

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
April 16, 2007**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 16<sup>th</sup> day of April 2007 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 Paul McDougle. 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, DAVID H. BRADFORD  
ABSENT:    ALLEN NOLES

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 Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of April 2, 2007 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation declaring April 23<sup>rd</sup> - 27<sup>th</sup>, 2007 as "Week of the Young Child" in the City.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding a bid for the purchase of trash containers.

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

## RESOLUTION NO. 2258-07

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

[1] That the Procurement Agent did send out advertisements for bids for the purchase of wheeled refuse containers, the bid opening being set for the 9th day of April, 2007, 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 per unit price:

Otto Environmental, Inc.	\$48.15 / per container
Truck Equipment Sales	\$49.87
Toter Incorporated	\$49.74 / 50.24 / 50.74 (based on # containers)
Schaefer Systems	\$55.64

[3] The apparent lowest, responsive, and responsible bid is that of Schaefer Systems International with a bid price of \$55.64 per container. The low bids of Otto Environmental, Inc., Truck Equipment Sales, and Toter Inc. reflect exceptions deemed unacceptable to the City's required minimum specifications as follows:

- (1) OTTO ENVIRONMENTAL
  1. Minimum wall thickness is .175" (Bid required .200")
2. TRUCK EQUIPMENT SALES
  1. Weight is 40 lbs. (required minimum of 51 lbs.)
  2. Wheels and axles (plastic with snap lock wheels)
  3. Delivered fully assembled except for lower bar (required full assembly except lid, wheels and axles)
3. TOTER INC.
  1. Medium density polyethylene with 0.172" wall thickness (Required high density polyethylene and no less than .200" wall thickness)
  2. Dimensions: Width 29.75" (Required no more than 26.68")  
Weight 36.2 pounds (Required no less than 45.90 pounds)
  3. 10"x2" wheels (Required 12"x1.75") with 5/8" axle (Required 7/8")
  4. Markings on top of lid in 7/8" letters (Required on underside of lid with 1" letters)
  5. Prices conditional upon truckload size, and price adjustment statement included (required firm price)

**BE IT HEREBY RESOLVED** that the bid for the purchase of wheeled refuse containers be awarded to Schaefer Systems International with a bid price of \$55.64 per container.

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Council Member Grissom moved for adoption of the resolution. 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 a public hearing to consider the issuance of a Restaurant Retail Liquor License to Jonathan's Steakhouse II, LLC dba Jonathan's Steakhouse II located at 628 E. Second Street.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

Stephen Sandusky, the owner indicated that they intended to maintain strict control of the beer and wine and keep a family atmosphere in the restaurant.

There being no one else wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for the sale of timber and authorize the Mayor to execute a contract for the sale.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2259 - 07**

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

**WHEREAS**, the City of Muscle Shoals, Alabama is the owner of the following described real property, to wit:

A tract of land lying partly in the East 1/2 of the SE 1/4 and partly in the SE 1/4 of the NE 1/4 of Section 6, Township 4 South, Range 10 West, Colbert County, Alabama, part of said property also known as ROSE HEIGHTS SUBDIVISION, according to the Map or Plat of said Subdivision as recorded in the Office of the Judge of Probate, Colbert County, Alabama, in Map Book 2, Page 597 and being more particularly described as follows, to-wit: Commence at a P.K. nail and shiner set (stamped typical R.Collins, L.S — 13406) formerly an existing cotton spindle in the centerline of 6<sup>th</sup> Street (Colbert County Road #24 — 80 foot right of way), said point being locally known and accepted as the SE corner of said Section 6; thence N 88 degrees 48' 20" W and along the centerline of said 6<sup>th</sup> Street 551.88 feet to a P.K. nail and shiner set; thence leaving said centerline N 00 degrees 19' 46" W and along the Eastwardly line of the Davis B. McBride (Betty McBride Sellers) property as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Book 199, Pages 50-51 for 2656.57 feet (passing over a reference iron pin set [capped typical R. Collins, .L.S.-13406 on the

Northwardly right of way of said 6<sup>th</sup> Street at 39.78 feet] to an iron pin set (Sellers' NE corner); said point lying on the Southwardly line of the E.E. Blackstock and wife, Ann F. Blackstock property (Book 9507, Pages 421-422), thence S 88 degrees 55' 18" E and along Blackstock's Southwardly line 395.94 feet to an existing iron pin (capped Alexander, L.S. #2268) Blackstock's SE corner; thence N 00 degrees 20' 47" W and along Blackstock's Eastwardly line 306.30 feet to an existing iron pin (capped Alexander, L.S. #2268) Blackstock's NE corner, said point lying on the Southwardly right of way of Peachtree Street; thence S 89 degrees 02' 24" E and along said right of way 100.27 feet to a corner which falls in a 36" Hackberry tree lying on the Westwardly boundary of the Northwest Regional Airport and the Eastwardly line of said Section 6; thence along said Northwest Regional Airport boundary line and along said section line S 00 degrees 21' 43" E 333.67 feet to an existing iron pin (capped R. Collins, L.S.-13406); said point being the NW corner of Tract 2, SHOALS RESEARCH AIR PARK , (Plat Cabinet C, Slide No. 126); thence S 01 degree 32' 16" E and along the Westwardly line of said Tract 2 and along the Eastwardly line of said Section 6 for 2632.48 feet (passing over an existing reference iron pin [capped R. Collins, L.S. — 13406] at 2592.45 feet) to the point of beginning. Said tract contains 32.65 acres, more or less, and is subject to any easements of record or easements existing on site.

And, **WHEREAS**, the City Council has determined that it is in the best interests of the City that the said land be cleared of all standing timber; and that the Procurement Agent did send out advertisements for bids for the clearing of said timber, the bid opening being set for 11:00 a.m. on the 16<sup>th</sup> day of April, 2007, at the City Hall of the City of Muscle Shoals, Alabama.

At the appointed time and place, as specified above, the following bids were opened and tabulated as follows, and:

<b><u>BIDDER:</u></b>	<b><u>BID AMOUNT:</u></b>
Quality Land & Timber	\$4,600.00
TMA Wood, Inc.	\$7,000.50

**WHEREAS**, the highest, best, responsible and responsive bidder, has been determined as TMA Wood , Inc. with a total bid price of \$7,000.50 payable to the City of Muscle Shoals for the clearing of timber, and

**WHEREAS**, the City Council has reviewed the contents of a proposed contract for removal of said timber from the land and after negotiations has determined that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute said instrument; now

**THEREFORE, BE IT RESOLVED** that the bid is now hereby awarded to TMA Wood, Inc. for the total bid price of \$7,000.50, and

**BE IT FURTHER RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to enter into the instrument styled Contract for Removal of Timber.

**BE IT FURTHER RESOLVED** that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the removal of the timber that he may deem necessary for and on behalf of the City.

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 authorizing the expansion of the City's retention pond on West 6<sup>th</sup> Street.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2260 - 07**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with MUSCLE SHOALS CENTER, INC., [referred to hereinafter as MSC, Inc.] for the improvement of a retention pond in Sinkhole 14 located and situated on the North side of 6<sup>th</sup> Street in exchange for the dirt to be excavated from said pond during the improvements; and

**WHEREAS**, the City and MSC, Inc. have reached agreement as to the requirements of each; and have agreed upon terms and conditions for the project and the Council has determined that the terms and conditions are as agreed upon by the City; and

**WHEREAS**, the City has been advised by its City Engineer as to the estimated increased capacity of the retention pond in Sinkhole 14 located and situated on the North side of 6<sup>th</sup> Street as well as the estimated market value of the dirt to be removed therefrom during the course of the project. Upon consideration of the benefits of the increased size and capacity of the pond, the improvements to the pond including the shaping of the banks and fencing and the fact that the improvements to the pond will place the pond in compliance with the City's ordinances as to retention ponds as well as the granting by MSC, Inc. of an easement for ingress and egress and an easement for the existing drainage pipes, value of the dirt to be removed therefrom and made available to MSC, Inc. for its use, the City Council has determined that it is in the interests of the City to enter into said agreement with MSC, Inc.

**BE IT HEREBY RESOLVED** by the City Council of the City of Muscle Shoals, Alabama, does hereby approve and authorize MSC, Inc. to excavate the retention pond in Sinkhole 14 located and situated on the North side of 6<sup>th</sup> Street in exchange for the dirt to be removed therefrom during the course of the project pursuant to the following conditions:

1. Silt fencing must be installed so as to prevent silt and sediment from the excavation from covering the bottom of the exiting pond.
2. During the period of excavation, temporary fencing must be placed or the permanent fencing installed so that all areas of the pond is secure so that it is inaccessible to the public.
3. At the conclusion of the project, the entire pond must meet all City ordinances and requirements for detention and retention ponds, including fencing, the shaping and sodding of the banks and all other requirements.
4. MSC, Inc. will cause to be surveyed and provide a legal description of the entire portion of the property which comprises the expanded pond area and will convey unto the City said the portion of property necessary so as the City has title to the entire pond area after the completion of the project.
5. MSC, Inc. will cause to be surveyed and provide a legal description to property to be used as an easement for ingress and egress to the pond area and will convey unto the City an easement for ingress and egress over and across its property to the City to provide access to the pond.

6. MSC, Inc. will cause to be surveyed and provide a legal description to property to be used as an easement for convey unto the City an easement for the existing drainage pipe emptying into the pond and will convey unto the City an easement for the existing drainage pipe over and across its property to the City.
7. During the course of the project, MSC, Inc. will allow access to the construction site by the City, its agents or employees, for the purposes of inspecting the construction project.
8. MSC, Inc. shall indemnify and hold harmless the City, its agents or employees from any and all loss, claim, damage of injury, including the defense of same, arising from the excavation of the said a retention pond in Sinkhole 14 located and situated on the North side of 6<sup>th</sup> Street
9. The project shall be completed within 120 days from the date of the adoption of this Resolution.

**BE IT FURTHER RESOLVED** that the Clerk of the City shall provide a certified copy of this Resolution evidencing the approval and authorization of the project by the City to Muscle Shoals Center, Inc. The Clerk shall obtain the consent and agreement of MSC, Inc. to the terms and conditions of project, same to be indicated in writing by the authorized officer of MSC, Inc. No work is to be commenced until such written consent and approval is obtained from MSC, Inc.

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Council Member Holland 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 accepting a \$50,000.00 grant from the Alabama Department of Economic and Community Affairs for the purchase of a handicapped accessible van for the recreation department.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2261 - 07**

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

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Economic and Community Affairs, relating to funding for the purchase of a handicapped accessible van, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk

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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.

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

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MAYOR

\_\_\_\_\_  
COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK