

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
June 5, 2006**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 5th day of June 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 Paul McDougle. 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 Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of May 15, 2006 and the June 1, 2006 work session and approved the minutes as written.

Mayor Bradford announced that the next item of business was comments from the public.

Walter Rumkus, 682 Brandon Drive sought recognition and addressed the Council during the period of public comments.

Mayor Bradford announced that the next item of business was consideration of an ordinance enacting the provisions of Act #2006-574 of the Alabama legislature referred to as the State Sales Tax Holiday Act.

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

ORDINANCE NO. 1370 - 06

**AN ORDINANCE PROVIDING FOR THE EXEMPTION OF CERTAIN
“COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX SOLD
DURING THE PERIOD OF TIME COMMENCING AT 12:01 O’CLOCK A.M. ON THE
FIRST FRIDAY OF AUGUST 2006 UNTIL 12:00 O’CLOCK MIDNIGHT ON THE
FOLLOWING SUNDAY IN AUGUST, 2006, AS AUTHORIZED BY ACT 2006-574
OF THE ALABAMA LEGISLATURE, GENERALLY REFERRED TO AS
THE STATE SALES TAX HOLIDAY ACT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE
SHOALS, ALABAMA AS FOLLOWS:**

Section I. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session of the Legislature and providing for a State Sales Tax Holiday, the City Council of the City of Muscle Shoals, Alabama does hereby exempt “covered items” from municipal sales and use tax sold within the City of Muscle Shoals and its police jurisdiction during the period of time commencing at 12:01 o’clock a.m. on the first Friday in August 2006, same being August 4, 2006 and until at 12:00 o’clock midnight on the following Sunday in August 2006, same being August 6, 2006.

Section II. This Ordinance shall be subject to all terms, conditions, definitions, periods of time, and rules as provided by Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session of the Legislature, except that the effective time period for said exemption of sales and use taxes shall only be in effect in the year 2006 during the time periods set forth in Section 1 and not for any period of time or year thereafter.

Section III. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Muscle Shoals, Alabama, and shall forthwith forward a certified copy to the Alabama Department of Revenue for its information and use.

Section IV. The Ordinance, and its provisions, shall become upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Noles 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, 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 Noles 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance authorizing the purchase of 100.77 acres of land from the William G Counts Sr. family located on 6th street.

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

ORDINANCE NUMBER 1371 - 06

WHEREAS, the Council of the City of Muscle Shoals, Alabama has deemed it necessary to acquire certain additional property in order to facilitate the construction, maintenance and operation of an industrial park; and

WHEREAS, the Council has entered into negotiations with William G. Counts, Sr. and others for the purchase of certain property hereinafter described for use in the furtherance of the intended purpose herein above stated for and in the sum of Eight Hundred Fifty-six Thousand Six Hundred Forty-five and no/100 (\$856,645.00) Dollars, all pursuant to that certain option to purchase said property between the City of Muscle Shoals and William G. Counts, Sr., et.al. and

WHEREAS, the Council finds that the purchase price of the property is reasonable and that the purchase of property is in the best interests of the City;

WHEREAS, the Council entered an Option to Purchase said property for the sum of \$856,645.00 for a parcel of property being 100.77 acres and adjoining certain property of the City previously acquired;

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

1. That the City of Muscle Shoals, Alabama acquire from William G. Counts, Sr. and others the following described parcel of real property, same being, lying and situated in Colbert County, Alabama, to wit:

A tract of land lying in **Section 5, Township 4 South, Range 10 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at an existing cotton spindle in the centerline of 6th Street (Colbert County Road #24 – 80 foot right of way), said point being locally known and accepted as the SW corner of said Section 5; thence N 1 degree 32' 16" W and along the westwardly line of said Section 5 for 40.03 feet to an iron pin set (capped typical R. Collins, L.S.-13406) on the northwardly right of way of said 6th Street; thence leaving said right of way N 1 degree 32' 16" W and along said section line 2592.45 feet to an existing iron pin (capped R. Collins, L.S.-13406) lying on the southwardly boundary of the Northwest Regional Airport; thence along said Northwest Regional Airport boundary line the following bearings and distances: S 88 degrees 18' 53" E 1199.96 feet to an existing iron pin (capped R. Collins, L.S.-13406); N 3 degrees 58' 21" W 1364.12 feet to an existing iron pin (capped R. Collins, L.S.-13406); S 88 degrees 46' 51" E 1725.95 feet to an iron pin set and to the point of beginning; continue thence S 88 degrees 46' 51" E 1126.71 feet to an existing iron pin (capped R. Collins, L.S.-13406); thence leaving said boundary line S 88 degrees 46' 51" E 20.09 feet to an iron pin set; thence S 00 degrees 43' 53" E 3307.84 feet

to an existing iron pin; thence S 00 degrees 46' 13" E 616.26 feet to an iron pin set on the northwardly right of way of said 6th Street; thence N 88 degrees 49' 35" W and along said right of way 1091.87 feet to an iron pin set; thence leaving said right of way N 1 degree 32' 16" W 3927.23 feet to the point of beginning. Said tract contains **100.77 acres**, more or less, and is subject to any easements of record or easements existing on site.

2. That the purchase price of said property shall be the sum of Eight Hundred Fifty-six Thousand Six Hundred Forty-five and no/100 (\$856,645.00) Dollars and the City of Muscle Shoals, Alabama shall, in exchange for a deed conveying good and sufficient merchantable title to said property unto the City, pay said sum unto William G. Counts, Sr. and others.

3. That the Mayor of the City of Muscle Shoals, Alabama, Mr. David H. Bradford, is hereby authorized to execute and deliver all documents and checks necessary to effectuate the acquisition of the property by the City.

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 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, Mayor Bradford

NAYS: None

Mayor Bradford announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Pampinto then moved that the said Ordinance 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance approved.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor or his or her designee to approve future amendments to the Colbert County Mitigation Plan.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2211 - 06

WHEREAS, the procedures for approval of amendments to the Mitigation Plan for Colbert County have been changed at the state level; and

WHEREAS, the City of Muscle Shoals has previously approved the 2004 Mitigation Plan for Colbert County; and

WHEREAS, it is necessary to appoint a representative to the mitigation plan steering committee who shall give approval to future amendments to the mitigation plan; now

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Muscle Shoals, Alabama that the Mayor or his or her designee, shall have authority on behalf of the City of Muscle Shoals, to approve future amendments to the Colbert County Mitigation Plan.

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 consideration of a resolution making an appointment to the North Alabama Gas District 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: Charles (Corky) Snipes

Council Member Willis: Charles (Corky) Snipes

Council Member Grissom: Charles (Corky) Snipes

Council Member Holland: Charles (Corky) Snipes

Council Member Noles: Charles (Corky) Snipes

Mayor Bradford: Charles (Corky) Snipes

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2212 - 06

WHEREAS, a vacancy on the North Alabama Gas District Board has occurred 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:

Bob Ashley	Michael Lockhart	Daryl McMinn
Charles (Corky) Snipes	Stan Sockwell	Jerre Watson

WHEREAS, Charles (Corky) Snipes 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: Charles (Corky) Snipes
Council Member Willis: Charles (Corky) Snipes
Council Member Grissom: Charles (Corky) Snipes
Council Member Holland: Charles (Corky) Snipes
Council Member Noles: Charles (Corky) Snipes
Mayor Bradford: Charles (Corky) Snipes

WHEREAS, Mayor Bradford announced that Charles (Corky) Snipes 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>
Charles (Corky) Snipes	North Alabama Gas District	May 2012

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

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 consideration of a resolution making two appointments to the Civil Service 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: Tyrus Mansell and Dwight Winston
Council Member Willis: Tyrus Mansell and Glenda Freeman
Council Member Grissom: Tyrus Mansell and Glenda Freeman
Council Member Holland: Tyrus Mansell and Glenda Freeman
Council Member Noles: Tyrus Mansell and Glenda Freeman
Mayor Bradford: Tyrus Mansell and Glenda Freeman

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2213 - 06

WHEREAS, two (2) vacancies on the Civil Service Board of the City of Muscle Shoals will occur on June 20, 2006 and the City Council being desirous of making the necessary appointments to said board within the City;

WHEREAS, notice was given to the public of said pending vacancies 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 vacancies:

Glenda Freeman	Sharon Jackson	Tyrus Mansell
Pamela Roden	Dwight Winston	

WHEREAS, Tyrus Mansell and Glenda Freeman were determined to have received the best overall rankings on the City Council evaluations, and

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

Council Member Pampinto: Tyrus Mansell and Dwight Winston
Council Member Willis: Tyrus Mansell and Glenda Freeman
Council Member Grissom: Tyrus Mansell and Glenda Freeman
Council Member Holland: Tyrus Mansell and Glenda Freeman
Council Member Noles: Tyrus Mansell and Glenda Freeman
Mayor Bradford: Tyrus Mansell and Glenda Freeman

WHEREAS, Mayor Bradford announced that Tyrus Mansell and Glenda Freeman 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 persons to serve terms effective on June 20, 2006 as set forth herein:

<u>APPOINTEES</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Tyrus Mansell	Civil Service Board	June 20, 2009
Glenda Freeman	Civil Service Board	June 20, 2009

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

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

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