

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
September 17, 2007**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 17<sup>th</sup> day of September 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 Paul McDougle. 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of September 4, 2007 and approved the minutes as written.

Mayor Bradford announced that the next item of business was approval of amendments to the 2006-2007 General Fund Budget.

Council Member Pampinto presented the following budget amendments:

Council Member Pampinto moved for unanimous consent for immediate consideration of the budget amendments. Council Member Holland seconded the motion and 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 the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Pampinto then moved that the said budget amendments be finally adopted, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call on final approval was had and the vote recorded as follows:

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

NAYS: None

Mayor Bradford thereupon declared said motion carried and the budget amendments be passed and adopted as presented.

Mayor Bradford announced that the next item of business was consideration of a resolution to rename Congress Street in Muscle Shoals Center #11 to Kamarie Lane as further described below.

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

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2281 - 07**

**WHEREAS**, the City of Muscle Shoals, Alabama has been requested to change the name of a portion of Congress Street; and

**WHEREAS**, KCM & DC, INC., a corporation, is the owners of all of the property abutting the said portion of Congress Street sought to be renamed; and

**WHEREAS**, the portion of Congress Street sought to be renamed is that portion that is bounded on the West by the East line of Alabama Avenue and on the East by a line extended from the Southwest corner of Lot 275 of Muscle Shoals Center # 11 to the Northwest corner of Lot 444 of Muscle Shoals Center # 11; and

**WHEREAS**, the City Council has determined that said name change will not cause confusion but will prevent confusion and that the City Council finds that the said portion of Congress Street should be changed;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that certain portion of Congress Street described as bounded on the West by the East line of Alabama Avenue and on the East by a line extended from the Southwest corner of Lot 275 of Muscle Shoals Center # 11 to the Northwest corner of Lot 444 of Muscle Shoals Center # 11, a subdivision known and

designated according to the map and plat thereof filed for record in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2 at Page 451 is hereby changes and renamed and shall be hereafter known as **KAMARIE LANE**.

**BE IT FURTHER RESOLVED** the Clerk is hereby directed to prepare a certified copy of this Resolution and cause a copy of same to be filed and recorded in the Office of the Probate Judge of Colbert County, Alabama.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the sale of property in the Colbert Industrial Park.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2282 - 07**

BE IT RESOLVED, by the Muscle Shoals City Council, governing body of Muscle Shoals, Alabama, that the offer of Raymond Suggs to purchase a portion of Lot #33, A RESURVEY OF A PORTION OF COLBERT INDUSTRIAL PARK, according to the map or plat of said subdivision recorded in the office of the Judge of Probate of Colbert County, Alabama, in Plat Book 5, at Page 26, at a purchase price of \$25,200.00; and

BE IT FURTHER RESOLVED, that the consent of the Muscle Shoals City Council, is hereby given to sell and convey the Lot #33 equaling 4.2 acres, A RESURVEY OF A PORTION OF COLBERT INDUSTRIAL PARK, to Raymond Suggs, and to divide the net proceeds among the City of Tuscumbia, the City of Sheffield, the City of Muscle Shoals and Colbert County Commission.

BE IT RESOLVED, that if, after the expiration of six (6) months from the date of execution of a sale contract agreement on the property, the purchaser shall not have begun in good faith the construction of an acceptable building upon said property, the Commission shall have the option to refund the purchase price and enter into possession of said property. In the event any owner of land lying within the Park shall desire to sell all or any part of the land which at the time is unimproved, owned in such Park separate and apart from the improved portion of the tract owned, then the Commission shall have the prior right and option to purchase the unimproved premises proposed to be sold at the same price per acre paid by the owner for said land when originally acquired from the Commission, and prior to any sale of such premises, the owner of such tract, his successors or assigns, shall notify the Commission of this intention to sell, describing the premises to be sold, and the Commission shall have thirty (30) days from the

date of receipt of such notice to exercise its option, and in the absence of written notification sent by the Commission of its election to exercise said option, such Owner shall be free to sell such premises to any person and at any price deemed desirable by such owner.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to establish the meeting dates for the City Council for fiscal year 2007 - 2008.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2283 - 07**

**WHEREAS**, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

**WHEREAS**, Act #2005-40, the Alabama Open Meetings Act, becomes effective on October 1, 2005, and

**WHEREAS**, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

**THEREFORE BE IT RESOLVED** By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2007 and ending on September 30, 2008 as noted on Exhibit "A" of this resolution, and

**BE IT FURTHER RESOLVED** that all regular meetings of the City Council shall commence at 6:30 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue and shall be preceded by a work session of the City Council one hour earlier, and

**BE IT FURTHER RESOLVED** that public notice of special or emergency meetings of the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

**BE IT FURTHER RESOLVED** that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

**BE IT FURTHER RESOLVED** that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

**EXHIBIT "A"**  
Schedule of Regular Meetings/Work Sessions  
Muscle Shoals City Council

Monday, October 1, 2007  
Monday, October 15, 2007  
Monday, November 5, 2007  
Monday, November 19, 2007  
Monday, December 3, 2007  
Monday, December 17, 2007  
Monday, January 7, 2008  
Tuesday, January 22, 2008 (Conflict with Martin Luther King Federal holiday)  
Monday, February 4, 2008  
Monday, February 18, 2008  
Monday, March 3, 2008  
Monday, March 17, 2008  
Monday, April 7, 2008  
Monday, April 21, 2008  
Monday, May 5, 2008  
Monday, May 19, 2008  
Monday, June 2, 2008  
Monday, June 16, 2008  
Monday, July 7, 2008  
Monday, July 21, 2008  
Monday, August 4, 2008  
Monday, August 18, 2008  
Tuesday, September 2, 2008 (Conflict with Labor Day Holiday)  
Monday, September 15, 2008

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the transfer of funds from the General Fund to the Half Cent Sales Tax Fund.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2284 - 07**

**WHEREAS**, the Governmental Accounting Standards Board (GASB) has issued statements 43 and 45 which relate to the accounting for postemployment benefits other than pensions (OPEB) for municipal employees and retirees; and

**WHEREAS**, the GASB standards require the annual OPEB cost and the Actuarial Accrued Liability (AAL) to be recognized and disclosed on the City's financial statements; and

**WHEREAS**, the establishment of an irrevocable trust fund created for the sole purpose of funding benefits for plan participants is required to offset the OPEB liabilities as determined by an actuarial study; now

**WHEREAS**, the City Council of the City of Muscle Shoals deems it necessary and expedient that various actions be taken to fund the projected OPEB liabilities; and;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the sum of \$210,000.00 be transferred from the City's General Fund account unto the City's Half Cent Tax Fund for the express purpose of partially funding the irrevocable trust fund once established.

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

**BE IT FURTHER RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the City Clerk/Treasurer is hereby authorized to transfer said funds to the irrevocable trust fund once established.

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Council Member Holland moved for unanimous consent for immediate consideration of the resolution. Council Member Pampinto seconded the motion and 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 the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Holland then moved that the said resolution be finally adopted, which motion was seconded by Council Member Pampinto 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 resolution be passed and adopted as presented.

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 Pampinto 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. 1393 - 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 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 540 feet, more or less, to a point equidistant between the existing municipal corporate line of the City of Muscle Shoals, Alabama 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 and the existing municipal 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 310 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 Parcel # 13-02-10-4-001-004.001 in the Office of the Revenue Commissioner of Colbert County, Alabama.

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 owner, 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 of this Ordinance.

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 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 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 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.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK