

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 5, 2015**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:35 p.m. on the 5<sup>th</sup> day of September, 2015 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 Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT:   JOE PAMPINTO, MIKE LOCKHART, ALLEN NOLES  
                  JAMES HOLLAND  
ABSENT:    NEAL WILLIS

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. Mayor David Bradford was also present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto and seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 21, 2015 and approved the minutes as written.

Mayor Bradford presented a proclamation declaring October as “Firefighter Appreciation Month” in the City. The Mayor also reported on the status of several infrastructure projects including the East Avalon Avenue project and the City’s paving project.

President Holland announced that the next item of business was approval of a resolution to award a bid for computer software for use in the Police Department.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2775-15**

**BE IT RESOLVED** by the Council of the City of Muscle Shoals, Alabama that;

**WHEREAS**, the Procurement Agent did send out advertisements for bids for the purchase of jail management system software, the bid opening being held September 28, 2015 at the City Hall of the City of Muscle Shoals, Alabama; and

**WHEREAS**, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

	BLUEHORSE	SOUTHERN SOFTWARE, INC.
Base Bid Amount for Software Package	\$45,800.00	\$31,737.00
All Options	\$6,200.00	\$3,775.00
Total Bid Amount Including all Options	\$52,000.00	\$35,512.00

**WHEREAS**, that the lowest, responsive and responsible bidder after evaluation of the submitted bids, has been determined as Southern Software, Inc. with a total bid price of \$35,512.00 to include all options for the purchase of Jail Management System Software;

**NOW, THEREFORE, BE IT RESOLVED** that the apparent lowest, responsive and responsible bidder, Southern Software, Inc. is now awarded the bid for the purchase of jail management system software including all options at a total bid price of \$35,512.00

Council Member Lockhart 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 approval of a resolution to award the bid for coarse aggregates for the 2015-2016 fiscal year.

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

**RESOLUTION NO. 2776 - 15**

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

[1] That advertisements for bids for the purchase of coarse aggregates for the 2015-2016 fiscal year were distributed, the bid opening set for the 24th day of September, 2015, at the City Hall of the City of Muscle Shoals, Alabama.

[2] **BE IT FURTHER RESOLVED** that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

BIDDER	No. 57 / Ton	No. 78 / Ton	Crusher Run	Rip Rap	Dense Graded Base
Rogers Group, Inc.	\$11.00	\$11.00	\$8.50	\$12.25	\$9.00
Vulcan Materials	\$11.55	\$11.55	\$9.45	\$13.65	\$9.45

[4] **BE IT FURTHER RESOLVED**, that the lowest, responsive, and responsible bidder has been determined as Rogers Group, Inc. with a bid price of \$11.00 per ton for No. 57 coarse aggregate; \$11.00 per ton for No. 78 coarse aggregate; \$8.50 per ton for crusher run; \$12.25 per ton for rip rap, and \$9.00 per ton for dense graded base;

**NOW, THEREFORE BE IT RESOLVED** that the lowest, responsive and responsible bidder, Rogers Group, Inc. is now awarded the bid for the purchase of coarse

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Council Member Pampinto 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 a public hearing to consider permitting radio and transmission towers and stations in B-2 and B-2A zones. The proposed ordinance being as follows:

**ORDINANCE NUMBER 1477 - 15**

AN ORDINANCE OF THE CITY OF MUSCLE SHOALS AMENDING SECTION 122-152 OF CHAPTER 122 GOVERNING ZONING, AND PARTICULARLY THE PROVISIONS OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS, WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSCLE SHOALS, ALABAMA

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

1. Section 122-152 of Chapter 122 of the Code of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama is hereby amended so that Article IV, Division 1- Subdivision II Section 122-152 of Chapter 122 of the Code of the City of Muscle Shoals is hereby amended as follows, specifically to include the following:

Sec. 122-152. Table of permitted uses for nonresidential districts.

Radio and television transmitting towers and stations shall be a permitted use in the following districts: Business B-2 and B-2A and Industrial M-1 and M-2.\*

\*Such permitted use shall be limited to one transmitting tower which must be attached to the rear of the primary building and protruding no higher than ten feet above the top of the roof of the building and any transmitting and/or receiving dish attached to the tower shall be limited to a diameter of seven feet or less.

II. All other existing permitted uses contained in Section 122-152 of Chapter 122 of the Code of Muscle Shoals, Alabama shall remain in full force and effect.

III. This Ordinance, and its provisions, shall become upon publication and/or posting or as otherwise provided by law.

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The Council finds that legal notice of the proposed amendment to the City Code 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 5<sup>th</sup> day of October, 2015, at 6:30 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.

There being no one 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 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 a public hearing to consider an amendment to the City Code relating to accessory structures in R-1, R-2 and R-3 zones. The proposed ordinance being as follows:

## **ORDINANCE NUMBER 1478 - 15**

### **AN ORDINANCE OF THE CITY OF MUSCLE SHOALS AMENDING SECTION 122-183 OF CHAPTER 122 GOVERNING ZONING, AND PARTICULARLY THE PROVISIONS OF ACCESSORY BUILDINGS GENERALLY, WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSCLE SHOALS, ALABAMA**

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

I. Section 122-183 of Chapter 122 of the Code of the City of Muscle Shoals, Alabama heretofore adopted by the City of Muscle Shoals, Alabama is hereby amended so that Article V, Division 1- Section 122-183 of Chapter 122 of the Code of the City of Muscle Shoals shall read in its entirety as follows:

#### **Sec. 122-183. Accessory Buildings.**

No accessory building shall be erected or placed in any required front or side yard unless located within the rear yard requirements, and no separate accessory building shall be erected within five feet of any other building. However, an attached or detached accessory building used solely to house guests of the occupants of the principal building and which is never separately leased or offered for rent and located on the same lot as the principal building and electrical power service is provided from the principal building in that no separate electrical meter or service shall be provided to the guest house is permitted in R-1, R-2 and R-3 zones. Setback requirements shall be the same as for an accessory building as otherwise set forth herein or as may be amended from time to time.

II. This Ordinance, and its provisions, shall become upon publication and/or posting or as otherwise provided by law.

The Council finds that legal notice of the proposed amendment to the City Code 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 5<sup>th</sup> day of October, 2015, at 6:30 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.

There being no one 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 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 a public hearing 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. 1479 - 15**  
**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 unzoned and is hereby incorporated in and made a part of the R-2 District, to wit:

Tract One:

A tract of land described as follows: Beginning at a point 1188 feet North of the Southwest corner of the West ½ of the Northwest ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama; thence run North a distance of 330 feet to a point; thence run East a distance of 1320 feet to a point; thence run South a distance of 330 feet; thence run West a distance of 1320 feet to the point of beginning.

Tract Two:

A tract of land lying and being in the NW ¼ of the NW ¼ of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows: Commence at the Southwest corner of the West ½ of the NW ¼ of said Section 20; thence North 1° 19' 30" West a distance of 1524.52 feet to the point of beginning of the tract of land hereby described; thence continue North 1° 19' 30" West a distance of 331.43 feet; thence South 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' East a distance of 1328.79 feet; thence South 1° 24' East a distance of 331.43 feet; thence North 89° 37' West a distance of 1329.25 feet to the point of beginning, containing 10.11 acres, more or less, and being subject to one-half the right of way of Gargis Lane along the West side.

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Tract Three:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet to the POINT OF BEGINNING; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

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Tract Four:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20 a distance of 433.86 feet; thence run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 30" E a distance of 211.94 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 726.59 feet to a point; thence run S 1° 24' E a distance of 149.61 feet to a point; thence run N 89° 37' W a distance of 727.06 feet to a point; thence run N 1° 30' W a distance of 149.61 feet to the POINT OF BEGINNING.

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Tract Five:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 614.635 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 601.73 feet to a point; thence run S 1° 19' 30" E a distance of 180.775 feet to a point; thence run N 89° 37' W a distance of 601.73 feet to a point on the West line of Section 20; thence run North along the West line of said Section 20, a distance of 180.775 feet to the POINT OF BEGINNING.

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Tract Six:

A tract of land lying in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the NW corner of Section 20, Township 4 South, Range 10 West, Colbert County, Alabama, thence run South along the West line of said Section 20, a distance of 433.86 feet to a point; thence run S 89° 37' E a distance of 601.73 feet to the POINT OF BEGINNING; thence continue to run S 89° 37' E a distance of 414.59 feet to a point; thence run S 1° 24' E a distance of 145.12 feet to a point; thence run S 89° 37' E a distance of 312.0 feet to a point; thence run S 1° 24' E a distance of 66.84 feet to a point; thence run N 89° 37' W a distance of

726.59 feet to a point; thence run N 1° 30' W a distance of 211.94 feet to the POINT OF BEGINNING.

For purposes of further identification, the above-described parcels are designated with the following parcel numbers by the office of the Revenue Commissioner of Colbert County, Alabama:

12-04-20-0-001-015.003;  
12-04-20-0-001-015.004;  
12-04-20-0-001-015.006;  
12-04-20-0-001-015.013;  
12-04-20-0-001-015.014; and  
12-04-20-0-001-015.015.

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 5<sup>th</sup> day of October, 2015, at 6:30 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.

There being no one 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 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 approval of a resolution to declare a desk in the library as surplus property and authorize its disposal.

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



STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2777 - 15**

**WHEREAS**, the City Council has been informed by the City Clerk that a hereinafter described property previously used in the performance of duties at the Library is no longer required for use by City personnel; and

**WHEREAS**, the City Council is informed that a request by the Northwest Shoals Community College has been made for the transfer of the desk for use in the operation of the agency; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following described desk be declared surplus property and be disposed of by the City Clerk 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 or operation of said desk and the Council does hereby authorize the City Clerk to dispose of said desk in such manner. The Council finds that the following desk is surplus property:

Desk with return, Asset #000641

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to take the steps necessary to convey the above described desk to the Northwest Shoals Community College in a manner consistent with the terms and conditions and pursuant to this Resolution; and

**BE IT FURTHER RESOLVED** that the desk shall be delivered, to the Northwest Shoals Community College, and that all expenses of the transfer shall be borne by the Northwest Shoals Community College.

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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.

President Holland announced that the resolution had been approved.

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