

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
January 2, 2007**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 2nd day of January 2007 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by James Holland, Mayor Pro-Tem of the City. 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, JERRY KNIGHT GRISSOM
 JAMES HOLLAND, ALLEN NOLES
ABSENT: DAVID H. BRADFORD

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

James Holland, Mayor Pro-Tem 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 Pampinto 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 December 18, 2006 and approved the minutes as written.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution awarding a bid for an asphalt compactor for the public works department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2246-07

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 used, vibratory asphalt compactor, the bid opening being set for the 28th day of January, 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>TOTAL AMOUNT BID:</u>
Cowin Equipment	No Bid
Thompson Tractor Co., Inc.	\$33,368.12
Warrior Tractor & Equipment	No Bid

[3] Evaluation of the bids results in the determination that Thompson Tractor Co., Inc. has submitted the lowest, responsive, and responsible bid in the total bid amount of \$33,368.12.

[4] Be it hereby resolved that Thompson Tractor Co., Inc. is hereby awarded the bid for the purchase of a used, vibratory asphalt compactor for the total bid amount of \$33,368.12.

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

James Holland, Mayor Pro-Tem announced that the Resolution had been approved.

Mayor Pro-Tem Holland announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II Package to M & R LLC dba Paradise Package Store #1 located at 2526 ½ E. Avalon Avenue.

Mayor Pro-Tem Holland announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 5th day of February 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 Pro-Tem Holland announced that the next item of business was the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is a tract located at the northwest corner of State Avenue and Ethel Avenue and is more particularly described as follows:

ORDINANCE NO. 1382 - 07
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
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 areas, currently zoned R-2 is hereby incorporated in and made a part of the M-2 District, to wit:

Begin at the intersection of North Wilson Dam Road and Brick Pike run east along Brick Pike to a point that intersects with Ethel Avenue, thence run north on Ethel Avenue to the intersection with State Street, the tracts of property begins at the northeast intersection of Ethel Avenue & State Avenue and run east for a distance of 400 feet to the intersection of State Avenue and Ford Highway, thence run north for a distance of 320 feet, thence run west for a distance of 80 feet, thence run south for a distance of 130 feet, thence run west for a distance of 320 feet , thence run south for a distance of 110 feet. The Colbert County Tax Map shows the tracts as parcel #'s 08-09-30-3-004-006.000, 08-09-30-3-004-007.000, 08-09-30-3-004-001.000.

The Council finds that legal notice of the following 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 2nd day of January 2007, at 6:30 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 Pro-Tem 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, Pro-Tem Holland announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote was had and the vote recorded as follows:

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

NAYS: None

Mayor Pro-Tem Holland announced that the ordinance had been adopted.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution appointing a member to the Zoning Board of Appeals.

Mayor Pro-Tem Holland called for a vote on the candidate for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Phillip Fretwell

Council Member Willis: Phillip Fretwell

Council Member Grissom: Phillip Fretwell

Council Member Holland: Phillip Fretwell

Council Member Noles: Phillip Fretwell

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

RESOLUTION NUMBER 2247 - 07

WHEREAS, the term of a member of the Zoning Board of Appeals 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 individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy: Phillip Fretwell

WHEREAS, Phillip Fretwell 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: Phillip Fretwell

Council Member Willis: Phillip Fretwell

Council Member Grissom: Phillip Fretwell

Council Member Holland: Phillip Fretwell

Council Member Noles: Phillip Fretwell

WHEREAS, Mayor Pro-Tem Holland announced that Phillip Fretwell 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>
Phillip Fretwell	Appeals Board	December, 2011

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

Mayor Pro-Tem Holland announced that the Resolution had been approved.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution authorizing the Mayor to enter into an agreement with Martin Aycock Properties, Inc. for flood studies of sinkholes #10 and 11.

Council Member Noles introduced the following resolution which was presented in writing and moved for unanimous consent for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2248 -07

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled Memorandum of Understanding with Martin Aycock Properties, Inc. pertaining to a proposed study for revision of National Flood Insurance Program Maps; and

WHEREAS, the City Council has reviewed the contents of the instrument and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and enter into said instrument; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with said project and the facilitation of the commencement and completion of the said project herein above described;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled Memorandum of Understanding with Martin Aycock Properties, Inc. pertaining to a proposed study for revision of National Flood Insurance Program Maps;

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the installation of said project herein described that may be required during the commencement of and through the completion of the said project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Martin Aycock Properties, Inc. along with the executed Memorandum of Understanding pertaining to the project herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Grissom 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

NAYS: None

Mayor Pro-Tem Holland announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Noles then moved that 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

NAYS: None

Mayor Pro-Tem Holland thereupon declared said motion carried and 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

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK