

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
July 26, 2010**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:45 p.m. on the 26th day of July, 2010 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 Paul McDougle. 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, 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 regular meeting and work session of July 6, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a request from the police chief for a \$1,500.00 travel advance to the Alabama Chiefs of Police summer conference . Council Member Grissom moved that the travel advance be approved. 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 travel advance had been approved.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off premises only) to GANGAR Inc. dba Store & Deli #2, 1120 E. 2nd Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 16th day of August, 2010, the Council will consider the approval of the license. 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 approval of such license.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Utilities Board.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Keith Murphy
Council Member Willis: Keith Murphy
Council Member Grissom: Keith Murphy
Council Member Holland: Keith Murphy
Council Member Noles: Keith Murphy
Mayor Bradford: Keith Murphy

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 2445 - 10

WHEREAS, a vacancy on the Muscle Shoals Utilities 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:

Tommy Bee
Dennie Robinson

Keith Murphy

Donna Ricks

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

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

Council Member Pampinto: Keith Murphy
Council Member Willis: Keith Murphy
Council Member Grissom: Keith Murphy
Council Member Holland: Keith Murphy
Council Member Noles: Keith Murphy
Mayor Bradford: Keith Murphy

WHEREAS, Mayor Bradford announced that Keith Murphy 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>
Keith Murphy	Utilities Board	July 2016

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 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 to appoint a member to the Civil Service Board.

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Tommy Oswalt
Council Member Willis: Tommy Oswalt
Council Member Grissom: Tommy Oswalt
Council Member Holland: Tommy Oswalt
Council Member Noles: Tommy Oswalt
Mayor Bradford: Tommy Oswalt

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 2446 - 10

WHEREAS, a vacancy on the Civil Service Board of the City of Muscle Shoals has occurred 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 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:
James Russell Allen Larry Brock Wes Emmons
Linda Grissom Tommy Oswalt Alan Waycaster

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

WHEREAS, a roll call vote was had by the Mayor and City Council as follows:
Council Member Pampinto: Tommy Oswalt
Council Member Willis: Tommy Oswalt
Council Member Grissom: Tommy Oswalt
Council Member Holland: Tommy Oswalt
Council Member Noles: Tommy Oswalt
Mayor Bradford: Tommy Oswalt

WHEREAS, Mayor Bradford announced that Tommy Oswalt 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 a term effective until June 20, 2013.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Tommy Oswalt	Civil Service Board	June 20, 2013

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 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 an ordinance to amend the ordinance regulating the abatement of weeds and high grass in the city.

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

ORDINANCE NO. 1427-10

AN ORDINANCE AMENDING ORDINANCE NUMBERS 1202-99, 1207-99 AND 1271-02 OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE CLEANING OF TRASH AND DEBRIS AND CUTTING OF WEEDS IN THE CITY OF MUSCLE SHOALS, ALABAMA

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

I. Sections 1 through 7, inclusive and Sections 9 through 11, inclusive, of Ordinance 1202-99 of the City of Muscle Shoals, Alabama heretofore adopted by the City Council of the City of Muscle Shoals, Alabama on April 19, 1999 and Section 8 of Ordinance 1202-99 of the

City of Muscle Shoals, Alabama heretofore adopted by the City Council of the City of Muscle Shoals, Alabama on April 19, 1999 and as amended by Ordinance 1207-99, heretofore adopted by the City Council of the City of Muscle Shoals, Alabama on October 18, 1999 are hereby amended so that the said Sections 1 through 7, inclusive, and Sections 9 through 11, inclusive of Ordinance 1202-99 and Section 8 of Ordinance 1202-99 as amended by Ordinance 1207-99 and Sections 1 through 11 of Ordinance 1271-02 as amended shall include the following language and read in its entirety as follows:

Section 1. The word "person" as used in this ordinance shall include and be applicable to firms, corporations and associations, as well as to individuals.

Section 2. Every person owning or having in charge any premises in the City of Muscle Shoals, shall keep the same free of any growth or weeds, and/or accumulation of trash or debris, favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, and every such growth and/or accumulation is hereby declared to be a nuisance, and every such person who shall allow any such growth of weeds, trash and/or debris to accumulate on the premises which such person owns or of which he is in charge, shall be punished as for a violation of this section.

Section 3. Any growth of weeds or grass more than 12" inches in height shall be deemed favorable to the harboring of mosquitoes or other insects, rats, snakes, or rodents or reptiles of like kind, within the meaning of this ordinance.

Section 4. Whenever any police officer or other municipal employee of the City of Muscle Shoals shall discover on any premises in the City of Muscle Shoals any growth of weeds, and/or accumulation of trash and/or debris, in violation of Section 2 of this ordinance, a written complaint shall be given to the Magistrate of the Municipal Court of the City of Muscle Shoals stating the location and name and address of owner or person in charge of said premises. A written notice shall be given by the said Magistrate to the owner or person having said premises in charge, to appear before the Municipal Court of the City of Muscle Shoals at a time and place to be fixed in said notice, and then and there show cause why the said growth of weeds, and/or accumulation of trash and/or debris should not be declared a nuisance, and an order issued requiring same to be cut and/or removed.

Said notice shall be in substantially the following form, viz:

To the owner, owners, or person in possession of _____.

You are hereby notified that there exists on the above mentioned property, a growth of weeds or grass, and/or an accumulation of trash and/or debris, in violation of Section 2 of an ordinance adopted by the City Council of the City of Muscle Shoals. On the _____ day of _____, 19____, at which time and place you are directed to appear and show cause, if any you can, why the existence of said growth of weeds and/or accumulation of trash and/or debris should not be declared a nuisance and an order issued requiring the same to be cut and/or removed and a lien for the cost thereof to be attached to said property.

You are hereby further notified that if said growth and/or accumulation is not removed within five days after same has been ordered cut and/or removed, the City of Muscle Shoals will enter upon said premises and will have the same cut and/or removed at your cost and expense, and will certify the cost and expense, and will assess the said cost against you and the above described property, and that the said expense will constitute a lien on said property.

Should the growth and/or accumulation be removed prior to the hearing date before the Municipal Court of the City of Muscle Shoals as above set out, and on notification to the Magistrate in writing certifying such removal, the case will be dismissed and attendance before

the Municipal Court will not be required. You are specifically notified, however, that this shall apply only if the growth and/or accumulation is removed and written notification given prior to the date of hearing.

This the _____ day of _____, 19_____.

CITY OF MUSCLE SHOALS

BY: _____

Section 5. The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having charge of said property, as the case may be), if he is known and can be found within the City of Muscle Shoals, but if such person is not known or cannot be found within the City of Muscle Shoals, service of said notice shall be affected by posting one copy thereof on the premises where said growth of weeds, and/or accumulation of trash and/or debris is found to exist, and the notice as herein provided for, shall be served or posted, as the case may be, at least ten days before the date fixed for hearing before the Municipal Court.

Section 6. At the time and place appointed in the notice provided for in Section 4 hereof, the Municipal Court shall conduct a hearing for the purpose of determining whether the growth of weeds and/or accumulation of trash and/or debris complained of exists in violation of this ordinance, and if so shall so declare the same, and shall make an order requiring the cutting and removal of said trash, debris and/or growth of weeds within ten (10) days from the making of said order.

Section 7. The owner or person having in charge any such premises, who having been personally served with the notice provided in Section 4 hereof, shall fail to comply with the order of the Municipal Court requiring the cutting and/or removal of such weeds and/or debris, shall be guilty of violation of this section, and on conviction shall be punished as provided in this ordinance.

Section 8. If the owner or person having in charge any premises whereof there exists any growth of weeds and/or accumulation of trash and/or debris, in violation of this ordinance, shall fail to cut and/or remove the same within five days after the cutting and/or removal thereof is ordered by the Municipal Court, the City of Muscle Shoals, acting through an agent, servant or employee, shall enter upon said premises, and at the expense of such person shall proceed to cut and/or remove said weeds, trash and/or debris, and the City Clerk shall thereupon submit a statement to the owners at their last known address or to the person in charge of the property, showing the charge for the cutting and/or removal of weeds which shall be One Hundred twenty-five (\$125.00) per hour with a minimum charge of One Hundred Twenty-five (\$125.00) per lot or accumulation, and the City Clerk shall thereupon submit a statement to the owners at their last known address or to the person in charge of the property, showing the charge for the removal of trash and/or debris which shall be calculated at the sum of One Hundred Fifty Dollars (\$150.00) per hour plus the costs of disposal at a sanitary landfill or otherwise, with a minimum charge of One Hundred Fifty Dollars (\$150.00) per lot or accumulation and which may be from time to time amended and charged by the City Council. The charges for cutting and/or removal, and removal of trash and/or debris if done by the City, shall be a claim, judgment and/or lien against the owner or person in charge of the property and a lien on the property so assessed for the cutting and/or removal of weeds, trash and/or debris, which lien may be enforced and collected as any other debt or lien.

Section 9. For violation of any of the provisions of this ordinance, the Municipal Court

may, upon a finding of such violation, impose a fine of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00).

Section 10. Any property within the City of Muscle Shoals, Alabama which has as its purpose the planting and harvesting of crops, with the exception of hay; farm land; timber land; and pasture land; hedgerows; fencerows; and buffers and copse shall be exempted from the provisions of this ordinance. The planting and harvesting of hay shall be limited to areas of a minimum of two (2) acres, which shall be contiguous, in size and the planting, cultivating and harvesting of hay shall be no closer than twenty five (25) feet from the property line.

Section 11. If any section or provision of this ordinance shall be held invalid, such holding shall not affect the validity of any other section or provision thereof which is not of itself invalid.

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

Council Member 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 and spread upon the minutes of the meeting, 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 passed and adopted as introduced.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, 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