

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 22, 2015**

---

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:10 p.m. on the 22<sup>nd</sup> day of June, 2015 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART  
          JAMES HOLLAND, ALLEN NOLES  
ABSENT: NONE

James Holland, President of the Council, 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. Mayor David Bradford was present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto and seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of June 15, 2015 and approved the minutes as written.

Mayor Bradford reported that the next Phase of the Wilson Dam Road improvements will begin in July with utility relocation. Construction is scheduled for early 2016. He also noted that Cypress Lakes will be hosting a W. C. Handy music festival event.

President Holland announced that the next item of business was consideration of a resolution to reject the bids for the purchase of a knuckle boom loader and trailer.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2749-15**

**BE IT RESOLVED**, by the Council of the City of Muscle Shoals, Alabama that the Procurement Agent did send out advertisements for bids for the purchase of a knuckle boom

loader and trailer, the bid opening being held June 3, 2015 at the City Hall of the City of Muscle Shoals, Alabama.

**BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<b>Bidder</b>	<b>Price for Loader and Trailer</b>	<b>Optional Electric Tarp System</b>	<b>Total Bid Amount</b>
Ingram Equipment	\$82,017.00	\$1,690.00	\$83,707.00
Sansom Equipment	\$73,202.00	\$3,402.00	\$76,604.00

**BE IT FURTHER RESOLVED**, that the bidders Ingram Equipment, and Sansom Equipment were determined to be non-responsive bids, as both bidders failed to meet the required minimum specifications with the following exceptions:

<b>EXCEPTIONS to MINIMUM SPECIFICATIONS</b>		
	<b>INGRAM EQUIPMENT</b>	<b>SANSOM EQUIPMENT</b>
1.	Did not meet the lower subframe requirements (Sec 1-4)	Did not meet pedestal requirements for frame and lower subframe (Sec 1-1;3;4)
2.	Did not meet stabilizer spread (Sec 6-2)	Did not meet hydraulic joystick requirement of operator's station (Sec 5-7)
3.	Did not meet main pressure relief minimum on hydraulic system (Sec 9-5)	Did not meet exposed stabilizer cylinders (sec 6-1)
4.	Did not meet I-Beam requirements on trailer (Sec 14-3)	Did not meet minimum bore/stroke requirements of cylinders (Sec 8-1;2;3;4)
5.	Did not meet door design on trailer (Sec 14-17)	Did not meet hydraulic cut-off valves for return line (Sec 9-3)
6.	Did not provide E-Verify Memorandum of Understanding	Did not provide E-Verify Memorandum of Understanding

Due to all bids being evaluated to be non-responsive, it was determined that in the best interest of the City, all bids were rejected with no award. The Procurement Agent was granted permission to re-evaluate the minimum specifications required, and solicit for new bids with revised specifications.

**NOW THEREFORE, BE IT RESOLVED**, that all bids submitted for the purchase of a knuckleboom loader and trailer were thereupon rejected.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to consider award of the bid for paving.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2750-15**

**BE IT RESOLVED** by the Council of the City of Muscle Shoals, Alabama that the City Procurement Agent did send out advertisements for bids for the 2015 Street Paving Project of the city, the bid opening being set for the 17th day of June, 2015, at the City Hall of the City of Muscle Shoals, Alabama.

**BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

BIDDER	408A-052 Planing Per SY	424A-340 Wearing Surface Per Ton	424B-640 Binder- Patching Per Ton	424-B-642 Binder- Leveling Per Ton	Total Bid Amount
Joe Keenum Excavation & Construction, Inc	\$20.00	\$96.00	\$110.00	\$98.00	\$238,370.00
Midsouth Paving, Inc	\$40.92	\$88.86	\$135.32	\$118.80	\$242,875.40
North Alabama Paving, Inc	\$10.00	\$85.00	\$85.00	\$90.00	\$204,800.00
Rogers Group, Inc	\$24.40	\$79.25	\$73.25	\$76.00	\$190,870.00

**BE IT FURTHER RESOLVED**, that the lowest, responsible and responsive bidder, after verifying the bid with the specifications and unit prices submitted for estimated quantities of the specifications, and based upon the total bid amount, has been determined as Rogers Group, Inc. with a total bid price amount of \$190,870.00.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the apparent lowest, responsive and responsible bidder, Rogers Group, Inc. is now awarded the bid based upon the total bid amount for the 2015 Street Paving Project at the bid price of \$190,870.00.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to approve retail incentives for PGM Properties LLC to develop a retail center at the northwest corner of the intersection of Sixth Street and Woodward Avenue under Section 94.01 of the Constitution of Alabama 1901, as amended (Amendment 772).

Council Member Lockhart introduced the following resolution and moved for its immediate consideration:  
STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2751 -15**

WHEREAS, Section 94.01 (a) (3) of the Alabama Constitution of 1901, as amended (Amendment 772) authorizes county and municipal governments to "lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the county or municipality; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has considered the request of PGM Properties, LLC for the grant of inducements relative to the construction and operation of a retail center located outside the Wilson Dam Corridor and more specifically at or near the intersection of Sixth Street and Woodward Avenue within the City of Muscle Shoals, Alabama and to further induce eligible and qualifying retail establishments to locate and operate retail establishments within said area and hereby makes the following findings, to wit:

1. Notice of a public meeting, including a description of the proposed benefits to PGM Properties, LLC to be held at City Hall on Monday, June 22, 2015 at 6:00 p.m. was published in the *TimesDaily* on June 14, 2015.
2. A public meeting was in fact held before the City Council of Muscle Shoals on June 22, 2015 at 6:00 p.m. and all persons present were given the opportunity to make comment and ask questions.
3. The inducements to PGM Properties, LLC, a private entity, and the expenditure of public funds as outlined herein serve valid and sufficient public purposes, including, but not limited to, inducing eligible and qualifying retail establishments, to include eligible and qualifying retail establishments to locate and operate within said area within the City of Muscle Shoals, Alabama and the development of retail businesses at or near the intersection of Sixth Street and Woodward Avenue, both primary traffic arteries within the City, notwithstanding any incidental benefits accruing to PGM Properties, LLC and its principals and its owners.

WHEREAS, the City has determined that entry into the transactions described herein will promote the economic development of the City, will create jobs within the City, will increase the tax,

NOW, THEREFORE, PREMISES CONSIDERED, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following inducements for the benefit of PGM Properties, LLC are hereby approved, to wit:

1. The City of Muscle Shoals agrees that PGM Properties, LLC will be entitled to receive an amount equal to 50% of all municipal sales tax revenue generated from sales by a PGM Properties, LLC retail center to be located within said area location, namely at or near the intersection of Sixth Street and Woodward Avenue in the City of Muscle Shoals, Alabama.  
The current municipal sales tax rate in the City is 3.50%. The sales tax revenues to be shared shall not include any revenues received by the City (a) from any

increase in the rate of the sales tax enacted after June 15, 2015 or (b) any sales tax revenues related to construction, improvement and refurbishing of improvements at or near the intersection of Sixth Street and Woodward Avenue in the City of Muscle Shoals, Alabama or (c) any of costs, including the purchase price, incurred by PGM Properties, LLC associated with the initial acquisition of the property and the existing improvements thereon.

2. The amount of said payments due to PGM Properties, LLC shall be based upon and calculated according to the monthly sales tax report filed with the Department of Revenue by the eligible and qualifying retail establishment to be located within said area location. Payments will be made by the 15<sup>th</sup> of the succeeding month after the filing of the sales tax report.
  3. Payments hereunder shall not extend for a period greater than five (5) years from the date of the initial payment made by the City to PGM Properties, LLC. Nor shall the aggregate amount of the payments exceed \$250,000.00. The payments agreed to hereby shall cease to be the obligation of the City when the first of the following events shall occur:
    - a. The expiration of five (5) years from the date of the initial payment made by the City to PGM Properties, LLC.
    - b. The payment of the cumulative sum of \$250,000.00 to PGM Properties, LLC from the receipt of sales tax revenue generated from the retail center at the location at or near the intersection of Sixth Street and Woodward Avenue, Muscle Shoals, Alabama.
    - c. In the event that the retail sales of the eligible and qualifying retail establishment shall not reach the amount set forth for business outside the Wilson Dam Corridor for the initial year, then the payments for the succeeding year shall be reduced by a pro-rata amount in a ratio equal to the percentage of the reduced sales. In the event the retail sales of the eligible and qualifying retail establishment shall not reach the amount for the succeeding years than payments hereunder shall cease.
  4. An eligible and qualifying retail establishment for the purposes hereof is defined as a PGM Properties, LLC retail center located at or near the intersection of Sixth Street and Woodward Avenue in Muscle Shoals, Alabama.
  5. The incentives hereunder are non-transferable without the express written consent of the City of Muscle Shoals as approved by the City Council.
  6. The expenditure of public funds as hereinbefore described for the purposes specified will serve a valid and sufficient public purposes, notwithstanding any incidental benefit accruing to any private entity or entities, including PGM Properties, LLC.
  7. The Resolution reflects the City's negotiations to date; however, shall be binding only upon the execution of any other documents required or due to be executed by the City and PGM Properties, LLC.
  8. The City Council does hereby authorize and direct the Mayor of the City, David H. Bradford, to execute and deliver on behalf of the City all documents necessary and required to effectuate the purposes of said Resolution.
-

Council Member Pampinto seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Lockhart moved that the resolution be adopted as presented. Council Member Pampinto seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was approved.

