

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 2, 2005**

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 May 2005 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.

At this time, Mayor Bradford presented a proclamation honoring Herbert & Mozell Kilgore in recognition of their forty five years in retail business in the city as Kilgore's Hardware and Building Supply.

Upon motion duly made by Council Member Holland, seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of April 18, 2005 and approved the minutes as written.

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

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 2129-05

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 fuel, the bid opening being held May 2, 2005 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:
O'Steen Oil Company	\$1.546	\$1.719

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$1.546 for the purchase of gasoline and \$1.719 for the purchase of diesel fuel.

The apparent low and best bidder, O'Steen Oil Company is now awarded the bid for fuels.

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 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 meeting to be held at the City Hall in said City at 6:30 p.m. on the 6th day of June 2005, 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 are hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the R-3 District, to wit:

Begin at a point at the intersection of Trojan Drive and Brown Street. Thence run N00° 42' 55"W for a distance of 1335.28', thence run S88° 31' 99" E, Thence run N00° 49' 11"W for a distance of 704.02, Thence run at N45° 00'E for a distance of 700 feet, thence run N89° 03' 42"W for a distance of 850 feet. This parcel of property is located in section 1, township 4s, range 11w and being phase three of the proposed Cottonwood Estates Subdivision.

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 consideration of amendments to the 2004-2005 General Fund Budget.

Council Member Willis introduced the following amended budget in writing:

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Noles 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 General Fund Budget be finally adopted, which motion was seconded by Council Member Noles 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 General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of a resolution honoring Glenn L. McCullough Jr. for his years of service on the Tennessee Valley Authority Board of Directors.

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 NUMBER 2130 - 05

WHEREAS, Glenn L. McCullough, Jr., has faithfully served the Tennessee Valley Authority for a period of five and one-half years; and

WHEREAS, since his term as a TVA director began in 1999, TVA has met record power demands, reduced operating costs and debt, served as a conscientious steward of the environment, and helped attract and retain jobs for the Tennessee Valley; and

WHEREAS, in that time he has been a great friend to all of North Alabama; and

WHEREAS, in his steadfast commitment to promoting economic development, he has been an important ally to community leaders, industrial recruitment agencies, and the citizens who benefit the most from a thriving economy; and

WHEREAS, his regional vision for attracting industries and well-paying jobs has helped North Alabama compete in a global marketplace; and

WHEREAS, his willingness to articulate this vision of regional economic development at important events has demonstrated leadership that is helping the Tennessee Valley move forward into the 21st Century; now

THEREFORE BE IT RESOLVED By the Mayor and City Council of the City of Muscle Shoals, Alabama, that we express our sincere appreciation for Glenn L. McCullough, Jr. and his contributions to the region.

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 consideration of a resolution authorizing the Mayor to execute a Memorandum of Understanding with various parties for a flood study of sinkhole #14 in the city.

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 2131-05

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has determined that a study of flood control measures in and around Sinkhole #14 would be beneficial to the City; and

WHEREAS, the City requires that such study of flood control measures be conducted in a manner that assures that they are well planned and designed consistent with the City’s requirements and the Federal Emergency Management Agency’s [FEMA] regulations; and

WHEREAS, the City will contract with AMEC Earth and Environmental, Inc. To perform said study and make recommendations to the City for said improvements; and

WHEREAS, the City is desirous of entering a Memorandum of Understanding that sets forth said agreement and further provides that all costs, fees and expenses associated with the submission of the information obtained unto FEMA will be borne by Northwest Shoals Community College, William Britton and Vincent McAlister, the property owners in and around Sinkhole #14.

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, same providing for the study of flood control measures in and around Sinkhole #14 and setting forth the responsibility for payment of all costs, fees and expenses associated therewith.

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 said Memorandum of Understanding that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto NW Shoals, William Britton and Vincent McAlister along with the executed instrument styled Memorandum of Understanding herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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 consideration of a resolution authorizing the Mayor to execute an agreement with the Alabama Department of Transportation to partially fund and construct sidewalks under the 2005 Transportation Enhancement Program.

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 2132 - 05

BE IT RESOLVED, by the City of Muscle Shoals as follows:

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Enhancement project with partial funding by the Federal Highway Administration, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

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.

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