

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 20, 2007**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 20th day of August 2007 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 Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM
 ALLEN NOLES, DAVID H. BRADFORD
ABSENT: JAMES HOLLAND

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 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 August 6, 2007 and the continued meeting of August 13, 2007 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of Congress Street located in Muscle Shoals Center Number 11.

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

**STATE OF ALABAMA
COLBERT COUNTY**

PETITION

WHEREAS, the undersigned, **KCM & DC, INC.**, a corporation, (hereinafter referred to as "Petitioner") is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 11** abutting the streets, or portions thereof,

hereinafter described with particularity; said Petitioners being desirous of vacating said streets, or portions thereof.

WHEREAS, Petitioners states that the streets, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as **MUSCLE SHOALS CENTER NUMBER 11** 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.

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, or portions thereof, desired to be vacated are not currently being used;

WHEREAS, Petitioner states that there are no public utilities situated or located on, over or through the streets, or portions thereof, desired to be vacated;

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 all of the owners of property in the subdivision known as **MUSCLE SHOALS CENTER NUMBER 11** abutting on the streets, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following streets, or portions thereof, to be vacated, to wit:

That portion of that certain street known as Congress Street bounded on the North by the South line of Lots 273 through 275, inclusive, and bounded on the South by the North line of Lots 444 through 446, inclusive, all in MUSCLE SHOALS CENTER NUMBER 11, according to the map and survey prepared by P.S.

Milner, and recorded in Map Book 2, Page 451, in the Office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 273 (extended) South to the Northeast corner of Lot 446 and bounded on the West by the West line of Lot 275 (extended) South to the Northwest corner of Lot 444 as shown on the above described plat.

Subject to a 20' easement for the installation and maintenance of public utilities reserved to the City of Muscle Shoals, Alabama.

IN WITNESS WHEREOF, Petitioner has caused this instrument to be executed this 20th day of August 2007.

KCM & DC, INC., a corporation

By: s/ Bobby Joe Keenum

BOBBY JOE KEENUM

Its President

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that BOBBY JOE KEENUM, whose name as President of **KCM & DC, INC.**, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before

me on this day that, being informed of the contents of the instrument, he, as said officer, executed the same voluntarily on the day the same bears date for and as the act of said corporation.

Given under my hand and official seal this 20th day of August 2007.

s/ Linda Howard

NOTARY PUBLIC

My Commission Expires: 08/12/2011

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2277 - 07

WHEREAS, KCM & DC, INC., a corporation, hereinafter referred to as Petitioner, is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 11** abutting the streets, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said streets, or portions thereof, has presented its signed Petition of Vacation of a part of said streets to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the property above referred to is more particularly described as follows:

That portion of that certain street known as Congress Street bounded on the North by the South line of Lots 273 through 275, inclusive, and bounded on the South by the North line of Lots 444 through 446, inclusive, all in MUSCLE SHOALS CENTER NUMBER 11, according to the map and survey prepared by P.S.

Milner, and recorded in Map Book 2, Page 451, in the Office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 273 (extended) South to the Northeast corner of Lot 446 and bounded on the West by the West line of Lot 275 (extended) South to the Northwest corner of Lot 444 as shown on the above described plat.

Subject to a 20' easement for the installation and maintenance of public utilities.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portions of the streets to be vacated, having complied 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 alleyway 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 alleyway herein above described.

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 consideration of a resolution to approve a cost of living adjustment authorized under Act # 2006-510 of the State Legislature for city retirees.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2278 - 07

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 510 of the regular session of the 2006 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 increase as provided for by said Act for those eligible employees retired from City of Muscle Shoals with the aforementioned increase being effective with the October 2007 benefit payments.

Council Member Grissom seconded the motion and upon said motion 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 Noles

NAYS: None

ABSTAIN: Mayor Bradford

Mayor Bradford thereupon declared said motion carried and the resolution had been adopted as presented.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve a voting location change for the 2008 municipal elections.

Council Member Grissom introduced the following resolution which was presented in writing:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2279 - 07

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

1. That the polling places for municipal elections held within the City of Muscle Shoals, Alabama shall be at following locations:

Box #1 - First Southern Baptist Church Annex

Box #2 - Muscle Fire Station Number 1 Annex

Box #3 - Southgate Mall

Box #4 - United Association of Plumbing & Pipefitting Industry Pavilion

Box #5 - First Baptist Church

2. That the polling locations for Box #1, Box #2, Box #3 and Box #5 are the same as those locations used in previous municipal elections.

3. That the polling place for Box #4 is a change in the polling locations from previous municipal elections in that the location is moved from Webster School unto the United Association of Plumbing & Pipefitting Industry Pavilion.

Council Member Grissom moved for adoption of the resolution. 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.

Mayor Bradford announced that the next item of business was consideration of an amendment to a resolution extending the time for the Northwest Alabama Health Care Authority to construct a health care facility on property sold by the City to the Authority for that purpose.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2280 - 07

WHEREAS, the Council of the City of Muscle Shoals, Alabama has heretofore conveyed property unto the Northwest Alabama Health Care Authority and

WHEREAS, the Northwest Alabama Health Care Authority has agreed to purchase said property for the purpose of constructing a building thereon for the delivery of health care services and related services which the Council finds will be a benefit unto the City and its citizens; and

WHEREAS, the City has the option to purchase said property at the same price from the Northwest Alabama Health Care Authority in the event that the Northwest Alabama Health Care

Authority fails to construct thereon a building and occupy same for the delivery of health care services and related services within two (2) years from the date of the conveyance by the City unto the Northwest Alabama Health Care Authority, and

WHEREAS, the Northwest Alabama Health Care Authority requested and received a one (1) year extension that the term in 2006;

WHEREAS, the Northwest Alabama Health Care Authority has requested that the term of the option be extended for one (1) year and the City Council finds that it is in the interest of the City to do so;

BE IT HEREBY ORDAINED by the City Council of Muscle Shoals, Alabama as follows:

1. That the City of Muscle Shoals, Alabama does hereby extend the term of that certain option to purchase agreement for a period of one (1) year under the same terms and conditions, same pertaining to that certain parcel of real property, same being, lying and situated in the City of Muscle Shoals, Colbert County, Alabama, to wit:

Lots Numbered 3279 through 3285, inclusive, the South 17 feet of all of that portion of State Street abutting Lot 3285, and all of that portion of the West ½ of that certain North-South alley abutting Lots 3280 through 3285, all being known and designated according to the map and survey of “HIGHLAND PARK SUBDIVISION PLAT NO. NINE”, prepared by P. S. Milner, C. E., and recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70.

2. Furthermore, the City shall have the option to purchase said property at the same price from the Northwest Alabama Health Care Authority in the event that the Northwest Alabama Health Care Authority fails to construct thereon a building and occupy same for the delivery of health care services and related services within four (4) years from the date of the conveyance by the City unto the Northwest Alabama Health Care Authority and the option agreement heretofore entered into by the City and the Northwest Alabama Health Care Authority shall be amended to reflect same.

3. That the Mayor of the City of Muscle Shoals, Alabama, Mr. David H. Bradford, is hereby authorized to execute and deliver, same to be attested by Richard L. Williams, Clerk of the City, the deed of the City and all other documents necessary to effectuate the extension of the option.

Council Member Pampinto moved for adoption of the resolution. 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 a motion duly made and seconded, 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