

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
July 1, 2013**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:20 p.m. on the 1<sup>st</sup> day of July, 2013 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 Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART,  
          JAMES HOLLAND, 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. Richard Williams, 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 June 17, 2013 meeting and approved the minutes as written.

Mayor Bradford announced that the City had received several grant notice of awards and expressed his appreciation for the assistance of the Shoals Economic Development Authority, Shoals Industrial Development Committee and the Alabama Department of Transportation.

President Holland announced that the next item of business was a request for a travel advance for Lt. Mark Goins to attend the FBI National Academy. Police Chief Robert Evans requested 3,000.00. Council Member Willis moved that the request be approved. 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 the vote and declared that the travel advance was approved

President Holland announced that the next item of business was a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance of the City of Muscle Shoals, Alabama. the proposed Ordinance being as follows:

**ORDINANCE NO. 1449 - 13**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE**  
**OF THE CITY OF MUSCLE SHOALS, ALABAMA**

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

That the following permitted use is hereby included in a B-2 District, to wit:

Indoor shooting range

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 1<sup>st</sup> day of July, 2013, 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, 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. Mark Pyle, 1701 Brookford Place spoke in opposition to the zoning amendment. He stated that he lives directly behind the proposed location of the indoor firing range, which will be within 30 feet of his property. Mr. Pyle voiced several concerns to the zoning amendment including concerns that the air filtration system will not be properly maintained to control lead in the air, the noise generated from the air handling system, additional parking lot lighting infringing on his property and the negative impact the project will have on his property values. He cited other city ordinances which set minimum distances from firing ranges to residential districts at 500 to 1,000 feet. These included Huntsville, AL and Orlando, Florida. He asked the Council to set the minimum distances from an indoor firing range to a residential district at 600 feet.

Mr. Brian Roberts, the owner and developer of the proposed firing range, presented a video from the Murphreeboro, TN indoor firing range. It showed no noise outside the building except traffic and air conditioning units operating while nine shooters were in the facility. He also indicated that this facility is within 60 feet of a residential district. Mr. Roberts also stated that no additional parking lot lighting will be added at the back of the building and that the storage units currently on the property will remain and will serve as a buffer between the firing range building and the residential district. He also stated that the facility will be subject to periodic health and safety inspections by EPA. Mr. Roberts said the facility would be for handguns only.

Mr. Rhoda Watts, 200 North Central Avenue spoke in favor of the amendment. He stated

that an indoor firing range is needed in the Shoals area.

There being no one else wishing to speak, President Holland stated that approval of the ordinance 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 ordinance had been approved.

President Holland announced that the next item of business was consideration of an ordinance to amend Ordinance No. 1448-13 to correct the name of the entity purchasing the Shoals Research Park property.

Council Member Noles introduced the following ordinance and moved for its immediate consideration:

### **ORDINANCE NO. 1450 - 13**

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**WHEREAS**, the City Council of Muscle Shoals, Alabama approved Ordinance No. 1448-13 approving the sale of property known and designated as certain tracts or parts thereof of "SHOALS RESEARCH AIRPARK RE-PLAT" unto Shoals Industrial Development Committee; and

**WHEREAS**, it has been made known to the Council that the proper legal entity to hold title to said property is SHOALS ECONOMIC DEVELOPMENT AUTHORITY and being made aware of the correct legal name of the entity the Council is desirous of approving and ratifying the sale and conveyance of the said property described in Ordinance Number 1448-13 to the correct legal entity, namely Shoals Economic Development Authority; now

**THEREFORE, BE IT ORDAINED** by the Council of the City of Muscle Shoals, Alabama as follows:

1. The Council does hereby authorize the conveyance of the property described in Ordinance 1448-13 unto SHOALS ECONOMIC DEVELOPMENT AUTHORITY.
2. The conveyance shall be made pursuant and according to the terms and conditions set forth in the agreement executed by the parties and c set forth in Ordinance 1448-13
3. The interest of the City of Muscle Shoals, Alabama in and to the real property known and designated as "SHOALS RESEARCH AIRPARK RE-PLAT" and more particularly described in Ordinance 1448-13 shall be transferred unto SHOALS ECONOMIC DEVELOPMENT AUTHORITY (SEDA) and the Mayor, David H. Bradford, is hereby authorized to execute and deliver the deed of the City conveying all of the City's right, title and interest in and to said property, subject to any exceptions, easements, restrictions or rights of way, unto SEDA for and in consideration of the sum of \$2,756,388.50 and all actions heretofore taken by the Mayor in this transaction are hereby ratified and confirmed.

4. All other matters contained in Ordinance 1448-13 are reaffirmed.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Noles moved that the Ordinance be approved as presented. Council Member Lockhart seconded the motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the Ordinance was approved.

President Holland announced that the next item of business was consideration of a resolution to authorize the Mayor to make application for a Community Development Block Grant to the State of Alabama for the CBC INGS America Inc. project.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2626 - 13**  
**AUTHORIZING AND APPROVING APPLICATION FOR THE**  
**STATE OF ALABAMA'S CDBG ECONOMIC DEVELOPMENT FUND**  
**(CBC INGS America Project)**

**WHEREAS**, the City of Muscle Shoals has completed its application for Economic Development Funds for the CBC INGS America project through the State of Alabama's Community Development Block Grant Program, and

**WHEREAS**, the City of Muscle Shoals concurs with objectives, needs and program activities proposed therein, and

**WHEREAS**, priorities for proposed program activities adopted by the City of Muscle Shoals were determined in accordance with State and Federal guidelines, now

**THEREFORE, BE IT RESOLVED BY THE CITY OF MUSCLE SHOALS:**

1. That said application shall be designated as the official application for the City of Muscle Shoals to be submitted to the Alabama Department of Economic and Community Affairs upon completion.
2. That the Mayor is duly authorized to sign said application for and act on behalf of the City of Muscle Shoals and is further authorized to execute all other

documents required for application or disbursement of State of Alabama CDBG-ED funds for the City of Muscle Shoals.

3. The City of Muscle Shoals hereby pledges \$92,050.00 of local matching funds towards the project's completion, if the project is funded.

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

President Holland announced the vote and declared that the resolution was adopted and approved.

President Holland announced that the next item of business was consideration of a resolution to approve an agreement with the Alabama Department of Transportation for preliminary engineering for the planing and resurfacing of five streets.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2627 - 13**

**BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama as follows:

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Preliminary Engineering Agreement for Project STPOA-UR13( ), Project Reference Number 100060606 for planing and resurfacing John R Street from Second Street to Sixth Street, Harding Avenue from Avalon Avenue to Sixth Street, Ford Street from north of Avalon to Second Street, Highland Avenue from Woodward Avenue to Harding Avenue and Firestone Avenue from Avalon Avenue to Second Street in the City of Muscle Shoals; which Agreement is before this Council.

2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Passed, adopted and approved this 1<sup>st</sup> day of July, 2013.

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

President Holland announced the vote and declared that the resolution was adopted and approved

President Holland announced that the next item of business was consideration of a resolution to approve a construction agreement with the Alabama Department of Transportation for the planing and resurfacing of five streets.

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

### **RESOLUTION NUMBER 2628 - 13**

**BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama as follows:

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Construction Agreement for Project STPOA-UR13( ), Project Reference Number 100060606 for planing and resurfacing John R Street from Second Street to Sixth Street, Harding Avenue from Avalon Avenue to Sixth Street, Ford Street from north of Avalon to Second Street, Highland Avenue from Woodward Avenue to Harding Avenue and Firestone Avenue from Avalon Avenue to Second Street in the City of Muscle Shoals; which Agreement is before this Council.

2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

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 the vote and declared that the resolution was adopted and approved.

President Holland announced that the next item of business was consideration of a resolution to approve an industrial access grant agreement with the Alabama Department of Transportation for funding street improvements along Sixth Street for the CBC INGS America, Inc. project.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2629 - 13**

**BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama as follows:

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Project IAR-017-000-010 for improvements to Sixth Street adjacent to the Shoals Research Park to benefit CBC ING in the City of Muscle Shoals; which Agreement is before this Council.

2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Noles moved that the Resolution be approved as presented. Council Member Lockhart seconded the motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the Resolution was approved.

President Holland announced that the next item of business was consideration of a resolution to support the retention of the Alabama Music Hall of Fame in the Shoals.

Council Member Lockhart introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2630 - 13**

**WHEREAS**, Alabama has a rich history of music; and

**WHEREAS**, the Alabama Legislature authorized the creation of the Alabama Music Hall of Fame to be located in Colbert County, Tuscumbia, Alabama; and

**WHEREAS**, the Alabama Music Hall of Fame opened in 1990 to house a collection of music memorabilia; and

**WHEREAS**, the Alabama Music Hall of Fame was open as a tourist attraction to the public on a daily basis for over 20 years; and

**WHEREAS**, in Alabama, tourism has an economic impact of over \$10 billion annually and is one of the state's largest industries; and

**WHEREAS**, music is an integral part of our state's cultural heritage, as the Alabama Music Hall of Fame is central to its promotion to travelers across the nation and to a growing market of international guests; and

**WHEREAS**, the Alabama Music Hall of Fame has ceased operating as a major tourism attraction in Colbert County; and

**WHEREAS**, the citizens of Muscle Shoals and Colbert County believe that tourism is vital for economic development and is important to the county and state; now

**THEREFORE BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama, that the Alabama Music Hall of Fame should remain in Colbert County.

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

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Lockhart moved that the Resolution be approved as presented. Council Member Pampinto seconded the motion 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 Lockhart  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the Resolution was approved.



There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, 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