

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 7, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 7th of April 2008 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 Robert Evans. 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.

Mayor Bradford presented a proclamation declaring April 22, 2008 as "Earth Day" in the City. Janice Williams with the Colbert County Tourism and Conventions Bureau received the proclamation.

Upon motion duly made by Council Member Holland, seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of March 17, 2008 and approved the minutes as written.

Mayor Bradford announced that the next item of business was a resolution authorizing the award of a bid for the purchase of a tractor for the Parks and Recreation Department.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2320-08

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 a tractor to be utilized by the Parks and Recreation Department, the bid opening being held April 3, 2008 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:

BIDDER:	BID AMOUNT:
Tri-Green Equipment, LLC	\$10,935.00

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Tri-Green Equipment, LLC with a bid price of \$10,935.00 for the purchase of a tractor.

The apparent low and best bidder, Tri-Green Equipment, LLC is now awarded the bid for a tractor.

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 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 along Wilson Lake and is more particularly described as follows:

ORDINANCE NO. 1406-08

**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 PRD District, to wit:

that part of Section 17 T-3S R10-W Colbert County Alabama commencing at the southwest corner of section 17; thence s8834 1836.29feet; thence n19 521.36 feet; thence continue, n1928'26"e 175.47 feet to the center line of grand view boulevard; thence s70 382.74 feet; thence on a curve to the right with a radius of 100.00 feet for an arc length of 60.40 feet, said curve being subtended by a chord with a bearing of s53 and a length of 59.48 feet: thence s35'55'14"e 85.26 feet; thence on a curve to the left with a radius of 10000 feet for an arc length of 99.35 feet, said curve being subtended by a chord with a bearing of s64'23'o0"e and a length of 95.32 feet: thence 557 7153 feet; thence on a curve to the left with a radius of 100.00 feet for an arc length of 35.54 feet, said curve being subtended by a chord with a bearing of n765822"e and a length of 35.35 feet; thence n66 82.71 feet; thence on a curve to the left with a radius of 100.00 feet for an arc length of 35.54 feet, said curve being subtended by a chord with a bearing of n56 and a length of 35.35 feet; thence n46 71.53 feet: thence on a curve to the left with a radius of 100.00 feet for an arc length of 99.35 feet, said curve being subtended by a chord with a bearing of n17 and a length of 95.32 feet; thence n10'29'47"w 57.86 feet; thence n66 244.63 feet; thence on a curve to the left with a radius of 225.00 feet for an arc length of 88.37 feet, said curve being subtended by a chord with a bearing of n55 and a length of 87.80 feet; thence on a curve to the right with a radius of 125.00 feet for an arc length of 97.22 feet, said curve being subtended by a chord with a bearing of n66 and a length of 94.79 feet; thence n8833'42 115.26 feet to the centerline of new grand boulevard; thence on a curve to the right with a radius of 100,00 feet for an arc length of 90.53 feet, said curve being subtended by a chord with a bearing of n24 and a length of 87.47 feet; thence on a curve to the left with a radius of 273.20 feet for an arc length of 244.11 feet, said curve being subtended by a chord with a bearing of n2533'sg"e and a length of 236.07 feet; thence leaving, said right-of-way, s89 145.52 feet; thence n8845'57 138.68 feet; thence s89 88.34 feet; thence n6 288.07 feet to the aforementioned centerline of new grand boulevard; thence on a curve to the left with a radius of 273.20 feet for an arc length of 143.30 feet, said curve being subtended by a chord with a bearing of s61 and a length of 141 .67 feet; thence on a curve to the right with a radius of 282.09 feet for an arc length of 161.09 feet, said curve being subtended by a chord with a bearing of s62 and a length of 158.91 feet; thence 582 232.28 feet; thence on a curve to the right with a radius of 404.39 feet for an arc length of 19.03 feet, said curve being subtended by a chord with a bearing of s84 and a length of 19.03 feet; thence on a curve to the left with a radius of 409.39 feet for an arc length of 135.56 feet, said curve being subtended by a chord with a bearing of n87 and a length of 135.02 feet to the westerly line of lot 1; thence, leaving said centerline s89 88.34 feet along said lot 1 to the 509.34 contour line of Lake Wilson; thence in a northeasterly direction along said contour a distance of 802.6 feet more or less to the southeast corner of lot 10: thence in a southwesterly direction along said contour a distance of 2067.7 feet more or less to a point; thence s82 205.85 feet to the point of beginning.

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 7th day of April 2008, 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.

Hank Robbins, owner and developer of the property, stated that he intended to build upscale 2500 - 3500 square foot single family dwellings. Each unit would have its own lot line and be grouped in units of two or three.

Grover Johnson, 401 Lakeside Circle spoke in favor of the project. He welcomed the investment into the community. He expressed concern with a need to improve vehicular access from Grandview Avenue onto River Road.

Karl Bradley presented a petition signed by fourteen individuals in opposition to the rezoning. He read a prepared statement addressing their concerns with the project. These are included as follows:

Carl Overton, 102 Grandview expressed his concern with the ability of traffic to access River Road from Grandview. He stated he was withholding his opinion concerning the rezoning for the present time.

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, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was presentation of the annual audit report for the year ended September 30, 2007. 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 an ordinance to annex portions of four tracts of property located east of South Wilson Dam Road running south to Old Highway 20.

Council Member Grissom introduced the following ordinance which was presented and read in the meeting:

**STATE OF ALABAMA
COLBERT COUNTY**

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, **WILMA L. BRUTON, DAVID WALKER BROWN, LAURA ANN BROWN, BRUCE D. THOMPSON, LISA K. THOMPSON** and **ROBERT BANKSTON**, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

For descriptions of the property herein sought to be annexed into the corporate limits of the City of Muscle Shoals, Alabama, see Exhibits A, B, C and D attached hereto and made a part hereof as if set out in full:

See Exhibit A for the Bruton property;
See Exhibit B for the Brown property;
See Exhibit C for the Thompson property;
See Exhibit D for the Bankston Property;

For purposes of further identification, the tracts described herein are further described as

Parcel # 20-12-04-18-0-001-005.000, (Bruton);
Parcel # 20-12-04-18-0-001-015.000, (Brown);
Parcel # 20-12-04-18-0-001-016.000, (Thompson);
Parcel #20-12-04-18-0-001-017.000, (Bankston)

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit E and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of March 2008.

s/ Wilma L. Bruton L.S.

WILMA L. BRUTON

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **WILMA L. BRUTON**, 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, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 13th day of March 2008.

s/ D. Marcel Black

Notary Public

My Commission expires: 5/15/10

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March 2008.

s/ David Walker Brown L.S.

DAVID WALKER BROWN

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **DAVID WALKER BROWN**, 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, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10th day of March 2008.

s/ D. Marcel Black

Notary Public

My Commission expires: 5/15/10

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March 2008.

s/ Laura Ann Brown L.S.

LAURA ANN BROWN

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **LAURA ANN BROWN**, 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, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10th day of June 2004.

s/ D. Marcel Black
Notary Public
My Commission expires: 5/15/10

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March 2008.

s/ Bruce D. Thompson L.S.
BRUCE D. THOMPSON

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **BRUCE D. THOMPSON**, 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, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10th day of March 2008.

s/ D. Marcel Black
Notary Public
My Commission expires: 5/15/10

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March 2008.

s/ Lisa K. Thompson L.S.
LISA K. THOMPSON

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **LISA K. THOMPSON**, 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, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10th day of March 2008.

s/ D. Marcel Black
Notary Public
My Commission expires: 5/15/10

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March 2008.

s/ Robert Bankston L.S.
ROBERT BANKSTON

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **ROBERT BANKSTON**, 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, that he signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10th day of March 2008.

s/ D. Marcel Black

Notary Public

My Commission expires: 5/15/10

ORDINANCE NO. 1407 - 08

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

Tract A

The South 250' of the following described property:

The South 100 acres, more or less, of the Northwest quarter of Section 18, Township 4, Range 10 West, more particularly described as follows: Beginning at the Southwest corner of said Northwest quarter; thence running East along the half Section line 2640 feet to the center of said Section; thence North, along the North and South half Section line 1648 feet to the lands heretofore known as the Sarah B. Rotroff lands; thence West 2640 feet to the West line of said Section; thence South 1648 feet to the point of beginning, containing 100 acres, more or less, less and except therefrom the North half of the Southwest quarter of the Northwest quarter of Section 18, Township 4, Range 10 West, containing 20 acres, more or less, which was sold to G. P. Nicolopoulos by deed dated 6th of October, 1924, and recorded in Deed Book 42, Page 516, in the office of the Probate Judge of Colbert County, Alabama, and also less and except 10 acres described as follows: Part of the South half of the Northwest quarter of Section 18, Township 4, Range 10 West, described as beginning 250 feet North of the Southwest corner of the Northwest quarter of said Section 18; thence run North 210 feet; thence run East 871 feet; thence North 200 feet; thence East 617 feet;

thence South 410 feet; thence West 1488 feet to the point of beginning, containing 10 acres, more or less, according to a survey of said property made by W. M. Paxton, C.E., March 4, 1938, and also less and except a strip of land 100 feet in width conveyed to the Alabama Power Company by deed recorded in Deed Book 24, Page 443, in the office of the Judge of Probate of Colbert County, Alabama, and less and except the right of way of Wilson Dam Highway located on the West side of the property conveyed and also less and except Four acres, more or less, in the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; more particularly described as follows: Commencing at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West, and running North 460 feet to a point; thence run East 871 feet to a point; thence run North 200 feet to a point; thence run West 871 feet to the West line of said Northwest $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; thence run South 200 feet to the point of beginning; less and except the right of way heretofore conveyed across this land to the Alabama Power Company, by deed recorded in Deed Record No. 24, Page 443 in the Probate Office of Colbert County, Alabama; also less and except the right of way of Wilson Dam Highway located on the West side of the property hereby conveyed. Being the property conveyed unto Theo Isbell by K.D. Bruton et.ux. By deed recorded in Deed Book 213 at Page 100.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0001-005.000; under the assessment of Account # 05513 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Tract B

The North 150' of the following described property, to wit:

That certain 48 acre tract of land which was formerly known as Charleroi Addition according to the map and survey of same recorded in Map Book 3, Page 34, the Probate Judge's office of Colbert County, Alabama, less and except Lots 1, 2, 3, 13, 14 and 15. Said Charleroi Addition having been partially vacated by Percy H. Alexander on June 16, 1947, and said vacation being recorded in Deed Book 145, at Page 393, and said land being otherwise described as follows, to-wit: Begin at the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 4, Range 10 West; thence North 2652.5 feet to a point; thence run East 792 feet to a point; thence run South 2652.6 feet to a point; thence run West 792 feet to the point of beginning, less and except the following described property, to-wit: Lots 1, 2, 3, 13, 14 and 15 of said Charleroi Addition, which lots have not been vacated; and less and except also the right of way of the Joe Wheeler Highway on the South side of said property.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0001-015.000; under the assessment of Account # 014984 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Tract C

That tract or lot of land lying in the County of Colbert, State of Alabama, known and described as follows, to-wit: Part of the Southeast 1/4 of Section 18, Township 4 South, Range 10 West, in Colbert County, Alabama, more particularly described as follows: Beginning at a point on the South line of Section 18, 792.0 feet East of the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 18; thence North 3 degrees 17 minutes West a distance of 2652.20 feet to a point on the North line of the Southeast 1/4 of said Section 18; thence North 88 degrees 45 minutes East along the North line of the Southeast 1/4 of Section 18, a distance of 198.00 feet to a point; thence South 3 degrees 17 minutes East a distance of 2652.20 feet to a point on the South line of Section 18; thence South 88 degrees 45 minutes West a distance of 198.00 feet along the South line of Section 18 to the point of beginning.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0001-016.000; under the assessment of Account # 001988 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Tract D

The North 150' and the East 60' of the following property, to wit:

A tract of forty-eight (48) acres, more or less, in the Southeast Quarter (1/4) of Section 18, Township 4 South, Range 10 West, in Colbert County, Alabama, more particularly described as follows, to-wit: Beginning 792 feet East of the Southwest corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 18; thence North 2640 feet; thence East 792 feet; thence South 2640 feet; thence West 792 feet to the point of beginning.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-18-0001-017.000; under the assessment of Account # 011720 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Willis 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, 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 Grissom then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, which motion was seconded by Council Member Willis 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance passed and adopted as introduced.

Mayor Bradford announced that the next item of business was a resolution authorizing a voting location change for the 2008 municipal elections.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2321 - 08

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

1. That the polling places for municipal elections held within the City of Muscle Shoals, Alabama shall be at following locations:

Box #1 - First Southern Baptist Church Annex

Box #2 - Muscle Fire Station Number 1 Annex

Box #3 - Woodward Avenue Baptist Church Activities Building

Box #4 - United Association of Plumbing & Pipefitting Industry Pavilion

Box #5 - First Baptist Church

2. That the polling locations for Box #1, Box #2, and Box # 5 are the same as those locations used in previous municipal elections.

3. That the polling place for Box #3 is a change in the polling locations from previous municipal elections in that the location is moved from Southgate Mall unto the Woodward Avenue Baptist Church Activities Building.

4. That the polling place for Box #4 is a change in the polling locations from previous municipal elections in that the location is moved from Webster School unto the United Association of Plumbing & Pipefitting Industry Pavilion.

Council Member Willis moved for adoption of the resolution. 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.

There being no further business to come before the meeting upon a 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