

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
August 21, 2006**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 21<sup>st</sup> day of August 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 Paul McDougle. 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 August 7, 2006 and the minutes of the August 17, 2006 work session and approved the minutes as written.

Mayor Bradford announced that the next item of business was comments from the public. Pete Kelly representing the Muscle Shoals Lions Club informed the Council of the services provided by the Lions Club and appealed for interested parties to consider joining the club.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for a fire safety trailer.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2225-06**

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, fire safety training trailer, the bid opening being set for the 17th day of August, 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:

<u>BIDDER:</u>	<u>BASE BID PRICE:</u>	<u>OPTIONS:</u>	<u>TOTAL BID:</u>
Mobile Concepts by Scotty	\$40,486.00	+ \$6980.00	= \$47,466.00
Surrey Fire Safety House	\$41,275.00	+ \$8020.00	= \$49,295.00

[3] Evaluation of the bids results in the determination that Surrey Fire Safety House has submitted the lowest, responsive, and responsible bid in the total bid amount including options of, \$49,295.00.

[4] Be it hereby resolved that Surrey Fire Safety House is hereby awarded the bid for the purchase of a fire safety training house trailer for the total bid amount of \$49,295.00.

\_\_\_\_\_  
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 the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Frank Kaldi dba Frank's Italian Restaurant located at 102 Pershing Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 5<sup>th</sup> day of September 2006, 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 the vacation of Timeus Avenue also known as Timus Avenue.

Council Member Grissom thereupon introduced the following petition and resolution and moved for their adoption:

## PETITION

To the Honorable David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, and to the Hon. Jerry Knight, Hon. James E. Holland, Hon. Allen Noles, Hon. Neal Willis, and Hon. Joe Pampinto, City Council of the City of Muscle Shoals, Alabama.

Now come the undersigned Robert J. Eaton, David Franklin Rhoden, and Gene Crump and wife Raynell Crump, being hereafter referred to as Petitioners, who present the following statement, to-wit:

That Petitioners are the owners of the property abutting Timeus Avenue also known as Timus Avenue; lying on the east is Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, recorded in Map Book 2, page 173, in said Probate Office; and lying on the west is Virginia Heights, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, recorded in Map Book 2, page 33, in said Probate Office; and that they desire to vacate said street, and that they do, by this statement, vacate the same, said street being in the City of Muscle Shoals, Colbert County, and described as follows, to-wit:

That certain north-south street known as TIMEUS AVENUE aka TIMUS AVENUE, lying between two subdivisions in the City of Muscle Shoals, Colbert County, Alabama, said subdivisions being more fully described as follows: On the east lies Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, and on the west lies Virginia Heights, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 33, in the office of the Judge of Probate of Colbert County, Alabama; said street being more fully described as follows, to-wit:

Commencing at the NE corner of lot 10 in block 1 in Virginia Heights and the NW corner of a metes and bounds tract known as parcel 14 on the Revenue Commissioner's map; thence south, along the east line of lots 24 through 36 in block 1 and lots 13 through 24 in block 2 in Virginia Heights and along the west line of said parcel 14, lots 1 through 17 in block 4 and lots 1 through 23 in block 5 in Montesano Park to the SE corner of lot 24 in block 2 in Virginia Heights and the SW corner of lot 23 in block 5 in Montesano Park, the point of ending.

That the undersigned Petitioners desire to vacate the above described street and to close the same and to nullify the effect of the dedication of said street to the use of the public.

NOW THEREFORE, in consideration of the premises, Petitioners hereby request that you and the City Council assent to, approve, ratify, and confirm the vacation of the above described street and to the annulment of the dedication of said street to the use of the public.

The undersigned Petitioners further request that the Hon. David H. Bradford as Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, be authorized to execute quitclaim deeds to Petitioners, Robert J. Eaton, David Franklin Rhoden, and Gene Crump and wife Raynell Crump, by which deeds the City of Muscle Shoals, Alabama, a municipal corporation, shall

remise, release and quitclaim unto said Petitioners whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may acquire in and to the hereinabove described street by virtue of the vacation of same, or otherwise, and that Ricky Williams, City Clerk, be authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation, to attest the same.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and seals on this the 1st day of August, 2006.

s/ Robert J. Eaton \_\_\_\_\_

ROBERT J. EATON

s/ David Franklin Rhoden \_\_\_\_\_

DAVID FRANKLIN RHODEN

s/ Gene Crump \_\_\_\_\_

GENE CRUMP

s/ Raynell Crump \_\_\_\_\_

RAYNELL CRUMP

STATE OF ALABAMA  
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that **ROBERT J. EATON**, whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of August, 2006.

s/ Tara N. Thomas \_\_\_\_\_

Notary Public

MY COMMISSION EXPIRES: 7-22-08

STATE OF ALABAMA  
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that **DAVID FRANKLIN RHODEN**, whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of August, 2006.

s/ Tara N. Thomas \_\_\_\_\_

Notary Public

MY COMMISSION EXPIRES: 7-22-08

STATE OF ALABAMA  
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that **GENE CRUMP AND WIFE RAYNELL CRUMP**, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of August, 2006.

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s/ James D. Hughston

Notary Public

MY COMMISSION EXPIRES: 9-19-08

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2226-06**

WHEREAS, Robert J. Eaton, David Franklin Rhoden, and Gene Crump and wife Raynell Crump have presented to the Mayor of the City of Muscle Shoals and to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, their statement in writing, duly executed and acknowledged, setting forth that they are the owners of all of the lands abutting upon the hereinafter described street and they do, by said statement, vacate same; and

WHEREAS, the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, do assent and approve the vacation thereof and the annulment of the dedication of said street to the use of the public.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, that the act of the aforementioned parties in vacating and annulling the following described street in the City of Muscle Shoals, Colbert County, Alabama, to-wit:

That certain north-south street known as TIMEUS AVENUE aka TIMUS AVENUE, lying between two subdivisions in the City of Muscle Shoals, Colbert County, Alabama, said subdivisions being more fully described as follows: On the east lies Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, and on the west lies Virginia Heights, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 33, in the office of the Judge of Probate of Colbert County, Alabama; said street being more fully described as follows, to-wit:

Commencing at the NE corner of lot 10 in block 1 in Virginia Heights and the NW corner of a metes and bounds tract known as parcel 14 on the Revenue Commissioner's map; thence south, along the east line of lots 24 through 36 in block 1 and lots 13 through 24 in

block 2 in Virginia Heights and along the west line of said parcel 14, lots 1 through 17 in block 4 and lots 1 through 23 in block 5 in Montesano Park to the SE corner of lot 24 in block 2 in Virginia Heights and the SW corner of lot 23 in block 5 in Montesano Park, the point of ending;

be and the same is hereby ratified, approved and confirmed and the assent of the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, to such action is hereby given.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release and quitclaim to the aforesaid Robert J. Eaton, David Franklin Rhoden, and Gene Crump and wife Raynell Crump whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described street by virtue of the vacation of said street, or otherwise, and that David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, execute quitclaim deeds to Robert J. Eaton, David Franklin Rhoden, and Gene Crump and wife Raynell Crump, carrying out the intention of this paragraph and that Richard L. Williams, City Clerk, be and he is hereby authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation, to attest the same.

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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 consideration of a resolution to make an appointment to the Utilities 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: Jadie Burney  
Council Member Willis: Jadie Burney  
Council Member Grissom: Jadie Burney  
Council Member Holland: Jadie Burney  
Council Member Noles: Jadie Burney  
Mayor Bradford: Jadie Burney

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 2227 - 06**

**WHEREAS**, the term of a member of the Utilities Board 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:

Hal Horton                      Donna Ricks                      Edward (Pat) Staley  
Dwight Winston              Jadie Burney

**WHEREAS**, Jadie Burney 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: Jadie Burney  
Council Member Willis: Jadie Burney  
Council Member Grissom: Jadie Burney  
Council Member Holland: Jadie Burney  
Council Member Noles: Jadie Burney  
Mayor Bradford: Jadie Burney

**WHEREAS**, Mayor Bradford announced that Jadie Burney 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>
Jadie Burney	Utilities Board	July 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.

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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 consideration of an ordinance annexing a parcel of land located between Woodward Avenue (U. S. Highway 43) and Sportsplex Drive owned by Bhavesh V. Kumar. A petition was presented by the petitioner, a copy of which is hereinafter made a part of these minutes.

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

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, BHAVESH V. KUMAR, being the owner 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:

That part of the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, described as follows: Commencing at the SW corner of said Section 14; thence N 03 degrees 58' 45" E a distance of 4564.60 feet; thence on a bearing of East, a distance of 801.49 feet to the point of beginning; thence N 88 degrees 15' 53" E a distance of 357.69 feet; thence S 03 degrees 27' 44" W a distance of 140.25 feet; thence S 89 degrees 17' 06" W a distance of 353.59 feet; thence N 01 degrees 55' 46" E a distance of 133.65 feet to the point of beginning.

Being the same property acquired by Bhavesh V. Kumar by deed from Glenda Utley Couch, same being recorded in Fiche 2005-05 at Page 998 in the Office of the Judge of Probate of Colbert county, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute 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 10<sup>th</sup> day of August 2006.

S/ Bhavesh V. Kumar L.S.  
BHAVESH V. KUMAR

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that BHAVESH V. KUMAR, 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 10<sup>th</sup> day of August 2006.

S/Tara M. Sider-Clark

Notary Public

My Commission expires: 08/22/06

## **ORDINANCE NO.1374-06**

**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:

That part of the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, described as follows:

Commencing at the SW corner of said Section 14; thence N 03 degrees 58' 45" E a distance of 4564.60 feet; thence on a bearing of East, a distance of 801.49 feet to the point of beginning; thence N 88 degrees 15' 53" E a distance of 357.69 feet; thence S 03 degrees 27' 44" W a distance of 140.25 feet; thence S 89 degrees 17' 06" W a distance of 353.59 feet; thence N 01 degrees 55' 46" E a distance of 133.65 feet to the point of beginning.

Being the same property acquired by Bhavesh V. Kumar by deed from Glenda Utley Couch, same being recorded in Fiche 2005-05 at Page 998 in the Office of the Judge of Probate 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 Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles 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 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 passed and adopted as introduced and read.

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

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK