

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
March 17, 2003**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 17th day of March 2003 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 Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER,
ALLEN NOLES, JAMES HOLLAND, 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.

At this time, Mayor Bradford presented a Proclamation to a representative of ARC of the Shoals declaring the month of March as "Mental Retardation Month".

Upon motion duly made by Council Member Holland, seconded by Council Member Noles unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of March 3, 2003 and approved the minutes as written.

Mayor David Bradford announced that the next item of business was consideration of a resolution to award a bid for gasoline.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1922-03

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 set for the 12th day of March, 2003, 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>UNLEADED GASOLINE:</u>	<u>DIESEL:</u>
	Per Gallon:	Per Gallon
O'Steen Oil Company	\$111.5	No Bid

[3] The lowest, responsible, responsive bidder after verifying the bid with the specifications, has been determined as O'Steen Oil Company with a bid price of \$111.5 per gallon for unleaded gasoline. No bid was submitted for diesel fuel.

The apparent low and best bidder, O'Steen Oil Company, is now awarded the bid for unleaded gasoline and no award is made for diesel fuel.

Council Member Willis 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 to vacate a portion of Candler Avenue as 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 Noles thereupon introduced the following resolution and moved for its adoption which was presented in the meeting:

STATE OF ALABAMA
COLBERT COUNTY

**APPLICATION FOR VACATION OF PROPERTY
DEDICATED FOR PUBLIC PURPOSES**

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, Highland Park Baptist Church of Muscle Shoals, Alabama, Inc., a corporation is the owner of all the property abutting or in any way served by the property herein described, and owns all the lands abutting on or touching said property, and as such owners are desirous of vacating all the property herein described, as provided for by Alabama Code 35-2-54.

NOW THEREFORE, the undersigned, being the owner of all the land abutting on the following described property:

Chandler Street from the western intersection with Hamilton Avenue east approximately 551.25 feet.

does hereby declare the above property and annulled, and all public rights and easements therein divested of the property subject, however, to all existing rights-of-way or easements for public utilities and to all utility facilities presently situated in said area vacated hereby and subject to easement for public utilities, more particularly described as follows:

A parcel of land situated in Section 2, Township 4 South, Range 11 West, Colbert County, Alabama, being more particularly described as follows:

Commence at the intersection of the West right of way line of Woodward Avenue and the Northerly right of way line of Chandler Avenue; thence run Westerly along the said Northerly right of way line for a distance of 232.05 feet to the point of beginning of the centerline of a 30 foot Utility Easement being 15 feet on each side of the following described centerline; thence turn an deflection angle to the left of 90° 14' 14" and run Southerly for a distance of 117.31 feet; thence turn a deflection angle to the right of 90° 00' 00" and run Westerly for a distance of 246.23 feet; thence turn a deflection angle to the right of 89° 57' 04" and run Northerly for a distance of 61.92 feet; thence turn a deflection angle to the left of 89° 22' 36" and run Westerly for a distance of 226.75 feet to the point of terminus of this description, with the shortening and the lengthening of the side lines whereas to intersect each other and adjacent property lines.

The undersigned owner does hereby further declare that after vacation of the said public street and alley located as described above, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced by the said map, plat, or survey, wherein the above described property was dedicated for public purposes.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal by its trustee, this the 17th day of March 2003.

**HIGHLAND PARK BAPTIST CHURCH OF
MUSCLE SHOALS, ALABAMA, INC.**

By: s/Jack Willis _____

One of Its Trustees

**STATE OF ALABAMA
COLBERT COUNTY**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jack Willis, whose name as Trustee of Highland Park Baptist Church of Muscle Shoals, Alabama, Inc., a corporation, acknowledged before me on this day that, being informed of the contents of the application, Harold Weeks as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 17th day of March 2003.

s/Rebecca N. Pace _____

NOTARY PUBLIC

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 1923-03

WHEREAS, Highland Park Baptist Church of Muscle Shoals, Alabama, Inc., a corporation is the owner of all the property abutting on or adjacent to the following described property that is proposed to be vacated, situated in the City of Muscle Shoals, Colbert County, Alabama:

Chandler Street from the western intersection with Hamilton Avenue east approximately 551.25 feet.

