

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
June 15, 2009**

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 15<sup>th</sup> day of June 2009 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 Rusty Wheelles. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, NEAL WILLIS  
          JAMES HOLLAND, DAVID H. BRADFORD  
ABSENT: ALLEN NOLES

Elaine Coan, Assistant 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.

At this time, Mayor Bradford presented a proclamation declaring June 16<sup>th</sup>, 2009 as "Hollis Dixon Day" in the City.

Upon motion duly made by Council Member Holland, 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 June 1, 2009 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of amendments to the 2008-2009 General Fund Budget.

Council Member Willis introduced the following amended budget in writing:

**Available by contacting the City Clerk's Office at 256/386-9200**

Council Member Willis moved that unanimous consent be given for immediate consideration of and adoption of said General Fund Budget, which motion was seconded by Council Member Grissom 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 Grissom, Council Member Holland, 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 Willis then moved that the said General Fund Budget be finally adopted, which motion was seconded by Council Member Grissom 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 Grissom, Council Member Holland, 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 to amend the payment requirements on the indebtedness of Shoals Marketplace LLC.

Council Member Grissom introduced the following resolution in writing in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2401 - 09**

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama entered into a renewal of for the repayment of indebtedness of Shoals Marketplace, LLC which provided for payment of \$10,000.00 on or before December 31, 2008 and the remaining portion of the amount due, namely \$30,000.00, to be paid on or before June 1, 2009; and

**BE IT HEREBY RESOLVED** that the City Council of the City of Muscle Shoals, Alabama, does hereby approve and accept the terms of proposal by Shoals Marketplace, LLC to pay \$10,000.00 on or before September 30, 2009 and the remaining portion of the amount due, namely \$30,000.00, to be paid on or before December 31, 2009.

**IT IS FURTHER RESOLVED** by the Council that the terms and conditions contained in the documents denominated Second Renewal and Supplemental Mortgage Note and Supplemental Mortgage by and between the City of Muscle Shoals, Alabama and Shoals Marketplace, LLC, other than as modified herein shall remain in full force and effect.

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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.

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

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

### **ORDINANCE NO. 1416 - 09**

#### **AN ORDINANCE AMENDING SECTION 106-120 OF THE CODE OF ORDINANCES OF THE CITY OF MUSCLE SHOALS, ALABAMA PERTAINING TO THE LEVY OF TAX IN THE CITY, OR WITHIN ITS POLICE JURISDICTION**

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

I. Section 106-120 of the Code of Ordinances of the City of Muscle Shoals, Alabama heretofore adopted by the Board of Commissioners of the City of Muscle Shoals, Alabama by Ordinance Number 1073-89 on January 3, 1989 and as amended by the Council of the City of Muscle Shoals, Alabama by Ordinance Number 1341-04 on December 20, 2004 is hereby amended so that the said Section 106-120 of the Code of Ordinances of the City of Muscle Shoals, Alabama, shall read in its entirety as follows:

Section 106-120. 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 ordinances of the city):

- (a) An amount equal to:
  - (1) \$0.06 for each container of cigarettes containing 20 cigarettes or less;
  - (2) \$0.06 for each container of smoking tobacco;
  - (3) \$0.06 for each cigar, other than as described in Section (a) (7) hereafter, regardless of the number of cigars in any container thereof;
  - (4) \$0.06 for each container of chewing tobacco.
  - (5) \$0.06 for each container of snuff or smokeless tobacco.
  - (6) \$0.06 for each container of any other tobacco product; and
  - (7) \$0.06 for each package or other container of cigars, sometimes referred to as little cigars, made of tobacco or any substitute thereof which are similar in size to cigarettes and packaged the same as cigarettes in a package or container of 20 cigars or less.

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

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Council Member Pampinto moved that unanimous consent be given for immediate consideration of and adoption of said Ordinance, 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 Pampinto, Council Member Willis, Council Member Holland  
Council Member Grissom, 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 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 Pampinto, Council Member Willis, Council Member Holland  
Council Member Grissom, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Ordinance was adopted.

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

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MAYOR

\_\_\_\_\_  
COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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ASSISTANT CITY CLERK