

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
January 22, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 22nd of January 2008 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of January 7, 2008 and approved the minutes as written.

Mayor Bradford presented a proclamation declaring January 2008 as “National Radon Action Month” in the City.

Mayor Bradford announced that the next item of business was consideration of an ordinance establishing the numbered places for the Mayor and City Council elections in 2008 with all candidates running at-large.

Council Member Willis introduced in writing the following ordinance which was presented in the meeting:

ORDINANCE NO. 1401 - 08

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS ESTABLISHING THE PLACE NUMBERS OF THE COUNCIL MEMBERS FOR THE 2008 MUNICIPAL ELECTIONS

WHEREAS, Section 11-46-22, Code of Alabama, 1975 as amended, provides that in cities and towns having an election of Mayor and Council Members and whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled in the regular election, that the governing body shall designate each of the offices by number; and

WHEREAS, the City of Muscle Shoals, Alabama shall conduct and hold a regular election in 2008 for the purpose of electing a Mayor and five (5) Council Members, all of said positions and offices to be elected at-large by the registered and qualified electors of the City of Muscle Shoals, Alabama;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Muscle Shoals that for the purposes of the regular election the following municipal offices for the City of Muscle Shoals, Alabama shall be filled at the regular election held in 2008:

- Mayor
- Council Member Place Number One (1)
- Council Member Place Number Two (2)
- Council Member Place Number Three (3)
- Council Member Place Number Four (4)
- Council Member Place Number Five (5)

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that all persons qualifying as a candidate for the regular election to be held by the City of Muscle Shoals, Alabama in 2008 shall, in the announcement of his or her candidacy, shall designate the number of the office for which he or she is a candidate;

BE IT FURTHER RESOLVED by the Council of the City of Muscle Shoals, Alabama that all of said positions and offices herein above named are to be elected at-large by the registered and qualified electors of the City of Muscle Shoals, Alabama;

This Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said resolution, which motion was seconded by Council Member Noles 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 Willis then moved that the said resolution be finally adopted, which motion was seconded by Council Member Noles 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 was adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of an ordinance establishing the qualification fees for candidates for the Mayor and City Council elections in 2008.

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

ORDINANCE NO. 1402 - 08

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS ESTABLISHING A QUALIFYING FEE FOR CANDIDATES SEEKING THE OFFICE OF MAYOR OR COUNCIL MEMBER, PLACES 1, 2, 3, 4 OR 5 FOR THE 2008 MUNICIPAL ELECTIONS AND FUTURE ELECTIONS, BOTH GENERAL AND SPECIAL

BE IT ORDAINED by the City Council of the City of Muscle Shoals that for the purposes of the regular election to be held in 2008 and for the purposes of the filling the office of Mayor and the offices of Members of the City Council for the City of Muscle Shoals, Alabama that a qualification fee shall be required to be paid by all candidates for the office of Mayor and members of the City Council as hereinafter set forth.

Section 1. A qualification fee in the amount of Fifty and no/100 (\$50.00) Dollars is hereby fixed and imposed upon all candidates seeking election to the office of Mayor of the City of Muscle Shoals during the regular election of 2008, except as hereinafter provided for.

Section 2. A qualification fee in the amount of Fifty and no/100 (\$50.00) Dollars is hereby fixed and imposed upon all candidates seeking election to the office of Member of the City Council, Places 1, 2, 3, 4 and 5 during the regular election of 20048 except as hereinafter provided for.

Section 3. In the event that a person shall file qualification papers and pay the qualification fee for Mayor and/or a place as a Member of the City Council and thereafter seek to file qualification papers for a different office or different place as a Member of the City Council, such person shall be required to pay an additional qualification fee for the office then sought. Furthermore, no person, having filed qualification papers and paid a qualification fee for one office and thereafter seeks to file qualification papers for another office, shall be entitled to either a credit, refund or exemption from the qualification fee for the different office sought.

Section 4. Such qualification fee shall be paid unto the City Clerk and deposited into the General Fund of the City at or prior to the time of filing qualification papers by any such candidates seeking said offices.

Section 5. Any person desiring to qualify to seek said offices who is not financially able to pay the required qualification fee may qualify provided such prospective candidate furnishes the City Clerk with a sworn affidavit stating that he or she is financially unable to pay the required qualification fee fixed and imposed herein and that the payment of such qualification fee will impose an undue financial hardship on him or her.

Section 6. This Ordinance is adopted pursuant to Section 11-46-2 of the Code of Alabama of 1975 and shall be effective in all elections, both general and special, for the offices of Mayor and Members of the City Council from and after the date of its adoption.

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said resolution, 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 resolution be finally adopted, 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 was adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of a resolution appointing the Mayor to the Shoals Solid Waste Authority.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2311 - 08

WHEREAS, the City Council is desirous of making its appointment to the **SHOALS SOLID WASTER DISPOSAL AUTHORITY** and;

WHEREAS, the City Council determines that it is wise and expedient that the City be represented on said authority and that the Mayor, David H. Bradford, is the person selected for appointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint **DAVID H. BRADFORD** as a member of the Board of the **SHOALS SOLID WASTE DISPOSAL AUTHORITY** for a term of four (4) years commencing January 2007 and expiring January 2011.

The Clerk is hereby directed to notify the above named person of the appointment and to further notify the **SHOALS SOLID WASTE DISPOSAL AUTHORITY** of said appointment.

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

AYE: Council Member Pampinto, Council Member Willis, Council Member Grissom,
Council Member Holland, Council Member Noles

NAYS: None

Abstaining was Mayor Bradford

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 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. 1403 - 08

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 958.125 feet to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No.1400-07), and the point of beginning of the tract of land herein described; continue thence South 1 degree 06 minutes 30 seconds East for 31.9375 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. 1400-07) 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.1400-07) 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 16.5625 feet, more or less, to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1400-07); run thence in a southeasterly direction along the existing

municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No.1400-07)to the point of beginning of the tract of land hereindescribed.

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 five 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 December 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 Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland 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

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 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

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 a motion duly made and approved the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK