

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 6, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 6th day of December 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 Dr. Tom Whatley. 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 proclamation honoring Dr. Tom Whatley upon his retirement as pastor of Woodward Avenue Baptist Church and for his community service.

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 15, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a job description for the position of Recreation Athletic Director in the Parks and Recreation Department. The job description was developed to reflect the realignment of positions within the department affecting two incumbent employees. Positions consolidated into the new position were the Adult Sports Athletic Director, Youth Sports Athletic Director and Facilities and Aquatics Director.

Council Member Willis moved that the job description be approved as presented and the three positions of Adult Sports Athletic Director, Youth Sports Athletic Director and Facilities

and Aquatics Director be abolished. 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 and the former position eliminated.

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

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 2088-04

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 30, 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>	<u>Diesel:</u>
	Per Gallon:	Per Gallon:
Tatum Oil Company	\$1.408	\$1.595

[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 \$1.408 for the purchase of gasoline and diesel fuels.

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

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 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 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 Glendale Avenue from State Street to an east-west alley more particularly described below.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION TO VACATE

Come now the undersigned, Jim Bishop and Gary Kilpatrick, hereinafter referred to as Petitioners, and, pursuant to Section 35-2-54 of the Code of Alabama, present unto the City Council of the City of Muscle Shoals, Alabama, as follows: That Petitioners are all of the owners of all of the property abutting upon the following described property, more particularly described below, and that they desire to vacate said property and that they do, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to wit:

A portion of Glendale Avenue between State Street and Highland Avenue, being more particularly described as follows: Commence at the Northeast corner of Lot 3305 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70; run thence East a distance of 66 feet to the Northwest corner of Lot 3306 of said subdivision; thence run South along the westerly boundary of Lot 3306 and its extension a distance of 134.00 feet to the midpoint between the Southwest corner of Lot 3306 & the Northwest corner of Lot 3411 of said subdivision; thence run West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision; thence run North along the easterly boundary of Lot 3305 and its extension, a distance of 134 feet to Northeast corner of said Lot 3305, and the point of beginning.

That the undersigned Petitioners desire to vacate the above described property and to nullify the effect of the dedication of said property, reserving, however an easement in favor of

the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as:

Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision.

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

The undersigned Petitioners further request that the City Council of the City of Muscle Shoals authorize and direct the Honorable Mayor of the City of Muscle Shoals, to execute quit-claim deeds to the Petitioners, as their respective interest in said property may appear by which deeds, the City of Muscle Shoals, shall remise, release and quit-claim unto said Petitioners whatever right, title and interest the said City of Muscle Shoals may have acquired in and to the hereinabove described property by virtue of the dedication of the same, or otherwise, and that the City Clerk, be authorized and directed on behalf of the City Muscle Shoals, Alabama, to attest the same.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on the day below set out.

s/Jim Bishop 12/6/04
JIM BISHOP Date

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Jim Bishop, who is known to me, and whose name is signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, he executed the same voluntarily.

Given under my hand and official seal this the 6th day of December, 2004.

s/ James Marks
Notary Public

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on the day below set out.

s/ Gary Kilpatrick 12/6/04
GARY KILPARTICK Date

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Gary Kilpartick, who is known to me, and whose name is signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, he executed the same voluntarily.

Given under my hand and official seal this the 6th day of December, 2004.

s/ James Marks

Notary Public

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2089-04

WHEREAS, Jim Bishop and Gary Kilpatrick have presented to the City Council of the City of Muscle Shoals, Alabama, their statement in writing, duly executed and acknowledged, setting forth that the owners of all of the lands abutting upon the hereinafter particularly described portion of a street have consented to said vacation and that they desire to vacate said property, pursuant to Section 35-2-54 of the Code of Alabama, and that they do, by said statement, vacate the same, subject to an easement in favor of the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as:

Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision. and,

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, does assent to, and approve the vacation thereof, and the annulment of the dedication of said property to the use of the public,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the act of the forenamed parties in vacating and annulling the following described street in the City of Muscle Shoals, Alabama, to-wit:

A portion of Glendale Avenue between State Street and Highland Avenue, being more particularly described as follows: Commence at the Northeast corner of Lot 3305 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70; run

thence East a distance of 66 feet to the Northwest corner of Lot 3306 of said subdivision; thence run South along the westerly boundary of Lot 3306 and its extension, a distance of 134.00 feet to the midpoint between the Southwest corner of Lot 3306 & the Northwest corner of Lot 3411 of said subdivision; thence run West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision; thence run North along the easterly boundary of Lot 3305 and its extension, a distance of 134 feet to Northeast corner of said Lot 3305, and the point of beginning, reserving, however, an easement in favor of the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as: Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision.

