

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
July 14, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 14th of July 2008 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by James Holland, Mayor Pro Tem 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of June 16, 2008 and the work session of June 24, 2008 and approved the minutes as written.

Mayor Bradford presented a Beautification Award to Northwest Shoals Community College. Dr. Humphrey Lee, President of the college was present to receive the award.

Mayor Bradford presented a proclamation declaring July, 2008 as Parks and Recreation month in the City.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Restaurant Retail Liquor License to Jeffrey Whitehead and Daniel Haynes dba The Blind Monkey Bar & Grill, 301 Ford Road.

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.

Mr. G. H. Terry, 98 James Street spoke in opposition to the license approval. He stated that the prior licensee at this location constantly created excessive noise with their music. There was fighting in parking lot and foul language. The licensee was open until 2:00 a.m. on Sunday mornings making it difficult to sleep. He was concerned that the new applicant would also allow the sale of alcohol to be the most important thing and the location would become a “honky tonk”.

Mr. Robert Eaton, 1410 E. 6th Street owns the adjoining property and is planning a residential development with approximately 130 homes. He stated that everything he had read or seen about the proposed licensee suggests a “bar” atmosphere. He was also concerned about the potential traffic conflicts with his development and the licensee’s traffic. He is opposed to the approval of the license.

Mrs. Gail Terry, 98 James Street asked who would monitor the 51% food sales requirement and had it been checked with the previous licensee? Mayor Bradford noted that the ABC Board would audit that requirement, however he was not aware if it had been done previously at this location. Mrs. Terry also complained about the constant noise from the previous licensee’s music system.

Mr. Daniel Haynes and Jeff Whitehead, applicants, spoke for approval of the license. Mr. Haynes indicated their intent was to create a dining experience with a focus on food and not alcohol. He wants to be a good neighbor and not be another “honky tonk”. The sound system that will be installed has been designed by a sound engineer and will not exceed 70 decibels. Their intention is to create a safe, fun atmosphere with quality music. There will be no tolerance for violence. Lunch and dinner will be offered and they will be closed on Sundays. It is their intention to market the restaurant as the The Blind Monkey Café instead of The Blind Monkey Bar and Grill due to the public perception that exists because of the prior licensee’s reputation. They intend to have five security personnel and will be making a significant investment in kitchen renovations, sound system etc.

Tony McAnalley, owner of the building spoke in favor the license.

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:

NAYS: Council Member Pampinto, Council Member Willis, Council Member Grissom
Council Member Holland, Council Member Noles, Mayor Bradford

AYES: None

Mayor Bradford announced that the license had been denied.

Mayor Bradford announced that the next item of business was consideration of a resolution providing compensation for the absentee elections manager during the municipal elections.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2334 - 08

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

1. Compensation for the Absentee Election Manager for the City of Muscle Shoals, Alabama shall be and the same is hereby fixed at the sum of \$50.00 per day for each day absentee elections services are performed. The Council finds that absentee election services are performed or are due to be performed on each day that City Hall is open for the transaction of any business commencing with and including the date of the delivery of the absentee ballots to the absentee elections manager until and including the day of the election. Said sum shall be paid from the city treasury unto the absentee elections manager.

2. This Resolution is adopted pursuant and under the authority of Section 17-11-14 of the *Code of Alabama, 1975* and shall be effective for all municipal elections, general and special, held during the year 2008.

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 consideration of a resolution appointing a member to the Civil Service Board.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Rita Nelson

Council Member Willis: Rita Nelson

Council Member Grissom: Rita Nelson

Council Member Holland: Rita Nelson

Council Member Noles: Rita Nelson

Mayor Bradford: Rita Nelson

Council Member Willis introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2335 - 08

WHEREAS, a vacancy on the Civil Service Board of the City of Muscle Shoals has occurred and the City Council being desirous of making the necessary appointment to said board within the City;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Matthew Todd Burcham	Hugh Craigge	Harold Hargrove
Freddie Moon	Rita Nelson	Joel Quillen

WHEREAS, Rita Nelson was determined to have received the best overall ranking on the City Council evaluations, and

WHEREAS, a roll call vote was had by the Mayor and City Council as follows:

Council Member Pampinto: Rita Nelson
Council Member Willis: Rita Nelson
Council Member Grissom: Rita Nelson
Council Member Holland: Rita Nelson
Council Member Noles: Rita Nelson
Mayor Bradford: Rita Nelson

WHEREAS, Mayor Bradford announced that Rita Nelson had received a majority of the votes cast, now

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve a term effective until June 20, 2011.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Rita Nelson	Civil Service Board	June 20, 2011

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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 consideration of a resolution to enter into a grant agreement and authorize the Mayor to execute all documents in connection with the Alabama Department of Transportation Enhancement Grant for sidewalk construction (Project #STPTE-TE08(907)).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2336 - 08

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 Transportation relating to a Transportation Enhancement project with partial funding by the Federal Highway Administration, 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 Council.

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 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