

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 21, 2013**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 7:15 p.m. on the 21st day of October, 2013 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. 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, MIKE LOCKHART, JAMES HOLLAND
 ALLEN NOLES
ABSENT: NEAL WILLIS

James Holland, President of the Council, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 7, 2013 meeting and the October 7, 2013 Police Committee meeting and approved the minutes as written.

Mayor Bradford related recent events leading to the recent Colbert County 911 Board decision to designate Keller Ambulance Service as the county wide provider of ambulance services regardless of the outcome of the City's impending bid proposal for ambulance services in the city. The Mayor noted that this decision followed a unanimous 911 Board decision several months ago to honor the results of the City's award of a bid for ambulance services in the city.

President Holland announced that the next item of business was a public hearing to consider the vacation of several streets in the area formerly known as Holiday Trailer Park at Firestone Avenue and Second Street.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the vacation was before the Council. Council Member Noles introduced the following petition and resolution and moved for its adoption:

AMENDED PETITION TO VACATE

WHEREAS, the Irby Development Company is in the process of purchasing certain property within the city limits of Muscle Shoals, Alabama, said property being presently used as a location for mobile homes which serve as residences, and with the intention of constructing apartment units upon said property;

WHEREAS, Dean Vinson, Louis A. Vinson, Jonathon B. Vinson and Laura L. Vinson (hereinafter referred to, along with Irby Development Company, LLC, as “Petitioners” or “the Petitioners”) are the rightful owners of that certain property within the city limits of Muscle Shoals, Alabama, all of which abutting the below described portions of the below described block(s), street(s), and alley(s);

WHEREAS, the Petitioners, pursuant to § 23-4-2, *Code of Alabama* (1975), wish to vacate and annul the below described portions of the below described block(s), street(s), and alley(s), all of which being located within and being part of the way designated Muscle Shoals City, and all of which being designated according to maps and plats recorded in the Office of the Judge of Probate of Colbert County, Alabama, being more particularly described to wit:

FLORENCE AVENUE

The North half of Florence Avenue as platted in Barry’s Business Center Block C as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 473 being more particularly described as follows: Begin at the Southeast corner of Lot 28 at a point on the Westerly margin of Firestone Avenue; thence South 00°01’00” East for 33 feet to a point in the center of Florence Avenue; thence leaving said Westerly Margin of Firestone Ave and along the centerline of Florence Avenue, South 89°35’00” West for 1133.12 feet to a point; thence leaving said centerline, North 33 feet to the Southeast corner of Lot 412; thence along the platted Northern right of way margin of Florence Avenue, North 89°35’00” West for 1133.12 feet to the Point of Beginning.

BURROUGHS AVENUE

The entire Western lane of Burroughs Avenue from the Northern margin of Florence Avenue to the Southeast corner of Lot 340, lying between Lots 341-357 and Lot 326 (center median of Burroughs Ave.). Also, the Eastern half of the Western lane of Burroughs Avenue from the Southeast former of Lot 340 to the Southern margin of Second Street, lying between Lots 327, 337-340 and Lot 326. Also, the entire Eastern lane of Burroughs Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 276-297 and Lot 326.

FORDS WAY

The entire Western lane of Fords Way from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 245-266 and Lot 216. Also, the entire Eastern lane of Fords Way from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 195-215, 119 and Lot 216.

EDISON AVENUE

The entire Western lane of Edison Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 109, 120-140 and Lot 108. Also, the entire Eastern lane of Edison Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 58-79 and Lot 108.

WHEREAS, the above described portions of the above described block(s), street(s), and alley(s), which are the subject of this vacation request, are not currently being used as public streets, and, to the best of the Petitioner’s knowledge, information and belief, contain no facilities or equipment such as utility lines, either aerial or buried with public right-of-way of the streets, or portions thereof, proposed to be vacated;

WHEREAS, the Petitioners seek and request assent to the vacation of the above described portions of the above described block(s), street(s), and alley(s) by the governing body of the City of Muscle Shoals, Alabama and that this assent be evidenced by a resolution duly adopted by the governing body and certified by the Clerk of the City;

NOW, THEREFORE, the Petitioner requests that the governing body of the City of Muscle Shoals, Alabama set a hearing for the vacation and annulment of the above described portions of the above described block(s), street(s), and alley(s), all of which lying within the limits of the City and that proper notice of this proposed vacation be given.

Dated this the 10th day of September, 2013.

Respectfully Submitted,
s/ M. Keith Medley

Irby Development Company, LLC
By Its: Attorney
s/ Dean Vinson

Dean Vinson
s/ Louis A. Vinson

Louis A. Vinson
s/ Jonathon Vinson

Jonathon B. Vinson
s/ Laura Vinson

Laura L. Vinson

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2652 - 13

WHEREAS, Irby Development Company, Dean Vinson, Louis A. Vinson, Jonathon B. Vinson and Laura L. Vinson have presented to the City Council of Muscle Shoals, Alabama, a written petition, duly executed and acknowledged, setting forth that they are the owners of certain property within the city limits of Muscle Shoals, Alabama, with said property abutting the block(s), street(s), and alley(s) hereinafter set forth;

WHEREAS, the City Council of Muscle Shoals, Alabama has been requested to assent to the vacation and the annulment of the dedication of the below described portions of the below described block(s), street(s), and alley(s) to the use of the public; and

WHEREAS, the City Council of Muscle Shoals, Alabama does hereby find that reasonable means of ingress and egress to and from other property located within the city is afforded to all other property owners and further the desired vacation of the block(s), street(s), and alley(s) described hereinafter shall not deprive any property owners of a convenient and reasonable means of ingress and egress to and from their property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Muscle Shoals, Alabama that the act of Irby Development Company, Dean Vinson, Louis A. Vinson, Jonathon B. Vinson and Laura L. Vinson in vacating and annulling the below described portions of the below described block(s), street(s), and alley(s) be, and the same is hereby ratified, approved and confirmed, and its assent is hereby given, with said block(s), street(s), and alley(s) being described to wit:

BURROUGHS AVENUE

The entire Western lane of Burroughs Avenue from the Northern margin of Florence Avenue to the Southeast corner of Lot 340, lying between Lots 341-357 and Lot 326 (center median of Burroughs Ave.). Also, the Eastern half of the Western lane of Burroughs Avenue from the Southeast former of Lot 340 to the Southern margin of Second Street, lying between Lots 327, 337-340 and Lot 326. Also, the entire Eastern lane of Burroughs Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 276-297 and Lot 326.

FORDS WAY

The entire Western lane of Fords Way from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 245-266 and Lot 216. Also, the entire Eastern lane of Fords Way from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 195-215, 119 and Lot 216.

EDISON AVENUE

The entire Western lane of Edison Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 109, 120-140 and Lot 108. Also, the entire Eastern lane of Edison Avenue from the Northern margin of Florence Avenue to the Southern margin of Second Street, lying between Lots 58-79 and Lot 108.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama remise, release, and quitclaim to Dean Vinson, Louis A. Vinson, Jonathon B. Vinson and Laura L. Vinson and any other abutting landowner, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described block(s), street(s), and alley(s) and that the Mayor, David H. Bradford, is hereby authorized to execute a quitclaim deed to Dean Vinson, Louis A. Vinson, Jonathon B. Vinson and Laura L. Vinson for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for adoption had been approved.

President Holland announced that the next item of business was consideration of a resolution to declare certain property in the police department surplus and authorize its sale.

Council Member Noles introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2653 - 13

WHEREAS, the City Council has been informed by the Police Chief that certain vehicles and equipment used in the performance of their duties are no longer required for use by the Police Department; and

WHEREAS, the City Council is informed that the vehicles are no longer in service and that a request by the Lawrence County Sheriff's Department has been made for transfer of the vehicles and equipment for use in the performance of their duties within Lawrence County; and

WHEREAS, the City Council has determined that the said vehicles and equipment are surplus property and the City has no further use for said vehicles and equipment due to their age and condition and it is not economical for the City to retool or refit the said vehicles and equipment in order that it be placed in service in the Police Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following vehicles and equipment be declared surplus property and be disposed of by the Police Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said items and the Council does hereby authorize the Police Chief to dispose of said items in such manner. The Council finds that the following items are surplus property:

Description of Property	Serial Number	Asset #	Price
*2004 Ford Crown Vic	2FAHP71W04X137897	0403020001	\$600.00
*Mobile Vision Video Surveillance System	102107,002305,		
2005 Ford Crown Vic	2FAFP71WX3X173540	0302270002	\$600.00
2005 Ford Crown Vic	2FAHP71WX5X138945	0504040002	\$600.00
2005 Ford Crown Vic	2FAHP71W66X143528	0605030002	\$600.00
**2003 Chev Tahoe	1GNEK13Z93J274805	1101280001	\$10,000.00
K-9 Gage Aluminum	10-0986	002942	
Motorola PM400 Radio	019TMA5324	002955	
Code 3 Siren Control Box			
Model 3892L6			
Criminalistics 10" Maxi Thin Fan		002561	
Criminalistics Canine System		002527	
MPH Camera System	1CV784003571	002951	
Stalker ATR Radar	80129	0502090001	
Tamar Light bar		1102170001	

*Vehicle And Camera System Sold together

** For 2003 Tahoe and equipment following

BE IT FURTHER RESOLVED that the Police Chief is authorized to take the steps necessary to convey the above described vehicles and equipment to the Lawrence County Sheriff's Department in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum as previously stated.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the Mayor to execute an agreement with the Alabama Department of Transportation for the construction of sidewalks along Sheffield Avenue

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2654 - 13

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

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives 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, by its Mayor, for and on its behalf.
3. That it be attested by the City 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 Clerk.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of changing the date for the November 18, 2013 council meeting and work session.

Council Member Pampinto moved that the November 18, 2013 council meeting and work session be moved to Monday, November 25, 2013 beginning with the 5:30 pm work session. Council Member Noles seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced that the motion had carried and the meeting date was changed.

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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK