

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 4, 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 4<sup>th</sup> day of June 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 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, 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 work session and regular meeting of May 21, 2007 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding a bid for pavement markings on a portion of East Avalon Avenue.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2266-07**

**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 roadway striping and markings of Avalon Avenue, the bid opening being set for the 30th day of May, 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:

	<b>2006 ALDOT Regulations</b>	<b>2007 ALDOT Regulations</b>
	<b><u>BID AMOUNT:</u></b>	<b><u>BID AMOUNT:</u></b>
J. C. Cheek Contractors, Inc.	\$50,576.00	\$64,551.00
Ozark Striping Co., Inc.	\$44,266.50	\$58,891.50

[3] The lowest, responsible, responsive bidder, after verifying the bid with the specifications, has been determined as Ozark Striping Co., Inc. with a total base bid price of \$44,266.50 for the 2006 ALDOT Regulations Option.

The apparent lowest, responsive and responsible bidder, Ozark Striping Co., Inc., is now awarded the bid for the roadway striping and marking of Avalon Avenue for \$44,266.50.

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Council Member Noles moved for adoption of the resolution. 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 issuance of a Retail Table Wine 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.

There being no one 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, Council Member Noles, 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 an ordinance to annex a portion of lots lying in Huston Plantation, Phase 4.

Council Member Grissom introduced the following 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, BRIAN D. McCARLEY and ANNA C. McCARLEY, being the owners of all of the hereinafter described real property referred to as Tract 1, and the undersigned, LOREN EDWARD McCOY and EMILY CAROLINE McCOY, being the owners of all of the hereinafter described real property referred to as Tract 2 and the undersigned, ROBERT J. EATON, being the owner of all of the hereinafter described real property referred to as Tract 3, 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:

Tract 1:

All of that portion of the following described property which is not currently within the corporate limites of the City of Muscle Shoals, Alabama, to wit:

Lot 117, in HUSTON PLANTATION PHASE IV, a subdivision in the City of Muscle Shoals, Colbert County, Alabama as designated by the map and plat thereof recorded in Map Cabinet C, Slide 114 and recorded in Fiche 2005-39 at Page 944 in the Office of the Judge of Probate of Colbert County, Alabama.

The undersigned, BRIAN D. McCARLEY and ANNA C. McCARLEY, state that a portion of the above described property is currently in the corporate limits of the City of Muscle Shoals and they are desirous of the entire lot be included within said corporate limits.

Tract 2:

All of that portion of the following described property which is not currently within the corporate limites of the City of Muscle Shoals, Alabama, to wit:

Lot 118, in HUSTON PLANTATION PHASE IV, a subdivision in the City of Muscle Shoals, Colbert County, Alabama as designated by the map and plat thereof recorded in Map Cabinet C, Slide 114 and recorded in Fiche 2005-39 at Page 944 in the Office of the Judge of Probate of Colbert County, Alabama.

The undersigned, LOREN EDWARD McCOY and EMILY CAROLINE McCOY, state that a portion of the above described property is currently in the corporate limits of the City of Muscle Shoals and they are desirous of the entire lot be included within said corporate limits.

Tract 3:

A tract or parcel of land located in part of the Southwest 1/4 of Section 12, Township 4 South, Range 11 West, Colbert County, Alabama, being further described as follows, to-wit. Commence at the Northwest corner of said Section 12; thence run South 04° 04' 20" East for 2323.14 feet to

a point; thence run North 87° 47' 36" East for 703.32 feet to a point; thence run South 03° 24' 45" East for 672.47 feet to an iron pin set, the Point of Beginning of herein described tract; thence run North 86° 35' 06" East for 292.16 feet to an iron pin set; thence run South 03° 25' 00" East for 143.73 feet to an iron pin set; thence run South 87° 18' 59" West for 292.20 feet to an iron pin found; thence run North 03° 24' 45" West for 140.00 feet to the point of beginning; containing 0.95 acres, more or less.

The undersigned represents 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 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 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 30th day of May 2007.

s/Brian D. McCarleyL.S.  
BRIAN D. McCARLEY

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that BRIAN D. McCARLEY, 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 30th day of May 2007.

s/ Tara N. Thomas  
Notary Public  
My Commission expires: 7-22-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of May 2007.

s/ Anna C. McCarley L.S.  
ANNA C. McCARLEY

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ANNA C. McCARLEY, 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 30th day of May 2007.

s/Tara N. Thomas  
Notary Public  
My Commission expires: 7-22-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of May 2007.

s/ Loren Edward McCoy L.S.  
LOREN EDWARD McCOY

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that LOREN EDWARD McCOY, 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 30th day of May 2007.

s/ Tara N. Thomas  
Notary Public  
My Commission expires: 7-22-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of May 2007.

s/ Emily Caroline McCoy L.S.  
EMILY CAROLINE McCOY

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that EMILY CAROLINE McCOY, 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 30th day of May 2007.

s/ Tara N. Thomas  
Notary Public  
My Commission expires: 7-22-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of May 2007.

s/ Robert J. Eaton L.S.  
ROBERT J. EATON

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ROBERT J. EATON, 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 30th day of May 2007.

s/ Tara N. Thomas  
Notary Public  
My Commission expires: 7-22-08

## **ORDINANCE NO. 1390 - 07**

### **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 1:

All of that portion of the following described property which is not currently within the corporate limites of the City of Muscle Shoals, Alabama, to wit: Lot 117, in HUSTON PLANTATION PHASE IV, a subdivision in the City of Muscle Shoals, Colbert County, Alabama as designated by the map and plat thereof recorded in Map Cabinet C, Slide 114 and recorded in Fiche 2005-39 at Page 944 in the Office of the Judge of Probate of Colbert County, Alabama. A portion of the above described property is currently in the corporate limits of the City of Muscle Shoals and it is desirous that the entire lot be included within said corporate limits.

Tract 2:

All of that portion of the following described property which is not currently within the corporate limites of the City of Muscle Shoals, Alabama, to wit: Lot 118, in HUSTON PLANTATION PHASE IV, a subdivision in the City of Muscle Shoals, Colbert County, Alabama as designated by the map and plat

thereof recorded in Map Cabinet C, Slide 114 and recorded in Fiche 2005-39 at Page 944 in the Office of the Judge of Probate of Colbert County, Alabama.

A portion of the above described property is currently in the corporate limits of the City of Muscle Shoals and it is desirable that the entire lot be included within said corporate limits.

Tract 3:

A tract or parcel of land located in part of the Southwest 1/4 of Section 12, Township 4 South, Range 11 West, Colbert County, Alabama, being further described as follows, to-wit. Commence at the Northwest corner of said Section 12; thence run South 04° 04' 20" East for 2323.14 feet to a point; thence run North 87° 47' 36" East for 703.32 feet to a point; thence run South 03° 24' 45" East for 672.47 feet to an iron pin set, the Point of Beginning of herein described tract; thence run North 86° 35' 06" East for 292.16 feet to an iron pin set; thence run South 03° 25' 00" East for 143.73 feet to an iron pin set; thence run South 87° 18' 59" West for 292.20 feet to an iron pin found; thence run North 03° 24' 45" West for 140.00 feet to the point of beginning; containing 0.95 acres, more or less.

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.

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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 Pampinto 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 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 Pampinto 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.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute a quit claim deed to Robert Eaton renouncing any interests the City may have in a "water retention area" of Huston Plantation Phase IV.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2267 - 07**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has received a Petition for Unanimous Consent to Annexation pertaining to certain property as shown on the plat and map of Huston Plantation Phase IV; and

**WHEREAS**, said plat of said subdivision shows an area designated as Water Retention Area and contains the notation on said area "Property of City of Muscle Shoals"; the Council finds that said area has never been conveyed unto the City nor has the City ever exercised any rights of ownership to said area and the City of Muscle Shoals, Alabama makes no claim to said area nor does it have any right, title or interest thereto; and

**WHEREAS**, for the sole purpose of renouncing and stating that the City of Muscle Shoals, Alabama has no right, title or interest in and to said property designated as Water Retention Area on said plat of Huston Plantation Phase IV and for the sole purpose of assisting in the correction of title in and to said area, the City has been requested to execute a quitclaim deed; and

**WHEREAS**, the Council is informed that the said property has never been conveyed since the filing of the plat of said subdivision and thus deems it appropriate to convey by quitclaim deed the said area for the purpose of making known that the City has no claim in and to said area unto the developer of the subdivision, Robert J. Eaton; and

**WHEREAS**, the City Council has reviewed the contents of the proposed quitclaim deed 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 and deliver said instrument to Robert J. Eaton; and

**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 execute and deliver the Quitclaim Deed unto Robert J. Eaton, same pertaining to the property designated as Water Retention Area on said plat of Huston Plantation Phase IV and for the sole purpose of assisting in the correction of title in and to said area.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered along with said Quitclaim Deed unto Robert J. Eaton and furthermore shall retain a copy to be kept on file by the said Clerk.

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Council Member Pampinto moved for adoption of the resolution. 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.

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

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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