

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 21, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 5:30 p.m. on the 21st of May 2008 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 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of May 5, 2008 and approved the minutes as written.

At this time Mayor Bradford presented a proclamation declaring May as "Safe Boating Month" in the City.

Mayor Bradford announced that the next item of business was a resolution authorizing the award of a bid for the purchase of dump truck in the Public Works Department.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2328-08

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 a new, dump truck, the bid opening being held May 19, 2008 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>BID PRICE</u>	<u>ALTERNATE BID</u>
Ingram Equipment	No Bid	
Long Lewis Sterling	\$ 76,708.00	\$76,703.00
Omaha Standard Dist. (Fontane)	No Bid	
Premier Trucks	\$110,729.00	
Southland International	\$ 76,937.51	

[3] The lowest, responsive, responsible bidders, after evaluation of the submitted bids, has been determined as Long Lewis Sterling with a bid price of \$76,708.00 for the purchase of a dump truck.

The alternate bid submitted by Long Lewis Sterling of \$76,703.00 was submitted with additional charges for options that were included in the primary bid of \$76,708.00 submitted by Long Lewis Sterling at no additional costs.

The apparent low and best bidders, Long Lewis Sterling, is now awarded the bid for the purchase of a dump truck for \$76,708.00.

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 consider the issuance of a Retail Table Wine License (Off Premises) to Victoria Rai Inc. dba Mini Mart, 1013 Woodward Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 5:30 p.m. on the 16th day of June 2008, 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 a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (Package) to EKDANT LLC dba Greenlife Package Store located at 1300 Woodward 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.

Don Pendergrass, 304 W. Michigan Avenue spoke to the Council and noted that the residents located near the license location had been misinformed about the type of license being issued. They assumed that the request was for a lounge or bar license with on premise consumption. Mayor Bradford stated that the request was for a package store with off consumption only. Mr Pendergrass submitted a petition from residents which opposed a lounge license which permitted on premise consumption as follows:

Gerald and Terry Barrett, 101 W. Michigan Avenue also submitted a written letter of opposition to the license being granted for a lounge operation.

Parimal Rameshchandra, the operator of the retail location appeared and reiterated his request for a package store license with off premise consumption only.

There being no other individuals 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:

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 license had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (On premise) to Pizza Marina LLC dba Pizza Marina located at 902 River 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.

There being no one 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:

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 license had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of Nebraska Avenue between Sheffield and Alabama Avenues in Muscle Shoals Center #15.

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

STATE OF ALABAMA)
)
COLBERT COUNTY) **PETITION AND DECLARATION OF VACATION**

The undersigned, Clyde Ray, Jr., John P. Mims and First Metro Bank, being the owners of the property abutting the street hereinafter set out, do hereby declare that portion of Nebraska

Avenue lying between Sheffield Avenue and Alabama Avenue, located in Muscle Shoals Center Number Fifteen, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 3, Pages 30 in the office of the Judge of Probate of Colbert County, Alabama, to be vacated.

The vacated portion of the above described street shall remain subject to existing utility easements.

The undersigned, Clyde Ray, Jr., John P. Mims and First Metro Bank hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described street and, further, to authorize conveyance by quit-claim deed, to the petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove described street.

IN WITNESS WHEREOF, the undersigned has hereunto set their hands and seals as of this the 21st day of May, 2008.

s/ Clyde Ray Jr.

CLYDE RAY, JR.

s/ John P. Mims

JOHN P. MIMS

FIRST METRO BANK

By: s/ Rodney Howard

Its: President

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Clyde Ray, Jr. and John P. Mims, whose names are signed to the foregoing Petition and who are known to me, acknowledged before me on this day that, being informed of the contents of this Petition, they have executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 21st day of May, 2008.

s/ James D. Hughston

NOTARY PUBLIC

My Commission Expires: 9-19-08

SEAL

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Rodney Howard, whose name as President of First Metro Bank, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of this petition, he, in his capacity as such officer, and with full authority, executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this 21st day of May, 2008.

s/ James D. Hughston

NOTARY PUBLIC

My Commission Expires: 9-19-08 SEAL

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2329 - 08

WHEREAS, Clyde Ray, Jr., John P. Mims and First Metro Bank have presented to the City Council of Muscle Shoals, Alabama, a written petition, duly executed and acknowledged, setting forth that Clyde Ray, Jr., John P. Mims and First Metro Bank are the owners of the property abutting the portion of Nebraska Avenue lying between Sheffield Avenue and Alabama Avenue, located in Muscle Shoals Center Number Fifteen, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 3, Pages 30 in the office of the Judge of Probate of Colbert County, Alabama; and

WHEREAS, the City Council of Muscle Shoals, Alabama, a municipal corporation, has been requested to assent to and approve the vacation and the annulment of the dedication of the described portion of the street to the use of the public; and

WHEREAS, the City Council of Muscle Shoals, Alabama, does hereby find that vacation of the street will not affect any person's access to or from his property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Muscle Shoals, Alabama, a municipal corporation, that the act of Clyde Ray, Jr., John P. Mims and First Metro Bank in vacating and annulling the portion of Nebraska Avenue lying between Sheffield Avenue and Alabama Avenue, located in Muscle Shoals Center Number Fifteen, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 3, Pages 30 in the office of the Judge of Probate of Colbert County, Alabama, be and the same is hereby ratified, approved and confirmed and the its assent is hereby given subject to existing easements for utilities.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Clyde Ray, Jr., John P. Mims and First Metro Bank, whatever right, title and interest the City of Muscle Shoals, Alabama may have acquired in and to the above described street and that the Mayor is hereby authorized to execute quit-claim deeds to Clyde Ray, Jr., John P. Mims and First Metro Bank, for and on behalf of the City of Muscle Shoals, Alabama.

ADOPTED this 21st day of May, 2008 by the City Council of Muscle Shoals, Alabama.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said resolution, which motion was seconded by Council Member Grissom 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 resolution be finally adopted, which motion was seconded by Council Member Grissom 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 Resolution was adopted
as introduced.

Mayor Bradford announced that the next item of business was consideration of
amendments to the 2007-2008 General Fund Budget.

Council Member Grissom introduced the following amended budget in writing:

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Pampinto 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 General Fund Budget be finally adopted, which motion was seconded by Council Member Pampinto 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 appointing a member to the North Alabama Gas District 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: John Conn
Council Member Willis: John Conn
Council Member Grissom: John Conn
Council Member Holland: John Conn
Council Member Noles: John Conn
Mayor Bradford: John Conn

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2330 - 08

WHEREAS, the term of a member of the North Alabama Gas District Board 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 individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

John Conn

WHEREAS, John Conn was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: John Conn

Council Member Willis: John Conn

Council Member Grissom: John Conn

Council Member Holland: John Conn

Council Member Noles: John Conn

Mayor Bradford: John Conn

WHEREAS, Mayor Bradford announced that John Conn 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>
John Conn	North Alabama Gas District Board	May 2016

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 Pampinto 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