

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 7, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 7th day of November 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 Bill Howard. 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 October 17, 2005 and approved the minutes as written.

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 of the Police Committee held on October 27, 2005 and approved the minutes as written.

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

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2172-05

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 November 2, 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>Markup above Rack Price:</u>
_____ Tatum Oil Company	\$.0945 per gallon
_____ W.H. Thomas Oil Company	\$0.13 per gallon

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$.0945 per gallon markup above rack price. The apparent low and best bidder, Tatum Oil Company is now awarded the bid for the purchase of fuel products, with said bid being awarded for a three month period. Award shall end on February 6, 2006.

_____ 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 the scheduling of a public hearing to consider the approval of a Lounge Retail Liquor - Class II (Package) license to J. J. Singh, Inc. dba Shoals Package located at 3695 E. 2nd Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 5th day of December 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 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 4.9 acre tract located at 206 River Road and is more particularly described as follows:

ORDINANCE NO. 1355-05
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 B-2 District in which it is now situated, and is hereby incorporated in and made a part of the M-1 District, to wit:

Begin at a point being the N.W. corner of the S.E. 1/4 of section 13, township 3S, Range 10w, run S88° 32' E for a distance of 712.27 feet, thence run S^28'W for a distance of 454.10 feet and being the point of beginning, thence run S88^32'E for a distance of 292.72 feet, thence run S1^ 28'W for a distance of 302.90 feet, thence run N88^32'W for a distance of 292.72 feet, thence run N1^ 28'E for a distance of 309.20 feet. Colbert County Tax Parcel #0804194002004001

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 7th day of November 2005, at 6:30 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no individuals wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote was had and the vote recorded as follows:

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

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was the vacation of a certain portion of an alleyway located in Muscle Shoals Center #2.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION

WHEREAS, the undersigned, **PLW II, LLC**, a limited liability company, (hereinafter referred to as “Petitioner”) is the owner by deed from Muscle Shoals Center, Inc., a corporation recorded in Fiche 2004.30 at page 900 in the Office of the Judge of Probate of Colbert County, Alabama, of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyways, or portions thereof.

WHEREAS, the said Muscle Shoals Center, Inc. filed a petition with the City Council of the City of Muscle Shoals, Alabama to vacate certain alleyways in said subdivision and said petition erroneously included the hereinafter described alleyway along with the statement that Muscle Shoals Center, Inc. was the owner of the property abutting said portion of the alleyway sought to be vacated;

WHEREAS, the Petitioner files this Petition to Vacate to remedy and correct the vacation of the alleyway as herein described; and states as follows;

WHEREAS, the undersigned is the owner of the property abutting the hereinafter described alleyway, and further states that the alleyways, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as **MUSCLE SHOALS CENTER NUMBER 2**, all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama.

WHEREAS, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further, that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, Petitioner states that the alleyways, or portions thereof, desired to be vacated are not currently being used;

WHEREAS, Petitioner states that there are no public utilities situated or located on, over or through the alleyways, or portions thereof, desired to be vacated;

WHEREAS, Petitioner seeks and requests assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, the undersigned Petitioner, being all of the owners of property in the subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting on the alleyways, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following alleyways, or portions thereof, to be vacated, to wit:

That portion of that certain alleyway bounded on the North by the South line of Lots 265 through 277, inclusive, and bounded on the South by the North line of Lots 312 through 324, inclusive, all in MUSCLE SHOALS CENTER NUMBER 2, according to the map and survey prepared by P.S. Milner, and recorded in Map

Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 277 (extended) South to the Northeast corner of Lot 312 and bounded on the West by the West line of Lot 265 (extended) South to the Northwest corner of Lot 324 as shown on the above described plat.

IN WITNESS WHEREOF, Petitioner has caused this instrument to be executed this 25th day of October 2005.

PLW II, LLC.
By: s/ Paul B. Wallace
PAUL B. WALLACE
Its Authorized Member

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **PAUL B. WALLACE**, whose name as Member of **PLW II, LLC.**, a limited liability company, 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 said Member, executed the same voluntarily on the day the same bears date for and as the act of said company.

Given under my hand and official seal this 25th day of October 2005.

s/ Ella Laxson
NOTARY PUBLIC
My Commission Expires: 12-06-06

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2173-05

WHEREAS, **PLW II, LLC.**, a limited liability company, hereinafter referred to as Petitioner, is the owner of all of the lands and properties in said subdivision known as **MUSCLE SHOALS CENTER NUMBER 2** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyways, or portions thereof, has presented its signed Petition of Vacation of a part of said alleyways to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the property above referred to is more particularly described as follows:

That portion of that certain alleyway bounded on the North by the South line of Lots 265 through 277, inclusive, and bounded on the South by the North line of Lots 312 through 324, inclusive, all in **MUSCLE SHOALS CENTER NUMBER 2**, according to the map and survey prepared by P.S. Milner, and recorded in Map Book 2, Page 66, in the office of the Judge of Probate of Colbert County, Alabama. and bounded on the East by the East line of Lot 277 (extended) South to the Northeast corner of Lot 312 and bounded on the West by the West line of Lot 265 (extended) South to the Northwest corner of Lot 324 as shown on the above described plat.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portions of the alleyways to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks within the City of Muscle Shoals, Alabama, and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and the same is hereby given and granted to the vacation of the portion of the alleyway herein above described.

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 the vacation of a certain portion of Division Street located in Hamilton Place Subdivision.

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

STATE OF ALABAMA
COLBERT COUNTY

REVISED AND CORRECTED PETITION TO VACATE

COMES NOW the undersigned, **WILLIAM JACK COONS, JR. and wife, ALISHA KAY COONS AND SAMMIE MARIE AYCOCK**, hereinafter referred to as Petitioners, and presents unto the City Council of the City of Muscle Shoals, Alabama, as follows:

That Petitioners are the owners of all of the property abutting upon the following described property, more particularly described below, and that they desire to vacate said property and that they do, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to-wit:

That 70 foot wide portion of Division Street located in the City of Muscle Shoals, Alabama, that lies between Lots 13-16, Block 9 and Lots 17-20, Block 8, HAMILTON PLACE, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C. E., and recorded in Map Book 2, Page 255, in the Office of the Judge of Probate of Colbert County, Alabama.

That the undersigned Petitioners desire to vacate the above described property and to nullify

the effect of the dedication of said property reserving, however, an easement in favor of and the City of Muscle Shoals, for utilities, along with a right of access to maintain said utilities as the City may deem necessary.

NOW THEREFORE, in consideration of the premises, Petitioners hereby request that the City Council of the City of Muscle Shoals, assent to, approve, ratify and confirm the vacation of the above described property and the annulment of the dedication of such property to the use of the public reserving, however, an easement in favor of the City of Muscle Shoals, for utilities, along with a right of access to maintain said utilities as the City may deem necessary.

The undersigned Petitioners further request that the City Council of the City of Muscle Shoals authorize and direct the Honorable Mayor the City of Muscle Shoals, to execute a Quitclaim Deed to the Petitioners whereby the City of Muscle Shoals, shall remise, release and quitclaim unto said Petitioners whatever right, title and interest the said City of Muscle Shoals may have acquired in and to the herein above described property by virtue of the City of Muscle Shoals, for utilities, but reserving, however, an easement in favor of and the City of Muscle Shoals, for utilities, along with a right of access to maintain said utilities as the City may deem necessary, and that the City Clerk, be authorized and directed on behalf of the City of Muscle Shoals, Alabama, to attest to the same.

This petition is given to correct that petition dated March 4, 2005 that did not include Lots 13, 14 and 15 of Block 9 and Lots 18, 19 and 20 of Block 8, all in Hamilton Place subdivision.

IN WITNESS WHEREOF, Petitioners have hereunto set their hand and affixed their seal on the day below set out.

s/ William Jack Coons Jr. _____

WILLIAM JACK COONS, JR.

s/ Alisha Kay Coons _____

ALISHA KAY COONS

s/ Sammie Marie Aycock _____

SAMMIE MARIE AYCOCK

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and in said State, hereby certify that **WILLIAM JACK COONS, JR. and wife, ALISHA KAY COONS**, whose names are signed to the foregoing and who are known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 7th day of November, 2005.

s/Richard L. Williams _____

Notary Public

My Commission Expires: 12-22-05

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and in said State, hereby certify that **SAMMIE MARIE AYCOCK**, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 7th day of November, 2005.

s/ Richard L. Williams

Notary Public

My Commission Expires: 12/22/08

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2174-05

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, as follows:

WHEREAS, a declaration in writing, executed and acknowledged by the owners and all persons having an interest in all of the lots or parcels of land upon which an unopened street and public alley right of way (drawing attached as Exhibit "A") is located in the following described parcel in Colbert County:

That 70 foot wide portion of Division Street located in the City of Muscle Shoals, Alabama, that lies between Lots 13-16, Block 9 and Lots 17-20, Block 8, HAMILTON PLACE, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C. E., and recorded in Map Book 2, Page 255, in the Office of the Judge of Probate of Colbert County, Alabama.

has been filed with the City Council of the City of Muscle Shoals, Alabama, which declares the aforesaid streets and public alley right of way to be vacated; and

WHEREAS, the City Council of Muscle Shoals, Alabama, has considered said vacation and abandonment, and it is the opinion of the said City Council that the proposed vacation and abandonment of said streets and public alley right of way will not affect the means of ingress and egress to and from the property abutting said streets and public alley right of way, and convenient means of ingress and egress to and from their property will be afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey, either by the remaining streets and alleys dedicated by such map, plat or survey or by other streets or alleys dedicated; and

WHEREAS it appears to the City Council of the City of Muscle Shoals, that the allegations of said declaration are true; that all property owners owning property abutting said streets and public alley right of way have entered into the execution of said declaration and the provisions of Section 35-2-54, Code of Alabama, 1975 have been strictly complied with and that said declaration is sufficient to effectuate the vacation said streets and public alley right of way.

WHEREAS, it appears that the said streets and public alley right of way to be vacated is situated in Colbert County, Alabama, and inside the City limits of Muscle Shoals, Alabama and that it is to the interest of the streets and public alley right of way that the assent of the City Council of Muscle Shoals, Alabama be given to said declaration.

WHEREAS, it appears that the city had previously vacated Lot 17 in Block 8 and Lot 16 in Block 9.

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

1. The assent of the City Council of the City of Muscle Shoals, Alabama is hereby given to the vacation of any and all streets and public alley right of way contained and/or located within the perimeters of the following described property in Colbert County, Alabama:

2. The City Council of the City of Muscle Shoals, Alabama does hereby vacate and abandon to the abutting property owners those certain streets and public alley right of way described above.

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 Resolution had been approved.

Mayor Bradford announced that the next item of business was the consideration of a resolution releasing certain plat conditions in the Union Central Square subdivision.

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 2175-05

WHEREAS, the plat of "Union Central Square" was approved by the City of Muscle Shoals and is recorded in Map Cabinet "C" at Slide 61 in the Office of the Probate Judge of Colbert County, Alabama;

WHEREAS, City and the developer of said Union Central Square Subdivision agreed that a certain area of the subdivision would be reserved for drainage an possible future development and said area is shown on the recorded plat as lying between Lots 8 and 11 on said plat;

WHEREAS, the developer of said subdivision has provided easements to the City over, across and through said property and the City Council is informed by the City's engineer that the necessary drainage as required by the City has been provided for and no further drainage is needed and the property has been properly prepared for future development.

WHEREAS, the City Council has determined, after review of the facts and circumstances and consultation with its engineer, that the City's interest in providing for adequate drainage of the area developed as Union Central Square has been provided for and the property is now available for future development;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve and accept the improvements for the drainage of Union Central Square and does hereby release from the condition on the plat of said subdivision as to the reservation for drainage and finds that the said area is available for future development.

The City Council finds that the following described property as shown on the plat of

Union Central Square is the area that was reserved for drainage and possible future development:

Tract 1:

A parcel of land lying North of Lot 8, in "Union Central Square" known and designated according to the map and survey recorded in Map Cabinet "C", Slide 61, more particularly described as follows:

Begin at the Northeast corner of Lot 8 in said "Union Central Square" and run North a distance of 70 feet to a point; thence run West a distance of 131.99 feet to a point; thence run South a distance of 70 feet to a point, being the Northwest corner of said Lot 8; thence run East along the North line of said Lot 8 a distance of 131.99 feet to the point of beginning.

The above described property is the same parcel of property as shown on the recorded plat of said "Union Central Square" as recorded in Map Cabinet "C", Slide 61 in the Office of the Probate Judge of Colbert County, Alabama immediately to the North of Lot 8 and was intended to be referred to as Lot 9 but said designation was inadvertently omitted from said recorded plat.

Tract 2:

A parcel of land lying South of Lot 11, in "Union Central Square" known and designated according to the map and survey recorded in Map Cabinet "C", Slide 61, more particularly described as follows:

Begin at the Southeast corner of Lot 11 in said "Union Central Square" and run South a distance of 70 feet to a point; thence run West a distance of 131.99 feet to a point; thence run North a distance of 70 feet to a point, being the Southwest corner of said Lot 11; thence run East along the South line of said Lot 11 a distance of 131.99 feet to the point of beginning.

The above described property is the same parcel of property as shown on the recorded plat of said "Union Central Square" as recorded in Map Cabinet "C", Slide 61 in the Office of the Probate Judge of Colbert County, Alabama immediately to the South of Lot 11 and was intended to be referred to as Lot 10 but said designation was inadvertently omitted from said recorded plat.

BE IT HEREBY FURTHER RESOLVED that the City Council does hereby states that the City of Muscle Shoals finds that the language on the plat reserving the above area for drainage and possible future development may be removed and the requirements of the City of Muscle Shoals, Alabama as to the requirement that said property be reserved for drainage is hereby satisfied and said requirement, insofar as the City of Muscle Shoals, Alabama is concerned is no longer needed nor effective.

BE IT FURTHER RESOLVED that the Clerk of the City shall cause a certified copy of this Resolution to be filed of record in the Office of the Judge of Probate of Colbert County, Alabama.

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 and consistent with the intent of said Resolution that he may deem necessary for and on behalf of the City.

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 consideration of a resolution appointing a member to the Library 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: Lisa M. Claunch
Council Member Willis: Lisa M. Claunch
Council Member Grissom: Lisa M. Claunch
Council Member Holland: Lisa M. Claunch
Council Member Noles: Lisa M. Claunch
Mayor Bradford: Lisa M. Claunch

Mayor Bradford announced that Lisa M. Claunch had received a majority of the votes cast and the resolution was approved.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2176 - 05

WHEREAS, the term of a member of the Muscle Shoals Library Board has expired 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:

Lisa M. Claunch

WHEREAS, Lisa M. Claunch was the lone candidate and her previous volunteer experience with the public library was well documented, and

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

Council Member Pampinto: Lisa M. Claunch
Council Member Willis: Lisa M. Claunch
Council Member Grissom: Lisa M. Claunch
Council Member Holland: Lisa M. Claunch
Council Member Noles: Lisa M. Claunch
Mayor Bradford: Lisa M. Claunch

WHEREAS, Mayor Bradford announced that Lisa M. Claunch 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>
Lisa M. Claunch	Library Board	November 2009

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

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to execute an agreement with the Alabama Department of Transportation for the widening of 6th Street at the Industrial Airpark.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2177-05

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

1. That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:
Project ST-017-888-015, widening of CR-24 (6th Street) to include adding a center turn lane and a deceleration lane at Muscle Shoals Industrial Park Drive and the construction of an Industrial Park Entrance in the City of Muscle Shoals; which Agreement is before this Council.
2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

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 consideration of a resolution declaring certain equipment in the Fire Department as surplus and authorizing the Fire Chief to dispose of it as directed.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2178 -05

WHEREAS, the City Council has been informed by the Fire Chief that certain of the self contained breathing apparatus (SCBA) used in the performance of duties are no longer required for use by the fire department; and

WHEREAS, the City Council is informed that the self contained breathing apparatus have been replaced and the said self contained breathing apparatus are no longer in service and that a request by another fire department has been made for transfer of the self contained breathing apparatus for use in the performance of fire suppression activities; and

WHEREAS, the City Council has determined that the said self contained breathing apparatus are surplus property and the City has no further use for said self contained breathing apparatus due to their age and condition and it is not economical for the City to retool or refit the said self contained breathing apparatus in order that they be able to be placed in service in the fire department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following self contained breathing apparatus be declared surplus property and be disposed of by the Fire Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said self contained breathing apparatus and the Council does hereby authorize the Fire Chief to dispose of said self contained breathing apparatus in such manner. The Council finds that the following self contained breathing apparatus are surplus property:

One MSA self contained breathing apparatus Serial #485078
One MSA self contained breathing apparatus Serial #449911
One MSA self contained breathing apparatus Serial #H29478B
One MSA self contained breathing apparatus Serial #49910

BE IT FURTHER RESOLVED that the Fire Chief is authorized to take the steps necessary to convey the above described self contained breathing apparatus to the Riverton Rose Trail Volunteer Fire Department in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum of One and no/100 (\$1.00).

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 adopting the National Incident Management System.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2179 - 05

WHEREAS, in the past three (3) years America has undergone a drastic change in the way we now view the safety and security of our country and its' citizens and our allies; and

WHEREAS, we are now fully aware of the cowardly acts of terrorism on American citizens by some organizations throughout the world. Our government has realized the need for a more organized and uniform system of command and control in incidents involving acts of terrorism, natural disasters and man-made disasters; and

WHEREAS, upon realizing that the current form of Incident Command System (ICS) currently being used needed to be modified to make it more feasible for the world as we live in it today.

NOW, THEREFORE, BE IT RESOLVED, that by Homeland Security Presidential Directive (HSPD) - we are to now begin the process of phasing in the National Incident Management System (NIMS).

BE IT FURTHER RESOLVED, the City of Muscle Shoals adopts the National Incident Management System (NIMS) as the standard for emergency response in Muscle Shoals, Alabama.

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 declaring dirt stockpiled by the city as surplus and authorizing its sale.

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 2180-05

WHEREAS, the City Council has been informed that it has a surplus of dirt that is currently stockpiled on City property and that said quantity of dirt is in greater amounts than necessary to meet the needs of the City for its current or anticipated future use; and

WHEREAS, the City Council has caused the value of the dirt to be ascertained and is informed that a fair price for the surplus dirt is \$0.25 per cubic yard; and

WHEREAS, the City Council has received a proposal to purchase surplus dirt from the City and has determined that it is in the best interest of the City to dispose of the excess dirt; and

WHEREAS, the City Council is desirous of doing so and that the excess dirt shall be sold in its “as is, where is”, condition and location to Woodis Properties, LLC in such quantity as may be purchased by said Woodis Properties, LLC so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City’s engineer for future or anticipated projects; and

WHEREAS, the City Council is informed that there is no current need of the surplus dirt for future or anticipated projects at this time;

WHEREAS, the City Council has determined that the City has no current or anticipated use for said dirt and that the removal of the dirt from the current stockpile is not detrimental to the City’s interests and the receipt of the funds for the purchase of the said surplus dirt is beneficial to the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the sale of the surplus dirt currently stockpiled by the City is hereby approved. The price of the surplus dirt shall be \$0.25 per cubic yard and shall be calculated per cubic yard of dirt removed from the City’s stockpile. The terms of the sale shall include that the City shall not transport or deliver the dirt but shall require the purchaser to accept the dirt in its “as is, where is” condition. The purchase price shall include the loading of the dirt by the City onto vehicles provided by the Purchaser. Further terms shall include that the quantity of dirt obtained by the Purchaser shall be limited to the quantity as may be purchased by said Woodis Properties, LLC so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City’s engineer for future or anticipated projects. The City shall require payment of the surplus dirt based upon the calculation of the quantity of dirt removed from the City’s stockpile and said payment shall be due upon presentment of the invoice for the surplus dirt.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into an agreement for the sale of said surplus dirt in a manner consistent with the terms of this Resolution.

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 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