

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
June 18, 2018**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 18th day of June, 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 Rusty Wheelles. 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. Mayor David Bradford was also present. 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 June 4, 2018 and approved the minutes as written.

President Noles announced that the next item of business was to award a bid for road improvements at Sixth Street and Wilson Dam Road.

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

RESOLUTION NO. 2949 - 18

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that;

WHEREAS, the City Engineer did send out advertisements for bids for road improvements at 6th Street and Wilson Dam Road in Muscle Shoals, Industrial Access Project No.: IAR-017-000-011, the bid opening being held June 5, 2018 at the City Hall of the City of Muscle Shoals, Alabama; and

WHEREAS, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

NAME OF BIDDER	TOTAL AMOUNT OF BID
Joe Keenum Excavation	\$354,316.00
North Alabama Paving	\$356,328.00

WHEREAS, that the lowest, responsive and responsible bidder submitting the total bid price has been determined as Joe Keenum Excavation with a total bid price of \$354,316.00 for the road improvements at 6th Street and Wilson Dam Road ; now

THEREFORE, BE IT RESOLVED that the apparent lowest, responsive and responsible bidder, Joe Keenum Excavation is now awarded the bid for the road improvements at 6th Street and Wilson Dam Road at a total bid price of \$354,316.00.

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 to authorize the purchase of garbage containers from the Sourcewell (formerly NJPA) purchasing cooperative.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2950-18

WHEREAS, the City Council of the City of Muscle Shoals, Alabama approved the purchase of refuse containers for refuse collections; and

WHEREAS, the Procurement Agent advised that the amount of said purchase must comply with the Alabama Competitive Bid Law and further that a cooperative contract eliminating the need for further formal, sealed bidding process has been approved by the State of Alabama and is valid for such purchase; and

WHEREAS, the Procurement Agent further advised that the purchase price for 486 refuse containers is \$29,980.38 to be purchased from Schaefer Systems International, Inc., and further that Schaefer Systems International, Inc. is the awarded contractual vendor for said item with Sourcewell (formerly NJPA), a State of Alabama approved purchasing cooperative; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that Schaefer Systems International, Inc. the contractual vendor of Sourcewell (formerly NJPA) is now hereby awarded the purchase of 486 refuse containers for the total purchase price of \$29,980.38.

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 approval of a job description for the position of custodian in the City Clerk’s Office.

Council Member Lockhart moved that the job description be approved as presented. Council Member Willis seconded the motion and upon said motion being put to a vote all voted “AYE” and “NAYS” were none.

President Noles announced that the job description for custodian had been approved.

President Noles announced that the next item of business was consideration of a resolution to authorize the sale of a lot to by C & W, LLC, a limited liability company.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2951 - 18

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is the owner of a parcel of property more particularly described as follows, to wit:

Lot Numbered 13, in Block 4, in Union Terrace Subdivision, a subdivision situated in Colbert County, Alabama and known and designated according to the map and plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2 at page 177.

WHEREAS, the City has received an offer to purchase the property from the City by C & W, LLC, a limited liability company; and

WHEREAS, the City has no present nor anticipated future use for the property due both to its location and size, same being a lot in an undeveloped subdivision and being 25’ by 120’;

WHEREAS, the value of the lot as determined by the appraisal and assessment of the Office of the Revenue Commissioner is less than the offer received by the City,

WHEREAS, upon review and consideration of the offer to purchase, the location and size of the lot and there being no present intended use for the property and no future use in which the lot would be suitable can be foreseen, the Council determines that it is in the best interest of the City to accept the offer to purchase;

WHEREAS, the City Council, based upon the foregoing declares the lot is unneeded for present or future use by the City;

NOW, THEREFORE, the premises considered, **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 Deed, same conveying all its right, title and interest, without warranty of the City, unto C & W, LLC, a limited liability company, upon payment in full of the sum of Five Hundred and no/100 (\$500.00) Dollars to the City.

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 said Deed and property transfer with the C & W, LLC that he may deem necessary for and on behalf of the City;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and delivered unto C & W, LLC along with the executed instrument styled Deed herein described and furthermore shall retain a copy to be kept on file by the said Clerk.

Council Member Hall 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 grant tax abatements to Rock Solid Ready Mix, Inc.

Council Member Hall introduced the following resolution and moved for its immediate consideration:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2952 -18

Resolution of
The City Council of Muscle Shoals

This Resolution is made this 18th day of June 2018 (the Effective Date) by the City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Rock Solid Ready Mix, Inc. (the Company).

WHEREAS, the Company has announced plans for a new project; that being, the purchase and installation of a ready mix concrete batch plant, construction of an office building, and the purchase of concrete mixer trucks and other personal property (the Project), located at 411 Sawmill Road, Leighton, Colbert County, Alabama, 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**, as amended) (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, except those construction-related transaction taxes locally designated for educational purposes or for capital improvements for education, and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed Application to Local Granting Authority for Abatement of Taxes from Rock Solid Ready Mix, Inc., copy attached as Attachment One, pages 1, and 2, 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 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 \$3,000,000, which consists of the purchase and installation of a ready mix concrete batch plant and equipment, \$2,300,000; construction of an office building, \$380,000 of which \$190,000 is budgeted for construction material; and the purchase of other personal property, \$320,000; and

WHEREAS, the Company 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 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 construction-related transaction taxes, except those construction-related transaction taxes levied for educational purposes or for capital improvements for education, except those construction-related transaction taxes locally designated 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**, as amended), and except the 0.5% general sales and use taxes levied by Colbert County, which pursuant to Alabama Act No. 2007-351 cannot be abated.

Section 2. The Granting Authority hereby does not assess a fee associated with the granting of these abatements.

Section 3. 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 4. 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 5. 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 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.

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