

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 17, 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 17<sup>th</sup> day of October 2005 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by James Holland, Mayor Pro-Tem of the City. The invocation was given by Rusty Wheelles. 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  
ABSENT: ALLEN NOLES, DAVID H. BRADFORD

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

James Holland, Mayor Pro-Tem 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 Grissom, seconded by Council Member Willis unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of October 3, 2005 and approved the minutes as written.

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

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 2168-05**

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 fuel products, the bid opening being held October 17, 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>	<u>DIESEL:</u>
O'Steen Oil Company	Per Gallon: \$2.05	Per Gallon: No Bid

[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 \$2.05 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 only.

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

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution awarding the bid for aluminized corrugated metal pipe and aluminized corrugated smooth flow pipe.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2169-05**

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

[1] That advertisements for bids for the purchase of aluminized metal corrugated pipe and aluminized metal corrugated pipe with a smooth interior for the fiscal year beginning October 1, 2005 were distributed, the bid opening set for the 10th day of October, 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 with the basis of award being the percentage discount off the published price list submitted by the city to bidders:

**ALUMINIZED METAL CORRUGATED PIPE:**

<b>BIDDER:</b>	Percent Discount off Published Price List:
Contech Construction Products, Inc.	44.4%
Hanson Pipe and Products	42%
Harvey Culvert	55%

**ALUMINIZED METAL CORRUGATED WITH SMOOTH INTERIOR PIPE:**

<b>BIDDER:</b>	Percent Discount off Published Price List:
Contech Construction Products, Inc.	61.2%
Hanson Pipe and Products	No Bid
Harvey Culvert	55%

[3] After verifying the bids with the specifications it has been determined that the best, responsive, responsible bidder submitting a bid for aluminized metal corrugated pipe is Harvey Culvert, and the best, responsive, responsible bidder submitting a bid for aluminized metal corrugated with smooth interior pipe is Contech Construction Products, Inc.. The bid is hereby awarded to Harvey Culvert for the 55% discount off the published price list for aluminized metal corrugated pipe and Contech Construction Products, Inc. for the 61.2% discount off the published price list for aluminized metal corrugated with smooth interior pipe.

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

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was consideration of a resolution rejecting the bid for polyethylene pipe.

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NO. 2170-05**

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 polyethylene pipe with a smooth interior, the bid opening being set for the 10th day of October, 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 PRICE: (total of all line items on list)</u>
Advanced Drainage Systems	\$12426.28 *
Eagle Wholesale	\$17,009.70

\* Bid is non-responsive with exception to specifications. Bidder submitted an exception to specification of bell end connection of pipe must be compatible with plain end pipe.

[3] It has been determined by the Council that it is not in the best interest of the City to award the bid for a one year period due to the unreasonable escalated prices and the unstable pricing of polyethylene pipe due to gulf coast hurricanes, and that all bids be rejected.

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

Mayor Pro Tem Holland announced that the Resolution had been approved.

Mayor Pro Tem Holland announced that the next item of business was the vacation of a certain portion of a north-south alleyway along Clark Street in Highland Park Subdivision #12.

Council Member Willis thereupon introduced the following petition and resolution and moved for their adoption:

STATE OF ALABAMA  
COLBERT COUNTY

### **PETITION**

**WHEREAS**, the undersigned, **RALTON L. McCARLEY** and **PEGGY A. McCARLEY** (hereinafter referred to as "Petitioners") are the owners of all of the lands and properties in said subdivision known as **HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyways, or portions thereof.

**WHEREAS**, Petitioners state that the alleyways, or portions thereof, that Petitioners desire to vacate are located within and as a part of the subdivision designated as **HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12**, all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama.

**WHEREAS**, Petitioners state that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further, that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

**WHEREAS**, Petitioners state that the alleyways, or portions thereof, desired to be vacated are not currently being used;

**WHEREAS**, Petitioners state that there are public utilities situated or located on, over or through the alleyways, or portions thereof, desired to be vacated and that Petitioners request that said vacation be made subject to the public utilities and that the alleyways, or portions thereof, shall be subject to an easement to the City of Muscle Shoals, Alabama for the installation and maintenance of public utilities and drainage;

**WHEREAS**, Petitioners seek and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

**NOW, THEREFORE**, we, the undersigned Petitioners, being all of the owners of property in the subdivision known as **HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12** abutting on the alleyways, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following alleyways, or portions thereof, to be vacated, to wit:

That portion of that certain alleyway bounded on the West by the East line of Lot 4632, and bounded on the East by the West line of Lot 4633 through 4638, inclusive, all in **HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12**, according to the map and survey prepared by P.S. Milner, C.E. and recorded in Map Book 2, Page 123, in the Office of the Judge of Probate of Colbert County, Alabama. and bounded on the North by the North line of Lot 4632 (extended)

East to the Northwest corner of Lot 4638 and bounded on the South by the South line of Lot 4632 (extended) East to the Southwest corner of Lot 4633 as shown on the above described plat.

Said vacated portion to be subject to a utility easement to the City of Muscle Shoals, Alabama for the installation and maintenance of public utilities and drainage.

**IN WITNESS WHEREOF**, we have hereunto set our hands and seals this 12<sup>th</sup> day of October 2005.

S/ Ralton L. McCarley L.S.

RALTON L. McCARLEY

S/ Peggy A. McCarley L.S.

PEGGY A. McCARLEY

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **RALTON L. McCARLEY**, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12<sup>th</sup> day of October 2005.

S/ Mechele Bradford

**NOTARY PUBLIC**

My Commission Expires: 2/24/08

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **PEGGY A. McCARLEY**, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12<sup>th</sup> day of October 2005.

S/ Mechele Bradford

**NOTARY PUBLIC**

My Commission Expires: 2/24/08

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 2171-05**

**WHEREAS**, **RALTON L. McCARLEY** and **PEGGY A. McCARLEY**, hereinafter referred to as Petitioners, are the owners of all of the lands and properties in said subdivision known as **HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12** abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyways, or portions thereof, have joined together and presented their signed Petition of Vacation

of a part of said alleyways to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

**WHEREAS**, the property above referred to is more particularly described as follows:

That portion of that certain alleyway bounded on the West by the East line of Lot 4632, and bounded on the East by the West line of Lot 4633 through 4638, inclusive, all in HIGHLAND PARK SUBDIVISION, PLAT NUMBER 12, according to the map and survey prepared by P.S. Milner, C.E. and recorded in Map Book 2, Page 123, in the Office of the Judge of Probate of Colbert County, Alabama. and bounded on the North by the North line of Lot 4632 (extended) East to the Northwest corner of Lot 4638 and bounded on the South by the South line of Lot 4632 (extended) East to the Southwest corner of Lot 4633 as shown on the above described plat.

Said vacated portion to be subject to a utility easement to the City of Muscle Shoals, Alabama for the installation and maintenance of public utilities and drainage.

**WHEREAS**, the aforesaid parties, as the owners of all property abutting the said portions of the alleyways to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks within the City of Muscle Shoals, Alabama, and

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and the same is hereby given and granted to the vacation of the portion of the alleyway herein above described, subject to the reservation of a utility easement to the City of Muscle Shoals, Alabama for in installation and maintenance of public utilities and drainage pipes.

The Petitioners understand and agree that if the vacation of the alleyway is assented to by the City Council of the City of Muscle Shoals, Alabama that public utilities are currently located in said alleyway sought to be vacated and an easement over, across and through the alleyway will be reserved to the City of Muscle Shoals, Alabama, its successors and assigns for the installation, maintenance and operation of public utilities and drainage pipes, including those now existing and constructed or placed therein in the future.

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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 Pro Tem Holland 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