President Holland announced that the next item of business was consideration of a resolution to appoint members to the Civil Service Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2752 - 15**

**WHEREAS**, the term of two members of the Civil Service Board of the City of Muscle Shoals have expired and the City Council being desirous of making the necessary appointments to said board within the City;

**WHEREAS**, notice was given to the public of said pending vacancies and applications solicited for members to said board;

**WHEREAS**, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Leon Madden                      Raymond Eggleston

**WHEREAS**, Leon Madden and Raymond Eggleston were determined to be the sole applicants and otherwise qualified, and

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

Council Member Pampinto: Leon Madden and Raymond Eggleston

Council Member Willis: Leon Madden and Raymond Eggleston

Council Member Lockhart: Leon Madden and Raymond Eggleston

Council Member Holland: Leon Madden and Raymond Eggleston

Council Member Noles: Leon Madden and Raymond Eggleston

**WHEREAS**, Council President Holland announced that Leon Madden and Raymond Eggleston had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named persons to serve a term effective until June 20, 2017.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Leon Madden	Civil Service Board	June 20, 2018
Raymond Eggleston	Civil Service Board	June 20, 2018

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

Council Member Pampinto seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None.

President Holland announced that the Resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to appoint a member to the SCOPE 310 Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2753 - 15**

**WHEREAS**, the terms of members of the SCOPE 310 Board have expired and the City Council being desirous of making the necessary appointments to said board within the City;

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

Judith McMeans

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

Council Member Pampinto: Judith McMeans

Council Member Willis: Judith McMeans

Council Member Lockhart: Judith McMeans

Council Member Holland: Judith McMeans

Council Member Noles: Judith McMeans

**WHEREAS**, President Holland announced that Judith McMeans had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Judith McMeans	SCOPE 310	April 2021

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

Council Member Pampinto seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None.

President Holland announced that the Resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to adopt the Colbert County Solid Waste Management plan.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2754 - 15**

**WHEREAS**, Southern Environmental Engineering Inc. has prepared on April 3, 2015 the Solid Waste Management Plan for Colbert County, Alabama, on behalf of the Shoals Solid Waste Disposal Authority, and

**WHEREAS**, this plan identifies the current solid waste management practices, the planned solid waste management practices, and procedures for public participation and local approval for a ten year planning period including calendar years 2015 through 2024, and

**WHEREAS**, the areas covered by the plan include all unincorporated areas within Colbert County, the City of Muscle Shoals, the City of Sheffield, the City of Tuscumbia, the Town of Cherokee, the Town of Leighton and the Town of Littleville, and

**WHEREAS**, a public hearing was held on April 2, 2015 at 9:00 AM, in the Colbert County Commission Meeting Room in the Colbert County Court House to receive public comment on the plan, and

**WHEREAS**, no written or oral comments were received, now

**THEREFORE BE IT RESOLVED** By the City Council of the City of Muscle Shoals, Alabama that the the Solid Waste Management Plan for Colbert County, Alabama is approved without revision, and

**BE IT FURTHER RESOLVED** that the City of Muscle Shoals agrees and subscribes to the limitations and requirements of this Plan.

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

President Holland announced that the resolution had been approved.



President Holland announced that the next item of business was consideration of an ordinance to annex properties owned by Ricky Veal and Veal Custom Homes LLC located on Gargis Lane across from Cornelius Landing.

Council Member Willis introduced the following petition and ordinance in writing and moved for its immediate consideration:

STATE OF ALABAMA     )  
COLBERT COUNTY        )

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

The undersigned, VEAL'S CUSTOM HOMES, LLC, an Alabama limited liability company, and RICKY VEAL, being the owners of all of the hereinafter described real property, do 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, as amended), said property being more particularly described as follows, to-wit:

Tract One:

A tract of land described as follows: Beginning at a point 1188 feet North of the Southwest corner of the West ½ of the Northwest ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama; thence run North a distance of 330 feet to a point; thence run East a distance of 1320 feet to a point; thence run South a distance of 330 feet; thence run West a distance of 1320 feet to the point of beginning.

Tract Two:

A tract of land lying and being in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Southwest corner of the West ½ of the NW ¼ of said Section 20; thence North 1° 19' 30" West a distance of 1524.52 feet to the point of beginning of the tract of land hereby described; thence continue North 1° 19' 30" West a distance of 331.43 feet; thence South 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' West a distance of 1329.25 feet to the point of beginning, containing 10.11 acres, more or less, and being subject to one-half the right of way of Gargis Lane along the West side.

Tract Three:

A tract of land lying in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet to the POINT OF BEGINNING; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the

West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

Tract Four:

A tract of land lying in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 30' E a distance of 211.94 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 726.59 feet to a point; thence run S 1° 24' E a distance of 149.61 feet to a point; thence run N 89° 37' W a distance of 727.06 feet to a point; thence run N 1° 30' W a distance of 149.61 feet to the POINT OF BEGINNING.

Tract Five:

A tract of land lying in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 614.635 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

Tract Six:

A tract of land lying in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 433.86 feet to a point; thence run S 89° 37' E a distance of 601.73 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 414.59 feet to a point; thence run S 1° 24' E a distance of 145.12 feet to a point; thence run S 89° 37' E a distance of 312.0 feet to a point; thence run S 1° 24' E a distance of 66.84 feet to a point; thence run N 89° 37' W a distance of 726.59 feet to a point; thence run N 1° 30' W a distance of 211.94 feet to the POINT OF BEGINNING.

For purposes of further identification, the above-described parcels are designated with the following parcel numbers by the office of the Revenue Commissioner of Colbert County, Alabama:

- 12-04-20-0-001-015.003;
- 12-04-20-0-001-015.004;
- 12-04-20-0-001-015.006;
- 12-04-20-0-001-015.013;

12-04-20-0-001-015.014; and  
12-04-20-0-001-015.015.

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

1. The undersigned are the sole owners 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, as amended).

Attached hereto as Exhibit "A" and made a part hereof is a map of the property sought to be annexed for the 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, Veal's Custom Homes, LLC, has caused this Petition to be executed by its sole member, who is duly authorized to sign the same in the name of and on behalf of said limited liability company on this the 12<sup>th</sup> day of June, 2015.

VEAL'S CUSTOM HOMES, LLC  
BY: s/ Ricky Veal  
Ricky Veal, its sole member

STATE OF ALABAMA     )  
COLBERT COUNTY     )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Ricky Veal, whose name as sole member of Veal's Custom Homes, LLC, is signed to the foregoing and who is known to me, did personally appear before me and acknowledge that, being informed of the contents of the foregoing, he signed the same voluntarily, and with full authority, for and as the act of Veal's Custom Homes, LLC, on the day the same bears date.

Given under my hand and official seal this the 12<sup>th</sup> day of June, 2015.

s/ Mae Hisey  
NOTARY PUBLIC

My Commission Expires: 4/28/2018

SEAL

IN WITNESS WHEREOF, Ricky Veal has executed this Petition on this the 12<sup>th</sup> day of June, 2015.

s/ Ricky Veal  
RICKY VEAL

STATE OF ALABAMA     )  
COLBERT COUNTY     )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Ricky Veal, whose name is signed to the foregoing and who is known to me, personally appeared before me and acknowledged that, being informed of the contents of the foregoing, he signed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12<sup>th</sup> day of June, 2015.

s/ Mae Hisey

NOTARY PUBLIC  
My Commission Expires: 4/28/2018

SEAL

**ORDINANCE NO. 1474 - 15**

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:

Tract One:

A tract of land described as follows: Beginning at a point 1188 feet North of the Southwest corner of the West ½ of the Northwest ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama; thence run North a distance of 330 feet to a point; thence run East a distance of 1320 feet to a point; thence run South a distance of 330 feet; thence run West a distance of 1320 feet to the point of beginning.

Tract Two:

A tract of land lying and being in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Southwest corner of the West ½ of the NW ¼ of said Section 20; thence North 1° 19' 30" West a distance of 1524.52 feet to the point of beginning of the tract of land hereby described; thence continue North 1° 19' 30" West a distance of 331.43 feet; thence South 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' West a distance of 1329.25 feet to

the point of beginning, containing 10.11 acres, more or less, and being subject to one-half the right of way of Gargis Lane along the West side.

Tract Three:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet to the POINT OF BEGINNING; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

Tract Four:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 30" E a distance of 211.94 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 726.59 feet to a point; thence run S 1° 24' E a distance of 149.61 feet to a point; thence run N 89° 37' W a distance of 727.06 feet to a point; thence run N 1° 30' W a distance of 149.61 feet to the POINT OF BEGINNING.

Tract Five:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 614.635 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

Tract Six:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 433.86 feet to a point; thence run S 89° 37' E a distance of 601.73 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 414.59 feet to a point; thence run S 1° 24' E a distance of 145.12 feet to a point; thence run S 89° 37' E a distance of 312.0 feet to a point; thence run S 1° 24' E a distance of 66.84 feet to a point; thence run N 89° 37' W a distance of

726.59 feet to a point; thence run N 1° 30' W a distance of 211.94 feet to the POINT OF BEGINNING.

For purposes of further identification, the above-described parcels are designated with the following parcel numbers by the office of the Revenue Commissioner of Colbert County, Alabama:

12-04-20-0-001-015.003;

12-04-20-0-001-015.004;

12-04-20-0-001-015.006;

12-04-20-0-001-015.013;

12-04-20-0-001-015.014; and

12-04-20-0-001-015.015.

Section 3. 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 owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. 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 3 hereof.

---

Council Member Noles seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Willis moved that the ordinance be adopted as presented. Council Member Noles seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the ordinance was approved.

President Holland announced that the next item of business was consideration of a resolution to correct a vacation of a portion of Candler Avenue approved in 2003.

Council Member Noles introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2755 - 15**

**WHEREAS**, the City Council of Muscle Shoals, Alabama received a Petition to vacate a portion of a street or alleyway from Highland Park Baptist Church in 2003; and

**WHEREAS**, the City Council adopted a resolution approving the vacation of a portion of said street or alleyway, same being Resolution Number 1923-03 and executed a quitclaim deed to the petitioner; and

**WHEREAS**, the City Council has been informed that the petition contained an indefinite and inexact description of the portion of the street or alleyway being vacated and contained in the resolution recorded in Fiche 2003 11 at Page 355 and the quitclaim deed executed and delivered; and recorded in Fiche 2003 11 at Page 359, both in the Office of the Judge of Probate of Colbert County, Alabama, and;

**WHEREAS**, the City Council has been called upon to ratify the vacation of the portion of the street or alleyway based upon the correct information and to further execute and deliver corrective quitclaim deeds to the proper parties so entitled;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama, that the City Council of the City of Muscle Shoals, Alabama, does hereby grant, adopt, ratify and confirm the vacation of the portion of the street and alleyway set forth in the previous resolution of the City Council, namely Resolution Number 1923-03, said portion of the street or alleyway being described as follows, to wit:

That portion of Candler Avenue more particularly described as follows, to wit:  
Begin at the SE corner of Lot 5721 Highland Park Subdivision #13; thence West along Candler Avenue to the SW corner of Lot 5708 Highland Park Subdivision #13; thence South to the Northwest corner of Lot 5735 Highland Park Subdivision #13; thence East along Candler Avenue to the NE corner of Lot 5722 Highland Park Subdivision #13; thence North to the SE corner of Lot 5721 Highland Park Subdivision #13.

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a corrective quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in and to the portion of the vacated streets and alleyways, or portions thereof, as herein described, unto the Petitioner, Highland Park Baptist Church, subject to reservation of easements for installation and maintenance of public utilities, said portion being particularly described as follows, to wit:.

That portion of Candler Avenue more particularly described as follows, to wit:  
Begin at the SE corner of Lot 5721 Highland Park Subdivision #13; thence West along Candler Avenue to the SW corner of Lot 5708 Highland Park Subdivision #13; thence South to the Northwest corner of Lot 5735 Highland Park Subdivision #13; thence East along Candler Avenue to the NE corner of Lot 5722 Highland Park Subdivision #13; thence North to the SE corner of Lot 5721 Highland Park Subdivision #13.

Council Member Lockhart seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Noles moved that the resolution be adopted as presented. Council Member Lockhart seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was approved.

President Holland announced that the next item of business was consideration of a resolution to correct the vacation of a portion of Hamilton Avenue previously approved in 1997.

Council Member Noles introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2756 - 15**

**WHEREAS**, the City Council of Muscle Shoals, Alabama received a Petition to vacate a portion of a street or alleyway from Highland Park Baptist Church in 1997; and

**WHEREAS**, the City Council adopted a resolution approving the vacation of a portion of said street or alleyway, same being Resolution Number 1560-97 and executed a quitclaim deed to the petitioner; and

**WHEREAS**, the City Council has been informed that the petition contained an erroneous description of the portion of the street or alleyway being vacated and contained in the resolution recorded in Fiche 9711 at Page 166 and the quitclaim deed executed and delivered; and recorded in Fiche 9711 at Page 169, both in the Office of the Judge of Probate of Colbert County, Alabama, and;

**WHEREAS**, the City Council has been called upon to ratify the vacation of the portion of the street or alleyway based upon the correct information and to further execute and deliver corrective quitclaim deeds to the proper parties so entitled;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama, that the City Council of the City of Muscle Shoals, Alabama, does hereby grant, adopt, ratify and confirm the vacation of the portion of the street and alleyway set forth in the previous resolution of the City Council, namely Resolution Number 1560-97, said portion of the street or alleyway being described as follows, to wit:

That portion of Hamilton Avenue commencing at the SW corner of lot 5200 in Highland Park Subdivision, Plat No. 13, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in the Office of the Judge of Probate of said County; thence along the west line of said lot 5200 north to the SW corner of lot 5735 in



said subdivision: thence north, along the west line of said lot 5735, to the NW corner of said lot 5735, thence west to a point on the west line of Hamilton Avenue; thence south, along the west line of Hamilton Avenue, 260 feet to a point; thence east to the SW corner of said lot 5200 in Highland Park Subdivision, Plat Ho. 13; said vacated portion of Hamilton Avenue lying in a north-south direction between Candler Avenue and Sixth Street

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a corrective quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in and to the portion of the vacated streets and alleyways, or portions thereof, as herein described, unto Thomas Allen Crow, subject to reservation of easements for installation and maintenance of public utilities, said portion being particularly described as follows, to wit:

That portion of the following described property (being the vacated portion of Hamilton Avenue) more particularly described as being **the West one-Half (1/2) of the Northernmost one hundred thirty (130) feet** of vacated Hamilton Avenue, to wit:

That portion of Hamilton Avenue commencing at the SW corner of lot 5200 in Highland Park Subdivision, Plat No. 13, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in the Office of the Judge of Probate of said County; thence along the west line of said lot 5200 north to the SW corner of lot 5735 in said subdivision: thence north, along the west line of said lot 5735, to the NW corner of said lot 5735, thence west to a point on the west line of Hamilton Avenue; thence south, along the west line of Hamilton Avenue, 260 feet to a point; thence east to the SW corner of said lot 5200 in Highland Park Subdivision, Plat Ho. 13; said vacated portion of Hamilton Avenue lying in a north-south direction between Candler Avenue and Sixth Street

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a corrective quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in and to the portion of the vacated streets and alleyways, or portions thereof, as herein described, unto the Petitioner, Highland Park Baptist Church, subject to reservation of easements for installation and maintenance of public utilities, said portion being particularly described as follows, to wit:.

That portion of the following described property (being the vacated portion of Hamilton Avenue) more particularly described as being **the South one-half (1/2) and the East one-Half (1/2) of the Northernmost one hundred thirty (130) feet** of vacated Hamilton Avenue, to wit:

That portion of Hamilton Avenue commencing at the SW corner of lot 5200 in Highland Park Subdivision, Plat No. 13, a subdivision in the City of Muscle

Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof recorded in the Office of the Judge of Probate of said County; thence along the west line of said lot 5200 north to the SW corner of lot 5735 in said subdivision: thence north, along the west line of said lot 5735, to the NW corner of said lot 5735, thence west to a point on the west line of Hamilton Avenue; thence south, along the west line of Hamilton Avenue, 260 feet to a point; thence east to the SW corner of said lot 5200 in Highland Park Subdivision, Plat Ho. 13; said vacated portion of Hamilton Avenue lying in a north-south direction between Candler Avenue and Sixth Street

---

Council Member Lockhart seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles  
NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Noles moved that the resolution be adopted as presented. Council Member lockhart seconded the motion and upon said motion 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 Lockhart  
Council Member Holland, Council Member Noles  
NAYS: None

President Holland announced the vote and declared that the resolution was approved.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

---

COUNCIL MEMBER - PLACE ONE

---

COUNCIL MEMBER - PLACE TWO

---

COUNCIL MEMBER - PLACE THREE

---

COUNCIL MEMBER - PLACE FOUR

---

COUNCIL MEMBER - PLACE FIVE

ATTEST:

---

CITY CLERK