

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 7, 2007**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 7th day of May 2007 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 Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of April 16, 2007 and the work session of April 26, 2007 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation declaring May 19 - 25th, 2007 as "National Safe Boating Week" in the City. Ray Stiles, Narveel Stuart and Emily Stuart were present to receive the proclamation.

At this time, Mayor Bradford presented a proclamation declaring May 13 - 19th, 2007 as "National Tourism Week" in the City. Bob Black was present to receive the proclamation.

The next item of business was comments of the public. Valerie Thigpen, 1541 Linden Street, Killen, Alabama was recognized and addressed the Council.

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

Council Member Grissom introduced the following resolution which was presented in writing:

RESOLUTION NUMBER 2262-07

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 an aerial platform fire truck, the bid opening being held May 3, 2007 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: |
|-------------------------------|--------------|---|
| North American Fire Equipment | No Bid | ---- |
| Sunbelt Fire Equipment | \$784,490.00 | ---- |
| Sutphen Corporation | \$823,953.00 | Deduct \$10,000 for truck only Deduct \$25,000 for truck & equipment |

[3] 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 \$784,490.00.

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

Council Member Grissom moved for adoption of the resolution. 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.

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 to Jonathan's Steakhouse II LLC dba Jonathan's Steakhouse II, 628 E. Second Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 4th day of June 2007, 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 amendments to the 2006-2007 General Fund Budget.

Council Member Pampinto introduced the following amended budget in writing:

Council Member Pampinto 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 Pampinto 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 an ordinance enacting the provisions of Act #2006-574 of the Alabama legislature referred to as the State Sales Tax Holiday Act.

Council Member Willis introduced the following ordinance which was presented in the meeting:

ORDINANCE NO. 1388 - 07

**AN ORDINANCE PROVIDING FOR THE EXEMPTION OF CERTAIN
“COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX SOLD
DURING THE PERIOD OF TIME COMMENCING AT 12:01 O’CLOCK A.M. ON THE
FIRST FRIDAY OF AUGUST 2007 UNTIL 12:00 O’CLOCK MIDNIGHT ON THE
FOLLOWING SUNDAY IN AUGUST 2007, AND DURING THE SAME HOURS ON
THE FIRST FRIDAY OF AUGUST THROUGH THE FOLLOWING SUNDAY OF
EACH YEAR THEREAFTER AS AUTHORIZED BY ACT 2006-574
OF THE ALABAMA LEGISLATURE, GENERALLY REFERRED TO AS
THE STATE SALES TAX HOLIDAY ACT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE
SHOALS, ALABAMA AS FOLLOWS:**

Section I. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session of the Legislature and providing for a State Sales Tax Holiday, the City Council of the City of Muscle Shoals, Alabama does hereby exempt “covered items” from municipal sales and use tax sold within the City of Muscle Shoals and its

police jurisdiction during the period of time commencing at 12:01 o'clock a.m. on the first Friday in August 2007, same being August 3, 2007 and until at 12:00 o'clock midnight on the following Sunday in August 2007, same being August 5, 2007 and during the same hours on the first Friday of August through the following Sunday of each year thereafter.

Section II. This Ordinance shall be subject to all terms, conditions, definitions, periods of time, and rules as provided by Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session of the Legislature.

Section III. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Muscle Shoals, Alabama, and shall forthwith forward a certified copy to the Alabama Department of Revenue for its information and use.

Section IV. The Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Willis moved for unanimous consent for immediate consideration. Council Member Noles seconded the motion and upon said motion 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 Willis then moved that said Ordinance be finally adopted, which motion was seconded by Council Member Noles 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 had been approved.

Mayor Bradford announced that the next item of business was consideration of a contract for landscape architectural services for the vehicular entrance to the Shoals Research AirPark. Council Member Noles moved that the agreement with Schoel, Godwin, Barnett be approved as presented. Council Member Holland seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the agreement had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution appointing a member to the Muscle Shoals 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: Janet Jones

Council Member Willis: Janet Jones

Council Member Grissom: Janet Jones

Council Member Holland: Janet Jones

Council Member Noles: Janet Jones

Mayor Bradford: Janet Jones

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

RESOLUTION NUMBER 2263 - 07

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 a member 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:

James (Mike) Bradford

Bobby Fleming

Stacy Hooper

Janet Jones

WHEREAS, Janet Jones 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: Janet Jones

Council Member Willis: Janet Jones

Council Member Grissom: Janet Jones

Council Member Holland: Janet Jones

Council Member Noles: Janet Jones

Mayor Bradford: Janet Jones

WHEREAS, Mayor Bradford announced that Janet Jones 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> |
|------------------|--------------------|---------------------------|
| Janet Jones | Board of Education | June 2012 |

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 Holland 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 a resolution appointing a member to the Muscle Shoals Civil Service 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: Wes Emmons

Council Member Willis: Wes Emmons

Council Member Grissom: Wes Emmons

Council Member Holland: Wes Emmons

Council Member Noles: Wes Emmons

Mayor Bradford: Wes Emmons

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

RESOLUTION NUMBER 2264 - 07

WHEREAS, a vacancy on the Civil Service Board of the City of Muscle Shoals has occurred 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 a member 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:

Wes Emmons

Henry Long

John Glenn Schmidlkofer

Courtney Yarber

WHEREAS, Wes Emmons 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: Wes Emmons

Council Member Willis: Wes Emmons

Council Member Grissom: Wes Emmons

Council Member Holland: Wes Emmons

Council Member Noles: Wes Emmons

Mayor Bradford: Wes Emmons

WHEREAS, Mayor Bradford announced that Wes Emmons 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 a term effective until June 20, 2007 and thereafter a term beginning June 20, 2007 and ending June 20, 2010 as set forth herein:

APPOINTEE

BOARD

EXPIRATION OF TERM

Wes Emmons

Civil Service Board

June 20, 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.

Council Member Holland 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 a resolution appointing a member to the Riverbend Mental Health 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: Reta Garrett

Council Member Willis: Reta Garrett

Council Member Grissom: Reta Garrett

Council Member Holland: Reta Garrett

Council Member Noles: Reta Garrett

Mayor Bradford: Reta Garrett

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

RESOLUTION NUMBER 2265 - 07

WHEREAS, the term of a member of the Board of Directors of the Riverbend Center for Mental Health has expired 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:

Reta F. Garrett

WHEREAS, Reta F. Garrett 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: Reta F. Garrett

Council Member Willis: Reta F. Garrett

Council Member Grissom: Reta F. Garrett

Council Member Holland: Reta F. Garrett

Council Member Noles: Reta F. Garrett

Mayor Bradford: Reta F. Garrett

WHEREAS, Mayor Bradford announced that Reta F. Garrett 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> |
|------------------|-------------------------|---------------------------|
| Reta F. Garrett | Riverbend Mental Health | April 2013 |

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 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 to annex a five acre tract of land east of Marthalar Lane owned by David and Allison Isbell.

Council Member Holland introduced the following which was presented and read in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, DAVID ISBELL and ALLISON ISBELL, being the owners of all 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:

Commence at the Northwest corner of Section 14, Township 4 Smith, Range 10 West, thence along the West line of Section 14, S. 0' 06' 40" E. 607.00 feet to the POINT OF BEGINNING of the tract of land hereby described, said point of beginning lying in Marthalar Lane; thence S. 87° 20' 49" E. 950.00 feet to a point; thence S. 0° 06' 40" E. 229.53 feet to a point; thence N. 87° 20' 49" W. 950.00 feet to a point lying in Marthalar Lane, said point also lying on the West line of Section 14; thence. along the West line of Section 14 and along Marthalar Lane N. 0" 06' 40 W. 229.53 feet to the point of beginning of the tract of land hereby described, said tract of land contains 5.0 acres, more or less.

For purposes of further identification, the tract described herein is further described as Parcel # 20-06-14-0-001-002.001 under the assessment in Account # 3510 in the Office of the Revenue Commissioner of Colbert County, Alabama.

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 petition 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, I have hereunto set my hand and seal this 3rd day of May, 2007.

s/ David Isbell L.S.
DAVID ISBELL

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that DAVID ISBELL, 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 signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May, 2007.

s/ Richard L. Williams
Notary Public
My Commission expires:12-22-08

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of May, 2007.

s/ Allison Isbell L.S.
ALLISON ISBELL

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that ALLISON ISBELL, 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 she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 3rd day of May, 2007.

s/ Richard L. Williams
Notary Public
My Commission expires:12-22-08

ORDINANCE NO. 1389-07

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:

Commence at the Northwest corner of Section 14, Township 4 Smith, Range 10 West, thence along the West line of Section 14, S. 0° 06' 40" E. 607.00 feet to the POINT OF BEGINNING of the tract of land hereby described, said point of beginning lying in Marthaler Lane; thence S. 87° 20' 49" E. 950.00 feet to a point; thence S. 0° 06' 40" E. 229.53 feet to a point; thence N. 87° 20' 49" W. 950.00 feet to a point lying in Marthaler Lane, said point also lying on the West line of Section 14; thence. along the West line of Section 14 and along Marthaler Lane N. 0° 06' 40" W. 229.53 feet to the point of beginning of the tract of land hereby described, said tract of land contains 5.0 acres, more or less.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-06-14-0-001-002.001 under the assessment in Account # 3510 in the Office of the Revenue Commissioner of Colbert County, Alabama.

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 Holland moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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 Holland then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, 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 Ordinance passed and adopted as introduced.

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

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK