

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
February 17, 2014**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:45 p.m. on the 17<sup>th</sup> day of February, 2014 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART  
          JAMES HOLLAND, ALLEN NOLES  
ABSENT: NONE

James Holland, President of the Council, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 3, 2014 meeting and approved the minutes as written.

Mayor Bradford commended city personnel for their efforts during the recent winter weather event.

President Holland announced that the next item of business was a public hearing to consider the vacation of an alleyway between Tuxedo and Elmhurst Avenue in Highland Park Subdivision, plat #11.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the vacation was before the Council.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2675 - 14**

WHEREAS, there has been exhibited to the Council of the City of Muscle Shoals, Alabama, an instrument duly executed and acknowledged by Myrtle E. Duggar to vacate the following alley lying in, known and designated according to the map and plat thereof, recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2, page 117, to wit:

All of that certain alleyway running North and South between Tuxedo Avenue and Elmhurst Avenue and lying and abutting the East boundaries of Lots 4267 through 4278 and the West boundaries of Lots 4511 and 4462, all in HIGHLAND PARK SUBDIVISION Plat No. 11, as recorded in the Office of the Judge of Probate of Colbert county, Alabama in Map Book 2, Page 117.

WHEREAS, this council is satisfied that Myrtle E. Duggar is the owner of all lands abutting this alley; and

WHEREAS, said Myrtle E. Duggar has published notice in the Times Daily, a publication of general circulation in the City of Muscle Shoals, Colbert County, Alabama, for once a week for four (4) consecutive weeks; and

WHEREAS, it is in the interest of the public that such alley be vacated; and

WHEREAS, after the vacation of said public alley, convenient means of ingress and egress to and from Myrtle E. Duggar's property will be afforded to all other property owners shown on said map;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, that the assent of this Council be and the same is hereby given and granted to the said vacation of said public alley, as vacated, subject to a reservation of an easement to the City of Muscle Shoals, Alabama over, across and through the alleyway described herein for the installation and maintenance of public utilities and storm water drainage.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,  
Council Member Holland, Council Member Noles

NAYS: None.

President Holland announced that the Resolution had been approved.

President Holland announced that the next item of business was a public hearing to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. the proposed ordinance being as follows:

**ORDINANCE NO. 1459 - 14**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND**  
**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 area which are currently zoned R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 4462 through 4465 in HIGHLAND PARK SUBDIVISION, Plat #11

The Council finds that legal notice of the 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 17<sup>th</sup> day of February, 2014, at 6:00 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 President Holland announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Holland stated that approval of the ordinance 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 Lockhart,  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the ordinance had been approved.

President Holland announced that the next item of business was a public hearing to consider the vacation of a portion of James Avenue in Hamilton Place Subdivision.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the vacation was before the Council.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2676 - 14**

**WHEREAS**, Neal A. Nicholson and Vicki J. Nicholson and Sammie Marie Aycock, hereinafter referred to as Petitioners are the owners of all the lands and properties in said subdivision known as HAMILTON PLACE SUBDIVISION abutting the streets and alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said streets and alleyways, or portions thereof, presented his signed Petition of Vacation of various streets and alleyways, or portions thereof, in said subdivision, to the City Council of the City of Muscle Shoals, Alabama for its consideration, assent and approval, said property being more particularly described herein; and

**WHEREAS**, the Petitioners, as the owner of all property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama and the laws of the State of Alabama, relating to the vacation of streets, public alleys, 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 their 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 streets and alleyways, or portions thereof, is located, such means of Ingress and egress being afforded by the remaining dedicated streets 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 the City of Muscle Shoals, Alabama, be and the same is hereby given and granted to the vacation of the portion of the streets and property being more fully described as follows:

That portion of James Avenue, that abuts Lots 1, 2, 3 and 4 of Block 6 and Lots 13, 14, 15 and 16 in Block 1 in HAMILTON PLACE SUBDIVISION, the plat of which is recorded at Map Book 2, Page 255 in the Office of the Judge of Probate of Colbert County, Alabama, said portion of James Avenue to be vacated being fifty (50) feet in width and 129 feet in length.

**BE IT FURTHER RESOLVED** that the City of Muscle Shoals, Alabama shall reserve an easement over, across and through the entire portion of the vacated portion of said James Avenue for the installation and maintenance of public utilities.

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in and to the vacated streets and alleyways, or portions thereof, as herein described, unto the Petitioners, Neal A. Nicholson and Vicki J. Nicholson for one-half of the

vacated street abutting their property and unto and Sammie Marie Aycock for one-half of the vacated street abutting her property.

Council Member Noles seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart,  
Council Member Holland, Council Member Noles

NAYS: None.

President Holland announced that the Resolution had been approved.

President Holland announced that the next item of business was consideration of moving the March 17, 2014 meeting of the City Council to the Muscle Shoals Public Library.

Council Member Lockhart moved that the work session and regular meeting of the City Council set for March 17, 2014 be moved to the Muscle Shoals Public Library at the regularly scheduled times. Council Member Noles seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced that the change of the meeting location for the March 17, 2014 meeting had been approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the abandonment of a four foot utility easement in Highland Park Subdivision Number 10 for the Aldi's project.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2677 - 14**

WHEREAS, the City of Muscle Shoals, Alabama is the holder of an easement over across and through a vacated portion of an alleyway running east and west in HIGHLAND PARK SUBDIVISION, PLAT NUMBER 10, said alleyway being described in the Resolution vacating said portion of the alleyway, same being recorded in Deed Book 406 at Page 91 in the Office of the Judge of Probate of Colbert County, Alabama, and

WHEREAS, in said Resolution, the City reserved an easement being more particularly described as follows, to wit:

A utility easement four (4) feet in width, being two (2) feet on either side of centerline of the now existing East-West alley for that portion of the alley so vacated, as described above.

WHEREAS, the City Council has been informed that the utility easement is no longer being utilized nor is no longer needed and further that all utility poles, lines and structures have been relocated;

WHEREAS, the City Council has received a request that the said easement be abandoned and after due inspection and review, the City Council is of the opinion that said easement is no longer utilized for its intended purpose nor is it anticipated that said easement will be utilized in the future, and finds it appropriate to abandon said easement.

BE IT THEREFORE RESOLVED by the City Council of Muscle Shoals, Alabama that the easement reserved to the City in Resolution adopted by the Board of Commissioners of the City of Muscle Shoals, Alabama on the 15<sup>th</sup> day of March 1983 [a copy of said Resolution being filed for record in Deed Book 406 at Page 91 in the Office of the Probate Judge of Colbert County, Alabama], is no longer being utilized, is not needed presently nor in the future and that all utility poles, lines and structures have been relocated and the City has no present nor intended use for the easement, said easement being more particularly described as follows, to wit:

A utility easement four (4) feet in width, being two (2) feet on either side of centerline of the now existing East-West alley for that portion of the alley so vacated, as described above.

BE IT THEREFORE FURTHER RESOLVED by the City Council that the easement herein described is hereby ABANDONED, and held null and void and the City shall have no further right, title or interest therein.

BE IT RESOLVED that David H. Bradford as Mayor of the City of Muscle Shoals is hereby authorized to execute and deliver any further documents evidenced by the Council's action to abandon said easement and deliver same to the owner of the property abutting said easement and the Clerk is directed to prepare a certified copy of this Resolution and deliver the same for recordation in the Office of the Judge of Probate of Colbert County.

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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.

President Holland announced that the resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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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