

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
September 18, 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 18<sup>th</sup> day of September 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, DAVID H. BRADFORD  
ABSENT:    ALLEN NOLES

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.

Police Chief Robert Evans and members of the Tactical Operations Team recognized Mike McCrary of Wachovia Bank, Nelson Broadfoot of RSC, and Roger Fuller of Kent & Fuller Cabinet Supply for their financial support of the Tactical Operations Team.

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 September 5, 2006 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for the purchase of coarse aggregates for fiscal year 2006-2007.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2230-06**

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 coarse aggregates for the fiscal year beginning October 1, 2006 were distributed, the bid opening set for the 13<sup>th</sup> day of September, 2006, 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:

Item:	Rogers Group, Inc.	Vulcan Materials
No. 57	\$6.96/ton	\$7.03/ton
Crusher Run	\$6.46/ton	\$6.70/ton
Rip Rap	\$8.07/ton	\$8.18/ton

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for coarse aggregates in each category is Rogers Group, Inc. The bid is hereby awarded to Rogers Group, Inc. for all categories of coarse aggregates bid.

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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.

Mayor Bradford announced that the next item of business was consideration of a resolution to award a bid for the purchase of asphalt for fiscal year 2006-2007.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2231-06**

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 for the fiscal year beginning October 1, 2006 were distributed, the bid opening set for the 13<sup>th</sup> day of September, 2006, 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 with the basis of award being the grand total of all items:

BIDDER:	PRICE PER TON:
APAC - SOUTHEAST INC.	\$42.00
ROGERS GROUP, INC.	\$47.00

[3] After verifying the bids with the specifications it has been determined that the lowest, responsive, responsible bidder submitting a bid for asphalt is APAC - Southeast Inc. with a price of \$42.00 per ton. The Council hereby elects to award the bid to multiple vendors. APAC-Southeast, Inc. shall be awarded the bid as the primary supplier and Rogers Group, Inc. shall be awarded the bid as the secondary supplier in the event that the primary vendor cannot provide product at time of notification.

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 request for a \$ 2,000 travel advance for the police department. Lieutenant Clint Reck will be attending the FBI academy in Quantico, Virginia beginning October 1, 2006.

Council Member Willis moved that the travel advance be approved.

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 travel advance had been approved.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II Package to Charles W. Moore dba Moore's Package Store located at 1688 Wilson Dam Road.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 16<sup>th</sup> day of October 2006, 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 a continued public hearing from September 5, 2006 to consider the issuance of a Restaurant Retail Liquor License to Frank Kaldi dba Frank's Italian Restaurant located at 102 Pershing Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was the vacation of various streets and alleys in Montesano Park Subdivision.

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

STATE OF ALABAMA  
COLBERT COUNTY

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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 Robert J. Eaton, being hereafter referred to as Petitioner, who presents the following statement, to-wit:

That Petitioner is the owner of all of the property lying and being in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, abutting upon and being the following described lots, blocks, streets, alleys and strips of land; and that he desires to **vacate said subdivision** specifically including all lots, blocks, streets, alleys and strips of land, and that he does, by this statement, vacate the same, said lots, blocks, streets, alleys, and strips of land being in the City of Muscle Shoals, Colbert County, and described as follows, to-wit:

All of Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: lots 1 through 24, both inclusive, in block 1; lots 1 through 49, both inclusive, in block 2; lots 1 through 49, both inclusive, in block 3; lots 1 through 38, both inclusive, in block 4; lots 1 through 46, both inclusive, in block 5; lots 1 through 46, both inclusive, in block 6, lots 1 through 46, both inclusive, in block 7; and lots 1 through 23, both inclusive, in block 8;

WENOM AVENUE, lying in an east-west direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to

the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows:  
Commencing at the SW corner of lot 17 in block 4 and the NW corner of lot 1 in block 5; thence east, along the south lines of blocks 4, 3, 2 and 1 and the north lines of blocks 5, 6, 7 and 8, to the east subdivision line, the point of ending;

STEIN AVENUE, lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows:  
Commencing at the NE corner of lot 38 in block 4 and the NW corner of lot 9 in block 3; thence south, along the east line of lots 18 through 38 in blocks 4 and lots 24 through 46 in block 5 and the west lines of lots 9 through 29 in block 3 and lots 1 through 23 in block 6, to the SE corner of lot 24 in block 5 and the SW corner of lot 23 in block 6, the point of ending;

MONTESANO BLVD., lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 1 in block 3 and NW corner of lot 9 in block 2; thence south, along the east line of lots 1 and 30 through 49 in block 3 and lots 24 through 46 in block 6 and the west lines of lots 9 through 29 in block 2 and lots 1 through 23 in block 7, to the SE corner of lot 24 in block 6 and the SW corner of lot 23 in block 7, the point of ending;

HODGES AVENUE, lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows:  
Commencing at the NE corner of lot 1 in block 2 and the NW corner of lot 4 in block 1; thence south, along the east lines of lots 1 and 30 through 49 in block 2 and lots 24 through 46 in block 7 and the west lines of lots 4 through 24 in block 1 and lots 1 through 23 in block 8, to the SE corner of lot 24 in block 7 and the SW corner of lot 23 in block 8, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the SW corner of lot 38 and the NW corner of lot 37 all in block 4; thence east, along the south lines of lots 1 through 9 in block 3, lots 1 through 9 in block 2, lots 1 through 4 in block 1 and along the north lines of lots 10 and 49 in block 3, lots 10 and 49 in block 2, and lot 5 in block 1, to the east line of said subdivision, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 1 extended north to the subdivision line and the NW corner of lot 34 all in block 4; thence south, along the east lines of lots 1 through 17 in block 4 and lots 1 through 23 in block 5 and along the west lines of lots 18 and 34 in block 4 and lots 24 and 46 in block 5, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 10 and the NW corner of lot 49 all in block 3; thence south, along the east lines of lots 10 through 29 in block 3 and lots 1 through 23 in block 6 and along the west lines of lots 30 through 49 in block 3 and lots 24 and 46 in block 6, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 10 and the NW corner of lot 49 all in block 2; thence south, along the east lines of lots 10 through 29 in block 2 and lots 1 through 23 in block 7 and along the west lines of lots 30 through 49 in block 2 and lots 24 and 46 in block 7, the point of ending;

That certain 7 foot strip of land lying between blocks 1 and 8 and the subdivision line in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 5 in block 1; thence south, along the east lines of lots 5 through 24 in block 1 and lots 1 through 23 in block 8 and along the east line of said subdivision, the point of ending; and also

That certain 8 foot strip of land lying between lot 1 in block 4 and the subdivision line in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NW corner of lot 1 in block 4; thence east, along the north line of said lot 1 in block 4 to the NE corner of said lot 1 in block 4 and along the north line of said subdivision, the point of ending.

That the undersigned Petitioner desires to vacate the above described lots, blocks, streets, alleys, and strips of land and to close the same and to nullify the effect of the dedication of said streets and alleys 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 lots, blocks, streets, alleys, and strips of land, and to the annulment of the dedication of said streets and alleys 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, Robert J. Eaton, 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 subdivision, including all streets and alleys, by virtue of the vacation of same, or otherwise, and that Ricky 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 hereunto set his hand and seal on this the 18<sup>th</sup> day of September, 2006.

s/ Robert Eaton

ROBERT J. EATON

STATE OF ALABAMA  
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that **ROBERT J. EATON**, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 18<sup>th</sup> day of September, 2006.

s/Tara Thomas

Notary Public

[SEAL]

### **RESOLUTION NUMBER 2232-06**

WHEREAS, Robert J. Eaton 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, his statement in writing, duly executed and acknowledged, setting forth that he is the owner of all of the lands abutting upon and being the hereinafter described subdivision, including all lots, blocks, streets, alleys and strips of land, and he 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 streets and alleys 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 subdivision, including all lots, blocks, streets, alleys and strips of land, in the City of Muscle Shoals, Colbert County, Alabama, to-wit:

All of Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map

Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: lots 1 through 24, both inclusive, in block 1; lots 1 through 49, both inclusive, in block 2; lots 1 through 49, both inclusive, in block 3; lots 1 through 38, both inclusive, in block 4; lots 1 through 46, both inclusive, in block 5; lots 1 through 46, both inclusive, in block 6, lots 1 through 46, both inclusive, in block 7; and lots 1 through 23, both inclusive, in block 8;

WENOM AVENUE, lying in an east-west direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the SW corner of lot 17 in block 4 and the NW corner of lot 1 in block 5; thence east, along the south lines of blocks 4, 3, 2 and 1 and the north lines of blocks 5, 6, 7 and 8, to the east subdivision line, the point of ending;

STEIN AVENUE, lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 38 in block 4 and the NW corner of lot 9 in block 3; thence south, along the east line of lots 18 through 38 in blocks 4 and lots 24 through 46 in block 5 and the west lines of lots 9 through 29 in block 3 and lots 1 through 23 in block 6, to the SE corner of lot 24 in block 5 and the SW corner of lot 23 in block 6, the point of ending;

MONTESANO BLVD., lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 1 in block 3 and NW corner of lot 9 in block 2; thence south, along the east line of lots 1 and 30 through 49 in block 3 and lots 24 through 46 in block 6 and the west lines of lots 9 through 29 in block 2 and lots 1 through 23 in block 7, to the SE corner of lot 24 in block 6 and the SW corner of lot 23 in block 7, the point of ending;

HODGES AVENUE, lying in a north-south direction, in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 1 in block 2 and the NW corner of lot 4 in block 1; thence south, along the east lines of lots 1 and 30 through 49 in block 2 and lots 24 through 46 in block 7 and the west lines of lots 4 through 24 in block 1 and lots 1 through 23 in block 8, to the SE corner of lot 24 in block 7 and the SW corner of lot 23 in block 8, the point of ending;



That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the SW corner of lot 38 and the NW corner of lot 37 all in block 4; thence east, along the south lines of lots 1 through 9 in block 3, lots 1 through 9 in block 2, lots 1 through 4 in block 1 and along the north lines of lots 10 and 49 in block 3, lots 10 and 49 in block 2, and lot 5 in block 1, to the east line of said subdivision, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 1 extended north to the subdivision line and the NW corner of lot 34 all in block 4; thence south, along the east lines of lots 1 through 17 in block 4 and lots 1 through 23 in block 5 and along the west lines of lots 18 and 34 in block 4 and lots 24 and 46 in block 5, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 10 and the NW corner of lot 49 all in block 3; thence south, along the east lines of lots 10 through 29 in block 3 and lots 1 through 23 in block 6 and along the west lines of lots 30 through 49 in block 3 and lots 24 and 46 in block 6, the point of ending;

That certain 16 foot alley lying in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 10 and the NW corner of lot 49 all in block 2; thence south, along the east lines of lots 10 through 29 in block 2 and lots 1 through 23 in block 7 and along the west lines of lots 30 through 49 in block 2 and lots 24 and 46 in block 7, the point of ending;

That certain 7 foot strip of land lying between blocks 1 and 8 and the subdivision line in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2, page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NE corner of lot 5 in block 1; thence south, along the east lines of lots 5 through 24 in block 1 and lots 1 through 23 in block 8 and along the east line of said subdivision, the point of ending; and also

That certain 8 foot strip of land lying between lot 1 in block 4 and the subdivision line in Montesano Park, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in Map Book 2,

page 173, in the office of the Judge of Probate of Colbert County, Alabama, being more fully described as follows: Commencing at the NW corner of lot 1 in block 4; thence east, along the north line of said lot 1 in block 4 to the NE corner of said lot 1 in block 4 and along the north line of said subdivision, the point of ending;

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 Robert J. Eaton whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described subdivision, including all lots, blocks, streets, alleys and strips of land, by virtue of the vacation of said same, or otherwise, and that David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, execute a quitclaim deed to Robert J. Eaton carrying out the intention of this paragraph and that Richard 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.

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Council Member Pampinto seconded the motion and upon said motion being put to a vote the roll call vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Mayor Bradford

NAYS: None

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to approve a contract for the purchase of approximately 30.6 acres adjacent to the Shoals Research Airport.

