

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 15, 2014**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:30 p.m. on the 15th day of September, 2014 being the scheduled time and approved place for said meeting. The meeting was called to order by James Holland, President 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
 JAMES HOLLAND, ALLEN NOLES
ABSENT: NONE

James Holland, President 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. Elaine Coan, Assistant 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 September 2, 2014 and approved the minutes as written.

President Holland announced that the next item of business was consideration of a resolution to award a bid for sidewalk ramp improvements under ALDOT project #STPTE-TE13(901).

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

RESOLUTION NUMBER 2706-14

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that;
WHEREAS, the City Engineer did send out advertisements for bids for construction of ADA Sidewalk Ramp Improvements (ALDOT Project No.: STPTE-TE13(901)), the bid opening being held September 2, 2014 at the City Hall of the City of Muscle Shoals, Alabama; and
WHEREAS, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

	NORTH ALABAMA PAVING, INC.	WALLACE BACKHOE SERVICE	JOE KEENUM EXCAVATION & CONSTRUCTION, INC.
TOTAL BID	\$66,250.00	\$81,000.00	\$101,145.00

WHEREAS, that the lowest, responsive and responsible bidder after evaluation of the submitted bids, has been determined as North Alabama Paving, Inc. with a total bid price of \$66,250.00 for the construction of ADA Sidewalk Ramp Improvements; now

THEREFORE, BE IT RESOLVED that the apparent lowest, responsive and responsible bidder, North Alabama Paving, Inc. is now awarded the bid for the construction of ADA Sidewalk Ramp Improvements at a total bid price of \$66,250.00.

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

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of general fund budget amendments.

Council Member Noles introduced the following amendments and moved for their immediate consideration:

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 Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration had been approved. Council Member Noles moved that the General Fund budget amendments 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 Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the budget amendments were approved.

President Holland announced that the next item of business was consideration of a resolution to set City Council meeting dates for the 2014-2015 fiscal year in compliance with Act#2005-40, the Open Meetings Act.

Council Member Lockhart introduced the following resolution and moved for its approval:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2707 - 14

WHEREAS, Act #2005-40, enacted by the Alabama Legislature, addresses the manner in which municipalities conduct and give notice of public meetings of the governing body, and

WHEREAS, the Alabama Open Meetings Act requires notice to the public of meetings of governmental bodies covered by the act, now

THEREFORE BE IT RESOLVED By the City Council of the City of Muscle Shoals, Alabama that notice is hereby given of the regular meetings of the City Council for the fiscal year commencing on October 1, 2014 and ending on September 30, 2015 as noted on Exhibit "A" of this resolution, and

BE IT FURTHER RESOLVED that all regular meetings of the City Council shall commence immediately upon the conclusion of the 5:30 p.m. work session, however the regular meeting shall not begin before 6:00 p.m. in the City Hall Auditorium located at 2010 E. Avalon Avenue, and

BE IT FURTHER RESOLVED that public notice of special or emergency meetings of

the City Council shall be given to the public by posting notice on the bulletin board in city hall, and

BE IT FURTHER RESOLVED that any member of the public or media desiring direct notification of meetings of the City Council shall do so in writing on forms provided by the City Clerk, and

BE IT FURTHER RESOLVED that direct notice of public meetings of the City Council shall be distributed by the City Clerk by any method, at his discretion, likely to provide the requested notice as provided under Act #2005-40.

EXHIBIT “A”
Schedule of Regular Meetings/Work Sessions
Muscle Shoals City Council

Monday, October 6, 2014
Monday, October 27, 2014
Monday, November 3, 2014
Monday, November 17, 2014
Monday, December 1, 2014
Monday, December 15, 2014
Monday, January 5, 2015
Tuesday, January 20, 2015 (Conflict with Martin Luther King Federal Holiday)
Monday, February 2, 2015
Monday, February 16, 2015
Monday, March 2, 2015
Monday, March 16, 2015
Monday, April 6, 2015
Monday, April 20, 2015
Monday, May 4, 2015
Tuesday, May 19, 2015 (AL League - Tuscaloosa 5/16 - 5/19)
Monday, June 1, 2015
Monday, June 15, 2015
Monday, July 6, 2015
Monday, July 20, 2015
Monday, August 3, 2015
Monday, August 17, 2015
Tuesday, September 8, 2015 (Conflict with Labor Day Holiday)
Monday, September 21, 2015

Council Member Pampinto the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Holland announced that the resolution had been approved.

President Holland announced that the next item of business was consideration of tax abatements for Consolidated Tool, Inc.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2708 - 14

WHEREAS, this Resolution is made this 15th day of September 2014 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Consolidated Real Estate Holding, Inc. (“Consolidated Real Estate”) and Consolidated Tool, Inc. (“Consolidated Tool”) (Consolidated Real Estate and Consolidated Tool may collectively be referred to as the “Companies.”)

WHEREAS, the Companies have announced plans for a new project; that being, the purchase of 10 acres of property in the Shoals Research Airpark and construction of a new manufacturing facility by Consolidated Real Estate and the purchase and installation of new manufacturing machinery and other personal property by Consolidated Tool (the Project), located at the southwest corner of Counts Drive and Bob Riley Drive within the Shoals Research Airpark, Muscle Shoals, Colbert County, Alabama, 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), Consolidated Real Estate has requested from the Granting Authority an abatement of all state and local noneducational property taxes; 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, mortgage and recording taxes imposed by Chapter 22 of Title 40 of the **Code of Alabama 1975**, as amended, relating to mortgages, deeds, and documents used to issue or secure obligations and convey title into or out of the name of a public 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), Consolidated Tool 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 Companies have 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 requests of the Companies and the completed Application to Local Granting Authority for Abatement of Taxes from Consolidated Real Estate, copy attached as Attachment One, and the completed Application to Local Granting Authority for Abatement of Taxes from Consolidated Tool, copy attached as Attachment Two, filed with the Granting Authority by the Companies in connection with their requests; and

WHEREAS, the Granting Authority has found the information contained in the Companies' applications to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed Project, copy attached as Attachment Three, pages 1, 2, 3, and 4, and to determine the economic benefits to the community; and

WHEREAS, the Project will involve an investment of approximately \$6,410,000, which consists of the purchase of 10 acres in the Shoals Research Airpark, \$150,000, and construction of a new manufacturing facility, \$1,750,000 of which \$1,206,500 is budgeted for materials, by Consolidated Real Estate and the purchase and installation of new manufacturing machinery, \$4,500,000, and, purchase of other new personal property, \$10,000, by Consolidated Tool; and

WHEREAS, the Companies are duly qualified to do business in the State of Alabama and have power to enter into and to perform and observe the agreements and covenants on their part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Companies 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 applications of the Companies and abatement is hereby granted 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, 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, to Consolidated Real Estate and Consolidated Tool. Abatement of mortgage and recording taxes imposed by Chapter 22 of Title 40 of the **Code of Alabama 1975**, as amended, relating to mortgages, deeds, and documents used to issue or secure obligations and convey title into or out of the name of a public authority are hereby granted to Consolidated Real Estate.

Section 2. The period of abatement for the noneducational 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 Companies cease operation for which these property tax abatements are granted. Should the Companies 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 Companies to provide for the abatement granted in Section 1.

Section 4. A certified copy of this Resolution, with the applications and Tax Abatement Agreement, shall be forwarded to the Companies 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 Willis seconded the motion and upon said motion 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 Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced that the motion for immediate consideration was unanimously adopted. Council Member Pampinto moved that the resolution be adopted as presented. Council Member Willis seconded the motion and upon said motion 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 Lockhart,
Council Member Holland, Council Member Noles

NAYS: None

President Holland announced the vote and declared that the resolution was approved.

Council Member Pampinto announced that the Recreation Committee of the Council will meet at 4:30 pm in the City Hall conference room on October 6, 2014.

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:

ASSISTANT CITY CLERK