

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
February 16, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 16th day of February 2004 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: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER,
 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 Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of February 2, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the award of bids for lawn care services for the City Hall, Library and Police Department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2001-04

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 lawn care services at the locations of the new city hall, the police department, and the public library, the bid opening being set for the 9th day of February, 2004, 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>MONTHLY BID PRICE:</u>
Calvert Lawn Works	\$1900.00
Dixie Lawns	\$1200.00
Frank's Lawn Service	\$2258.50
Hyde's Lawn Service	\$2250.00
Perfectionist Lawn Care	\$1666.00
Professional Lawn Maintenance	\$1900.00
Quality Lawn Care & Maintenance	\$1437.50

[3] The lowest, responsive, and responsible bidder after verifying the bid with the specifications, has been determined as Dixie Lawns with a bid price of \$1200.00 per month.

The apparent low and best bidder, Dixie Lawns, is now awarded the bid for lawn care services.

Council Member Bradford seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the resolution had been approved and the bid was awarded.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of two 16 foot alleys and Mississippi Avenue in Riverside Park Subdivision more particularly described below.

A petition to vacate was presented by the petitioners, a copy of which is hereinafter made a part of these minutes.

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

STATE OF ALABAMA
COUNTY OF COLBERT

PETITION

To the Honorable David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, and to the Hon. Steve Bradford, Hon. James E. Holland, Hon. Allen Noles, Hon. Neal Willis, and Hon. David Yarber, City Council of the City of Muscle Shoals, Alabama.

Now comes the undersigned Gladys E. Pullen, being hereafter referred to as Petitioner, who presents the following statement, to-wit:

That Petitioner is the owner of all of the property abutting upon the following described portions of alleys and street; and that she desires to vacate said portions of alleys and street, and

that she does, by this statement, vacate the same, said portions of alleys and street being in the City of Muscle Shoals, Colbert County, and described as follows, to-wit:

Portion of 16 foot east-west alley lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 40 and the NW corner of lot numbered 168, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 53 and the NE corner of lot numbered 161, the point of ending.

Portion of 16 foot east-west alley lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 169 and the NW corner of lot numbered 265, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 176 and the NE corner of lot numbered 258, the point of ending.

Portion of Mississippi Avenue lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 168 and the NW corner of lot numbered 169, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 161 and the NE corner of lot numbered 176, the point of ending.

That the undersigned Petitioner desires to vacate the above described portions of alleys and street and to close the same and to nullify the effect of the dedication of said portions of alleys and street to the use of the public.

NOW THEREFORE, in consideration of the premises, Petitioner hereby requests that you and the City Council assent to, approve, ratify, and confirm the vacation of the above described portions of alleys and street and to the annulment of the dedication of said portions of alleys and street to the use of the public.

The undersigned Petitioner further requests that the Hon. David H. Bradford as Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, be authorized to execute a quitclaim deed to Petitioner, Gladys E. Pullen, by which deed the City of Muscle Shoals, Alabama, a municipal corporation, shall remise, release and quitclaim unto said Petitioner whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may acquire in and to the hereinabove described portions of alleys and street by

virtue of the vacation of same, or otherwise, and that Richard L. Williams, City Clerk, be authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation, to attest the same.

IN WITNESS WHEREOF, Petitioner has executed this instrument on this 10th day of February, 2004.

s/ Gladys E. Pullen

Gladys E. Pullen

STATE OF ALABAMA
COUNTY OF COLBERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that Gladys E. Pullen, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 10th day of February, 2004.

s/ Brenda L. Guthrie

Notary Public

[SEAL]

RESOLUTION NUMBER 2002-04

WHEREAS, GLADYS E. PULLEN has presented to the Mayor of the City of Muscle Shoals and to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, her statement in writing, duly executed and acknowledged, setting forth that she is the owner of all of the lands abutting upon the hereinafter described portions of alleys and street and she does, by said statement, vacate same; and

WHEREAS, the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, do assent and approve the vacation thereof and the annulment of the dedication of said portions of alleys and street to the use of the public.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, that the act of the aforementioned party in vacating and annulling the following described portions of alleys and street in the City of Muscle Shoals, Colbert County, Alabama, to-wit:

Portion of 16 foot east-west alley lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 40 and the NW corner of lot numbered 168, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 53 and the NE corner of lot numbered 161, the point of ending;

Portion of 16 foot east-west alley lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 169 and the NW corner of lot numbered 265, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 176 and the NE corner of lot numbered 258, the point of ending; and

Portion of Mississippi Avenue lying in RIVERSIDE PARK SUBDIVISION, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P. S. Milner, C.E., and recorded in Map Book 2, page 351, in the office of the Judge of Probate of Colbert County, Alabama, more fully described as follows: Commence at the SW corner of lot numbered 168 and the NW corner of lot numbered 169, lying on the east line of Detroit Street; thence east to the SE corner of lot numbered 161 and the NE corner of lot numbered 176, the point of ending;

be and the same is hereby ratified, approved and confirmed and the assent of the Mayor of the City of Muscle Shoals and City Council of the City of Muscle Shoals, Alabama, a municipal corporation, to such action is hereby given.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release and quitclaim to the aforesaid GLADYS E. PULLEN whatever right, title and interest the said City of Muscle Shoals, Alabama, a municipal corporation, may have acquired in and to the hereinabove described portions of alleys and street by virtue of the vacation of said portions of alleys and street, or otherwise, and that David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, execute a quitclaim deed to Gladys E. Pullen, carrying out the intention of this paragraph and that Richard L. Williams, City Clerk, be and he is hereby authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation, to attest the same.

Council Member Holland seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" 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 recognizing former Mayor Charles R. Mitchell for his service to the City and designating the Muscle Shoals Public Library as the "Charles R. Mitchell Public Library.

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

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 2003-04

WHEREAS, Charles R. Mitchell has had a very distinguished lifetime of public service, having served in excess of 25 years under four different United States Senators, before coming home to his beloved Muscle Shoals;

WHEREAS, Charles R. Mitchell served eight (8) years as Mayor of the City of Muscle Shoals, having been elected as the first full-time mayor of the City in 1992 and re-elected in 1996;

WHEREAS, his sole and abiding goal as Mayor was to do those things that proved in the best interests of Muscle Shoals and its citizens, the city and people that he loved;

WHEREAS, during the administration of Charles R. Mitchell, through his experience, knowledge and energy, many capital improvements projects were completed that served to benefit all of the citizens of the city;

WHEREAS, he, with the help of an energetic and progressive council, that shared his love for the City, accomplished many goals that have improved the lives of the citizens of Muscle Shoals, including, but not limited to, a new library, a pedestrian walkway, a new high school, the Sportsplex, and a United States Post Office that the citizens of Muscle Shoals can call their own;

WHEREAS, Charles R. Mitchell, throughout his entire career, proved that he was a friend to the people of Alabama and a friend to the citizenry of Muscle Shoals and through his leadership, the City is a better place than he found it;

WHEREAS, the City Council of Muscle Shoals, Alabama is desirous of publicly acknowledging and permanently honoring Charles R. Mitchell in recognition of his invaluable contributions to the citizens of Muscle Shoals and to reflect its appreciation for making the City of Muscle Shoals an even better place to work and live;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama, in the whole concurring, that the public library in the City of Muscle Shoals shall henceforth be known as the “**CHARLES R. MITCHELL PUBLIC LIBRARY**”.

BE IT FURTHER RESOLVED that the Clerk of the City is hereby directed to prepare and present a certified copy of this Resolution to Charles R. Mitchell as a commemoration of the action taken by this Council and as evidence of the high esteem in which he is held by the citizens of the City of Muscle Shoals, Alabama. The Clerk shall further prepare and present a certified copy of this Resolution to the Chairperson of the Muscle Shoals Library Board so that same may be placed in a suitable place at the public library as evidence of the action of this Council.

Council Member Yarber seconded the motion and upon said motion being put to a vote, all voted “AYE”. Voting “NAY” were none.

Mayor Bradford thereupon declared said motion carried and the resolution 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