

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 4, 2018**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 12:00 noon on the 4th day of September, 2018 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. 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 Hall and seconded by Council Member Sockwell and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of August 20, 2018 and approved the minutes as written.

President Noles announced that the next item of business was to canvass the results of the August 28, 2018 special municipal tax election.

City Attorney Marcel Black read aloud the results from the voting precincts. Following the Council's review of the vote results, it was noted that two provisional votes were directed to be counted by the Board of Registrars. City Clerk Ricky Williams opened both ballots and read aloud two votes against approval of the tax proposal. Council Member Sockwell introduced the following ordinance and moved for its immediate consideration:

**ORDINANCE NUMBER 1509 - 18
AN ORDINANCE CANVASSING AND DECLARING THE
RESULTS OF A SPECIAL MUNICIPAL ELECTION
HELD IN THE CITY OF MUSCLE SHOALS, ALABAMA,
ON TUESDAY, AUGUST 28, 2018, REGARDING AN
INCREASE IN THE RATE OF A PROPERTY TAX FOR
PUBLIC SCHOOL PURPOSES**

WHEREAS, at a meeting of the City Council ("the Council") of the City of Muscle Shoals ("the City") in the State of Alabama held on June 4, 2018, Ordinance No. 1507-18 was duly adopted by the Council in which a special municipal election was called to be held in the City on August 28, 2018 (being the fourth Tuesday in the month of February), for the purpose of submitting to the qualified electors of the City to determine their will with respect to the following proposition:

Whether the City shall be authorized to levy and collect, in addition to all other taxes now or hereafter authorized, the special annual ad valorem tax heretofore authorized for public school purposes to be levied and collected at the per annum rate of 7.5 mills at the increased per annum rate of 12.5 mills on each dollar of the assessed valuation of the taxable property in the City referred to in the notice of election set out in Section 3 of this ordinance.

WHEREAS, notice of the said election was posted in four public places in the City (viz., Office of the Mayor at City Hall, 2010 East Avalon Avenue; the Charles R. Mitchell Public Library; the Muscle Shoals Recreation Building #1, Gattman Park; and First Metro Bank, Muscle Shoals branch), there being no newspaper published and having general circulation in the City, in the form provided in the said ordinance, said posting having been more than thirty days before the date of the said election, and having also been on or before the fourth Tuesday of the second month next preceding the month in which the said election was held;

WHEREAS, the said election was held in the City on August 28, 2018, in all respects as provided in the said notice between the hours of 7:00 o'clock, a.m., and 7:00 o'clock, p.m., being the legal hours provided by law for holding the said election, and the ballot used in the said election was in all respects in the form therefor set out in the said ordinance, and the officials who conducted the said election have duly made and duly filed with the Council their respective reports, returns, and certificates; and

WHEREAS, the Council is required by law to canvass the returns of the said election on the first Tuesday next after the said election, and declare the results thereof, and at a meeting of the Council held on September 4, 2018, the Council, acting as a board of canvassers, has duly canvassed the said returns and ascertained the results of the said election with respect to the said proposition;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Muscle Shoals, acting as a board of canvassers for the purpose of canvassing the results of the said election, as follows:

- (1) the recitations contained in the foregoing preambles are hereby found and declared to be true and are hereby adopted as a part of this ordinance;
- (2) the said election was duly called, notice thereof was duly given, and the said election was duly held and the ballots used thereat were in all respects as provided by law;

(3) at the said election on the said proposition, the canvass of the returns indicated the following:

<u>Box No.</u>	<u>Location of Voting Place</u>	<u>For Increase of Rate of School Tax</u>	<u>Against Increase of Rate of School Tax</u>
Box 1	First Southern Baptist Church 3806 South Wilson Dam Road Muscle Shoals, Alabama	168	542
Box 2	Gattman Park Recreation Center 1000 Gattman Park Drive Muscle Shoals, Alabama	139	490
Box 3	Woodward Avenue Baptist Church – Activities Center 801 Woodward Avenue Muscle Shoals, Alabama	87	481
Box 4	United Association of Plumbing and Pipefitting Industry – Pavilion 2803 East Avalon Avenue Muscle Shoals, Alabama	36	242
Box 5	Grace Life Church 1915 Avalon Avenue Muscle Shoals, Alabama	139	672
Box 6	Muscle Shoals City Hall 2010 East Avalon Avenue Muscle Shoals, Alabama	127	571
	Absentee Balloting: Muscle Shoals City Hall 2010 East Avalon Avenue Muscle Shoals, Alabama	14	69
	PROVISIONAL BALLOTS	0	2
	TOTALS <u> </u>	710	3069

(4) at the said election on the said proposition a total of 3779 votes were received and cast; of the said votes so received and cast 710 votes were received and cast for the increase in the said special tax and 3069 votes were received and cast against the increase in the said special tax; that the number of votes received and cast in the said election in favor of the increase in the said special tax were 2359 votes less than the number of votes received and cast in the said election against the increase in the said special tax; and that at the said election a majority of the qualified electors of the said City who voted thereat voted against of the increase in the said special tax.

BE IT FURTHER ORDAINED, that this ordinance shall comprise the canvass and declaration by the Council of the results of the aforesaid election and shall be recorded in the minutes of the proceedings of the City.

Council Member Sockwell moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said ordinance, which motion was seconded by Council Member Lockhart and, upon the same being put to vote, the following vote was recorded:

	<u>YEAS</u>	<u>NAYS</u>
Council members	Chris Hall Neal Willis Mike Lockart Ken Sockwell	
Council President	Allen Noles	

Council President Noles thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Council Member Sockwell thereupon moved that the foregoing ordinance be adopted, which motion was seconded by Council Member Lockhart and, upon the same being put to vote, the following vote was recorded:

	<u>YEAS</u>	<u>NAYS</u>
Council members	Chris Hall Neal Willis Mike Lockart Ken Sockwell	
Council President	Allen Noles	

Council President Noles thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

President Noles announced that the next item of business was consideration of a tax abatement request by Great Southern Wood Preserving Inc.

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

RESOLUTION NUMBER 2970 - 18
Resolution of
The City Council of Muscle Shoals

This Resolution is made this 4th day of September 2018 (the Effective Date) by the City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Great Southern Wood Preserving, Inc. (the Company).

WHEREAS, the Company has announced plans for an expansion project; that being, the construction of a new warehouse building and purchase of equipment to begin operations as a CCA plant (the Project), located at 1703 Denton Road, Tuscumbia, 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 Great Southern Wood Preserving, 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 \$6,300,000, which consists of the purchase and installation of a CCA plant, \$4,000,000 of which \$925,000 is budgeted for construction material; and the construction of a distribution warehouse, \$2,300,000 of which \$1,150,000 is budgeted for construction material; 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 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 Lockhart seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Willis, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration was unanimously adopted. Council Member Sockwell moved that the resolution be adopted as presented. Council Member Lockhart seconded the motion and upon said motion being put to a vote, a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Willis, Council Member Lockhart,
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles declared the resolution was 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