

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 17, 2008**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 17th day of November 2008 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of November 3, 2008 and approved the minutes as written.

Mayor Bradford presented a proclamation declaring the week of November 16 - 22, 2008 as Geography Awareness Week in the City.

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 Bogeys Sports Grill LLC dba Bogeys Sports Grill, 301 Ford Road.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City during the regular meeting of the City Council on the 15th day of December 2008, 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 scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor License - Class I to James Russell McMahill dba Sundance Saloon, 4113 Woodward Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City during the regular meeting of the City Council on the 15th day of December 2008, 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 scheduling of 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. Mayor Bradford announced that at a regular meeting of the City Council to be held at the City Hall in said City on the 15th day of December, 2008, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____

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 which are currently unzoned due to annexation and are hereby incorporated in and made a part of the R-2 District, to wit:

Tract 1:

Commence at the Southeast corner of Section 18 Township 3 South, Range 10 West, Colbert County, Alabama; thence West along said section line to the Western right-of-way boundary of a public road running in a North South direction for the point of beginning; thence West continuing on said section line a distance of 200 feet to a point; thence North a distance of 600 feet to a point on the Southern boundary of the property of John T. Graves (described in Deed recorded at Microfiche 9901, Frame 538 in the office of the Judge of Probate of said County) extended in an Easterly direction; thence with a deflection angle to the left of 90 degrees 04 minutes Westwardly along said Southern boundary of the Graves' property extended and continuing along said Southern boundary to the 509.34 contour of Lake Wilson (formerly known at the 505 foot contour); thence in a Northwesterly direction with the meandering of said contour line a distance of 2450 feet more or less to the South line of the land of the United States of America (US-TVA Tract); thence along said South line in a Northeasterly direction a distance of 303 feet more or less again to said contour line; thence in a Southeasterly direction along the meandering of said contour line a distance of 550 feet more or less to a point; thence continuing with the meandering of said

contour line in a Northeasterly direction a distance of 680 feet more or less to a point on the South line of the land of the United State of America (US-TVA Tract WDRT -10); thence along said South line in a Northeasterly direction a distance of 328 feet to a point which is the Northeast corner of the property of James Mark Ray as described in that certain deed dated February 14, 1995 and recorded in Microfiche 9507, Frame 756 in the office of the Probate Judge of said County; thence in a Southerly direction along the Eastern boundary of said James Mark Ray property to the point of intersection in the Western boundary of Center Drive; thence in a Southerly direction along the Western boundary of said Center Drive a distance of 1100 feet more or less to the point of intersection with the Southernmost boundary of Camp Drive; thence in a Southeasterly direction along said Southernmost boundary of Camp Drive a distance of 400 feet more or less to the point of intersection with said Western right-of-way boundary of said first aforementioned public road running in a North South direction; thence South along said Western boundary a distance of 650 feet more or less to the point of beginning.

Tract 2:

Commence at the Southwest corner of Section 17, Township 3 South, Range 10 West, Colbert County, Alabama; thence West to the Western right-of-way boundary of a public road running in a North-South direction for the point of beginning; thence North along said Western right-of-way boundary extended a distance of 1320 feet more or less to a point which is the Northwest corner of Tract 08-04-17-3-003-003.005 as designated in the records of the Revenue Commissioner for said Colbert County; thence East a distance of 91.7 feet more or less to a point on the 509.34 contour of Lake Wilson (formerly known as the 505 foot contour); thence in an Easterly and Northerly direction with the meandering of said 509.34 contour and continuing in an Easterly and then Southerly direction along said 509.34 contour (said Southerly direction being the Western boundary of Steenson Bay) a distance of 2800 feet more or less along said Western boundary of Steenson Bay to the Southeast corner of Tract number 08-04-17-3-003-002.000 as designated in said records of the Revenue Commissioner; thence West a distance of 630.77 feet to a point; thence South 380 feet more or less to the Southern boundary of said Section 17 and the Northern boundary of the City of Muscle Shoals, Alabama; thence West along said Southern boundary of said Section 17 extended to the point of beginning.

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 adoption of such Ordinance.

Mayor Bradford announced that the next item of business was a resolution approving a cost of living adjustment for city retirees under the provision of Act #555 of the first special session of the Alabama Legislature.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2365 - 08

BE IT RESOLVED by the City Council of the City of Muscle Shoals that the City of Muscle Shoals elects to come under the provisions of Section 2 of Act 555 of the first special session of the 2008 Legislature.

BE IT FURTHER RESOLVED that the City of Muscle Shoals agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from City of Muscle Shoals with the aforementioned increase being effective on or about December 15, 2008.

Council Member Noles 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 a resolution authorizing the Mayor to execute grant documents for funding of a splash pad in Gattman Park and committing the local match funds of \$200,000.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2366 - 08

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received notice from the Alabama Department of Economic and Community Affairs [hereinafter ADECA] of approval of the City's application to participate in the Land and Water Conservation Fund Program for a grant to construct a splash pad and support facilities at Gattman Park; and

WHEREAS, the City Council has reviewed the contents of the notice approving the grants and finds that said grant is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City participate in the grant program;

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 to ADECA or related agencies in connection with the facilitation of the grant;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby accept the grant of financial assistance as set forth and described hereinafter, to wit:

- a. Project Number: LWCF Project No. 08-LW-920
- b. Project Name: Gattman Park Splash Pad
- c. Project scope/purpose: To construct a boundless 3,200 sq. ft. splash pad and support facilities (33° 44' 21.4" N-87° 39' 37" W)
- d. Location: Gattman Park in Muscle Shoals, Alabama
- e. Grant Amount: \$200,000.00
- f. City of Muscle Shoals Share: \$200,000.00

BE IT FURTHER RESOLVED that the City Council of Muscle Shoals, Alabama does hereby authorized and commit the expenditure of the sum of \$200,000.00 as the City's required matching share for the construction of the Gattman Park splash pad and related facilities.

BE IT FURTHER RESOLVED that the City Council of Muscle Shoals, Alabama does hereby authorize and direct the Mayor of the City, David H. Bradford, to execute the document entitled Acceptance of Subgrant Award instrument and deliver the required number of copies to ADECA.

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 grant and project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto ADECA along with the executed instrument pertaining to the acceptance of the grant award.

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 a resolution in support of the Alabama Homecoming in Muscle Shoals in 2010 as a part of the State of Alabama tourism effort to bring former resident back home.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2367 - 08

WHEREAS, the Alabama Tourism Department has declared the year 2010 to be the Year of Alabama Small Towns & Downtowns to serve as a statewide celebration, and

WHEREAS, Governor Bob Riley encourages small towns to invite former residents back to join local citizens in unveiling a locally written historic marker and otherwise celebrate this momentous occasion, and

WHEREAS, the City of Muscle Shoals, Alabama welcomes the opportunity to showcase its city to travelers and the opportunity to show former residents its progress in protecting, preserving and promoting the historic value of Muscle Shoals, as well as its enrichment through education and the arts, and

WHEREAS, the City of Muscle Shoals is committed to the preservation and promotion of the history of Muscle Shoals and the arts through such facilities and organizations as the Colbert County Tourism and Convention Bureau, the City of Muscle Shoals, and through its rich music history as recorded at FAME Recording Studio and through the Pathways of Muscle Shoals History located in the beautiful Muscle Shoals Municipal Building, and

WHEREAS, the City of Muscle Shoals has a rich history surrounding the building of Wilson Dam, one of the world's largest single-lift-lock dams, with Henry Ford and Thomas Edison bringing national attention to the Muscle Shoals area in the early 1920s as they conducted land sales, as they planned a major city in the Muscle Shoals area, and

WHEREAS, Rick Hall, now a legend in the music industry, put the City of Muscle Shoals "on the map" in the 1960s when he opened the FAME Recording Studio within the city of Muscle Shoals, creating the "Hit Recording Capital of the World", and

WHEREAS, the City of Muscle Shoals is proud to say that its name, Muscle Shoals, is associated with Alabama's amazing music heritage and is known throughout the world, bringing many tourists into the area to learn about that "Muscle Shoals Sound", and

WHEREAS, the City of Muscle Shoals has every reason to celebrate its rich history as well as its many accomplishments since its founding,

NOW, THEREFORE BE IT HEREBY RESOLVED by Mayor David Bradford and the City Council of the City of Muscle Shoals, Alabama in a regular meeting duly assembled, a quorum being present that Muscle Shoals joins with the State of Alabama to participate in the Year of Alabama Small Towns & Downtowns and do hereby declare Muscle Shoals, Alabama's **Homecoming Weekend** to be held as part of our annual **Muscle Shoals Music Cityfest** to be held in October 2010.

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.

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

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK