

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

May 7, 2012

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:08 p.m. on the 7th day of May, 2012 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: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM,
ALLEN NOLES, DAVID H. BRADFORD

ABSENT: JAMES HOLLAND

David H. 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Pampinto 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 April 23, 2012 and the April 30th special meeting and approved the minutes as written.

Mayor Bradford announced that the next item of business was the approval of a job description and pay rate for the position of Accounts Receivable-Receptionist at Cypress Lakes Golf and Tennis. Council Member Willis moved that the job description be approved as presented and a pay rate of \$14.27 per hour be established. Council Member Noles seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford announced that the job description and pay rate had been approved.

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 Down Out LLC dba Champy's Famous Fried Chicken located at 120 W. 2nd Street.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 22nd day of May, 2012, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was the scheduling of a public hearing to consider the issuance of a Lounge Retail Liquor License - Class II (Package) to Singh G Corporation dba Paradise Package Store 1 located at 2526 ½ Avalon Avenue.

Mayor Bradford announced that at a meeting to be held at the City Hall in said City at 6:30 p.m. on the 22nd day of May, 2012, the Council will consider the approval of the license. At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the approval of such license.

Mayor Bradford announced that the next item of business was consideration of a resolution to grant tax abatements to Walgreen Co. dba Walgreens Customer Care Center.

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

RESOLUTION NUMBER 2548-12

WHEREAS, this Resolution is made this 7th day of May 2012 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Walgreen Co. DBA Walgreens Customer Care Center (the Company).

WHEREAS, the Company has announced plans for a major addition at its facility; that being, making an investment in capitalized building improvements to approximately 16,000 square feet of space adjacent to the Company's existing facility and purchasing and installing equipment, computers, and other personal property (the Project), into the facilities located at 521 West Avalon Avenue, Muscle Shoals, Colbert County, Alabama, 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**, as amended by Alabama Act No. 2009-722) (the Act), the Company has requested from the Granting Authority an abatement of all state and local noneducational personal 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 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 Company has requested that the abatement of state and local noneducational personal 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 Application to Local Granting Authority for Abatement of Taxes, copy attached as Attachment One, 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 Local Granting Authority for Abatement of Taxes 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 is a major addition that is expected to have a capital investment of approximately \$3,470,046.00, which consists of making capitalized building improvements to approximately 16,000 square feet of space adjacent to the Company's existing facility in an amount of \$1,976,400.00, of which \$790,560.00 is budgeted for materials, and purchasing and installing new equipment, computers, and other personal property in the amount of \$1,493,646.00; and

WHEREAS, the request for abatement of all state and local noneducational property taxes does not include the total building improvement costs of \$1,976,400.00; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama and has power 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 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 personal 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 Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**, as amended by Alabama Act No. 2009-722), 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 period of abatement for the noneducational personal property taxes shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(a)(12) of the Act, unless the Company ceases operation for which these personal property tax abatements are granted. Should the Company cease operation the abatements granted herein are considered null and void.

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 Grissom 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 a resolution to approve a post issuance compliance policy to comply with IRS regulations related to issuers of tax exempt debt.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2549 - 12

A RESOLUTION AUTHORIZING ADOPTION OF POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT WARRANTS, BONDS, NOTES AND OTHER OBLIGATIONS OF THE CITY OF MUSCLE SHOALS, ALABAMA

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has reviewed procedures pertaining to post-issuance compliance policy for tax-exempt warrants, bonds, notes and other obligations of the City; and

WHEREAS, the City Council has reviewed the contents of the policy and finds that adoption of such is wise and expedient and beneficial to the City and its financial obligations and operations; and

BE IT HEREBY RESOLVED that the City Council of the City of Muscle Shoals, Alabama, does hereby approve and adopt a policy pertaining to the post-issuance compliance policy for tax-exempt warrants, bonds, notes and other obligations of 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 required instruments and related documents in connection with the adoption of said policy for and on behalf of the City.

BE IT FURTHER RESOLVED that said policy shall be effective immediately upon the adoption of this Resolution and execution of said policy statement by the Mayor on behalf of the City.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be prepared forthwith by the Clerk and shall retain a copy to be kept on file by the said Clerk.

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.

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