

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 3, 2006**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 3rd day of April 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.

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 March 20, 2006 and the work session of March 30, 2006 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation proclaiming the week of April 8th - 15th as "Second Hand Smoke Awareness Week" in the City. Diane Peeples was present to receive the proclamation.

Mayor Bradford announced that the next item of business consideration of a resolution awarding a bid for the purchase of a fire truck.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2199-06

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of a new custom fire truck, the bid opening being held March 30, 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:

BIDDER:	BID AMOUNT:	ALTERNATE:
Buddy Gray Fire Equipment	NO BID	
North American Fire Equipment	\$333,540.00	\$326,453.00
Sunbelt Fire Equipment	\$328,788.00	

[3] The low alternate bid of North American Fire Equipment (NAFECO) has been determined as a non-responsive bid. The alternate bid does not provide for a multiplex electrical system which was required by the City's specifications.

[4] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Sunbelt Fire Equipment with a total bid price of \$328,788.00.

The apparent low and best bidder, Sunbelt Fire Equipment is now awarded the bid for the purchase of a new custom fire truck.

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 the scheduling of a public hearing to 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 1st day of May 2006, 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 areas are hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at a point being the centerline of Roosevelt Avenue eastern most right-of-way, thence run south for a distance of 125 feet, thence run east for a distance of 330 feet, thence run north for a distance of 316.8 feet, thence run west for a distance of 330 feet, thence run south for a distance of 191.8 feet and being the point of beginning. The Colbert County tax map # 12-03-06-03 and parcel #'s 1.001, 1.002, 1.003, 1.004

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 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 rezoning is a tract located at on the north side of E. 6th Street recently annexed into the City and a part of the new industrial park and is more particularly described as follows:

ORDINANCE NO. 1364-06
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 areas, recently annexed into the City and which is currently not zoned, hereby incorporated in and made a part of the M-2 District, to wit:

Section 5 Township 04 Range 10 East and being map number 12-03-05 from the Colbert County Courthouse and being described as; parcel 5.005 being 123.3 acres, parcel 6 being 100 acres, parcel 7 being 100 acres, parcel 8.001 being 58.54 acres, parcel 8 being 62 acres less property of Cole Cemetery.

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 3rd day of April 2006, 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 individuals 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 adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is a tract located at on the south side of E. 6th Street between Lenz Street and Harding Avenue in the City and is more particularly described as follows:

ORDINANCE NO. 1365-06
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 areas are hereby eliminated from the R-1 and B-1 Districts in which it is now situated, and is hereby incorporated in and made a part of the R-3 District, to wit:

Commence at the northwest corner of said section 12; thence run south 89° 41' 19" east for a distance of 540.44, the point of beginning of herein described; thence continue south 89° 41' 19" east for a distance of 838.79 feet; thence run south 01° 27' 7" east for a distance of 1287.28 feet; thence run north 89° 46' 13" west for 1335.56 feet; thence run north 01° 21' 35" west for 218.83 feet; thence run south 89° 41' 19" east for 286.14 feet; thence run north 1° 27' 7" west for 963.07 feet; thence run south 89° 41' 19" east for 212.10 feet; thence run north 01° 55' 55" west for 208.76 feet to point of beginning. Tract contains 33.88 acres more or less.

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 3rd day of April 2006, 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 individuals 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 consideration of a resolution making an appointment to the Board of Zoning Appeals.

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: Elton Coley
Council Member Willis: Elton Coley
Council Member Grissom: Elton Coley
Council Member Holland: Elton Coley
Council Member Noles: Elton Coley
Mayor Bradford: Elton Coley

Mayor Bradford announced that Elton Coley had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2200-06

WHEREAS, the term of a member of the Zoning Board of Appeals of the City of Muscle Shoals has expired 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 members 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:

Scott Baker
Clint Garrett

Elton Coley
William Gary Menne

WHEREAS, Elton Coley 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: Elton Coley
Council Member Willis: Elton Coley
Council Member Grissom: Elton Coley
Council Member Holland: Elton Coley
Council Member Noles: Elton Coley
Mayor Bradford: Elton Coley

WHEREAS, Mayor Bradford announced that 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>
Elton Coley	Appeals Board	December 2010

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

Mayor Bradford announced that the next item of business was consideration of a resolution making an appointment to the Board of Education.

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: Farrell Southern
Council Member Willis: Farrell Southern
Council Member Grissom: Farrell Southern
Council Member Holland: Farrell Southern
Council Member Noles: Farrell Southern
Mayor Bradford: Farrell Southern

Mayor Bradford announced that Farrell Southern had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2201 - 06

WHEREAS, the term of a member of the Board of Education within the City of Muscle Shoals will soon expire 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 members to said boards;

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

Butch Fleming	Darren Richardson	Mike Smith
Farrell Southern	Larry Toler	Nellie Vinson

WHEREAS, Farrell Southern 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: Farrell Southern
Council Member Willis: Farrell Southern
Council Member Grissom: Farrell Southern
Council Member Holland: Farrell Southern
Council Member Noles: Farrell Southern
Mayor Bradford: Farrell Southern

WHEREAS, Mayor Bradford announced that Farrell Southern 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>
Farrell Southern	Board of Education	June 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.

Mayor Bradford announced that the next item of business was to consider continuing the meeting to Thursday, April 6, 2006.

Council Member Willis moved that the meeting be continued to the April 6, 2006 at 5:00 p.m. for a work session and 6:00 p.m. for the regular meeting. 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 motion to continue the meeting had been approved.

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