

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 25, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 25th day of October 2004 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.

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 organizational meeting of October 4, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the presentation of Certificates of Commendation to city employees Bill Hatton and Kim Henderson for their current military service in Iraq.

Mayor Bradford announced that the next item of business was the award of bids for fuel. 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 2079-04

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 fuel products, the bid opening being held October 21, 2004 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>	<u>DIESEL:</u>
	Per Gallon:	Per Gallon:
O'Steen Oil Company	\$1.508	\$1.819
Tatum Oil Company	\$1.518	\$1.798

[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 \$1.508 for the purchase of gasoline, and Tatum Oil Company with a bid price of \$1.798 for the purchase of diesel.

The apparent low and best bidders, O'Steen Oil Company and Tatum Oil Company are now awarded the bid for fuel products.

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 the scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor Class II Package License to Amandip Kaur dba Shoals Package Store to be located at 3695 E. 2nd Street.

Mayor Bradford announced that at a hearing to be held at the City Hall in said City at 6:30 p.m. on the 15th day of November, 2004 the Council will consider the approval of the issuance of the Lounge Retail Liquor Class II Package License to Amandip Kaur, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the issuance of such license.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Barbara Spencer dba Barbara's Restaurant & Bar to be located at 3695-A E. 2nd Street.

Mayor Bradford announced that at a hearing to be held at the City Hall in said City at 6:30 p.m. on the 15th day of November, 2004 the Council will consider the approval of the issuance of the Restaurant Retail Liquor License to Barbara Spencer, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the issuance of such license.

Mayor Bradford announced that the next item of business was the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is located 410 State Street and is more particularly described as follows:

PROPOSED ORDINANCE
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described areas are hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lot 45, Avalon Highlands Subdivision , 410 State Street, Muscle Shoals

The Council finds that legal notice of the following proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 25th day of October 2004, at 6:30 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

Mr. Gordon MacLean, owner of the property, spoke in favor of the rezoning.

Mr. W. B. Richardson, 400 W. State Street, spoke in opposition to the rezoning.

Mrs Norma McClure, 308 W. State Street, spoke in opposition to the rezoning. She stated that she had conducted an informal survey of 14 residences affected by the possible rezoning. 5 homeowners indicated to her they favored the rezoning while 9 stated they opposed the rezoning.

Mr. Gary Romans, 302 W. State Street, asked how the proposed rezoning would affect his property taxes, insurance and traffic along the street. He stated he intended to remain at his residence until his children (ages 10 & 13) finish college.

Mr. James McClure, 308 W. State Street, complained about the littering and the vehicle's head lights shining in his home from existing traffic. He stated that he did not oppose the rezoning.

Mr. William David Pickens II, 304 W. State Street, stated he was not opposed to just the rezoning of Mr. MacLean's property. He was concerned about children playing in the area with the traffic volumes.

There being no others individuals wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote was had and the vote recorded as follows:

AYES: None

NAYS: Council Member Pampinto, Council Member Willis, Council Member Grissom
Council Member Holland, Council Member Noles, Mayor Bradford

Mayor Bradford announced that the ordinance failed to pass.

Mayor Bradford announced that the next item of business was consideration of the 2004-2005 General Fund Budget.

Council Member Willis introduced the following budget in writing:

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Noles 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, 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 Willis then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Noles 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the General Fund Budget approved.

Mayor Bradford announced that the next item of business was a resolution authorizing the Mayor to execute an agreement with Ricky Jones for the retirement and disposition of the police dog "Max".

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 2080-04

WHEREAS, the City Council has been informed by the Chief of Police that the department's K-9 dog, Max, is no longer required for use by the police department; and

WHEREAS, the City Council is informed that the said K-9 dog, Max, is being replaced and that said K-9 dog, max, is being retired from service effective October 25, 2004;

WHEREAS, the City Council has determined that the K-9 dog, Max, is surplus property and the City has no further use for said dog due to its age and condition and it is not economical for the City to continue to provide for its care and upkeep; and

WHEREAS, the Council has been informed of the terms and conditions of an Agreement whereby the ownership of the said dog, Max, shall be transferred unto Ricky Jones, his former handler within the department and finds that said terms and conditions are in the best interest of the City;

NOW, THEREFORE, the City Council of the City of Muscle Shoals, Alabama does hereby declare that the K-9 dog, Max, to be surplus property and be disposed of by the Chief of Police of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or transfer of said dog, Max; and the Council does

hereby authorize the Chief of the Police Department to execute an agreement to transfer ownership of the department's said K-9 dog, Max, unto Ricky Jones.

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 an appointment to the Health Care Authority of North Alabama dba HealthGroup of Alabama.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2081-04

WHEREAS, the City Council of Muscle Shoals, Alabama is the appointing authority for certain members to the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama; and

WHEREAS, the City Council deems it necessary and expedient that said appointments be made to insure the continued efficient and orderly conduct of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama's business; and

WHEREAS, the City Council has determined that a vacancy has occurred for place #8 ,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following named person is hereby appointed as a member of the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama, said appointment for place #8 on the Board of Directors hereinafter set forth for the remainder of the term of expiring as shown herein:

<u>Place #</u>	<u>Appointee</u>	<u>Expiration of Term</u>
Place 8	Jean Templeton	June 30, 2006

BE IT FURTHER RESOLVED by the City Council of Muscle Shoals, Alabama that the Clerk of the City shall prepare a certified copy of this Resolution and deliver a copy of same to the Chief Executive Officer of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama.

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 a discussion of the observance of Halloween. Noting that the holiday falls on Sunday, October 31st Council Member Pampinto moved that the Council suggest to citizens that the holiday be observed on Saturday, October 30th instead. 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 motion had been approved.

Mayor Bradford announced that the next item of business was an announcement concerning a public hearing. City Planner Bill Howard that the Alabama Department of Transportation will hold a public hearing at ALDOT’s offices on Tuesday, November 30th to receive public comment on the conceptual design of the proposed fifth lane of Avalon Avenue from Woodward Avenue to Cox Boulevard. He encouraged all citizens to attend.

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