

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 1, 2014**

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 1st day of December, 2014 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, NEAL WILLIS, JAMES HOLLAND,
MIKE LOCKHART, 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. Elaine Coan, Assistant 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 November 17, 2014 and the Council recreation committee meeting of November 17, 2014 and approved the minutes as written.

Mayor Bradford announced the Christmas parade will be held on Tuesday, December 9, 2014. He also informed the Council that the Alabama Department of Transportation will be opening bids for the East Avalon Project on December 5, 2014.

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 The Wild Lilly LLC dba The Wild Lilly located at 702 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 22nd day of December, 2014, 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 a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (package) to Shri Swami Inc. dba Riverside Package Store, 100 River Road A2.

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 Lounge Retail Liquor License - Class II (package) 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 license had been approved.

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. - 14
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:

Lots 5266 thru 5271, Highland Park #13

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 1st day of December, 2014, 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.

Mr. Ray Farris, 506 LaSalle Avenue spoke against the rezoning.

Ms. Mary Eubanks, 512 LaSalle Avenue spoke against the rezoning.
Ms. Margarite Bonee, 507 LaSalle Avenue spoke against the rezoning.
Mr. David Yarber, 410 LaSalle Avenue spoke against the rezoning.
Mrs. Ray Farris, 506 LaSalle Avenue complained about the existing fencing for the business being in a poor state of repair.
Ms. Maxine Horton spoke for the rezoning.
Mr. John Davis representing Express Oil indicated that he would replace the fencing and that all compressors now utilized a sound buffer to minimize noise.
It was suggested that Mr. Davis meet with the property owners to discuss solutions to the concerns of the local residents.
There being no one else wishing to speak, Council Member Pampinto moved that the matter be tabled until December 22, 2014. Council Member Noles seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.
President Holland announced that the motion to table had been approved.

President Holland announced that the next item of business was to consider a resolution to make an appointment to the Recreation Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2719 - 14

WHEREAS, a term on the Recreation Board has occurred 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 vacancy:

Alan Griffin Zach Morgan Louis Montoya

WHEREAS, Alan Griffin was determined to have received the best overall ranking on the City Council evaluations, and

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

Council Member Pampinto: Alan Griffin
Council Member Willis: Alan Griffin
Council Member Lockhart: Alan Griffin
Council Member Holland: Alan Griffin
Council Member Noles: Zach Morgan

WHEREAS, Council President Holland announced that Alan Griffin 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>
Alan Griffin	Recreation Board	November, 2019

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was to consider a resolution to authorize the Mayor to execute an agreement with the Alabama Department of Transportation for the widening of East Avalon Avenue from Wilson Dam Road to Webster Street.

Council Member Willis introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2720 - 14

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

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:
The additional lanes (grade, drain, base, and pave) on Avalon Avenue from SR-133 (Wilson Dam Road) to Webster Street. Length – 0.845 miles
Project# ACOA8543-8828(601); ATRIP# 17-03-04
2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was to consider an ordinance to convey unneeded real property owned by the city and further to authorize the Mayor to execute all necessary documents to complete the sale of the land.

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

ORDINANCE NUMBER 1465 - 14

AN ORDINANCE RELATING TO THE DISPOSITION OF UNNEEDED REAL ESTATE OWNED BY THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City of Muscle Shoals, Alabama is the owner of certain parcels of real property located in and near the vicinity of the Shoals Marketplace retail development within the corporate limits of the City; same being hereinafter more particularly described; and

WHEREAS, the City has been approached by a prospective purchaser with an offer to purchase said property; and

WHEREAS, upon review by the Council of the City of Muscle Shoals, Alabama, the Council finds that the said property is not being used for public or municipal purposes nor is it anticipated that said property will, in the future be used or needed for either public or municipal purposes; and

WHEREAS, the Council further finds that upon the disposal of the said property the City will no longer bear the expense of the maintenance and upkeep of the property; will have funds from the sale of the property for use for public purposes to benefit the City's citizens and to benefit from the prospective future tax revenues from the property being placed on the tax rolls as well as any future improvements and developments that may further increase the City's tax revenues; and

WHEREAS, the Council does further find and determine the disposal of the unneeded real property is in the best interest of the City and the said disposal of the unneeded real property and the benefits, both present and prospective, derived therefrom outweigh any benefit the City may receive by retaining its right, title and interest in said real property.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING FINDINGS, BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama as follows:

1. The City of Muscle Shoals, Alabama shall convey its right, title and interest in and to the real property, more particular described as follows, to wit:

OUTLOT 1B:

A tract of land lying in the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of

beginning, commence at the intersection of the East boundary line of the NW 1/4 of said Section 14 with the northwardly right of way of Alabama Highway No. 20 and No. 157 (alternate U. S. Highway No. 72-167 foot right of way); thence N 64 degrees 07' 06" W and along said right of way 733.10 feet to an iron pin set (capped typical R. Collins, L.S.-13406) at the SW corner of the Alabama State Highway Department property (Deed Book 354 Page 639); continue thence N 64 degrees 07' 06" W and along said right of way 230.19 feet; thence leaving said right of way and along a curve to the left having a radius of 66.41 feet, an arc distance of 11.13 feet (chord bearing N 3 degrees 27' 56" E -chord distance 11.11 feet) to the PT of said curve; thence N 1 degree 20' 02" W 585.16 feet to the point of beginning; continue thence N 1 degree 20' 02" W 35 feet; thence N 88 degrees 39' 58" E 56 feet; thence N 1 degree 20' 02" W 440 feet; thence N 88 degrees 39' 58" E 139.98 feet to the Westwardly line of the aforementioned Alabama State Highway Department property; thence S 1 degree 42' 50" E and along said Alabama State Highway Department property line 475 feet; thence S 88 degrees 39' 58" W 199.12 feet to the point of beginning. Said tract containing 1.59 acres, more or less and is subject to any easements of record or easements existing on site.

OUTLOT 2:

A tract of land lying in the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the intersection of the East boundary line of the NW 1/4 of said section 14 with the Northwardly right of way of Alabama Highway No. 20 and No. 157 (alternate U. S. Highway No. 72-167 foot right of way); thence N 64 degrees 07' 06" W and along said right of way 733.10 feet to an iron pin set (capped typical R. Collins, L.S.-13406) at the SW corner of the Alabama State Highway Department property (Deed Book 354 Page 639) and to the point of beginning; continue thence N 64 degrees 07' 06" W and along said right of way 230.19 feet; thence leaving said right of way and along a curve to the left having a radius of 66.41 feet, an arc distance of 11.13 feet (chord bearing N 3 degrees 27' 56" E - chord distance 11.11 feet) to the PT of said curve; thence N 1 degree 20' 02" W 160.16 feet; thence N 88 degrees 39' 58" E 201.94 feet to the Westwardly line of the aforementioned Alabama State Highway Department property; thence S 1 degree 42' 50" E and along said Alabama State Highway Department property line 276.53 feet to the point of beginning. Said tract contains 1.04 acres, more or less and is subject to any easements of record or easements existing on site.

OUTLOT 3:

A tract of land lying in the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the intersection of the East boundary line of the NW 1/4 of said Section 14 with the Northwardly right of way of Alabama Highway No. 20 and No. 157 (alternate U. S. Highway No. 72-167 foot right of way); thence N 64 degrees 07' 06" W and along said right of way 733.10 feet to an iron pin set (capped typical R. Collins, L.S.-13406) at the SW corner of the Alabama State Highway Department property (Deed Book 354 Page 639); continue thence N 64 degrees 07' 06" W and along said right of way 265.12 feet to the point of beginning; thence N 64 degrees 07' 06" W and along said right of way 255.89 feet; thence leaving said right of way N 25 degrees 48' 23" E 34.62 feet to the PC of a curve to the left having a radius of 125 feet; thence along said curve an arc distance of 59.21 feet (chord bearing N 12 degrees 14' 10" E -chord distance 58.66 feet) to the PT of said curve; thence N 1 degree 20' 02" W 108.40 feet to the PC of a curve to the right

having a radius of 10 feet; thence along said curve an arc distance of 15.71 feet (chord bearing N 43 degrees 39' 58" E - chord distance 14.14 feet) to the PT of said curve; thence N 88 degrees 39' 58" E 180 feet to the PC of a curve to the right having a radius of 10 feet; thence along said curve an arc distance of 15.71 feet (chord bearing S 46 degrees 20' 02" E - chord distance 14.14 feet) to the PT of said curve; thence S 1 degree 20' 02" E 302.31 feet to the PC of a curve to the right having a radius of 31.10 feet; thence along said curve an arc distance of 11.19 feet (chord bearing S 8 degrees 58' 24" W - chord distance 11.13 feet) to the point of beginning. Said tract contains 1.28 acres, more or less and is subject to any easements of record or easements existing on site.

OUTLOT 4

A tract of land lying in the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the intersection of the East boundary line of the NW 1/4 of said Section 14 with the Northwardly right of way of Alabama Highway No. 20 and No. 157 (alternate U. S. Highway No. 72-167 foot right of way); thence N 64 degrees 07' 06" W and along said right of way 733.10 feet to an iron pin set (capped typical R. Collins, L.S.-13406) at the SW corner of the Alabama State Highway Department property (Deed Book 354 Page 639); continue thence N 64 degrees 07' 06" W and along said right of way 571.01 feet to the point of beginning; thence N 64 degrees 07' 06" W and along said right of way 228.21 feet; thence leaving said right of way N 1 degree 20' 02" W 208.99 feet; thence N 88 degrees 39' 58" E 56.95 feet to the PC of a curve to the right having a radius of 10 feet; thence along said curve an arc distance of 15.71 feet (chord bearing S 46 degrees 20' 02" E -chord distance 14.14 feet) to the PT of said curve; thence S 1 degree 20' 02" E 44 feet; thence N 88 degrees 39' 58" E 150.02 feet to the PC of a curve to the right having a radius of 10 feet; thence along said curve an arc distance of 15.71 feet(chord bearing S 46 degrees 20' 02" E - chord distance 14.14 feet) to the PT of said curve; thence S 1 degree 20' 02" E 184.40 feet to the PC of a curve to the right having a radius of 75 feet; thence along said curve an arc distance of 35.53 feet (chord bearing S 12 degrees 14' 10" W - chord distance 35.20 feet) to the PT of said curve; thence S 25 degrees 48' 23" W 34.55 feet to the point of beginning. Said tract contains 1.18 acres, more or less and is subject to any easements of record or easements existing on site.

OUTLOT 5

A tract of land lying in the NW 1/4 of Section 14, Township 4 South, Range 11 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the intersection of the East boundary line of the NW 1/4 of said Section 14 with the Northwardly right of way of Alabama Highway No. 20 and No. 157 (alternate U. S. Highway No. 72-167 foot right of way); thence N 64 degrees 07' 06" W and along said right of way 733.10 feet to an iron pin set (capped typical R. Collins, L.S.-13406) at the SW corner of the Alabama State Highway Department property (Deed Book 354 Page 639); continue thence N 64 degrees 07' 06" W and along said right of way 799.22 feet to the point of beginning; thence N 64 degrees 07' 06" W and along said right of way 140.56 feet to an existing iron pin at the SE corner of the Hardees' Restaurant Property; thence leaving said right of way N 1 degree 20' 02" W and along Hardees' property line 143.45 feet to the PC of a curve to the right having a radius of 15 feet; thence along said curve an arc distance of 6.17 feet (chord bearing N 76 degrees 52' 37" E -chord distance 6.13 feet) to the PT of said curve; thence N 88 degrees 39' 58" E 119 feet; thence S 1 degree 20' 02" E 208.99 feet to the point of beginning. Said tract contains 0.50 acres, more or less and is subject to any easements of record or easements existing on site.

unto Myron Wade Lackey and wife, Janice S. Lackey .

The said Myron Wade Lackey and wife, Janice S. Lackey, shall pay unto the City the sum of Two Hundred Ninety Thousand and no/100 (\$290,000.00) Dollars for the said real property.

Upon payment of said purchase price, the Mayor of the City, David H. Bradford, shall execute and deliver the City's deed to the property unto the said purchasers, Myron Wade Lackey and wife, Janice S. Lackey.

Furthermore, the Mayor, David H. Bradford, is authorized to execute and deliver any other instruments necessary and required to consummate the transaction.

Council Member Lockhart 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 Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Noles moved that the ordinance be adopted as presented. Council Member Lockhart 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 Pampinto, Council Member Willis, Council Member Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the ordinance was approved.

President Holland announced that the next item of business was to continue the meeting until Thursday, December 4, 2014 at 3:00 pm. Council Member Lockhart moved that the meeting be continued until December 4, 2014 at 3:00 pm. Council Member Noles seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Holland announced that the motion 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:

ASSISTANT CITY CLERK