

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 5, 2007**

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 November 2007 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM
JAMES HOLLAND, ALLEN NOLES, 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 15, 2007 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 construction of a sign and wall at the Shoals Research Airpark.

Council Member Noles introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2295-07

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

[1] That advertisements for bids for the construction of an entrance wall at Shoals Research Airpark on 6th Street were distributed, the bid opening being set for the 27th day of September, 2007, 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>BASE BID AMOUNT:</u>	<u>Additive Alternate No. 1</u>	<u>Deductive Alternate No. 2</u>
Calenco, LLC	\$214,311.00	\$15,244.00	\$14,178.00

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[3] The sole, bidder, also being the lowest, responsive and responsible bidder has been determined as Calenco, LLC. Negotiations with the sole bidder resulted in the following revisions to the scope of work and pricing:

- Use East-West Stone, Inc. Stone veneer in lieu of Dolomitic Limestone as originally specified. Color and texture to be selected by owner
- Use reverse split-face block in lieu of stucco on any exposed areas of the wall not covered by back fill.
- Use East-West Stone standard modular columns (18" x 18") for all "small" columns
- The back of all exposed columns are to clad in stone veneer
- Use Structural Steel framing and Dryvit exterior finish for main sign. All associated masonry remains unchanged. (Per design sketches issued by White, Lynn, Collins Engineers on 11/05/2007). Color and texture to be selected by owner.
- Use 6" solid reinforced cmu in lieu of 4" core, provide backfill to within 12" of retaining wall, provide gravel envelope and French drain behind retaining wall. Provide additional reinforcing and 3.5' footing in lieu of 3.0' (Per design sketches issued by White, Lynn, Collins Engineers on 11/05/2007).
- The deductive alternate taken
- The additive alternate (extra columns and rail fencing) price of \$14,101.00 included

[4] The guaranteed maximum price to complete all work with the deductive alternate taken, including structural revisions is \$189,068.00 (one hundred eighty nine thousand, sixty eight dollars).

BE IT FURTHER RESOLVED that the apparent lowest, responsive and responsible bidder, Calenco, LLC., is now awarded the bid for the construction of an entrance wall on 6th Street at Shoals Research Airpark, for \$189,068.00.

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 an ordinance to award a bid for construction of sidewalks under the Alabama Department of Transportation's 2006 Transportation Enhancement Program.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2296-07

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

[1] That the City Engineer did again send out advertisements for bids for the construction of the 2006 Sidewalk Improvements Project, the bid opening being set for the 26th day of October, 2007, 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>	TOTAL BID AMOUNT:
Calenco, LLC	\$267,895.81
Joe Keenum Excavation & Construction, Inc.	297,083.00
North Alabama Paving	341,249.75
Oakley Excavating	322,730.00
Rutherford Contracting, Inc.	259,391.00
Thompson-Fisher, Inc.	466,481.03
Warren Ballard Construction	337,958.00

[3] After verifying the bid with the specifications, it has been determined that the lowest bid of Rutherford Contracting, Inc. in the amount of \$259,391.00 is considered non-responsive for the following reasons:

- a. The bid bond for this bidder was not submitted on the bid bond form provided and required by ALDOT in the bid proposal.

Further, the second lowest bid submitted by Calenco, LLC in the amount of \$267,895.81 is considered non-responsive for the following reasons:

- a. The bidder removed the bid proposal form from the contract documents booklet.
- b. The bidder did not sign, seal, and return the section covering the requirements for federal-aid funded projects.

[4] The third lowest bid was submitted by Joe Keenum Excavation & Construction, Inc. In the amount of \$297,083.00, and has been determined as the lowest, responsive, and responsible bidder.

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 a public hearing to consider the issuance of a Restaurant Retail Liquor License to Brett Armstrong dba Something Fishy located at 301 Ford Road.

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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (Off Premise only) to D. M. Kumar Inc. dba Raceway Muscle Shoals located at 2600 Woodward 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (Package) to Beverage Works Inc. dba Buena Vista Spirits located at 601 Buena Vista.

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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance to convey real property in the Darrow subdivision to the Utilities Board.

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

STATE OF ALABAMA
COLBERT COUNTY

ORDINANCE NUMBER 1394 -07

WHEREAS, the Council of the City of Muscle Shoals, Alabama is the owner of a certain parcel of property situated in the City of Muscle Shoals, Alabama; and

WHEREAS, the Council has determined that a portion of the property owned by the City is no longer needed by the City;

WHEREAS, a request to acquire a portion of the property that is not used and not needed by the City for use by The Utilities Board of the City of Muscle Shoals, and the City has considered the request for the conveyance of the unused portion of the property and that the Council has determined that the request to acquire the property by The Utilities Board of the City of Muscle Shoals is in the best interests of the City;

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

1. That the City of Muscle Shoals, Alabama convey unto The Utilities Board of the City of Muscle Shoals the following described parcel of real property, same being, lying and situated in the City of Muscle Shoals, Colbert County, Alabama, to wit:

Lots 1 through 11, Lots 150 through 154, Lots 180 through 184, all in Block 1, along with the 15 foot Alley running East and West between Lakeview Avenue and Highland Avenue and the 15 foot Alley running North and South between Lots 180 through 184 and Lots 150 through 154, ALSO Lots 12 and 13 and the Westwardly 50 feet of Lots 145 through 149 all in Block 2 along with a part of the 15 foot Alley running East and West between said Lots 12 and 13 and that part of Lot 149 and that part of Highland Avenue (50 foot right of way) running North and South between Plant Street and the Southwardly line of Lot 154, Block 1, and Lot 145, Block 2, all in **DARROW SUBDIVISION**, according to the map or plat of said subdivision as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 127 and being more particularly described as follows, to wit:

Commence at an iron pin set (capped typical R. Collins, L.S.-13406) at the Northwest corner of said Lot 1, Block 1; said point being the intersection of the Eastwardly right of way of Lakeview Avenue (28 foot right of way) with the Southwardly right of way of Plant Street (right of way varies); thence S 88 degrees 57' 05" E and along the Southwardly right of way of said Plant Street 375.00 feet to an iron pin set at the Northeast corner of said Lot 13, Block 2; thence leaving said right of way S 01 degree 38' 00" W and along the Eastwardly line of said Lot 13 and its extension 270.00 feet to an iron pin set on the Southwardly line of said Lot 145, Block 2; thence N 88 degrees 57' 05" W and along the Southwardly line of said Lot 145, Block 2, Lot 154, Block 1, and Lot 180, Block 1, and their extensions 375.00 feet to an iron pin set on the Eastwardly right of way of said

Lakeview Avenue at the Southwest corner of said Lot 180, Block 1; thence N 01 degree 38' 00" E and along said right of way and along the Westwardly line of said Block 1 of Darrow Subdivision 270.00 feet to the point of beginning. Said tract contains 2.32 acres, more or less, and is subject to any easements of record or easements existing on site.

2. That in consideration of the said conveyance by the City to The Utilities Board of the City of Muscle Shoals, Alabama that the Board pay unto the City all costs of surveying and legal expenses incurred by the City in connection with the preparation of said portion of property for conveyance.

3. That the Mayor of the City of Muscle Shoals, Alabama, Mr. David H. Bradford, is hereby authorized to execute and deliver, same to be attested by Richard L. Williams, Clerk of the City, the deed of the City and all other documents necessary to effectuate the conveyance of the property from the City unto The Utilities Board of the City of Muscle Shoals.

Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Willis and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, 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 and spread upon the minutes of the meeting, which motion was seconded by Council Member Willis and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

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

NAYS: None

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

Mayor Bradford announced the next item of business was consideration of a resolution to commit local matching funds for the 2008 Transportation Enhancement Grant application.

Council Member Willis introduced the following resolution in writing in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2297 - 07

WHEREAS, the Alabama Department of Transportation is soliciting applications for Transportation Enhancement Projects for FY 2008, and

WHEREAS, the City of Muscle Shoals desires to apply for and receive funding for the 2008 Muscle Shoals Downtown Beautification Project in the amount of \$402,638, and

WHEREAS, the City of Muscle Shoals agrees to match twenty percent (20%) of said project cost,

NOW, THEREFORE BE IT RESOLVED, THAT the City of Muscle Shoals does hereby approve the submission of the 2008 Muscle Shoals Downtown Beautification Project.

Council Member Willis moved that the resolution be approved as presented. 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 the next item of business was consideration of a resolution concurring with the Alabama Department of Transportation's construction of phase 2 of the Alabama 133 (Wilson Dam Road) development.

Council Member Holland introduced the following resolution in writing in the meeting:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2298 - 07

WHEREAS, the City Of Muscle Shoals, Alabama (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made to SR-133(Wilson Dam Road) in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. (s) STPAA-8829(600) from Station 94+00.00 to Station 216+50.00 for a total distance of 2.226 miles;

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said projects until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama hat the plans of said projects including alignment, profile, grades, typical sections and paving layouts as submitted to this Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said projects as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said projects in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said projects and intersecting streets for as long as necessary while the said projects are being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City shall indemnify and hold harmless the State, the Department, its officers, officials, servants, agents, representatives, and employees in both their individual and official capacities from all suits, actions, or claims for damage done to existing private property, public

utilities, or the traveling public due to acts, or omissions, committed on behalf of the agency, its officers, officials, servants, agents, representatives, or employees. The Council hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

Temporarily detour traffic both along parallel and intersecting streets.
Temporarily close intersecting streets during construction.

BE IT FURTHER RESOLVED by the City, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said projects, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned projects the City will not now or in the future permit encroachments upon the right-of-way; and will assist ALDOT in removal of the same.

Nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossovers, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation and of the Federal Highway Administration, prior to installation and the County further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by the Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City of Muscle Shoals.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

Council Member Holland moved that the resolution be approved as presented. 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 appointing a member to the Colbert County Tourism and Conventions Bureau 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: Thomas M. Pennington
 Council Member Willis: Thomas M. Pennington
 Council Member Grissom: Thomas M. Pennington
 Council Member Holland: Thomas M. Pennington
 Council Member Noles: Thomas M. Pennington
 Mayor Bradford: Thomas M. Pennington

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

RESOLUTION NUMBER 2299 - 07

WHEREAS, the term of a member of the Colbert County Tourism and Conventions Bureau 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 individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Thomas M. Pennington

WHEREAS, Thomas M. Pennington was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: Thomas M. Pennington
 Council Member Willis: Thomas M. Pennington
 Council Member Grissom: Thomas M. Pennington
 Council Member Holland: Thomas M. Pennington
 Council Member Noles: Thomas M. Pennington
 Mayor Bradford: Thomas M. Pennington

WHEREAS, Mayor Bradford announced that Thomas M. Pennington 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>
Thomas M. Pennington	Tourism Board	October 2010

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 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 an ordinance to annex a portion of property owned by Covenant Christian School.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION FOR UNANIMOUS CONSENT TO ANNEXATION
TO THE CITY OF MUSCLE SHOALS, ALABAMA:

The undersigned, COVENANT CHRISTIAN SCHOOL, INC., being the owner of all of the hereinafter described real property, does hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, Code of Alabama, 1975, said property being more particularly described as follows, to wit:

A tract or parcel of land lying in the West ½ of the East ½ of Section 10, TS4, R11W, Colbert County, Alabama and being more fully described as follows: Commence at the Southwest corner of the NE ¼ of said Section 10; run thence North 1 degree 06 minutes 30 seconds West along the quarter line for 292.9 feet to a point which is 100 feet south of and perpendicular of the centerline to the old M & C Railroad bed now abandoned; run thence South 76 degrees, 50 minutes East along the South right of way line for said road bed for 664.11 feet to the point of beginning of the tract herein described; run thence South 76 degrees 50 minutes East along the South right of way line of said road bed for 500 feet; run thence South 1 degree 06 minutes 30 seconds East for 1080 feet, more or less, to the existing municipal corporate line of the City of Tuscumbia, Alabama; run thence in a northwesterly direction along the existing municipal corporate line of the City of Tuscumbia, Alabama to a point on the west boundary line of the property owned by Covenant Christian School, Inc.; run thence North 1 degree 06 minutes 30 seconds West for 680 feet, more or less, to the existing municipal corporate line of the City of Muscle Shoals, Alabama.

For purposes of further identification, the tract described herein is also described as being a part of Parcel # 13-02-10-4-001-004.001 in the Office of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represents unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned is the sole owner of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.
2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the Code of Alabama, 1975.
3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

NOW, THEREFORE, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an

Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

IN WITNESS WHEREOF, Covenant Christian School, Inc. has executed this Petition by its Administrator, who is duly authorized to sign the same in the name of and on behalf of said non-profit corporation, on this the 28th day of June, 2007.

COVENANT CHRISTIAN SCHOOL, INC.

By: s/Becky O'Dell

Its: Administrator

STATE OF ALABAMA
COLBERT COUNTY

The undersigned authority, a Notary Public in and for said county, in said state, hereby certify that BECKY ODELL, Administrator of Covenant Christian School, Inc., 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, that she, in such capacity signed the same voluntarily for and as the act of said corporation on the day that same bears date.

Given under my hand and official seal this 28th day of June, 2007.

s/ Julia Stokes

Notary Public

My Commission expires: 3-04-08

ORDINANCE NO. 1395 - 07

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

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

Commence at the Southwest corner of the NE ¹/₄ of said Section 10; run thence North 1 degree 06 minutes 30 seconds West along the quarter line for 292.9 feet to a point which is 100 feet south of and perpendicular of the centerline to the old M & C Railroad bed now abandoned; run thence South 76 degrees, 50 minutes East along the South right of way line for said road bed for 1164.11 feet; run thence South 1 degree 06 minutes 30 seconds East for 561 feet to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1393-07), and the point of beginning of the tract of land herein described; continue thence South 1 degree 06 minutes 30 seconds East for 255.50 feet, more or less, to a point equidistant between the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1393-07) and the existing municipal line of the City of Tuscumbia, Alabama; run thence in a northwesterly direction along a line equidistant between the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1393-07) and the existing municipal line of the

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City of Tuscumbia, Alabama to a point on the west boundary line of the property owned by Covenant Christian School, Inc.; run thence North 1 degree 06 minutes 30 seconds West for 132.50 feet, more or less, to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1393-07); run thence in a southeasterly direction along the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1393-07) to the point of beginning of the tract of land herein described.

For purposes of further identification, the tract described herein is also described as a part of Parcel # 13-02-10-4-001-004.001 in the Office of the Revenue Commissioner of Colbert County, Alabama.

Section 3. The above property is phase two of an anticipated series of annexations of property owned by the Petitioner and is adjacent to and abuts that certain parcel of property annexed by Ordinance of the City Council duly adopted on September 17, 2007.

Section 4. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owner, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 4 of this Ordinance.

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 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 Noles then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, 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 passed and adopted as introduced.

Mayor Bradford announced the next item of business was consideration of a resolution to authorize the Mayor to execute an amendment to the agreement with Shoals Marketplace LLC.

Council Member Grissom introduced the following resolution in writing in the meeting:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2300 - 07

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a proposal to extend the time for repayment of the indebtedness of Shoals Marketplace, LLC for a period of time on or before July 1, 2009 subject to certain provisions in the said renewal note and whereas said proposal provides for payment to the City upon failure to sell any of the outlots or parcels secured by mortgage in favor of the City, and;

WHEREAS, the City Council has reviewed the contents of the proposal and the documents entitled Renewal and Supplemental Mortgage Note and Supplemental Mortgage and finds that it is in the best interests of the City to enter into and accept the proposal and documents; and

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve and accept the terms of proposal to extend the time for repayment of the indebtedness of Shoals Marketplace, LLC and the terms and conditions contained in the documents denominated Second Renewal and Supplemental Mortgage Note and Supplemental Mortgage by and between the City of Muscle Shoals, Alabama and Shoals Marketplace, LLC and further does hereby authorize and direct the Mayor of the City, David H. Bradford, to accept delivery of the said documents executed by Shoals Marketplace, LLC in favor of the City of Muscle Shoals, Alabama.

Council Member Grissom moved that the resolution be approved 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 Resolution had been approved.

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There being no further business to come before the meeting, Council Member Pampinto moved that the meeting be continued until Tuesday, November 13, 2007 at 5:00 pm. 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 motion has passed.

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