Be and the same is hereby ratified, approved, confirmed and assented to by the City Council of the City of Muscle Shoals, Alabama, a municipal corporation remise, release and quit-claim to the aforesaid parties, whatever right, title, and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described part or portion of the hereinabove named property by virtue of the dedication of said property as a street, or otherwise, and that David Bradford, Mayor of City of Muscle Shoals, a municipal corporation, execute a quit-claim deed to the forenamed parties 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, reserving, however, an easement for public utilities as aforescribed.

The purpose of this Resolution is to assent to the proposed vacation; however, the City Council of the City of Muscle Shoals, Alabama does not hereby make a determination as to the validity or the legality of the vacation.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, which motion was seconded by Council Member Willis 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 Noles then moved that the said Resolution be finally adopted, which motion was seconded by Council Member Willis 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 vacation approved.

Mayor Bradford announced that the next item of business was the vacation of a portion of streets and alleys in the Union Terrace Subdivision #2 and more particularly described below.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION

WHEREAS, the undersigned ISBELL ENTERPRISES, LLC, a limited liability company, herein referred to as "Petitioner" is the owner of the lands and properties in said subdivision known as **UNION TERRACE NO. 2 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 .

WHEREAS, Petitioner states that the streets and alleyways or portions thereof that Petitioner desires to vacate are located within and as a part of the subdivision designated as **UNION TERRACE NO. 2 SUBDIVISION** , all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Plat Book 2, Page 299.

WHEREAS, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, Petitioner states that the streets and alleyways or portions thereof desired to be vacated are not currently being used;

WHEREAS, Petitioner seeks and requests assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, the undersigned Petitioner, being the owner of the property in the subdivision known as **UNION TERRACE NO. 2 SUBDIVISION** abutting on the streets and alleyways or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same does hereby declare the following streets and alleyways or portions thereof, to be vacated, to wit:

Any and all portions of **Rose Avenue, Coleman Avenue, Vind Avenue, Parker Avenue, Thomas Avenue and Lind Avenue** as shown on the plat of the said

UNION TERRACE NO. 2 SUBDIVISION, a subdivision known and designated according to the Map or plat thereof recorded in the Office of th Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299.

Any and all portions of the following described alleyways as shown on the plat of the said **UNION TERRACE NO. 2 SUBDIVISION**, a subdivision known and designated according to the Map or plat thereof recorded in the Office of th Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299, to wit:

Block 2

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 3

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 4

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 5

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 6

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 7

All of the alleyway running North and South lying between and abutting Lots 1

through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 8

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Block 11

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 12

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 13

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 14

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 15

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through

10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 16

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Block 17

All of the alleyway running North and South lying between and abutting Lots 11 through 18, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Also, any and all portions of **Dearborn Street** running East and West and lying between and abutting Blocks 2 through 17, inclusive, same being bounded on the South by Lots 11 through 17, inclusive, and bounded on the North by Lots 2 through 8, inclusive.

Petitioner states that a dedicated public street or roadway will be constructed in order to provide the obligatory access to the owners of property other than Petitioner in said Union Terrace No. 2 Subdivision, it being the intention of the Petitioner to redesign the property comprising Union Terrace No. 2 and to provide adequate and convenient access to the other owners of property in said subdivision.

Petitioner requests that the portions of Dearborn Street be vacated and approved by the City Council of Muscle Shoals, Alabama and understand and agree that said consent to the vacation of the portion of Dearborn Street hereinabove described may be contingent upon the construction of a dedicated public street or roadway that provides access to the owners of property other than Petitioner in said Union Terrace No. 2 Subdivision

IN WITNESS, WHEREOF, the Petitioner has caused this instrument to be executed this this 1st day of December 2004.

ISBELL ENTERPRISES, LLC

a limited liability company

s/ Neal Isbell L.S.

NEAL ISBELL. Member and President

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **NEAL ISBELL**, whose name as member and President of ISBELL ENTERPRISES, LLC, a limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he , as said officer and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said company.

Given under my hand and official seal this the 1st day of December 2004.

s/ Linda Howard

Notary Public

My Commission Expires: 08/12/2007

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2090-04

WHEREAS, ISBELL ENTERPRISES, LLC, a limited liability company, hereinafter referred to as Petitioner is the owner of all the lands and properties in said subdivision known as UNION TERRACE NO. 2 SUBDIVISION abutting the streets and alleyways, or portions thereof, hereinafter described with particularity; said Petitioner 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 Petitioner, as the owner of all property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having compiled with all the requirements of Ordinances of the City of Muscle Shoals, 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:

Any and all portions of Rose Avenue, Coleman Avenue, Vind Avenue, Parker Avenue, Thomas Avenue and Lind Avenue as shown on the plat of the said UNION TERRACE NO. 2 SUBDIVISION, a subdivision known and designated according to the Map or plat thereof recorded in the Office of th Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299.

Any and all portions of the following described alleyways as shown on the plat of the said UNION TERRACE NO. 2 SUBDIVISION, a subdivision known and designated according to the Map or plat thereof recorded in the Office of th Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299, to wit:

Block 2

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

Block 17

All of the alleyway running North and South lying between and abutting Lots 11 through 18,, inclusive, same being bounded on the East by Lots 15 through 18, inclusive, and bounded on the West by Lots 11 through 14, inclusive.

All of the alleyway running East and West lying between and abutting Lots 1 through 10, inclusive, and Lots 11 and 15, being bounded on the South by Lots 11 and 15 and being bounded on the North by Lots 1 through 10, inclusive.

Also, any and all portions of Dearborn Street running East and West and lying between and abutting Blocks 2 through 17, inclusive, same being bounded on the South by Lots 11 through 17, inclusive, and bounded on the North by Lots 2 through 8, inclusive.

BE IT FURTHER RESOLVED that the consent of the City Council to the vacation of the portion of Dearborn Street as set forth herein is contingent upon the upon the construction of a dedicated public street or roadway that provides access to the owners of property other than Petitioner in said Union Terrace No. 2 Subdivision. Said approval shall be final upon the recording of a plat in the Office of the Judge of Probate of Colbert County, Alabama that shows a public dedicated street or roadway or upon approval of the , same to be shown on a recorded plat that depicts access to David Avenue and Randolph Avenue as shown on the current plat of Union Terrace No. 2 Subdivision, or otherwise, or subject to approval by the City Council upon sufficient proof shown to the City Council that the street or roadway to be constructed provides access to said David Avenue and Randolph Avenue.

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 Petitioner, ISBELL ENTERPRISES, LLC.

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, which motion was seconded by Council Member Pampinto 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 Willis then moved that the said Resolution be finally adopted, which motion was seconded by Council Member Pampinto 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 vacation approved.

Mayor Bradford announced that the next item of business was consideration of amendments to the General Fund Budget.

Council Member Grissom introduced the following amendments to the budget in writing:

	Object #	<u>2005 Budget</u>	<u>Amendment</u>	<u>Budget</u>
PAYROLL TAX EXPENSE 60600				
FICA	104	\$451,383.00	\$393.00	\$451,776.00
 Recreation Department 66020				
ADMINISTRATIVE DIVISION				
Salaries - Part-time	100	\$135,000.00	\$12,298.00	\$147,298.00
Salaries	101	\$408,520.00	(\$7,169.00)	\$401,351.00
Salaries - Expense Check	103	\$4,200.00	(\$4,200.00)	\$0.00
Retirement	105	\$37,632.00	\$403.00	\$38,035.00
Worker's Compensation	107	\$10,704.00	<u>\$119.00</u>	\$10,823.00
Net Changes all expenditures			\$1,844.00	
Prior Projected Revenues over Expenditures			\$4,240.00	
Increase in Authorized Expenditures			<u>(\$1,844.00)</u>	
Adjusted Revenues over Expenditures			<u>\$2,396.00</u>	
			=====	

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Pampinto 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 Grissom then moved that the said amendments be finally adopted, which motion was seconded by Council Member Pampinto 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 amended General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of a resolution appointing an individual to the Zoning Board of Appeals.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2091 - 04

WHEREAS, certain board positions on various boards within the City of Muscle Shoals have become vacant or the term of certain members have expired and the City Council being desirous of making the necessary appointments to said boards within the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Tommy Bee	Appeals Board	December 2009

The Clerk is hereby directed to notify the above named persons 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 roll call vote, the following vote was recorded:

Council Member Pampinto	Tommy Bee
Council Member Willis	Tommy Bee
Council Member Grissom	Tommy Bee
Council Member Holland	Tommy Bee
Council Member Noles	Tommy Bee
Mayor Bradford	Tommy Bee

Mayor Bradford announced that the Resolution had been unanimously approved.

Mayor Bradford announced that the next item of business was the Mayor's appointment to the Planning Board.

Mayor Bradford announced his appointment of Ron Moss to serve a six year term on the Planning Board ending December 2010.

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