

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 1, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 1st day of August 2005 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by 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 regular meeting of July 18, 2005 and approved the minutes as written.

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

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 NUMBER 2150-05

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 fuel products, the bid opening being held August 1, 2005 at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>GASOLINE:</u>	<u>DIESEL:</u>
	Per Gallon:	Per Gallon:
O'Steen Oil Company	\$1.775	No Bid
Tatum Oil Company	\$1.777	\$1.818

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$1.775 per gallon for the purchase of gasoline, and Tatum Oil Company with a bid price of \$1.818 per gallon for diesel fuel. The apparent low and best bidders, O'Steen Oil Company and Tatum Oil Company are now awarded the bid for the purchase of fuel products.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the approval of a Retail Table Wine license (Off premise only) to The Pantry Inc. dba Cowboy's Food Mart located at 2525 Avalon Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 6th day of September 2005, the Council will consider the approval of the license. 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 approval of such license.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the approval of construction specifications for construction projects in the City of Muscle Shoals.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 6th day of September 2005, the Council will consider the approval of the construction specifications. 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 construction specifications.

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 6th day of September 2005, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described areas are hereby eliminated from the M-2 District in which it is now situated, and is hereby incorporated in and made a part of the R-3 District, to wit:

Begin at a point being at the intersection of the southern right-of-way of Sixth Street and the western right-of-way of Thompson Street, thence run west a distance of 1621.61 feet along the Sixth Street right-of-way to the eastern right-of-way of John Aldridge Street, thence run south a distance of 2231.82 feet along the John Aldridge Street right-of-way to the northern right-of-way of Pepsi Road, thence run east a distance of 1683.26 feet along the Pepsi Drive right-of-way to the western right-of-way of Thompson Street, thence run north a distance of 2624.83 feet along the Thompson Street right-of-way and back to the point of beginning. Tract of property contains a total of 90.06 acres.

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 a public hearing to consider the approval of the 2003 International Building Code, International Residential Code (For one and two family dwellings), International Fuel & Gas Code, International Mechanical Code, International Plumbing Code, International Fire Code, International Code Council Electrical Code, and the 2005 National Electrical Code for the City of Muscle Shoals.

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.

Council Member Willis moved that consideration of the Ordinance be tabled until the August 15th, 2005 meeting. 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 motion had been approved.

Mayor Bradford announced that the next item of business was the vacation of streets and alleys lying in Tuscumbia Highlands subdivision and more particularly described below.

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

STATE OF ALABAMA
COLBERT COUNTY

KNOWN ALL MEN BY THESE PRESENTS, that EL-DE I Limited Partnership being the owner of all of the lands abutting thereon, does hereby declare to be vacated the following streets, avenues and alleys or portions thereof lying and being in Tuscumbia Highlands, a subdivision, known and designated according to the map and plat thereof recorded in the office of the Probate Judge of Colbert County, Alabama in Map Book 2, Page 133, to-wit:

All of the streets, avenues and alleys or portions thereof in said subdivision lying and being east of the right of way granted to Colbert County for a public road running from Sixth Street to Pepsi Drive, known as John Aldridge Drive and recorded at microfiche 95-11, frame 969, in the office of said Probate Judge including Halliday Street, Haddon Street, Livingston Street, Palmer Street, Tenth Street, Cagle Street and the unnamed street or alley running in an East-West direction. There is excepted from this declaration of vacation, Courtland Road (now known as Sixth Street).

A certified copy of a resolution adopted by the Mayor and council of the City of Muscle Shoals, Alabama assenting to the vacation of the above described streets, avenues and alleys and portions thereof will be attached hereto, marked exhibit "A", and filed and recorded with this declaration of vacation.

In testimony whereof, EL-DE I Limited Partnership has executed this declaration by and through its duly authorized general partner on this the 28th day of July, 2005.

EL-DE I Limited Partnership

BY: s/Vincent McAlister
Vincent McAlister
Its General Partner

STATE OF ALABAMA
COLBERT COUNTY

I, Jana Dee Rice, a Notary Public in and for said county in said state, hereby certify that EL-DE I Limited Partnership, has executed this conveyance by and through Vincent McAlister, its General Partner whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily and with full authority for and as the act of said limited partnership on the day the same bears date.

Given under my hand and seal this 28th day of July, 2005.

s/ Jana Dee Rice
Notary Public
My Commission Expires: 11-15-05

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2151-05

Whereas there has been exhibited to the mayor and council of the City of Muscle Shoals, Alabama, an instrument duly executed and acknowledged by EL-DE I Limited Partnership vacating the following streets, avenues and alleys or portions thereof lying and being in Tuscumbia Highlands, a subdivision, known and designated according to the map and plat thereof recorded in the office of the Probate Judge of Colbert County, Alabama in Map Book 2, Page 133, to-wit:

All of the streets, avenues and alleys or portions thereof in said subdivision lying and being east of the right of way granted to Colbert County for a public road running from Sixth Street to Pepsi Drive, known as John Aldridge Drive and recorded at microfiche 95-11, frame 969, in the office of said Probate Judge including Halliday Street, Haddon Street, Livingston Street, Palmer Street, Tenth Street, Cagle Street and the unnamed street or alley running in an East-West direction. There is excepted from this declaration of vacation, Courtland Road (now known as Sixth Street).

Whereas this council is satisfied that said EL-DE I Limited Partnership is the owner of all of the lands abutting said public streets, avenues and alleys or portions thereof; and

Whereas after the vacation of said public streets, avenues and alleys or portions thereof convenient means of ingress and egress to and from their property will be afforded all other property owners owning property shown on said map;

No therefor be it resolved by the council of the City of Muscle Shoals that the assent of this council be and the same is hereby given and granted to the said vacation of said public street, avenues and alleys or portions thereof above described as vacated.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the appropriation of \$5,000.00 to Cypress Moon Productions.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2152-05

WHEREAS, a public hearing was held on August 1, 2005 in the Council Chambers of the City of Muscle Shoals, Alabama pursuant to Amendment 772 to the Constitution of Alabama of 1901; and

WHEREAS, notice was given of the date, time and place of said public hearing and discussion was had and the opportunity for public input and comment provided pertaining to the proposed resolution to appropriate the sum of \$5,000.00 of public monies to Cypress Moon Productions to aid and assist with the production of the film, currently titled “When I Find the Ocean; and

WHEREAS, the Council finds that said appropriation will promote the local economy and provide employment opportunities and thus provide benefit to the citizenry of Muscle Shoals, Alabama and the surrounding cities;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Muscle Shoals, Alabama, that the Council does hereby appropriate the sum of \$5,000.00 to Cypress Moon Productions, a private entity, for improvements to buildings and the purchase of equipment for production of films.

BE IT FURTHER RESOLVED that the said Cypress Moon Productions shall provide unto the Clerk of the City of Muscle Shoals a statement showing the disbursement and use of said funds for the purposes herein stated within thirty (30) days of their expenditure by the recipient.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to draw on the funds of the City the sum of \$5,000.00 and pay same over to Cypress Moon Productions at such time as adequate proof is made to the City that the Cities of Florence, Sheffield and Tusculumbia and the Counties of Lauderdale and Colbert have approved and made payment.

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 resolution to be recognized.

There being no individuals wishing to speak, Mayor Bradford announced that consideration of the resolution was before the Council.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, 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 Pampinto 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the resolution passed and adopted as introduced and read.

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