

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 23, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:10 p.m. on the 23rd day of November 2009 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 Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, NEAL WILLIS
 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 November 2, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to GAMEON Inc. dba Sidelines Sports Deli, 301 Ford Road.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 21st day of December 2009, 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 an ordinance to amend Section 50 of the Municipal Code regulating honey bees.

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

ORDINANCE NUMBER 1419-09

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE KEEPING OF BEES WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA

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

I. Chapter 50, Section 29 of the Code of Ordinances of the City of Muscle Shoals, Alabama, pertaining to the keeping of bees within the city is hereby repealed and Chapter 50, Section 29 is hereby amended so that the said Chapter 50, Section 29 shall include the following language and read in its entirety as follows:

Section 50-29. Keeping of bees and bee hives.

(a) Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

(1) Apiary- means a place where bees are kept or a collection of honey bee colonies.

(2) Beekeeper- means a person who owns, leases or manages one or more colonies of bees for pollination or the production of honey, beeswax or other by-products, either for personal or commercial use.

(3) Bee- means any stage of the common honey bee, *Apis Mellifera* species.

(4) City- means the corporate limits of the City of Muscle Shoals, Alabama.

(5) Colony - means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.

(6) Hive - means a structure for housing honey bees.

(7) Lot- means the minimum lot areas as defined in the current Zoning Ordinances of the City of Muscle Shoals, Alabama.

Section 2. Registration requirements.

(1) It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within corporate limits without being properly registered with the Office of the Code Enforcement Division of the City of Muscle Shoals, Alabama to keep such bees.

(2) Beekeepers with existing apiaries shall have 30 days from the adoption date of this Ordinance to register all apiaries with numbers of colonies kept or harbored under their supervision within the corporate limits with the Codes Enforcement Division of the City of Muscle Shoals, Alabama.

(3) After 30 days from the adoption of this Ordinance, all apiaries and colony numbers shall be registered annually with the codes enforcement division of the city before the bee colonies are kept or harbored within the city limits.

Section 3. Genetic stock.

(1) Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits.

(2) Once Africanized honey bees have been confirmed by a recognized authority as inhabiting any area of Alabama, beekeepers shall be required to requeen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas.

(3) Beekeepers will be required to keep and maintain receipts of purchases to be produced upon request by the enforcement authority.

Section 4. Creating nuisance.

It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbour colonies of bees under their supervision within the corporate limits in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others.

Section 5. Colony density.

Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots within corporate limits:

- (1) Less than one-fourth acre (10,890 sq. ft.) - 1 colony
- (2) One fourth to one-half acre (10,890 - 21,780 sq. ft.) - 2 colonies
- (3) One-half to one acre (21,780 - 43,560 sq. ft.) - 4 colonies
- (4) Greater than one acre lots will be determined on individual basis.

Section 6. Property lines.

Beekeepers shall keep no colonies of bees within twenty-five (25) feet of public or private property lines except when:

- (1) The colonies are placed behind a solid fence at least six (6) feet in height that is parallel to the property line and extends six (6) feet beyond the colonies in each direction, and
- (2) That all bee fly-ways are forced over a minimum of a six (6) foot level.

Section 7. Water Supply.

Beekeepers shall provide a convenient source of water available at all times, specially when colonies are actively rearing brood, and in times of extreme heat.

Section 8. Apiaries.

Beekeepers operating apiaries within the corporate limits of the City of Muscle Shoals, Alabama shall comply with all Alabama Bee Regulations and Laws.

Section 9. Penalty for violation.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished pursuant to Section 1-7 of the Code of Ordinances of the City of Muscle Shoals.

Section 10. Injunctive relief.

In addition to and cumulative of all other penalties, the City of Muscle Shoals, Alabama shall have the right to seek injunctive relief for any or all violations of this chapter.

II. This Ordinance, and its provisions, shall become upon publication or posting pursuant to law or otherwise as provided 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 Grissom 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 Holland
Council Member Grissom, 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 Grissom 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 Holland
Council Member Grissom, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance was adopted.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Muscle Shoals Recreation 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: Ron Tyler

Council Member Willis: Ron Tyler

Council Member Grissom: Ron Tyler

Council Member Holland: Ron Tyler

Council Member Noles: Ron Tyler

Mayor Bradford: Ron Tyler

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

Council Member Pampinto: Don W. Johnson
Council Member Willis: Don W. Johnson
Council Member Grissom: Don W. Johnson
Council Member Holland: Don W. Johnson
Council Member Noles: Don W. Johnson
Mayor Bradford: Don W. Johnson

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 2422 - 09

WHEREAS, the term of a member of the Zoning Board of Appeals of the City of Muscle Shoals 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:

Don W. Johnson

WHEREAS, Don W. Johnson was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: Don W. Johnson
Council Member Willis: Don W. Johnson
Council Member Grissom: Don W. Johnson
Council Member Holland: Don W. Johnson
Council Member Noles: Don W. Johnson
Mayor Bradford: Don W. Johnson

WHEREAS, Mayor Bradford announced that Don W. Johnson 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>
Don W. Johnson	Appeals Board	December 2014

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.

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