

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
July 18, 2005**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 18<sup>th</sup> day of July 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 Bill Howard. 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.

At this time, Donnie Linley an employee with the Muscle Shoals Utilities Board made a special presentation to the city of a U. S. Flag flown over Afghanistan during his military deployment with the U. S. Army.

Upon motion duly made by Council Member Holland, seconded by Council Member Grissom and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting of July 5, 2005 and approved the minutes as written.

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

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2147-05**

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 gasoline, the bid opening being held July 18, 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>
	Per Gallon:
O'Steen Oil Company	\$1.655
Tatum Oil Company	\$1.659

[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 \$1.655 per gallon for the purchase of gasoline. The apparent low and best bidder, O'Steen Oil Company is now awarded the bid for the purchase of gasoline.

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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 that the next item of business was consideration of a resolution awarding a bid for drainage improvements to the Nathan Estates pond.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2148-05**

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

[1] That the City Engineer did send out advertisements for bids for the construction of the Nathan Estates Retention Pond Project, the bid opening being set for the 15th day of July, 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>BID AMOUNT:</u>
APAC of Alabama	\$499,428.99
Keenum Excavation	\$526,329.50
Oakley Excavating	\$489,804.00
Parallax Building Systems, Inc.	\$470,320.00

[3] The lowest, responsible, responsive bidder, after verifying the bid with the specifications, has been determined as Parallax Building Systems, Inc. with a total bid price of \$470,320.00.

The apparent low and best bidder, Parallax Building Systems, Inc., is now awarded the bid for the construction of the Nathan Estates Retention Pond Project.

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 the scheduling of 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 announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 15<sup>th</sup> day of August 2005, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was consideration of a resolution accepting the donation of 60 acres of land located on E. 6<sup>th</sup> Street at Gnat Pond Road from the John M. Counts family.

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 2149-05**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with William G. Counts, Sr. And others for the acceptance of a parcel of real property as a gift to the City from said William G. Counts, Sr., John M. Counts, Elizabeth Murtagh Yaw and Deborah Murtagh Nichols; and

**WHEREAS**, the City and the said William G. Counts, Sr. And others have agreed upon terms and conditions for the conveyance of the property by the City and the Council has determined that the terms and conditions are as agreed upon by the City; and

**WHEREAS**, the City Council has reviewed the contents of a proposed warranty deed conveying the property 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 accept delivery of said deed; 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 William G. Counts, Sr. And others in connection with conveyance unto the City of said property as herein above described;

**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 accept delivery of the deed pertaining to the conveyance of the property therein described from William G. Counts, Sr., John M. Counts, Elizabeth Murtagh Yaw and Deborah Murtagh Nichols; said property being more particularly described as follows:

A tract of land lying in the SW ¼ of Section 3, Township 4 South, Range 10 West, Colbert County, Alabama, and being more particularly described as follows, to-wit: Commence at a PK nail and shiner set (stamped typical R. Collins, L.S.-13406) being locally known and accepted as the SW corner of said Section 3; said point lying 0.83 feet West of the centerline intersection of Gnat Pond Road (Colbert County Road #61 —80 foot right of way) and 0.37 feet South of the centerline intersection with Sixth Street (Colbert County Road #24—80 foot right of way); thence N 00 degrees 19' 20" Wand along the westwardly line of said Section 3 for 1658.95 feet to an iron pin set (capped typical R. Collins, L.S.-13406) 10.92 feet West of the centerline of the aforementioned Gnat Pond Road; thence S 88 degrees 23' 19" E 1577.20 feet to an iron phi set; thence S 00 degrees 19' 20" E 1657.16 feet to a PK nail and shiner set on the southwardly line of said Section 3, said point lying 2.88 feet North of the centerline of the aforementioned Sixth Street; thence N 88 degrees 27' 14" W and along the southwardly line of said Section 3 for 1577.14 feet to the point of beginning. Said tract contains 60 acres, more or less, is subject to one half the right of ways of said Gnat Pond Road and Sixth Street off the westwardly and southwardly sides thereof is subject to a 275 foot TVA Transmission Line Easement across said property and is subject to any easements of record or easements existing on site.

Subject to easements, restrictions, covenants and rights of way of record and current taxes.

**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 the conveyance of said property from William G. Counts, Sr., John M. Counts, Elizabeth Murtagh Yaw and Deborah Murtagh Nichols 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 William G. Counts, Sr., John M. Counts, Elizabeth Murtagh Yaw and Deborah Murtagh Nichols and furthermore shall retain a copy to be kept on file by the said Clerk.

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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.

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

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK