

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

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 7th day of September, 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, JAMES HOLLAND,
 ALLEN NOLES, DAVID H. BRADFORD
ABSENT: JERRY KNIGHT GRISSOM

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 a proclamation declaring the week of September 17 - 23, 2010 as "Constitution Week" in the City.

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 16, 2010 and approved the minutes as written.

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

Council Member Pampinto introduced the following amended budget in writing:

Council Member Pampinto 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 Noles 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 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 General Fund Budget amendments be finally adopted, which motion was seconded by Council Member Noles 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 Holland,
Council Member Noles, Mayor Bradford

NAYS: None

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

Mayor Bradford announced that the next item of business was consideration of a resolution to appoint a member to the Utilities 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: Donna Ricks
Council Member Willis: Donna Ricks
Council Member Holland: Donna Ricks
Council Member Noles: Donna Ricks
Mayor Bradford: Donna Ricks

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2449 - 10

WHEREAS, a vacancy on the Muscle Shoals Utilities Board has occurred and the City Council being desirous of making the necessary appointment to said board;

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

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancy:

Tommy Bee
William Osborn
James Michael Self

Edna Burgess
Donna Ricks

Boyce Nesbitt
Dennie Robinson

WHEREAS, Donna Ricks 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: Donna Ricks
Council Member Willis: Donna Ricks
Council Member Holland: Donna Ricks
Council Member Noles: Donna Ricks
Mayor Bradford: Donna Ricks

WHEREAS, Mayor Bradford announced that Donna Ricks 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>
Donna Ricks	Utilities Board	July 2012

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 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 appoint a member to the Shoals Economic Development Authority 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: William E. "Buster" Smith
Council Member Willis: William E. "Buster" Smith
Council Member Holland: William E. "Buster" Smith
Council Member Noles: William E. "Buster" Smith
Mayor Bradford: William E. "Buster" Smith

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2450 -10

WHEREAS, a vacancy on the Shoals Economic Development Authority Board has occurred and the City Council being desirous of making the necessary appointment to said board;

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

WHEREAS, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

William E. "Buster" Smith

WHEREAS, William E. "Buster" Smith was the lone applicant and determined to be eligible for appointment, and

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

Council Member Pampinto: William E. "Buster" Smith

Council Member Willis: William E. "Buster" Smith

Council Member Holland: William E. "Buster" Smith

Council Member Noles: William E. "Buster" Smith

Mayor Bradford: William E. "Buster" Smith

WHEREAS, Mayor Bradford announced that William E. "Buster" Smith 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>
William E. "Buster" Smith	SEDA Board	September 2013

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 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 grant tax abatements to North American Lighting Inc. for expansion of their manufacturing facilities.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2451 – 10

WHEREAS, this Resolution is made this 7th day of September 2010 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for North American Lighting, Inc. (the Company).

WHEREAS, the Company has announced plans for a major addition to its facility (the Project) located at 100 Counts Drive, 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**) (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 the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351; 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, 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 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 will involve an investment of approximately \$10,207,543.75, which consists of the purchase of new manufacturing machinery, \$8,707,543.75, and the transfer of existing personal property to the Muscle Shoals, Colbert County, Alabama, facility, \$1,500,000.00; 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 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 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**), and the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351.

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(8) of the Act, unless the company ceases operation for which these property tax abatements are granted. Should the company cease operation the abatements granted herein are considered null and void.

Section 2. 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 3. 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 4. 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, 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 rescind tax abatements granted to E. S. Robbins Corporation and Robbins Amos LLC for expansion of their manufacturing facilities in 2008.

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

RESOLUTION NUMBER 2452 - 10

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has heretofore approved certain tax abatements based upon the application of E S Robbins Corporation and Robbins Amos, LLC by resolution of the Council, namely Resolution Number 2309-08, approved and adopted on January 7, 2008; and

WHEREAS, the City Council is informed the proposed project for which the abatements were approved has not materialized and the tax abatements were never used by the said E S Robbins Corporation and/or Robbins Amos, LLC; and

WHEREAS, the City Council has again been presented with an application for abatement of taxes for a project to be undertaken by E S Robbins Corporation and Robbins Avalon, LLC ; and

WHEREAS, the City Council finds it desirous and necessary that the tax abatements approved by Resolution 2309-08 of the City Council be rescinded;

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama does hereby cancel, annul and rescind the tax abatements approved by prior resolution of the City Council, namely Resolution 2309-08, approved and adopted on January 7, 2008.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto E S Robbins Corporation and Robbins Amos, LLC and furthermore shall retain a copy to be kept on file by the said Clerk.

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 grant tax abatements to E. S. Robbins Corporation and Robbins Avalon LLC for expansion of their manufacturing facilities.

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

RESOLUTION NUMBER 2453-10

WHEREAS, this Resolution is made this 7th day of September 2010 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for E S Robbins Corporation and Robbins Avalon, L.L.C. (the Companies).

WHEREAS, the Companies have announced plans for a major addition to an existing facility at 2802 E. Avalon Avenue (the Project) located 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**) (the Act), the Companies have 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 the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351; 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 request of the Companies and the completed Applications to Local Granting Authority for Abatement of Taxes, copies attached as Attachment One and Attachment Two, filed with the Granting Authority by the Companies in connection with their request; and

WHEREAS, the Granting Authority has found the information contained in the Companies' applications 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 Three, pages one and two, and to determine the economic benefits to the community; and

WHEREAS, the Project will involve an investment of approximately \$2,166,196, which consists of the construction of a new building, \$1,791,239, and purchase of new personal property, \$374,957; 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**), and the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351. 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(8) 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 2. 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 3. 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 4. 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 resolution to authorize the Mayor to execute an agreement with the Tennessee Valley Authority (TVA) for the city to provide fire and emergency services on the TVA reservation.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2454 - 10

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received an instrument styled FIRE AND EMERGENCY SERVICES AGREEMENT between the City of Muscle Shoals and the Tennessee Valley Authority (hereafter referred to as TVA) pertaining to the provision of fire protection services and emergency response services, same to be provided by the Muscle Shoals Fire Department; and

WHEREAS, the City Council has reviewed the contents of the instrument 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 the TVA; and

WHEREAS, the City Council finds that other instruments and related documents may be required in connection with said matter and issue presented in the above described instrument and is desirous of authorizing the execution and delivery of other instruments and related documents in connection therewith;

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 FIRE AND EMERGENCY SERVICES AGREEMENT with the TVA. pertaining to the provision of fire protection services and emergency response services, same to be provided by the Muscle Shoals Fire Department.

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 matters and issues presented in the above described instrument.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto the Alabama Forestry Commission along with the executed instrument styled FIRE AND EMERGENCY SERVICES AGREEMENT pertaining to the provision of fire protection services and emergency response services, same to be provided by the Muscle Shoals Fire Department and furthermore shall retain a copy to be kept on file by the said Clerk.

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