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 2233 - 06**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Dwight Morrow Spearman and Zion Hill Missionary Baptist Church for the purchase of certain property; and

**WHEREAS**, the City and Dwight Morrow Spearman and Zion Hill Missionary Baptist Church have agreed upon terms and conditions for for the purchase of the property by the City 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 the purchase contract documents and finds that said instruments are 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 instruments to Dwight Morrow Spearman and Zion Hill Missionary Baptist Church; 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 to Dwight Morrow Spearman and Zion Hill Missionary Baptist Church in connection with the purchase of said property as described in said Agreement;

**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 Purchase Contract pertaining to the purchase of real property as therein described from Dwight Morrow Spearman and Zion Hill Missionary Baptist Church; and

**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 purchase of said property from Dwight Morrow Spearman and Zion Hill Missionary Baptist Church 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 Dwight Morrow Spearman and Zion Hill Missionary Baptist Church and others along with the executed purchase contract herein described and checks drawn on the City's account for the earnest money as set forth in said agreement 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.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the execution of a Client Project Services Agreement with TTL Inc. for testing services for 30.6 acres currently owned by Dwight Spearman Jr. and Zion Hill Missionary Baptist Church.

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 2234 - 06**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with TTL for the performance of certain environmental services in connection with a parcel of property sought to be acquired by the City; and

**WHEREAS**, the City and TTL have agreed upon terms and conditions for the undertaking of the services to be rendered by TTL hereinafter referred to as the Scope of Services and as outlined in the letter from TTL dated September 8, 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 the proposed scope of services and the Client Project Services Agreement 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 TTL;

**WHEREAS**, the services of TTL are needed only upon the execution of a real estate sales contract by and between Dwight Morrow Spearman and Zion Hill Missionary Baptist Church and the City and is contingent thereon;

**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 project 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 Client Project Services Agreement with TTL upon or after receipt of the execution of a real estate sales contract pertaining to subject property by and between the City and Dwight Morrow Spearman and Zion Hill Missionary Baptist Church;

**BE IT FURTHER RESOLVED** that the contract with TTL as herein described is contingent upon said execution of a real estate sales contract pertaining to subject property by and between the City and Dwight Morrow Spearman and Zion Hill Missionary Baptist Church and the authority granted hereunder shall be null and void if the contract of purchase said property is not properly executed by Dwight Morrow Spearman and Zion Hill Missionary Baptist Church;

**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 project with TTL 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 TTL along with the executed instrument styled Client Project Services Agreement as herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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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 Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the City Clerk/Treasurer to transfer \$500,000 from the General Fund to the Industrial Park Fund. These monies will be used for the further development of the Shoals Research Airpark and the purchase of additional land.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2235 - 06**

**WHEREAS**, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken to insure the continued efficient and orderly conduct of the City's business, particularly in connection with development of the City's industrial park project; and; and

**WHEREAS**, the City Council finds it in the interest of the City to purchase additional property in order to better utilize and develop the City's industrial park; and

**WHEREAS**, the City Council finds it in the interest of the City to provide for the continued development of infrastructure within the City's industrial park, namely the Shoals Research Airpark;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the sum of \$500,000.00 be transferred from the City's General Fund account unto the City's Industrial Park account as follows and for the following purposes:

1. To acquire additional property for the expansion of and for the use of continued development of the City's industrial park.
2. To prepare for and provide for the continued installation of the infrastructure within the City's industrial park, namely Shoals Research Airpark.

**BE IT FURTHER RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the City Clerk/Treasurer of the City is hereby is hereby authorized to effectuate said transfers as herein outlined so as the transfer of the funds from the General Fund unto the Industrial Park Fund shall be made promptly.

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Council Member Holland seconded the motion 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, 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 approved, which motion was seconded by Council Member Holland 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, Mayor Bradford

NAYS: None

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

Mayor Bradford announced that the next item of business was consideration of an agreement with AMEC Earth & Environmental Inc. for floodplain investigation services for sinkhole #9. The cost for these services, \$2,400.00, are to be reimbursed by the developer, Robert Eaton.

Council Member Holland moved that the Mayor be authorized to execute the agreement as presented.

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 agreement 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