

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
January 5, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 5th day of January 2004 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 Paul McDougle. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, ALLEN NOLES
 JAMES HOLLAND, DAVID H. BRADFORD
ABSENT: DAVID YARBER

Richard Williams, City Clerk of the City, 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 Noles and unanimously adopted, the Council waived the reading of the minutes of the previously held meeting of December 15, 2003 and approved the minutes as written.

Mayor Bradford announced that the next item of business was the award of bids for fuel.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1994-04

BE IT RESOLVED, by the Council of the City of Muscle Shoals, Alabama as follows:

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of fuel products,

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>GASOLINE:</u>	<u>DIESEL:</u>
	Per Gallon:	Per Gallon:
O'Steen Oil Company	\$1.098	\$1.118
Tatum Oil Company	\$1.018	\$1.0265

[3] The lowest, responsive, responsible, bidder after verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$1.018 per gallon for gasoline and \$1.0265 per gallon for diesel.

The apparent low and best bidder, Tatum Oil Company is now awarded the bid for fuel products.

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

Mayor Bradford announced that the resolution had been approved and the bids were awarded.

Mayor Bradford announced that the next item of business was a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II Package Store to Tapp's Auto Glass Inc. dba Buena Vista Spirits to be located at 607 Buena Vista Ave.

Mayor Bradford noted that proper notice of the date, time and place of said hearing had been given and that the matter was before the Council.

Mayor Bradford stated that the Council would hear from those persons in support of the issuance of the license as well as those opposed.

There being no one wishing to speak, Mayor Bradford stated that approval of the license application was before the Council. All those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Bradford, Council Member Willis, Council Member Holland,
Council Member Noles, Mayor Bradford

NAYES: None

Mayor Bradford thereupon announced that the vote was unanimous in favor of approval of the license application and the application was approved.

Mayor Bradford announced that the next item of business was consideration of a resolution granting the abatement of non-educational sales and use taxes and property taxes to Justis Waste Recycling, SMLLC dba Southeast Recycling Services.

Council Member Noles thereupon introduced the following resolution which was presented in the meeting in writing:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 1995-04

WHEREAS, Muscle Shoals City Council (the Granting Authority) has been requested to grant a tax abatement for Justis Waste Recycling, SMLLC, DBA Southeast Recycling Services (the Company).

WHEREAS, the Company has announced plans for a new project (the Project), located within the police 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 construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application, copy attached, 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 Combined Application 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 Project will involve a capital investment of building and manufacturing machinery of approximately \$2,150,541; 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 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 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 Act.

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 Noles moved that unanimous consent be given for immediate consideration of and adoption of said resolution, which motion was seconded by Council Member Holland and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

AYES: Council Member Bradford, 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 Noles then moved that the said resolution be finally adopted, which motion was seconded by Council Member Holland, 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 Bradford, Council Member Willis, Council Member Holland,
Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the resolution had been approved.

Mayor Bradford announced that the next item of business was the rescheduling of the City Council meeting set for Monday, January 19, 2004 due to a conflict with the Martin Luther King holiday.

Council Member Willis moved that the meeting be rescheduled to Tuesday, January 20th, 2004 at 7:00 p.m. Council Member Bradford seconded the motion and upon said motion being put to a vote, all voted "AYE". Voting "NAY" were none.

Mayor Bradford announced that the motion had been approved and the meeting was rescheduled

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