

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 4, 2018**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 4<sup>th</sup> day of June, 2018 being the regular time and 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 Willis and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of May 14, 2018 and approved the minutes as written.

President Noles announced that the next item of business was to set a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Map of the City of Muscle Shoals, Alabama. President Noles announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 2<sup>nd</sup> day of July, 2018, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

**ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND  
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently zoned M-1and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Property being located at the northwest corner of the intersection of Thompson Street & Covenant Drive and being 265' by 900' or 4.67 acres.

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

President Noles announced that the next item of business was consideration of a request by Coldwater Investment Properties, LLC and Sharon B. Waldrep to vacate a 120 foot portion of Eason Avenue. The 66 foot wide roadway lies between the east side of Glendale Avenue and the west side of a 20 foot alleyway. It is bordered on either side by lots 6873 and 6872 of Highland Park Subdivision No. 16.

It was noted that the Planning Board had denied the request based upon the statement of the City Engineer that the roadway should be retained for future roadway and drainage use.

President Noles stated that the question of approval of the request was before the Council and the following vote was had:

AYES: None

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

President Noles declared the request for vacation was denied.

President Noles announced that the next item of business was consideration of a request by Anita Willis and Thomas Berryman to vacate a 360 foot portion of an 8 foot alleyway. The alleyway begins on the west side of John R. Street and runs 360 feet to the west and lies between Candler Street and East Sixth Streets. It is bordered by R-1 residential lots (5551-5561) owned by Willis and on the south by commercial lots owned by Willis and Berryman.

It was noted that the Planning Board had denied the request based upon the statement of the Electric Board Manager that the alleyway should be retained due to an existing overhead distribution line in the alley.

President Noles stated that the question of approval of the request was before the Council and the following vote was had:

AYES: None

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

President Noles declared the request for vacation was denied.

President Noles announced that the next item of business was an appointment to the North Alabama Gas District Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2948 - 18**

**WHEREAS**, the term of a member of the North Alabama Gas District Board 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 members to said board;

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

Gerald S. Borden                      Jeremy Robison                      Charles W. (Corky) Snipes

**WHEREAS**, Charles W. (Corky) Snipes was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Hall: Charles W. (Corky) Snipes  
Council Member Willis: Charles W. (Corky) Snipes  
Council Member Lockhart: Charles W. (Corky) Snipes  
Council Member Sockwell: Charles W. (Corky) Snipes  
Council Member Noles: Charles W. (Corky) Snipes

**WHEREAS**, President Noles announced that Charles W. (Corky) Snipes 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 as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Charles W. (Corky) Snipes	North Alabama Gas District	May 2024

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

**ADOPTED and APPROVED** this 4<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
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 consideration of an ordinance to call a special municipal election to be held on Tuesday, August 28, 2018 between the hours of 7:00 am and 7:00 pm to consider the approval of a five mill increase in ad valorem taxes for public school purposes.

Council Member Hall introduced the following ordinance in writing:

## **ORDINANCE NO. 1507 - 18**

### **AN ORDINANCE CALLING AN ELECTION IN THE CITY OF MUSCLE SHOALS ON AUGUST 28, 2018**

BE IT ORDAINED by the City Council (herein called "the Council") of the City of Muscle Shoals (herein called "the City"), in the State of Alabama, as follows:

Section 1. Findings of Fact. The Council, upon evidence duly submitted to and considered by it, does hereby find and declare that the following facts are true and correct:

(a) A special election was duly called and held in the City on April 28, 2015, pursuant to Amendment No. 56 to the Constitution of Alabama of 1901, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the continuation and renewal of the levy and collection of a special additional annual ad valorem tax (herein called "the Amendment No. 56 Tax") for the purpose of providing funds for public school purposes. The said tax was originally authorized by elections held in the City on December 9, 1957, April 7, 1987, and April 28, 2015, to be levied, and is now being levied, at the rate of 7.5 mills.

(b) The Council, by resolution adopted December 18, 2017, following a public hearing, proposed to increase the rate at which the Amendment No. 56 Tax is levied from 7.5 mills on each dollar to 12.5 mills on each dollar of the assessed value of taxable property.

(c) The Legislature of Alabama, through the enactment of Act 2018-241, has approved the said increase.

(d) The levy of the Amendment No. 56 Tax at the rate of 12.5 mills on each dollar of assessed value of taxable property, if approved by the electorate, shall be in continuation of the levy of the Amendment No. 56 Tax.

Section 2. Call of Election. A special municipal election is hereby called to be held in the City on Tuesday, the 28<sup>th</sup> day of August, 2018, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting the following question or proposition to the qualified electors of the City and determining by ballot their will with respect thereto:

Whether the City shall be authorized to levy and collect, in addition to all other taxes now or hereafter authorized, the special annual ad valorem tax heretofore authorized for public school purposes to be levied and collected at the per annum rate of 7.5 mills at the increased per annum rate of 12.5 mills on each dollar of the assessed valuation of the taxable property in the City referred to in the notice of election set out in Section 3 of this ordinance.

Section 3. Notice of Election. The Mayor is hereby directed to give notice of the said election in the manner provided by law in substantially the following form by posting the same in the office of the Mayor at the Muscle Shoals City Hall, the Muscle Shoals Public Library, Gattman Park Recreation Center and First Metro Bank, Muscle Shoals Branch, the first posting to be made not later than the fourth Tuesday in June, 2018:

### NOTICE OF SPECIAL MUNICIPAL ELECTION

Notice is hereby given that a special municipal election will be held in the City of Muscle Shoals in the State of Alabama on Tuesday, the 28<sup>th</sup> day of August, 2018, between the hours of 7:00 a.m. and 7:00 p.m., Central Time, at which there will be submitted to the qualified electors of the said City, for their determination by ballot, the following proposition:

Shall the City of Muscle Shoals be authorized to levy and collect at the rate of 1.25% (or 12.5 mills) of the assessed value of taxable property in the City (being an increase of 5 mills), the special ad valorem tax authorized at an election held on April 28, 2015, and now being levied at the rate of 7.5 mills, said tax to be levied and the proceeds thereof used for public school purposes in the City and said increase to be effective for each tax year of the City commencing with the tax year for which taxes of the City will become due and payable on October 1, 2019, and continuing for each successive tax year thereafter for a period of twenty-nine (29) years?

The said election shall be at the following regularly established voting places in the City at which shall be cast the ballots of the electors customarily voting at the said respective places:

#### Location of Voting Places

- |       |   |
|-------|---|
| Box 1 | First Southern Baptist Church<br>3806 South Wilson Dam Road<br>Muscle Shoals, Alabama               |
| Box 2 | Gattman Park Recreation Center<br>1000 Gattman Park Drive<br>Muscle Shoals, Alabama                 |
| Box 3 | Woodward Avenue Baptist Church – Activities Center<br>801 Woodward Avenue<br>Muscle Shoals, Alabama |

Box 4            United Association of Plumbing and  
                      Pipefitting Industry – Pavilion  
                      2803 East Avalon Avenue  
                      Muscle Shoals, Alabama

Box 5            Grace Life Church  
                      1915 Avalon Avenue  
                      Muscle Shoals, Alabama

Box 6            Muscle Shoals City Hall  
                      2010 East Avalon Avenue  
                      Muscle Shoals, Alabama

Absentee Balloting:  
Muscle Shoals City Hall  
2010 East Avalon Avenue  
Muscle Shoals, Alabama

All registered and qualified electors of the state, who reside within the corporate limits of the City of Muscle Shoals, and have resided therein for thirty (30) days or more immediately preceding the date of the election, and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City in which the elector resides, will be authorized to participate in the election.

By order of the City Council.

