

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
December 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 December 2007 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by James Holland, Mayor Pro-Tem of the City. 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, JERRY KNIGHT GRISSOM  
          JAMES HOLLAND, ALLEN NOLES  
ABSENT: DAVID H. BRADFORD

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

James Holland, Mayor Pro-Tem 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 Pampinto, 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 December 3, 2007 and approved the minutes as written.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution to vacate a portion of an alleyway in Highland Park #10 subdivision.

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

STATE OF ALABAMA  
COUNTY OF COLBERT

TO: Honorable Mayor and City Councilmen of the City of Muscle Shoals, Alabama,  
a municipal Corporation in the State of Alabama.

**PETITION TO VACATE ALLEYWAY**

NOW COMES the undersigned, Lin-Lar, Inc., Rivco, Inc., Edward P. Staley and Donald H. McAnalley herein after referred to as Petitioner, who presents unto your honors, the following statement, to-wit:

The Petitioners are the owners of all the property abutting upon the following alley, except a portion of said alley having previously been vacated by your honors; and that they desire

to vacate said part or portion of said alley that is not currently being used by the public; that a convenient means of ingress and egress is otherwise available to the public; Petitioners by this statement request to vacate as a part or portion of said alley, being in the City of Muscle Shoals, Alabama, a municipal Corporation, in the State of Alabama, and described as follows, to-wit:

All that part of an 18 foot alley lying Northward of Lots 3690-3794 and Southward of Lots 4059-4053, all in Highland Park #10, same appears in the office of Judge of Probate, Map Book 2, Page 114, Colbert County, Alabama, (the North 1/2 of said 18 foot alley that borders Lot 3690 has been previously vacated).

That the undersigned Petitioners desires to vacate the above described part or portion of the above described alley and to close the same and to nullify the effect of the dedication of said part of said alley to the use of the public.

Now therefore, in consideration of the premises, Petitioners hereby request that your Honors assent to, approve, ratify and confirm the vacation of the above described part or portion of the above named street and the annulment of the dedication of such part or portion of said alley to the use of the public.

In Witness Whereof, Petitioners have hereunto set their hands on this the 14th day of December, 2007.

Lin-Lar, Inc.

By: s/ Gary Monroe

Gary Monroe

Its duly authorized President

s/ Edward P. Staley

Edward P. Staley

Rivco, Inc.

By: s/ Gary Monroe

Gary Monroe

Its duly authorized President

s/ Donald H. McAnnalley

Donald H. McAnnalley

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2305 - 07**

WHEREAS, Lin-Lar, Inc., Monroe Properties, LLC, Edward P. Staley and Donald H. McAnnalley have presented to the Mayor and the City Council of the City of Muscle Shoals, Alabama, a Municipal Corporation, their statement in writing, duly executed and acknowledged setting forth that they are the owners of all the lands abutting upon the hereinafter described part or portion of the said alley and that they desire to have the City vacate said part or portion of said Alley and they do by said Statement, vacate same.

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, does assent to and approve the vacation thereof and the annulment of the dedication of said part or portion of said alley to the use of the public.

All that part of an 18 foot alley lying Northward of Lots 3690-3794 and Southward of Lots 4059-4053, all in Highland Park #10, same appears in the office of Judge of Probate, Map Book 2, Page 114, Colbert County, Alabama, (the North 1/2 of said 18 foot alley that borders Lot 3690 has been previously vacated).

be, and the same is hereby vacated, and the assent of the Mayor and City Council of the City of Muscle Shoals. Alabama. a Municipal Corporation, to said action is hereby given.

BE IS FURTHER RESOLVED, that the City of Muscle Shoals, Alabama, a Municipal Corporation, remises, releases, quitclaims to the Property owners whatever right, title, and interest the City of Muscle Shoals, Alabama, a Municipal Corporation, may have acquired in and to the hereinabove described alleyway by virtue of the dedication and subsequent vacation of said easement, and that James E. Holland as Mayor Pro-Tem of the City of Muscle Shoals, Alabama, a Municipal Corporation, execute a quitclaim deed to the aforesaid parties carrying out the intentions of this paragraph, and that Richard Williams, City Clerk, be and is hereby authorized on behalf of the City of Muscle Shoals, Alabama, a Municipal Corporation, to attest the same.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution authorizing the Mayor to execute documents related to a services agreement with William Smith for development of a records system in compliance with the National Flood Insurance Program.

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

**RESOLUTION NUMBER 2306 - 07**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with William Smith for the performance of certain services pertaining to the development of a system to insure compliance with the National Flood Insurance Program (NFIP) regulations; and

**WHEREAS**, the City and Smith have agreed upon terms and conditions for the undertaking of the services to be rendered by Smith hereinafter referred to as the Scope of Work and as outlined in the instrument styled Memorandum of Understanding and the Council has determined that the terms and conditions are as agreed upon by the City; and

**WHEREAS**, the City Council has reviewed the contents of the proposed scope of services and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to Smith;

**WHEREAS**, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with the said project as above described;

**BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled Memorandum of Understanding with Smith;

**BE IT FURTHER RESOLVED** that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection

with the said project with Smith that he may deem necessary for and on behalf of the City;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Smith along with the executed instrument styled Memorandum of Understanding as herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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

Mayor Pro-Tem Holland announced that the Resolution had been approved.

Mayor Pro-Tem Holland 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 Grissom 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. 1400 - 07**

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

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

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

Commence at the Southwest corner of the NE 1/4 of said Section 10; run thence North 1 degree 06 minutes 30 seconds West along the quarter line for 292.9 feet to a point which is 100 feet south of and perpendicular of the centerline to the old M & C Railroad bed now abandoned; run thence South 76 degrees, 50 minutes East along the South right of way line for said road bed for 1164.11 feet; run thence South 1 degree 06 minutes 30 seconds East for 894.25 feet to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance 1397-07), and the point of beginning of the tract of land herein described; continue thence South 1 degree 06 minutes 30 seconds East for 63.875 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. 1397-07) 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. 1397-07) 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 33.125 feet, more or less, to the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1397-07); run thence in a southeasterly direction along the existing municipal corporate line of the City of Muscle Shoals, Alabama (as established by Ordinance No. 1397-07.) to the point of beginning of the tract of land herein described.

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

Section 3. The above property is phase four 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 November 19, 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.

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

Member Pampinto 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 Pro-Tem Holland announced the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Grissom then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, 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

NAYS: None

Mayor Pro-Tem Holland thereupon declared said motion carried and the Ordinance passed and adopted as introduced.

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution authorizing the Mayor to execute documents related to the conveyance of a permanent easement to Crown Castle PT, Inc.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2307 - 07**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Crown Castle PT, Inc. for the conveyance of a permanent easement over and across property owned by the City; and

**WHEREAS**, the City is currently leasing the property to be conveyed as a permanent easement and pursuant to the conditions of the transaction will execute an assignment of its interest in said lease unto Crown Castle PT, Inc.; and

**WHEREAS**, the City and Crown Castle PT, Inc. have agreed upon terms and conditions for the conveyance of said easement and the Council has determined that the terms and conditions are as agreed upon by the City; and

**WHEREAS**, the City Council has reviewed the contents of the Grant of Easement and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver the instrument to Crown Castle PT, Inc.

**BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on behalf of the City to execute the instrument styled GRANT OF EASEMENT and ASSIGNMENT OF LEASE pertaining to the conveyance of a permanent easement from the City

to Crown Castle PT,

**BE IT FURTHER RESOLVED** that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with the said conveyance unto Crown Castle PT, Inc. that he may deem necessary for and on behalf of the City;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Crown Castle PT, Inc. along with the executed instruments styled GRANT OF EASEMENT and ASSIGNMENT OF LEASE as well as the related documents and furthermore shall retain a copy to be kept on file by the said Clerk.

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

Mayor Pro-Tem Holland announced that the Resolution had been approved

Mayor Pro-Tem Holland announced that the next item of business was consideration of a resolution declaring a mobile radio in the Police Department surplus and authorizing its conveyance to the Northwest-Shoals Community College Police.

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

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2308 - 07**

**WHEREAS**, the City Council has been informed by the Police Chief that a Motorola Maxtrac Mobile Radio, Serial #428TWW1846 used in the performance of duties is no longer required for use by the Police Department; and

**WHEREAS**, the City Council is informed that the mobile radio is no longer in service and that a request by the Northwest Shoals Community College Police has been made for the donation of the mobile radio for use in the performance of their duties within the City of Muscle Shoals and Colbert County; and

**WHEREAS**, the City Council has determined that the said mobile radio is surplus property and the City has no further use for said mobile radio due to its age and condition and it is not economical for the City to retool or refit the said mobile radio in order that it be placed in service in the Police Department;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following mobile radio be declared surplus property and be disposed of by the Police Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said mobile radio and the Council does hereby authorize the Police Chief to dispose of said mobile radio in such manner. The Council finds that the following mobile radio is surplus property:

Motorola Maxtrac Mobile Radio      Serial #428TWW1846

**BE IT FURTHER RESOLVED** that the Police Chief is authorized to take the steps



necessary to convey the above described mobile radio to the Northwest Shoals Community College Police in a manner consistent with the terms and conditions and pursuant to this Resolution.

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

Mayor Pro-Tem Holland announced that the Resolution had been approved.

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

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MAYOR

\_\_\_\_\_  
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

