

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 3, 2013**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:30 p.m. on the 3rd day of September, 2013 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. 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, MIKE LOCKHART,
 JAMES HOLLAND, ALLEN NOLES
ABSENT: NONE

James Holland, President of the Council, 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 Noles seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 19, 2013 meeting and approved the minutes as written.

At this time Mayor Bradford presented several proclamations which were read aloud in the meeting:

The week of October 20 - 26, 2013 as "Pro Bono Week" in the City.
September 11th as "National Day of Service and Remembrance".
September as "Childhood Cancer Awareness Month" in the City.

President Holland announced that the next item of business was the award of bids for asphalt for the 2013-2014 fiscal year.

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

RESOLUTION NO. 2638-13

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

[1] That advertisements for bids for the purchase of asphalt and binder for the fiscal year beginning October 1, 2013 were distributed, the bid opening set for the 28th day of August, 2013, at the City Hall of the City of Muscle Shoals, Alabama.

[2] **BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

NAME OF BIDDER	424A- 3/8" Asphalt / ton	424A - 1/2" Asphalt / ton	424A- 3/4" Asphalt / ton	424B - 1" Binder/ton
APAC MID-SOUTH, INC.	\$61.82	\$59.05	\$56.26	\$49.07
ROGERS GROUP	\$62.42	\$58.93	\$55.41	\$50.99

[3] **BE IT FURTHER RESOLVED**, that it has been determined that the lowest, responsive, responsible bidder submitting a bid for 3/8" asphalt, and 1" binder is APAC Mid-South, Inc. (primary vendor), and the second lowest, responsive, responsible bidder is Rogers Group (secondary vendor); and it has been determined that the lowest, responsive, responsible bidder submitting a bid for 1/2" asphalt, and 3/4" asphalt is Rogers Group (primary vendor), and the second lowest, responsive, responsible bidder is APAC Mid-South, Inc. (secondary vendor).

[4] **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the bid is hereby awarded to APAC-MidSouth, Inc. and Rogers Group to be designated as the primary vendor as detailed in the tabulation, and APAC-MidSouth, Inc. and Rogers Group shall be awarded and designated as the secondary vendors as detailed in the tabulation.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was the award of a bid for the purchase of greens covers for the Cypress Lakes golf course.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2639-13

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 golf greens covers, the bid opening being held August 29, 2013 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>	UNIT PRICE per SF:	TOTAL BID PRICE:
Xton, Inc.	\$.16	\$29,153.28

[3] **BE IT FURTHER RESOLVED**, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Xton, Inc. with a unit bid price of \$.16 per square foot and a total bid price of \$29,153.28.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the lowest responsive and responsible bidder, Xton, Inc. is now awarded the bid for the purchase of golf greens covers.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor License, Class II (Package) to Good Spirits Inc. dba Good Spirits, located at 601 Buena Vista Avenue.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland 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, President Holland stated that approval of the Lounge Retail Liquor License 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 Grissom, Council Member Holland
Council Member Noles, Council Member Noles

NAYS: None

President Holland announced that the license had been approved.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Restaurant Retail Liquor License to Heath & Kelley Inc. dba Kels Family Restaurant, located at 4127 Sportsplex Drive.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland 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, President Holland stated that approval of the Restaurant Retail Liquor License 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 Grissom, Council Member Holland
Council Member Noles, Council Member Noles

NAYS: None

President Holland announced that the license had been approved.

President Holland 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 proposed ordinance being as follows:

ORDINANCE NO. 1453 - 13
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND
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 which are currently zoned R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

TRACT 1:

A portion of Detroit Park Subdivision as recorded in Map Book 2, Page 259 and Detroit Park Third Addition Subdivision as recorded in Map Book 2, Page 563, in the Office of the Probate Judge of Colbert County, Alabama, and being more particularly described as follows: Begin at an iron pin set (capped PLS 24022) at the Northwest corner of Lot 969 of Detroit Park Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence South 88° 16' 12" East for a distance of 1280.00 feet to an iron pin set on the Northern lot line of Lot 1003 of Detroit Park Subdivision; thence South 01° 09' 00" West for a distance of 1219.21 feet to an iron pin set at the Southeast corner of Lot 385 of Detroit Park Third Addition Subdivision and on the Northern right of way line of Pingree Avenue (undeveloped 60' right of way); thence along the Northern right of way

line of Pingree Avenue, North 88° 43' 27" West for a distance of 1284.96 feet to an iron pin set at the Southwest corner of Lot 414 of Detroit Park Third Addition Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence along said Eastern right of way line Detroit Street, North 01° 19' 16" East for a distance of 826.86 feet to an iron pin set on the centerline of the Grand River Avenue right of way as depicted in Detroit Park Subdivision (undeveloped 100' right of way, 33' North 67' South); thence continue along the Eastern right of way of Detroit Street, North 01° 30' 47" East for a distance of 402.50 feet to the Point of Beginning. Said Parcel having an area of 36.06 acres more or less and is subject to any and all easements or restrictions of record.

Said property is a part of said subdivisions known as DETROIT PARK SUBDIVISION and DETROIT PARK SUBDIVISION, THIRD ADDITION, further described as follows:

All of Lots 969 through 1002, and part of Lots 1003 and Lot 1026, all of Lots 1027 through 1060, Lots 1124 through 1183 in DETROIT PARK SUBDIVISION, and designated according to the map and plat thereof recorded in Map Book 2, Page 259, in the Office of the Judge of Probate of Colbert County, Alabama.

And ALSO: Lots 46 through 105, 137 through 166, 209 through 238, 261 through 290, 333 through 362, and 385 through 414, in DETROIT PARK SUBDIVISION, THIRD ADDITION, and designated according to the map and plat thereof recorded in Map Book 2, Page 367, in the Office of the Judge of Probate of Colbert County, Alabama.

ALSO, A TRACT BEING 120 FOOT WIDE FOR PURPOSES OF ACCESS, further described as follows: A portion of Detroit Park Third Addition Subdivision as recorded in Map Book 2, Page 563, in the Office of the Probate Judge of Colbert County, Alabama, and being more particularly described as follows: Commence at an iron pin set (capped PLS 24022) at the Northwest corner of Lot 969 of Detroit Park Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence along the Eastern right of way of Detroit Street, South 01° 30' 47" West for a distance of 402.50 feet to an iron pin set on the centerline of Grand River Avenue right of way as depicted on Detroit Park Subdivision (undeveloped 100' right of way, 33' North, 67' South); thence continue along the Eastern right of way of Detroit Street, South 01° 19' 16" West for a distance of 152.17 feet to an iron pin set at the Point of beginning; thence continue along the Eastern right of way of Detroit Street, South 01° 19' 16" West a distance of 120.00 feet to an iron pin set; thence North 88° 16' 12" West a distance of 149.56 feet to an iron pin set; thence with a curve turning to the right with an arc length of 268.13 feet, with a radius of 560.00 feet, with a chord bearing of North 74° 33' 12" West and with a chord length of 265.57 feet to an iron pin set; thence with a reverse curve turning to the left with an arc length of 210.67 feet, with a radius of 440.00 feet, with a chord bearing of North 74° 33' 12" West and with a chord length of 208.66 feet to an iron pin set; thence North 88°

16' 12" West a distance of 148.04 feet to an iron pin set on the Eastern right of way of Wilson Dam Highway (right of way varies); thence along the Eastern right of way of Wilson Dam Highway, North 01° 31' 14" East a distance of 120.00 feet to an iron pin set; thence leaving said right of way line, South 88° 16' 12" East a distance of 148.47 feet to an iron pin set; thence with a curve turning to the right with an arc length of 268.13 feet, with a radius of 560.00 feet, with a chord bearing of South 74° 33' 12" East and with a chord length of 265.57 feet to an iron pin set; thence with a reverse curve turning to the left with an arc length of 210.67 with a radius of 440.00 feet; with a chord bearing of South 74° 33' 12" East and with a chord length of 208.66 feet to an iron pin set; thence South 88° 16' 12" East a distance of 148.70 feet to the point of beginning. Said Parcel having an area of 2.14 acres more or less and is subject to any and all easements or restrictions of record.

Said property is a part of said subdivisions known as DETROIT PARK SUBDIVISION, THIRD ADDITION, further described as follows:
Part of Lots 11 through 45, and part of Lots 167-176, in DETROIT PARK SUBDIVISION, THIRD ADDITION, and designated according to the map and plat thereof recorded in Map Book 2, Page 367, in the Office of the Judge of Probate of Colbert County, Alabama.

TRACT 2:

Lots Numbered 5200 through 5227, inclusive, Lots 5706 through 5712, inclusive, Lots 5722 through 5735, inclusive, and the vacated alley lying between Lots 5200 thru 5223 and Lots 5724 thru 5735, known and designated according to the map and survey of HIGHLAND PARK SUBDIVISION, PLAT NUMBER THIRTEEN, prepared by P. S. Milner, C.E., and recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 123.

ALSO: A tract of land being Lot 1, Block A in a RE-SUBDIVISION OF ORIGINAL BLOCKS 8 THRU 11, IN INDUSTRIAL VIEW HEIGHT SUBDIVISION, as same appears of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book Page 1; Part of vacated Hamilton Avenue and Part of Section 3, Township 4 South, Range 11 West, Colbert County, Alabama, with said tract of land being more particularly described as follows: Begin at the SW corner of Lot 1, Block A; thence N 0 degrees 16' 40" W 120.0 feet to a point; thence S 89 degrees 42' 13" E 106.47 feet to a point; thence N 1 degree 18' 31" W. 10.0 feet to a point; thence S 89 degrees 10' 58" E. 74.05 feet to a point; thence N 0 degrees 46' 13" W. 130.40 feet to a point; thence S 89 degrees 25' E. 58.0 feet to a point; said point being the NW corner of Lot 5735, in Highland Park Plat 13; thence S 0 degrees 42' 55" E. 260.35 feet to a point; said point being the SW corner of Lot 5200 in Highland Park 13; said point also lying on the North right of way line of Sixth Street; thence along said North right of way line the following bearings and distances; N 89 degrees 32' W. 57.75 feet; N 89 degrees 10' 58" W. 72.82 feet; N 89 degrees 43' 31" W. 108.62 feet to the point of beginning of the tract of land hereby described.

Lots Numbered 5241 through 5252, inclusive, Lots 5694 through 5705, inclusive, Lots 5713 through 5721, inclusive, known and designated according to the map and survey of HIGHLAND PARK SUBDIVISION, PLAT NUMBER THIRTEEN, prepared by P.S. Milner, C.E., and recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 123.

The Council finds that legal notice of the 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 3rd day of September, 2013, at 6:00 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 President Holland 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, President Holland stated that approval of the ordinance 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 Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the ordinance had been approved.

President Holland announced that the next item of business was consideration of a resolution to make an appointment to the Riverbend Mental Health Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2640 - 13

WHEREAS, a vacancy on the Board of Directors of the Riverbend Center for Mental Health has occurred and the City Council being desirous of making the necessary appointment to said board;

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

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

Carolyn Menne

WHEREAS, Carolyn Menne was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: Carolyn Menne
Council Member Willis: Carolyn Menne
Council Member Lockhart: Carolyn Menne
Council Member Holland: Carolyn Menne
Council Member Noles: Carolyn Menne

WHEREAS, Council President Holland announced that Carolyn Menne 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 as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Carolyn Menne	Riverbend Mental Health	April 2019

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 Lockhart seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced 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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK