

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 3, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 3rd day of October 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 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, 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.

Upon motion duly made by Council Member Holland, seconded by Council Member Pampinto unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of September 19, 2005 and approved the minutes as written.

At this time Mayor Bradford presented a proclamation to the local chapter of the National Alliance for the Mentally Ill declaring October 2-8, 2005 as Mental Illness Awareness Week in Muscle Shoals.

At this time, Susann Hamlin, Director of the Colbert County Tourism Bureau presented a Certificate of Appreciation to the City for its support of the North Alabama Birding Trail.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding the annual bid for concrete pipe.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2162-05

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

[1] That advertisements for bids for the purchase of concrete pipe for the fiscal year beginning October 1, 2005 were distributed, the bid opening set for the 28th day of September, 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 with the basis of award being the percentage discount off the published price list submitted by the city to bidders:

| BIDDER: | Percent Discount off Published Price List: |
|-------------|--|
| Set-A-Steps | 0% Discount |

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for concrete pipe is Set-A-Steps. The bid is hereby awarded to Set-A-Steps for the price of the published price list.

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 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 7th day of November 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 B-2 District in which it is now situated, and is hereby incorporated in and made a part of the M-1 District, to wit:

Begin at a point being the n.w. corner of the s.e. 1/4 of section 13, township 3s, range 10w, run s88° 32' e for a distance of 712.27 feet, thence run s^28'w for a distance of 454.10 feet and being the point of beginning, thence run s88°32'e for a distance of 292.72 feet, thence run s!^ 28'w for a distance of 302.90 feet, thence run n88°32'w for a distance of 292.72 feet, thence run n1^ 28'e for a distance of 309.20 feet. Colbert County Tax Parcel #0804194002004001

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 vacation of a certain portion of Glendale Avenue between State Street and Highland Avenue and more particularly described below.

Council Member Noles thereupon introduced the following petition and resolution which were presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

PETITION TO VACATE

Come now the undersigned, Kathy Jean Johnson and Sherman E. Wallace and wife, Bonnie J. Wallace, hereinafter referred to as Petitioners, and, pursuant to Section 35-2-54 of the Code of Alabama, present unto the City Council of the City of Muscle Shoals, Alabama, as follows: That Petitioners are all of the owners of all of the property abutting upon the following described property, more particularly described below, and that they desire to vacate said property and that they do, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to wit:

A portion of Glendale Avenue between State Street and Highland Avenue, being more particularly described as follows: Commence at the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70; run thence East a distance of 66 feet to the midpoint between the Southwest corner of Lot 3306 & the Northwest corner of Lot 3411 of said subdivision; thence run South along the westerly boundary of Lot 3411 and its extension a distance of 134.00 feet to the Southwest corner of Lot 3411 of said subdivision; thence run West a distance of 66 feet to the Southeast corner of Lot 3412; thence run North along the easterly boundary of Lot 3412 and its extension, a distance of 134 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 and the point of beginning, SUBJECT TO an easement running in a north-south direction, twenty feet in width having as its center line an existing water line in favor of the City of Muscle Shoals, together with a right of access to maintain or repair said water line.

That the undersigned Petitioners desire to vacate the above described property and to nullify the effect of the dedication of said property, reserving, however an easement in favor of the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as:

Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision.

NOW, THEREFORE, in consideration of the premises, Petitioners hereby request that the City Council of the City of Muscle Shoals, assent to, approve, ratify and confirm the vacation of the above described property and the annulment of the dedication of such property to the use of the public.

The undersigned Petitioners further request that the City Council of the City of Muscle Shoals authorize and direct the Honorable Mayor of the City of Muscle Shoals, to execute quit-claim deeds to the Petitioners, as their respective interest in said property may appear by which deeds, the City of Muscle Shoals, shall remise, release and quit-claim unto said Petitioners whatever right, title and interest the said City of Muscle Shoals may have acquired in and to the hereinabove described property by virtue of the dedication of the same, or otherwise, and that the City Clerk, be authorized and directed on behalf of the City Muscle Shoals, Alabama, to attest the same.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on the day below set out.

s/ Kathy Jean Johnson 9/28/05
Kathy Jean Johnson Date

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Kathy Jean Johnson, who is known to me, and whose name is signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, she executed the same voluntarily.

Given under my hand and official seal this the 30th day of September, 2005.

s/ James Marks
Notary Public

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on the day below set out.

s/ Sherman E. Wallace 9-28-05
Sherman E. Wallace Date
s/ Bonnie J. Wallace 9-28-05
Bonnie J. Wallace Date

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Sherman E. Wallace and wife, Bonnie J. Wallace, who are known to me, and whose names are signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, they executed the same voluntarily.

Given under my hand and official seal this the 30th day of September, 2005.

s/ James Marks
Notary Public

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2163-05

WHEREAS, Kathy Jean Johnson and Sherman E. Wallace and wife, Bonnie J. Wallace have presented to the City Council of the City of Muscle Shoals, Alabama, their statement in writing, duly executed and acknowledged, setting forth that the owners of all of the lands abutting upon the hereinafter particularly described portion of a street, have consented to said vacation, and that they desire to vacate said property, pursuant to Section 35-2-54 of the Code of Alabama, and that they do, by said statement, vacate the same, subject to an easement in favor of the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as:

Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision and an easement running in a north-south direction, twenty feet in width having as its center line an existing water line in favor of the City of Muscle Shoals, together with a right of access to maintain or repair said water line.

and,

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, does assent to, and approve the vacation thereof, and the annulment of the dedication of said property to the use of the public,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the act of the forenamed parties in vacating and annulling the following described street in the City of Muscle Shoals, Alabama, to-wit:

A portion of Glendale Avenue between State Street and Highland Avenue, being more particularly described as follows: Commence at the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70; run thence East a distance of 66 feet to the midpoint between the Southwest corner of Lot 3306 & the Northwest corner of Lot 3411 of said subdivision; thence run South along the westerly boundary of Lot 3411 and its extension a distance of 134.00 feet to the Southwest corner of Lot 3411 of said subdivision; thence run West a distance of 66 feet to the Southeast corner of Lot 3412; thence run North along the easterly boundary of Lot 3412 and its extension, a distance of 134 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 and the point of beginning, reserving, however, an easement in favor of the City of Muscle Shoals, its successors or assigns, and/or any public utility or Board of said City, for the maintenance, erection, establishment, repair and management of public utilities, whether electrical, water, sewer, or gas, in and to that portion of said property more particularly described as: Ten feet on either side of a line commencing at the midpoint between the Southwest corner of Lot 3306 of "Highland Park Subdivision Plat No. 9" in the City of Muscle Shoals, Colbert County, Alabama, according to the map and survey recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 70, and the Northwest corner of Lot 3411 in said subdivision; and running West a distance of 66 feet to the midpoint between the Southeast corner of Lot 3305 & the Northeast corner of Lot 3412 of said subdivision, and SUBJECT TO an easement running in a north-south direction, twenty feet in width having as its center line an existing water line in favor of the City of Muscle Shoals, together with a right of access to maintain or repair said water line.

Be and the same is hereby ratified, approved, confirmed and assented to by the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, and said City does remise, release and quit-claim to the aforesaid parties, whatever right, title, and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described part or portion of the hereinabove named property by virtue of the dedication of said property as a street, or otherwise, and that David Bradford, Mayor of City of Muscle Shoals, a municipal corporation, execute a quit-claim deed to the forenamed parties carrying out the intention of this paragraph and that Richard L. Williams, City Clerk, be and he is hereby authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation to attest the same, reserving, however, an easement for public utilities as aforescribed.

The purpose of this Resolution is to assent to the proposed vacation; however, the City Council of the City of Muscle Shoals, Alabama does not hereby make a determination as to the validity or the legality of the vacation.

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 vacation of a certain portion of LaSalle Street more particularly described below.

Council Member Willis thereupon introduced the following petition and resolution which were presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

**PETITION FOR VACATION OF PROPERTY
DEDICATED FOR PUBLIC PURPOSES**

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, AUTO HOLDINGS, LLC, is the owner of all the privately held property abutting or touching or in any way served by the property herein described, and as such owner is desirous of vacating all the property herein described, as provided for by Ala. Code § 35-2-54.

NOW THEREFORE, the undersigned, being the owner of all the lands abutting on the following property described on Exhibit "A" which is attached hereto does declare, and requests the City of Muscle Shoals to also declare, the above property vacated and annulled, and all public rights and easements therein divested of the property subject, however, to all utility facilities presently situated in said area vacated hereby.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this the 30th day of September, 2005.

AUTO HOLDINGS, LLC

By: s/ Richard W. Lewis

Its: Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Richard W. Lewis, whose name as Member of AUTO HOLDINGS, LLC, is signed to the foregoing application, and who is known to me, acknowledged before me on this day, that being informed of the contents of the application, he, as such officer and with full authority, executed the same voluntarily for and for and as the act of said corporation.

