

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
December 4, 2006**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 4<sup>th</sup> day of December 2006 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 Rusty Wheelles. 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 and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of November 20, 2006 and approved the minutes as written.

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 2nd day of January 2007, 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 M-2 District, to wit:

Begin at the intersection of North Wilson Dam Road and Brick Pike run east along Brick Pike to a point that intersects with Ethel Avenue, thence run north on Ethel Avenue to the intersection with State Street, the tracts of property begins at the northeast intersection of Ethel Avenue & State Avenue and run east for a distance of 400 feet to the intersection of State Avenue and Ford Highway, thence run north for a distance of 320 feet, thence run west for a distance of 80 feet, thence run south for a distance of 130 feet, thence run west for a distance of 320 feet , thence run south for a distance of 110 feet. The Colbert County Tax Map shows the tracts as parcel #'s 08-09-30-3-004-006.000, 08-09-30-3-004-007.000, 08-09-30-3-004-001.000.

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 a tract located at the northwest corner of State Avenue and Ethel Avenue and is more particularly described as follows:

**ORDINANCE NO. 1381-06**  
**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, currently zoned R-2 is hereby incorporated in and made a part of the M-2 District, to wit:

Begin at the intersection of North Wilson Dam Road and Brick Pike run east along Brick Pike to a point that intersects with Ethel Avenue, thence run north on Ethel Avenue to the intersection with State Street, the tract of property is at the northwest portion of the intersection being 80 feet along State Street and 100 feet along Ethel Avenue. The County Tax Map shows the tract as parcel # 08-09-30-3-004-017.000

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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 December 2006, 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.

There being no one 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 contract with Lambert, Ezell & Durham for architectural services to construct an addition to the public library.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2244 - 06**

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**A RESOLUTION AUTHORIZING LAMBERT EZELL DURHAM ARCHITECTURE + INTERIOR DESIGN, PARTNERSHIP TO PERFORM CERTAIN SERVICES IN THE CONSTRUCTION OF AN ADDITION TO THE CHARLES R. MITCHELL PUBLIC LIBRARY IN THE CITY OF MUSCLE SHOALS, ALABAMA**

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WHEREAS, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with LAMBERT EZELL DURHAM ARCHITECTURE + INTERIOR DESIGN, PARTNERSHIP [Lambert Ezell Durham] for the performance of professional services in connection with the construction of an addition to the Charles R. Mitchell Public Library in the City of Muscle Shoals, Alabama; and

WHEREAS, the City and Lambert Ezell Durham have agreed upon terms and conditions for the undertaking of the services to be rendered by Lambert Ezell Durham hereinafter referred to and set forth in an agreement styled Standard Form of Agreement between Owner and

Architect and dated November 27, 2006 and the Council has determined that the terms and conditions are as agreed upon by the City; and

**WHEREAS**, the City Council has reviewed the contents of an instrument styled Standard Form of Agreement between Owner and Architect and dated November 27, 2006 and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to Lambert Ezell Durham; and

**WHEREAS**, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with the said construction of an addition to the Charles R. Mitchell Public Library in the City of Muscle Shoals, Alabama as above described;

**BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled Standard Form of Agreement between Owner and Architect and dated November 27, 2006 and deliver a copy of same to Lambert Ezell Durham;

**BE IT FURTHER RESOLVED** that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the said Standard Form of Agreement between Owner and Architect and dated November 27, 2006 with Lambert Ezell Durham that he may deem necessary for and on behalf of the City;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Lambert Ezell Durham along with the executed instrument styled Standard Form of Agreement between Owner and Architect and dated November 27, 2006 herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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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.

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

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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