

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
December 19, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 19th day of December 2005 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 Robert Evans. 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

Richard Williams, City Clerk of the City, was present and kept the minutes of the meeting.

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.

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 work session and regular meeting of December 5, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution authorizing the Mayor to apply for grant funds from the Economic Development Administration (EDA) for infrastructure improvements at the new industrial airpark.

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 2185 - 05

**A RESOLUTION AUTHORIZING AND APPROVING APPLICATION TO THE
ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)**

Whereas, the City of Muscle Shoals, Alabama has completed its application for Economic Development Administration (hereafter EDA) funds for infrastructure improvements to the Northwest Alabama Regional Airport Industrial Park, and

Whereas, the City of Muscle Shoals, Alabama concurs with the objectives, needs and program activities proposed therein, and

Whereas, the priorities for proposed activities adopted by the City of Muscle Shoals, Alabama were determined in accordance with State and Federal guidelines and determinations on eligibility of activities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama:

1. That said application shall be designated as the official application for the City of Muscle Shoals for a grant request of \$1,330,912 to be submitted to the Economic Development Administration upon its completion.
2. That the Mayor and/or Chairman is duly authorized to sign said application for and as the act of the Utilities Board of the City of Muscle Shoals, Alabama and is further authorized to execute all other documents required for application or disbursement of Economic Development Administration funds for the Utilities Board of the City of Muscle Shoals, Alabama.
3. The Local Match funds due and required from the City of Muscle Shoals, Alabama will be available if the project is funded.
4. The Clerk is hereby directed to prepare a certified copy of this Resolution, a copy of same to be forwarded to Economic Development Administration in connection with and in support of the City's application for funds.

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 authorizing the Mayor to apply for grant funds from the Appalachian Regional Commission (ARC) for infrastructure improvements at the new industrial airpark.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2186 - 05

**A RESOLUTION AUTHORIZING AND APPROVING APPLICATION
TO THE APPALACHIAN REGIONAL COMMISSION (ARC)**

Whereas, the City of Muscle Shoals, Alabama has completed its application for Appalachian Regional Commission (hereafter ARC) funds for infrastructure improvements to the Northwest Alabama Regional Airport Industrial Park, and

Whereas, the City of Muscle Shoals, Alabama concurs with the objectives, needs and program activities proposed therein, and

Whereas, the priorities for proposed activities adopted by the City of Muscle Shoals, Alabama were determined in accordance with State and Federal guidelines and determinations on eligibility of activities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama:

1. That said application shall be designated as the official application for the City of Muscle Shoals for a grant request of \$500,000 to be submitted to the Appalachian Regional Commission upon its completion.
2. That the Mayor is duly authorized to sign said application for and as the act of the City of Muscle Shoals, Alabama and is further authorized to execute all other documents required for application or disbursement of Appalachian Regional Commission funds for the City of Muscle Shoals, Alabama.
3. The Local Match funds due and required from the City of Muscle Shoals, Alabama will be available if the project is funded.
4. The Clerk is hereby directed to prepare a certified copy of this Resolution, a copy of same to be forwarded to Economic Development Administration in connection with and in support of the City's application for funds.

Council Member Noles 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 authorizing the Mayor to apply for Community Development Block grant funds for infrastructure improvements at the new industrial airpark.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2187 - 05

A RESOLUTION AUTHORIZING AND APPROVING APPLICATION FOR ECONOMIC DEVELOPMENT FUNDS THROUGH THE STATE OF ALABAMA'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

WHEREAS, the City of Muscle Shoals, Alabama has completed its application for Economic Development Funds through the State of Alabama's Community Development Block Grant (hereafter CDBG) Program,

WHEREAS, the City of Muscle Shoals, Alabama concurs with the objectives, needs and program activities proposed therein, and

WHEREAS, the priorities for proposed program activities adopted by the City of Muscle

Shoals were determined in accordance with State and Federal guidelines and determinations on eligibility of activities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama:

1. That said application shall be designated as the official application for the City of Muscle Shoals, Alabama for an Economic Development grant to be submitted to the Alabama Department of Economic and Community Affairs upon its completion.
2. That the Mayor is duly authorized to sign said application for and act on behalf of the City of Muscle Shoals, Alabama and is further authorized to execute all other documents required for application or disbursement of State of Alabama Community Development Block Grant funds for the City of Muscle Shoals.
3. The Local Match funds due and required from the City of Muscle Shoals, Alabama will be available if the project is funded.
4. The Clerk is hereby directed to prepare a certified copy of this Resolution, a copy of same to be forwarded to Economic Development Administration in connection with and in support of the City's application for funds.

Council Member Grissom 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 declaring a truck surplus and authorizing its disposal.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2188 - 05

WHEREAS, the City Council has been informed by the Public Works Director that a certain truck used in the performance of duties is no longer required for use by the Public Works Department; and

WHEREAS, the City Council is informed that the truck is no longer in service and that a request by the Riverton Rose Trail Volunteer Fire Department has been made for transfer of the truck for use in the performance of their duties within Colbert County; and

WHEREAS, the City Council has determined that the said truck is surplus property and the City has no further use for said truck due to its age and condition and it is not economical for the City to retool or refit the said truck in order that it be placed in service in the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following truck be declared surplus property and be disposed of by the Public Works Director of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said truck and the Council does hereby authorize the Public Works Director to dispose of said truck in such manner. The Council finds that the following truck is surplus property:

1977 Ford F602D Truck VIN F60DV000032

BE IT FURTHER RESOLVED that the Public Works Director is authorized to take the steps necessary to convey the above described truck to the Riverton Rose Trail Volunteer Fire Department in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum of One and no/100 (\$1.00).

Council Member Holland 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 dedicating the right of way for Sportsplex Road.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2189-05

WHEREAS, the City of Muscle Shoals, Alabama and Southern Accounting Systems, Inc. Have executed an instrument denominated Dedication and Adoption of Public Right of Way for the purpose of dedicating a public right of way over, across and through properties owned by each of said entities for the purpose of ingress and egress to abutting and adjoining properties along said right-of-way and for the purpose of providing a thoroughfare across and over said right-of-way; and

WHEREAS, the entities are desirous of having the City Council of the City of Muscle Shoals, Alabama adopt and accept the said right-of-way as a public road, street or avenue within the City of Muscle Shoals, Alabama and to further accept said right-of-way for the operation, control and maintenance of same; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has revived the above-described instrument; has been informed that the said right of way described is what is known and referred to as Sportsplex Road and has determined that right-of-way was constructed according to the City's specifications for the construction of said streets, avenues and roads within the City and further finds that the dedication, approval, ratification and acceptance of said public right of way is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the dedication and adoption of the public right of way as described in the instrument denominated Dedication and Adoption of Public Right of Way, same being executed by the owners of portions of the property that comprises the said right-of-way, namely the City of Muscle Shoals, Alabama and Southern Accounting Systems, Inc. is in due form and is hereby accepted and approved, and that the execution of the same by the Mayor of the City is hereby approved and ratified; and

BE IT FURTHER RESOLVED by the City Council that the said right-of-way as described is accepted for the purpose of providing a public right of way over, across and through properties owned by each of said entities for the purpose of ingress and egress to abutting and adjoining properties along said right-of-way and for the purpose of providing a thoroughfare across and over said right-of-way, same known as Sportsplex Road, and

BE IT FURTHER RESOLVED by the City Council that the said right-of-way is hereby accepted and approved for the operation, control and maintenance by the City of Muscle Shoals, Alabama; and

BE IT FURTHER RESOLVED the Clerk is hereby directed to prepare a certified copy of this Resolution and cause a copy of same, along with the instrument denominated Dedication and Adoption of Public Right of Way, to be filed and recorded in the Office of the Probate Judge of Colbert County, Alabama.

Council Member Pampinto 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 an amendment to the sign ordinance.

Council Member Pampinto thereupon introduced the following ordinance which was presented in the meeting:

ORDINANCE NUMBER 1357-05

AN ORDINANCE AMENDING SECTION 6-38 OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE ERECTION, PLACEMENT AND DISPLAY OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSCLE SHOALS, ALABAMA.

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

I. Chapter 6, Section 6-38 of the Code of Ordinances of the City of Muscle Shoals, Alabama heretofore adopted by Ordinance of the City Council of the City of Muscle Shoals, Alabama by Ordinance Number 1247-01 on February 19, 2001 and as amended by Ordinance of the City Council of the City of Muscle Shoals, Alabama by Ordinance Number 1269-02 on April 1, 2002, is hereby amended so that the said Chapter 6, Section 6-38 shall include the following language and read in its entirety as follows:

Section 6-38- Permitted signs by districts.

The following signs and no others, which shall comply with the provisions of this article, shall be

permitted in the districts hereinafter set forth:

(1) Residence R-1, R-2, R-3, R-4, R-5, RMF-1, M-H, and PRD Districts:

(a) Signs not exceeding three (3) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers, or names of occupants, signs on mailboxes or newspaper tubes, signs giving historical identification of the premises, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(b) Home occupation signs as allowed by law.

(c) Institutional signs not exceeding thirty-six (36) square feet in area as follows: one (1) detached and one (1) attached such sign per street frontage.

(d) Condominium and apartment identification signs complying with the general sign regulations under Section 6-37.

(e) Subdivision entrance signs complying with the general sign regulations under Section 6-37.

(f) Temporary signs as permitted under Section 6-35.

(2) Business Districts B-1, B-2, B-2A, Manufacturing Districts M-1, M-2

(a) Any number of attached on-premise signs, provided that the total area of all such signs as located per wall face shall not exceed ten (10) percent of the total of such wall face area, to a maximum area of one hundred (100) square feet per wall face.

(b) On lots or tracts of land having occupant, tenant, or commercial or business enterprise, one (1) detached on-premises sign meeting the following guidelines:

Two square feet of signage per linear front foot of building but not to exceed 200 square feet. The maximum height of any ground supported sign shall not exceed 25 feet in height and shall have a vertical clearance of 8 feet. Signs 6 feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance. Maximum one sign per two hundred fifty (250) feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of two hundred fifty (250) feet, such signs shall not be placed closer to another detached sign on the same property than one hundred (100) feet. If such lot or tract of land has frontage on more than one (1) street, such as on a street corner or intersection, one (1) additional detached sign, subject to the above restrictions, may be erected for each additional abutting street segment which equals or exceeds one hundred (100) feet in length, and shall be erected and located on the property immediately abutting such additional street segment.

(c) Marquee signs (multi-tenants) and marquee signs on theaters, which may be in addition to all other signs permitted by this section.

1. On lots or tracts of land having occupant, tenant, or commercial or business enterprise, one (1) detached on-premise sign meeting the following guidelines:

Two square feet of signage per linear front foot of building but not to exceed 200 square feet. The maximum height of any ground supported sign shall not exceed 25 feet in height and shall have a vertical clearance of 8 feet. Signs 6 feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

No sign shall have as its support for a sign located closer than 5 feet from the public right of way. No sign shall extend into a public right of way. The Building inspector for the

City of Muscle Shoals, Alabama shall approve the means of support for all signs hereunder.

(d) Subdivision entrance signs complying with the general sign regulations under Section 6-37.

(e) Temporary signs as permitted under Section 6-35.

(f) Awnings shall be permitted in the district upon application and approval of plans and specifications submitted therewith to the building director. Awnings shall project no further than eight (8) feet from the vertical face of the building to which they are attached. Such signs shall not extend more than twenty (20) inches down from the ceiling of the canopy and shall not exceed fifty-six (56) inches in length nor twelve (12) inches in width.

II. The requirements and provisions of this article are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of this article as a whole nor any section or part thereof, other than the section or part so declared to be unconstitutional or invalid.

III. The Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Willis and, upon said motion being put to a vote, a roll call was had and the vote was 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 the vote and declared that the motion for unanimous consent for immediate consideration had been approved. Council Member Pampinto then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Willis and, upon said motion being put to a vote, a roll call on final approval 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 thereupon declared said motion carried and the Ordinance approved.

Mayor Bradford announced his two appointments to the Planning and Zoning Board. Lance Hyché to an unexpired term ending December 2009 and Joel Quillen to a six year term ending December 2011.

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

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK