

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 10, 2012**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:45 p.m. on the 10th day of September, 2012 being the 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

David H. 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Mayor Bradford read aloud a proclamation declaring September 19, 2012 as “No Text on Board - Pledge Day” in the City.

At this time, James Johnson who operates Cut & Style Barbershop at 104 E. 2nd Street appeared before the Council and was recognized.

Upon motion duly made by Council Member Holland seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 20, 2012 and the continued meeting of September 4, 2012 and approved the minutes as written.

Mayor Bradford announced that the next item of business was to set a public hearing for a restaurant retail liquor license for Shoals Capital LLC dba The Wing Shack, 1709 Woodward Avenue. Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 1st day of October, 2012, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama. Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 1st day of October, 2012, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

ORDINANCE NO. _____
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 area is hereby eliminated from the B-1 District in which it is now situated, and is hereby incorporated in and made a part of the B-2 District, to wit:

Lots 844, 845 & North 12.64 of Lot 846 in Barry's Business Center A & portion of Lot R & Vacated Worthington Avenue 104.64 x 108. Colbert County Tax Parcel ID 07-07-36-3-002-072.000

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of Burroughs Avenue and an alleyway in Barry's Business Center, Block C.

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

STATE OF ALABAMA
COLBERT COUNTY

PETITION

WHEREAS, the undersigned, **VEAL'S CUSTOM HOMES, LLC**, an Alabama limited liability company, (hereinafter referred to as "Petitioner") is the owner of all of the lands and properties in said subdivision known as **BARRY'S BUSINESS CENTRE BLOCK C** abutting the streets, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said streets, or portions thereof.

WHEREAS, Petitioners state that the streets, or portions thereof, that Petitioners desire to vacate are located within and as a part of the subdivision designated as **BARRY'S BUSINESS CENTRE BLOCK C**, all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama.

WHEREAS, Petitioners state that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further, that said desired vacation shall not deprive the undersigned, or other property owners from convenient and reasonable means of ingress and egress to and from their property;

WHEREAS, Petitioners state that the streets, or portions thereof, desired to be vacated are not currently being used;

WHEREAS, Petitioners state that there are no public utilities situated or located on, over or through the streets, or portions thereof, desired to be vacated;

WHEREAS, Petitioners seek and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW THEREFORE, the undersigned Petitioners, being all of the owners of property in the subdivision known as **BARRY'S BUSINESS CENTRE BLOCK C**, abutting on the streets, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same do hereby declare the following streets, or portions thereof, to be vacated, to-wit:

The West part of Burroughs Avenue lying South of the South of Second Street, North of the North line of Florence Avenue, and between Lot 326 on the East and Lot 327, less and except the North 20' thereof, all of Lot J, Lots 337-335 on the West, all in **BARRY'S BUSINESS CENTRE BLOCK C**, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof, prepared by George F. Dowdy, C.E., and recorded in Map 2, Page 473, in the office of the Probate Judge of said county.

ALSO: That certain East-West alley shown as Lot J, in **BARRY'S BUSINESS CENTRE BLOCK C**, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof, prepared by George F. Dowdy, C.E., and recorded in Map 2, Page 473, in the office of the Probate Judge of said county.

IN WITNESS WHEREOF, Petitioners have caused this instrument to be executed this
2nd day of August, 2012.

VEAL'S CUSTOM HOMES, LLC
BY: s/ Ricky Veal
Ricky Veal, Authorized Member

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that RICKY VEAL, whose name as authorized member of Veal's Custom Homes, LLC, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such authorized member, and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and official seal this the ___ day of _____, 2012.

s/ Mae Hisey
NOTARY PUBLIC
My Commission Expires:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2570 - 12

WHEREAS, VEAL'S CUSTOM HOMES, LLC, an Alabama limited liability company, hereinafter referred to as Petitioners, are the owners of all of the lands and properties in said subdivision known as BARRY'S BUSINESS CENTRE BLOCK C, abutting the streets, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said streets, or portions thereof, has presented its signed Petition of vacation of a part of said streets to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval, and

WHEREAS, the property above referred to is more particularly described as follows:

The West part of Burroughs Avenue lying South of the South of Second Street, North of the North line of Florence Avenue, and between Lot 326 on the East and Lot 327, less and except the North 20' thereof, all of Lot J, Lots 337-335 on the West, all in BARRY'S BUSINESS CENTRE BLOCK C, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof, prepared by George F. Dowdy, C.E., and recorded in Map 2, Page 473, in the office of the Probate Judge of said county.

ALSO: That certain East-West alley shown as Lot J, in BARRY'S BUSINESS CENTRE BLOCK C, a subdivision in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the map and plat thereof, prepared by George F. Dowdy, C.E., and recorded in Map 2, Page 473, in the office of the Probate Judge of said county.

WHEREAS, the aforesaid Petitioners, as the owners of all property abutting the said portions of the streets to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks 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 alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys 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 streets and alleyways herein above described.

Council Member Grissom seconded the motion 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of amendments to the General Fund budget. Council Member Grissom introduced the following amendments and moved for their immediate consideration:

Council Member Willis seconded the motion and upon said motion being put to a roll call vote, a vote was had and the vote recorded as follows:

AYES: Council Member Pampinto, Council Member Willis, Council Member Grissom
Council Member Holland, 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 budget amendments be finally adopted, which motion was seconded by Council Member Willis 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, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the General Fund budget amendments had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to grant tax abatements to Firestone Building Products Company LLC.

Council Member Willis introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2571 -12

WHEREAS, this Resolution is made this 10th day of September 2012 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Firestone Building Products Company, LLC (the Company).

WHEREAS, the Company has announced plans for a major addition at its existing facility; that being, the transfer and installation of existing manufacturing machinery from a location outside the State of Alabama and the purchase and installation of new manufacturing machinery for new and expanding business at its existing facility located within the Shoals Commerce Park at 393 Denton Circle, Tuscumbia, Colbert County, Alabama, outside the city limits of Tuscumbia, Alabama, and within the police jurisdiction of Muscle Shoals, Alabama, (the Project) and within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**, as amended) (the Act), the Company has requested from the Granting Authority an abatement of all state and local noneducational personal property taxes and all construction-related transaction taxes, except those construction-related transaction taxes levied for educational purposes or for capital improvements for education and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated; and

WHEREAS, the Company has requested that the abatement of state and local noneducational personal property taxes be extended for a period of ten (10) years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed Application to Local Granting Authority for Abatement of Taxes, copy attached as Attachment One, filed with the Granting Authority by the Company in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's Application to Local Granting Authority for Abatement of Taxes to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project, copy attached as Attachment Two, pages 1 and 2, and to determine the economic benefits to the community; and

WHEREAS, the Project is a major addition that is projected to have an investment in manufacturing machinery of approximately \$34,667,620, which consists of transfer and installation of existing manufacturing machinery to the Company's facility in Colbert County, Alabama, \$21,667,620 (original cost of equipment), and the purchase and installation of new manufacturing machinery in the Colbert County, Alabama, facility, \$13,000,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama and has powers to enter into and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama, including particularly the provisions of the Act, to carry out provisions of the Tax Abatement Agreement;

NOW, THEREFORE, BE IT RESOLVED by The City Council of Muscle Shoals, Alabama, the Granting Authority, as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational personal property taxes and all construction-related transaction taxes, except those construction-related transaction taxes levied for educational purposes or for capital improvements for education, as the same may apply to the fullest extent permitted by the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**, as amended), and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated.

Section 2. The period of abatement for the noneducational personal property taxes shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(a)(12) of the Act, unless the company ceases operation for which these personal property tax abatements are granted. Should the company cease operation the abatements granted herein are considered null and void.

Section 3. The governing body of the Granting Authority is authorized to enter into a Tax Abatement Agreement with the Company to provide for the abatement granted in Section 1.

Section 4. A certified copy of this Resolution, with the application and Tax Abatement Agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

Section 5. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this Resolution.

Council Member Holland 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 contract with Rhoda P's Catering Services LLC for restaurant services for the Cypress Lakes Golf & Tennis facility.

Council Member Holland moved that the contract be approved as presented. 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 contract 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