

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
September 5, 2006**

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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 5<sup>th</sup> day of September 2006 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 Ricky Williams. 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.

Mayor Bradford presented a proclamation designating the week of September 10<sup>th</sup> -16<sup>th</sup>, 2006 as National Assisted Living Week in the City.

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 August 21, 2006 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for construction of sidewalks under the Alabama Department of Transportation 2005 Traffic Enhancement grant program.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2228-06**

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

[1] That the City Engineer did send out advertisements for bids for the construction of the 2005 Sidewalk Improvements Project, the bid opening being set for the 22nd day of August, 2006, 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:

<u>BIDDER:</u>	<u>TOTAL BID AMOUNT:</u>
Joe Keenum Construction	\$270,260.00

[3] The lowest, responsible, responsive bidder, after verifying the bid with the specifications, has been determined as Joe Keenum Construction with the bid amount of \$270,260.00.

The apparent low and best bidder, Joe Keenum Construction, is now awarded the bid for the construction of the 2005 Sidewalks Improvements Project.

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 public hearing to consider the issuance of a Restaurant Retail Liquor License to Frank Kaldi dba Frank's Italian Restaurant located at 102 Pershing Avenue.

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.

Cayron Mann, 306 E. Pershing Avenue stated her opposition to approval of a liquor license for a business that adjoins residential areas. She expressed her concerns with possible impaired drivers on the streets in these residential areas with a child development center also nearby.

Kanda Calvert, 207 E. Pershing Avenue stated she was a nine year resident of the area and was also opposed to approval of the license. She expressed her concern with drunk drivers on an already busy residential street. Mr. Calvert stated she was opposed to introducing alcohol with the proximity of a residential neighborhood. She indicated that approximately 20 children lived and played in the immediate area. She asked that should the license be approved, that the City consider installing speed bumps to slow drivers through the area.

With no further discussion, Council Member Pampinto moved that the public hearing be continued until the next regular meeting of the City Council on September 18, 2006 in order to further investigate the license request and receive comment from the petitioner. Council Member Noles seconded the motion and upon said being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the motion had been approved and the public hearing continued until September 18<sup>th</sup>, 2006.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2005-2006 General Fund Budget.

Council Member Noles introduced the following amended budget in writing:

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, 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, 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 General Fund Budget be finally adopted, 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of a resolution giving notice of the regular meetings of the City Council for the fiscal year beginning October 1, 2006 and ending September 30, 2007 and other matters related to the Alabama Open Meetings Law.

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 2229 - 06**

**WHEREAS**, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

**WHEREAS**, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

**WHEREAS**, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

**THEREFORE BE IT RESOLVED** By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2006 and ending on September 30, 2007 as noted on Exhibit "A" of this resolution, and

**BE IT FURTHER RESOLVED** that all regular meetings of the City Council shall commence at 6:30 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue and shall be preceded by a work session of the City Council one hour earlier, and

**BE IT FURTHER RESOLVED** that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

**BE IT FURTHER RESOLVED** that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

**BE IT FURTHER RESOLVED** that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

**EXHIBIT “A”**  
Schedule of Regular Meetings/Work Sessions  
Muscle Shoals City Council

Monday, October 2, 2006  
Monday, October 16, 2006  
Monday, November 6, 2006  
Monday, November 20, 2006  
Monday, December 4, 2006  
Monday, December 18, 2006  
Tuesday, January 2, 2007 (Conflict with observance of New Year’s Holiday)  
Tuesday, January 16, 2007 (Conflict with Martin Luther King Federal Holiday)  
Monday, February 5, 2007  
Monday, February 19, 2007  
Monday, March 5, 2007  
Monday, March 19, 2007  
Monday, April 2, 2007  
Monday, April 16, 2007  
Monday, May 7, 2007  
Monday, May 21, 2007  
Monday, June 4, 2007  
Monday, June 18, 2007  
Monday, July 2, 2007  
Monday, July 16, 2007  
Monday, August 6, 2007  
Monday, August 20, 2007  
Tuesday, September 4, 2007 (Conflict with Labor Day Holiday)  
Monday, September 17, 2007

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 consideration of an ordinance annexing a parcel of land located on South Wilson Dam Road owned by William D. Cornelius III. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

Council Member Grissom introduced the following ordinance which was presented in writing 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, **WILLIAM D. CORNELIUS III**, 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:

Lots 1 through 20, Block 2; Lots 1 through 20, Block 3; Lots 1 through 20, Block 4; Lots 1 through 20, Block 5; Lots 1 through 20, Block 6; Lots 1 through 20, Block 7; Lots 1 through 20, Block 8; known and designated according to the map and survey of **MUSCLE SHOALS HIGHLANDS ADDITION NO. 4** as the same appears of record in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 525.

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, **WILLIAM D. CORNELIUS III**, 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, **WILLIAM D. CORNELIUS III**, has caused this instrument to be executed on this 5<sup>th</sup> day of September, 2006.

s/ William D. Cornelius III L.S.  
**WILLIAM D. CORNELIUS III**

**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**, 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 executed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 5<sup>th</sup> day of September, 2006.

s/ Mechele Bradford  
**Notary Public**

My Commission expires: 2-24-08

**ORDINANCE NO. 1375-06**

**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:

Lots 1 through 20, Block 2; Lots 1 through 20, Block 3; Lots 1 through 20, Block 4; Lots 1 through 20, Block 5; Lots 1 through 20, Block 6; Lots 1 through 20, Block 7; Lots 1 through 20, Block 8; known and designated according to the map and survey of MUSCLE SHOALS HIGHLANDS ADDITION NO. 4 as the same appears of record in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 525.

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 Holland 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, which motion was seconded by Council Member Holland 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 and read.



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