

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

September 19, 2011

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 19<sup>th</sup> day of September, 2011 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 Robert Evans. 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, DAVID H. BRADFORD  
ABSENT:     ALLEN NOLES

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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Mayor Bradford read aloud a proclamation declaring September 17<sup>th</sup> - 23<sup>rd</sup> as "Constitution Week" in the City. Representatives of the Daughters of the American Revolution were present to receive the proclamation.

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 and work session of September 6, 2011 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 an alleyway in Highland Park Subdivision #3 for the Wendy's project.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its immediate consideration:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION**

**WHEREAS**, the undersigned, FORT HILL PROPERTIES II, a South Carolina limited liability company who has qualified to do business in the State of Alabama, (hereinafter referred to as "Petitioner") is the owner of all of the lands described hereinbelow abutting the alleyways, or portions thereof, said Petitioner being desirous of vacating said alleyways, or portions thereof.

**WHEREAS**, Petitioner states that the alleyways, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as Highland Park Subdivision, Plat No. Three, 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 alleyways, 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 alleyways, 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 owner of property as described hereinbelow, in the subdivision known as Highland Park Subdivision, Plat No. Three, abutting on the alleyways, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following alleyways, or portions thereof, to be vacated, to wit:

That portion of that certain alleyway bounded on the East by Lot line of 564 and bounded on the West by Lots 565, 566, 567, 568, 569, 570 and 571, all in Highland Park Subdivision, Plat No. Three, according to the plat thereof as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 3, Page 31, as shown on the above described plat.

**IN WITNESS WHEREOF**, Petitioner has caused this instrument to be executed this 15<sup>th</sup> day September, 2011.

FORT HILL PROPERTIES II, A  
SOUTH CAROLINA LIMITED  
LIABILITY COMPANY

s/ Clark H. Mizell

BY: Clark H. Mizell

AS: Chief Financial Officer

STATE OF SOUTH CAROLINA  
PICKENS COUNTY

ACKNOWLEDGMENT FOR  
LIMITED LIABILITY COMPANY

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Clark H. Mizell as Chief Financial Officer of FORT HILL PROPERTIES II, a South Carolina limited liability company, is signed to the foregoing, and who is known to me, acknowledged before me on this day that, being informed of the contents of the same, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

GIVEN under my hand and seal on this the 15th day of September, 2011.

s/ Susan C. Barnes

NOTARY PUBLIC

My Commission Expires: 10/8/17

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2510 -11**

**WHEREAS**, FORT HILL PROPERTIES II, a South Carolina limited liability company, hereinafter referred to as Petitioner, is the owner of lands and properties of Lots Numbered 558, 559, 560, 561, 562, 563 and 564, in said subdivision known as Highland Park Subdivision, Plat No. Three, abutting the alleyways, or portions thereof; hereinafter described with particularity; said Petitioner being desirous of vacating said alleyways, or portions thereof, has presented its signed Petition of Vacation of a part of said alleyways 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 alleyway bounded on the East by Lot line of 564 and bounded on the West by Lots 565, 566, 567, 568, 569, 570 and 571, all in Highland Park Subdivision, Plat No. Three, according to the plat thereof as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 3, Page 31, as shown on the above described plat

**WHEREAS**, the aforesaid Petitioner, as the owner of all property abutting the said portions of the alleyways 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**, Petitioner wishes to reserve from the Quit Claim Deed of Conveyance a drainage and utility easement in favor of the City of Muscle Shoals, Alabama, described as follows:

A utility and drainage easement over and across the aforesaid alleyway located within the city limits of the City of Muscle Shoals, Alabama.

**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.

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Council Member Grissom seconded the motion 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, 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 Pampinto then moved that the said resolution be finally adopted, which motion was seconded by Council Member Grissom 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2010 - 2011 General Fund Budget.

Council Member Grissom introduced the following amended budget in writing:

Council Member Grissom moved that the amendments be approved as presented. 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 General Fund budget amendments had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to set the City Council meeting dates for 2011 -2012.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2511 - 11**

**WHEREAS**, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

**WHEREAS**, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

**WHEREAS**, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

**THEREFORE BE IT RESOLVED** By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2011 and ending on September 30, 2012 as noted on Exhibit "A" of this resolution, and

**BE IT FURTHER RESOLVED** that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

**BE IT FURTHER RESOLVED** that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

**BE IT FURTHER RESOLVED** that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

**BE IT FURTHER RESOLVED** that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

**EXHIBIT “A”**  
Schedule of Regular Meetings/Work Sessions  
Muscle Shoals City Council

Monday, October 3, 2011  
Monday, October 17, 2011  
Monday, November 7, 2011  
Monday, November 21, 2011  
Monday, December 5, 2011  
Monday, December 19, 2011  
Tuesday, January 3, 2012 (Conflict with New Year’s Day Holiday)  
Tuesday, January 17, 2012 (Conflict with Martin Luther King Federal Holiday)  
Monday, February 6, 2012  
Monday, February 20, 2012  
Monday, March 5, 2012  
Monday, March 19, 2012  
Monday, April 2, 2012  
Monday, April 16, 2012  
Monday, May 7, 2012  
Tuesday, May 22, 2012 (Conflict with AL League - Birmingham 5/18 - 5/22)  
Monday, June 4, 2012  
Monday, June 18, 2012  
Monday, July 2, 2012  
Monday, July 16, 2012  
Monday, August 6, 2012  
Monday, August 20, 2012  
Tuesday, September 4, 2012 (Conflict with Labor Day Holiday)  
Monday, September 17, 2012

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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 a resolution to make an appointment to the Shoals Economic Development Authority Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2512 - 11**

**WHEREAS**, Tommy Thornton was appointed to an unexpired term on the Shoals Economic Development Authority Board in May, 2011; and

**WHEREAS**, that term has now expired and the City Council being desirous of making the necessary appointment to said board within the City;

**WHEREAS**, Tommy Thornton desires to continue service in this capacity and the City Council, due to the brevity of the prior appointment, is desirous of making the reappointment;

**WHEREAS**, Tommy Thornton was determined to be otherwise qualified for appointment, and

**WHEREAS**, a roll call vote was had by the Mayor and City Council as follows:

Council Member Pampinto:	Tommy Thornton
Council Member Willis:	Tommy Thornton
Council Member Grissom:	Tommy Thornton
Council Member Holland:	Tommy Thornton
Mayor Bradford:	Tommy Thornton

**WHEREAS**, Mayor Bradford announced that Tommy Thornton had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint Tommy Thornton to serve for a full term expiring September, 2014.

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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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.

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

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK