

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 21, 2020**

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 21st day of December, 2020 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. City Clerk Ricky Williams led in the pledge of allegiance.

Upon motion duly made by Council Member Clark 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 7, 2020, and approved the minutes as written.

Mayor Mike Lockhart announced his appointment of Andy Laster to the Planning & Zoning Board for a 6 year term expiring in December of 2026.

President Sockwell announced that the next item of business was to consideration of an ordinance regulating the short-term rental of single family residences within the city.

Council Member Thompson introduced the ordinance and moved for its carryover to the January 4, 2021 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.

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 motion had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to authorize the establishment of a direct deposit program for employee payroll payments.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3118 - 20

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of implementing a direct bank deposit program for employee bi-weekly pay, and

WHEREAS, implementation of this procedure will require an earlier processing payroll time than currently done; and

WHEREAS, the most efficient implementation would be to back up employee payroll work periods to the close of the day on the Friday prior to payroll processing, and

WHEREAS, the effect of this move would be to reduce total hours worked for each employee for the initial payroll period, and

WHEREAS, a one-time allowance for the sale of accrued vacation time (or compensatory time in the event vacation time is not available) equal to the time the initial payroll period hours would otherwise be reduced, would minimize the effect of this change, and

WHEREAS this one-time allowance would be in addition to the currently allowed sale of ½ of vacation time earned in the current year, now

THEREFORE BE IT RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby approve implementation of a direct deposit program for employee payroll for those employees consenting to participate, and

BE IT FURTHER RESOLVED that employees participating in the direct deposit program may sell on a one-time basis accrued vacation time, equal to the hours they would have been reduced in this initial payroll period; and

BE IT FURTHER RESOLVED that in the event an employee does not have sufficient vacation hours, compensatory time may be used to offset the shortage of time;

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.

President Sockwell announced that the next item of business was to appoint a member to the Muscle Shoals Public Library Board..

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3119 - 20

WHEREAS, the term of a member of the Library Board has expired and the City Council being desirous of making the necessary appointment to said board;

WHEREAS, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Robin Sessions Joni Willingham

WHEREAS, a roll call vote was had by the City Council as follows:

- Council Member Hall: Joni Willingham
- Council Member Clark: Joni Willingham
- Council Member Thompson: Joni Willingham
- Council Member Sockwell: Joni Willingham
- Council Member Moore: Joni Willingham

WHEREAS, Council President Sockwell announced that Joni Willingham had received a majority of the votes cast, now

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Joni Willingham	Library Board	November, 2024

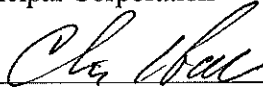
The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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



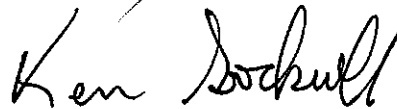
COUNCIL MEMBER - PLACE ONE



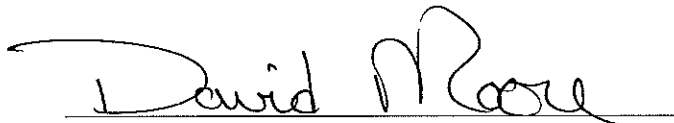
COUNCIL MEMBER - PLACE TWO



COUNCIL MEMBER - PLACE THREE



COUNCIL MEMBER - PLACE FOUR



COUNCIL MEMBER - PLACE FIVE

ATTEST:


CITY CLERK

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