

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
March 4, 2013**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:50 p.m. on the 4th day of March, 2013 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 Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, MIKE LOCKHART,
 JAMES HOLLAND, ALLEN NOLES
ABSENT: NONE

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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Willis seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 18, 2013 and approved the minutes as written.

Mayor Bradford read aloud a proclamation declaring March 23, 2013 as “Cancer Awareness Day” in the city.

President Holland announced that the next item of business was consideration of a resolution to award a bid for the upgrade of two ponds on the golf course.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2599-13

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

That the City Engineer did send out advertisements for bids for Cypress Lakes Golf Course pond repairs, the bid opening being set for the 28th day of February, 2013, at the City Hall of the City of Muscle Shoals, Alabama.

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

BIDDER:	Total Bid Price: Bid Alternate # 1	Total Bid Price: Bid Alternate #2
R. Baker, INC.	\$187,850.00	\$346,650.00
Parallax Building Systems, INC.	\$196,225.00	\$289,725.00
Joe Keenum Excavation & Construction, INC.	\$342,565.00	\$483,855.00

BE IT FURTHER RESOLVED, that the Council has elected to award the bid based upon Bid Alternate #2;

BE IT FURTHER RESOLVED, that it has been determined that the lowest, responsive and responsible bid was submitted by Parallax Building Systems, INC. in the amount of \$289,725.00, for Bid Alternate #2.

[4] **NOW THEREFORE, BE IT FURTHER RESOLVED**, that Parallax Building Systems, INC. is hereby awarded the bid for the Cypress Lakes Golf Course pond repairs.

Council Member Lockhart 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 a public hearing to consider the vacation of a portion of certain streets and alleys in Detroit Park subdivision.

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

President Holland 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, President Holland stated that approval of the vacation was before the Council. Council Member Lockhart presented the resolution to approve the vacation and moved for its adoption:

**State of Alabama
Colbert County
City of Muscle Shoals**

**PETITION TO VACATE CERTAIN STREETS, AVENUES AND ALLEYS IN DETROIT
PARK SUBDIVISION AND DETROIT PARK SUBDIVISION THIRD ADDITION**

KNOWN ALL MEN BY THESE PRESENTS that EL-DE I Limited Partnership, being the owner of all the lands abutting thereon, does hereby petition to the Mayor and City Council of the City of Muscle Shoals to vacate the following streets and avenues being in the Detroit Park Subdivision known and designated according to the map and plat thereof recorded in the office of the Probate Judge in Colbert County in Plat Book 2 Page 259 and Detroit Park Subdivision Third Addition in Plat Book 2 Page 563 in the office of said Probate Judge, to-wit;

Gratiot Avenue 1280' east of said Detroit Street; Grand River Avenue 1280' east of said Detroit Street; An alley lying between said Gratiot Avenue and said Grand River Avenue 1280' east of said Detroit Street; Euclid Avenue beginning 211' east of said Detroit Street and continuing for 1069'; An alley lying between said Grand River Avenue and said Euclid Avenue beginning 211' east of said Detroit Street and continuing for 1069'; Philadelphia Avenue 1280' east of said Detroit Street; Also Michigan Street north of the northern boundary of Pingree Avenue a distance of 1233' to a point lying half way between said Gratiot Avenue and Lafayette Avenue in said Detroit Park Subdivision.

Attached hereto are the following:

1. Declaration of Vacation by Petitioner.
2. Newspaper notice.
3. Affidavit of Posting notice.

This the 4th day of March 2014.

EL-DE I Limited Partnership
By s/Vincent McAlister
Its General Partner

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2600 - 13

WHEREAS there has been exhibited to the Council of the City of Muscle Shoals, Alabama, an instrument duly executed and acknowledged by EL-DE I, LIMITED PARTNERSHIP, vacating the following streets, alleys and avenues, or portions thereof, lying or being in Detroit Park Subdivision, known and designated according to the map and plat thereof, recorded in the Office of the Probate Judge of Colbert County, Alabama, in Map Book 2, Page 259, and Detroit Park Subdivision, Third Addition, known and designated according to the map and plat thereof, recorded in the office of the said Probate Judge in Map Book 2, Page 563, to-wit:

Gratiot Avenue 1280' east of said Detroit Street; Grand River Avenue 1280' east of said Detroit Street; An alley lying between said Gratiot Avenue and said Grand River Avenue 1280' east of said Detroit Street; Euclid Avenue beginning 211' east of said Detroit Street and continuing for 1069'; An alley lying between said Grand River Avenue and said Euclid Avenue beginning 211' east of said Detroit Street and continuing for 1069'; Philadelphia Avenue 1280' east of said Detroit Street; Also Michigan Street north of the northern boundary of Pingree Avenue a distance of 1233' to a point lying half way between said Gratiot Avenue and Lafayette Avenue in said Detroit Park Subdivision.

WHEREAS this Council is satisfied that EL-DE I, LIMITED PARTNERSHIP, is the owner of all the lands abutting all the streets, avenues and alleys, or portions thereof; and

WHEREAS said EL-DE I, LIMITED PARTNERSHIP, has published notice of said vacation in a newspaper of general circulation for once a week for four (4) consecutive weeks and posted a copy thereof on the bulletin board at the Colbert County Courthouse; and

WHEREAS it is in the interest of the public that such streets, avenues and alleys, or portions thereof, be vacated; and

WHEREAS after the vacation of said public streets, avenues and alleys, or portions thereof, convenient means of ingress and egress to and from their property will be afforded to all other property owners shown on said map;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Muscle Shoals that the ascent of this Council be and the same is hereby given and granted to the said vacation of said public streets, avenues and alleys, or portions thereof, as vacated.

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 consideration of a resolution to declare surplus certain police vehicles and authorize their disposal.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2601 - 13

WHEREAS, the City Council has been informed by the Police Chief that certain vehicles used in the performance of their duties are no longer required for use by the Police Department; and

WHEREAS, the City Council is informed that the vehicles are no longer in service and that a request by the Lawrence County Sheriff's Department has been made for transfer of the vehicles for use in the performance of their duties within Lawrence County; and

WHEREAS, the City Council has determined that the said vehicles are surplus property and the City has no further use for said vehicles due to their age and condition and it is not economical for the City to retool or refit the said vehicles in order that it be placed in service in the Police Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that the following vehicles and equipment be declared surplus property and be disposed of by the Police Chief of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of said items and the Council does hereby authorize the Police Chief to dispose of said items in such manner. The Council finds that the following items are surplus property:

2003 Ford Crown Vic vin# 2FAFP71WX3X173540 \$600.00

1998 Ford Crown Vic vin# 2FAFP71W4WX122099 \$300.00

BE IT FURTHER RESOLVED that the Police Chief is authorized to take the steps necessary to convey the above described vehicles to the Lawrence County Sheriff's Department in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum as previously stated.

Council Member Willis 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 a resolution to make appointments to the Electric Board.

Council Member Willis introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2602 - 13

WHEREAS, the terms of members of the Muscle Shoals Electric Board of the City of Muscle Shoals have expired and the City Council being desirous of making the necessary appointments to said board within the City;

WHEREAS, notice was given to the public of said pending vacancies and applications solicited for members to said board;

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Donald Allen

Freddie P. Moon

Janet Moon

Ronald "Butch" Richards

Kevin Self

WHEREAS, Donald Allen and Ronald “Butch” Richards were determined to have received the best overall rankings on the City Council evaluations, and

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

Council Member Pampinto: Donald Allen and Ronald “Butch” Richards
Council Member Willis: Donald Allen and Ronald “Butch” Richards
Council Member Lockhart: Donald Allen and Ronald “Butch” Richards
Council Member Holland: Donald Allen and Ronald “Butch” Richards
Council Member Noles: Donald Allen and Ronald “Butch” Richards

WHEREAS, Council President Holland announced that Donald Allen and Ronald “Butch” Richards 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 persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Donald Allen	Electric Board	February 2019
Ronald “Butch” Richards	Electric Board	February 2019

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 Noles seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Willis moved that the resolution be approved as presented. Council Member Noles seconded the motion 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 Lockhart
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was adopted and 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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK