

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
May 24, 2010**

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:20 p.m. on the 24<sup>th</sup> day of May, 2010 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 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, ALLEN NOLES, DAVID H. BRADFORD  
ABSENT:    NONE

Richard Williams, City Clerk, 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.

Mayor Bradford read aloud a proclamation declaring May 24<sup>th</sup>, 2010 as “Herbert & Mozell Kilgore Day” to honor their fifty years of retail business in the City. The Kilgores’ were present to receive the proclamation.

Mayor Bradford presented a Certificate of Commendations to the Muscle Shoals Boys tennis team members and coaches for individual and team awards won at the 5A State Tennis Championships on April 27<sup>th</sup> in Mobile.

Upon motion duly made by Council Member Holland seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of May 3, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was approval of job descriptions and rates of pay for positions in Municipal Court.

City Clerk Ricky Williams presented a revised job description for the Court Clerk/Magistrate and a new job description for a Magistrate position. He asked for approval of the job descriptions and hourly pay rates of Court Clerk/Magistrate (\$18.29) and Magistrate (\$17.29). These rates of pay will not require any new funds be approved.

Council Member Willis moved that the job descriptions and rates of pay for the positions be approved as presented. 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 job descriptions and rates of pay had been approved.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Lounge Liquor Class II (Package) to Victoria Rai Inc. dba Victor Package Store, 1013 Woodward Avenue.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and 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 Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the license had been approved.

Mayor Bradford announced that the next item of business was approval of amendments to the 2009 - 2010 General Fund Budget.

Council Member Noles introduced the following amended budget in writing:

Council Member Noles moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget amendments, which motion was seconded by Council Member Grissom and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Noles then moved that the said General Fund Budget amendments be finally adopted, which motion was seconded by Council Member Grissom 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 Pampinto, Council Member Willis, Council Member Grissom, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the General Fund Budget approved.

Mayor Bradford announced that the next item of business was consideration of an ordinance to annex properties owned by Robert and Louise McDowell and located at 4211 South Wilson Dam Road.

Council Member Grissom introduced the following ordinance which was presented and read in the meeting:

**STATE OF ALABAMA**  
**COLBERT COUNTY**

**PETITION FOR UNANIMOUS CONSENT TO ANNEXATION**

**TO THE CITY OF MUSCLE SHOALS, ALABAMA:**

The undersigned, **ROBERT P. McDOWELL** and **LOUISE G. McDOWELL**, do hereby execute and file with the City Clerk this petition in writing requesting that the property hereinafter described be annexed to the City of Muscle Shoals, Alabama, under and by authority of § 11-42-20 through § 11-42-24, *Code of Alabama, 1975*, said property being more particularly described as follows, to wit:

A parcel of land containing 10 acres, more or less, situated in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the Southwest corner of said Section 7, Township 4 South, Range 10 West, run thence North a distance of 854.0 feet to a point on the West line of said Section 7; thence East along the centerline of a 24 foot road a distance of 385.24 feet to the point of beginning; thence, North a distance of 466.0 feet to a point on the North

line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 7; thence, East a distance of 934.76 feet along the North line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7 to the Northeast corner; thence South a distance of 466.0 feet along the East line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7 to the centerline of a 24 foot road; thence, West a distance of 934.76 feet along the centerline of a 24 foot road to the point of beginning. LESS AND EXCEPT THEREFROM the following: Begin at a point on the North line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 7, 551.0 feet East of the Northwest corner of said Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence South 5 degrees 0 minutes East, a distance of 80.0 feet to the point of beginning; thence East a distance of 125.0 feet; thence South 5 degrees 0 minutes East a distance of 125.0 feet; thence West a distance of 125.0 feet; thence North 5 degrees 0 minutes West a distance of 125.0 feet to the point of beginning, containing 0.36 of an acre with all appurtenances.

SUBJECT to the Alabama Power Company right-of-way recorded at Bk. 24, Page 444, in the Office of the Probate of Colbert County, Alabama, and to the public road the centerline of which is the South line of subject property.

Also, Less and Except therefrom that portion of the above described property acquired by the State of Alabama, being 0.057 acres, more or less, as described in that certain deed recorded in Fiche 2008 at Page 256 in the Office of the Judge of Probate of Colbert County, Alabama.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-07-3-001.005 in the records of the Revenue Commissioner of Colbert County, Alabama.

The undersigned represent unto the governing body of the City of Muscle Shoals, Alabama as follows:

1. The undersigned constitute all of the owners of the herein described real property, said property being located and contained within an area contiguous to the corporate limits of the City of Muscle Shoals, Alabama.

2. The property sought to be annexed to the City of Muscle Shoals and as described herein does not lie within the corporate limits of any other municipality as required by § 11-42-21 of the *Code of Alabama, 1975*.

3. Attached hereto as Exhibit A and made a part hereof is a map of the property sought to be annexed for purposes of showing its relationship to the corporate limits of the City of Muscle Shoals, Alabama.

**NOW, THEREFORE**, the undersigned petition the governing body of the City of Muscle Shoals, Alabama to annex the property described herein to the said municipality and request that the governing body of the City of Muscle Shoals, Alabama propose, consider and adopt an Ordinance assenting to the annexation of the property described herein; that the corporate limits of the said municipality be extended and rearranged so as to embrace and include the property described herein; that such property described herein shall become and be a part of the City of Muscle Shoals, Alabama upon adoption of said Ordinance and publication thereof or as otherwise provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this the 10<sup>th</sup> day of May 2010.

S/ Robert P. McDowell L.S.  
**ROBERT P. McDOWELL**

**STATE OF ALABAMA**  
**COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **Robert P. McDowell** whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10<sup>th</sup> day of March 2008.

S/ Kathi Riley  
Notary Public  
My Commission expires: 08/28/11

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this 10<sup>th</sup> day of May 2010.

S/ Louise G. McDowell L.S.  
**LOUISE G. McDOWELL**

**STATE OF ALABAMA**  
**COLBERT COUNTY**

I, the undersigned authority, a Notary Public in and for said county, in said state, hereby certify that **LOUISE G. McDOWELL**, whose name is signed to the foregoing and who is known to me, acknowledged before me on this day that being informed of the contents of the foregoing, that she signed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 10<sup>th</sup> day of May 2010.

S/ Kathi Riley  
Notary Public  
My Commission expires: 8/28/11

**ORDINANCE NO. 1425 - 10**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA AS FOLLOWS:**

Section 1. The City Council of the City of Muscle Shoals, Alabama, as the legislative body of the City, does hereby find and declare that it is in the best interests of the citizens of the City and the citizens in the affected area to bring the territory described herein in Section 2 of this Ordinance into the City of Muscle Shoals, Alabama.

Section 2. The boundary lines of the City of Muscle Shoals, Alabama, be, and the same are hereby, altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Muscle Shoals, Alabama, and in addition thereto, the following described territory:

A parcel of land containing 10 acres, more or less, situated in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 4 South, Range 10 West, Colbert County, Alabama, more particularly described as follows: Commence at the Southwest corner of said Section 7, Township 4 South, Range 10 West, run thence North a distance of 854.0 feet to a point on the West line of said Section 7; thence East along the centerline of a 24 foot road a distance of 385.24 feet to the point of beginning; thence, North a distance of 466.0 feet to a point on the North line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 7; thence, East a distance of 934.76 feet along the North line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7 to the Northeast corner; thence South a distance of 466.0 feet along the East line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7 to the centerline of a 24 foot road; thence, West a distance of 934.76 feet along the centerline of a 24 foot road to the point of beginning. LESS AND EXCEPT THEREFROM the following: Begin at a point on the North line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 7, 551.0 feet East of the Northwest corner of said Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence South 5 degrees 0 minutes East, a distance of 80.0 feet to the point of beginning; thence East a distance of 125.0 feet; thence South 5 degrees 0 minutes East a distance of 125.0 feet; thence West a distance of 125.0 feet; thence North 5 degrees 0 minutes West a distance of 125.0 feet to the point of beginning, containing 0.36 of an acre with all appurtenances.

SUBJECT to the Alabama Power Company right-of-way recorded at Bk. 24, Page 444, in the Office of the Probate of Colbert County, Alabama, and to the public road the centerline of which is the South line of subject property.

Also, Less and Except therefrom that portion of the above described property acquired by the State of Alabama, being 0.057 acres, more or less, as described in that certain deed recorded in Fiche 2008 at Page 256 in the Office of the Judge of Probate of Colbert County, Alabama.

For purposes of further identification, the tract described herein is further described as Parcel # 20-12-03-07-3-001.005 in the records of the Revenue Commissioner of Colbert County, Alabama.

Section 3. This Ordinance shall be published as provided by law and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Colbert County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of the City of Muscle Shoals, Alabama upon publication of this Ordinance as provided for and set forth in Section 3 of this Ordinance.

Council Member Grissom moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Pampinto and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom, 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 Grissom then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, which motion was seconded by Council Member Pampinto 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 Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance passed and adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of an ordinance to establish polling places for future municipal elections.

Council Member Pampinto introduced the following ordinance which was presented and read in the meeting:

**ORDINANCE NUMBER 1426 - 10**  
**AN ORDINANCE ESTABLISHING THE LOCATION OF POLLING PLACES FOR**  
**MUNICIPAL ELECTIONS HELD WITHIN THE CITY OF**  
**MUSCLE SHOALS, ALABAMA**

**WHEREAS**, municipal elections will be held in 2012 and thereafter and it is necessary and expedient to set forth the location of polling places for said elections scheduled for 2012 and thereafter;

**WHEREAS**, special municipal elections may be required before the regularly scheduled elections to be held in 2012 and it is necessary and expedient to set forth the location of polling places for any special or unanticipated municipal elections that may be required subsequent to the effective date of this Ordinance;

**WHEREAS**, an increase in the number of voters has made it necessary to add an additional polling location in order to provide for the convenience and ease of citizens wishing to cast ballots in the municipal elections to be held in 2012 and thereafter;

**WHEREAS**, the county officials have made certain changes in the polling places for the elections for state and county offices to be held in 2010 and the changes of polling places set forth herein coincide with changes made for said elections;

**WHEREAS**, the Council finds that it would be more convenient for the voting public that the locations for the polling places for all municipal elections held hereafter be at the same locations as for the elections for state and county officials to be held in 2010;

**WHEREAS**, the Council finds that the change in location of the polling places will not inconvenience the voting public in that the new locations are nearby the existing locations and further the new locations provide better and more convenient access to the polling places, both in parking facilities and in the size of the voting areas;

**WHEREAS**, the polling locations set forth in this paragraph are the same polling locations as used in prior municipal elections: First Southern Baptist Church; Woodward

Avenue Baptist Church; United Association of Plumbing & Pipefitting Industry Pavilion; and Grace Life Church;

**WHEREAS**, the polling locations set forth in this paragraph are new polling locations to be used in the municipal elections to be held in 2012 and thereafter; Muscle Shoals City Hall and Gattman Park Recreation Center;

**NOW, BE IT HEREBY ORDAINED** by the City Council of the City of Muscle Shoals, Alabama for the municipal elections to be held on August 28, 2012; for any municipal elections held thereafter; and for any special municipal elections necessary and required to be held subsequent to the effective date of this Ordinance, the City Council does hereby authorize and provide for the following polling locations, all of which are located within the corporate limits of the City of Muscle Shoals, Alabama:

- 17-1 First Southern Baptist Church  
3806 South Wilson Dam Road
- 17-2 Gattman Park Recreation Center  
1000 Gattman Park Drive
- 17-3 Woodward Avenue Baptist Church  
801 Woodward Avenue
- 17-4 United Association of Plumbing & Pipefitting Industry Pavilion  
2807 East Avalon Avenue
- 17-5 Grace Life Church  
1913 East Avalon Avenue
- 17-6 Muscle Shoals City Hall  
2010 East Avalon Avenue

**BE IT FURTHER ORDAINED**, this Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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 Pampinto, Council Member Willis, Council Member Grissom,  
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 Pampinto then moved that the said ordinance be finally adopted and spread upon the minutes of the meeting, 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 Pampinto, Council Member Willis, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance passed and adopted as introduced.



Mayor Bradford announced that the next item of business was consideration of a resolution to establish a bank account for the municipal court cash bond funds.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 2436 -10**

**WHEREAS**, Rule 43 of the Alabama Rules of Judicial Administration establishes minimum accounting requirements for municipal courts, and

**WHEREAS**, Rule 43 of the Alabama Rules of Judicial Administration was enacted to enhance office operations, improve record maintenance and decrease audit problems for municipal courts, and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that there is hereby established the Cash Bond Fund, a special revenue fund, to account for funds (exclusive of funds earmarked for the Corrections Fund and Municipal Court Fund) received from court operations, and

**BE IT FURTHER RESOLVED** by the City Council that the City Clerk/Treasurer is authorized to establish with First Metro Bank a checking account for the maintenance of these funds, and

**BE IT FURTHER RESOLVED** by the City Council that the Mayor or the Mayor Pro-tem and the City Clerk or Assistant City Clerk be authorized to signs checks for this account.

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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.

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the North Alabama Gas District Board .

Mayor Bradford called for a vote on the candidates for appointment and a roll call vote was had and the vote recorded as follows:

Council Member Pampinto: Troy Woodis

Council Member Willis: Troy Woodis

Council Member Grissom: Troy Woodis

Council Member Holland: Troy Woodis

Council Member Noles: Troy Woodis

Mayor Bradford: Troy Woodis

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2437 - 10**

**WHEREAS**, the term of a member of the North Alabama Gas District Board has expired and the City Council being desirous of making the necessary appointment to said board within the City;

**WHEREAS**, notice was given to the public of said pending vacancy and applications solicited for members to said board;

**WHEREAS**, the following individual made proper application and met the requirements for appointment, is eligible for appointment to fill the pending vacancy:

Dennie Robinson                      Lane Roland                      Troy Woodis

**WHEREAS**, Troy Woodis was determined to have received the best overall ranking on the City Council evaluations, and

**WHEREAS**, a roll call vote was had by the Mayor and City Council as follows:

Council Member Pampinto: Troy Woodis  
Council Member Willis: Troy Woodis  
Council Member Grissom: Troy Woodis  
Council Member Holland: Troy Woodis  
Council Member Noles: Troy Woodis  
Mayor Bradford: Troy Woodis

**WHEREAS**, Mayor Bradford announced that Troy Woodis had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve as set forth herein:

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Troy Woodis	North Alabama Gas District	May 2016

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

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.

Mayor Bradford announced that the next item of business was consideration of a resolution to sell surplus dirt.

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 2438 - 10**

**WHEREAS**, the City Council has been informed that it has a surplus of dirt that is currently stockpiled on City property and that said quantity of dirt is in greater amounts than necessary to meet the needs of the City for its current or anticipated future use; and

**WHEREAS**, the City Council has caused the value of the dirt to be ascertained and is informed that a fair price for the surplus dirt is \$0.50 per cubic yard; and

**WHEREAS**, the City Council has received a proposal to purchase surplus dirt from the City and has determined that it is in the best interest of the City to dispose of the excess dirt; and

**WHEREAS**, the City Council is desirous of doing so and that the excess dirt shall be sold in its "as is, where is", condition and location to Keenum Excavation and Construction Inc. in such quantity as may be purchased by said Keenum Excavation and Construction Inc. so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City's engineer for future or anticipated projects; and

**WHEREAS**, the City Council is informed that there is no current need of the surplus dirt for future or anticipated projects at this time;

**WHEREAS**, the City Council has determined that the City has no current or anticipated use for said dirt and that the removal of the dirt from the current stockpile is not detrimental to the City's interests and the receipt of the funds for the purchase of the said surplus dirt is beneficial to the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the sale of the surplus dirt currently stockpiled by the City is hereby approved. The price of the surplus dirt shall be \$0.50 per cubic yard and shall be calculated per cubic yard of dirt removed from the City's stockpile. The terms of the sale shall include that the City shall not transport or deliver the dirt but shall require the purchaser to accept the dirt in its "as is, where is" condition. The loading of the dirt shall be accomplished by the purchaser at their expense with equipment and vehicles provided by the purchaser. Further terms shall include that the quantity of dirt obtained by the Purchaser shall be limited to the quantity as may be purchased by said Keenum Excavation and Construction Inc. so long as the quantities purchased does not deplete the supply of dirt owned by the City below the quantity that may be needed by the City as determined by the City's engineer for future or anticipated projects. The City shall require payment of the surplus dirt based upon the calculation of the quantity of dirt removed from the City's stockpile and said payment shall be due upon presentment of the invoice for the surplus dirt.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to enter into an agreement for the sale of said surplus dirt in a manner consistent with the terms of this Resolution.

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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 consideration of a resolution to declare property in the Public Works Department surplus and authorize its sale .

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

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2439 - 10**

**WHEREAS**, the City Council has been informed by the Procurement Agent that certain items of property as shown and described are no longer used in the performance of city business and are no longer required for use by the City; and

**WHEREAS**, the City Council is informed that the said items of property have been replaced and are no longer in service in the performance of city business; and

**WHEREAS**, the City Council has determined that the said items of property are surplus property and the City has no further use for said items of property due to their age and condition and it is not economical for the City to retool or refit the said items of property in order that they be able to be placed in service in the performance of city business; now

**THEREFORE, BE IT RESOLVED** the City Council of the City of Muscle Shoals, Alabama does hereby determine that the following items of property be declared surplus property and be disposed of by the Procurement Agent of the City by listing for sale said items on the GovDeals website, and in the event of an unsuccessful sale, 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 items of property; and the Council does hereby authorize the Procurement Agent of the City to dispose of said items of property in such manner, and

The Council states that the following items of property are surplus property:

1987 Mack Truck with Boom Loader (VIN: 1M2P129C1HA011921)

2004 Craftco Crack Sealer SS125DL (Serial #: 3S2XL015YNA)

1985 Ford 4x4 F250 Flatbed (VIN: 1FTEF26H9FK813486)

Magic Chef Gas Range

Council Member Grissom 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 appointment of an individual to a supernumerary position on the Zoning Board of Adjustment.

Council Member Grissom nominated Dale Nesbitt for appointment. There being no further nominations, Mayor Bradford declared the nominations closed.

Council Member Grissom moved that Dale Nesbitt be appointed to a term expiring in December, 2012. 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 appointment 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