

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
June 10, 2013**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall Auditorium in said City at 6:05 p.m. on the 10th day of June, 2013 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President Pro Tem of the Council. 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, MIKE LOCKHART,
ALLEN NOLES
ABSENT: JAMES HOLLAND

Allen Noles, President Pro Tem of the Council, 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.

Upon motion duly made by Council Member Pampinto 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 28, 2013 meeting and approved the minutes as written.

Mayor Bradford welcomed CBC INGS America Inc. to Muscle Shoals and the Shoals Research Airpark. CBC has announced the construction of a 120,000 square foot manufacturing facility which will employ 120.

President Pro Tem Noles announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Restaurant Retail Liquor License to Heath and Kelly Inc. dba Kels Family Restaurant, 902 River Road.

President Pro Tem Noles announced at a meeting to be held on the 1st day of July, 2013 at 6:00 p.m. at the City Hall in said city, 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.

President Pro Tem Noles 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 of the City of Muscle Shoals, Alabama. President Pro Tem Noles announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 1st day of July, 2013, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance 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 of the City of Muscle Shoals, is hereby amended as follows:

That the following permitted use is hereby included in a B-2 District, to wit:

Indoor shooting range

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.

President Pro Tem Noles announced that the next item of business was 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. The area being considered for zoning is located at Second Street and Firestone Avenue and is more particularly described as follows:

ORDINANCE NO. 1446 - 13
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 MH District in which it is now situated, and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at the Firestone Avenue and Florence Avenue, thence run west for a distance of 1133.12, thence run north 134.23 feet, thence run west for a distance of 100 feet, thence run north for a distance of 218.79, thence run east for a distance of 100 feet, thence run north a distance of 100 feet, thence run east for a distance of 16 feet, thence run south for a distance of 100 feet, thence run east for a distance of 115 feet, thence run north for a distance of 128 feet, thence run east for a distance of 1001.96, thence run south a distance of 555 feet. This tract of property is the existing Holiday Trailer Park.

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 10th day of June, 2013, at 6:00 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 President Pro Tem Noles announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Pro Tem Noles 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 Pampinto, Council Member Willis, Council Member Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced that the ordinance had been adopted.

President Pro Tem Noles announced that the next item of business was 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. The area being considered for zoning is located adjacent to the Brentwood Assisted Living Facility and is more particularly described as follows:

ORDINANCE NO. 1447 - 13
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-2A District in which it is now situated, and is hereby incorporated in and made a part of the RMF-1 District, to wit:

Begin at the centerline of Alabama Avenue & Jackson Avenue (vacated) proceed east for a distance of 250 feet and being the point of beginning, thence run north for a distance of 130 feet, thence run east a distance of 340 feet, thence run south for a distance of 130 feet, thence run west for a distance of 340 feet. This tract of property is located on the north side of Jackson Avenue (vacated) in Muscle Shoals Center #1 and being lots 546 thru 560.

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 10th day of June, 2013, at 6:00 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 President Pro Tem Noles announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Pro Tem Noles 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 Pampinto, Council Member Willis, Council Member Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced that the ordinance had been adopted.

President Pro Tem Noles announced that the next item of business was a public hearing to consider the vacation of a portion of Harrison Street and an alley in Second Street Terrace Addition No. 1 subdivision.

President Pro Tem Noles noted that proper notice of the date, time and place of said hearing had been given and the matter was before the Council.

President Pro Tem Noles stated that the Council would hear from those persons in support of the vacation as well as those opposed.

There being no one wishing to speak, President Pro Tem Noles stated that approval of the vacation was before the Council. Council Member Willis introduced the following resolution

and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

PETITION TO VACATE STREET AND ALLEY

KNOW ALL MEN BY THESE PRESENTS, that L & L Propane Gas Co., Inc., an Alabama Corporation, and WMW, L.L.C., an Alabama Limited Liability Company, being the owners of all the lands abutting upon the hereinafter described real property, do hereby petition the Muscle Shoals City Council to vacate the street and the alley which are part of Second Street Terrace Addition No. 1, a subdivision located in Colbert County, Alabama, and which is located within the subdivision and police jurisdiction of Muscle Shoals, the plat of which is recorded at Map Book 3, page 70 in the office of the Judge of Probate of said County, and which is more particularly described as follows:

DESCRIPTION OF STREET TO BE VACATED

That portion of Harrison Street, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the west side by the eastern boundary of Section Fourteen, on the east side by the western boundary of Section Fifteen, on the north side by the southern boundary line of Sixth Street, and on the south side by the northern boundary line of Seventh Street.

DESCRIPTION OF ALLEY TO BE VACATED

That certain alley, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the north side by the southern boundary lines of Lots 1 through 10 in Section Fourteen of said subdivision, on the south side by the northern boundary lines of Lots 11 and 38 also in Section Fourteen of said subdivision, on the west side by the eastern boundary of Van Buren Street, and on the east side by the western boundary of Harrison Street.

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, alleyways, 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 Colbert County, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

NOW, THEREFORE, we, the undersigned Petitioners, being all of the owners of property in the subdivision known as Second Street Terrace Addition No. 1, abutting on the streets, alleyways, or portions thereof, located in Second Street Terrace Addition No. 1, and desirous of vacating same do hereby petition the Muscle Shoals City Council to declare the following street, alleyways, or portions thereof, to be vacated, to-wit:

DESCRIPTION OF STREET TO BE VACATED

That portion of Harrison Street, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the west side by the eastern boundary of Section Fourteen, on the east side by the western boundary of Section Fifteen, on the north side by the southern boundary line of Sixth Street, and on the south side by the northern boundary line of Seventh Street.

DESCRIPTION OF ALLEY TO BE VACATED

That certain alley, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the north side by the southern boundary lines of Lots 1 through 10 in Section Fourteen of said subdivision, on the south side by the northern boundary lines of Lots 11 and 38 also in Section Fourteen of said subdivision, on the west side by the eastern boundary of Van Buren Street, and on the east side by the western boundary of Harrison Street.

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2619 - 13

WHEREAS, L & L Propane Gas Co., Inc., an Alabama Corporation, and WMW, L.L.C., an Alabama Limited Liability Company, have presented to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, their Petition to Vacate Street and Alley in writing, duly executed and acknowledged, setting forth that they are the owners of all of the lands abutting upon the hereinafter described street and alley and that they desire to vacate said street and alley;

WHEREAS, a public hearing on said vacation was held on the 10th day of June, 2013;

WHEREAS, the Petitioners published a proper notice of the public hearing for 4 consecutive weeks in the Colbert County Reporter, a newspaper of general circulation in Colbert County, Alabama;

WHEREAS, a copy of the notice of public hearing has been posted on the bulletin board

of the Muscle Shoals City Hall and a copy has been mailed to all abutting landowners (if any) and utilities or other entities (if any) that have facilities or equipment within the rights-of-way of the street and alley to be vacated;

WHEREAS, the City Council of the City of Muscle Shoals, after considering this matter, does assent to and approve the vacation thereof and the annulment of the dedication of said land to the use of the public.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, does hereby find that the vacation of the street and alley is in the best interest of the public, and that the street and alley described below, which are within the police jurisdiction and subdivision jurisdiction of Muscle Shoals, Colbert County, Alabama, be and the same are hereby vacated:

DESCRIPTION OF VACATED STREET

That portion of Harrison Street, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the west side by the eastern boundary of Section Fourteen, on the east side by the western boundary of Section Fifteen, on the north side by the southern boundary line of Sixth Street, and on the south side by the northern boundary line of Seventh Street.

DESCRIPTION OF VACATED ALLEY

That certain alley, located within the Second Street Terrace Addition No. 1 subdivision, the plat of which is recorded at Map Book 3, page 70 in the office of the Colbert County Judge of Probate, which is bounded on the north side by the southern boundary lines of Lots 1 through 10 in Section Fourteen of said subdivision, on the south side by the northern boundary lines of Lots 11 and 38 also in Section Fourteen of said subdivision, on the west side by the eastern boundary of Van Buren Street, and on the east side by the western boundary of Harrison Street.

BE IT FURTHER RESOLVED, that the City Council of the City of Muscle Shoals, Alabama, does hereby remise, release, and quitclaim to L & L Propane Gas Co., Inc., an Alabama Corporation, and WMW, L.L.C., an Alabama Limited Liability Company, whatever right, title and interest the said Colbert County Commission may have and does hereby declare that the vacation herein granted shall divest all public rights and liabilities, including any rights acquired by prescription, in the street and alley described above in favor of & L Propane Gas Co., Inc., an Alabama Corporation, and WMW, L.L.C., an Alabama Limited Liability Company, the abutting landowners, subject to the provisions of Alabama Code Section 23-4-2(b).

The above and foregoing resolution was read, adopted and approved on the 10th day of June, 2013, by the Muscle Shoals City Council.

Council Member Lockhart seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Pro Tem Noles announced that the resolution had been approved.

President Pro Tem Noles announced that the next item of business was consideration of an ordinance to sell property in the Shoals Research Airpark.

Council Member Lockhart introduced the following ordinance and moved for a suspension of the rules for its immediate consideration:

ORDINANCE NO. 1448 - 13

AN ORDINANCE APPROVING THE SALE OF REAL ESTATE OF THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City of Muscle Shoals, Alabama is one of the owners of a parcel of real estate known and designated as “SHOALS RESEARCH AIRPARK RE-PLAT”; and

WHEREAS, the purposes for acquiring said property by the City included the development of an industrial park for the inducement of the location of businesses and industry within the City; and

WHEREAS, the said property is not and has never been used for public purposes but has been held for sale to businesses and industries locating within the City; and

WHEREAS, the City has obtained an offer from the Shoals Industrial Development Committee (SIDC) to purchase the property and, upon the consummation of the transfer of title to said purchaser, the property will remain available for the purposes of location of businesses and industries locating within the City; and

WHEREAS, the said property is not needed by the City for the purpose for which it was acquired,; has not been available for public use; and is not needed for any future public use or municipal purpose

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama as follows:

The Council finds the property of the City of Muscle Shoals, Alabama, known and designated as “SHOALS RESEARCH AIRPARK RE-PLAT”, same being more particularly described herein, is not needed for public or municipal purposes.

The interest of the City of Muscle Shoals, Alabama in and to the hereinafter described real property known and designated as “SHOALS RESEARCH AIRPARK RE-PLAT”; shall be transferred unto SIDC and the Mayor, David H. Bradford, is hereby authorized to execute and deliver the deed of the City conveying all of the City’s right, title and interest in and to said property, subject to any exceptions, easements, restrictions or rights of way, unto SIDC for and in consideration of the sum of \$2,756,388.50.

Furthermore, the Mayor, David H. Bradford, is authorized to execute and deliver any other documents necessary and required to consummate the transaction.

The property subject to and covered by this action of the Council is more particularly described as follows, to wit:

Tracts 1 and 2, 7, 8 and 9 known and designated according to the map and survey of “SHOALS RESEARCH AIRPARK RE-PLAT” as recorded in Plat Book 2010 at Page 1, in the Office of the Judge of Probate of Colbert County, Alabama.

LESS AND EXCEPT a part of Tract 2 of Shoals Research Airpark Re-Plat as recorded in Plat Cabinet 2010, Slide No. 1 in the Probate Office Of Colbert County, Alabama located in Sections 5 & 6, T-4-S, R-10-W, and being more particularly described as follows: Begin at the Southwest corner of said tract at an iron pin found (capped PLS 13406) on the northern right of way of 6th street (Colbert County Road 24) (80' R.O.W.); thence N 00° 19' 46" W along the western line of said track for a distance of 1120.59 feet to an iron pin set (capped PLS 24022); thence S 66° 54' 20" E for a distance of 1330.15 feet to an iron pin set (capped PLS 24022); thence S 88° 20' 51" E for a distance of 479.20 feet to an iron pin found (capped PLS 13406); thence S 00° 56' 12" E for a distance of 401.03 feet to an iron pin found (capped PLS 13406); thence N 89° 09' 15" W for a distance of 129.42 feet to an iron pin found (capped PLS 13406); thence S 00° 52' 29" W for a distance of 209.97 feet to an iron pin found (capped PLS 13406) on the northern right of way of 6th street (Colbert County Road 24) (80' R.O.W.); thence along the northern R.O.W. of 6th street N 89° 19' 01" W for a distance of 187.92 feet to an iron pin set (PLS 24022); thence continue along said R.O.W., N 89° 17' 50" W for a distance of 831.24 feet to an iron pin found (capped PLS 13406); thence continue along said R.O.W., N 88° 47' 46" W for a distance of 551.09 feet to the point of beginning of the parcel of land hereby described; said parcel of land contains 30.57 acres more or less; and is subject to a portion of a 50.0 feet wide gas easement through described parcel as recorded in deed book 145, page 511; and a 40.0 feet wide grading, drainage and utility easement along the south side as shown on plat of shoals research airpark re-plat; and a 10 ft. private water easement along a portion of the southern line as shown on plat of shoals research airpark re-plat ; and any and all other easement or restrictions of record or unrecorded affecting said property.

ALSO LESS AND EXCEPT a part of Tract 8 of Shoals Research Airpark Re-Plat as recorded in plat cabinet 2010, Slide No. 1 in the Probate Office of Colbert County, Alabama, located in Section 5, T-4-S, R-10-W, and being more particularly described as follows: Commence at the Southeast corner of said Section 5 at a found cotton spindle; thence N 00° 37' 19" W along the eastern line of said Section for a distance of 40.01 feet to an iron pin found (capped PLS 13406) on the northern right of way of 6th Street (Colbert County Road 24) (80' R.O.W.); thence along the northern R.O.W. of 6th Street, N 88° 28' 13" W for a distance of 559.63 feet to an iron pin found (capped PLS 13406) at the southeast corner of Tract 8 of said plat at the point of beginning; thence continuing along the northern right of way of 6th Street, N 88° 31' 50" W for a distance of 100.15 feet to an iron pin found (1 in. Pipe); thence leaving said R.O.W., N 00° 44' 17" W for a distance of 620.69 feet to an iron pin found (1 in. Pipe); thence continuing N 00° 44' 17" W for a distance of 942.84 feet to an iron pin set (capped PLS 24022); thence S 88° 53' 12" E for a distance of 100.27 feet to a point on the eastern line of Tract 8 of said plat; thence along the eastern line of said Tract 8, S 00° 43' 58" E for a distance of 1564.15 feet to the point of beginning of the parcel of land hereby described; said parcel of land contains 3.60 acres more or less and

is subject to any and all other easements or restrictions of record or unrecorded affecting said property.

ALSO LESS AND EXCEPT a part of tract 9 of Shoals Research Airpark Re-Plat as recorded in Plat Cabinet 2010, Slide No. 1 in the Probate Office of Colbert County, Alabama, located in Section 5, T-4-S, R-10-W and being more particularly described as follows: Commence at the Southeast corner of said Section 5 at a found cotton spindle; thence N 00° 37' 19" W along the eastern line of said Section for a distance of 40.01 feet to an iron pin found (capped PLS 13406) on the northern right of way of 6th Street (Colbert County Road 24) (80' R.O.W.) at the point of beginning; thence along the northern right of way of 6th Street, N 88° 28' 13" W for a distance of 559.63 feet to an iron pin found (capped PLS 13406) at the Southwest corner of Tract 9 of said plat; thence leaving said R.O.W. and along the western line of Tract 9 of said plat, N 00° 43' 58" W for a distance of 1564.15 feet to a point; thence S 88° 53' 12" E for a distance of 249.12 feet to an iron pin found (capped PLS 13406); thence S 00° 39' 56" E for a distance of 279.26 feet to an iron pin found (capped PLS 13406); thence S 88° 53' 29" E for a distance of 312.13 feet to an iron pin found (capped PLS 13406) on the eastern line of said Section 5; thence along said section line, S 00° 40' 08" E for a distance of 1288.93 feet to the point of beginning of the parcel of land hereby described; said parcel of land contains 18.14 acres more or less and is subject to a 20' wide ingress / egress easement along the eastern line of the parcel and any and all other easements or restrictions of record or unrecorded affecting said property.

Council Member Pampinto seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced that the motion for immediate consideration had been approved. Council Member Lockhart moved that the Ordinance be approved as presented. Council Member Pampinto seconded the motion 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 Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced the vote and declared that the Ordinance was approved.

President Pro Tem Noles announced that the next item of business was consideration of a resolution to authorize the Mayor to execute a Project Development Agreement with CBC INGS AMERICA, Inc. for the construction of a manufacturing facility in the Shoals Research Airpark.

Council Member Pampinto introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2620-13

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PROJECT
DEVELOPMENT AGREEMENT WITH CBC INGS AMERICA, INC.
AND DELIVERY OF SAME**

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has entered into negotiations with Shoals Industrial Development Committee and CBC INGS AMERICA, INC., for a Project Development Agreement for the purposes of erecting a manufacturing plant; and

WHEREAS, the City and CBC INGS AMERICA, INC. have agreed upon terms and conditions contained in said Project Development Agreement and the Council has reviewed the same and has determined that the terms and conditions contained therein are as agreed upon by the City; and

WHEREAS, the City Council has reviewed the contents of an instrument styled Project Development 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 CBC INGS AMERICA, INC., and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said instrument and project and is desirous of authorizing the execution and delivery of other instruments and related documents in connection with the said Project Development 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 Project Development with CBC INGS AMERICA, INC., same providing for the purposes of the erection and operation of a manufacturing plant 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 Project Development Agreement and resulting project with CBC INGS AMERICA, INC. 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 CBC INGS AMERICA, INC. along with the executed instrument styled Project Development Agreement herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Willis seconded the motion and upon said motion being put to a vote all voted "AYE" and "NAYS" were none.

President Pro Tem Noles announced that the resolution had been approved.

President Pro Tem Noles announced that the next item of business was consideration of a resolution to grant tax abatements to CBC INGS AMERICA, INC. for construction of a manufacturing facility in the Shoals Research Airpark.

Council Member Willis introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2621 - 13

WHEREAS, this Resolution is made this 10th day of June 2013 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for CBC INGS AMERICA, INC., an Alabama corporation (the “Company”), and

WHEREAS, the Company has announced plans for the construction of an approximate 120,000-square-foot manufacturing facility on an approximate 13-acre site, and the purchase and installation of new manufacturing machinery and other personal property for new business (the Project), located within the Shoals Research Airpark, 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 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 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, 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, and to determine the economic benefits to the community; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama and has power 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 (the “Council”) of the City of Muscle Shoals, Alabama, (the “City”), as follows:

Section 1. The Council does hereby find, declare and ascertain as follows: that CBC INGS AMERICA, INC., an Alabama corporation (the “Company”), is considering the

construction, acquisition, installation, and equipping of a new manufacturing facility in the Shoals Research Airpark in the City (the "Project"); that the Project would promote trade and commerce in the State of Alabama, and in the City and surrounding areas; that in order to induce the Company to construct, acquire, install, and equip the Project, it is desirable and appropriate for the Council, in its sole discretion, to offer (i) to abate certain state, county, and city sales, use, ad valorem, and mortgage and recording taxes with respect to the Project; and (ii) to offer to sell and issue the City's long-term revenue bonds for the purpose of providing for the permanent financing of the costs of constructing, acquiring, installing, and equipping the Project; that the Company has made an application for abatement of ad valorem taxes, sales and use taxes, and mortgage and recording taxes on the Project, pursuant to Chapter 9B of Title 40 of the Code of Alabama (1975), as amended (herein called the "Tax Abatement Act"), as provided in the "Application to Local Granting Authority for Abatement of Taxes" presented to the meeting at which this resolution is adopted (such application is attached hereto as Exhibit A and made a part of this resolution as if fully and completely set forth herein); and that in order further to induce the Company to move forward with the Project, it is desirable and appropriate for the Council to grant said tax abatements.

Section 2. Pursuant to the provisions of the Tax Abatement Act, the Council hereby grants to the Company abatements of Noneducational Ad Valorem Taxes, Construction Related Transaction Taxes, and Mortgage and Recording Taxes associated with the Project to the fullest extent allowed under the Tax Abatement Act and Alabama Act No. 2007-351. The terms "Noneducational Ad Valorem Taxes," "Construction Related Transaction Taxes," and "Mortgage and Recording Taxes" shall have the same meaning herein as in the Tax Abatement Act.

Section 3. In order to further induce the Company to construct, acquire, install, and equip the Project in the City, the Mayor is hereby authorized to execute and deliver, for and in the name of and on behalf of the City, a so-called "Tax Abatement Agreement," granting the tax abatements specified therein, between the City and the Company in substantially the form presented to the meeting at which this resolution is adopted (which form is attached hereto as Exhibit B and made a part of this resolution as if fully and completely set forth herein) with such changes, not inconsistent with the provisions hereof, as the Mayor or the Council shall determine to be necessary or appropriate in order to consummate the transactions authorized by this resolution, and the City Clerk is hereby authorized to affix the seal of the City to said Tax Abatement Agreement and to attest to the same.

Section 4. General Authorization. The Mayor and the City Clerk are hereby further authorized and directed to execute, deliver, seal, and attest such other ancillary documents and certificates as may be necessary to effect the transaction authorized by this resolution, and their signatures thereon shall be conclusive evidence of the due exercise of this authority.

Section 5. Severability Provisions. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

Council Member Lockhart seconded the motion and upon said motion being put to a vote the following vote was recorded:

AYES: Council Member Pampinto, Council Member Willis, Council Member Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced that the motion for immediate consideration had been approved. Council Member Willis moved that the Resolution be approved as presented. Council Member Lockhart seconded the motion 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 Lockhart
Council Member Noles

NAYS: None

President Pro Tem Noles announced the vote and declared that the Resolution was approved.

President Pro Tem Noles announced that the Council work session on Monday, June 17, 2013 will begin at 4:30 pm in the City Hall conference room for the purpose of interviewing applicants for appointment to the Civil Service Board. He also announced that the Council committee on Public Works would meet at 5:00 pm to discuss issues relative to their operations. The regular Council work session will convene at 5:30 pm.

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

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK

