

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 7, 2004**

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The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 7<sup>th</sup> day of June 2004 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 Paul McDougle. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER  
          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.

Upon motion duly made by Council Member Holland, seconded by Council Member Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of May 17, 2004 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the award of a bid for replacement of the HVAC for Gym #2 at Gattman Park.

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 NO. 2031-04**

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

[1] That the City of Muscle Shoals did send out advertisements for bids for the purchase and installation of three (3), ten-ton air conditioning units to be installed in the Gattman Park Gym #2, the bid opening being set for the 27<sup>th</sup> day of May, 2004, 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:

BIDDER:	AMOUNT OF BID:	ALTERNATE:
ALLEN'S HEATING AND AIR	\$19,365.00	
NUBY'S HEATING AND AIR	\$26,800.00	\$19,500.00

[3] The apparent lowest, responsive, and responsible bid is Allen's Heating and Air.

BE IT HEREBY RESOLVED that the bid for the purchase and installation of three (3) ten-ton air conditioning units to be installed in Gattman Park Gym #2 be awarded to Allen's Heating and Air with a bid price of \$19,365.00.

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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 and the bid was awarded.

Mayor Bradford announced that the next item of business was the award of a bid for HVAC for Gym #1 at Gattman Park.

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 NO. 2032-04**

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

[1] That the City of Muscle Shoals did send out advertisements for bids for the purchase and installation of two (2), ten-ton air conditioning units to be installed in the Gattman Park Gym #1, the bid opening being set for the 27<sup>th</sup> day of May, 2004, 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:

BIDDER:	AMOUNT OF BID:
ALLEN'S HEATING AND AIR	\$18,927.00
NUBY'S HEATING AND AIR	\$33,852.00

[3] The apparent lowest, responsive, and responsible bid is Allen's Heating and Air.

BE IT HEREBY RESOLVED that the bid for the purchase and installation of three (2) ten-ton air conditioning units to be installed in Gattman Park Gym #1 be awarded to Allen's Heating and Air with a bid price of \$18,927.00.

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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 and the bid was awarded.

Mayor Bradford announced that the next item of business was the award of a bid for an addition to the Senior Citizens Center in Gattman Park.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2033-04**

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

[1] That the firm of Architectural Design Services for the City of Muscle Shoals did send out advertisements for bids for renovations and additions to the Muscle Shoals Senior Center, the bid opening being set for the 3rd day of June, 2004, 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:

BIDDER:	AMOUNT OF BID:
BUTLER CONSTRUCTION CO.	\$197,800.00
H & N CONSTRUCTION, INC.	\$234,000.00

[3] The apparent lowest, responsive, and responsible bid is that of Butler Construction Co.

BE IT HEREBY RESOLVED that the bid for the renovations and additions to the Muscle Shoals Senior Center be awarded to Butler Construction Co. with a bid price of \$197,800.00.

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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 and the bid was awarded.

Mayor Bradford announced that the next item of business was the award of a bid for fuel.

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 2034-04**

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 June 7, 2004 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>
	Per Gallon:	Per Gallon:
Tatum Oil Company	\$1.297	\$1.2245
O'Steen Oil Company	\$1.279	\$1.295

[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 \$1.279 per gallon for gasoline and Tatum Oil Company with a bid price of \$1.2245 per gallon.

The apparent low and best bidders, O'Steen Oil Company and Tatum Oil Company are now awarded the bid for fuel products.

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 and the bid was awarded.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Restaurant Retail Liquor License to Michael C. Trousdale dba Horseshoe Restaurant & Bar to be located at 3695A 2<sup>nd</sup> Street.

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

Mayor Bradford 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, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call 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

NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

Mayor Bradford announced that the next item of business was the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. The area being considered for rezoning is located on Central Avenue and is more particularly described as follows:

**ORDINANCE NO. 1329 - 04**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND THE**  
**ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described areas are hereby eliminated from the R-3 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots numbered 559 thru 561 (75' x 108') in Section 34 Township 3 Range 11W.

Being on Central Avenue in Block 7 of Muscle Shoals Subdivision. Colbert

County Tax Parcel I.D. number is 20-07-08-34-1-001-037.000

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The Council finds that legal notice of the following proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 7<sup>th</sup> day of June 2004, at 7:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and Mayor Bradford announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no individuals wishing to speak, Mayor Bradford announced that the adoption of the Ordinance was now before the Council. All those in favor of the Ordinance would indicate so by voting aye and those opposed would indicate by voting nay. Upon said motion being put to a roll call vote, a vote 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

Mayor Bradford announced that the ordinance had been adopted.

Mayor Bradford announced that the next item of business was presentation of the annual audit for the fiscal year ended September 30, 2003. The City Clerk discussed the audit, prepared by Leigh, King & Associates, CPAs. Mayor Bradford directed the audit be spread upon the minutes of this meeting as follows:

Audit available upon request

Mayor Bradford announced that the next item of business was consideration of a resolution appointing members to various boards.

Council Member Holland thereupon introduced the following resolution and presented it in writing:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2035 - 04**

**WHEREAS**, certain board positions on various boards within the City of Muscle Shoals have become vacant or the term of certain members have expired and the City Council being desirous of making the necessary appointments to said boards 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 persons to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
James David Jones	Riverbend Mental Health	April 2005
Troy Woodis	North Alabama Gas District	May 2010

The Clerk is hereby directed to notify the above named persons of their appointment and to further notify the respective board of said appointment.

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Council Member Noles 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 appointing members to the Health Care Authority of North Alabama dba HealthGroup of Alabama.

Council Member Noles thereupon introduced the following resolution and presented it in writing:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2036-04**

**WHEREAS**, the City Council of Muscle Shoals, Alabama is the appointing authority for certain members to the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama; and

**WHEREAS**, the City Council deems it necessary and expedient that said appointments be made to insure the continued efficient and orderly conduct of the The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama's business; and

**WHEREAS**, the City Council has determined that the nominations for members to the Board of Directors have been submitted in accordance with the Certificate of Incorporation of The Health Care Authority of North Alabama d/b/a HealthGroup, and

**WHEREAS**, the City Council finds it necessary and expedient to appoint the members to the Board of Directors for Places 1, 3, 6 and 7 and hereby proceeds to do so;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following named persons are hereby appointed as members of the Board of Directors of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama, said appointments for the places on the Board of Directors hereinafter set forth by the names of the appointees and for a term of six-years expiring as shown herein:

<u>Place #</u>	<u>Appointee</u>	<u>Expiration of Term</u>
Place 1	Steve Smith	June 30, 2010
Place 3	Acker Rogers	June 30, 2010
Place 6	William Wyker	June 30, 2010
Place 7	Russ Brown	June 30, 2010

**BE IT FURTHER RESOLVED** by the City Council of Muscle Shoals, Alabama that the Clerk of the City shall prepare a certified copy of this Resolution and deliver a copy of same to the Chief Executive Officer of The Health Care Authority of North Alabama d/b/a HealthGroup of Alabama.

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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 declaring an automobile in the police department as surplus property.

Council Member Willis thereupon introduced the following resolution and presented it in writing:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NO. 2037 -04**

**WHEREAS**, the City Council has been informed by the Chief of Police that a certain vehicle used in the performance of duties is no longer required for use by the police department; and

**WHEREAS**, the City Council is informed that the vehicle has been replaced and the said vehicle is no longer in service and that a request by other municipalities have been made for transfer of the vehicle for use in the performance of police and patrol duties; and

**WHEREAS**, the City Council has determined that the said vehicle is surplus property and the City has no further use for said vehicle due to its age and condition and it is not

economical for the City to retool or refit the said vehicle in order that they be able to 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 vehicle be declared surplus property and be disposed of by the Chief of Police 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 or operation of said vehicle and the Council does hereby authorize the Chief of the Police Department to dispose of said vehicle in such manner. The Council finds that the following vehicle is surplus property:

One (1) 1991 Chevrolet Caprice automobile VIN # 1G1BN53E8MW157527

**BE IT FURTHER RESOLVED** that the Chief of Police is authorized to take the steps necessary to convey the above described vehicle to the Town of Littleville, Alabama in a manner consistent with the terms and conditions and pursuant to this Resolution for and in consideration of the sum of One Thousand Two Hundred and no/100 (\$1,200.00).

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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 consideration of a resolution authorizing the Mayor to enter into an agreement with the Northwest Alabama Council of Local Governments (NACOLG) to provide technical assistance for a grant with the Alabama Department of Economic and Community Affairs - Land & Water Conservation Fund/ Recreational Trails .

Council Member Bradford thereupon introduced the following resolution and presented it in writing:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2038-04**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Northwest Alabama Council of Local Governments [NACOLG] for the performance and provision of certain professional and technical assistance; and

**WHEREAS**, the City and NACOLG have agreed upon terms and conditions for the undertaking of the services to be rendered by NACOLG hereinafter referred to as the Scope of Services 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 an instrument styled Agreement 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 NACOLG; 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 in connection with the said Agreement as 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 execute the instrument styled Agreement with NACOLG, same providing for professional and technical assistance regarding the Alabama Department of Economic Affairs-Land and Water Conservation Fund/Recreational Trails Program 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 the said Agreement with NACOLG 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 NACOLG along with the executed instrument styled Agreement herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

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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 an ordinance granting a thirty year franchise to the North Alabama Gas District.

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

### **ORDINANCE NO. 1330-04**

#### **AN ORDINANCE GRANTING A FRANCHISE TO THE NORTH ALABAMA GAS DISTRICT, ITS SUCCESSORS AND ASSIGNS**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA** (the "Council") as follows:

Section 1. The word "City" as used herein means the City of Muscle Shoals, Alabama, as it is now constituted and as it may hereafter be extended or enlarged. The word "District" as used herein means North Alabama Gas District, an Alabama public corporation, its successors and assigns.

Section 2. The Council does hereby find and determine that it is wise, expedient and necessary to grant District a franchise to construct, acquire, own and operate a natural gas distribution and transmission system in accordance with the terms hereof.

Section 3. The City hereby grants to District the right, privilege, authority and franchise to acquire, own, operate, construct, maintain, enlarge, extend, improve and operate a natural gas system within the municipal limits of the City of Muscle Shoals, for the purpose of providing natural gas service to users located within the City of Muscle Shoals and the inhabitants thereof, and to use the streets, avenues, alleys and public ways and places within the municipal limits for such purpose.

Section 4. The City hereby grants to District the right, privilege, authority and franchise at any time and from time to time during the period covered by this franchise and without any requirement as to permit or fee therefor (except as to amounts which the District pays to the City pursuant to the Certificate of Incorporation of North Alabama Gas District), to lay, construct, extend and maintain its pipes, lines, mains and other fixtures and related appurtenances of its natural gas system, in, over, along, across and under any street, avenue, alley or other public way or place in the municipal limits, and to repair, renew, relay and extend such pipes, lines, fixtures and related appurtenances and to make all excavations necessary therefor.

Section 5. District shall, and by accepting this franchise agrees that it will, upon making any excavation in the streets, avenues, alleys and public ways and places of the City in the exercise of this franchise, restore the surface and paving at the point of such excavation in substantially the same condition as before the work was done within a reasonable time thereafter, and will save the City harmless from any liability arising out of any change in the condition of any street, avenue, alley or public way or place caused by District.

Section 6. The rights, privileges, authorities and franchise hereby granted shall become effective upon the adoption and passage of this Ordinance by the Council and shall continue in force and effect for a period of 30 years from the date of such adoption or such longer period as may be permitted by law or until District shall be dissolved.

Section 7. The provisions of this ordinance are intended to be severable and, if any one or more of such provisions should be held invalid for any reason, the rest shall nevertheless stand and be fully effective.

Section 8. This ordinance shall be published at the expense of District by publication in one issue of The Colbert County Reporter, which the Council hereby finds and determines to be a newspaper published in Colbert County and of general circulation in the City, there being no newspaper published in the City.

Section 9. All ordinances, resolutions, orders or parts thereof in conflict with this ordinance are hereby repealed, to the extent of such conflict.

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

Mayor Bradford announced that the ordinance 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

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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