

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
August 2, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 2nd day of August 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 Bill Howard. 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 regular meeting of July 19, 2004 and approved the minutes as written.

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

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 2053-04

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 August 2, 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:
O'Steen Oil Company	\$1.368	\$1.425
Tatum Oil Company	\$1.368	\$1.438

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications for diesel fuel, has been determined as O'Steen Oil Company with a bid price of \$1.425. There being a tie of bid amounts between the two bidders, Council policy is to award to bidder who was not successful in the last bid award. Therefore, the bid for gasoline shall be awarded to O'Steen Oil Company as Tatum Oil Company was the last successful bidder for gasoline.

The apparent low and best bidder, O'Steen Oil Company, is now awarded the bid for gasoline and diesel fuels.

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 appoint the election officials for the Municipal General Election August 24, 2004 and the Runoff Election, if necessary, September 14, 2004.

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 2054 -04

WHEREAS, a regular municipal election has been called to be held on the 24th day of August 2004, and a runoff election, to be held if necessary, on the 14th day of September 2004 and

WHEREAS, the Mayor and City Council are required to appoint from the qualified electors, officers to hold the election, now

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA that the following individuals are appointed and summoned to serve during the regular municipal election on the 24th of August 2004 and the runoff election, if necessary on September 14th 2004:

FIRST SOUTHERN BAPTIST CHURCH - BOX 1

Betty Hooper - Inspector
Ailene Green - Clerk
Bessie Williams - Clerk
Carolyn Thrasher - Clerk
Marjorie Tippet - Clerk
Carolyn Newton - Clerk

SOUTHGATE MALL - BOX 3

Jean Jackson - Inspector
Linda Crow - Clerk
Ann Donaldson - Clerk
Peggy Laster - Clerk
Johnny Donaldson - Clerk
Gaye Dixon - Clerk

FIRST BAPTIST CHURCH - BOX 5

Lorene Martin - Inspector
Ruth Laughlin - Clerk
Peggy Risner - Clerk
Ralph Montgomery - Clerk
Janell Montgomery - Clerk
Elizabeth Hargrove - Clerk

FIRE DEPARTMENT ANNEX - BOX 2

Marie Rich - Inspector
Almon Whitehead - Clerk
Ruth Gothard - Clerk
Jennie Williams - Clerk
Mary Barker - Clerk
Pauline Jackson - Clerk

WEBSTER SCHOOL - BOX 4

Ann Ledbetter - Inspector
Mattie Granville - Clerk
Barbara Jones - Clerk
Goldie Bone - Clerk
George Granville - Clerk
Pearline Little - Clerk

ABSENTEES - CITY HALL

Clair Stratford - Inspector
Martha Bowles - Clerk
Regina Thompson - Clerk
Charlotte Underwood - Clerk
Dean Day - Clerk
Margaret Peggy Vickers - Clerk

BE IT FURTHER RESOLVED that the following compensation be established for the respective officials: Inspector \$100.00 per day; Clerk \$85.00 per day.

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 adoption of a resolution declaring Neal Willis duly elected to the office of Council Member Place Number 2 commencing on the first Monday of October, 2004.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2055-04

WHEREAS, Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the Alabama Code of 1975 prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, and

WHEREAS, Section 11-46-26 of the Alabama Code of 1975, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, at the time the deadline for qualifications has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Muscle Shoals, Alabama has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of Council Member Place Number 2 prior to the deadline and that the name of that person who filed such statement was Neal Willis.

NOW, THEREFORE, BE IT RESOLVED by the City of Muscle Shoals Council of the City of Muscle Shoals that Neal Willis be and he is hereby declared duly elected to the office of Council Member Place Number 2 commencing on the first Monday in October, 2004, and

BE IT FURTHER RESOLVED, that the Mayor of the City of Muscle Shoals be and he hereby is directed to issue a certificate of election to Neal Willis for the office of Council Member Place Number 2, City of Muscle Shoals, Alabama for such term pursuant to the provisions of Section 11-46-25, as amended.

Council Member Bradford seconded 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 Yarber, Council Member Holland,
Council Member Noles, Mayor Bradford

NAYS: None Abstaining was Council Member Willis.

Mayor Bradford thereupon declared said motion carried and the resolution approved.

Mayor Bradford announced that the next item of business was adoption of a resolution declaring James E. Holland duly elected to the office of Council Member Place Number 4 commencing on the first Monday of October, 2004.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2056 -04

WHEREAS, Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the Alabama Code of 1975 prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, and

WHEREAS, Section 11-46-26 of the Alabama Code of 1975, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, at the time the deadline for qualifications has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Muscle Shoals, Alabama has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of Council Member Place Number 4 prior to the deadline and that the name of that person who filed such statement was James E. Holland.

NOW, THEREFORE, BE IT RESOLVED by the City of Muscle Shoals Council of the City of Muscle Shoals that James E. Holland be and he is hereby declared duly elected to the office of Council Member Place Number 4 commencing on the first Monday in October, 2004, and

BE IT FURTHER RESOLVED, that the Mayor of the City of Muscle Shoals be and he hereby is directed to issue a certificate of election to James E. Holland for the office of Council Member Place Number 4, City of Muscle Shoals, Alabama for such term pursuant to the provisions of Section 11-46-25, as amended.

Council Member Bradford seconded 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 Noles, Mayor Bradford

NAYS: None Abstaining was Council Member Holland.

Mayor Bradford thereupon declared said motion carried and the resolution approved.

Mayor Bradford announced that the next item of business was adoption of a resolution declaring Allen Noles duly elected to the office of Council Member Place Number 5 commencing on the first Monday of October, 2004.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2057 -04

WHEREAS, Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the Alabama Code of 1975 prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, and

WHEREAS, Section 11-46-26 of the Alabama Code of 1975, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, at the time the deadline for qualifications has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Muscle Shoals, Alabama has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of Council Member Place Number 5 prior to the deadline and that the name of that person who filed such statement was Allen Noles.

NOW, THEREFORE, BE IT RESOLVED by the City of Muscle Shoals Council of the City of Muscle Shoals that Allen Noles be and he is hereby declared duly elected to the office of Council Member Place Number 5 commencing on the first Monday in October, 2004, and

BE IT FURTHER RESOLVED, that the Mayor of the City of Muscle Shoals be and he hereby is directed to issue a certificate of election to Allen Noles for the office of Council Member Place Number 5, City of Muscle Shoals, Alabama for such term pursuant to the provisions of Section 11-46-25, as amended.

Council Member Bradford seconded 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, Mayor Bradford

NAYS: None Abstaining was Council Member Noles.

Mayor Bradford thereupon declared said motion carried and the resolution approved.

At this time Mayor Bradford relinquished the role of presiding officer to President Pro Tempore James Holland to consider the adoption of a resolution declaring David Bradford duly elected to the office of Mayor commencing on the first Monday of October, 2004.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 2058 -04

WHEREAS, Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government, and

WHEREAS, Section 11-46-43 of the Alabama Code of 1975 prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, and

WHEREAS, Section 11-46-26 of the Alabama Code of 1975, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the Alabama Code of 1975, as amended, at the time the deadline for qualifications has passed, then such person shall, for all purposes, be deemed elected to such office, and the Mayor shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested

by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person, and

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person, and

WHEREAS, the Mayor of the City of Muscle Shoals, Alabama has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of Mayor prior to the deadline and that the name of that person who filed such statement was David H. Bradford.

NOW, THEREFORE, BE IT RESOLVED by the City of Muscle Shoals Council of the City of Muscle Shoals that David H. Bradford be and he is hereby declared duly elected to the office of Mayor of the City of Muscle Shoals, Alabama commencing on the first Monday in October, 2004, and

BE IT FURTHER RESOLVED, that the Mayor pro tempore of the City Council of the City of Muscle Shoals be and he hereby is directed to issue a certificate of election to David H. Bradford for the office of Mayor of the City of Muscle Shoals, Alabama for such term pursuant to the provisions of Section 11-46-25, as amended.

Council Member Bradford seconded 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

NAYS: None Abstaining was Mayor Bradford.

President Pro Tempore Holland thereupon declared said motion carried and the resolution 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