

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 5, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 5th of May 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 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, 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of April 21, 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 chassis for a garbage truck in the Public Works Department.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2326-08

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 refuse collection unit, the bid opening being held April 9, 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:	COMPLETE UNIT:	CHASSIS :	BODY/TIPPER:
Ingram Equipment	NO BID	NO BID	\$55,664.00
Long Lewis Sterling	\$119,966.00	\$63,491.00	NO BID
Neely Coble Company	\$119,843.00	\$64,179.00	\$55,664.00
Southland International	\$122,177.90	\$65,397.00	\$56,764.00
Warren Truck & Trailer	NO BID	NO BID	\$51,995.00 \$53,195.00 *

* Warren Truck & Trailer proposed an additional optional charge of \$1200.00 for a 12-month warranty. The standard warranty provided is 6-months. The total cost including the additional warranty period for the proposal of Warren Truck & Trailer is \$53,195.00

[3] The lowest, responsive, responsible bidder, after evaluation of the submitted bids, has been determined as Long Lewis Sterling with a bid price of \$63,491.00 for the purchase of a chassis only.

The apparent low and best bidder, Long Lewis Sterling, is now awarded the bid for the purchase of a chassis.

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.

Mayor Bradford announced that the next item of business was a resolution authorizing the award of a bid for the purchase of a packer body and tippers for a garbage truck in the Public Works Department.

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

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COLBERT COUNTY**

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* Warren Truck & Trailer proposed an additional optional charge of \$1200.00 for a 12-month warranty. The standard warranty provided is 6-months. The total cost including the additional warranty period for the proposal of Warren Truck & Trailer is \$53,195.00

[3] The lowest, responsive, responsible bidder, after evaluation of the submitted bids, has been determined as Warren Truck & Trailer with a bid price of \$53,195.00 for the purchase of a refuse packer body and cart tipper system.

The apparent low and best bidder, Warren Truck & Trailer, is now awarded the bid for the purchase of a refuse packer body and cart tipper system.

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.

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 License - Class II (Package) to EKDANT LLC dba Greenleaf Package Store located at 1300 Woodward Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 5:30 p.m. on the 21st day of May 2008, 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.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (On or Off Premises) to Pizza Marina LLC dba Pizza Marina, 902 River Road.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 5:30 p.m. on the 21st day of May 2008, 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.

Mayor Bradford announced that the next item of business was consideration of an ordinance to annex a tract of property located south of Old Highway 20 running south to Highway 157 more particularly as described below.

Council Member Noles 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 GOVERNING BODY OF THE CITY OF MUSCLE SHOALS, ALABAMA:**

1. The undersigned, **CORNELIUS LANDING, LLC**, a limited liability company, being the owner of the hereinafter described real property, does 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: Property description:

The East 1/2 of the Northeast 1/4 and the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 19, Township 4 South, Range 10 West, Colbert County, Alabama, lying North of Alabama highway 157, said property being more particularly described as follows: To reach the point of beginning, commence at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 19; thence South 00 degrees 07 minutes 00 seconds West for 40.00 feet to an existing capped iron pin on the South right-of-way line of Old Wheeler Highway (Old Highway 20), said point being the point of beginning; thence South 88 degrees 23 minutes 43 seconds East and along the South right-of-way line of said Old Wheeler Highway for 1316.60 feet to a point in the center of Gargis Lane; thence South 00 degrees 01 minutes 22 seconds East and along the center of said Gargis Lane for 2978.01 feet; thence North 65 degrees 55 minutes 52 seconds West for 30.13 feet to an existing concrete monument on the North right-of-way line of Alabama Highway 157; thence along the North right-of-way line of said Alabama Highway 157 the following bearings and distances: South 57 degrees 53 minutes 14 seconds West for 110.38 feet to an existing concrete monument and North 65 degrees 55 minutes 52 seconds West for 1315.81. feet to an existing capped iron pin at the Southeast Corner of LEIGHIGH ACRES, according to the plat thereof as recorded in the office of the Judge of Probate, Colbert County, Alabama, in Map Book 5, Page 20; thence North 00 degrees 07 minutes 00 seconds East and along the East line of said LEIGHIGH ACRES for 2524.64 feet to the point of beginning and containing 84.69 acres, more or less, subject to 1/2 the right-of-way for Gargis Lane on the East side thereof and also subject to an existing cemetery located therein and also an easement for ingress and egress to said cemetery (location to be determined).

**SUBJECT TO AN EXISTING CEMETERY DESCRIBED AS FOLLOWS AND
INGRESS AND EGRESS THERETO:**

DESCRIPTION FOR CEMETERY

A part of the East 1/2 of the Northeast 1/4 of Section 19, Township 4 South, Range 10 West, Colbert County, Alabama, said property being more particularly described as follows: To reach the point of beginning, commence at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 19; thence South 00 degrees 07 minutes 00 seconds West for 1250.45 feet; thence East for 452.20 feet to an iron pin set with cap, said point being the point of beginning; thence North 22 degrees 32 minutes 34 seconds East for 92.13 feet to an iron pin set with cap; thence North 68 degrees 43 minutes 58 seconds East for 100.08 feet to an iron pin set with cap; thence South 32 degrees 13 minutes 25 seconds East for 109.15 feet to an iron pin set with cap; thence South 64 degrees 40 minutes 32 seconds East for 130.53 feet to an iron pin set with cap; thence South 09 degrees 16 minutes 13 seconds West for 218.90 feet to an iron pin set with cap; thence North 83 degrees 08 minutes 28 seconds West for 152.59 feet to an iron pin set with cap; thence North 07 degrees 51 minutes 23 seconds West for 146.12 feet to an iron pin set with cap; thence North 50 degrees 50 minutes 21 seconds West for 126.44 feet to the point of beginning and containing 1.44 acres, more or less. Also, an access easement for ingress and egress (location to be determined later).

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-04-19-0-001-001.000 as assessed in the Office of the Revenue Commissioner of Colbert County, Alabama.

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

1. The undersigned constitutes 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 A 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, **CORNELIUS LANDING, LLC**, a limited liability company, petitions 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, the said Petitioner, **CORNELIUS LANDING, LLC**, has caused this instrument to be executed on this 5th day of May 2008.

CORNELIUS LANDING, LLC

By: s/ William D. Cornelius III

William D. Cornelius III, Its Sole Member

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that William D. Cornelius, III whose name as Sole Member of CORNELIUS LANDING, LLC, a limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing instrument, that he, in his capacity as Sole Member and with full authority, executed the same voluntarily on the day that same bears date for and on behalf of the said Cornelius Landing, LLC, a limited liability company.

Given under my hand and official seal this 5th day of May 2008.

s/ Linda Howard

Notary Public

My Commission expires: 8/12/2011

ORDINANCE NO. 1408 - 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:

The East 1/2 of the Northeast 1/4 and the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 19, Township 4 South, Range 10 West, Colbert County, Alabama, lying North of Alabama highway 157, said property being more particularly described as follows: To reach the point of beginning, commence at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 19; thence South 00 degrees 07 minutes 00 seconds West for 40.00 feet to an existing capped iron pin on the South right-of-way line of Old Wheeler Highway (Old Highway 20), said point being the point of beginning; thence South 88 degrees 23 minutes 43 seconds East and along the South right-of-way line of said Old Wheeler Highway for 1316.60 feet to a point in the center of Gargis Lane; thence South 00 degrees 01 minutes 22 seconds East and along the center of said Gargis Lane for 2978.01 feet; thence North 65 degrees 55 minutes 52 seconds West for 30.13 feet to an existing concrete monument on the North right-of-way line of Alabama Highway 157; thence along the North right-of-way line of said Alabama Highway 157 the following bearings and distances: South 57 degrees 53 minutes 14 seconds West for 110.38 feet to an existing concrete monument and North 65 degrees 55 minutes 52 seconds West for 1315.81. feet to an existing capped iron pin at the Southeast Corner of LEIGHIGH ACRES, according to the plat thereof as recorded in the office of the Judge of Probate, Colbert County, Alabama, in Map Book 5, Page 20; thence North 00 degrees 07 minutes 00 seconds East and

along the East line of said LEIGHIGH ACRES for 2524.64 feet to the point of beginning and containing 84.69 acres, more or less, subject to 1/2 the right-of-way for Gargis Lane on the East side thereof and also subject to an existing cemetery located therein and also an easement for ingress and egress to said cemetery (location to be determined).

SUBJECT TO AN EXISTING CEMETERY DESCRIBED AS FOLLOWS AND INGRESS AND EGRESS THERETO:

DESCRIPTION FOR CEMETERY

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

seconded by Council Member Grissom 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 Ordinance passed and adopted as introduced.

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