

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
March 16, 2015**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 16<sup>th</sup> day of March, 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, JAMES HOLLAND, MIKE LOCKHART  
ALLEN NOLES  
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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto 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 March 2, 2015 and approved the minutes as written.

City Clerk Ricky Williams read aloud the Mayor's proclamation declaring April 19 - 25, 2015 as "Parental Alienation Prevention Week" in the City. Mark Davis was present to receive the proclamation.

President Holland announced that the next item of business was to recognize Police Chief Robert Evans. Chief Evans presented a commendation to Sergeant Eric Balentine for aid he rendered to a choking victim while off duty at a local restaurant.

President Holland announced that the next item of business was to set a public hearing to consider the issuance of a Restaurant Retail Liquor License to Marquez Restaurant Inc. dba Margaritas Mexican Grill located at 604 Michigan Avenue.

President Holland announced that at a public hearing to be held at the City Hall in said City at 6:00 p.m. on the 6<sup>th</sup> day of April, 2015, the Council will consider the issuance of the Restaurant Retail Liquor License. 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 license.

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 6<sup>th</sup> day of April, 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 are currently zoned R-3 and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 5699-5716, 5200-5223, 5724-5735, Highland Park #13

\_\_\_\_\_  
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 a public hearing to receive public comment on the approval of retail incentives for Long-Lewis of the Shoals to open a NAPA Auto Parts store at 2801 Woodward Avenue under Section 94.01 of the Constitution of Alabama 1901, as amended (Amendment 772).

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the approval of the retail incentives as well as those opposed.

There being no one wishing to speak, President Holland announced that the Council will consider the approval of the incentives at their next meeting on April 6, 2015.

President Holland announced that the next item of business was a public hearing to consider the vacation of a portion of Jackson Drive in Muscle Shoals Center Subdivision, plat #1.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the vacation was before the Council.

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

STATE OF ALABAMA  
COLBERT COUNTY

PETITION TO VACATE

Come now the undersigned, Robert J. Eaton and wife, Tammy P. Eaton, hereinafter referred to as Petitioners, and present unto the City Council of the City of Muscle Shoals, Alabama, as follows: That Petitioners are all of the owners of all of the property abutting upon the following described property, more particularly described below, and that they desire to vacate said property and that they do, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to wit:

A portion of Jackson Drive in the City of Muscle Shoals, Colbert County, Alabama, described as follows: Commence at the Southeast corner of Lot Number 567 in Howell and Graves Muscle Shoals Center, Addition-No 1, a subdivision in Muscle Shoals, Alabama, the map of which is recorded in Map Book 2, Page 52 in the Office of the Judge of Probate of Colbert County, Alabama; run thence Westerly for a distance of 280 feet along the southern boundaries of Lots 561-567, inclusive, to the Southwest corner of said Lot 561; run thence South a distance of 50 feet to the Northwest corner of Lot Number 624 in said subdivision; run thence East a distance 280 feet along the Northern boundary lines of Lots 624-630, inclusive, in said subdivision, to the Northeast corner of Lot Number 630; run thence North 50 feet to the Southeast corner of said Lot Number 567 and the point of beginning of the property described herein.

That the undersigned Petitioners desire to vacate the above described property and to nullify

the effect of the dedication of said property to the use of the public.

NOW, THEREFORE, in consideration of the premises, Petitioners hereby request that the City Council of the City of Muscle Shoals, assent to, approve, ratify and confirm the vacation of the above described property and the annulment of the dedication of such property to the use of the public.

The undersigned Petitioners further request that the City Council of the City of Muscle Shoals authorize and direct Mr. David H. Bradford, as Mayor the City of Muscle Shoals, to execute a quit-claim deed to Robert J. Eaton and wife, Tammy P. Eaton by which deed, the City of Muscle Shoals, shall remise, release and quit-claim unto Robert J. Eaton and wife, Tammy P. Eaton whatever right, title and interest the said City of Muscle Shoals, may have acquired in and to the hereinabove described property by virtue of the dedication of the same, or otherwise, and that the City Clerk, be authorized and directed on behalf of the City Sheffield, Alabama, to attest the same.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on this the 10<sup>th</sup> day of February, 2015.

s/ Robert J. Eaton

Robert J. Eaton

s/ Tammy P. Eaton

Tammy P. Eaton

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert J. Eaton and wife, Tammy P. Eaton, who are known to me, and whose names are signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, they executed the same voluntarily.

Given under my hand and official seal this the 10th day of February, 2015.

s/Angela Hollins

Notary Public

My Commission Expires: 05/09/2018

STATE OF ALABAMA

COLBERT COUNTY

### **RESOLUTION NUMBER 2728 -15**

WHEREAS, Robert J. Eaton and wife, Tammy P. Eaton have presented to the City Council of the City of Muscle Shoals, Alabama, their statement in writing, duly executed and acknowledged, setting forth that the owners of all of the lands abutting upon the hereinafter described portion of Jackson Drive have consented to said vacation and that they desire to vacate said property and that they do, by said statement, vacate the same.

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, does assent to, and approve the vacation thereof, and the annulment of the dedication of said property to the use of the public.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the act of the forenamed parties in vacating and annulling the following described portion of Jackson Drive in the City of Muscle Shoals, Alabama, to-wit:

A portion of Jackson Drive in the City of Muscle Shoals, Colbert County, Alabama, described as follows: Commence at the Southeast corner of Lot Number 567 in Howell and Graves Muscle Shoals Center, Addition-No 1, a subdivision in Muscle Shoals, Alabama, the map of which is recorded in Map Book 2, Page 52 in the Office of the Judge of Probate of Colbert County, Alabama; run thence Westerly for a distance of 280 feet along the southern boundaries of Lots 561-567, inclusive, to the Southwest corner of said Lot 561; run thence South a distance of 50 feet to the Northwest corner of Lot Number 624 in said subdivision; run thence East a distance 280 feet along the Northern boundary lines of Lots 624-630, inclusive, in said subdivision, to the Northeast corner of Lot Number 630; run thence North 50 feet to the Southeast corner of said Lot Number 567 and the point of beginning of the property described herein.

Be and the same is hereby ratified, approved, confirmed and assented to by the City Council of the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED, that the City of Muscle Shoals, Alabama, a municipal corporation remise, release and quit-claim to the aforesaid parties, whatever right, title, and interest the said City of Muscle Shoals, Alabama, a municipal corporation may have acquired in and to the hereinabove described part or portion of the hereinabove named easement by virtue of the dedication of said property as a public street, or otherwise, and that Mr. David H. Bradford, Mayor of the City of Muscle Shoals, a municipal corporation, execute a quit-claim deed to the forenamed parties carrying out the intention of this paragraph and that Richard L. Williams, City Clerk be and he is hereby authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation to attest the same.

The purpose of this Resolution is to assent to the proposed vacation; however, the City Council of the City of Muscle Shoals, Alabama does not hereby make a determination as to the validity or the legality of the vacation.

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Council Member Noles seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: 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 the issuance of a Lounge Retail Liquor License (Class 1) to The Hanger Bar & Grill Inc. dba The Hanger Bar and Grill, 100 Airport Road.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

Mr. Lynn Henry the owner of the Hanger Bar and Grill questioned the need for City approval of the license since the property was not in the City.

There being no one else wishing to speak, President Holland stated that approval of the Retail Liquor License (Class 1) 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 license had been approved.

President Holland announced that the next item of business was a public hearing to consider the issuance of a Retail Table Wine License (off premises only) to Lil Steves LLC dba Lil Steves 2, 906 Woodward Avenue.

President Holland noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Holland stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, President Holland stated that approval of the Retail Table Wine License (off premises only) 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 license had been approved.

President Holland announced that the next item of business was consideration of a resolution to appoint members to the Industrial Development Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2729 - 15**

**WHEREAS**, the City Council finds that the terms of all of the members of THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MUSCLE SHOALS have expired, and;

**WHEREAS**, the City Council determines that it is wise and expedient that members be appointed to THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MUSCLE SHOALS;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following persons to commence service on THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MUSCLE SHOALS immediately for the terms that shall expire as so indicated by their respective names:

Place 1:	Bill Alexander for the term expiring June 16, 2016
Place 2:	Rodney Howard for the term expiring June 16, 2016
Place 3:	Ronnie Garner for the term expiring June 16, 2018
Place 4:	William Smith for the term expiring June 16, 2018
Place 5:	Tommy Thornton for the term expiring June 16, 2020
Place 6:	Grover Johnson for the term expiring June 16, 2020.
Place 7	Bill Howard for the term expiring June 16, 2020

The Clerk is hereby directed to notify the above named person of the appointment to THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MUSCLE SHOALS.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Lockhart  
Council Member Holland, Council Member Noles

NAYS: None.

President Holland announced that the Resolution had been approved.

Council Member Pampinto announced that the Council Committee on Recreation will be meeting on Monday, April 6, 2015 at 4:30 pm in the City Hall conference room.

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