

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
November 15, 2004**

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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 15<sup>th</sup> day of November 2004 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.

Mayor Bradford announced that the next item of business was the presentation of Certificate of Commendation to city employee Joseph Campbell for his current military service in Iraq.

Upon motion duly made by Council Member Holland, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of November 1, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a job description for a maintenance worker in the City Clerk's Office with storm drainage responsibilities.

Council Member Willis moved that the job description be approved as presented. 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 job description had been approved.

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

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2084-04**

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 gasoline, the bid opening being held November 8, 2004 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>GASOLINE:</u>
	Per Gallon:
O'Steen Oil Company	\$1.387
Tatum Oil Company	\$1.383

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$1.383 for the purchase of gasoline.

The apparent low and best bidder, Tatum Oil Company is now awarded the bid for gasoline.

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Council Member Willis 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 awarding a bid for the purchase of turnouts for the Fire Department.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2085-04**

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 fire fighting clothing, the bid opening being held November 9, 2004 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 PER UNIT:</u>
Buddy Gray Enterprises	\$1079.98
Harless Safety & Fire Supply	\$1090.00
North American Fire Equipment Co.	\$1020.00

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as North American Fire Equipment Company with a bid price of \$1020.00 for the purchase of fire fighting clothing.

The apparent low and best bidder, North American Fire Equipment Co. is now awarded the bid for fire fighting clothing.

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 the scheduling of a public hearing to consider the issuance of a Retail Table Wine License to Frank Kaldi dba Franks'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 6th day of December, 2004 the Council will consider the approval of the issuance of the a Retail Table Wine License to Frank Kaldi, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the issuance of such license.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Restaurant Retail Liquor License to Barbara Spencer dba Barbara's Restaurant & Bar to be located at 3695A E. 2<sup>nd</sup> Street.

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

NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

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 Amandip Kaur dba Shoals Package to be located at 3695 E. 2<sup>nd</sup> Street.

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

NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

Mayor Bradford announced that the next item of business was the vacation of a portion of Detroit Street more particularly described below.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **PETITION**

KNOW ALL MEN BY THESE PRESENTS, that **Richard Riley** and **Virginia Riley**, **James Stidham** and **Debra Stidham** being the owners of all of the land abutting on the street hereinafter described, does hereby Petition that the following portions of streets and alleyways located in the City of Muscle Shoals, Alabama, to be vacated, to-wit:

DETROIT STREET from the northern boundary of the right of way of Jefferson Avenue to the south boundary of the right of way of the previously vacated right of way of Center Street, more particularly described as follows;  
Begin at a point on at the northwest corner of the intersection of Jefferson Avenue and Detroit Street, thence north a distance of 210.94 feet, more or less, to the southwest intersection of Detroit Street and Center Street. Thence east 50 feet east to the northeast corner of the intersection of Detroit Street and Center Street; thence south a distance 210.94 feet, more or less, to the northeast intersection of Jefferson Avenue and Detroit Street; thence west 50 feet to the point of beginning of the section of Detroit Street herein described.

By execution hereof a public utility easement twenty (20) feet in width is granted to the City of Muscle Shoals, along the portions of Detroit Street herein vacated.

The said portions of said streets and alleyways hereby vacated lie within the limits of the City of Muscle Shoals, Alabama and the assent of the City Council to the vacation of the same has been procured, as evidenced by a resolution duly adopted by such governing body of said City, a copy of which, certified by the City Clerk of said City, is attached to this declaration of vacation and will be filed for record simultaneously herewith.

