of funds to North American Lighting for reimbursement of costs associated with a sewer road bore.

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 2589 - 12**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama entered into a Project Development Agreement with North American Lighting Inc., which included among its provisions an agreement by the City to extend utility services to the Project Site; and

**WHEREAS**, North American Lighting Inc. has presented unto the City an invoice in the amount of \$10,700.00 from T.J. Construction, Inc. for a sewer bore necessary to extend said utility services to the Project Site; and

**WHEREAS**, North Alabama Lighting Inc. paid said invoice and seeks reimbursement from the City pursuant to the terms of the Project Development Agreement in the amount of \$10,700.00;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby approve payment of the sum of \$10,700.00 to North American Lighting Inc. for reimbursement of the payment to T. J. Construction, Inc. For work performed in extending utilities to the Project Site pursuant to the terms of the Project Development Agreement and the City Clerk/Treasurer is hereby directed to draw on the City's account a check in the amount of \$10,700.00 payable to North American Lighting Inc. and cause same to be delivered unto the payee as reimbursement of the sums paid by North American Lighting Inc.

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

President Holland announced that the Resolution had been approved.

President Holland stated that the next item of business was approval of an application by First Response Ambulance for a business license to provide ambulance transport services in the city. Council Member Noles moved that the license be approved. Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Holland announced that the business license had been approved.

President Holland stated that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to Belle Foods LLC dba Belle Foods located at 3413 Woodward Avenue.

President Holland announced at a meeting to be held on the 3<sup>rd</sup> day of December, 2012 at 6:30 p.m. at the City Hall in said city, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

President Holland stated that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to Alabama CVS Pharmacy LLC dba CVS Pharmacy 4901 located at 1715 Woodward Avenue.

President Holland announced at a meeting to be held on the 3<sup>rd</sup> day of December, 2012 at 6:30 p.m. at the City Hall in said city, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

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

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COUNCIL MEMBER - PLACE NO. 1

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COUNCIL MEMBER - PLACE NO. 2

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COUNCIL MEMBER - PLACE NO. 3

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COUNCIL MEMBER - PLACE NO. 4

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COUNCIL MEMBER - PLACE NO. 5

ATTEST:

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CITY CLERK