

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 22, 2014**

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 22nd day of December, 2014 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President of the Council. The invocation was given by Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JAMES HOLLAND,
MIKE LOCKHART, ALLEN NOLES
ABSENT: NONE

James Holland, 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. Elaine Coan, Assistant City Clerk, was present and kept the minutes of the meeting.

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 regular meeting and work session of December 1, 2014 and the continued meeting of December 4, 2014 and approved the minutes as written.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Restaurant Retail liquor license to The Wild Lilly LLC dba The Wild Lilly located at 702 Michigan Avenue.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the Restaurant Retail liquor license was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. 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 Lockhart
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the license had been approved.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (off premises only) to Shree Radhe Shylan LLC dba Hi Tech, 503 Highway 43 south.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the Retail Table Wine License (off premises only) was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. 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 Lockhart
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the license had been approved.

President Holland announced that the next item of business was the continuation of a public hearing from the December 1, 2014 meeting to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. the proposed ordinance being as follows:

ORDINANCE NO. - 14
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 R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 5266 thru 5271, Highland Park #13

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 1st day of December, 2014, at 6:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, the City Council heard public comment regarding the proposed amendment at the December 1st meeting and voted to table further consideration of the matter until December 22, 2014 at 6:00 p.m., and

WHEREAS, said public hearing was held and President Holland announced that now was

the proper time for persons in favor and those in opposition to the ordinance to be recognized.

Mr. John Davis representing Express Oil noted that he had met with the concerned property owners and had addressed their concerns.

Ms. Sandy Horton Wilson spoke in favor of the rezoning.

Mr. Ray Farris, 506 LaSalle Avenue spoke against the rezoning citing increased traffic and noise from the expansion of the business.

Ms. Mary Eubanks, 512 LaSalle Avenue spoke against the rezoning stating that the project was not in her best interest..

Ms. Margarite Bonee, 507 LaSalle Avenue spoke against the rezoning stating that she did not want a driveway in front of her house and that the rezoning was too commercialized.

There being no one else wishing to speak, President Holland stated that approval of the rezoning was before the Council.

All those in favor of the application for rezoning would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Lockhart, Council Member Holland

NAYS: Council Member Pampinto, Council Member Willis, Council Member Noles

President Holland announced that the request for rezoning was denied.

President Holland announced that the next item of business was to consider a resolution to approve the Northwest Alabama Hazard Mitigation Plan.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2721 - 14

MULTI-JURISDICTION HAZARD MITIGATION PLAN

Whereas, Section 409 of the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 CFR, as amended by Section 102 of the Federal Disaster Mitigation Act of 2000, as administered by the Federal Emergency Management Agency, Region IV, requires and provides a framework for all state and local governments to review and evaluate a local hazard mitigation strategy to protect life and property through an assessment of risk and mitigation practices, as a condition of receiving Federal disaster and hazard mitigation assistance; and,

Whereas, the Colbert County Emergency Management Agency, along with other officials in Colbert County, has been involved in the development of the Northwest Alabama Regional Hazard Mitigation Plan; and,

Whereas, the City of Muscle Shoals supports the enhancement and refinement of the Plan in accordance with guidance from the Alabama Emergency Management Agency and the Federal Emergency Management Agency; and,

Whereas, the Northwest Alabama Regional Hazard Mitigation Plan has been reviewed by the Alabama Emergency Management Agency and the Federal Emergency Management Agency and has obtained approval pending adoption by local legislative bodies; and,

Whereas, the draft Northwest Alabama Regional Hazard Mitigation Plan was advertised at a public hearings during its development and again following review by the Federal Emergency Management Agency and the Alabama Emergency Management Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE City of Muscle Shoals, Colbert County, Alabama that the Northwest Alabama Regional Hazard Mitigation Plan is hereby adopted as the multi-jurisdictional hazard mitigation plan.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was to consider a resolution to appoint a member to the Zoning Board of Adjustment.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2722 - 14

WHEREAS, the terms of a member of the Zoning Board of Appeals 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:

Don Johnson

WHEREAS, Don Johnson was the sole applicant for appointment to the board and currently serving on the board, and

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

Council Member Pampinto: Don Johnson

Council Member Willis: Don Johnson

Council Member Lockhart: Don Johnson

Council Member Holland: Don Johnson

Council Member Noles: Don Johnson

WHEREAS, Council President Holland announced that Don Johnson 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>
Don Johnson	Appeals Board	December 2019

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

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was to consider a resolution to appoint board members to the Healthcare Authority of North Alabama dba HealthGroup of Alabama.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2723 - 14

WHEREAS, the City Council of Muscle Shoals, Alabama is the appointing authority for certain members to the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama; and

WHEREAS, the City Council deems it necessary and expedient that said appointments be made to insure the continued efficient and orderly conduct of the The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama's business; and

WHEREAS, the City Council has determined that the nominations for members to the Board of Directors have been submitted in accordance with the Certificate of Incorporation of The Health Care Authority of North Alabama d/b/a HealthGroup, and

WHEREAS, the City Council finds it necessary and expedient to appoint members to the Board of Directors for Places 1, 2, 3, 4, 5, and 6 and hereby proceeds to do so;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following named persons are hereby appointed as members of the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama, said appointments are for the places on the Board of Directors hereinafter set forth by the name of the appointee and for the term expiring as shown herein:

<u>Place #</u>	<u>Appointee</u>	<u>Expiration of Term</u>
Place 1	Steve Smith	December 31, 2016
Place 2	Nicolas B. Roth	December 31, 2016
Place 3	Alford Boyd Jr.	December 31, 2016
Place 4	Phil Bentley	December 31, 2016
Place 5	Donald Slappey, M.D.	December 31, 2016
Place 6	Douglas Ruggles	December 31, 2016

BE IT FURTHER RESOLVED by the City Council of Muscle Shoals, Alabama that the Clerk of the City shall prepare a certified copy of this Resolution and deliver a copy of same to the Chief Executive Officer of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama.

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

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

NAY: None

Abstaining: Council Member Lockhart.

President Holland announced that the resolution had been approved.

Council Member Pampinto noted that the Council committee on recreation would meet on Tuesday, January 20, 2015 at 4:30 pm in the City Hall conference room to discuss recreation matters.

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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

ASSISTANT CITY CLERK