This vacation agreement is duly executed on this 29<sup>th</sup> day of September, 2004.

s/ Richard Riley  
Richard Riley

s/ Virginia Riley  
Virginia Riley

s/ James L. Stidham  
James Stidham

s/ Debra J. Stidham  
Debra Stidham

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **Richard Riley**, and **Virginia Riley**, **James Stidham** and **Debra Stidham** 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 said Petition, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29<sup>th</sup> of September, 2004.

s/ Jennifer Riley  
Notary Public  
My Commission Expires: 10-9-2006

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2086-04**

WHEREAS, **James Stidham** and wife, **Debra Stidham** and **Richard Riley** and wife, **Virginia Riley** having presented to the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, for its consideration and assent a Declaration of Vacation of portions of streets and alleyways located in Detroit Park, a subdivision in the City of Muscle Shoals, Alabama, particularly described as follows, to-wit:

DETROIT STREET from the northern boundary of the right of way of Jefferson Avenue to the south boundary of the right of way of the previously vacated right of way of Center Street, more particularly described as follows;

Begin at a point on at the northwest corner of the intersection of Jefferson Avenue and Detroit Street, thence north a distance of 210.94 feet, more or less, to the southwest intersection of Detroit Street and Center Street. Thence east 50 feet east to the northeast corner of the intersection of Detroit Street and Center Street; thence south a distance 210.94 feet, more or less, to the northeast intersection of Jefferson Avenue and Detroit Street; thence west 50 feet to the point of beginning of the section of Detroit Street herein described.

By execution hereof a public utility easement twenty (20) feet in width is granted to the City of Muscle Shoals, along the portions of Detroit Street herein vacated.

And, WHEREAS, the aforesaid party, as the owner of all property abutting the said portions of the street and alley to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public allies, lots and blocks within the City of Muscle Shoals, Alabama, and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from his property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described street is located, such means of ingress and egress being afforded, by the remaining dedicated street and public alleys in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of said city be and the said is hereby given and granted to the vacation of the above described portion of the street and alleys: subject to the easements granted the city by said vacation declaration.

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Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved.

Mayor Bradford announced that the next item of business was the appointment of a Parks and Recreation Director. It was noted that the following persons, having made proper application are eligible for appointment to fill the pending vacancy:

Ricky Joe Canup

Terry Vickery

Russell Brady Wheelles

Each of the above persons were interviewed and evaluated by the City Council and based upon said interviews and evaluations, Russell Brady Wheelles received the best overall evaluation.

A roll call was had for the purpose of appointing an individual to the pending vacancy of Parks and Recreation Director, and upon said vote being taken the members of the Council stated as follows:

Mr. Pampinto voted for:	Russell Brady Wheelles
Mr. Willis voted for:	Russell Brady Wheelles
Mr. Grissom voted for:	Russell Brady Wheelles
Mr. Holland voted for:	Russell Brady Wheelles
Mr. Noles voted for:	Russell Brady Wheelles
Mayor Bradford voted for:	Russell Brady Wheelles

Mayor Bradford announced that Russell Brady Wheelles had received the majority of the votes cast and the City Council does hereby appoint Russell Brady Wheelles to serve as Parks and Recreation Director.

Mayor Bradford announced that the next item of business was consideration of a resolution declaring a police car surplus and authorizing its disposition.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NO. 2087 - 04**

**WHEREAS**, the City Council has been informed by the Chief of Police that a certain vehicle used in the performance of duties is no longer required for use by the police department; and

**WHEREAS**, the City Council is informed that the vehicle has been replaced and the said vehicle is no longer in service and that a request by other municipalities have been made for transfer of the vehicle for use in the performance of police and patrol duties; and

**WHEREAS**, the City Council has determined that the said vehicle is surplus property and the City has no further use for said vehicle due to its age and condition and it is not economical for the City to retool or refit the said vehicle in order that they be able to be placed in service in the police department;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following vehicle be declared surplus property and be disposed of by the Chief of Police of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said vehicle and the Council does hereby authorize the Chief of the Police Department to dispose of said vehicle in such manner. The Council finds that the following vehicle is surplus property:

One (1) 1998 Ford Crown Victoria automobile VIN # 2FAFP71W7WX122100

**BE IT FURTHER RESOLVED** that the Chief of Police is authorized to take the steps necessary to convey the above described vehicle to the Town of Leighton, Alabama in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum of One and no/100 (\$1.00).

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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.

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

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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