

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 16, 2017**

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 16th day of October, 2017 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President of the Council. 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, NEAL WILLIS, MIKE LOCKHART, KEN SOCKWELL
ALLEN NOLES
ABSENT: NONE

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

Upon motion duly made by Council Member Willis and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 2, 2017 and approved the minutes as written.

Mayor Bradford informed the Council that the design of the Industrial Access project to make road improvements at 6th Street and Wilson Dam was nearly complete. He also noted that Rual King and CityTrends had announced the opening of retail locations in the City. Shoetopia has recently opened. Mayor Bradford noted that the process to extend Boutique Air for an additional four years thru the Essential Air Service program at the Northwest Alabama Regional Airport is continuing.

President Noles announced that the next item of business was consideration of a resolution to appoint a member to the Colbert County Tourism and Conventions Bureau Board. Council Member Willis introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2916 - 17

WHEREAS, the term of a member of the Colbert County Tourism and Conventions Bureau Board has expired 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:

Linda Whitaker Campbell

WHEREAS, Linda Whitaker Campbell was determined to be the sole applicant and otherwise qualified, and

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

Council Member Hall: Linda Whitaker Campbell
Council Member Willis: Linda Whitaker Campbell
Council Member Lockhart: Linda Whitaker Campbell
Council Member Sockwell: Linda Whitaker Campbell
Council Member Noles: Linda Whitaker Campbell

WHEREAS, President Noles announced that Linda Whitaker Campbell 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>
Linda Whitaker Campbell	Tourism Board	October 2020

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 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 appoint a member to the Shoals Economic Development Authority Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2917 - 17

WHEREAS, a term on the Shoals Economic Development Authority Board has expired 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 individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

William Anderson	Tony Burns	Edna McPherson
Frankie Tubbs Jr.	James Vance	

WHEREAS, James Vance 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 Hall: James Vance
 Council Member Willis: James Vance
 Council Member Lockhart: James Vance
 Council Member Sockwell: James Vance
 Council Member Noles: James Vance

WHEREAS, Council President Noles announced that James Vance 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>
James Vance	SEDA Board	September, 2020

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 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 to allow mini-storage units at 102 Broadway Avenue, a B-2 zone.

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

STATE OF ALABAMA
COLBERT COUNTY

CITY OF MUSCLE SHOALS, ALABAMA
ORDINANCE NO. _____

AN ORDINANCE APPROVING THE EXPANSION OF A USE

WHEREAS, the City of Muscle Shoals, Alabama Zoning Ordinance as amended October 15, 2001, Section 122-151(a)(4)(l)(l) allows mini-storage units only in an M-1 zone, and

WHEREAS, YEAGER RENTAL PROPERTIES, LLC owns property located at 102 Broadway Ave, Muscle Shoals, Alabama, that is in a B-2 zone (legal description attached as Exhibit "A"), and

WHEREAS, the above stated property has been operating mini-storage units on the stated premises for more many years, well before the enactment of the current Zoning Ordinance which made said property a non-conforming use for the purpose of mini-storage units, and

WHEREAS, YEAGER RENTAL PROPERTIES, LLC desires to improve and expand the mini-storage units within the confines and fencing of the current property from 42 units, by adding an additional 75 modem mini-storage units, at great expense and property value enhancement (plans attached as Exhibit "B"), and

WHEREAS, the Planning Department of the City of Muscle Shoals does not have an appeal procedure in this particular instance for an exception to the improvement of this non-conforming use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama, as follows:

1. The Council finds that in this singular instance, the expansion of the above stated non-conforming use is a proper improvement to the current property and can serve to benefit and enhance the value of the property to the City, and cause no harm to the surrounding properties, and to allow the expansion of the use is in the best interest of the City of Muscle Shoals and its citizens.
2. Furthermore, the Planning Department is directed to devise an appeal procedure to address future requests for appeals or variances from the current zoning ordinance in similar circumstances.

3. Furthermore, the Mayor, David Bradford, and the City Clerk, Ricky Williams, are authorized to execute and deliver any and all other documents necessary and required to enact this adopted ordinance.

EXHIBIT "A"

TRACT ONE: Lots 313 through 318, inclusively, all in WASHINGTON PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 105, in the Office of the Judge of Probate of Colbert County, Alabama.

TRACT TWO: Lots 308, 309, 310, 311 and 312, all in WASHINGTON PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 105, in the Office of the Judge of Probate of Colbert County, Alabama.

TRACT THREE: Also, the North 33 feet of Geneva Avenue, more fully described as follows: Commence at the Southwest corner of Lot 308 and ran East along the South lines of Lots 308, 309, 310, 311 and 312 to the Southeast corner of said Lot 312; thence commence at the Southwest corner of Lot 313 East along the South line of Lot 313 to the Southeast corner of said Lot 313, all in WASHINGTON PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 105, in the Office of the Judge of Probate of Colbert County, Alabama. SUBJECT HOWEVER, to an 18 foot easement granted to the City of Muscle Shoals, Alabama, for the construction, installation and maintenance of public utilities, more fully described as follows: Commence at the Southeast corner of Lot 312 and the Southwest corner of Lot 313 and run South to the Northeast corner of Lot 303 and the Northwest corner of Lot 302, all in WASHINGTON PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 105, in the Office of the Judge of Probate of Colbert County, Alabama.

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 Hall, Council Member Willis, 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 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 Hall

NAYS: Council Member Willis, Council Member Lockhart, Council Member Sockwell,
Council Member Noles

President Noles announced that the motion for approval of the Ordinance had failed.

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