

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
September 8, 2015**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 8<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 Robert Evans. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART  
ALLEN NOLES, JAMES HOLLAND  
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 and 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 August 17, 2015 and approved the minutes as written.

A proclamation was read aloud declaring September as “Childhood Cancer Awareness Month” in the City.

Mrs. Earline McClanahan, owner of The Village Shoppe, was presented a proclamation recognizing 50 years of retail business and declaring Tuesday, September 8, 2015 as “James and Earline McClanahan Day” in the City.

President Holland announced that the next item of business was approval of a resolution to award the bid for the sale of Parcel #2 at the Cypress Lakes golf course.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2769 - 15**

**WHEREAS**, the City Clerk did send out advertisements for the sale of certain parcels of land located at the Cypress Lakes golf course, and

**WHEREAS**, bids for the sale of the land were opened on September 3, 2015 at 4:00 pm at City Hall; and

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

<b><u>BIDDER</u></b>	<b><u>BID</u></b>	<b><u>PARCEL OR LOT</u></b>
Janet Hester	\$45,900.00	2
Allan Griffin	40,000.00	2
Aaron Irons	20,002.00	2
Johnny Mitchell	27,561.00	2
Rita Nelson	8,100.00	2
Justin Wall	36,200.00	2

**WHEREAS**, the apparent high bid of Janet Hester did not include earnest money and was therefore unresponsive, and

**WHEREAS**, the highest, responsive and responsible bidder is Allan Griffin with a bid price of \$40,000.00; now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals that Allan Griffin is awarded the sale of Parcel #2.

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 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 Holland announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 5<sup>th</sup> day of October, 2015, 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 unzoned and is hereby incorporated in and made a part of the R-2 District, to wit:

Begin at the northwest corner of township 4, range 10 west, section 20 and run south along section line for a distance on approximately 404 feet to point of beginning and being the northwest corner of tax parcel # 1500312042000010, thence run east for a distance of 977, thence run south for a distance of 180 feet, thence run east for a distance of 312 feet, thence run south for a distance of 867 feet, thence run west for a distance of 799, thence run north for a distance of 1006 feet and back to the point of beginning. The Colbert County Tax Parcel numbers included in this description are 1500312042000010, 1204200001015006, 1204200001015015, 1204200001015014, 1204200001015004, 1204200001015003.

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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 Holland announced that the next item of business was consideration of General Fund budget amendments.

Council Member Noles introduced the following proposed amendments and moved for their immediate consideration:

Council Member Lockhart 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 Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Noles moved that the budget amendments be adopted 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 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 General Fund budget amendments were approved.

President Holland announced that the next item of business was the nomination of three individuals to the Alabama Department of Revenue for appointment to the Board of Equalization. Council Member Lockhart moved that Raymond Howard, John Knight and Max Eady be nominated. 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 motion had been approved.

President Holland announced that the next item of business was approval of a resolution to authorize the expenditure of funds for the relocation of a sewerline.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2770 - 15**

**WHEREAS**, the City Council in 1991 authorized the extension of sanitary sewer services into an area known today as Huston Plantation, and

**WHEREAS**, the City awarded a contract to Howard Henson for the installation of the sanitary sewer line; and

**WHEREAS**, it has been determined that the installation of the sanitary sewer line did not follow the prescribed easement and now encroaches on property otherwise available for development; and

**WHEREAS**, Robert Eaton, the current developer of this area and the Muscle Shoals Utilities Board have agreed to relocate the existing sewer line and expand it from 8 inch to a 10 inch line; and

**WHEREAS**, the participants in this project have asked the City to participate in the contract with Golden Construction Company in the amount of \$58,813.00 to relocate these sanitary sewer services, now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the Council has determined that the relocation of the sanitary sewer line will serve a public purpose; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the City Clerk/Treasurer be directed to expend \$19,604.33 or one-third of the total expenditure to make payment to Golden Construction Company for the project costs.

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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 that the resolution had been approved.

President Holland announced that the next item of business was consideration of a resolution to declare two trucks in the parks and recreation department surplus and authorize their disposal.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2771 - 15**

**WHEREAS**, the City Council has been informed by the Parks and Recreation Director that certain vehicles hereinafter described previously used in the performance of duties is no longer required for use by City personnel; and

**WHEREAS**, the City Council has determined that the said vehicles are surplus property and the City has no further use for said vehicles due to their age and condition and it is not economical for the City to retool or refit the said vehicles in order that they be able to be placed in service in the Parks and Recreation Department;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following described vehicles be declared surplus property and be

disposed of by the Parks and Recreation Director of the city by placement on Govdeals.com for sale to the highest bidder. The Council finds that the following vehicles are surplus property:

1994 Ford F350 Pickup, VIN 1FTJW35H4REA31660, Asset #2308010100

1997 Ford F350 Pickup, VIN 1FTJW35H6VEB26120, Asset #970222001

**BE IT FURTHER RESOLVED** that the Parks and Recreation Director is authorized to take the steps necessary to convey the above described vehicles to the highest bidders in a manner consistent with the terms and conditions and pursuant to this Resolution; and

**BE IT FURTHER RESOLVED** that in consideration of the conveyance the high bidders, shall execute and deliver a release to the City of Muscle Shoals, Alabama releasing the City from all liability, claim, loss or expense, in the operation of the said vehicles herein above described.

**BE IT FURTHER RESOLVED** that the title to the vehicles shall be properly executed and delivered, along with the vehicles, to the high bidders, and that all expenses of the transfer of the title shall be borne by high bidder.

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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.

President Holland 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 of the City of Muscle Shoals, Alabama. President Holland announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 5<sup>th</sup> day of October, 2015, the Council will consider the adoption of an Ordinance to amend Section 122-183 Accessory Buildings of the City Code as follows:

## ORDINANCE NUMBER \_\_\_\_\_

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 space 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.

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 Holland 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 of the City of Muscle Shoals, Alabama. President Holland announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 5<sup>th</sup> day of October, 2015, the Council will consider the adoption of an Ordinance to amend Section 122-152 Table of permitted uses for nonresidential districts of the City Code as follows:

ORDINANCE NUMBER \_\_\_\_\_

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.

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.

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