

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
January 4, 2021**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:27 p.m. on the 4<sup>th</sup> day of January, 2021 being the scheduled time and place for said meeting. The meeting was called to order by Ken Sockwell, Council President. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON,  
KEN SOCKWELL, DAVID MOORE

ABSENT: NONE

Ken Sockwell, Council President, 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 Mike Lockhart was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

The invocation was given by City Clerk Ricky Williams. Mayor Mike Lockhart led in the pledge of allegiance.

Upon motion duly made by Council Member Thompson and seconded by Council Member Moore and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of December 21, 2020, and approved the minutes as written.

Mayor Mike Lockhart read aloud a proclamation declaring January as "Human Trafficking Awareness Month" in the City.

President Sockwell announced that the next item of business was consideration of a request for travel advances for the police department. Police Chief Clint Reck requested \$1,500 each for Juan Noyola and Thomas Patterson to attend the police academy in Tuscaloosa beginning January 11<sup>th</sup>.

Council Member Moore moved that the travel advances be approved. Council Clark seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the motion had been approved.

President Sockwell announced that the next item of business was consideration of an ordinance to restrict short-term rentals of single family residences within the city limits. The ordinance was introduced at the December 21, 2020 meeting.

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE PERTAINING TO THE RESTRICTIONS ON SHORT-TERM RENTAL OF SINGLE FAMILY RESIDENCES WITHIN THE CITY LIMITS OF THE CITY OF MUSCLE SHOALS**

**BE IT KNOWN** the City Council of the City of Muscle Shoals, Alabama, being desirous of maintaining the public health, safety and existing community standards related to single-family residentially zoned property within the City and the City Council makes the following findings:

- (a) The city is committed to maintaining and preserving the quality of its residential character, the housing stock and existing single-family communities, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life.
- (b) The rental of single-family residences for temporary occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and density in single-family residential districts.
- (c) The number of occupants occupying short-term rentals has the potential to create a danger to the health and safety of the residential neighborhood and nearby residential properties.
- (d) The purpose of this article is to safeguard the peace, safety and general welfare of the residents of the city, and their visitors and guests, by eliminating noise, vandalism, overcrowding, neighborhood uncertainty, high occupancy turnover, diminution of neighborhood character, and other effects that have become associated with the short-term rental of single-family residential dwellings.
- (e) The restrictions established by this article are necessary to protect the integrity and residential character of the city's single-family residential neighborhoods and the health and safety of the residents.
- (f) This article is required to prohibit, in certain circumstances, the rental of single-family residences and the promotion and advertisement of short-term rentals of single-family residences for periods of less than thirty (30) consecutive days, in order to protect the public health, safety, and welfare, and the existing community standards in the city relating to single-family residentially zoned property.

**BE IT ORDAINED** that for the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Advertise or advertisement.* Any written, electronic, or oral publication, dissemination, solicitation, or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the rental of a single-family residence in violation of this article or other applicable provisions of appendix A of this Code. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications, Facebook publications, or other oral, printed, or electronic means.

*Dwelling.* Any building, structure, or portion thereof which is permitted, designed, or used primarily for a single-family residence, except that the word "dwelling" shall not include boarding or rooming houses, tents, dormitories, motels, hotels, or other structures which are not designed or used primarily for a single-family residence as defined by this article.

*Dwelling unit.* Any portion of a building used, intended, or designed as a separate abode for one (1) family. *Enterprise.* Any corporation, association, firm, partnership, LLC, or other legal entity.

*Facilitate.* A person, operator, or enterprise "facilitates" if, acting with knowledge that an operator, managing agency or rental agent is committing or intends to commit the offense of renting a single-family residence in violation of this article, the person or enterprise knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.

*Managing agency or rental agent.* A person, operator, enterprise, or agency representing the owner of the single-family residence, or a person, enterprise or agency owning more than one (1) single-family residence.

*Operator.* A person or enterprise who is owner or proprietor of a single-family residence, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, managing agency, rental agent, or any other capacity. Where the operator performs his or her functions through a managing agency of any type or character, or where the operator performs his or her functions through a managing agency or the rental agent, the operator has the same duties as its principal.

*Person.* Any individual or a group of individuals, enterprise, managing agency, rental agent, operator, or any entity.

*Remuneration.* Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.

*Rent.* The consideration or remuneration charged whether or not received, for the occupancy or possession of space in a single-family residence, valued in money, whether to be received in

money, goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind.

*Rental.* An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.

*Single-family residence.* Any dwelling, dwelling unit, or any structure located in the following residential zoning districts: NPD, R-1, R-2, R-3, PR-1, and PR-2, as defined in the zoning ordinance and zoning map of the city.

*Solicit.* A person "solicits" if, with the intent to promote or facilitate the short-term rental of a single-family residence in violation of this article, or if such person commands, encourages, requests or solicits another person to engage in conduct which would constitute a violation of this article.

*Transient.* Those who reside, possess, or inhabit a single-family residence as defined by this article for a period of less than thirty (30) consecutive days.

**BE IT FURTHER ORDAINED** as follows: It shall be unlawful for any person to rent or possess to rent for any type of remuneration, any single-family residence, as defined by this article, for a period of time of less than thirty (30) consecutive days in duration to any transient.

**BE IT FURTHER ORDAINED** as follows: It shall be unlawful for any person to advertise, solicit, or facilitate the rental for a duration less than thirty (30) consecutive days of any single-family residence as defined by this article. Such activity is prohibited, whether by mailings, print advertisements, Internet listings, or any other means for communicating such advertisement.

**BE IT FURTHER ORDAINED** as follows: Violations of this article shall constitute a misdemeanor, and, upon conviction, shall be punished as provided by Section 1-8 of this Code. Each day that any violation continues shall be a separate offense punishable as described herein, as an additional violation for each day such violation continues to exist.

**BE IT FURTHER ORDAINED** as follows: A violation of any portion of this article constitutes a public nuisance per se. The city, as an additional or alternate remedy, may institute equitable or injunctive proceedings in a court of competent jurisdiction to abate uses prohibited by this article. Said petition shall be verified by the mayor, city clerk, police officer, or any other governing official or employee of the city authorized to enforce the provisions of this article.

**BE IT FURTHER ORDAINED** that this Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

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Council Member Clark moved that the item be tabled until a later date with further study. Council Member Moore seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the motion had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to declare weapons in the police department surplus and authorize their trade-in for new weapons.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 3120 - 21**

**WHEREAS**, the Police Chief of the City of Muscle Shoals, Alabama has deemed it necessary to upgrade firearms for all sworn officers of the department; and

**WHEREAS**, the Police Chief has determined that fifty (50) weapons due to their and condition, should be replaced with the newer generation of the Glock 9mm pistol; and

**WHEREAS**, the Police Chief has determined that G. T. Distributors will offer a trade-in price of 265.00 per weapon, and the cost of the new generation 5 Glock 9mm pistols will be \$428.00 each, resulting in a net payment of \$6,559.45 for forty-seven (47) new weapons; now

**THEREFORE BE IT ORDAINED** by the City Council of the City of Muscle Shoals, Alabama that the following weapons are declared surplus and authorized to be traded-in to G. T. Distributors for forty-seven (47) new weapons at a net price of \$6,559.45:

<b>Make</b>	<b>Model</b>	<b>Serial Number</b>	<b>Generation</b>	<b>Asset Number</b>
Glock	22	BKR4792	GEN 4	
Glock	22	BKRU791	GEN 4	
Glock	22	BKRU793	GEN 4	
Glock	27	BKSF536	GEN 4	
Glock	27	EW5879US	GEN 4	0205310002
Glock	27	EWS878US	GEN 4	0205310003
Glock	27	HBL728	GEN 4	
Glock	27	MEH838	GEN 4	0810310001
Glock	23	MED158	GEN 4	0810310002
Glock	22	RDF937	GEN 4	1102210010
Glock	22	RDF938	GEN 4	1102210009
Glock	22	RDF939	GEN 4	1102210008
Glock	22	RDF940	GEN 4	1102210007
Glock	22	RDF943	GEN 4	1102210004
Glock	22	RDF944	GEN 4	1102210003

Glock	22	RDF945	GEN 4	1102210002
Glock	22	RDF946	GEN 4	1102210001
Glock	22	RDF948	GEN 4	1102210035
Glock	22	RDF949	GEN 4	1102210034
Glock	22	RDF951	GEN 4	1102210032
Glock	22	RDF952	GEN 4	1102210031
Glock	22	RDF954	GEN 4	1102210029
Glock	22	RDF955	GEN 4	1102210028
Glock	22	RDF956	GEN 4	1102210027
Glock	22	RDF957	GEN 4	1102210026
Glock	22	RDF960	GEN 4	1102210023
Glock	22	RDF961	GEN 4	1102210022
Glock	22	RDF962	GEN 4	1102210021
Glock	22	RDF963	GEN 4	1102210020
Glock	22	RDF964	GEN 4	1102210019
Glock	22	RDF965	GEN 4	1102210018
Glock	22	RDF966	GEN 4	1102210017
Glock	22	RDF967	GEN 4	1102210016
Glock	22	RDF969	GEN 4	1102210014
Glock	22	RDF971	GEN 4	1102210012
Glock	22	RDF972	GEN 4	1102210011
Glock	22	TFD891	GEN 4	1206290003
Glock	22	FD892	GEN 4	1206290005
Glock	22	TFD889	GEN 4	1206290004
Glock	22	WDH740	GEN 4	
Glock	22	WDH741	GEN 4	
Glock	22	WDH742	GEN 4	
Glock	22	WDH743	GEN 4	
Glock	22	WPK617	GEN 4	
Glock	22	WPK618	GEN 4	
Glock	22	WPK619	GEN 4	
Glock	22	WPK620	GEN 4	
Glock	22	WPK621	GEN 4	
Glock	22	DEE574	GEN 3	
Glock	22	DEE584	GEN 3	
Total	44	Glock 22		
Total	1	Glock 23		
Total	<u>5</u>	Glock 27		
Total	50			

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

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a contract with Click Synergy to provide consultation with social media and public relations activities.

Council Member Clark moved that the contract with Click Synergy for \$12,000 be approved as presented. Council Member Thompson seconded the motion and upon upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the motion was passed and the contract had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to eliminate term requirements for board appointments.

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

**RESOLUTION NUMBER 3121 - 21**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA as follows:

The Council of the City of Muscle Shoals hereby approves, effective immediately upon adoption of this Resolution, the following regarding the appointment to and service on all boards and commissions whereby the Council has appointing authority of the members to said boards and commissions:

1. Resolution Number 2879-17 is hereby revoked and shall be of no further force and effect upon the adoption hereof and at its effective date.
2. An individual who is an employee of the City of Muscle Shoals shall be ineligible for appointment or service to a board or commission other than as allowed, provided for or required by state law.
3. The terms and conditions set forth herein shall become effective immediately upon adoption of this Resolution and all appointments hereafter shall be subject thereto.

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

President Sockwell announced that the resolution had been approved.

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President Sockwell announced that the next item of business was consideration of a resolution to adopt the Northwest Alabama Multi-jurisdictional hazard mitigation plan.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 3122 - 21**

**NORTHWEST ALABAMA MULTI-JURISDICTIONAL HAZARD  
MITIGATION ACTION 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 Multi-jurisdictional Hazard Mitigation Action 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 Multi-jurisdictional Hazard Mitigation Action 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 Multi-jurisdictional Hazard Mitigation Action Plan was advertised at a public hearing 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 Multi-jurisdictional Hazard Mitigation Action Plan is hereby adopted as the multi-jurisdictional hazard mitigation plan.

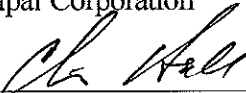
Council Member Thompson seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.


President Sockwell announced that the resolution had been approved.

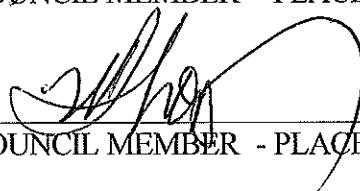


There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

  
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COUNCIL MEMBER - PLACE ONE

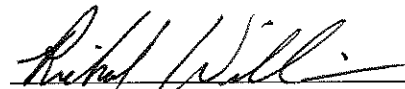
  
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COUNCIL MEMBER - PLACE TWO

  
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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:

  
\_\_\_\_\_  
CITY CLERK

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