

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 2, 2015**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:15 p.m. on the 2nd day of November, 2015 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 Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, MIKE LOCKHART, JAMES HOLLAND,
ALLEN NOLES
ABSENT: NEAL WILLIS

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. 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 Pampinto and seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 19, 2015 and approved the minutes as written.

At this time Mayor Bradford presented a proclamation declaring November as “National hospice and palliative care month” in the City. Michelle Cowley of Keller Hospice was present to receive the proclamation.

President Holland announced that the next item of business was approval of a resolution to award a bid for asphalt for the 2015-2016 fiscal year.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2779-15

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

[1] That advertisements for bids for the purchase of asphalt and binder for the 2015 - 2016 fiscal year were distributed, the bid opening set for the 26th day of October, 2015, at the City Hall of the City of Muscle Shoals, Alabama; and

[2] **BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

NAME OF BIDDER	424A-336 3/8" Asphalt / ton	424A - 340 1/2" Asphalt / ton	424A-341 3/4" Asphalt / ton	424B-636 1" Binder/ton
Mid-South Paving, Inc.	\$60.00	\$55.00	\$51.00	\$47.00

[3] **BE IT FURTHER RESOLVED**, that it has been determined that the lowest, responsive, responsible bidder submitting a bid is Mid-South Paving, Inc., and

[4] **NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the bid is hereby awarded to Mid-South Paving, Inc.

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 consideration of an ordinance to restrict dumpsters and portable storage units in residential areas.

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

ORDINANCE NO. 1480 - 15

AN ORDINANCE REGULATING THE USE OF PORTABLE DISPOSAL UNITS AND PORTABLE STORAGE UNITS WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA

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

Section I. Definitions-Portable waste disposal and portable storage units.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Active and ongoing means any construction project in a residential area for which constant demolition, construction, or remodeling activity is occurring. A period of time longer than two consecutive weeks without such activity is not considered "active and ongoing."

Portable waste disposal units means any temporary disposal unit measuring five (5') by twelve (12') feet or larger that is delivered to a residence by the owner of the disposal unit or placed thereon by the owner or occupant of a residence for purposes of containing construction or building material waste as necessary for construction or renovation of the residence or additions thereto for a limited period of time.

Portable storage units means any temporary storage unit or temporary accessory building measuring seven (7') by seven (7') feet or larger that is delivered to a residence by the owner of the storage unit for purposes of containing household items, personal property or items necessary for construction or renovation for a limited period of time and then removed to a permanent structure for longer storage or returned to the premises of the owner of the unit or used to assist in the relocation of household items, including any temporary bag-like units delivered to the premises whose purpose is for the disposal of waste.

(b) **Use.** A portable waste disposal unit may be used by the contractor or the owner or occupant of the residence for disposal of construction or building material waste as necessary for construction or renovation of the residence or additions thereto for a limited period of time as set out below.

Use. A portable storage unit may be used for storage of household items or personal property for a limited period of time as set out herein and shall not be used in lieu of a garage or permanent accessory building fixed to the property. A portable storage unit may also be used by general or subcontractors for the temporary storage of items necessary for construction or renovation of the residence.

Section II. Duration and permit fee

(1) A portable waste disposal unit or a portable storage unit may be located on the property of a residence for a period of ten days without a permit. For use by a resident for a period of time longer than ten days, the individual shall apply for a 90-day permit from the city's building department. The fee for each such permit shall in the sum of \$10.00, payable upon application. A resident may apply for and obtain a total of two 90-day permits, for a total duration of 180 days and a nonrefundable fee for each period as set forth hereinabove.

(2) For use by a general contractor for a period of time longer than ten days involving an active and ongoing construction project, the contractor shall apply for a 90-day permit from the city. The fee for each permit shall be \$10.00, payable upon application. A contractor may apply for and obtain up to a total of three (3) 90-day permits, for a total duration of 270 days (or 9 months) and a nonrefundable fee for each period as set hereinabove, provided the related construction project is active and ongoing. Contractors may apply and pay for all permits simultaneously in advance.

(3) Number of units. No more than one unit per residence shall be permitted.

Section III Violations. It shall be a violation of the terms of this section for:

(a) An individual to allow a portable waste disposal unit or portable storage unit on their property or at their residence for longer than ten (10) days without a permit from the city; or

(b) An individual to allow a portable disposal unit or a portable storage unit to be parked upon the city's streets, alleys, easements or rights-of-way for longer than one day.

Section IV. Penalties.

Violations of this section shall be punishable by payment of a fine of \$100.00 per day for each

violation, in addition to the cost of any necessary permit for extended use.

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

Council Member Pampinto 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 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 Pampinto 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 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 approval of a resolution to appoint a member to the Civil Service Board

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2780 - 15

WHEREAS, a member of the Civil Service Board of the City of Muscle Shoals has resigned 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:

Connie Dill Pam Marks Gargis Jeff Isbell Edna McPherson

WHEREAS, Jeff Isbell 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: Jeff Isbell

Council Member Lockhart: Jeff Isbell

Council Member Holland: Jeff Isbell

Council Member Noles: Jeff Isbell

WHEREAS, Council President Holland announced that Jeff Isbell 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 an unexpired term effective until June 20, 2017.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Jeff Isbell	Civil Service Board	June 20, 2017

The Clerk is hereby directed to notify the above named persons of their appointment and to further notify the respective board of said appointments.

Council Member Pampinto 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 approval of a resolution to appoint a member to the Zoning Board of Appeals.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2781 - 15

WHEREAS, a member of the Zoning Board of Adjustment has resigned 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:

Clay Askew Michael Branyon

WHEREAS, Clay Askew 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: Clay Askew
Council Member Lockhart: Clay Askew
Council Member Holland: Clay Askew
Council Member Noles: Clay Askew

WHEREAS, Council President Holland announced that Clay Askew 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>
Clay Askew	Zoning Board of Adjustment	December, 2015

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 Pampinto 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.

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