

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
May 17, 2004**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 7:00 p.m. on the 17th day of May 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 Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: STEVE BRADFORD, NEAL WILLIS, DAVID YARBER
 JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD
ABSENT: NONE

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 May 3, 2004 and approved the minutes as written.

At this time, Mayor Bradford recognized several city employees for their work with the American Cancer Society's Relay for Life. These included Brandon Brown, Pat Gilley, Carol Morris, Lee Osborn, Eddie Peeples, Betty Williams and Linda Young.

Mayor Bradford announced that the next item of business was the award of a bid for an asphalt crack sealer for the public works department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2024-04

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 a melter/applicator for asphalt crack sealing, the bid opening being set for the 13th day of May, 2004, at the City Hall of the City of Muscle Shoals, Alabama.

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

BIDDER:	BID AMOUNT:
Road Products, Inc.*	\$31,643.00
National Highway Maintenance Systems	\$32,995.00
SealMaster	\$40,840.00

* The low bid of Road Products was not responsive in that an exception was taken to minimum specifications as noted below:

“No obstruction of valves between the material pump and the wand end”

[3] The apparent lowest, responsive, and responsible bid is that of National Highway Maintenance Systems.

BE IT HEREBY RESOLVED that the bid for the purchase of a melter/applicator for asphalt crack sealing be awarded to National Highway Maintenance for the bid price of \$32,995.00.

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 bid was awarded.

Mayor Bradford announced that the next item of business was the award of a bid for gasoline.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2025-04

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 gasoline, the bid opening being held May 17, 2004 at the City Hall of the City of Muscle Shoals, Alabama.

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

<u>BIDDER:</u>	GASOLINE (Per Gallon)
Tatum Oil Company	\$1.516
O'Steen Oil Company	\$1.525

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$1.516 per gallon for gasoline.

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

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 resolution had been approved and the bid was awarded.

Mayor Bradford 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 Michael C. Trousdale dba Horseshoe Restaurant & Bar to be located at 3695A 2nd Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 7:00 p.m. on the 7th day of June, 2004 the Council will consider the approval of the issuance of the Restaurant Retail Liquor License to Michael C. Trousdale, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the issuance of such license.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2003-2004 General Fund Budget.

Council Member Bradford introduced the following amended budget in writing:

Council Member Bradford moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Yarber 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 Yarber, 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 Bradford then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Yarber 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 Yarber, Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the General Fund Budget 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 E. S. Robbins Corporation.

Council Member Yarber thereupon introduced the following resolution and presented it in writing:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2026-04

WHEREAS, E. S. Robbins Corporation (the Company) has announced plans for a major addition to their existing facility (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 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

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 Combined Application for Abatement of Taxes, 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 an investment of approximately \$3,000,000 in manufacturing machinery and other personal property; 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 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 Act. 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.

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 Yarber 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 Yarber,
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 Yarber then moved that the said Ordinance 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 Yarber,
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the resolution approved.

Mayor Bradford announced that the next item of business was consideration of a resolution establishing a checking account at First Metro Bank for the Sidewalk Construction Project, Phase 2.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2027 -04

WHEREAS, the City of Muscle Shoals has received funding from the Alabama Department of Transportation for transportation enhancement activities, and

WHEREAS, the City of Muscle Shoals will undertake the construction of sidewalks within the city as an approved transportation enhancement activity, and

WHEREAS, grant conditions require the establishment of a project account to monitor costs associated with the project, now

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama that there is hereby established the Sidewalk Construction Account, Phase 2 to account for said funds, and

BE IT FURTHER RESOLVED by the City Council that the City Clerk/Treasurer is authorized to establish with First Metro Bank a checking account for the maintenance of these funds, and

BE IT FURTHER RESOLVED by the City Council that the Mayor or the Mayor Pro-tem and the City Clerk or Assistant City Clerk be authorized to signs checks for this account.

Council Member Noles 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 .

Mayor Bradford announced that the next item of business was consideration of a resolution to accept grant funds from the State of Alabama for a walking/bicycle trail at the Airport Sportsplex and commit the local match monies.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2028 -04

WHEREAS, the State of Alabama has awarded grant funds in the amount of \$50,000.00 for the construction of a walking/bicycle trail; and

WHEREAS, the City of Muscle Shoals, Alabama will construct the Airport Sportsplex

Walking Trail, designated as Project Number 04-RT-54-007, and to be located at the Airport Sportsplex on Webster Avenue, and

WHEREAS, the project will consist of a 12 foot wide walking/bicycle trail, 3,200 feet in length, with total costs estimated to be approximately \$63,872.00, and

WHEREAS, the City of Muscle Shoals will be required to match said grant in the amount of \$13,872.00, now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals, Alabama, does hereby accept said grant and that David H. Bradford, in his official capacity, as Mayor be authorized execute all necessary documents to meet the requirements for said financial assistance, and

BE IT FURTHER RESOLVED that the City of Muscle Shoals does hereby commit to provide the local match funds in the amount of \$13,872.00.

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 .

Mayor Bradford announced that the next item of business was consideration of a resolution to accept grant funds from the Alabama Department of Transportation for phase 3 of sidewalk construction.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2029 -04

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

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Enhancement project with partial funding by the Federal Highway Administration, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

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 resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution in support of the efforts of Plumblin Entertainment LLC to develop a family entertainment community in the Shoals.

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 2030 -04

WHEREAS, Plumblin Entertainment, LLC, has proposed to develop a family entertainment community in the Shoals area of Northwest Alabama, utilizing some of music, film, and television's most talented professionals; and

WHEREAS, the vision of Plumblin Entertainment, LLC, is to be the vehicle by which the strengths of this area- its heritage, talent, and facilities- can be leveraged in order to build an industry resulting in the creation of new jobs; attracting new businesses; incorporating educational opportunities in music, film, and television; providing new avenues for tourism and increasing revenues for all the surrounding communities while restoring and preserving the history of the Shoals area in the entertainment industry; and

WHEREAS, the elected officials of the City of Muscle Shoals fully support the economic venture of Plumblin Entertainment, LLC, and its endeavor to provide wholesome, family entertainment to the world. We believe it promises to have a tremendous economic impact on the Shoals region.

NOW, THEREFORE, BE IT RESOLVED, that the City Council and Mayor of the City of Muscle Shoals, Alabama, do hereby express their support of the efforts of Plumblin Entertainment, LLC, to develop, produce, market, and distribute their family-oriented, entertainment product.

Council Member Yarber 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 .

Mayor Bradford announced that the next item of business was consideration of an ordinance amending the tobacco license tax.

Council Member Yarber thereupon introduced the following ordinance which was presented in the meeting in writing:

ORDINANCE NO. 1328 -04
AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES OF
THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE LEVY OF
TOBACCO LICENSE TAXES IN THE CITY OF MUSCLE SHOALS, ALABAMA, OR
WITHIN ITS POLICE JURISDICTION

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

I. Chapter 106, Section 106-20 of the Code of Ordinances of the City of Muscle Shoals, Alabama, heretofore adopted, is hereby amended so that the said Chapter 106, Section 106-20 shall include the following language and read in its entirety as follows:

Section 106-20 Levy of tax in city.

In addition to all taxes now imposed by law, every person who is engaged in the business of selling, storing or delivering tobacco products within the corporate limits of the City shall pay a license tax to the City and a license tax is hereby fixed and levied for engaging in such business within the corporate limits of the City, which license tax shall be in the following amounts (which amounts shall be in addition to all amounts of any license taxes levied with respect to such business in any general license code or ordinance of the City):

(a) An amount equal to :

- (i) Six cents (0.06) for each container of cigarettes containing 20 cigarettes or less;
- (ii) Six cents (0.06) for each container of smoking tobacco;
- (iii) Six cents (0.06) for each cigar, regardless of the number of cigars in any container thereof;
- (iv) Six cents (0.06) for each container of chewing tobacco;
- (v) Six cents (0.06) for each container of snuff or smokeless tobacco; and
- (vi) Six cents (0.06) for each container of any other tobacco product.

II. The Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Yarber 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 Yarber
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 Yarber 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 Yarber
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford announced that the ordinance 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