

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
June 7, 2010**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:25 p.m. on the 7th day of June, 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 Robert Evans. 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, DAVID H. BRADFORD
ABSENT: ALLEN NOLES

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.

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 24, 2010 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to establish "Limitation of Use" on the Gattman Park Splashpad property in accordance with federal funding requirements.

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 2440 -10

**A RESOLUTION APPROVING AND PROVIDING FOR THE EXECUTION
AND DELIVERY OF AN INSTRUMENT INCORPORATING "NOTICE OF
LIMITATION OF USE" IN AND TO CERTAIN PROPERTY OF
THE CITY OF MUSCLE SHOALS, ALABAMA**

WHEREAS, the City is the owner of property which was acquired and/or developed with federal financial assistance provided by the National Park Services of the U.S. Department of the Interior; and

WHEREAS, the City developed said property for the purposes of providing recreational activities for its citizens; and

WHEREAS, the City has been informed and notified that the property must be made subject to certain limitations of use in order to comply with the requirements for obtaining the federal financial assistance; and

WHEREAS, the City has been requested to adopt and make a part of the City's deed to the property certain limitations on the use of the property, same being as follows, to wit:

“NOTICE OF LIMITATION OF USE”

The property identified in this deed has been acquired and/or developed with federal financial assistance provided by the National Park Service of the U S. Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the interior. By Law, the Secretary shall approve such conversion only if he finds it to be in accord with then existing Statewide Comprehensive Outdoor Recreation Plan and only upon such conditions, as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

WHEREAS, the City Council has caused the instrument to be reviewed and examined and has determined that the terms and conditions of the Notice of Limitation of Use do not materially or adversely affect the rights of the City to the anticipated and expected use of the property; and

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby accept the terms and conditions contained in the Notice of Limitation of Use and does authorize the necessary instruments to be executed to incorporate said Notice of Limitation of Use in and to the subject property of the City as herein described, same being more particularly described as follows:

A tract of land lying in the N 1/2 of **Section 2, Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the NW corner of said Section 2; thence Southerly 1741 feet; thence S 89 degrees 25' 00" E 2064.50 feet (deed calls) to an existing iron pin at the NW corner of the City Board of Education of the City of Muscle Shoals, Alabama property (Deed Book 266 - Pages 641-643) said point lying on the southwardly right of way of Dearborn Avenue (100 foot right of way); thence S 89 degrees 25' 00" E and along said right of way 1121.56 feet to an existing 2 inch iron pipe; thence leaving said right of way S 00 degrees 03' 08" E 446.47 feet to an existing iron pin (1 1/4" inch pipe); continue thence S 00 degrees 03' 08" E 166.57 feet to the point of beginning; continue thence S 00 degrees 03' 08" E 286.62 feet to an existing iron pin (1" crimp top); thence N 89 degrees 25' 38" W 215.70 feet; thence N 04

degrees 29' 33" W 268.04 feet; thence N 85 degrees 49' 39" F 237.05 feet to the point of beginning. Said tract contains **1.44** acres, more or less, and is subject to any easements of record or easements existing on site.

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby authorize and direct David H. Bradford as Mayor of the City of Muscle Shoals for and on behalf of the City, to execute the necessary and required instrument that incorporates the Notice of Limitation of Use in and to and make same a part of the deed to the subject property herein described.

BE IT FURTHER RESOLVED that the Clerk of the City shall cause the instrument referred to and authorized herein to be filed of record in the Office of the Judge of Probate of Colbert County, Alabama.

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 Notice of Limitation of Use 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 the Alabama Department of Economic and Community Affairs, along with a copy of the recorded instrument and furthermore shall retain a copy to be kept on file by the said Clerk.

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 consideration of a resolution to declare certain equipment surplus and authorize its sale.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2441 - 10

WHEREAS, the City Council has been informed by the Procurement Agent that certain items of property as shown and described on Exhibit A attached hereto 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:

EXHIBIT "A"

DEPARTMENT	DESCRIPTION	QUANTITY
PARKS/RECREATION	1990 Ford F150 XLT Lariat	
	Dayton Exhaust Fans, 48 inches	2
FIRE	John Deere F935 mower with 72" deck	
	John Deere XL173 with 38" deck (tractor style mower)	
	Bookcase (large metal type)	
POLICE	Legal Filing Cabinets	2
	Standard Filing Cabinets	5
	Cages for Crown Vic	2
	Computer Server	2
	Computer	3
	Notebook computers	2
	Motorola mobile radio	3

	Sony camcorder	
	RCA camcorder with stand	
	Siren light control box	
	2000 Ford Crown Victoria Sedan	2
	2001 Ford Crown Victoria Sedan	
	1987 Toyota Truck	
	1994 Dodge Ram Van	
	Mobile Vision video surveillance system	3
CITY CLERK	Computer monitor	2
	Computer keyboards	3
	Miscellaneous computer cables	
	Computer printers (deskjet & laserjet)	3
	Computer tower	1
	Printers (dot-matrix type)	3
	HP laserjet print cartridge 96A	
	Canon 6012 copier (small desktop)	
	Barcode scanner	
	Postage scales	2
	File folder hangers	
	Duplo (duplicating machine-does not work) with extra ink cylinder (red)	
SENIOR CENTER	Large assortment of ceramic molds	

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 Resolution 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

MAYOR

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK