

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
April 2, 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 2<sup>nd</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 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 Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of March 19, 2007 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation declaring April, 2007 as “Child Abuse Prevention Month” in the City.

At this time, Mayor Bradford announced was the proper time for public comments. Mr. C. C. Wright, 2001 Virginia Avenue was recognized and addressed the Council.

Mayor Bradford announced that the next item of business was a public hearing to consider 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 a tract located at the southeast corner of River Road and Marymack Avenue and is more particularly described as follows:

## **ORDINANCE NO. 1387 - 07**

### **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 B-1 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 1 thru 8 in Belva Subdivision, lots are located at the southeast corner of the intersection of Marymack Avenue and River Road. This tract of property is 200' by 120'. Colbert County Tax Parcel #08-04-19-4-001-002.000.

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 2<sup>nd</sup> day of April 2007, 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.

Loren Craft, owner of the property, stated that the building was built 22 years ago as an auto repair shop. At that time a variance was granted allowing for the use intended. The location has been in continual use for B-2 uses. He recently realized that the property should be rezoned to allow its continued use. There being no one else 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: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was a public hearing to consider 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 a tract located at the northeast corner of John R Street and Highland Avenue and is more particularly described as follows:

ORDINANCE NO. \_\_\_\_\_

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:

Lots are located at the northeast corner of the intersection of John R. Street and Highland Avenue. This tract is 120' by 125'. Colbert County Tax Parcel # 13-01-02-2-003-031.000 thru 032.000.

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 2<sup>nd</sup> day of April 2007, 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.

John Snider, 707 Highland Avenue spoke for a group of neighbors in attendance. He stated that this was the second time this parcel has been requested for rezoning with no specific use stated. The property is east of John R Street and has always been residential. Mr. Snider and his neighbors are opposed to the rezoning.

There being no one else 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 was not been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate the map or plat of Rose Heights Subdivision.

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2256 -07**

**WHEREAS**, the City of Muscle Shoals, Alabama is the owners of all of the lots and blocks in ROSE HEIGHTS SUBDIVISION, a subdivision known and designated according to the map or plat thereof recorded in Map Book 2 at Page 597 in the Office of the Judge of Probate of Colbert County, Alabama; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City that said map and plat be vacated and is desirous of vacating the lots, blocks, streets and avenues as set forth on said map or plat of the said ROSE HEIGHTS SUBDIVISION; and

**WHEREAS**, the City Council has reviewed the contents of a proposed instrument that acts to vacate said map or plat and finds 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;

**BE IT HEREBY 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 take the steps necessary to vacate the map or plat of ROSE HEIGHTS SUBDIVISION, subdivision known and designated according to the map or plat thereof recorded in Map Book 2 at Page 597 in the Office of the Judge of Probate of Colbert County, Alabama.

**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 vacation of said map or plat that he may deem necessary for and on behalf of the City and to cause same to be filed for record in the Office of the Judge of Probate of Colbert County, Alabama.

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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.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was presentation of the annual audit report for the year ended September 30, 2006. City Clerk/Treasurer Ricky Williams presented the report as prepared by Leigh, King & Associates. Mayor Bradford directed that the report be spread upon the minutes of the meeting as follows:

Mayor Bradford announced that the next item of business was consideration of a resolution declaring surplus a city vehicle and authorizing its sale.

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2257-07**

**WHEREAS**, the City Council has been informed by the Purchasing Agent that a 1995 GMC Topkick Truck, VIN1GDP7H1J2RJ516699 is no longer used in the performance of city business and is no longer required for use by the City; and

**WHEREAS**, the City Council has determined that the said item of property is surplus property and the City has no further use for said item of property due to its age and condition and it is not economical for the City to retool or refit the said item of property in order that it be able to be placed in service in the performance of city business;

**NOW, THEREFORE**, the City Council of the City of Muscle Shoals, Alabama does hereby determine that the following item of property be declared surplus property and be disposed of by the Purchasing Agent 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 operation of said items of property, namely by internet sale on GovDeals.com; and the Council does hereby authorize the Purchasing Agent of the City to dispose of said item of property in such manner.

The Council states that the following item of property is surplus property:

1995 GMC Topkick Truck, VIN1GDP7H1J2RJ516699

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 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

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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