

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
February 16, 2009**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 16th day of February 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 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, 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 Pampinto, seconded by Council Member Holland and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 2, 2009 and approved the minutes as written.

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

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

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2380-09

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

[1] That the Procurement Agent did send out advertisements for bids for the purchase of a tractor with 4-wheel drive with a trade-in allowance, to be utilized by the Storm Drainage Division, the bid opening being held February 6, 2009 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:

Bidder:	Base Unit Price:	Trade-In Allowance:	Total Bid:
E.A. Nelson Co., Inc.	\$49,995.00	\$30,000.00	\$19,995.00
Tri-Green Equipment, LLC	46,793.00	32,000.00	14,793.00

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Tri-Green Equipment, LLC with a bid price of \$14,793.00 for the purchase of a tractor. This amount is after the allowance for the trade-in equipment has been calculated.

The apparent low and best bidder, Tri-Green Equipment, LLC is now awarded the bid for a tractor with four-wheel drive, and trade-in equipment.

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 consideration of a resolution to award a bid for in-car video camera systems for the police department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2381-09

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

[1] That the Procurement Agent did send out advertisements for bids for the purchase of four (4) in-car video camera systems to be utilized by the police department, the bid opening being held February 9, 2009, 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:

Bidder:	Unit Price:	Total Bid Amount:
Decatur Electronics		No Bid
Kustom Signals, Inc.	\$4341.50	\$17,366.00
MPH Industries	4202.00	16,808.00
Sharp Communications		No Bid
Watchguard Video	5094.00	20,376.00

[3] The lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as MPH Industries with a unit price of \$4202.00 and the total bid price of \$16,808.00 for the purchase of four in-car video camera systems.

The apparent low and best bidder, MPH Industries is now awarded the bid for four in-car video camera systems.

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 Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the Mayor to execute all necessary documents to close CDBG Project LR-PF-ED-05-010.

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 2382 - 09

Authorizing and Approving Formal Amendment for the
City of Muscle Shoals, Alabama CDBG Project LR-PF-ED-05-010

WHEREAS, the City of Muscle Shoals received Community Development Block Grant funds for site improvements and public infrastructure to the Shoals Research Airpark, and

WHEREAS, North American Lighting has located in the Shoals Research Airpark and created 190 jobs, now

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

1. That the City of Muscle Shoals has determined a formal amendment to make required changes to CDBG Project LR-PF-ED-05-010 is necessary, and
2. That the City of Muscle Shoals, in order to close the project in a timely manner, requests that ADECA allow the city to decrease the required number of jobs created by the project from 320 to 190.
3. That the Mayor is duly authorized to sign all documents necessary for this formal amendment.

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 amending the garbage ordinance to provide for once a week pickup of household garbage.

Council Member Grissom thereupon introduced the following ordinance in writing in the meeting:

ORDINANCE NUMBER 1414-09

AN ORDINANCE AMENDING ORDINANCE NUMBER 1285-02 OF THE CITY OF MUSCLE SHOALS ADOPTED NOVEMBER 4, 2002 AND ORDINANCE NUMBER 1092-90 OF THE CITY OF MUSCLE SHOALS ADOPTED NOVEMBER 6, 1990 AND ORDINANCE NUMBER 1139-93 OF THE CITY OF MUSCLE SHOALS ADOPTED OCTOBER 18, 1993 AND ORDINANCE NUMBER 1236-00 OF THE CITY OF MUSCLE SHOALS ADOPTED NOVEMBER 6, 2000 AND ORDINANCE NUMBER 1259-01 OF THE CITY OF MUSCLE SHOALS ADOPTED OCTOBER 15, 2001 RELATING TO THE COLLECTION OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL GARBAGE, WASTE, REFUSE, TRASH AND OTHER RELATED MATERIALS AND THE ESTABLISHMENT OF A CHARGE FOR THE COLLECTION OF THE SAME WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSCLE SHOALS AND A PENALTY FOR THE VIOLATION THEREOF

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

I. Section 1 of Ordinance Number 1285-02 of the City of Muscle Shoals, which was adopted November 4, 2002 and of Ordinance Number 1092-90 of the City of Muscle Shoals, which was adopted by the City of Muscle Shoals on November 6, 1990, and of Ordinance Number 1139-93 of the City of Muscle Shoals, which was adopted October 18, 1993, and of Ordinance Number 1236-00 of the City of Muscle Shoals, which was adopted November 6, 2000 and of Ordinance Number 1259-01 of the City of Muscle Shoals, which was adopted October 15, 2001 is hereby amended so that the said Section 1, shall read in its entirety as follows:

Section 1. **GARBAGE ORDINANCE.**

Section 1-1 - **Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. when not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1) "Ashes" means that refuse from fires which has ben wetted and cooled to the touch prior to collection.

2) "Building Materials" means any material such as lumber, brick, plaster, gutters or other substances accumulated as a result of repairs and additions to existing buildings, construction of new buildings or demolition of existing structures.

3) "Commercial waste" means garbage, rubbish, ashes and other refuse resulting from institutions and commercial concerns such as hotels, motels, stores, etc., but excluding garbage of food processing establishments, food service establishments, limited food service

establishments or limited retail food store establishments as defined under the food establishment sanitation regulations as set forth by the State Department of Public Health.

4) "City" means the City of Muscle Shoals, Alabama.

5) "Commercial Establishment" means any retail, wholesale, institutional, religious, hotels, governmental or other non-residential establishments at which garbage or trash may be generated.

6) "Garbage" means the by-product of animal or vegetable stuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

7) "Hazardous Refuse" means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, explosives and other combustionable materials.

8) "Household Trash" means waste accumulation of paper, sweepings, dust, rags, bottles, ashes, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

9) "Industrial A-1 Waste" is a solid waste resulting from an industrial process or other processes or disposal of such material which is both compactable and grindable and does not contain Industrial A-2 material.

10) "Industrial A-2 Waste" is a solid waste resulting from an industrial process or manufacturing operation or other processes of disposal of such material as wood, hosiery, metal, plastic scraps and ends, which generally is not compactable or grindable.

11) "Litter" means garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified herein.

12) "Person" means any individual, firm, company, corporation or association.

13) "Refuse" is a collective term which encompasses all of the solid wastes of the community.

14) "Mobile Container" means a wheeled garbage receptacle compatible with City garbage collection equipment and approved by the Department of Public Works.

15) "Single Family Dwelling" means any dwelling occupied by one family.

16) "Small Dead Animals" means cats, dogs, small household pets and other animals of similar size.

17) "Special Waste" means all waste collected in bins and other similar permanent waste containers, and that refuse resulting from either a commercial, industrial or manufacturing operation which requires special handling such as sawdust, steel springs or bands, or other materials which would otherwise damage the City's front or rear end loader refuse packers.

Section 1-2- Responsibility for Refuse Collection.

_____ Responsibility for administration of residential refuse and garbage collection and commercial waste as set forth herein shall lie with the Public Works Department of the City of Muscle Shoals. Said collections of residential refuse and garbage collection and commercial waste, with the exception of all waste and all refuse and garbage produced by Commercial food processing establishments, food service establishments, limited food service establishments or limited retail food store establishments as defined under the food establishment sanitation regulations as set forth by the State Department of Public Health, Industrial A-1 waste, Industrial

A-2 as herein above defined in Section 1-1 of this Ordinance by the City of Muscle Shoals shall be mandatory. However, in the event that an otherwise qualifying commercial establishment shall be subject to the terms and conditions of a written contract for the collection of garbage and commercial waste said terms of this Ordinance as to the mandatory collection of same by the City of Muscle Shoals shall not apply during the term of said contract to the extent that same is existing and valid to January 1, 2003 but shall apply upon the expiration of the term of the existing contract or on January 1, 2003, whichever shall first occur. Henceforth, hereafter and forevermore, the collection of all waste and all refuse and garbage produced by Commercial food processing establishments, food service establishments, limited food service establishments or limited retail food store establishments as defined under the food establishment sanitation regulations as set forth by the State Department of Public Health, Industrial A-1 waste, Industrial A-2 as hereinabove defined in Section 1-1 of this Ordinance shall be the responsibility of such Commercial or Industrial Establishment and such commercial or Industrial refuse and garbage will not be collected, recovered picked up or be the responsibility of the City of Muscle Shoals or any of its departments or agencies. Furthermore, any commercial establishments producing waste and all refuse and garbage in excess of 18.80 cubic yards per week will not be collected, recovered picked up or be the responsibility of the City of Muscle Shoals or any of its departments or agencies.

Determination of whether a commercial establishment qualifies for collection of waste and all refuse and garbage by the City of Muscle Shoals shall be at the sole discretion of the Superintendent of Public Works of the City of Muscle Shoals.

Section 1-3- Containers Required for Refuse Collection.

The City shall provide the first container to each residence in the City and shall provide, at the request of the commercial establishment, up to four containers to each commercial establishment. The customer at the residence and the commercial establishment shall assume responsibility for the care and routine maintenance of the container and shall be liable for the replacement of the container if damage is not covered under the warranty of the company they are purchased from.

Section 1-4- Refuse Container Specifications.

Mobile containers of not less than 80 gallons capacity, nor more than 90 gallons capacity, are required. Such containers must be so constructed so that they can be emptied by the lifting devices mounted on the City's trucks. All mobile containers shall be subject to the approval of the Superintendent of Public Works.

Section 1-5- Purchase of Mobile Containers.

The City shall provide the first container to each residence household free of charge and shall provide, at the request of the commercial establishment, up to four containers free of charge. If a container must be replaced and is not covered under warranty, the customer to whom the container is registered must buy the replacement container. The container must be purchased from the City and it will be sold to the resident household at the same price as the City pays for it.

Section 1-6- Preparation for Garbage Collection.

Garbage collection begins at 6:00 o'clock a.m. and all mobile containers must be at the

curb at 6:00 o'clock a.m. on the day of collection. Mobile containers which are not out when the truck passes will not be collected until the next regularly scheduled pickup date. Mobile containers shall be removed from the curb no later than 6:00 o'clock p.m. on the day they are serviced.

(a) All refuse shall be placed in approved mobile containers, or placed next to said containers in throw-away receptacles or tied bundles not exceeding 50 lbs. each. All receptacles placed at the curb next to the approved mobile containers shall be picked up and discarded. No stumps, logs or other materials that cannot be readily loaded by two (2) men and no tree limbs placed by landscape or tree service contractors or workmen shall be hauled by the City.

(b) Large bulky items such as stoves, refrigerators, water heaters, sofas, box springs, tree limbs, etc. which two (2) men cannot normally and reasonably load into the back of a standard garbage truck or flat bed dump truck shall be picked up with equipment designed for large bulky items on a call basis. This service applies to residential customers only and does not include building materials, roofing, soil, rock, concrete, tree stumps, etc.

(c) The Sanitation Superintendent shall determine that area considered to be the curb as it relates to refuse collection pickup point.

Section 1-7- Availability and Extent of Service.

(a) Mobile containers at residential dwellings shall be serviced once weekly. Backdoor service is available, subject to approval of the Sanitation Superintendent who may require a doctor's certificate for those persons who are unable to roll their mobile container to the curb.

Any person at a residential dwelling may obtain a second mobile container by requesting same from the Sanitation Superintendent. The person requesting and receiving the second mobile container shall pay an additional service fee of \$3.00 per month and agree to do so for a minimum period of twelve (12) months. Mobile containers at commercial establishments shall be serviced weekly.

(b) All residential households and qualifying commercial establishments as determined by the Superintendent of Public Works persons shall be required to have their refuse collected by the Department of Sanitation, or should they, in the alternative, contract for private refuse collection, be required to pay as if the Department of Sanitation is in fact collecting their refuse, including single family residences, apartments, businesses, plants, commercial establishments unless otherwise excluded herein and public schools, and they shall pay the following fees per month:

CLASS	FEE
Residential	Minimum \$13.00 for 1 container Additional Container \$3.00 for a minimum period of twelve (12) months
Commercial	Minimum \$25.00/ \$25.00 for 1 container; \$10.00 additional per container up to a maximum of four containers total; for 1 pickup weekly
Special	Minimum \$40.00/\$40.00 per hour

(c) Said fee shall be billed monthly and failure to pay within ten (10) days shall result in liens upon the property of such persons and actions by the City of Muscle Shoals for collection of said fees. The Sanitation Superintendent is authorized to determine when a mobile container is unserviceable and may discontinue service for same.

(d) Omitted.

(e) Any person subscribing to the residential service who has attained the age of sixty-five (65) years shall be granted an exemption from payment of the increase in the fees of the sum of \$1.00 per month required under the provisions of this Ordinance provided the person shall claim the exemption by presenting proof of age to the City Clerk prior to December 31 of the year. Upon claim of the exemption and proof of age, the person shall be exempted from payment of the increase in the fees required under the provisions of this Ordinance commencing on January 1 of the succeeding year. Notwithstanding the foregoing, nothing herein shall be construed to provide an exemption from any future increases in the fees for said services.

Section 1-8- Interfering with Collection Practices.

No person or persons shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents unless by with permission of the sanitation Superintendent or his representative, nor shall any person place any hazardous refuse in any collection receptacle.

Section 1-9- Littering.

Littering is prohibited. Litter shall be prepared and placed for collection as specified in this chapter.

Section 1-10- Responsibility to Place Refuse for Collection.

It shall be the responsibility of each householder or storekeeper to place their refuse for collection at the proper time and in the proper manner as provided for in this chapter.

Section 1-11- Collectors To Exercise Reasonable Care.

Collectors for the City shall exercise reasonable care in the handling of mobile containers and shall not wilfully break, deface or injure same.

Section 1-12- Dumping Garbage, etc. on Open Lots Prohibited; Exception Landfills.

No garbage, refuse, abandoned junk or other offensive material shall be dumped, thrown or allowed to remain on any open lot or space within the City Limits; provided however, the owner of any lot or parcel of land desiring to conduct a fill operation shall so conduct same in accordance with the conditions contained in the permit.

Section 1-13- Removal of Small Dead Animals.

Small dead animals shall be picked up at the curb on a call basis and shall not be placed in or adjacent to mobile containers.

Owners of large dead animals shall be responsible for their removal and disposal.

Section 1-13-1- Penalty for Violation.

Any person, firm or corporation charged with a violation of any section or provision of this Ordinance, shall upon conviction, be fined not more than Two Hundred Fifty (\$250.00)

Dollars or imprisoned not to exceed thirty (30) days, or both.

Section 1-13-2- Administration and Enforcement.

The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Public Works Department.

II. Section 2 of Ordinance Number 1285-02 of the City of Muscle Shoals, which was adopted November 4, 2002 and of Ordinance Number 1092-90 of the City of Muscle Shoals, which was adopted by the City of Muscle Shoals on November 6, 1990, and Ordinance Number 1236-00 of the City of Muscle Shoals, which was adopted November 6, 2000, and Ordinance Number 1259-01 of the City of Muscle Shoals, which was adopted October 15, 2001, is hereby amended so that said Section 2 shall read in its entirety as follows:

Section 2- Severability.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

III. Section 3 of Ordinance Number 1285-02 of the City of Muscle Shoals, which was adopted November 4, 2002 and Ordinance Number 1092-90 of the City of Muscle Shoals, which was adopted November 6, 1990, and of Ordinance Number 1139-93 of the City of Muscle Shoals, which was adopted October 18, 1993 and Ordinance Number 1236-00, which was adopted November 6, 2000 of the City of Muscle Shoals, and of Ordinance Number 1259-01 of the City of Muscle Shoals, which was adopted October 15, 2001, is hereby amended so that said Section 3 shall read in it entirety as follows:

Section 3- Effective Date.

This Ordinance shall go into effect on 2nd day of March, 2009 and shall be duly posted or published as provided 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 Pampinto 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 Pampinto 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 was adopted.

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