

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
August 7, 2017**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:05 p.m. on the 7<sup>th</sup> day of August, 2017 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, 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: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART,  
KEN SOCKWELL, ALLEN NOLES  
ABSENT: NONE

Allen Noles, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Sockwell and seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of July 17, 2017 and approved the minutes as written.

President Noles announced that the next item of business was consideration of a resolution to vacate a portion of Schrader and Vogler Streets and an alleyway in Wilson Square Subdivision No. 3.

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

STATE OF ALABAMA  
COLBERT COUNTY

**DECLARATION OF VACATION OF PORTION OF STREETS**

VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING are owners having an interest in the land abutting the roadways hereinafter described.

They desire the portion of the roadways hereinafter described be vacated and abandoned to VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA

DENTON, CHARLES DAVID DARLING and VICKI DARLING. VERNON N. MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING, VICKI DARLING, LARRY THOMAS LAYNE and JEANNE L. LAYNE are all the abutting land owners and have executed consents.

Such vacation shall not deprive any other property owner of such right as they may have to convenient and reasonable means of access to their properties.

The affidavit of Randy Winborn is attached hereto establishing the fact that VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING, VICKI DARLING, LARRY THOMAS LAYNE and JEANNE L. LAYNE own all of the adjoining property of the portion of the roadways described below and the fact that owners of the surrounding properties will still have public access to their properties.

NOW, THEREFORE, in consideration of the premises and in compliance with Section 35.2.54, Code of Alabama, 1975, VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING being six of the eight property owners having an interest herein, does hereby declare vacated the following described portions of the roadways in City of Muscle Shoals, Alabama, to-wit:

That portion of Schrader Street beginning at the Northwest corner of Lot 1, Block 7, Wilson Square No. 3 and ending at the Southwest corner of Lot 10, Block 7, Wilson Square, and extending Westerly 50 feet to the abutting properties. The City of Muscle Shoals reserves utility easements over and across the above described vacated property.

That portion of Vogler Street beginning at the Northeast corner of Lot 11, Block 7, Wilson Square No. 3 and ending at the Southeast corner of Lot 20, Block 7, Wilson Square and extending Easterly 25 feet to the abutting properties. The City of Muscle Shoals reserves utility easements over and across the above described vacated property.

The 16 foot alley way between and abutting Lots 1-10 and Lots 11-20, Block 7, Wilson Square No. 3. Utility easements are not reserved by the City of Muscle Shoals.

The consent of the other property owners are attached hereto and marked as Exhibit "A".

The purpose of the execution of this declaration is to effect the vacation and abandonment of the above described portion of roadways to VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING, abutting property owners and to destroy the force and effect of any dedication by map, plat or otherwise, and to divest any and all rights of the public, including any rights which may have been acquired by prescription or otherwise, in the streets hereby vacated.

The above described portion of roadways lies within the City of Muscle Shoals, Alabama.

The executed Resolution of the City of Muscle Shoals, Alabama, consenting to the vacation of the portion of roadways hereinabove described is attached hereto and made a part hereof and marked Exhibit "B".

IN WITNESS WHEREOF, the undersigned owners having an interest therein has hereunto set their hand and affixed their seal on this the 23<sup>rd</sup> day of June, 2017.

s/ Vernon N. Malone  
VERNON NEAL MALONE

s/ Leigh Ann Malone  
LEIGH ANNE MALONE

s/ Roger Denton  
ROGER DENTON

s/ Devonna Denton  
DEVONNA DENTON

s/ Charles D. Darling  
CHARLES DAVID DARLING

s/ Vicki Darling  
VICKI DARLING

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and in said State, hereby certify that VERNON NEAL MALONE and LEIGH ANNE MALONE, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 27<sup>th</sup> day of June, 2017.

s/ Linda Peacock  
Notary Public  
My Commission Expires: 06/06/2018

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and in said State, hereby certify that ROGER DENTON and DEVONNA DENTON, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 30<sup>th</sup> day of June, 2017.

s/ Dena Hagen  
Notary Public  
My Commission Expires: 04/12/2021

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and in said State, hereby certify that CHARLES DAVID DARLING and VICKI DARLING, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 23<sup>rd</sup> day of June, 2017.

s/ Angie Hutcheson

Notary Public

My Commission Expires: 12/10/2020

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2902 - 17**

WHEREAS, there has been exhibited to the Council of the City of Muscle Shoals, Alabama, an instrument duly executed and acknowledged by VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING an instrument to vacate the following portion of public ways hereinafter described, and

WHEREAS, said instrument declares in writing that said public ways be forever abandoned and vacated as public ways, and

WHEREAS, this Council is satisfied that VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING have an interest in the lots or parcels of land abutting the public ways hereinafter described, and

WHEREAS, all abutting property owners have executed consents to vacate and abandoned said public ways, and

WHEREAS, this Council has determined that after the said public ways are vacated and abandoned to VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING there will remain convenient means of ingress and egress to and from their property, to all other property owners owning property in the tract of land embraced in said plat;

NOW, THEREFORE, be it resolved by the City Council of the City of Muscle Shoals, Alabama, that the assent of this Council be and the same is hereby given and granted for the permanent vacation and abandonment to VERNON NEAL MALONE, LEIGH ANNE MALONE, ROGER DENTON, DEVONNA DENTON, CHARLES DAVID DARLING and VICKI DARLING as public ways in the City of Muscle Shoals, Alabama, described as follows to-wit:

That portion of Schrader Street beginning at the Northwest corner of Lot 1, Block 7, Wilson Square No. 3 and ending at the Southwest corner of Lot 10, Block 7, Wilson Square, and extending Westerly 50 feet to the abutting properties. The City of Muscle Shoals reserves utility easements over and across the above described vacated property.

That portion of Vogler Street beginning at the Northeast corner of Lot 11, Block 7, Wilson Square No. 3 and ending at the Southeast corner of Lot 20, Block 7, Wilson Square and extending Easterly 25 feet to the abutting properties. The City of Muscle Shoals reserves utility easements over and across the above described vacated property.

The 16 foot alley way between and abutting Lots 1-10 and Lots 11-20, Block 7, Wilson Square No. 3. Utility easements are not reserved by the City of Muscle Shoals.

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to vacate a portion of Florence Avenue in Muscle Shoals Center No. 8 Subdivision.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **PETITION AND DECLARATION OF VACATION**

The undersigned, SCOTT WINSTON NASH and BETHANY BOYD NASH, being the owners of various lots located in Muscle Shoals Center Number 8 Subdivision (Center Point), as recorded in Map Book 2, Page 363, in the Office of the Judge of Probate, Colbert County, Alabama, including Lot 170, which abuts the street referred to as Florence Avenue as shown on said plat of the subdivision, petitions and makes the declarations as hereinafter set forth; and

The undersigned, WILLIAM H. HEATON and CHRISTINE A. HEATON, Husband and Wife, being the owners of various lots located in Muscle Shoals Center Number 8 Subdivision, as recorded in Map Book 2, Page 363, in the Office of the Judge of Probate, Colbert County, Alabama, including Lot 171, which abuts the street referred to as Florence Avenue as shown on said plat of the subdivision, petitions and makes the declarations as hereinafter set forth;

The parties hereto do hereby declare the portion of the following described street in said Muscle Shoals Center Number 8 Subdivision to be vacated, to wit:

Those portions of right of way for public street designated as Florence Avenue on the plat of said in the City of Muscle Shoals, Alabama; shown on the map or plat of Muscle Shoals Center Number 8 Subdivision recorded in Map Book 2, Page 363 in the Office of Probate Judge in said county and state; being more particularly described as follows:

All that portion of 50' wide right of way for Florence Avenue in said subdivision beginning at a point on the Northwest corner of Lot 170; thence East for a distance of 110 feet, more or less, to the Northeast corner of said Lot 170; thence North a distance of 50 feet, more or less, to the Southeast corner of Lot 171; thence West for a distance of 110 feet, more or less, to the Southwest corner of said Lot 171; thence South for 50 feet, more or less, to the Northwest corner of said Lot 170.

The undersigned, SCOTT WINSTON NASH and WILLIAM H. HEATON and CHRISTINE A. HEATON, hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described alleys and streets and, further, to authorize conveyance by quit-claim deed one-half of the vacated portion of said Florence Avenue abutting their respective lots to each of the petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove described portion of the above described public street.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal on this the 25<sup>th</sup> day of July, 2017.

s/ Scott Winston Nash L.S.  
SCOTT WINSTON NASH

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that SCOTT WINSTON NASH, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily as of the day the same bears date. Given under my hand and official seal this the 25<sup>th</sup> day of July, 2017.

s/ Ashlie Llewellyn  
NOTARY PUBLIC

My Commission Expires: 3-1/-2020

SEAL

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal on this the 25<sup>th</sup> day of July, 2017.

s/ Bethany Boyd Nash L.S.  
BETHANY BOYD NASH

STATE OF ALABAMA  
COLBERT COUNTY

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

Given under my hand and official seal this the 25<sup>th</sup> day of June, 2017.

s/ Ashlie Llewellyn  
NOTARY PUBLIC

My Commission Expires: 3-1/-2020

SEAL

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal on this the 19<sup>th</sup> day of July, 2017.

s/ William H. Heaton L.S.  
WILLIAM H. HEATON

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that WILLIAM H. HEATON, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 19<sup>th</sup> day of July, 2017.

s/ Mary Beth Gibson  
NOTARY PUBLIC

My Commission Expires: 1/5/2019

SEAL

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and seal on this the 19<sup>th</sup> day of July, 2017.

s/ Christine A. Heaton L.S.  
CHRISTINE A. HEATON

STATE OF ALABAMA  
COLBERT COUNTY

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

Given under my hand and official seal this the 19<sup>th</sup> day of July, 2017.

s/ Mary Beth Gibson  
NOTARY PUBLIC

My Commission Expires: 1/5/2019

SEAL

STATE OF ALABAMA

COLBERT COUNTY

**RESOLUTION NUMBER 2903 - 17**

**WHEREAS**, SCOTT WINSTON NASH and BETHANY BOYD NASH and WILLIAM H. HEATON and CHRISTINE A. HEATON (collectively, the “Petitioners”) have presented to the City Council of Muscle Shoals, Alabama, a written petition, duly executed and acknowledged, setting forth that Petitioners Nash are the owners of Lot 170 and petitioners, HEATON are the owners of Lot 171, which are located in Muscle Shoals Center Number 8 Subdivision as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 363 (hereafter referred to as “Muscle Shoals Center Number 8 Subdivision”); and

**WHEREAS**, the City Council of Muscle Shoals, Alabama, a municipal corporation, has been requested to assent to and approve the vacation and the annulment of the dedication of the hereinafter described alleys and streets to the use of the public; and

**WHEREAS**, the City Council of Muscle Shoals, Alabama, does hereby find that vacation of the alleys and streets will not affect any person's access to or from his property.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Muscle Shoals, Alabama, a municipal corporation, that the act of Petitioners in vacating and annulling the following described alleys and streets within Muscle Shoals Center Number 8 Subdivision, in the City of Muscle Shoals, Colbert County, Alabama, to wit:

Those portions of right of way for public street designated as Florence Avenue on the plat of said in the City of Muscle Shoals, Alabama; shown on the map or plat of Muscle Shoals Center Number 8 Subdivision recorded in Map Book 2, Page 363 in the Office of Probate Judge in said county and state; being more particularly described as follows:

All that portion of 50’ wide right of way for Florence Avenue in said subdivision beginning at a point on the Northwest corner of Lot 170; thence East for a distance of 110 feet, more or less, to the Northeast corner of said Lot 170; thence North a distance of 50 feet, more or less, to the Southeast corner of Lot 171; thence West for a distance of 110 feet, more or less, to the Southwest corner of said Lot 171; thence South for 50 feet, more or less, to the Northwest corner of said Lot 170. The City of Muscle Shoals reserves utility easements over and across the north 25' of the above described vacated property.

be and the same is hereby ratified, approved and confirmed and its assent is hereby given.



**BE IT FURTHER RESOLVED** that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim Petitioners whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described alleys and street and that the Mayor or President of the Council is hereby authorized to execute such quit-claim deed to Petitioners for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Hall 

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seconded the motion and upon said motion being put to a vote and the vote recorded as follows:

AYES: Council Member Hall, Council Member Willis, Council Member Lockhart  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration of the resolution had been approved.

Council Member Willis moved that the resolution be approved as presented. Council Member Hall seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was the setting of a public hearing to consider the issuance of a Lounge Retail Liquor license (Class II - package) to Shree Sham Business Inc. dba Shoals Liquor located at 2417 E. Avalon Avenue.

President Noles announced that at a public hearing to be held at the City Hall in said City at 6:00 p.m. on the 5<sup>th</sup> day of September, 2017, the Council will consider the issuance of the Lounge Retail Liquor license (Class II - package). At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such license.

President Noles announced that the next item of business was to consider a resolution to appoint a member to the Muscle Shoals Utilities Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2904 - 17**

**WHEREAS**, the term of a member of the Utilities Board of the City of Muscle Shoals 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 a member 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:

Steven “Kyle” DeFoor	Freddie P. Moon	Janet S. Moon
Mike Price	Jeremy Robison	Joe Underwood

**WHEREAS**, Joe Underwood was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Hall: Joe Underwood  
Council Member Willis: Joe Underwood  
Council Member Lockhart: Joe Underwood  
Council Member Sockwell: Joe Underwood  
Council Member Noles: Joe Underwood

**WHEREAS**, Council President Noles announced that Joe Underwood 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 a term effective until July, 2023.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Joe Underwood	Utilities Board	July, 2023

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

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

President Noles announced that the resolution had been 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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK