

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

July 18, 2011

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:25 p.m. on the 18<sup>th</sup> day of July, 2011 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Rusty Wheels. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM,  
JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD  
ABSENT: NONE

David Bradford, Mayor of the City, 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 Holland 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 July 5, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for special zoning is located within the Shoals Research Airpark and is more particularly described as follows:

**ORDINANCE NUMBER 1433 - 11**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE  
ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

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**BE IT ORDAINED** by the City Council of the City of Muscle Shoals that the Zoning Ordinance of Muscle Shoals, Alabama and, in particular, Chapter 122, Article V is hereby amended to incorporate and include therein the following zoning regulations and requirements.

**BE IT FURTHER ORDAINED** that Chapter 122, Article V of the Code of Ordinances of the City of Muscle Shoals, Alabama (Zoning) heretofore adopted is hereby amended to include and add Division 3 under Chapter 122, Article V (Supplemental Regulations) to read in its entirety as follows:

I. Division 3. **SPECIAL REQUIREMENTS FOR LAND LYING AND BEING WITHIN SHOALS RESEARCH AIRPARK (SRA).**

**Purpose**

The Purpose and intent of the SRA special zoning requirements is to provide a protective district with a park-like development for the orderly growth and development of certain industries and uses permitted. The SRA provides security to industries requiring the benefits that accompany this area and protects these industries from encroachment by commercial, residential, and other land uses adverse to the location and expansion of such development.

The SRA special zoning requirements are intended to promote the physical and mental health, safety, and welfare; the economics, social, and cultural well being; and the convenience and comfort of the inhabitants of the Shoals Research Airpark and its environment.

These requirements are in addition to the requirements of the M-2 zoning of the SRA. Where there is a conflict between these special requirements and the M-2 zoning requirements the more stringent requirement will prevail.

I. **Definitions**

Unless the context otherwise specifies or requires, each term defined in this section shall, for all purposes of this section, have the meaning herein respectively specified.

A. **DEVELOPED SITE:** The term “Developed Site” shall mean a site upon which permanent buildings necessary for the actual operation of an industrial or commercial enterprise have been completed.

B. **AIRPARK:** The term “Airpark” shall mean the real property known as Shoals Research Airpark described on Exhibit “A” attached hereto.

C. **IMPROVEMENTS:** The term “Improvements” shall mean buildings, outbuildings, underground installations, slope alterations, roads, driveways, parking areas, fences, screening walls and barriers, retaining walls, stairs, decks, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas and all other structures or landscaping improvements of every type and kind.

D. **OWNER:** The term “Owner” shall mean the recorded legal or beneficial Owner, whether one or more persons, or title holder to any building site located in any part of the Airpark.

E. **SITE:** The term “Site” shall mean all contiguous land in the Airpark under one common ownership which has been, will or can ultimately be developed by an owner, with a building or buildings and appurtenant structures.

F. **SRA:** The term “SRA” shall mean the real property known as Shoals Research Airpark described on Plat Book 2010 Page 1.

## **II. Uses Permitted**

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained subject to the conditions stated therein and review and approval by the Building Official.

## **III. Performance Standards**

The following performance standards shall be required for all uses located in the Industrial Park District:

**A. Air Pollution-** Every use shall be so operated as to comply with the standards and limitations set by EPA, OSHA, ADEM, and any and all emissions limitations of the City of Muscle Shoals Code as exists or as amended or revised.

**B. Odors-** No odors shall be emitted that are detectable without instruments at or beyond any property line.

**C. Noise-** Every use shall be so operated as to comply with any and all noise limitations specified in the special zoning district as exists or as amended or revised.

**D. Fire & Explosion Hazard-** All activities and all storage of flammable and explosive materials shall be in accordance with the National Board of Fire Underwriters’ publications and other local ordinances as applicable. \*See NFPA National Fire Code.

**E. Glare-** No direct glare or reflected glare shall be produced so as to be visible beyond any lot line.

**F. Radiation-** Industrial operations shall cause no dangerous radiation at any property line as specified by the regulations of the Alabama Department of Public Health, Bureau of Radiological Health, and the EMA Policy as set forth in Colbert County All Hazards Emergency Operation Plan.

**G. Radioactive Material-** The handling of radioactive materials, the discharge of such materials into air & water, and the disposal of materials into the air or water, and the disposal of radioactive wastes shall be in conformance with the regulations of Alabama Department of Public Health, Bureau of Radiological Health, and the EMA Policy as set forth in the Colbert County All Hazards Emergency Operation Plan.

**H. Electromagnetic Interference-** Industries shall emit only that amount of unshielded spurious electromagnetic radiation as is necessary for the conduct of their operations. Federal Communications Commission requirements shall govern maximum radiation which tends to interfere with meaningful signals.

**I. Water Pollution-** No effluent shall be discharged in any stream. Discharge into the Muscle Shoals Stormwater Sewerage System shall be approved by the City of Muscle Shoals.

**J. Waste-** All industrial wastes shall be treated and disposed of in such a manner as to comply with all federal, local, and state standards.

**K. Outside Storage-** Outside storage is generally prohibited. In special circumstances it may be approved on a very limited basis by the Zoning Board of Adjustment.

**L. Lighting-** Security lighting must be provided for all parking and vehicular areas on the site.

#### **IV. Required Yard**

- A. Yards facing an existing or proposed street shall be considered front yards. Such yards shall have a minimum depth of fifty (50) feet. On corner lots having two front yards, a twenty-five (25) foot required front yard shall be maintained on both streets that the building faces.
- B. Minimum required depth of rear yard shall be twenty-five (25) feet except where rear yards abut the exterior boundary of the district, in which case an additional fifteen (15) foot shall be planted and maintained.
- C. Minimum required width of each side yard shall be twenty-five (25) feet, unless adjoins exterior boundary or a residential zone in which side yard would be forty (40) feet.
- D. All required yards shall be kept clear of parking, loading areas, accessory uses, and buildings, provided, however, that a gate or security station or detached ground identification sign meeting the applicable regulations may be located in the required yard.

#### **V. Density Control**

- A. Building and all paved areas shall not cover an area greater than seventy percent (70%) of the total lot area.
- B. Minimum lot area shall not be less than two (2) acres for each lot.
- C. Minimum lot width of each tract shall not be less than two hundred (200) feet on a public road.
- D. No tracts shall be subdivided.

#### **VI. Parking & Loading Areas**

A. The minimum of off-street parking spaces shall be provided in at least the amount and maintained in the manner set forth in the zoning district pertaining to Off-Street Parking and Off-Street Loading.

B. Parking areas shall not be placed in any required yard and shall be paved with an all-weather surface of asphaltic concrete, portland cement concrete, or any equivalent material acceptable to the building official. The parking area shall be maintained such that no dust will result from continued use. Curb & gutter shall provide for proper drainage. No parking shall be permitted any place other than paved parking areas. No on street parking or loading zones shall be permitted.

C. Loading areas for supplies and service shall be sufficient to meet the requirements of each use. Loading areas shall not be placed within any front yard or any required side or rear yard and shall be located and properly screened from any existing or proposed street.

## **VII. Signs Permitted**

- A. **Facility Yard Monument Sign-** The facility yard monument sign identifies the occupant or facility name, gives the street address, and may contain site directional information.
- B. A facility yard monument sign shall have the following dimensions: a maximum height of six (6) feet and a maximum width of twelve (12) to eighteen (18) inch, length of sign shall not exceed fifteen (15) feet.
- C. A facility yard monument sign may contain up to two company names and/or logos. If more than two companies occupy a single facility, only the facility name may be placed on the facility yard monument sign.
- D. One facility yard monument sign per tract of land.
- E. The facility yard monument sign shall be placed perpendicular to an existing public road, outside of right-of-way, and must be located a minimum of twenty (20) feet from the property line and fifteen (15) feet from site access roads.
- F. No facility yard monument signs shall consist of any wood products.

## **VIII. Height Restrictions**

- A. Must comply with Northwest Regional Airport ordinance and comply with adopted building code.

## **IX. Landscaping**

- A. Landscaping shall be according to that required by section 122-202 of the zoning ordinance with the following exceptions:
  - 1. No interior landscaping will be required in parking and vehicular areas.
  - 2. Each yard shall be planted with turf grass.
  - 3. Service, screening, storage area- Garbage and refuse containers shall be concealed and contained within the buildings, or shall be concealed and contained by means of screening wall of material similar to and compatible with that of the building. These elements shall be integral with the concept of the building plan, be designed so as not to attract attention, and shall be located in as inconspicuous manner as possible. Unless specifically approved by the building department in writing, no materials, supplies, or equipment shall be stored in any area on a building site except inside a closed building, or

behind a visual barrier screening in such areas so that they are not visible from neighboring building sites or public streets.

**X. Drainage Control**

- A. No land shall be developed and no use shall be permitted that result in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility. Infiltration on each property is encouraged. The City may, in its discretion, require on-site detention or sedimentation. Drainage must meet the requirements of the City's stormwater requirements in place at the time of the development.

**XI. Underground Utilities**

- A. All power, communications, and other utility/wiring installed from the right-of-way shall be placed underground.

**XII. Development Procedure**

- A. Anyone desiring to secure a building permit for the use of land lying in Shoals Research Airpark must submit to the City of Muscle Shoals Building Department the following:
  - 1. A Site plan showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas, sidewalks, and utilities and utility easements, location of sign, and waste disposal facilities.
  - 2. The percent of coverage of the total site in buildings, parking areas, accessory structures and drives.
  - 3. A grading and drainage plan showing all existing and proposed contours, spot elevations, drainage facilities, all required drainage calculations, and all required erosion and sedimentation control measures. These requirements must meet ADEM and the City of Muscle Shoals requirements.
  - 4. A landscape plan showing all required landscaping, all calculations for required landscape areas and plants, all screen walls and fences, plant schedule of types and sizes, and appropriate installation details.
  - 5. Building plans certified and stamped by appropriate professionals and elevations showing finish materials, and colors and accessories.

6. Plans for all signs to be erected, including location, dimension, design, colors, material and lighting for each.

### **XIII. Buildings & Exterior Materials**

- A. Finished building material shall be applied to all sides of a building.

Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. Wood frame buildings as well as exposed utility block buildings will not be allowed. No exposed metal surfaces will be allowed, except for an engineered designed panel.

- B. All accessory buildings shall have the same exterior finish as the main building.

II. The Ordinance, and its provisions, shall become upon publication and/or posting or as otherwise provided by law.

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The Council finds that legal notice of the following proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 18<sup>th</sup> day of July, 2011, at 6:25 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Council Member Pampinto moved that the ordinance be approved as presented. Council Member Willis seconded the motion and upon motion being put to a roll call vote, a vote was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was consideration of a resolution appoint a member to the Muscle Shoals Civil Service Board.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2506 - 11**

**WHEREAS**, a vacancy on the Civil Service Board of the City of Muscle Shoals has occurred and the City Council being desirous of making the necessary appointment to said board within the City;

**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 vacancy:

Pam Andrews Rita Nelson

**WHEREAS**, Rita Nelson was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Pampinto: Rita Nelson  
Council Member Willis: Rita Nelson  
Council Member Grissom: Rita Nelson  
Council Member Holland: Rita Nelson  
Council Member Noles: Rita Nelson  
Mayor Bradford: Rita Nelson

**WHEREAS**, Mayor Bradford announced that Rita Nelson 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 a term effective until June 20, 2014.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Rita Nelson	Civil Service Board	June 20, 2014

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

Mayor Bradford announced that the Resolution had been approved.



Mayor Bradford announced that the next item of business was consideration of a resolution appoint a member to the Recreation Board.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2507 - 11**

**WHEREAS**, the term of a member of the Recreation Board of the City of Muscle Shoals has been vacated and the City Council being desirous of making the necessary appointment to said board within the City;

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

**WHEREAS**, the following individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Tony Word

**WHEREAS**, Tony Word was determined to be the lone applicant and otherwise qualified for appointment, and

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

Council Member Pampinto:	Tony Word
Council Member Willis:	Tony Word
Council Member Grissom:	Tony Word
Council Member Holland:	Tony Word
Council Member Noles:	Tony Word
Mayor Bradford:	Tony Word

**WHEREAS**, Mayor Bradford announced that Tony Word 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 Tony Word to serve the remainder of the unexpired ending November 2011 and is hereby appointed for a full term commencing November, 2011 and expiring November, 2016.

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

Mayor Bradford announced that the Resolution had been approved.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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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