

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
March 1, 2010**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:20 p.m. on the 1st day of March, 2010 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 Bill Howard. 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, 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 read a proclamation declaring February, 2010 as “Dating Violence Awareness & Prevention Month” in the City.

Mayor Bradford announced that the City had received an honorable mention in the Alabama League of Municipalities’ “Quality of Life Awards” for the Gattman Park Redevelopment Project.

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 February 15, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was approval of a job description for the position of Assistant Athletic Director in the Recreation Department. Recreation Director Rusty Wheelers recommended that two vacancies be filled for this position with the resignation of an Athletic Director and a reassignment of a maintenance worker to the Public Works Department. He proposed the salary for the position to be \$38,000.00 annually.

Council Member Willis moved that the job description be approved as presented with the recommended salary for two vacancies. 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 job description and salary for the two positions had been approved.

City Clerk Ricky Williams gave a brief overview of the upcoming 2010 Census and encouraged everyone to complete the questionnaire when it arrived in each home later this month.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to Walgreen Co, dba Walgreen's, 1801 Woodward Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 22nd day of March, 2010, 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 meeting to be held at the City Hall in said City at 6:30 p.m. on the 22nd day of March, 2010, 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 area is hereby eliminated from the R-2 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 648 - 651 in Highland Park Subdivision, Plat #3

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 the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to SHAGUN Inc. dba Macs First Stop, 503 Hwy 43 South.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 22nd day of March, 2010, 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 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. The area being considered for zoning are tracts located along Rosedale Avenue between Sheffield and Alabama and are more particularly described as follows:

ORDINANCE NO. 1423 -10

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 zoned B-2 and are hereby incorporated in and made a part of the R-3 District, to wit:

Begin at a point being the centerline of Sheffield Avenue and Rosedale Avenue (Michigan Blvd.) proceed east 725 feet along centerline of Rosedale Avenue "Michigan Blvd" to the intersection Alabama Avenue, proceed north along the centerline of Alabama Avenue 754 feet to a point being the center of vacated 16 foot alley, proceed west along the center of vacated alley for a distance of 725 feet to a point being the centerline of Sheffield Avenue, proceed south along the centerline of Sheffield Avenue to point of beginning.

That the following described areas which are currently zoned R-2 and are hereby incorporated in and made a part of the R-3 District, to wit:

Begin at a point being the centerline of Sheffield Avenue and Rosedale Avenue
“Michigan Blvd” proceed east 725 feet along centerline of Rosedale Avenue
“Michigan Blvd. To the intersection of Alabama Avenue, proceed south along the
centerline of Alabama Avenue 112 feet, proceed west to a point being the
centerline of Sheffield Avenue, and proceed north along centerline of Sheffield
Avenue to point of beginning.

The Council finds that legal notice of the following proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 1st day of March, 2010, at 6:30 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

Mr. Upendra Singh, 1802 Rosedale Avenue asked if the proposed rezoning would allow for apartments. Mayor Bradford indicated that R-3 did not allow apartments. There being no one else wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote 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 announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute a supplemental agreement with the Alabama Department of Transportation for Project STMOA CN09. The project will resurface portions of Gusmus Avenue, Broadway Avenue and George Wallace Boulevard.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2427 - 10

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

1. That the City enter into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated June 2, 2009, for:
Construction Agreement Project STMOA CN09(), Project Reference Number 100053619 for a construction program to resurface Gusmus Avenue North from SR-184 (2nd Street) to Avalon Avenue, Broadway Avenue from CR-24 (West 6th Street) to Avalon Avenue and CR-24 (West 6th Street) from George Wallace Boulevard to SR-2 (US 72, Woodward Avenue), in the City of Muscle Shoals; 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 the Agreement 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 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 vacating an 18 foot alley in the Highland Park Subdivision, Plat #11.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2428 - 10

WHEREAS, Kenneth L. Crump and Janet M. Jones 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 Lots Numbered 4461, 4279-4290 (Crump) and Lots Numbered 4412-4414 (Jones), known and designated according to the map and survey of HIGHLAND PARK SUBDIVISION, PLAT NUMBER ELEVEN, 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 117; and

WHEREAS, the City Council of Muscle Shoals, Alabama, a municipal corporation, has been requested to assent to and approve the vacation and the annulment of the dedication of the hereinafter described portion of an alley to the use of the public; and

WHEREAS, the City Council of Muscle Shoals, Alabama, does hereby find that vacation of the alley will not affect any person's access to or from his property; however, it is necessary to reserve an easement for utility services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Muscle Shoals, Alabama, a municipal corporation, that the act of Kenneth L. Crump and Janet M. Jones in vacating and annulling the following described alley, to-wit:

That portion of an 18 foot alley located South of Tuxedo Avenue and North of Brighton Avenue in the City of Muscle Shoals, Alabama,
The vacated portion of the above described alley shall remain subject to utility easements,

be and the same is hereby ratified, approved and confirmed and its assent is hereby given subject to a utility easement being reserved by the City of Muscle Shoals.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim Kenneth L. Crump and Janet M. Jones, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described alley and that the Mayor is hereby authorized to execute a quit-claim deed to Kenneth L. Crump and Janet M. Jones, for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Grissom moved that unanimous consent be given for immediate consideration 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 Grissom then moved that the said resolution be finally adopted and spread upon the minutes of the meeting, 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 Resolution passed and adopted as introduced.

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