Given under my hand and official seal, this the 12th day of September, 2005.

s/ Barbara Phillips
NOTARY PUBLIC
MY COMMISSION EXPIRES: 1/21/07

RESOLUTION NUMBER 2164-05

WHEREAS, Auto Holdings, LLC, an Alabama limited liability company, and the City of Muscle Shoals, are the owners in fee simple of all property abutting upon the property described on Exhibit “A” which is attached hereto and incorporated herein by reference; and

WHEREAS, Auto Holdings, LLC, an Alabama limited liability company, has executed an instrument declaring the aforescribed property to be vacated and annulled, which said instrument is executed and acknowledged as a conveyance of land and has requested the City of Muscle Shoals to join in the execution of said instrument; and

WHEREAS, it appears that satisfactory and convenient means of ingress and egress to and from their respective properties is afforded to all other owners of property in Highland Park Subdivision Plat Number 13 according to the map or plat of said subdivision as recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, page 123 by existing and remaining streets, avenues and alleys;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MUSCLE SHOALS, ALABAMA, as follows:

Section 1. The Mayor is hereby authorized, empowered and directed to execute the Declaration of Vacation and Annulment.

Section 2. The City of Muscle Shoals, Alabama assents to the vacation and annulment of the above-described property and the same is hereby declared to be vacated and annulled.

Section 3. A copy of this resolution, properly certified by the City Clerk shall be attached to, filed and recorded with said Declaration of Vacation in the Office of the Judge of Probate of Colbert County, Alabama.

Exhibit "A"
Page 1 of 2

STATE OF ALABAMA
COUNTY OF COLBERT

I, Richard T. Collins, a Licensed Land Surveyor in said State and County, hereby certify that to the best of my knowledge, information and belief, the attached is a true and accurate map or plat of the following described property, to-wit:

Proposed Partial Vacation of LaSalle Street

A proposed partial vacation of LaSalle Street lying adjacent to Lot 5265, HIGHLAND PARK SUBDIVISION PLAT NUMBER 25 according to the map or plat of said subdivision as recorded in the Office of the Judge of Probate, Colbert County, Alabama, in Map Book 2, Page 123 and being more particularly described as follows to-wit: Commence at the NE corner of said lot 5265 being the intersection of the present southwesterly right of way of LaSalle Street (100 foot right of way) and the westwesterly right of way of Woodward Avenue (U.S. Highway #43 & #72-100 foot right of way); thence N 89 degrees 25' 00" W and along the northwesterly line of said lot 5265 and the northwesterly present right of way of LaSalle Street 120.00 feet to the NW corner of said lot 5265 lying on the easterly side of an 18 foot alley; thence leaving said lot line North 23.00 feet; thence S 89 degrees 25' 00" E 120.00 feet; thence South 22.00 feet to the point of beginning. Said area being 0.06 acres more or less.

According to my survey this the 4th day of August, 2005.

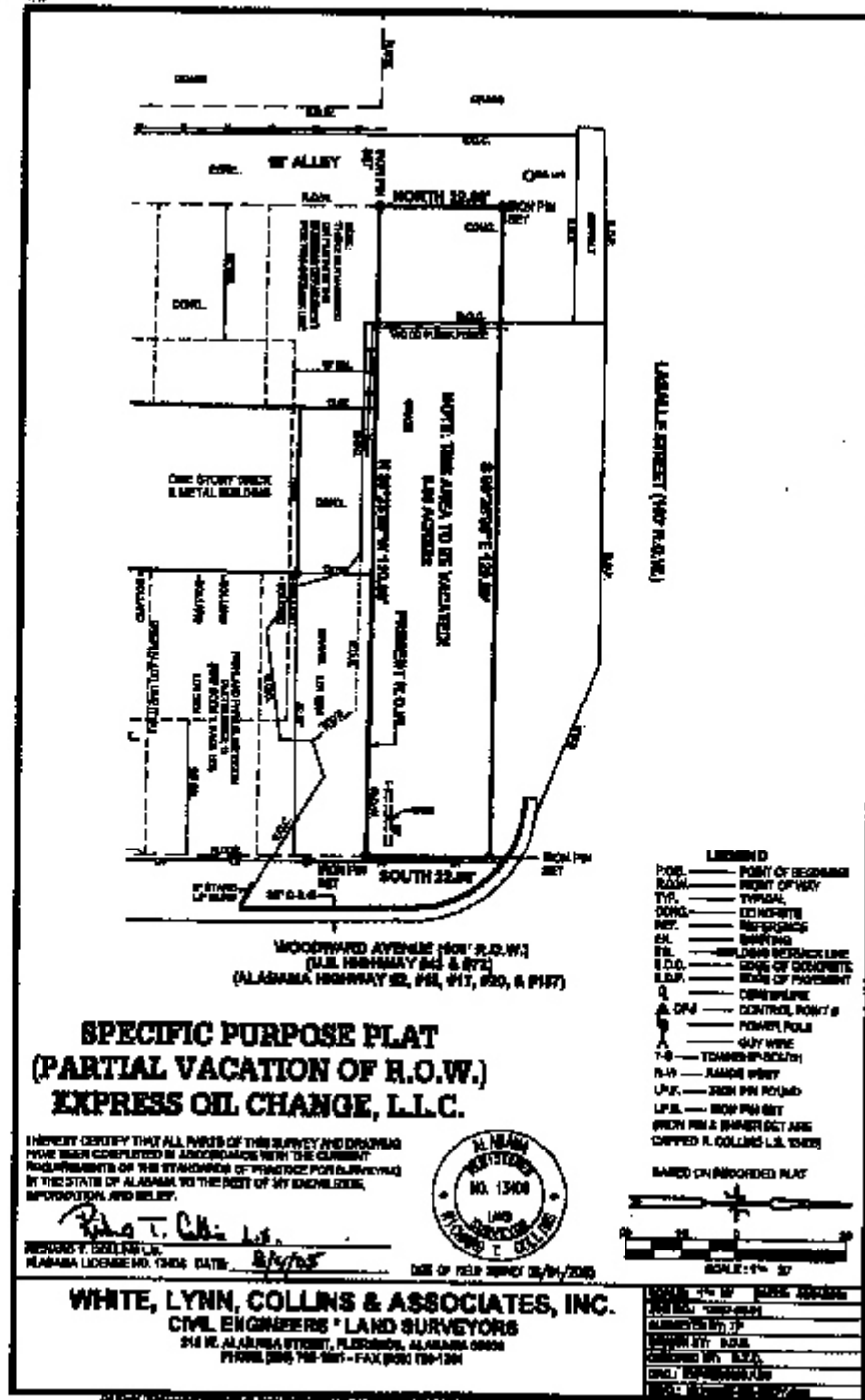
WHITE, LYNN, COLLINS AND ASSOCIATES, INC.

Richard T. Collins L.S.

Richard T. Collins, L. S.
Alabama License Number 13406



White, Lynn, Collins and Associates, Inc.
219 West Alabama Street
Florence, Alabama 35630
256-766-1051
256-766-1201-fax



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 giving the City's approval to a grant application by the Colbert County Commission for Industrial Access improvements on County Road 61 (Gnat Pond Road) and an entrance into the City's Northwest Alabama Airport Industrial Park.

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

STATE OF ALABAMA
COLBERT COUNTY

PROJECT NO. CCP-17-163-02

RESOLUTION NUMBER 2165 - 05

WHEREAS, the City Council of Muscle Shoals, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the City or Colbert County Road System and described as follows:

The extension of County Road 61 from the intersection of County Road 22, south to Alabama Highway 157, widening of County Road 24, and construction of an entrance into the Northwest Alabama Airport Industrial Park.

WHEREAS, the City agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the City agrees to all of the provisions of any agreement which has been executed covering the construction of the project.

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 appointing a board member to the Shoals Economic Development Authority Board.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: James A. McCarty
Council Member Willis: James A. McCarty
Council Member Grissom: James A. McCarty
Council Member Holland: James A. McCarty
Council Member Noles: James A. McCarty
Mayor Bradford: James A. McCarty

Mayor Bradford announced that James A. McCarty had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2166 - 05

WHEREAS, the term of a member of the Shoals Economic Development Authority Board has expired and the City Council being desirous of making the necessary appointment to said board within the City;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for members to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Lance Hyché

James A. McCarty

WHEREAS, James A. McCarty was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Pampinto: James A. McCarty

Council Member Willis: James A. McCarty

Council Member Grissom: James A. McCarty

Council Member Holland: James A. McCarty

Council Member Noles: James A. McCarty

Mayor Bradford: James A. McCarty

WHEREAS, Mayor Bradford announced that James A. McCarty 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 the following named person to serve as set forth herein:

| <u>APPOINTEE</u> | <u>BOARD</u> | <u>EXPIRATION OF TERM</u> |
|------------------|--------------|---------------------------|
| James A. McCarty | SEDA Board | September 2008 |

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

Mayor Bradford announced that the next item of business was consideration of a resolution in support of the continued operation of the Farm Service Agency office in Tuscumbia.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2167 - 05

WHEREAS, agriculture is one of Colbert County's largest industries and the income generated is reinvested and spent in the Shoals area, and

WHEREAS, the Farm Service Agency of the U. S. Department of Agriculture (USDA) has provided numerous services to the farmers and land owners of Colbert and Franklin Counties for many years, and

WHEREAS, the Colbert-Franklin FSA office, located on Highway 72 in Tuscumbia, Alabama has served the farmers of the two counties for over 8 years, and

WHEREAS, THE U. S. Department of Agriculture has announced the proposed closure of over 700 county Farm Service Agency (FSA) offices throughout the United States, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama; that we recognize the importance of the local FSA office to the citizens of Colbert County and urge all state and federal elected officials to exert all possible efforts to enable the local FSA office to remain open.

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 a proposed agreement the Tennessee Valley Authority for fire prevention and suppression services at the Wilson Hydro Plant on the TVA reservation.

Council Member Pampinto moved that the Mayor be authorized to enter into the agreement on behalf of the City.

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.

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