

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
August 5 , 2013**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:20 p.m. on the 5<sup>th</sup> day of August, 2013 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 Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT:   JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART,  
                  JAMES HOLLAND, ALLEN NOLES  
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 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 July 15, 2013 meeting and the July 15, 2013 Council Committee on Administration meeting and approved the minutes as written.

Mayor Bradford announced that the City had received notification from the Governor's office of a grant award for \$62,480.00 for the ADA Sidewalk ramp improvements.

President Holland announced that the next item of business was the scheduling of 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 3<sup>rd</sup> day of September, 2013, 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-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

TRACT 1:

A portion of Detroit Park Subdivision as recorded in Map Book 2, Page 259 and Detroit Park Third Addition Subdivision as recorded in Map Book 2, Page 563, in the Office of the Probate Judge of Colbert County, Alabama, and being more particularly described as follows: Begin at an iron pin set (capped PLS 24022) at the Northwest corner of Lot 969 of Detroit Park Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence South 88° 16' 12" East for a distance of 1280.00 feet to an iron pin set on the Northern lot line of Lot 1003 of Detroit Park Subdivision; thence South 01° 09' 00" West for a distance of 1219.21 feet to an iron pin set at the Southeast corner of Lot 385 of Detroit Park Third Addition Subdivision and on the Northern right of way line of Pingree Avenue (undeveloped 60' right of way); thence along the Northern right of way line of Pingree Avenue, North 88° 43' 27" West for a distance of 1284.96 feet to an iron pin set at the Southwest corner of Lot 414 of Detroit Park Third Addition Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence along said Eastern right of way line Detroit Street, North 01° 19' 16" East for a distance of 826.86 feet to an iron pin set on the centerline of the Grand River Avenue right of way as depicted in Detroit Park Subdivision (undeveloped 100' right of way, 33' North 67' South); thence continue along the Eastern right of way of Detroit Street, North 01° 30' 47" East for a distance of 402.50 feet to the Point of Beginning. Said Parcel having an area of 36.06 acres more or less and is subject to any and all easements or restrictions of record.

Said property is a part of said subdivisions known as DETROIT PARK SUBDIVISION and DETROIT PARK SUBDIVISION, THIRD ADDITION, further described as follows:

All of Lots 969 through 1002, and part of Lots 1003 and Lot 1026, all of Lots 1027 through 1060, Lots 1124 through 1183 in DETROIT PARK SUBDIVISION, and designated according to the map and plat thereof recorded in Map Book 2, Page 259, in the Office of the Judge of Probate of Colbert County, Alabama.

And ALSO: Lots 46 through 105, 137 through 166, 209 through 238, 261 through 290, 333 through 362, and 385 through 414, in DETROIT PARK SUBDIVISION, THIRD ADDITION, and designated according to the map and plat thereof recorded in Map Book 2, Page 367, in the Office of the Judge of Probate of Colbert County, Alabama.

ALSO, A TRACT BEING 120 FOOT WIDE FOR PURPOSES OF ACCESS, further described as follows: A portion of Detroit Park Third Addition Subdivision as recorded in Map Book 2, Page 563, in the Office of the Probate Judge of Colbert County, Alabama, and being more particularly described as follows: Commence at an iron pin set (capped PLS 24022) at the Northwest corner of Lot 969 of Detroit Park Subdivision on the Eastern right of way of Detroit Street (undeveloped 50' right of way); thence along the Eastern right of way of Detroit Street, South  $01^{\circ} 30' 47''$  West for a distance of 402.50 feet to an iron pin set on the centerline of Grand River Avenue right of way as depicted on Detroit Park Subdivision (undeveloped 100' right of way, 33' North, 67' South); thence continue along the Eastern right of way of Detroit Street, South  $01^{\circ} 19' 16''$  West for a distance of 152.17 feet to an iron pin set at the Point of beginning; thence continue along the Eastern right of way of Detroit Street, South  $01^{\circ} 19' 16''$  West a distance of 120.00 feet to an iron pin set; thence North  $88^{\circ} 16' 12''$  West a distance of 149.56 feet to an iron pin set; thence with a curve turning to the right with an arc length of 268.13 feet, with a radius of 560.00 feet, with a chord bearing of North  $74^{\circ} 33' 12''$  West and with a chord length of 265.57 feet to an iron pin set; thence with a reverse curve turning to the left with an arc length of 210.67 feet, with a radius of 440.00 feet, with a chord bearing of North  $74^{\circ} 33' 12''$  West and with a chord length of 208.66 feet to an iron pin set; thence North  $88^{\circ} 16' 12''$  West a distance of 148.04 feet to an iron pin set on the Eastern right of way of Wilson Dam Highway (right of way varies); thence along the Eastern right of way of Wilson Dam Highway, North  $01^{\circ} 31' 14''$  East a distance of 120.00 feet to an iron pin set; thence leaving said right of way line, South  $88^{\circ} 16' 12''$  East a distance of 148.47 feet to an iron pin set; thence with a curve turning to the right with an arc length of 268.13 feet, with a radius of 560.00 feet, with a chord bearing of South  $74^{\circ} 33' 12''$  East and with a chord length of 265.57 feet to an iron pin set; thence with a reverse curve turning to the left with an arc length of 210.67 with a radius of 440.00 feet; with a chord bearing of South  $74^{\circ} 33' 12''$  East and with a chord length of 208.66 feet to an iron pin set; thence South  $88^{\circ} 16' 12''$  East a distance of 148.70 feet to the point of beginning. Said Parcel having an area of 2.14 acres more or less and is subject to any and all easements or restrictions of record.

Said property is a part of said subdivisions known as DETROIT PARK SUBDIVISION, THIRD ADDITION, further described as follows:

Part of Lots 11 through 45, and part of Lots 167-176, in DETROIT PARK SUBDIVISION, THIRD ADDITION, and designated according to the map and plat thereof recorded in Map Book 2, Page 367, in the Office of the Judge of Probate of Colbert County, Alabama.

TRACT 2:

Lots Numbered 5200 through 5227, inclusive, Lots 5706 through 5712, inclusive, Lots 5722 through 5735, inclusive, and the vacated alley lying between Lots 5200

thru 5223 and Lots 5724 thru 5735, known and designated according to the map and survey of HIGHLAND PARK SUBDIVISION, PLAT NUMBER THIRTEEN, prepared by P. S. Milner, C.E., and recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 123.

ALSO: A tract of land being Lot 1, Block A in a RE-SUBDIVISION OF ORIGINAL BLOCKS 8 THRU 11, IN INDUSTRIAL VIEW HEIGHT SUBDIVISION, as same appears of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book Page 1; Part of vacated Hamilton Avenue and Part of Section 3, Township 4 South, Range 11 West, Colbert County, Alabama, with said tract of land being more particularly described as follows: Begin at the SW corner of Lot 1, Block A; thence N 0 degrees 16' 40" W 120.0 feet to a point; thence S 89 degrees 42' 13" E 106.47 feet to a point; thence N 1 degree 18' 31" W. 10.0 feet to a point; thence S 89 degrees 10' 58" E. 74.05 feet to a point; thence N 0 degrees 46' 13" W. 130.40 feet to a point; thence S 89 degrees 25' E. 58.0 feet to a point; said point being the NW corner of Lot 5735, in Highland Park Plat 13; thence S 0 degrees 42' 55" E. 260.35 feet to a point; said point being the SW corner of Lot 5200 in Highland Park 13; said point also lying on the North right of way line of Sixth Street; thence along said North right of way line the following bearings and distances; N 89 degrees 32' W. 57.75 feet; N 89 degrees 10' 58" W. 72.82 feet; N 89 degrees 43' 31" W. 108.62 feet to the point of beginning of the tract of land hereby described.

Lots Numbered 5241 through 5252, inclusive, Lots 5694 through 5705, inclusive, Lots 5713 through 5721, inclusive, known and designated according to the map and survey of HIGHLAND PARK SUBDIVISION, PLAT NUMBER THIRTEEN, prepared by P.S. Milner, C.E., and recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 123.

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 consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. the proposed ordinance being as follows:

**ORDINANCE NO. 1451 - 13**  
**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 B-2 and is hereby

incorporated in and made a part of the R-2 District, to wit:

Lots numbered 5005 through 5007 in the Highland Park Subdivision #12, being 125' by 120'.

The Council finds that legal notice of the 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 5<sup>th</sup> day of August, 2013, at 6:00 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 President Holland 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, President Holland stated that approval of the ordinance 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 Willis, Council Member Lockhart,  
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the ordinance had been approved.

President Holland announced that the next item of business was the consideration of a resolution to authorize the Mayor to enter into an agreement with Richard C. Kuykendall for the farming of six acres of land owned by the City at Gnat Pond Road and East Sixth Street.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2631 - 13**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has reviewed a proposal to allow Richard Cory Kuykendall to grow hay on a portion of a parcel of property at or near Gnat Pond Road and owned by the City;

**WHEREAS**, the Councils finds the agreement in due form and good order and is of the opinion the City should enter into said agreement with Richard Cory Kuykendall;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby approve the agreement with Richard Cory Kuykendall to grow hay on a portion of a parcel of property at or near Gnat Pond Road and owned by the City and does hereby authorize David H. Bradford, Mayor of the City, to execute said agreement for and on behalf of the City.

Furthermore, the City Clerk is directed to obtain the signature to said document of Richard Cory Kuykendall and upon doing so deliver a fully executed copy to him and retain a fully executed copy in the records of the City.

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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 Pro Tem Noles 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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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