

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
February 3, 2020**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 3<sup>rd</sup> day of February, 2020 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, MIKE LOCKHART, KEN SOCKWELL, ALLEN NOLES  
ABSENT: NONE

Allen Noles, 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. Mayor David Bradford was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Hall and seconded by Council Member Sockwell and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of January 21, 2020 and approved the minutes as written.

Mayor Bradford informed the Council about the upcoming census and its importance to Muscle Shoals and the State of Alabama. Census day is April 1<sup>st</sup>. He also noted several retail store openings in the City and North American Lighting's completion of their latest 200,000 sq ft. addition. He shared that the City is receiving an Economic Development Administration (EDA) grant to fund additional storm water infrastructure from Southgate Mall to the Buena Vista retention area. The grant funds a \$2 million project.

Council President Noles announced the next item of business was a request for the vacation of a portion of an 30 foot unnamed road lying in Tract #11 Subdivision as requested by Scott & Theresa Caden.

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

STATE OF ALABAMA        )  
  )     **PETITION AND DECLARATION OF VACATION**  
COLBERT COUNTY         )

WHEREAS, the undersigned, Scott Garrison Caden and Theresa Caden, being the owners of a part of Lot Numbered 2 and a part of Lot Numbered 3 of Tract No. 11 Subdivision, as recorded in Map Book 3, Page 145, in the Office of the Judge of Probate of Colbert County, Alabama, said property being the only property abutting the portion of that certain road indicated on the plat of Tract No. 11 subdivision, recorded in Map Book 3, Page 145 in the Office of the Judge of Probate of Colbert County, Alabama, do hereby declare the following portion of the above-described roadway to be vacated, to wit:

A portion of an undeveloped, unnamed 30 foot road lying in Tract No. 11 Subdivision, as recorded in Map Book 3, Page 145, Colbert County, Alabama, and being more particularly described as follows: Begin at a square bolt found on the Southeast corner of Lot 3, Tract No. 11 Subdivision, said point also lying on the Eastern most right of way line of a 30 foot road; thence leave said right of way line along the Southern most lot line of said Lot 3, S 61° 53' 00" W, 34.01 feet to the Western most right of way line of said 30 foot, unnamed road; thence along said right of way line, N 00° 00' 38" W, 227.94 feet to a point; thence leave said right of way line, S 70° 02' 20" E, 31.92 feet to an uncapped ½" rebar pin found on the aforementioned Eastern most right of way line of said 30 foot unnamed road; thence along said Eastern most right of way line, S 00° 00' 38" E, 201.01 feet to the POINT OF BEGINNING of the tract of land herby described; said tract of land contains 0.15 acre ± and is subject to any and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The undersigned, Scott Garrison Caden and Theresa Caden, hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described portion of said road as described herein and, further, to authorize conveyance by quit-claim deed, to the petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove described road.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed on this 20<sup>th</sup> day of November, 2019.

s/ Scott Garrison Caden

Scott Garrison Caden

s/ Theresa Caden

Theresa Caden

STATE OF GEORGIA  
DAWSON COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Scott Garrison Caden and Theresa Caden, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily as of the day the same bears date. Given under my hand and official seal this the 20<sup>th</sup> day of November, 2019.

/s Reycl Riviere

NOTARY PUBLIC

My Commission Expires: 4/30/2023

SEAL

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3051 - 20**

WHEREAS, Scott Garrison Caden and Theresa Caden, hereinafter called Petitioners, are the owners of a part of Lot Numbered 2 and a part of Lot Numbered 3 of Tract No. 11 Subdivision, as recorded in Map Book 3, Page 145, in the Office of the Judge of Probate of Colbert County, Alabama; said property being the only property abutting the hereinafter described portion of that certain road indicated on the plat of Tract No. 11 subdivision, recorded in Map Book 3, Page 145 in the Office of the Judge of Probate of Colbert County, Alabama; said Petitioners being desirous of vacating the hereinafter described portion of the above-described roadway, have presented their signed Petition and Declaration of Vacation of said portion of the above-described roadway to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the portion of the said roadway to be vacated is more particularly described as follows:

A portion of an undeveloped, unnamed 30 foot road lying in Tract No. 11 Subdivision, as recorded in Map Book 3, Page 145, Colbert County, Alabama, and being more particularly described as follows: Begin at a square bolt found on the Southeast corner of Lot 3, Tract No. 11 Subdivision, said point also lying on the Eastern most right of way line of a 30 foot road; thence leave said right of way line along the Southern most lot line of said Lot 3, S 61° 53' 00" W, 34.01 feet to the Western most right of way line of said 30 foot, unnamed road; thence along said right of way line, N 00° 00' 38" W, 227.94 feet to a point; thence leave said right of way line, S 70° 02' 20" E, 31.92 feet to an uncapped ½" rebar pin found on the aforementioned Eastern most right of way line of said 30 foot unnamed road; thence along said Eastern most right of way line, S 00° 00' 38" E, 201.01 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.15 acre ± and is subject to any and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

SUBJECT TO any existing utility easements.

WHEREAS, the aforesaid Petitioners, as the owners of all property abutting the said portion of the said roadway to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the 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 roadway is located, such means of ingress and egress being afforded by the remaining dedicated streets 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 there same is hereby given and granted to the vacation of the portion of the roadway herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Scott Garrison Caden and Theresa Caden, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of the said roadway and that the Mayor, David H. Bradford, is hereby authorized to execute and deliver said quit-claim deed to, for and on behalf of the City of Muscle Shoals, Alabama.

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

President Noles announced that the resolution had been approved.

Council President Noles announced the next item of business was consideration of a resolution to authorize the purchase of an EBARA pump and control compatible with the existing EBARA pump for the Wilson Dam Retention Pond.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3052 - 20**

**WHEREAS**, the City of Muscle Shoals, Alabama is desirous of expanding the stormwater pumping capacity of the City's Wilson Dam retention pond, and

**WHEREAS**, the facility currently utilizes an Ebara Model 300DSC4FO pump, which the city desires to supplement with a second identical pump with controls that will allow simultaneous operation of both pumps; and

**WHEREAS**, the City Engineer has recommended the purchase of the second identical pump with the necessary duplex pump controls to maximize pump efficiency and facilitate ease of maintenance; and

**WHEREAS**, the pump manufacturer has certified that the sole distributor within the State of Alabama for Ebara Pumps Americas Corporation is the Eshelman Company Inc., in Bessemer, Alabama, and

**WHEREAS**, the cost for an Ebara Model 300DSC4FO pump and controls is \$42,221.00, now

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals that the Eshelman Company Inc., is determined to be the sole source in Alabama for a compatible Ebara pump and control equipment at a price of \$42,221.00 for the said described equipment and is now hereby awarded the purchase.

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

President Noles announced that the resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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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

ATTEST:

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COUNCIL MEMBER - PLACE FIVE

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CITY CLERK