WHEREAS, the above owner is desirous of vacating said tract of land described above and requests that the assent of the Mayor and Council of the City of Muscle Shoals be given as

required by law in such cases; subject, however, to all existing rights of way or easements for public utilities and to all utility facilities presently situated in said vacated area and subject to easement for public utilities , more particularly described as follows:

A parcel of land situated in Section 2, Township 4 South, Range 11 West, Colbert County, Alabama, being more particularly described as follows:

Commence at the intersection of the West right of way line of Woodward Avenue and the Northerly right of way line of Chandler Avenue; thence run Westerly along the said Northerly right of way line for a distance of 232.05 feet to the point of beginning of the centerline of a 30 foot Utility Easement being 15 feet on each side of the following described centerline; thence turn an deflection angle to the left of 90° 14' 14" and run Southerly for a distance of 117.31 feet; thence turn a deflection angle to the right of 90° 00' 00" and run Westerly for a distance of 246.23 feet; thence turn a deflection angle to the right of 89° 57' 04" and run Northerly for a distance of 61.92 feet; thence turn a deflection angle to the left of 89° 22' 36" and run Westerly for a distance of 226.75 feet to the point of terminus of this description, with the shortening and the lengthening of the side lines whereas to intersect each other and adjacent property lines.

That after vacation of the above described tract of land, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced in said map, plat, or survey.

NOW THEREFORE, Be It Resolved by the Council of the City of Muscle Shoals, that said Council does hereby assent to the said Highland Park Baptist Church of Muscle Shoals, Alabama, Inc., vacating said tract of land as described above and that the above described property be and the same is hereby vacated and annulled and all public rights and easements therein divested of the property; subject, however, to all existing rights of way or easements for public utilities and to all utility facilities presently situated in said area vacated hereby and subject to easement for public utilities , more particularly described as follows:

A parcel of land situated in Section 2, Township 4 South, Range 11 West, Colbert County, Alabama, being more particularly described as follows:

Commence at the intersection of the West right of way line of Woodward Avenue and the Northerly right of way line of Chandler Avenue; thence run Westerly along the said Northerly right of way line for a distance of 232.05 feet to the point of beginning of the centerline of a 30 foot Utility Easement being 15 feet on each side of the following described centerline; thence turn an deflection angle to the left of 90° 14' 14" and run Southerly for a distance of 117.31 feet; thence turn a deflection angle to the right of 90° 00' 00" and run Westerly for a distance of 246.23 feet; thence turn a deflection angle to the right of 89° 57' 04" and run Northerly for a distance of 61.92 feet; thence turn a deflection angle to the left of 89° 22' 36" and run Westerly for a distance of 226.75 feet to the point of terminus of this description, with the shortening and the lengthening of the side lines whereas to intersect each other and adjacent property lines.

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 an ordinance declaring real property as no longer needed for municipal purposes and authorizing its sale.

Council Member Yarber introduced the following ordinance in writing which was presented in the meeting:

ORDINANCE NUMBER 1293-03

WHEREAS, the Council of the City of Muscle Shoals, Alabama obtained by quitclaim deed the real property hereinafter described from Patricia H. Gilliom and Elise H. Loftin, said deed being filed for record in Fiche 9923 at page 148 in the Office of the Judge of Probate of Colbert County, Alabama; and

WHEREAS, the property was conveyed to the City at the request of the grantees named in the said deed and in order that they no longer be responsible for the maintenance and upkeep of said property under the City's weed abatement ordinance; and

WHEREAS, the Council has determined that the property is not suitable for, nor needed for, any public or municipal purposes, and

WHEREAS, an offer to purchase the property that is not used and not needed for public or municipal purposes by Boyce Nesbitt and the City has entered into negotiations with Mr. Nesbitt for the conveyance of the said property and that the City is desirous of accepting the offer of Mr. Nesbitt for the conveyance of said property hereinafter; and that it is in the best interests of the City to do so;

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

1. That the City of Muscle Shoals, Alabama convey by quitclaim deed unto Boyce Nesbitt, all of its interest in and to the following described parcel of real property, same being, lying and situated in the City of Muscle Shoals, Colbert County, Alabama, to wit:

Lot Numbered 740 and 741, in DETROIT PARK SUBDIVISION, a subdivision situated in Colbert County, Alabama and known and designated according to the map and plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 259.

2. That the purchase price of said property shall be the sum of Two Hundred Fifty and no/100 (\$250.00) Dollars and the City of Muscle Shoals, Alabama shall, in exchange for said consideration, execute and deliver a quitclaim deed conveying all its interest in and to said property unto Boyce Nesbitt.

3. Furthermore, as additional consideration, all costs of preparation of the documents necessary to effectuate the conveyance of the property from the City unto Boyce nesbitt shall be borne by Mr. Nesbitt.

4. That the Mayor of the City of Muscle Shoals, Alabama, Mr. David H. Bradford, is hereby authorized to execute and deliver, same to be attested by Richard L. Williams, Clerk of the City, the quitclaim deed of the City and all other documents necessary to effectuate the conveyance of the property from the City unto Boyce Nesbitt.

Council Member Yarber moved that unanimous consent be given for immediate consideration of and adoption of said ordinance, which motion was seconded by Council

Member Noles and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Yarber,
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 Yarber then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Noles, 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 Bradford, Council Member Willis, Council Member Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

The Mayor thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

Mayor Bradford announced that the next item of business was consideration of a resolution to authorize the Mayor to execute a contract with Professional Probation Services Inc. for probation services for the municipal court.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1924-03

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Professional Probation Services, Inc. for the provision of probation supervision and rehabilitation services; and

WHEREAS, the City and Professional Probations Services, Inc. have agreed upon the terms and conditions for the provision of and payment for said services and the Council has determined that the terms and conditions as contained in the proposed contract for said services are as agreed upon by the City; and

WHEREAS, the City Council has reviewed the contents of the contract and finds that said instrument is in due form and proper order and upon consideration of same determines that it is wise and expedient that the City execute and deliver said instrument to Professional Probation Services, Inc.;and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said project and is desirous of authorizing the execution and delivery of other instruments and related documents to Professional Probation Services, Inc. in connection with the agreement to provide probation supervision and rehabilitation services to the City as described in said contract;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct the Mayor of the City, David H. Bradford, for and on

behalf of the City to execute the Contract pertaining to the provision of probation supervision and rehabilitation services to the City by Professional Probation Services, Inc. as therein described; and

BE IT FURTHER RESOLVED that the Mayor of the City, David H. Bradford, be, and hereby is, authorized to execute and deliver any instruments and related documents in connection with said services that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto Professional Probation Services, Inc. along with the executed Contract herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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.

Mayor Bradford announced that the next item of business was the appointment to the Muscle Shoals Library Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1925 - 03

WHEREAS, a certain board position on the Muscle Shoals Library Board within the City of Muscle Shoals has become vacant or the term of a certain member has expired and the City Council being desirous of making the necessary appointment to said board within the City;

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 on the Library Board as set forth herein:

APPOINTEE
Joyce Barton

EXPIRATION OF TERM
November 2006

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 Yarber 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 the appointment to the Muscle Shoals Electric Board.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1926 - 03

WHEREAS, a certain board position on the Muscle Shoals Electric Board within the City of Muscle Shoals has become vacant or the term of a certain member has expired and the City Council being desirous of making the necessary appointment to said board within the City;

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 on the Electric Board as set forth herein:

APPOINTEE

Rodney Howard

EXPIRATION OF TERM

February, 2009

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 Yarber 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 authorizing the Mayor to make application to the Alabama communities of Excellence Program.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1927 - 03

WHEREAS, Alabama Communities of Excellence is a comprehensive community development program designed to assist smaller communities in Alabama address community development needs; and

WHEREAS, Alabama Communities of Excellence is designed to focus on leadership development, strategic planning, comprehensive planning, commercial business development, education enhancement, infrastructure requirements, tourism and quality of life/recreation issues within a community; and

WHEREAS, Alabama Communities of Excellence is targeted to communities from 2,000 to 12,000 in population; and

WHEREAS, the governing body of the City of Muscle Shoals is desirous of

participating in the Alabama Communities of Excellence program; now

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, that the Mayor be authorized to make application to the Alabama Communities of Excellence Board of Directors for inclusion in this valuable program.

Council Member Yarber 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.

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