

**MINUTES OF THE ORGANIZATIONAL SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA HELD
OCTOBER 4, 2004**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 7:00 o'clock p.m. on the 4th day of October 2004, being the first Monday in October as provided by law, in organizational session. The meeting was called to order by David H. Bradford, Mayor of the City. On roll call the following were found to be present or absent, as indicated:

PRESENT:

David Bradford, Mayor; Joe Pampinto, Council Member Place No. 1; Neal Willis, Council Member Place No. 2; Jerry Knight Grissom, Council Member Place No. 3; James Holland, Council Member Place No. 4; and Allen Noles, Council Member Place No. 5

ABSENT:

None

The invocation was given by Reverend Ted Vafeas, Pastor of Highland Park Baptist Church.

The Clerk then proceeded to administer the oath of office to the Mayor and the Members of the Council. The oath of office as prescribed by law was taken by the Mayor and each Member of the Council as administered by Richard L. Williams, City Clerk of the City.

After the oaths were taken, Mayor David Bradford took the chair and presided over the meeting. The Mayor stated that a quorum was present and that the meeting was convened for the purposes of transaction of the business of organization of the Council.

At this time, Mayor Bradford made a presentation to Parks and Recreation Director Jimmy Jumper for his service to the City. Jimmy will be leaving October 18th to assume similar duties in Columbia, Tennessee.

The Mayor stated that the next order of business was the election of a Chairman pro tempore and that the matter before the Council was the nomination of Members for the position of Chairman pro tempore.

The following nominations for Chairman pro tempore were made and had:
Council Member Joe Pampinto nominated James Holland.

Upon motion duly made, seconded and unanimously carried, the nominations for Chairman pro tempore were closed. The Council proceeded to vote and on roll call the Members of the Council cast their vote and the vote was recorded as follows:

DAVID BRADFORD, MAYOR, votes for James Holland
JOE PAMPINTO, Member, votes for James Holland
NEAL WILLIS, Member, votes for James Holland
JERRY KNIGHT GRISSOM, Member, votes for James Holland
JAMES HOLLAND, Member, Abstained
ALLEN NOLES, Member, votes for James Holland

After tabulation of the vote, Mayor David Bradford announced the vote and declared James Holland as Chairman pro tempore of the Council.

Mayor Bradford stated that the next item of business was consideration of a resolution appointing the city attorney.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2070-04

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's attorney for and during the term of the Council commencing October 4, 2004;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that D. Marcel Black of the firm of Black & Hughston, P.C. be, and he hereby is, appointed as City Attorney for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

Council Member Holland seconded the motion and upon said motion being put to a vote, voting "AYE" were Council Member Pampinto, Council Member Willis, Council Member Holland, Council Member Noles and Mayor Bradford. Voiting "NAY" were none and Council Member Grissom abstained.

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford stated that the next item of business was consideration of the ordinance setting the rules of procedure for meetings of the Council.

Council Member Willis introduced the following Ordinance in writing, which was presented to the meeting:

ORDINANCE NUMBER 1339-04

AN ORDINANCE APPROVING THE RULES OF PROCEDURE FOR MEETINGS OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA FOR THE TERM COMMENCING OCTOBER 4, 2004

The Council of Muscle Shoals, Alabama being elected and meeting pursuant to law in organizational session on the first Monday of October 2004 and for the purposes of setting forth the rules of procedure and operation of the Council of Muscle Shoals, Alabama desires to enact certain rules of procedure and operation:

BE IT ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that Ordinance Number 1232-00, and the provisions thereof, is hereby repealed and of no further force and effect.

BE IT FURTHER ORDAINED BY THE COUNCIL OF MUSCLE SHOALS, ALABAMA, that the order and rules of procedure in all instances for meetings of the Council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the Council of Muscle Shoals, Alabama.

Section 2. Regular meetings of the Council shall be held on the following dates: The first and third Monday of each month except on holidays as recognized and/or designated by the Council of Muscle Shoals, Alabama. In lieu of the foregoing, the Council may schedule a regular meeting of the Council at another time by setting the date and time certain at and during any regular or special meeting of the council.

Section 3. Special meetings may be held at the call of the mayor by serving notice to each member of the Council not less than twenty-four hours before the time set for such special meetings, or special meetings may be held as provided by Section 11-43-50 of the Alabama Code of 1975, whenever two Council members request in writing that the presiding officer call such meeting, upon the failure or refusal of the presiding officer to call such meeting when requested, the two Council members making the request shall have the right to call such meeting and notice shall be given to each member of the Council not less than twenty-four hours before the time set for the special meeting.

Section 4. A quorum of the Council shall be determined as provided by Section 11-43-48 of the Alabama Code of 1975. In the event that a lesser number than a quorum shall convene at any regular or special meeting of the Council, they are authorized to send the Chief of Police or some other person for any or all absent members, as the majority of the members present may agree.

Section 5. All regular meetings shall convene at 6:30 p.m. o'clock at the City Hall and all meetings, regular and special, shall be open to the public. There shall be a work session of the Council which shall commence sixty (60) minutes immediately preceding the regular meeting of the Council or at such other time as the Mayor may designate by giving notice to the public by posting the time of said meeting at City Hall at least three (3) hours before the commencement of said work session.

Section 6. The Clerk of the Council shall prepare and furnish copies of the minutes of the previous meeting and shall also prepare and furnish an agenda of the next meeting of the Council to each member of the Council by Friday of the next succeeding meeting of the Council.

Section 7. The order of business shall be as follows:

1. A call to order
2. Roll call
3. Adoption of the minutes
4. Comments of the public
5. Reports of standing committees
6. Reports of special committees.
7. Reports of officers.
8. Hearing on petitions, applications, appeals, communications, etc.
9. Financial reports
10. Resolutions, ordinances, orders and other business.

Section 8. In all roll call votes of the Council, the Clerk shall call the roll of the Council members in order of the place numbers held by each of them [i.e. Place 1, Place 2, Place 3, Place 4 and Place 5 and Mayor] and the Mayor shall be called last.

Section 9. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 10. No person, not a member of the Council, shall be allowed to address the same while in session without unanimous consent of the Council.

Section 11. Persons seeking to address the Council during the meetings of the Council shall be recognized to do so during and pursuant to Item 4 of Section 7 [Comments of the public] of these rules of order and procedure. All persons shall address and speak to the Council from a designated rostrum. Each person so recognized to address the Council shall be allowed a period of five (5) minutes to do so and the Clerk shall keep the time and shall notify the person addressing the Council when one (1) minute of the time remains. All persons obtaining recognition to address the Council shall do so only upon the matters within the purview and jurisdiction of the Council and touching upon matters that are to be acted upon or which may be acted upon by the Council. All general supervisory and executive matters within the mayor's responsibility shall be taken up with the mayor at a time other than during the meetings of the Council.

Section 12. Every officer, whose duty it is to report at the regular meetings of the Council who shall be in default thereof, may be fined at the discretion of the Council.

Section 13. All resolutions and ordinances shall be in writing.

Section 14. Motions to reconsider must be by a member who voted with the prevailing side and at the same or next succeeding regular meeting of the Council. If the latter, such intent to make a motion to reconsider must be filed in writing with the Clerk of the Council by 4 o'clock p.m. on Thursday before the next succeeding regular meeting of the Council. A matter shall be subject to a motion to reconsider one time only.

Section 15. Whenever it shall be requested by one or more members the "yeas" and "nays" shall be recorded; and any member may call for a division on any question.

Section 16. All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the Council by any member.

Section 17. Motions to lay any matter on the table shall be first in order and a motion for adjournment shall always be in order.

Section 18. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present. Notice of intent to alter or amend these rules of procedure shall be given in writing at the regular meeting of the council before the next succeeding regular meeting of the council at which a member intends to alter or amend the said rules.

Section 19. The chairman of each respective committee, or the Council member acting for him in his place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 20. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting, provided, that such ordinances, resolutions or propositions may be considered earlier by the unanimous consent of the Council, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes; and provided further, that this rule shall not apply to the budgeted items and/or current expenses of officers, or wages of employees, of the city.

Section 21. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the "yeas and nays" shall be recorded and the vote thereon spread on the minutes.

Section 22. This ordinance shall go into effect upon the passage of same and as provided by law.

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Noles 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 Willis then moved that the said resolution be finally adopted, which motion was seconded by Council Member Noles, 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 announced that the Ordinance had been adopted.

Mayor Bradford stated that the next item of business was consideration of a resolution appointing the city engineer.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2072-04

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's engineer for and during the term of the Council commencing October 4, 2004;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that Larry Lynn of the firm of White, Lynn, Collins & Associates, Inc. be, and he hereby is, appointed as City Engineer for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this 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 stated that the next item of business was consideration of a resolution appointing the Fiscal Agent.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2073-04

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City's business; and

WHEREAS, the City Council finds it necessary to appoint the City's fiscal agent for and during the term of the Council commencing October 4, 2004;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the firm of Joe Jolly & Co., Inc. be, and said firm hereby is, appointed as the City Fiscal agent for the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this 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.

Mayor Bradford stated that the next item of business was consideration of a resolution affirming the City’s bank depositories.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2074-04

WHEREAS, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken and appointments be made to insure the continued efficient and orderly conduct of the City’s business; and

WHEREAS, the City Council finds it necessary to appoint the City’s depositories for and during the term of the Council commencing October 4, 2004;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following depositories of the accounts of the City are hereby approved and ratified:

<u>Account</u>	<u>Fund:</u>	<u>Bank</u>	<u>Acct #</u>
General	010	First Metro Bank	450
CityFest Account	010	First Metro Bank	51136
Christmas Parade Account	010	First Metro Bank	51160
Municipal Court Fund	100	First Metro Bank	54305
Street Repair Fund	117	First Metro Bank	11746
One Half Cent Sales Tax	120-10101	Bank Independent	3089531
Police	121	First Metro Bank	4758
Corrections	122	First Metro Bank	24651
State Gas Fund	124	First Metro Bank	11738
Sidewalk Construction	131	First Metro Bank	55174
Wilson Dam Corridor Fund	145	First Metro Bank	50024
Industrial Park	150	First Metro Bank	485
Special Trust	151	First Metro Bank	26816
2001 Bond Fund	158	First Metro Bank	36765
2001 Capital Improvements Fund	159	Citizens Bank	80100662

BE IT FURTHER RESOLVED by the Council that the Mayor of the City, for and on behalf of the City of Muscle Shoals, is hereby authorized to enter into and execute all necessary and required documents, agreements and authorizations to effectuate the terms, conditions and purposes of this Resolution.

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 stated that the next item of business was the appointment of Council committees. Mayor Bradford announced the following appointments:

<u>Police Department Committee</u>	<u>Fire Department Committee</u>
Allen Noles - Chairman	Jim Holland - Chairman
Jim Holland	Allen Noles
Jerry Knight	Joe Pampinto
<u>Public Works Committee</u>	<u>Parks & Recreation Committee</u>
David Bradford - Chairman	Neal Willis - Chairman
Jerry Knight	Allen Noles
Neal Willis	Joe Pampinto
<u>Fiscal Committee</u>	<u>Storm Drainage Committee</u>
Entire Council	Entire Council

Mayor Bradford stated that the next item of business was approval of a contract for services with Bill Howard.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2075-04

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

SECTION 1. That the contract with James William Howard for professional consulting services to provide advice, consulting, prepare and provide planning for the transportation and infrastructure needs, now and in the future, and to assist in advising the Council for the long-range needs of the City, and to assist in preparing requests for grants and funding to meet such needs has been reviewed by the Council and determined to be in the best interests of the City and the same is hereby approved, ratified and confirmed.

SECTION 2. That the Council has investigated and ascertained and hereby finds the said James William Howard to be qualified, responsible, and competent to perform said professional services.

SECTION 3. That the contract for such services be awarded to James William Howard and that David H. Bradford as Mayor is hereby authorized to execute the contract in the name of and on behalf of said City. The Clerk is directed to provide a copy of the contract to the said James William Howard and to retain a copy in the City's files.

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 stated that the next item of business was the appointment of the Municipal Judge for a two year term.

Council Member Willis moved that Bill Marthalar be reappointed to a two year term as municipal judge. 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 reappointment had been approved.

Mayor Bradford stated that the next item of business was the approval of the minutes of the September 20, 2004 regular meeting. 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 meeting of September 20, 2004 and approved the minutes as written.

Mayor Bradford stated that the next item of business was consideration of a resolution awarding a bid for the purchase of gasoline.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2076-04

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of gasoline, the bid opening being held September 30, 2004 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:

<u>BIDDER:</u>	<u>GASOLINE:</u>
Tatum Oil Company	Per Gallon: \$1.474

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$1.474 for the purchase of gasoline.

The apparent low and best bidder, Tatum Oil Company is now awarded the bid for gasoline.

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 stated that the next item of business was consideration of a resolution awarding the annual fiscal year bid for corrugated metal pipe with smooth interior.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2077-04

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

[1] That the Purchasing Agent did send out advertisements for bids for an annual contract beginning October 1, 2004 and ending September 30, 2005 for the purchase of aluminum coated corrugated metal pipe with a smooth interior, the bid opening being set for the 28th day of September, 2004, 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:

<u>BIDDER:</u>	<u>BID PRICE:</u>
Harvey Culvert Company	\$57% Discount off provided price list

The bid of Harvey Culvert is a non-responsible bid in that the intent of the bid was changed with a price stipulation.

[3] There being only one bid received, and said being a non-responsible bid, the bid was rejected and the Purchasing Agent was authorized to negotiate the purchase of aluminized corrugated metal pipe with a smooth interior on an individual purchase basis.

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 stated that the next item of business was consideration of a resolution awarding the annual fiscal year bids for the purchase of drainage pipe, concrete box culverts and asphalt and stone.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2078-04

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 asphalt, concrete box culverts, concrete pipe, aluminized pipe and plastic pipe for the fiscal year beginning October 1, 2004 and ending September 30, 2005, were distributed, the bid opening set for the 28th day of September, 2004, 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:

Bid No.: 775-04(a)	BID ITEM: CONCRETE PIPE <u>Set-A-Steps</u> 33% Discount for Circular Concrete Pipe 10% Discount for Arch Pipe	
Bid No.: 775-04(b)	BID ITEM: CONCRETE BOX CULVERTS <u>Set-A-Steps</u> 0% Discount for Type C789 5% Discount for Type C850	
Bid No.: 775-04(c)	BID ITEM: ALUMINIZED CORRUGATED METAL PIPE <u>*Hanson Pipe & Products</u> <u>Harvey Culvert Co.</u> 43.0 % Discount 47.0 % Discount	
* Harvey Culvert not a responsible bid as intent of bid was changed with price stipulation.		
Bid No.: 775-04(e)	BID ITEM: SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE (Total of Item List) <u>Advanced Drainage Systems</u> <u>Harvey Culvert Co.</u> \$6,645.43 \$11,155.44	
Bid No.: 776-04	BID ITEM: ASPHALT <u>APAC - Ballew & Roberts Const.</u> <u>Rogers Group</u> \$28.50 / ton \$28.00 / ton	
Bid No.: 774-04	BID ITEM: COURSE AGGREGATES	
	<u>ITEM:</u>	<u>Rogers Group</u> <u>Vulcan Materials</u>
	No. 57 Stone	\$6.10 / ton \$5.90/ton
	Crusher Run	\$5.80 / ton \$5.60/ton
	Rip Rap	\$6.70 / ton \$7.15/ton
	Total of Line Items	\$18.60 / ton \$19.15

[3] The lowest responsible and responsive bidders, after verifying the bids with the specifications, has been determined as being; Set-A-Steps with a total bid discount of 33% for circular concrete pipe, 10% discount for arch concrete pipe, and 0% discount for type C789 concrete box culverts and 5% discount for type C850 concrete box culverts; and Hanson Pipe & Products with a total bid discount of 43.0% for aluminized corrugated pipe; Advanced Drainage Systems with a total bid price of list items of \$6645.43 for smooth interior corrugated polyethylene pipe; and Rogers Group with a total bid price of \$28.00 per ton as primary vendor and APAC as secondary vendor with a total bid price \$28.50 per ton for asphalt; and Rogers Group with a total bid price of \$6.10/ton for #57 Stone, \$5.80/ton for crusher run, and \$6.70/ton for Rip-Rap.

The apparent low and best bidders, Set-A-Steps, Hanson Pipe & Products, Advanced Drainage Systems, APAC, and Rogers Group, are now awarded the bids for the items listed above.

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 stated that the next item of business was the scheduling of a public hearing to consider the rezoning of 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 25th day of October 2004, 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 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:

Lot 45, Avalon Highlands Subdivision , 410 State Street, Muscle Shoals

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 adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is located on the east side of S. Wilson Dam Road and is more particularly described as follows:

ORDINANCE NO. 1340 - 04
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 R-3 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Begin at a point being the southwest corner of township 4s range 10w section 7 (South Wilson Dam Road). Thence run east for a distance of 218 feet being the point of beginning, thence run north for a distance of 262.50 feet and being the southern right-of-way of Mary Ellen Drive, thence run east along right-of-way of Mary Ellen Drive for a distance of 334 feet, thence run south for a distance of 262.50 feet, thence run west for a distance of 334 feet back to the point of beginning. County tax map reference number is 20-12-03-07-3 and being 2.01 acres of parcel number 07.03.

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 4th day of October 2004, at 7:00 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.

There being no individuals 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 rescheduling of the next regular meeting of the City Council set for October 18, 2004 due to planned absences by the Mayor and Mayor Pro tempore.

Council Member Grissom moved that the meeting be rescheduled to Monday, October 25th, 2004 at 6:30 p.m. 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 motion had been approved.

There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE NO. 1

COUNCIL MEMBER - PLACE NO. 2

COUNCIL MEMBER - PLACE NO. 3

COUNCIL MEMBER - PLACE NO. 4

COUNCIL MEMBER - PLACE NO. 5

ATTEST:

CITY CLERK