

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
May 1, 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 1<sup>st</sup> day of May 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 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  
ABSENT:    DAVID H. BRADFORD

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

James Holland, Mayor Pro Tem 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 Pampinto, seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of April 17, 2006 and approved the minutes as written.

Mayor Pro Tem Holland announced that the next item of business was the vacation of a certain portion of an alleyway located in Muscle Shoals Center #12, north of Nassau Avenue and between Alabama And Sheffield Avenues.

Council Member Willis thereupon introduced the following petition and resolution and moved for their adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION**

To the Honorable David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, and to the Hon. Jerry Knight, Hon. James E. Holland, Hon. Allen Noles, Hon. Neal Willis, and Hon. Joe Pampinto, City Council of the City of Muscle Shoals, Alabama.

Now comes the undersigned Baggett Land Company, Inc., being hereafter referred to as Petitioner, who presents the following statement, to-wit:

That Petitioner is the owner of all of the property abutting upon the following described alleys; and that it desires to vacate said alley, and that it does, by this statement, vacate the same, said alley being in the City of Muscle Shoals, Colbert County, and described as follows, to-wit:

That certain 10 foot east-west alley lying in MUSCLE SHOALS CENTER NUMBER TWELVE, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by T. J. Evans, C.E., and recorded in Map Book 2, page 377, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 85 and the NW corner of lot numbered 169, lying on the east line of Sheffield Avenue; thence east to the SE corner of lot numbered 105 and the NE corner of lot numbered 210, the point of ending, lying on the west line of Alabama Avenue.

That the undersigned Petitioner desires to vacate the above described alley and to close the same and to nullify the effect of the dedication of said alley to the use of the public.

NOW THEREFORE, in consideration of the premises, Petitioner hereby requests that you and the City Council assent to, approve, ratify, and confirm the vacation of the above described alley and to the annulment of the dedication of said alley to the use of the public.

The undersigned Petitioner further requests that the Hon. David H. Bradford as Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, be authorized to execute a quitclaim deed to Petitioner, Baggett Land Company, Inc., by which deed the City of Muscle Shoals, Alabama, a municipal corporation, shall remise, release and quitclaim unto said Petitioner whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may acquire in and to the hereinabove described alley by virtue of the vacation of same, or otherwise, and that Richard L. Williams, City Clerk, be authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation, to attest the same.

IN WITNESS WHEREOF, Petitioner has caused this instrument to be executed in its name and behalf by and through its President, its officer hereunto duly authorized, on this the 28<sup>th</sup> day of April, 2006.

**BAGGETT LAND COMPANY, INC**

By s/William J. Baggett  
William J. Baggett, Its President

STATE OF ALABAMA  
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that **WILLIAM J. BAGGETT**, whose name as President of **BAGGETT LAND COMPANY, INC., a corporation**, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 28<sup>th</sup> day of April, 2006.

s/ Arlene V. Robbins  
Notary Public

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2204-06**

WHEREAS, Baggett Land Company, Inc., has presented to the Mayor of the City of Muscle Shoals and to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, its statement in writing, duly executed and acknowledged, setting forth that it is the owner of all of the lands abutting upon the hereinafter described alley and it does, by said statement, vacate same; and

WHEREAS, the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, do assent and approve the vacation thereof and the annulment of the dedication of said alley to the use of the public.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, that the act of the aforementioned party in vacating and annulling the following described alley in the City of Muscle Shoals, Colbert County, Alabama, to-wit:

That certain 10 foot east-west alley lying in MUSCLE SHOALS CENTER NUMBER TWELVE, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by T. J. Evans, C.E., and recorded in Map Book 2, page 377, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 85 and the NW corner of lot numbered 169, lying on the east line of Sheffield Avenue; thence east to the SE corner of lot numbered 105 and the NE corner of lot numbered 210, the point of ending, lying on the west line of Alabama Avenue;

be and the same is hereby ratified, approved and confirmed and the assent of the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, to such action is hereby given.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release and quitclaim to the aforesaid Baggett Land Company, Inc., whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described alley by virtue of the vacation of said alley, or otherwise, and that David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, execute a quitclaim deed to Baggett Land Company, Inc., 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.

Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland 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 eastern end of Roosevelt Avenue and is more particularly described as follows:

**ORDINANCE NO. 1367-06**  
**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 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 RMF-1 District, to wit:

Begin at a point being the centerline of Roosevelt Avenue eastern most right-of-way, thence run south for a distance of 125 feet, thence run east for a distance of 330 feet, thence run north for a distance of 316.8 feet, thence run west for a distance of 330 feet, thence run south for a distance of 191.8 feet and being the point of beginning. The Colbert County tax map # 12-03-06-03 and parcel #'s 1.001, 1.002, 1.003, 1.004

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 3<sup>rd</sup> day of April 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 Pro Tem Holland announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

Mr. John Bradford, 308 E. Girard Avenue, owner of the property, spoke in favor of the rezoning. There being no other individuals wishing to speak, Mayor Pro Tem Holland 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

NAYS: None

Mayor Pro Tem Holland announced that the ordinance had been adopted.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution granting the abatement of noneducational Ad Valorem taxes and construction related transaction taxes for North American Lighting, Inc.

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

STATE OF ALABAMA  
COLBERT COUNTY

## **RESOLUTION NUMBER 2205-06**

**BE IT RESOLVED** by the City Council (the “Council”) of **THE CITY OF MUSCLE SHOALS** (the “City”), as follows:

Section 1. The Council does hereby find, declare and ascertain as follows: that North American Lighting, Inc. (herein called the “Company”) is considering the acquisition, construction, and equipping of a manufacturing facility in the Northwest Alabama Industrial Park in the City (the “Project”); that the City is considering leasing the related real property to the Company in connection with its construction of the Project in the State of Alabama and the City; that such proposed facility will promote trade and commerce in the State of Alabama and in the City; that in order to induce the Company to locate the Project in the City, it is desirable and appropriate for the City to offer (i) to abate certain state, county, and municipal sales, use, and ad valorem property taxes with respect to the Project; (ii) to cooperate with the Company in other ways, including financial incentives, so as to facilitate the acquisition and installation of such items of fixtures, machinery, equipment, and other personal property as may be required by the Company in connection with the Project; (iii) to lease certain real property to the Company for construction of the Project thereon, and (iv) to offer to sell and issue the City’s long-term revenue bonds for the purpose of providing for the permanent financing of the costs of acquiring, improving, and installing the Project; that the Company has made an application for abatement of ad valorem taxes and sales and use taxes on the Project, pursuant to Chapter 9B of Title 40 of the Code of Alabama (1975), as provided in the “Application to Local Granting Authority for Abatement of Taxes” presented to the meeting at which this resolution is adopted (such application is attached hereto as Exhibit “A” and made a part of this resolution as if fully and completely set forth herein); and that in order further to induce the Company to locate the new facility in the City, it is desirable and appropriate for the City to grant the said tax abatements.

Section 2. Pursuant to the provisions of Chapter 9B of Title 40 of the Code of Alabama (1975), as amended, (herein called the “Tax Abatement Act”), the City hereby grants an abatement with respect to the Project for Noneducational Ad Valorem Taxes and Construction Related Transaction Taxes. The terms “Noneducational Ad Valorem Taxes” and “Construction Related Transaction Taxes” shall have the same meaning herein as in the Tax Abatement Act.

Section 3. In order to induce the Company to locate the Project in the City, the Mayor is hereby authorized to execute and deliver, for and in the name and behalf of the City, a “Tax Abatement Agreement,” to provide for the abatements granted in Section 2 above between the City and the Company in substantially the form presented to the meeting at which this resolution is adopted (which form is attached hereto as Exhibit “B” and made a part of this resolution as if fully and completely set forth herein) with such changes, not inconsistent with the provisions

hereof, as the Mayor or the Council shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and the City Clerk is hereby authorized to affix the seal of the City to said Tax Abatement Agreement and to attest the same.

Section 4. General Authorization. The Mayor and the City Clerk are hereby further authorized and directed to execute, deliver, seal, and attest to such other ancillary documents and certificates as may be necessary to effect the transaction authorized by this resolution.

Section 5. Severability Provisions. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

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Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, which motion was seconded by Council Member Grissom 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

NAYS: None

Mayor Pro Tem Holland announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Noles 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, Council Member Noles

NAYS: None

Mayor Pro Tem Holland thereupon declared said motion carried and the resolution approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of an ordinance reducing the membership on the recreation board from nine to five members.

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

### **ORDINANCE NUMBER 1368-06**

AN ORDINANCE AMENDING ORDINANCE NUMBER 1042 FOR PURPOSES OF REDUCING THE MEMBERSHIP OF THE RECREATION BOARD AND PROVIDING FOR CONTINUATION OF THE CURRENT COMPOSITION OF THE BOARD AND TO FURTHER PROVIDE FOR THE INITIAL TERMS OF FUTURE APPOINTEES

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

I. That Ordinance Number 1042 of the City of Muscle Shoals, providing for the creation of a recreation board, which was adopted by the City of Muscle Shoals on November 20, 1984, and heretofore amended by Ordinance Number 1126-92, which was adopted by the City of Muscle Shoals on October 6, 1992, and heretofore amended by Ordinance Number 1180-97, which was adopted by the City of Muscle Shoals, Alabama on April 21, 1997, and heretofore amended by Ordinance Number 1210-99 which was adopted by the City of Muscle Shoals, Alabama on November 15, 1999, and heretofore amended by Ordinance Number 1243-01 which was adopted by the City of Muscle Shoals, Alabama on January 8, 2001 is hereby amended in the following respects:

Ordinance Number 1042, as amended, is hereby amended for the purpose of providing for the membership of the recreation board to be five (5) members and hereafter shall be amended so as to read as follows:

- (1) The City Council of the City of Muscle Shoals does hereby create a recreation board for the City of Muscle Shoals, Alabama, same to consist of five (5) members. Hereafter, the City Council shall appoint members to the recreation board so that its membership shall consist of five (5) members.
- (2) The current members of the said recreation board, which currently consist of five (5) persons are hereby appointed and shall serve until the first Monday in November 2006 or until the expiration of the terms to which each member was initially appointed, whichever shall last occur.
- (3) Thereafter, the recreation board shall consist of five (5) members with each position be designated as follows: Place 1, Place 2, Place 3, Place 4, and Place 5.
- (4) Commencing with the first Monday in November 2006, the City Council shall appoint a member to Place 1 for a term of one (1) year; a member to Place 2 for a term of two (2) years; a member to Place 3 for a term of three (3) years; a member to Place 4 for a term of four(4) years and a member to Place 5 to a term of three (3) years.
- (5) Thereafter, the City Council shall appoint members to the recreation board for a term of five (5) years.
- (6) The City Council does hereby ratify the appointments of the current members of the recreation board for the remaining periods of their respective terms. Furthermore, the City Council does hereby designate the members of the board as follows:
  - A. Place 1- Gina Clark whose term expires November 2006.
  - B. Place 2- Michael Lockhart whose term expires November 2006.
  - C. Place 3- Melinda Pennington whose term expires November 2006.
  - D. Place 4- Dan Starkey whose term expires November 2006.
  - E. Place 5- Phil Oliver whose term expires November 2008

The terms of the members as herein set out are hereby ratified and said members shall serve the remainder of said terms and upon the expiration thereof the board positions shall be subject to appointment by the City Council of Muscle Shoals, Alabama. Furthermore, in the event of a vacancy on the recreation board created by resignation or otherwise, the City Council of the City of Muscle Shoals, Alabama shall appoint a member to fill such vacancy for the unexpired term of the

vacant position on the recreation board.

II. That certain portion of Ordinance Number 1042, as amended, denominated Section (11) is hereby deleted and stricken and of no further force and effect.

III. All provisions of Ordinance Number 1042, as amended, which conflict with the foregoing shall be repealed hereby and shall be null and void.

IV. The remaining provisions of Ordinance Number 1042, as amended, and not in conflict with the foregoing, shall remain in full force and effect.

V. This Ordinance shall go into effect immediately upon posting and publication as provided by law.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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

NAYS: None

Mayor Pro Tem Holland 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 Ordinance be finally adopted, 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

NAYS: None

Mayor Pro Tem Holland thereupon declared said motion carried and the Ordinance approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of an ordinance adopting the Stormwater Pollution Prevention Plan.

Council Member Pampinto thereupon introduced the following ordinance which was presented in the meeting:

### **ORDINANCE NO. 1369-06**

#### **AN ORDINANCE FOR THE ADOPTION OF A STORMWATER POLLUTION PREVENTION PLAN FOR THE CITY OF MUSCLE SHOALS, ALABAMA**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama is desirous of adopting a stormwater pollution prevention plan for the City of Muscle Shoals, Alabama and to coordinate same with the requirements of the National Pollutant Discharge Elimination System (NPDES) permitting process; and

**WHEREAS**, the adoption of said design and maintenance criteria is done for the purpose of facilitating proper design, maintenance, inspection and enforcement activities by the City of Muscle Shoals, Alabama and related to the stated purpose;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Muscle Shoals, Alabama as follows:

**Section I.** The following is hereby adopted as the Stormwater Pollution Prevention Plan for the City of Muscle Shoals, Alabama.

The Stormwater Pollution Prevention Plan (SWPPP) for the City of Muscle Shoals is hereby adopted to provide specifications and design criteria that are adequate to prevent transportation of sediment from the site. The site is identified as a disturbed area one acre or larger except as allowed in Ordinance # 1359-06 – Section 5-C.

A. Design Requirements

1. Grading – No grading is to take place prior to the developer or contractor having an approved NPDES Stormwater Permit and a City Permit. The site shall have the required signage as required by ADEM and shall have a City Permit posted.

All graded sites (cut or filled) and all stockpiles shall have erosion control protection as described in an approved Best Management Practices Plan.

2. Best Management Practices Plan (BMP) – prior to a City Permit being issued the developer or contractor will submit a BMP for city approval. The plan will address all proposed sediment control relative to the site.

A sequence of construction is required for the development site, and is to include stripping and clearing; rough grading; construction of utilities, infrastructure, buildings; final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

The BMP will include all erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures will be specified.

The BMP will provide for maintenance of control facilities, and the addition of facilities should they be necessary.

Modifications to the plan shall be processed and approved or disapproved by the City in writing, and shall include major amendments of the erosion and sediment control plan submitted to the city.

Field modifications of a minor nature may be made as the contractor deems necessary without written authorization.

Residential property less than two (2) acres in area shall not be required to submit an Erosion and Sediment Control Plan. However, all other regulations and requirements herein referred to herein shall be complied with. (Ordinance # 1359-06 – Section 5-C)

3. Erosion Control – As soon as possible, all disturbed areas are to be seeded and covered with mulch or sodded and the application of such slope stability materials as may be required to allow germination to occur.

Soil stabilization shall be completed within five days of inactivity in construction.

If seeding or another vegetative erosion control method is used, it shall become established within thirty (30) days or the City's designated agent may require the site to be reseeded or a nonvegetative option employed.

Special techniques that meet the design criteria outlined in the SWPPP on steep slopes or in drainage ways shall be used to ensure stabilization.

Soil stockpiles must be stabilized or covered at the end of each workday. Silt fence and/or silt basins may be used.

At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.

Techniques shall be employed to prevent the blowing of dust or sediment from the site caused by construction vehicles or equipment.

Techniques that divert upland runoff past disturbed slopes shall be employed.

4. Sediment Control – Prior to construction start up, the site shall have barriers installed as required to prevent erosion from leaving the site. Barriers can include silt fence, hay bales, siltation ponds, aggregate bales, etc.

Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management is acceptable.

The developer or contractor may provide protection for adjacent properties by the use of an existing vegetated buffer strip in combination with perimeter controls. The buffer strip shall be used only if approved by the City's designated agent.

5. Slopes – The suggested maximum slope for any site is 3:1 unless the city approves a steeper slope to meet other community or environmental objectives. All slopes are to be stabilized as soon as possible. For slopes steeper than 3:1, a seeded mat or sod shall be applied and approved by the Building Department.

6. Construction Site Access – Temporary construction site access shall include a stone paved approach into the site. The dimensions are generally 10' X 50' and laid out as per the cities standard BMP detail drawings.

Excess mud which is tracked off site by construction vehicles is to be removed from the street prior to a rain event.

Inspection – The City or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the BMP as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the City's designated agent shall be maintained at the site during:

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site clearing.
4. Completion of rough grading.
5. Completion of final grading.
6. Close of the construction season.
7. Completion of final landscaping.

The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved BMP. The purpose of such inspections will be to determine the overall effectiveness of the BMP and the need for additional control measures. All inspections shall be documented in written

form and submitted to the City's designated agent at the time interval specified in the approved permit.

The City or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

8. BMP Detail Drawings – City approved BMP detail drawings herein included are made a part of this plan. The developer or contractor may devise his own details for presentation to the City's designated agent for approval.

Section II. Severability

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section III. Effective Date

The provisions of this Ordinance shall be effective upon its passage and its publication and posting as required by law.

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Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Willis 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

NAYS: None

Council Member Pampinto then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Willis 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

NAYS: None

Mayor Pro Tem Holland thereupon declared said motion carried and the Ordinance approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution authorizing the Mayor to execute an administrative contract with the Northwest Alabama Council of Local Government to administer the EPA 2005 Special Appropriations Grant Water/Wastewater infrastructure grant.

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

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2206-06**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Northwest Alabama Council of Local Governments [NACOLG] for the performance of administrative requirements of the Environmental Protection Agency Grant Program; and

**WHEREAS**, the City and NACOLG have agreed upon terms and conditions for the undertaking of the services to be rendered by NACOLG hereinafter referred to as the Scope of Services 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 EPA 2005 Special Appropriations Grant Water/Wastewater Infrastructure 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 NACOLG; 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 EPA 2005 Special Appropriations Grant Water/Wastewater Infrastructure 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 EPA 2005 Special Appropriations Grant Water/Wastewater Infrastructure with NACOLG;

**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 EPA 2005 Special Appropriations Grant Water/Wastewater Infrastructure with NACOLG 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 NACOLG along with the executed instrument styled EPA 2005 Special Appropriations Grant Water/Wastewater Infrastructure herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was approval of a business license for Med-Call Ambulance Service.

Council Member Noles moved that the license be granted to Med-Call Ambulance Service.

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Pro Tem Holland announced that the business license had been approved.

Mayor Pro Tem Holland announced that the next item of business was approval of an appropriation to the Shoals Economic Development Authority for a training incentives to North American Lighting Inc.

Council Member Grissom moved that \$148,017.50 be appropriated from the general fund to fulfill the City's commitment to the North American Lighting Inc. Industrial development project.

Council Member Pampinto seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Pro Tem Holland announced that the appropriation had been approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution committing local funds to the grant proposal submitted to the Economic Development Administration for infrastructure improvements to the Northwest Alabama Regional Airport Industrial Park.

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 2207 - 06**

WHEREAS, the City of Muscle Shoals is applying for Economic Development Administration funds for the purpose of providing needed infrastructure improvements to the Northwest Alabama Regional Airport Industrial Park, now

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Muscle Shoals, Alabama that Local Matching Funds in the amount of \$900,912 will be provided by the City of Muscle Shoals.

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Council Member Willis seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Pro Tem Holland 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