

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
February 5, 2018**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00.m. on the 5th day of February, 2018 being the regular time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART, KEN SOCKWELL,
ALLEN NOLES
ABSENT: NONE

Allen Noles, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Willis and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of January 22, 2018 and approved the minutes as written.

President Noles announced that the next item of business was consideration of a resolution to authorize the purchase of a tractor for the Recreation Department through the National Joint Powers Alliance (NJPA).

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

RESOLUTION NUMBER 2928 - 18

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of one (1) new, John Deere Compact Utility Tractor to be utilized in the Recreation Department; and

BE IT FURTHER RESOLVED, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for one (1) new, John Deere Compact Utility Tractor is \$29,567.09 to be purchased from Deere and Company/Tri-Green Equipment and further that Deere and Company/Tri-Green Equipment, is the awarded contractual vendor for said item with National Joint Powers Alliance (NJPA), a State of Alabama approved governmental purchasing cooperative; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that Deere and Company/Tri-Green Equipment is awarded the purchase of the approved John Deere Compact Utility Tractor for the total purchase price of \$29,567.09.

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to authorize the purchase of Netmotion Wireless Mobility Software for the Police Department through the National Cooperative Purchasing Alliance (NCPA).

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2929 - 18

BE IT RESOLVED, that the City Council of the City of Muscle Shoals, Alabama approved the purchase of thirty six (36) new, Netmotion Wireless Mobility Software to be utilized in the Police Department; and

BE IT FURTHER RESOLVED, that the Procurement Agent advised that the purchase must comply with the Alabama Competitive Bid Law requirements, and that a cooperative contract approved by the State of Alabama is valid for such purchase; and

BE IT FURTHER RESOLVED, the Procurement Agent further advised that the total purchase price for thirty six (36) new, Netmotion Wireless Mobility Software is \$16,853.36 to be purchased from GovDirect and further that GovDirect is the awarded contractual vendor for said item with National Cooperative Purchasing Alliance (NCPA), a State of Alabama approved governmental purchasing cooperative; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that GovDirect is awarded the purchase of the approved Netmotion Wireless Mobility Software for the total purchase price of \$16,853.36.

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was a public hearing to receive public comment and consider a resolution to approve financial incentives for Jack’s Family Restaurants authorized under Alabama Constitutional Amendment #772.

President Noles announced now was the time to receive public comment regarding the proposed financial incentives. There being no one wishing to speak, President Noles noted that all those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Council Member Lockhart presented the following resolution and moved for its approval:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2930 - 18

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

Section 1. **Findings.** The City Council (the “Council”) of the City of Muscle Shoals, Alabama (the “City”), which is the governing body of the City, has found and ascertained and does hereby declare as follows:

A. The Council has heretofore cause to be published in the Times Daily, the newspaper having the largest circulation in the City, in its edition of January 28, 2018, a notice to the public announcing the holding by the Council of a public meeting beginning at 6:00 PM on February 5, 2018 for the purpose of receiving comments from interested citizens, pursuant to the provisions of the constitution and laws of the State of Alabama, including particularly Amendment No. 772 to the Constitution of Alabama of 1901, concerning the proposed authorization, execution and delivery, for and in the name and behalf of the City, of a Project Development Agreement (the "Development Agreement") (attached hereto as Exhibit “A”) by and between the City and Jack’s Family Restaurants, LP (collectively the “Developer”), in which the City proposes to take the actions as set forth therein and as partially described below.

B. The purpose of the project and the items set forth above is the promotion of the economic development of the City in accordance with the economic development goals and objectives of the City, the increase in tax revenues in and around the City, the increase in jobs in and around the City and the improvement of the quality of life for citizens in and around the City.

C. Any interested citizens appearing at the public hearing have been given an opportunity to make comments to the Council on the proposed project and the terms of the Development Agreement and the Council has considered such comments as may have been made with respect thereto.

D. The public benefits sought to be achieved by the adoption of the Development Agreement are the construction and operation of a restaurant facility which is expected to generate additional tax revenues for the City, and the creation of additional full time equivalent jobs in the City, many of which will be filled by residents of the City and which will improve and enhance the overall aesthetics of the City thereby promoting economic development within the City and enhancing the quality of life for citizens of the City.

E. For purposes of Amendment No. 772 to the Constitution of Alabama of 1901, the Developer is the business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value;

F. The expenditure of public funds for the purpose specified in this resolution will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 2. **Approval.** The Council hereby approves the authorization, execution and delivery, for and in the name and behalf of the City, of:

A. the Development Agreement by and between the City and the Developer, and the provisions set forth therein in substantially the form and of substantially the content as the said Development Agreement and presented to and considered by the City Council, with such changes or additions thereto or deletions therefrom as the Mayor of the City executing such Development Agreement to which the City is a party signatory thereto shall approve, which approval shall be conclusively evidenced by his executing the Development Agreement as herein provided.

B. The approval of the above stated Development Agreement provided for herein is contingent upon and subject to the approval of all parties to the Development Agreement and the said Development Agreement is approved in substantially the same form and substance of those presented to and considered by the City Council.

Section 3. **Authorization of Related Documents and Actions.** The Mayor, the City Clerk, and all other officers of the City and of the Council are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the City and the Council as may be necessary or desirable to consummate the execution and delivery of the Development Agreement and the undertakings of the City and the Council as set forth in the Development Agreement and to carry out fully the transactions contemplated by this resolution subject to the conditions set forth herein.

Section 4. **Provisions of Resolution Severable.** The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of any other portion of this resolution.

Section 5. **Effective Date.** This resolution shall take effect upon its passage and adoption by the Council.

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

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

NAYS: Council Member Hall

President Noles announced that the resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made and seconded 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