

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
July 2, 2012**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:05 p.m. on the 2nd day of July, 2012 being the 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

David H. 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

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 regular meeting and work session of June 18, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the scheduling of 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. Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 6th day of August, 2012, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____
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 area is hereby eliminated from the B-1 District in which it is now situated, and is hereby incorporated in and made a part of the R-2 District, to wit:

1 ACRE IN A PORTION OF THE NW 1/4 OF NE 1/4 OF SECTION 4S11W12
AND BEING A PARCEL 161.41 X 270 /DB 2005-45 PG 37 & DB 2006-01 PG
193 COLBERT COUNTY REVENUE PARCEL I.D. #13-01-12-1-004-003.001

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 adoption of such Ordinance.

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 zoning is located at 606 Hill Avenue and is more particularly described as follows:

ORDINANCE NO. 1443 - 12
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 area is hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 5041 & 5042, Highland Park Subdivision #12

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 2nd day of July, 2012, 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.

There being no one 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

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 (Off premises only) to Vinos Wine and More dba Vinos Wine and More located at 1688 S. Wilson Dam Road.

Mayor Bradford announced at a meeting to be held on the 6th day of August, 2012 at 6:30 p.m. at the City Hall in said city, 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 a resolution to amend Resolution Number 2553-12 which established the Municipal Court Judicial Administration Fund.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2554 - 12

WHEREAS, Act # 2012-535 of the Regular Session of the Alabama Legislature requires the establishment of a Municipal Court Judicial Administration Fund for municipal courts, and

WHEREAS, the City Council authorized the establishment of the checking account for funds received from court costs collected pursuant to Act # 2012-535 with the approval of Resolution Number 2553-12 adopted on June 18, 2012, and

WHEREAS, the City Clerk/Treasurer established the account at First Metro Bank as directed by Resolution Number 2553-12, now

THEREFORE BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the Mayor or Mayor Pro-Tem and the City Clerk/Treasurer or Assistant City Clerk/Treasurer be authorized to sign checks for this account.

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize certain expenditures related to the Cypress Lakes Golf & Tennis Facility.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 2555-12

WHEREAS, the City Council of the City of Muscle Shoals, Alabama acquired through gift the Cypress Lakes Golf and Country Club facility and has undertaken the operation and maintenance of the golf course;

WHEREAS, the maintenance of the golf course requires the use of certain chemicals and products in order that the course be kept in shape and not deteriorate to a state that it is not suitable for play;

WHEREAS, certain necessary chemicals and products were obtained on or about the 3rd day of November 2011 by Cypress Lakes Golf & Country Club, said date being prior to the acquisition of the facility by the city and stored off-site by Harrell's, the supplier of the chemicals and products;

WHEREAS, the chemicals and products for use in the maintenance of the golf course were the property of the said Cypress Lakes Golf & Country Club, Inc. and by gift were, along with the property of the facility, donated to the City;

WHEREAS, the City, through its employees have used certain portions of the chemicals and products in the maintenance of the golf course; it being necessary and expedient to do so in order to properly apply same for the maintenance of the golf course;

WHEREAS, the agreement whereby the City acquired the Cypress Lakes facility provided that the City assume the obligations and duties necessary for the operation of the facility which by its nature included the maintenance and upkeep of the golf course;

WHEREAS, the Council finds that failure to do so would have resulted in substantial damage to the golf course causing and required additional expense to correct the damage and further causing the possible closure of the golf course for a period of time necessary to correct the damage and at a minimum causing the loss of playing rounds at the course and therefore causing a monetary loss to the City in its operation of the golf course;

WHEREAS, the City Council finds that it was necessary and required that the chemicals and products be used in a timely fashion so as to properly maintain the golf course and to insure it being ready for play during the golfing season and that failure to have done so would have caused irreparable damage to the facility and have caused inordinate delay to the City's ability to start, continue and complete the necessary and required maintenance of the golf course;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve, ratify and adopt the above findings and does hereby authorize issuances of purchase orders to Harrell's, LLC for payment of the chemicals and products acquired by Cypress Lakes Golf & Country Club, Inc. on or about November 3, 2011 and used and to be used in the operation, maintenance and upkeep by the City of the City's Cypress Lakes golf course.

BE IT FURTHER RESOLVED that the Clerk shall give notice of this action to the public by preparing forthwith a certified copy of this Resolution by publishing or posting same in the manner as Ordinances adopted by this Council.

Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to direct the City Clerk/Treasurer to prepare the voters list for the August 28, 2012 election and October 9, 2012 runoff, if necessary.

Council Member Noles introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2556 - 12

WHEREAS, elections for filling the offices of Mayor and Council Member Places 1, 2, 3, 4 and 5 will be held in the City of Muscle Shoals, Alabama on August 28, 2012 and a second election, if necessary, held on October 9, 2012; and

WHEREAS, the Mayor of the City, namely, David H. Bradford, is a candidate for the office of Mayor in the election to be held in the City on August 28, 2012 and by virtue of his candidacy is disqualified to perform the duties of preparation, certification, filing and publication of the lists of qualified regular voters as set forth in Section 11-46-36 of the *Code of Alabama of 1975* as amended; and

WHEREAS, the City Council has determined that it is necessary and expedient to appoint a disinterested person to perform the duties set forth in Section 11-46-36 of the *Code of Alabama of 1975*; and

WHEREAS, the City Council does hereby find that the said Richard L. Williams is a disinterested person and is capable of performing the duties set forth in Section 11-46-36 of the *Code of Alabama of 1975* as amended, for and during the elections to be held within the City on August 28, 2012, and during the second election, if necessary, to be held on October 9, 2012;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that Richard L. Williams is hereby appointed to perform the duties preparation, certification, filing and publication of lists of qualified regular voters and all other duties set forth in Section 11-46-36 of the *Code of Alabama of 1975* for and during the elections to be held within the City on August 28, 2012, and during the second election, if necessary, to be held on October 9, 2012.

Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, 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