

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
January 7, 2008**

The Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall in said City at 6:30 p.m. on the 7th of January 2008 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, NEAL WILLIS, JERRY KNIGHT GRISSOM
 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 Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held work session and regular meeting of December 17, 2007 and approved the minutes as written.

Mayor Bradford presented a proclamation declaring January 10th, 2008 as “National Tax Advice Day” in the City.

Mayor Bradford announced that the next item of business was consideration of a resolution granting tax abatements to E. S. Robbins Corporation and Robbins Amos LLC. Council Member Willis presented the following resolution in writing:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2309 - 08

WHEREAS, this Resolution is made this 7th day of January 2008 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for E S Robbins Corporation and Robbins Amos, LLC (the Companies); and

WHEREAS, the Companies have announced plans for a major addition to their existing facility (the Project) located on Amos St. 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 Companies have 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 the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351; and

WHEREAS, the Companies have 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 applications for abatement of taxes, copies attached as Attachment One and Attachment Two, filed with the Granting Authority by the Companies in connection with their request; and

WHEREAS, the Granting Authority has found the information contained in the Companies' applications 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 Three, and to determine the economic benefits to the community; and

WHEREAS, the Project will involve an investment of approximately \$2,650,000, which consists of the construction of a new building located on Amos St., \$2,250,000; purchase of new manufacturing machinery, \$300,000; and, purchase of new personal property, \$100,000; and

WHEREAS, the Companies are duly qualified to do business in the State of Alabama and have powers 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 Companies 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 Granting Authority as follows:

Section 1. Approval is hereby given to the applications of the Companies 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 and the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351, 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). 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, unless the company ceases operation for which these property tax abatements are granted. Should the company cease operation the abatements granted herein are considered null and void..

Section 2. The governing body of the Granting Authority is authorized to enter into a Tax Abatement Agreement with the Companies to provide for the abatement granted in Section 1.

Section 3. A certified copy of this Resolution, with the applications and Tax Abatement Agreement, shall be forwarded to the Companies 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 Willis moved that unanimous consent be given for immediate consideration of and adoption of said resolution, which motion was seconded by Council Member Noles 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, 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 Willis then moved that the said resolution be finally adopted, which motion was seconded by Council Member Noles 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, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and the Resolution was adopted as introduced.

Mayor Bradford announced that the next item of business was consideration of a resolution dedicating a public right of way designated as King Street.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2310 - 08

WHEREAS, the City of Muscle Shoals, Alabama has acquired property as hereinafter described for the purpose of dedicating a public right of way over, across and through properties acquired by the City and for the purpose of ingress and egress to abutting and adjoining properties along said right-of-way and for the purpose of providing a thoroughfare across and over said right-of-way; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama intends to adopt and accept the said right-of-way as a public road, street or avenue within the City of Muscle Shoals, Alabama and to further accept said right-of-way for the operation, control and maintenance of same; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has reviewed documents and the plat and survey of said property proposed to be said public road, street or avenue and directs that the said right of way described being known as and referred to as King Street be constructed according to the City's specifications for the construction of said streets, avenues and roads within the City and further finds that the dedication, approval, ratification and acceptance of said public right of way is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the dedication and adoption of the public right of way as described herein that comprises the said right-of way is hereby accepted and approved, same to be more particularly described as follows, to wit;

A tract of land lying in **Section 12 , Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the Northwest corner of said Section 12; thence S 04 degrees 00' 00" E 2038.50 feet; thence S 05 degrees 58' 36" E and along the westwardly line of the Clarence M and Lydia Kirchner property as recorded in the Office of the Judge of Probate of Colbert County, Alabama in Deed Book 231, Page 531, for 247.48 feet to the point of beginning; thence N 86 degrees 00' 00" E 313.36 feet to a point on the eastwardly line of said Kirchner property; thence S 05 degrees 58' 36" E and along said property line 31.02 feet to Kirchner's Southeast corner; thence S 86 degrees 00' 00" W and along the southwardly line of said Kirchner property 313.36 feet to Kirchner's Southwest corner; thence N 05 degrees 58' 36" W and along Kirchner's westwardly line 31.02 feet to the point of beginning. Said tract contains 0.22 **acres**, more or less, and is subject to any easements of record or easements existing on site.

Also,

A tract of land lying in **Section 12 , Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the Northwest corner of said Section 12; thence S 04 degrees 00' 00" E 2038.50 feet; thence S 05 degrees 58' 36" E and along the westwardly line of the Clarence M and Lydia Kirchner property as recorded in the Office of the Judge of Probate of Colbert County, Alabama in Deed Book 231, Page 531, for 247.48 feet; thence N 86 degrees 00' 00" E 313.36 feet to a point on the westwardly line of the L. Truman and Wanda Kimbrough property (Deed Book 9209, Pages 878-879) and to the point of beginning; continue thence N 86 degree 00' 00" E 156.80 feet to a point on the

eastwardly line of said Kimbrough property; thence S 05 degrees 58' 36" E and along said property line 31.02 feet to Kimbrough's Southeast corner; thence S 86 degrees 00' 00" W and along the southwardly line of said Kimbrough property 156.80 feet to Kimbrough's Southwest corner; thence N 05 degrees 58' 36" W and along Kimbrough's westwardly line 31.02 feet to the point of beginning. Said tract contains **0.11 acres**, more or less, and is subject to any easements of record or easements existing on site.

Also,

A tract of land lying in **Section 12, Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the Northwest corner of said Section 12; thence S 04 degrees 00' 00" E 2038.50 feet; thence S 05 degrees 58' 36" E and along the westwardly line of the Clarence M and Lydia Kirchner property as recorded in the Office of the Judge of Probate of Colbert County, Alabama in Deed Book 231, Page 531, for 247.48 feet; thence N 86 degrees 00' 00" E 470.16 feet to a point on the westwardly line of the Wesley and Brenda Willis property (Deed Book 356, Page 631) and to the point of beginning; continue thence N 86 degree 00' 00" E 156.80 feet to a point on the eastwardly line of said Willis property; thence S 05 degrees 58' 36" E and along said property line 31.02 feet to Willis' Southeast corner; thence S 86 degrees 00' 00" W and along the southwardly line of said Willis property 156.80 feet to Willis' Southwest corner; thence N 05 degrees 58' 36" W and along Willis' westwardly line 31.02 feet to the point of beginning. Said tract contains **0.11 acres**, more or less, and is subject to any easements of record or easements existing on site.

Also,

A tract of land lying in **Section 12, Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the Northwest corner of said Section 12; thence S 04 degrees 00' 00" E 2038.50 feet; thence S 05 degrees 58' 36" E and along the westwardly line of the Clarence M and Lydia Kirchner property as recorded in the Office of the Judge of Probate of Colbert County, Alabama in Deed Book 231, Page 531, for 247.48 feet; thence N 86 degrees 00' 00" E 626.96 feet to a point on the westwardly line of the Yanah T. and Shannon J. Thomas Sullins property (Deed Book 2001-10, Pages 490-491) and to the point of beginning; continue thence N 86 degrees 00' 00" E 78.00 feet to a point on the eastwardly line of said Sullins property; thence S 06 degrees 00' 37" E and along said property line 31.02 feet to Sullins' Southeast corner; thence S 86 degrees 00' 00" W and along the southwardly line of said Sullins property 78.00 feet to Sullins' Southwest corner; thence N 05 degrees 58' 36" W and along Sullins' westwardly line 31.02 feet to the point of beginning. Said tract contains 0.06 acres, more or less, and is subject to any easements of record or easements existing on site.

Also,

A tract of land lying in **Section 12, Township 4 South, Range 11 West**, Colbert County, Alabama, and being more particularly described as follows, to-wit: To find the point of beginning, commence at the Northwest corner of said Section 12; thence S 04 degrees 00' 00" E 2038.50 feet; thence S 05 degrees 58' 36" E and along the westwardly line of the Clarence M and Lydia Kirchner property as recorded in the Office of the Judge of Probate of Colbert County, Alabama in Deed Book 231, Page 531, for 278.50 feet to the point of beginning; said point being the Northwest corner of the Robert J.

Eaton property (Deed Book 9123, Page 66); thence N 86 degrees 00' 00" E and along Eaton's northwardly line 704.96 feet to a point on the eastwardly line of said Robert J. Eaton property; thence S 06 degrees 00' 37" E and along said property line 1.13 feet to a point on the northwardly line of HUSTON PLANTATION PHASE IV (Plat Cabinet C, Slide 114); thence S 86 degrees 06' 43" W and along said subdivision line 8.19 feet to the Northwest corner of Lot 119 of said Huston Plantation Phase IV; thence S 05 degrees 10' 51" E and along said lot line 22.89 feet to Eaton's Southeast corner; thence S 86 degrees 00' 00" W and along the southwardly line of said Eaton's property 423.45 feet; thence N 05 degrees 58' 36" W and along Eaton's property line 3.00 feet; thence S 86 degrees 00' 00" W and along Eaton's southwardly line 273.00 feet to Eaton's Southwest corner; thence N 05 degrees 58' 36" W and along Eaton's westwardly line 21.01 feet to the point of beginning. Said tract contains **0.37 acres**, more or less, and is subject to any easements of record or easements existing on site.

BE IT FURTHER RESOLVED by the City Council that the said right-of-way as described is accepted for the purpose of providing a public right of way over, across and through properties owned by the City for the purpose of ingress and egress to abutting and adjoining properties along said right-of-way and for the purpose of providing a thoroughfare across and over said right-of-way, same known as King Street; and

BE IT FURTHER RESOLVED by the City Council that the said right-of-way is hereby accepted and approved for the operation, control and maintenance by the City of Muscle Shoals, Alabama; and

BE IT FURTHER RESOLVED the Clerk is hereby directed to prepare a certified copy of this Resolution and cause a copy of same to be filed and recorded in the Office of the Probate Judge of Colbert County, Alabama.

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 his appointment to the Planning Board. He announced his reappointment of Bill Howard to a six year term expiring in December 2013.

There being no further business to come before the meeting upon a motion duly made and approved 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:

ASSISTANT CITY CLERK