David H. Bradford  
Mayor of the City of Muscle Shoals

(End of form of notice)

Section 4. Form of Ballot. The following is hereby adopted as the form of the official ballot to be used at the said election on the proposition referred to in the Notice of Election set out in Section 3 of this ordinance, which ballot shall be prepared under the direction of the City Clerk for use in the voting machines at the respective voting places:

OFFICIAL BALLOT

SPECIAL MUNICIPAL TAX ELECTION  
5 MILL INCREASE IN EXISTING 7.5 MILL SCHOOL TAX  
CITY OF MUSCLE SHOALS, ALABAMA

AUGUST 28, 2018

INSTRUCTIONS TO VOTERS: [The appropriate instructions to voters shall be printed here.]

PROPOSITION

Shall the City of Muscle Shoals be authorized to levy and collect at the rate of 1.25% (or 12.5 mills) of the assessed value of taxable property in the City (being an increase of 5 mills), the special ad valorem tax authorized at an election held on April 28, 2015, and now being levied at the rate of 7.5 mills, said tax to be levied and the proceeds thereof used for public school purposes in the City; said increase to be effective for each tax year of the City commencing with the tax year for which taxes of the City will become due and payable on October 1, 2019, and continuing for each successive tax year thereafter for a period of twenty-nine (29) years?

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(        )        FOR said proposed 5 mill increase in existing 7.5 mill school tax, resulting in said 1.25% (or 12.5 mills) rate of taxation

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(        )        AGAINST said proposed 5 mill increase in existing 7.5 mill school tax, resulting in said 1.25% (or 12.5 mills) rate of taxation

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The form of the official absentee ballot to be used at the said election shall be the same as the foregoing form of the official ballot with the following exceptions:

In lieu of the words "Official Ballot" appearing at the head of the form thereof, there shall be inserted in the official absentee ballot the words "Official Absentee Ballot"; and there shall be included with the official absentee ballot the forms of affidavit for absent voters substantially equivalent to the forms of affidavit prescribed therefor by law.

Section 5. Polling Places and Election Officials. The polling or voting places in the City for the holding of the said election are hereby designated and appointed as follows:

Location of Voting Place

Box 1                First Southern Baptist Church  
                          3806 South Wilson Dam Road  
                          Muscle Shoals, Alabama

- Box 2            Gattman Park Recreation Center  
1000 Gattman Park Drive  
Muscle Shoals, Alabama
  
- Box 3            Woodward Avenue Baptist Church – Activities Center  
801 Woodward Avenue  
Muscle Shoals, Alabama
  
- Box 4            United Association of Plumbing and  
Pipefitting Industry – Pavilion  
2803 East Avalon Avenue  
Muscle Shoals, Alabama
  
- Box 5            Grace Life Church  
1915 Avalon Avenue  
Muscle Shoals, Alabama
  
- Box 6            Muscle Shoals City Hall  
2010 East Avalon Avenue  
Muscle Shoals, Alabama

Absentee Balloting:  
Muscle Shoals City Hall  
2010 East Avalon Avenue  
Muscle Shoals, Alabama

The Council will by resolution hereinafter to be adopted appoint and designate the election officials to conduct the said election at the said voting places.

Section 6. Canvass of Returns and Declaration of Results. The Council shall meet in the Council Chambers in the City Hall at 12:00 p.m., on September 4, 2018, being the first Tuesday next after the election, for the purpose of canvassing and declaring the results of said election. The of the results of the election shall be recorded in the minutes and proceedings of the Council and when so recorded said records shall be conclusive evidence of the matters therein stated and of the validity of the election, unless contested as required by law.

Section 7. Conduct of Election. Except as otherwise specifically provided herein, said special municipal election shall be conducted, canvassed, and the results thereof declared in the same manner as provided in Chapter 46 of Title 11 of the Code of Alabama 1975, as amended.

Council Member Hall moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said ordinance, which motion was seconded by Council Member Sockwell and upon the same being put to vote, the following vote was recorded:



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

NAYS: None

President Noles thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Council Member Hall thereupon moved that the foregoing ordinance be adopted, which motion was seconded by Council Member Sockwell and, upon the same being put to vote the following vote was recorded:

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

NAYS: None

President Noles thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

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