

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 6, 2016**

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 6th day of September, 2016 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 Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: NEAL WILLIS, MIKE LOCKHART, TERRY MCMINN
ALLEN NOLES
ABSENT: JOE PAMPINTO

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 Lockhart and seconded by Council Member McMinn and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 15, 2016, the August 26, 2016 special meeting and the August 30, 2016 continued meeting and approved the minutes as written.

Mayor Bradford read aloud a proclamation declaring September 26, 2016 as “Family Day” in the City. He also reported that the East Avalon Avenue road project has been completed and the new Publix grocery store will open on September 14th.

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 26th day of September, 2016, 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 R-3 District, to wit:

19.5 acre tract of property located in 3S11W36, and being adjoined by Brown Street (545 feet) to the east, and being adjoined by Barrington Subdivision (1106 feet) to the south, and being adjoined by Cottonwood Estates Addition #1 (1278 feet) to the north, and being adjoined by Cypress Lakes Golf Course (Muscle Shoals Park & Recreation) (664 feet) to the west.

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 to set a public hearing 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 26th day of September, 2016, 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:

Lots 4738 - 4745, Highland Park Subdivision #12

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 consideration of a resolution to make an appointment to the Utilities Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2831 - 16

WHEREAS, the term of a member of the Utilities 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 individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Joshua Wade Aycock	Vyron Beardon	Margaret A. Farley
Hal R. Horton	Anita M. Martin	Keith Murphy
Jeremy Robison	Kevin Self	Edward Patrick Staley

WHEREAS, Kevin Self received the best overall score on the council evaluations, and

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

Council Member Willis: Kevin Self
Council Member Lockhart: Kevin Self
Council Member McMinn: Kevin Self
Council Member Noles: Kevin Self

WHEREAS, Council President Noles announced that Kevin Self had received a majority of the votes cast, 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>
Kevin Self	Utilities Board	July, 2022

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 Willis 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 declaring an automobile as surplus and authorizing its conveyance to the Northwest Alabama Regional Airport Authority.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2832 - 16

WHEREAS, the City Council has been informed by the City Clerk/Treasurer that a certain vehicle hereinafter described previously used in the performance of duties is no longer required for use by City personnel; and

WHEREAS, the City Council has determined that the said vehicle is surplus property and the City has no further use for said vehicle within the City; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following described vehicle be declared surplus property and be disposed of by the City Clerk/Treasurer in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said vehicle. The Council finds that the following vehicle is surplus property:

2007 Chevrolet Impala, VIN 2G1WB58K479376202, Asset # 1101240001

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is authorized to take the steps necessary to convey the above described vehicle to the Northwest Alabama Regional Airport Authority in a manner consistent with the terms and conditions and pursuant to this Resolution; and

BE IT FURTHER RESOLVED that in consideration of the conveyance to the Northwest Alabama Regional Airport Authority, shall execute and deliver a release to the City of Muscle Shoals, Alabama releasing the City from all liability, claim, loss or expense, in the operation of the said vehicle herein above described.

BE IT FURTHER RESOLVED that the title to the vehicle shall be properly executed and delivered, along with the vehicle, to the Northwest Alabama Regional Airport Authority, and that all expenses of the transfer of the title shall be borne by Northwest Alabama Regional Airport Authority.

Council Member Willis 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 amend the speed limits on Village Drive and Cypress Way.

Council Member Willis introduced the following ordinance in writing and moved for its immediate consideration:

ORDINANCE NUMBER 1492 - 16

AN ORDINANCE AMENDING ORDINANCE NUMBER 1142-94 AND ORDINANCE NUMBER 1254-01 AND ORDINANCE NUMBER 1301-03 AND ORDINANCE NUMBER 1398-07 AND ORDINANCE NUMBER 1404-08 AND ORDINANCE NUMBER 1410-08 FIXING AND ESTABLISHING SPEED LIMITS AND PARKING REGULATIONS IN THE CITY OF MUSCLE SHOALS, ALABAMA AND ITS POLICE JURISDICTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:

Ordinance 1142-94 and Ordinance Number 1254-01 and Ordinance 1301-03 and Ordinance 1398-07 and Ordinance 1404-08 and Ordinance 1410-08 are hereby amended so that the ordinance shall read in its entirety as follows:

Section 1. No person shall operate a motor vehicle at greater speed than 55 miles per hour in the following listed zones of the City:

On Alabama Highway No. 133 from a point north of Alabama Highway 184 (2nd Street) beginning at MP 4.500 and extending northward to its intersection with the north city limits (MP 5.610), a distance of 1.11 miles.

Section 2. No person shall operate a motor vehicle at greater speed than 45 miles per hour in the following listed zones of the City:

On Alabama Highway No. 133 from a point at its intersection with the south city limits (MP 1.23), thence northward to its intersection with a point on Alabama Highway 133 north of Alabama Highway 184 (2nd Street) at MP 4.500, a distance of 3.33 miles.

On River Road (County Road No. 40) from a point at its intersection with Alabama Highway No. 133, thence easterly to the east city limits (Ford Road), a distance of 1.90 mile.

On U.S. Highway Nos. 43 and 72, Alabama Highway Nos. 2, 13, 17, 20 and 157, also known as Woodward Avenue, from a point at its intersection with the south city limits (Fairground Road, MP 27.00), thence northward to a point at its intersection with Alabama Highway No. 184 (Second Street, MP 29.59), a distance of 2.59 miles.

On 6th Street from a point at the west city limits, thence easterly to a point at its intersection with U.S. 43/72 (Woodward Avenue), a distance of 0.60 mile.

On County Road No. 24, also known as Tuscumbia Road, from a point at its intersection with Woodward Avenue, thence easterly to a point at its intersection with the east city limits, a distance of 3.00 miles.

On Avalon Avenue from a point at the west city limits (Cox Blvd.), thence easterly to a point at the east city limits, a distance of 3.26 miles.

On Alabama Highway No. 184, (Second Street) from a point at its intersection with Woodward Avenue (MP 3.00), thence easterly to a point at the east city limits, a distance of 3.00 miles.

On Second Street at a point at the west city limits, thence easterly to a point at its intersection with U.S. 43/72 (Woodward Avenue), a distance of 0.60 mile.

On Webster Avenue from a point at its intersection with Avalon Ave., thence northerly to its intersection with Alabama Highway No. 184, a distance of 1.00 mile.

Section 3. No person shall operate a motor vehicle at a greater speed than 35 miles per hour in the following listed zones of the City:

On Elledge Lane at a point at the south city limits, thence northerly to a point at its intersection with Sixth Street, a distance of .50 mile.

On Harding Avenue at a point at its intersection with Trojan Drive thence Southerly to its intersection with Sixth Street.

On Harding Avenue at a point at its intersection with Trojan Drive thence Northerly to its intersection with Avalon Avenue, with the exception that during the hours of 7 a.m. unto 8:30 a.m. and 2:30 p.m. unto 3:30 p.m. on Mondays through Fridays during the school year, the said area shall be designated as a school zone and during such times, no person shall operate a motor vehicle at a speed greater than 25 miles per hour.

Section 4. No person shall operate a motor vehicle at a greater speed than 15 miles per hour in the following listed zones of the city:

On Gattman Park Drive from a point at its intersection with Gusmus Avenue thence westerly to the end of Gattman Park Drive, a distance of 0.03 mile.

On Oak Hill Drive from a point at its intersection with Dearborn Avenue thence southerly to a point at its intersection with Gattman Park Drive, a distance of 0.018 mile.

On Lewis Street from a point at its intersection with Midland Avenue then northerly to a point at its intersection with Second Street, a distance of 0.47 mile.

On Moss Avenue from a point at its intersection with Harding Avenue thence westerly to a point at its intersection with Gusmus Avenue, a distance of 0.22 mile.

On Village Drive from a point at its intersection with Harding Avenue then easterly to the end of Village Drive, a distance of .19 mile.

On Cypress Way from a point at its intersection with Village Drive thence northerly to a point at the end of Cypress Way, a distance of .36 mile.

- Section 5. No person shall operate a motor vehicle at a greater speed than 25 miles per hour on any street or alley not specifically mentioned or set out herein.
- Section 6. Speed limits as described above shall apply so long as the city limits remain as they are this date. In the event they are extended this ordinance shall be revised to properly cover the new territory.
- Section 7. No person shall park a motor vehicle in any designated area when said prohibited area is properly marked with yellow paint and/or signed.
- Section 8. In addition to all other provision of law relating to speed and operation of motor vehicles in said City, there is hereby adopted by the City of Muscle Shoals, Alabama, all laws of the State of Alabama and all rules and regulations of the Alabama Department of Transportation pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the State laws and a violation of such laws, rules, and regulations in the City of Muscle Shoals, or in the police jurisdiction thereof shall be violations of this ordinance.
- Section 9. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$100.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the City for a period not exceeding twenty days, or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first

conviction, such person shall be punished by a fine or not more than \$100.00 or may be imprisoned in the municipal jail or sentenced to hard labor for the City for a period not exceeding six months, or by both fine and imprisonment.

- Section 10. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 11. Each section and provision of this ordinance is independent of and separate from the others, and the invalidity of any section or provision shall not affect the other sections and provisions.
- Section 12. The Ordinance, and its provisions, shall become effective, after due publication or posting pursuant to law or as otherwise provided for by law.

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 Willis, Council Member Lockhart, Council Member McMinn,
Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration was unanimously adopted. Council Member Willis 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 Willis, Council Member Lockhart, Council Member McMinn,
Council Member Noles

NAYS: None

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

President Noles announced that the next item of business was the rescheduling of the September 19, 2016 meeting.

Council Member Lockhart moved that the September 19, 2016 Council meeting and work session be rescheduled to September 26, 2016 at the regular times. Council Member McMinn seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Noles 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:

CITY CLERK