

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 15, 2005**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 15th day of August 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 unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of August 1, 2005 and approved the minutes as written.

Mayor Bradford announced that the next item of business was approval of a revised job description for Fire Lieutenant.

Council Member Pampinto moved that the job description be approved as presented. 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 motion passed unanimously and the job description was approved.

Mayor Bradford announced that the next item of business was consideration of a resolution awarding a bid for fuel.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2153-05

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of fuel products, the bid opening being held August 15, 2005 at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>GASOLINE:</u>	<u>DIESEL:</u>
	Per Gallon:	Per Gallon:
O'Steen Oil Company	\$2.114	\$2.14
Tatum Oil Company	\$2.1575	\$2.1035

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$2.114 per gallon for the purchase of gasoline, and Tatum Oil Company with a bid price of \$2.1035 per gallon for diesel fuel. The apparent low and best bidders, O'Steen Oil Company and Tatum Oil Company are now awarded the bid for the purchase of fuel products.

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 a public hearing to consider the approval of a Retail Table Wine license (Off premise only) to Southern Family Markets dba Southern Family Markets #136 located at 3413 Woodward Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call 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

NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance adopting the 2003 International Building Code and related codes and the 2005 National Electrical Code.

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

ORDINANCE NO. 1347-05

AN ORDINANCE TO ADOPT VARIOUS STANDARD CODES RELATING TO INSPECTION ACTIVITIES OF THE CITY OF MUSCLE SHOALS, ALABAMA AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES.

WHEREAS, it is the desire of the City Council of the City of Muscle Shoals, to adopt, in all respects other than as set forth hereinafter, the various Standard Codes relating to mechanical code, fire code, electrical code, building code, plumbing code, fuel and gas code and residential code; and

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the City of Muscle Shoals, relating to construction and to maintenance of buildings and improvements within the corporate limits of said city and relating to public safety, health and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, that the following Codes are hereby adopted by reference as though set out fully herein:

- I. 2003 International Mechanical Code with the following exclusions
 - (A) Sections 103.1 through 103.3, inclusive, are hereby excluded and of no force and effect.
- II. 2003 International Fire Code with the following exclusions:
 - (A) Sections 103.1 through 103.3, inclusive, are hereby excluded and of no force and effect.
- III. 2005 National Electrical Code with the following modifications:
 - (A) Section 680.26 Equipotential Bonding shall become effective on January 1, 2006.
 - (B) Notwithstanding any provision of the said 2005 National Electrical Code to the contrary, or any provision herein, the following requirements or prohibitions shall apply within the corporate limits of the City of Muscle Shoals, Alabama:
 - 1] No aluminum wire shall be used in the construction of residential or commercial structures.
 - 2] Smoke detectors shall be located in every bedroom and adjacent to sleeping quarters. Said smoke detectors shall be hard wired and equipped with battery backup. Said smoke detectors shall be interlinked.
 - 3] Carbon monoxide detectors shall be installed in new homes that are equipped with gas appliances. Said carbon monoxide detectors

shall be hard wired and equipped with battery backup.

[4] No 14 gauge wiring shall be used in residential construction.

[5] No 100 or 125 amp services shall be allowed in residential or commercial construction if the structure is heated or cooled with electricity. In such residential or commercial construction heated or cooled by electricity only a 200 amp minimum service shall be allowed.

[6] The enforcement of the four wire system, so that each circuit will have a dedicated neutral and ground, is required.

[7] All service panels used in residential and commercial construction shall be equipped with a separate grounding and neutral bar.

- IV. 2003 International Building Code with the following exclusions
 - (A) Section 301 is hereby excluded and of no force and effect.
- V. 2003 International Plumbing Code with the following exclusions
 - (A) Sections 103.1 through 103.3, inclusive, are hereby excluded and of no force and effect.
- VI. 2003 International Fuel & Gas Code with the following exclusions and modifications
 - (A) Sections 103.1 through 103.3, inclusive, are hereby excluded and of no force and effect.
 - (B) Section 403.4 Metallic Pipe, it shall be required that Schedule 40 or greater (Black Iron pipe) be used for all commercial and residential use only.
 - (C) Notwithstanding the foregoing, Section 411.1 through 411.1.3 shall be used to connect all appliances.
- VII. 2003 International Residential Code with the following exclusions:
 - (A) Appendices A, B, C, D, E, H, I, J, K and L are hereby excluded and of no force and effect.
 - (B) Section R103 is hereby excluded and of no force and effect.
 - (C) Chapter 41-Swimming Pools is hereby excluded and of no force and effect.

BE IT FURTHER ORDAINED that any matters in said Codes which are contrary to existing Ordinances of the City shall not apply and the existing ordinances shall be controlling.

BE IT FURTHER ORDAINED that within said Codes when reference is made to the duties of certain officials named therein that designated official in the City of Muscle Shoals, who has duties corresponding to those of the named official in said Code, shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.

_____BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force from and after its passage, except as herein provided, the public welfare requiring it.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are severable. If any part of this Ordinance is declared or determined to be invalid or unconstitutional, such declaration or determination shall not affect the part that remains.

BE IT FURTHER ORDAINED that Sec. 18-56 of Article III- AMUSEMENT DEVICE

CODE, Chapter 18; Sec. 18-81 of Article IV-BUILDING CODE; Sec. 18-106 and Sec. 18-107 of Article V-ELECTRICAL CODE; Sec 18-136 of Article VI-EXCAVATION AND GRADING CODE; Sec. 18-161 of Article VII GAS CODE; Sec. 18-191 of Article VIII-HOUSING CODE; Sec. 18-216 of Article IX-MECHANICAL CODE; Sec, 18-241 of Article X-PLUMBING CODE; Sec. 18-266 of Article XI-SWIMMING POOL CODE and Sec. 18-296 of Article XII-UNSAFE BUILDINGS CODE of Chapter 18 of the Code of Ordinances of the City of Muscle Shoals, Alabama are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Willis 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 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 Willis 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 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 that the next item of business was consideration of an ordinance adopting a building permit fee schedule.

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

ORDINANCE NO. 1348-05

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO BUILDINGS AND BUILDING REGULATIONS IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR WITHIN ITS POLICE JURISDICTION

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

I. Chapter 18, Article IV Section 18-81 of the Code of Ordinances of the City of Muscle Shoals, Alabama pertaining to *Buildings and Building Regulations* heretofore adopted, and as amended by Ordinances of the City Council of the City of Muscle Shoals, Alabama, is hereby amended so as to include the provision for a building permit fee as hereinafter set out.

- A. Schedule of Permit Fees. On new buildings, structures or alterations, additions or modifications to existing buildings or structures, a building permit fee shall be paid as required, in accordance with the schedule hereinafter established and set forth:

	SQUARE FOOT CONSTRUCTION COSTS									
	Type of Construction									
	1A	1B	11A	11B	111A	111B	1V	VA	VB	
A-1 Assembly, theaters with stage	\$ 101.69	\$ 98.41	\$ 96.12	\$ 92.17	\$ 85.71	\$ 85.25	\$ 89.26	\$ 79.41	\$ 76.55	
Assembly, theaters, without stage	\$ 93.79	\$ 90.52	\$ 88.23	\$ 84.27	\$ 77.81	\$ 77.36	\$ 81.36	\$ 71.51	\$ 68.65	
A-2 Assembly, nightclubs	\$ 77.00	\$ 74.62	\$ 72.73	\$ 69.90	\$ 64.90	\$ 64.73	\$ 67.47	\$ 59.66	\$ 57.65	
A-2 Assembly, restaurants, bars banquet halls	\$ 76.42	\$ 74.04	\$ 71.57	\$ 69.32	\$ 63.74	\$ 64.15	\$ 66.89	\$ 58.50	\$ 57.07	
A-3 Assembly churches	\$ 94.21	\$ 90.92	\$ 88.65	\$ 84.69	\$ 78.21	\$ 77.77	\$ 81.78	\$ 71.92	\$ 69.06	
A-3 Assembly, general, community halls, libraries, museums	\$ 78.00	\$ 74.73	\$ 71.86	\$ 68.48	\$ 61.42	\$ 61.55	\$ 65.57	\$ 55.12	\$ 52.84	
A-4 Assembly, arenas	\$ 76.42	\$ 74.04	\$ 71.57	\$ 69.32	\$ 63.74	\$ 64.15	\$ 66.89	\$ 58.50	\$ 57.07	
B Business	\$ 77.68	\$ 74.87	\$ 72.48	\$ 69.09	\$ 61.85	\$ 61.48	\$ 66.45	\$ 55.23	\$ 53.12	
E Educational	\$ 81.46	\$ 78.71	\$ 76.46	\$ 73.07	\$ 67.40	\$ 65.81	\$ 70.66	\$ 60.22	\$ 57.97	
F-1 Factory and industrial moderate hazard	\$ 47.14	\$ 44.97	\$ 42.31	\$ 41.01	\$ 35.46	\$ 36.04	\$ 39.33	\$ 30.24	\$ 28.69	
F-2 Factory and industrial low hazard	\$ 46.56	\$ 44.39	\$ 42.31	\$ 40.43	\$ 35.46	\$ 35.46	\$ 38.75	\$ 30.24	\$ 28.11	
H-1 High hazard, explosives	\$ 44.24	\$ 42.08	\$ 40.00	\$ 38.11	\$ 33.23	\$ 33.23	\$ 36.44	\$ 28.01	N.P.	
H-234 High hazard	\$ 44.24	\$ 42.08	\$ 40.00	\$ 38.11	\$ 33.23	\$ 33.23	\$ 36.44	\$ 28.07	\$ 25.89	
H-5 HPM	\$ 77.68	\$ 74.87	\$ 72.48	\$ 69.09	\$ 61.85	\$ 61.48	\$ 66.45	\$ 55.23	\$ 53.12	
I-1 Institutional, supervised environment	\$ 76.61	\$ 73.97	\$ 71.98	\$ 69.06	\$ 63.36	\$ 63.32	\$ 66.97	\$ 58.23	\$ 55.92	
I-2 Institutional, incapacitated	\$ 129.29	\$ 126.47	\$ 124.09	\$ 120.70	\$ 113.21	N.P.	\$ 118.06	\$ 39.71	N.P.	
I-3 Institutional, restrained	\$ 88.24	\$ 85.43	\$ 83.04	\$ 79.66	\$ 73.13	\$ 72.18	\$ 77.01	\$ 59.06	\$ 63.24	
I-4 Institutional, day care facilities	\$ 76.61	\$ 73.97	\$ 71.98	\$ 69.06	\$ 63.36	\$ 63.32	\$ 81.36	\$ 46.21	\$ 55.92	
M Mercantile	\$ 57.33	\$ 54.95	\$ 52.48	\$ 50.23	\$ 102.95	\$ 103.36	\$ 81.36	\$ 52.18	\$ 38.29	
R-1 Residential, Hotels	\$ 77.41	\$ 74.77	\$ 72.78	\$ 69.86	\$ 64.19	\$ 64.15	\$ 81.36	\$ 58.97	\$ 56.75	
R-2 Residential, multiple family	\$ 64.47	\$ 60.53	\$ 59.84	\$ 56.92	\$ 51.34	\$ 51.31	\$ 81.36	\$ 46.21	\$ 43.91	
R-3 Residential, one- and two- family	\$ 62.23	\$ 60.53	\$ 59.04	\$ 57.41	\$ 54.78	\$ 54.65	\$ 56.44	\$ 52.18	\$ 49.13	
R-4 Residential, care/assisted living facilities	\$ 76.61	\$ 73.97	\$ 71.98	\$ 69.06	\$ 63.36	\$ 63.32	\$ 56.44	\$ 58.23	\$ 55.92	
S-1 Storage, moderate hazard	\$ 43.66	\$ 41.50	\$ 38.84	\$ 36.95	\$ 32.07	\$ 32.65	\$ 56.44	\$ 26.85	\$ 25.31	
S-2 Storage, low hazard	\$ 43.08	\$ 40.92	\$ 38.84	\$ 36.95	\$ 32.07	\$ 32.07	\$ 56.44	\$ 26.85	\$ 24.73	
U Utility, miscellaneous	\$ 33.29	\$ 31.48	\$ 29.61	\$ 28.13	\$ 24.40	\$ 24.40	\$ 26.55	\$ 20.06	\$ 19.10	
a. Private Garages use Utility, miscellaneous										
b. Unfinished basements										
(all use group) =\$15.00 per sq. ft.										
c. N.P. not permitted										

II. 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 Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Holland 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 Grissom then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Holland 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 that the next item of business was consideration of a resolution authorizing the match of local funds for a proposed grant to convert a portion of the City's swimming pool to a splashpad.

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 2154-05

WHEREAS, the City of Muscle Shoals proposes to convert a portion of its swimming pool to a splashpad; and

WHEREAS, the City of Muscle Shoals intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance from the Land and Water Conservation Fund; and

WHEREAS, the Land and Water Conservation Fund is limited to funding a maximum of fifty percent (50%) of the proposed eligible cost;

NOW THEREFORE BE IT RESOLVED, that the City of Muscle Shoals hold in reserve \$99,918.00 of the proposed project cost for the purpose of matching the Land and Water Conservation Fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Muscle Shoals understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

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 the next item of business was the rescheduling of the next meeting of the Council set for September 6, 2005.

Council Member Pampinto moved that the next regular meeting of the City Council be rescheduled to Tuesday, September 6, 2005 at 5:30 p.m. in the City Hall Auditorium to avoid a conflict with the Labor Day holiday. 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 motion had been approved.

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