

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 3, 2020**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:05 p.m. on the 3rd day of August, 2020 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, Council President. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, TERRY MCMINN, MIKE LOCKHART,
KEN SOCKWELL, ALLEN NOLES
ABSENT: NONE

Allen Noles, 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 David Bradford was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Sockwell and seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of July 20, 2020 and approved the minutes as written.

At this time, Mayor Bradford presented a proclamation to Lucy R. Heidorn for her distinguished service to the Muscle Shoals Public Library, naming the local history room the "Lucy R. Heidorn Local History Room". Ms. Heidorn was present to receive the award. Mayor Bradford gave an update on several grants received by the city. He also noted that the census participation rate is now at 73%.

Leon Madden, 203 Elliott Avenue appeared before the Council and acknowledged the work of our Colbert Animal Services group and the funding Marcel Black assisted in securing for the agency.

Melanie Orseske, 1108 Courtland Avenue appeared before the Council and spoke in favor of the proposed ordinance regulating the sale of dogs and cats.

Sherry Johnson, 2005 Oak Drive appeared before the Council and spoke in favor of the proposed ordinance regulating the sale of dogs and cats.

James Vance, Utilities Board Manager appeared before the Council and thanked the Fire Department for their work flushing fire hydrants throughout the city. He also noted that the sanitary sewer extension along Wilson Dam Road was complete and the automated water meter replacement project was 50% complete.

Patty Van Sicklen, American Kennel Club appeared before the Council and suggested amendments to the proposed ordinance regulating the sale of dogs and cats.

Terry Whalen, Florence appeared before the Council and spoke in favor of the proposed ordinance regulating the sale of dogs and cats.

President Noles 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 Noles announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 8th day of September, 2020, 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 RMF-1 District, to wit:

Lots 6837 thru 6848, Highland Park Subdivision #16

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.

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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 RMF-1 District, to wit:

Blks 16 & 22-27, Muscle Shoals City Subdivision Addition #2

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 Noles 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. 1521 - 20
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 R-2 and is hereby incorporated in and made a part of the B-2 District, to wit:

West ½ of lot 49 and lot 50, Avalon Highlands #1, 400 W. State Street

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 3rd day of August, 2020 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 Noles 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 to speak, President Noles 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 Hall, Council Member McMinn, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the ordinance had been approved.

President Noles announced that the next item of business was consideration of a resolution to award the bid for expansion of the Wilson Dam Road retention pond.

Council Member Lockhart introduced the following resolution and moved for its approval:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3082 - 20

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama, as follows:

That the City Engineer did send out advertisements for bids for Wilson Dam Road Retention Pond Expansion, the bid opening being set for the 23rd day of July 2020, at the City Hall of the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

BIDDER:	Total Base Bid Price:	Total Bid Price: Bid Alternate #1
North Alabama Paving, INC.	\$356,730.00	\$377,430.00
Eady Contracting, INC.	\$342,219.00	\$378,219.00
Joe Keenum Excavation & Construction, INC.	\$403,485.00	\$441,285.00

BE IT FURTHER RESOLVED, that the Council has elected to award the bid based upon Total Base Bid Price;

BE IT FURTHER RESOLVED, that it has been determined that the lowest, responsive and responsible bid was submitted by Eady Contracting, INC. in the amount of \$342,219.00, for Base Bid Price; and

BE IT FURTHER RESOLVED, that Eady Contracting, INC. is hereby awarded the bid for the Wilson Dam Road Retention Pond Expansion.

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to approve the poll workers for the August and October municipal elections.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 3083 - 20

WHEREAS, a regular municipal election has been called to be held on the 25th day of August 2020, and a runoff election, to be held if necessary, on the 6th day of October 2020 and

WHEREAS, the Mayor and City Council are required to appoint from the qualified electors, officers to hold the election, now

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA that the following individuals are appointed and summoned to serve during the regular municipal election on the 25th day of August 2020 and the runoff election, if necessary on October 6, 2020:

FIRST SOUTHERN BAPTIST CHURCH - BOX 1

Glenda Robbins- Inspector
Paige Rushing - Clerk
Kelli Thrasher - Clerk
Angela Mayfield - Clerk
Genee' Dale - Clerk
Boyce Thrasher - Clerk

GATTMAN PARK REC CENTER- BOX 2

Robin Sessions - Inspector
Jim Sessions - Clerk
Pam Marks-Gargis - Clerk
Megan Sessions - Clerk
Margaret Farley - Clerk
Barbara Sanders - Clerk

WOODWARD AVE BAPTIST CHURCH- BOX 3

Diane Crawford - Inspector
Alnita Roden - Clerk
Peggy Schmidlkofer - Clerk
David Mayo - Clerk
Marsha Everett - Clerk
Harold Brown - Clerk

PLUMBERS/STEAMFITTERS- BOX 4

Gail Sullivan - Inspector
Gene Stillman - Clerk
Christine Jones - Clerk
Margaret Smith - Clerk
Phyllis Ingram - Clerk
Breanna Winningham - Clerk

GRACE LIFE CHURCH - BOX 5

Teresa Scofield - Inspector
Lynne Martin - Clerk
Jack Davis - Clerk
Janice Davis - Clerk
Jennifer Morgan - Clerk
Bettie Robinson - Clerk

CITY HALL-BOX 6

Robert Poellnitz - Inspector
Dionne Poellnitz- Clerk
Jean Daily - Clerk
Deloris Burt - Clerk
Meleah Swoopes - Clerk
Faye Pendergrass - Clerk

ABSENTEES - CITY HALL

Max Eady - Inspector
Robert Evans - Clerk
Norma Hallmark - Clerk
Barbara Thompson - Clerk

BE IT FURTHER RESOLVED that the following compensation be established for the respective officials: Inspector \$150.00 per day; Clerk \$125.00 per day.

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of an ordinance regulating the sale of dogs and cats in the city.

Council Member Hall introduced the following ordinance and moved for its immediate consideration:

ORDINANCE NO. 1522 - 20

AN ORDINANCE PERTAINING TO THE SALE OF DOGS AND CATS WITHIN THE CITY LIMITS OF THE CITY OF MUSCLE SHOALS AND ITS POLICE JURISDICTION

BE IT ORDAINED by the City Council of the City Of Muscle Shoals, Alabama that Chapter 14 of the Code of Ordinances, City of Muscle Shoals, Alabama, as amended, is hereby amended to include and add the following Section 14- 120:

Sec. 14-120. - Restrictions on the sale of dogs and cats.

(a) Definitions

(1) *Animal rescue organization or agency.* A not-for-profit organization or agency with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with the mission and practice, in whole or in significant part, of rescuing and placing animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

(2) *Commercial transaction.* An interaction between two or more parties in which any dog, puppy, cat or kitten is exchanged for cash, goods, services or something of value.

(3) *Offer for sale.* To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or exchange through a commercial transaction any dog, cat, kitten, or puppy.

(4) *Pet shop.* A retail establishment, business or store where live animals are sold, exchanged, bartered or offered for sale as pets to the general public. Such definition shall not include an animal shelter or animal rescue organization as defined in this section.

(5) *Pet Supply Store.* A retail establishment, business or store which sells pet food, animal supplies and pet accessories to the general public, and which may also sell, exchange, barter or offer for sale live animals as pets to the general public.

(6) *Animals.* For purposes of this ordinance, any reference herein to animals shall refer to, include and be limited to any dog, cat, kitten or puppy.

(b) A pet shop or pet supply store may offer for sale only those dogs, cats, puppies, and kittens obtained from and in cooperation with an animal shelter or an animal rescue organization or agency as defined in this section.

(c) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.

(d) A pet shop or pet supply store shall not offer for sale a puppy or kitten that is younger than eight weeks old.

(e) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall maintain records for each animal offered for sale. The records shall be maintained for a minimum of 12 (twelve) months after the date of the transaction, and shall be available for inspection by any Muscle Shoals animal control officer, as defined by Section 14-2 of the Muscle Shoals Code of Ordinances. The records shall include the following information for each transaction:

- (1) A description and photograph of the animal;
- (2) The monetary value of any cash, services, or goods exchanged for the animal;
- (3) The name, address and phone number of the organization (animal shelter or animal rescue organization or agency) from which said pet store or pet supply store acquired said animal; and
- (4) The name, address and phone number of the new owner of the animal.

(f) This Section 14-120 shall not affect a consumer's ability to obtain a dog, cat, puppy, or kitten of his or her choice directly from a breeder where the consumer can see the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning those conditions.

(g) The violation of any of the provisions of this Ordinance shall be unlawful and be subject to the penalties for unlawful acts or misdemeanors as set forth in Chapter 1, Section 1-7 Code of Ordinances, City of Muscle Shoals, Alabama.

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 Sockwell seconded the motion and upon said motion being put to a vote, the following vote was recorded:

Ayes: Council Member Hall, Council Member McMinn, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

Nays: None

President Noles announced that the motion for immediate consideration had passed unanimously. Council Member Hall moved that the Ordinance be approved. Council Member Sockwell seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the Ordinance was approved unanimously.

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