

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 4, 2016**

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 4th day of April, 2016 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, 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, NEAL WILLIS, MIKE LOCKHART
 TERRY MCMINN, 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. 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 McMinn and seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of March 21, 2016 and approved the minutes as written.

Mayor Bradford read aloud a proclamation declaring April as “Donate Life Month” in the City.

Mayor Bradford read aloud a proclamation declaring April 24-30, 2016 as “Parental Alienation Prevention Week” in the City.

President Noles announced that the next item of business was to set a public hearing to consider the vacation of a portion of an eighteen foot alleyway lying adjacent to lots numbered 5234 through 5240 on the east side and adjoining a part of a 20 foot vacated alley and Lot 5722 on west side, in Highland Park Subdivision, Plat No. 13. The vacation has been requested by Estes Oil Company Inc., the Estate of Edward W. Estes and Muscle Shoals Commons LLC.

President Noles announced that at a meeting to be held at the City Hall in said City at 6:00 pm on the 2nd day of May, 2016, the Council will consider the vacation of the alleyway. At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such vacation.

President Noles announced that the next item of business was to set a public hearing to consider the vacation of a fifteen foot alleyway lying adjacent to lots numbered 7 through 10 in Muscle Shoals Center Subdivision No. 16-A on the east side and lying adjacent to Lot 2, in King's Commercial Subdivision on the west side; and a second 15 foot alleyway lying adjacent to lots numbered 1 through 6 of Muscle Shoals Center Subdivision No. 16-A and vacated Wyoming Avenue on the east side and Lot 1, King's Commercial Subdivision on the westside. The vacations have been requested by Martin- Aycock Properties.

President Noles announced that at a meeting to be held at the City Hall in said City at 6:00 pm on the 2nd day of May, 2016, the Council will consider the vacation of the alleyway. At said time and place, all persons who desire to do so shall have the opportunity of being heard in opposition to or in favor of the approval of such vacation.

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 4th day of May, 2016, 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 is currently zoned B-2 and is hereby incorporated in and made a part of the R-3 District, to wit:

East 11.3 ft. of Lot 326 and lots 327-328 of Detroit Park Subdivision #3

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 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 4th day of May, 2016, 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 is currently zoned R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 747 - 748 and lots 685-686 of Muscle Shoals Center Subdivision #1

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 an application for a Restaurant Retail Liquor License requested by Stells Sports Grill LLC dba Stells Sports Grill located at 4125 Sportsplex Drive.

Council Member Pampinto moved for immediate consideration of the application because it was not included on the meeting's agenda. Council Member Willis seconded the motion and upon said motion 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 McMinn, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration was unanimously adopted. Council Member Pampinto moved that the required public hearing be set for May 2, 2016 at 6:00 pm at City Hall. Council Member Willis seconded the motion and upon said motion 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 McMinn, Council Member Noles

NAYS: None

President Noles announced that the motion to schedule the public hearing had been approved.

President Noles announced that the next item of business was consideration of a resolution to amend section 10.4.2.4 (d) of the Civil Service Personnel Policies and Procedures.

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

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2804 - 16

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has duly considered a change in the bereavement policies of the City of Muscle Shoals, Civil Service Personnel Policies and Procedures ; and

WHEREAS, due and proper notice of the proposed change has been posted pursuant to said policies; and

WHEREAS, the issue of the proposed change to the sick leave policy as currently found in Section 10.4.2.4 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures is properly before the Council for consideration;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the following change to the sick leave policy of the City of Muscle Shoals as same is applied to the eligible employees of the city and does hereby replace the existing language of said section and replace and amend said Section 10.4.2.4 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures to read in its entirety as follows, to wit:

10.4.2.4 Use of Sick Leave. Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

- (a) when he is unable to work due to personal illness, injury incurred off-duty, or when his presence may endanger the health of fellow workers;
- (b) keeping a doctor, dentist, chiropractor or optometrist appointment;
- (c) any impairment related to pregnancy, and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
- (d) Serious illness of a member of his immediate family (for purposes of this section, immediate family includes the employee's spouse, children, parents, brother, sister, son-in-law, daughter-in-law and the like relations of the spouse's family, grandchildren, step-parents, step-children).

BE IT FURTHER RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby direct the City Clerk to post notice of this amendment to said policy pursuant to the requirements of ordinances and/or resolutions and to further deliver a copy to each department head with instructions that same be posted in an open and conspicuous place within the office of said department for a period of no less than (30) days.

Council Member Willis 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 a resolution to amend section 10.4.3.2 of the Civil Service Personnel Policies and Procedures related to bereavement leave.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2805 - 16

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has duly considered a change in the bereavement policies of the City of Muscle Shoals, Civil Service Personnel Policies and Procedures ; and

WHEREAS, due and proper notice of the proposed change has been posted pursuant to said polices; and

WHEREAS, the issue of the proposed change to the bereavement policy as currently found in Section 10.4.3.2 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures is properly before the Council for consideration;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve, consent to and ratify the following change to the bereavement policy of the City of Muscle Shoals as same is applied to the eligible employees of the city and does hereby replace the existing language of said section and replace and amend said Section 10.4.3.2 of the City of Muscle Shoals, Civil Service, Personnel Policies and Procedures to read in its entirety as follows, to wit:

10.4.3.2 Bereavement.

A covered employee will be credited with three (3) working days (one (1) working day if the covered employee is regularly assigned twenty-four (24) hour shifts of work) assigned of leave for the death of an immediate family member, as hereinafter defined, provided however the days of leave occur on a scheduled working day or shift. A work day will be calculated at eight (8) hours. The days of leave shall be the day before, the day of and the day after the funeral of the deceased immediate family member. If an employee is notified of the death on a scheduled work day and is released from his duties, a sick leave day will be credited for that day. Any additional leave requested by a covered employee before or after the days of leave herein defined, if granted, will be

charged against the covered employee's annual leave, if available, or shall be leave without pay, if granted. Such additional leave shall be granted only if work schedules permit and said decision is solely within the discretion of the covered employee's department head.

Immediate family member is defined as and includes the following: Husband, Wife, Son, Daughter, Parents, Grandparents, Grandchildren, Step-Parents, Step-Children, Brothers, Sisters, Step-Brothers; Step-Sisters, Son-in-law, Daughter-in-law, Brothers-in-law and Sisters-in-law and the equivalent relations of the spouse. Included in the definition of immediate family members are those persons who live with the covered employee's family whether related or not.

BE IT FURTHER RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby direct the City Clerk to post notice of this amendment to said policy pursuant to the requirements of ordinances and/or resolutions and to further deliver a copy to each department head with instructions that same be posted in an open and conspicuous place within the office of said department for a period of no less than (30) days.

Council Member Lockhart 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 amending the license tax for lodgings within the corporate limits and police jurisdiction.

Council Member Lockhart introduced the following ordinance in writing and moved for its immediate consideration:

ORDINANCE NO. 1489 - 16

PURSUANT TO THE PROVISIONS OF CODE OF ALABAMA 1975 SECTIONS 11-51-200 THROUGH 11-51-207, THIS ORDINANCE LEVIES A PRIVILEGE OR LICENSE TAX UPON PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE BUSINESS OF RENTING OR FURNISHING ROOMS, LODGINGS, OR ACCOMMODATIONS TO TRANSIENTS IN THE CITY OF MUSCLE SHOALS, ALABAMA, AND WITHIN ITS POLICE JURISDICTION; AND PROVIDES PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Pursuant to the provisions of Code of Alabama 1975 Sections 11-51-200 through 11-51-207, be it ordained by the City Council of the City of Muscle Shoals, in the State of Alabama, as follows:

Section 1. There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm or corporation engaging or continuing with the City of Muscle Shoals in the business of renting or furnishing any room or rooms, lodgings or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of three percent (3%) of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. Provided, however, there is exempted from the tax levied rooms, lodgings or accommodations supplied for a period of one hundred and eighty (180) continuous days or more in any place.

Section 2. Tax Levied in Police Jurisdiction. Every person who is subject to the provisions of this ordinance in the business of furnishing rooms, lodgings, or accommodations to transients within the police jurisdiction of the City of Muscle Shoals shall remit one-half of the lodgings or license tax under the preceding section for the renting or furnishing of rooms, lodgings or accommodations covered under the terms and provisions of this ordinance.

Section 3. Provisions of State Lodgings Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State Lodgings Tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State Lodgings Tax statutes for enforcement and collection of taxes.

Section 4. Use of Proceeds. The proceeds from the tax herein levied remaining after payment of the costs of collecting said tax, including all charges of the administration for such collection and paid over to and received by the city shall be distributed to the City general fund for the use of City operations.

Section 5. Effective Date. This ordinance shall become effective on the first day of June, 2016, and the first payment of taxes hereunder shall be due and payable on the twentieth day of July, 2016.

Council Member McMinn seconded the motion and upon said motion 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 McMinn, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration was unanimously adopted. Council Member Lockhart moved that the ordinance be adopted as presented. Council Member McMinn seconded the motion and upon said motion 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 McMinn, Council Member Noles

NAYS: None

President Noles announced the vote and declared that the ordinance was 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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK