

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 6, 2008**

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 12:00 noon on the 6th day of October 2008 being the 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
 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 regular meeting and work session of September 15, 2008 and approved the minutes as written.

Mayor Bradford presented a Proclamation declaring October 5 - 11, 2008 as Mental Illness Awareness Week in the City. Bobby Muse was present to receive the award.

Mayor Bradford announced that the next item of business was a resolution authorizing the award of a bid for the purchase of fuel products.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NUMBER 2349-08

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

[1] That the Purchasing Agent did send out advertisements for bids for the purchase of fuel products, the bid openings being held September 29, 2008 and October 3, 2008, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>Markup Profit</u>	<u>Markup Profit</u>	<u>Markup Profit</u>
	<u>E-10 Gasoline</u>	<u>Diesel</u>	<u>Conventional Gasoline</u>
Baggett Oil Company	\$.05999	\$.05999	No Bid
Tatum Oil Company	.054	.054	\$.052
W.H. Thomas Oil Co.	0.13	0.13	No Bid

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Tatum Oil Company with a bid price of \$.054 per gallon profit markup above rack price for E-10 gasoline and diesel fuel, and a bid price of \$.052 per gallon profit markup above rack price for conventional gasoline. The apparent low, responsive and responsible bidder, Tatum Oil Company is now awarded the bid for the purchase of fuel products, with said bids being awarded for a twelve month period. Award shall begin on October 7, 2008, and shall end on September 30, 2009.

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 Resolution had been approved.

Mayor Bradford announced that the next item of business was a resolution authorizing the award of a bid for the purchase of coarse aggregates.

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

**STATE OF ALABAMA
COLBERT COUNTY**

RESOLUTION NO. 2350-08

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

[1] That advertisements for bids for the purchase of coarse aggregates for the fiscal year beginning October 1, 2008 were distributed, the bid opening set for the 29th day of September, 2008, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

Name of Bidder:	No. 57 /ton	Crusher Run / ton	Rip Rap / ton
Rogers Group	\$8.00	\$7.50	\$9.00
Vulcan Materials	8.53	8.20	9.68

[3] The lowest, responsive, responsible, bidder after evaluation and verifying the bid with the specifications, has been determined as Rogers Group with a bid price of \$8.00 per ton for No. 57 coarse aggregate; \$7.50 per ton for crusher run; and \$9.00 per ton for rip rap. The lowest, responsive and responsible bidder, Rogers Group is now awarded the bid for the purchase of coarse aggregates. Award shall begin on October 7, 2008, and shall end on September 30, 2009.

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 a resolution authorizing the rejection of a bid for the purchase of asphalt.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NO. 2351-08

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

[1] That advertisements for bids for the purchase of asphalt and binder for the fiscal year beginning October 1, 2008 were distributed, the bid opening set for the 29th day of September, 2008, at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

NAME OF BIDDER	429A- 3/8" Asphalt	429A - 1/2" Asphalt	429A- 3/4" Asphalt	429B - 1" Binder
ROGERS GROUP	\$93.08	\$79.37	\$77.41	\$58.36

[3] After receipt and verification of the bids with the specifications, the following determination was made: 1) only one bid was received; 2) the bid price for each category was deemed to be excessive; 3) it is not in the best interest of the City of Muscle Shoals to accept said bid due to the high cost escalation in each category bid. **The Council hereby elects to reject the bid received from Rogers Group, and hereby authorized the Procurement Agent of the City to again solicit bids for the purchase of asphalt and asphalt binder.**

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 the scheduling of a public hearing to consider the issuance of a Retail Table Wine License (Off Premises only) to Singh Investments Groups Inc. dba Paradise Food Mart, 2526 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 3rd day of November 2008, 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 Investments Groups Inc. dba Paradise Food Mart, 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 3rd day of November 2008, 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 a resolution authorizing the Mayor to execute a contract with James William Howard for professional services.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2352 - 08

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA as follows:

SECTION 1. That the contract with the James William Howard for professional consulting services to provide advice, consulting, prepare and provide planning for the transportation and infrastructure needs, now and in the future, and to assist in advising the Council for the long-range needs of the City, and to assist in preparing requests for grants and funding to meet such needs has been reviewed by the Council and determined to be in the best interests of the City and the same is hereby approved, ratified and confirmed.

SECTION 2. That the Council has investigated and ascertained and hereby finds the said James William Howard to be qualified, responsible, and competent to perform said professional services.

SECTION 3. That the contract for such services be awarded to James William Howard and that David H. Bradford as Mayor is hereby authorized to execute the contract in the name of and on behalf of said City. The Clerk is directed to provide a copy of the contract to the said James William Howard and to retain a copy in the City's files.

Council Member Holland 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 a resolution approving an application for the abatement of non-educational sales/use and property taxes as noted for Flexco Corporation.

Council Member Holland thereupon introduced the following resolution in writing in the meeting:

RESOLUTION NUMBER 2353 - 08

WHEREAS, this Resolution is made this 6th day of October 2008 (the Effective Date) by The City Council of Muscle Shoals, Alabama, (the Granting Authority) to grant a tax abatement for Flexco Corporation (the Company).

WHEREAS, the Company has announced plans for a new project located 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 Company has 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 Company has 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 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 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, and to determine the economic benefits to the community; and

WHEREAS, the Project will involve an investment of approximately \$4,456,500, which consists of the purchase of real property consisting of an approximate 18.67 acres, more or less, and existing buildings thereon, \$3,250,000; the construction of new additions to an existing building, \$606,500; transfer of existing personal property to the Colbert County, Alabama, facility, \$250,000; and, purchase of new personal property, \$350,000; 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 property taxes, exclusive of the real property purchased and valued at \$3,250,000, 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**), and the 0.5% general sales and use taxes levied by Colbert County pursuant to Alabama Act No. 2007-351. 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 Company to provide for the abatement granted in Section 1.

Section 3. 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 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 Holland moved that unanimous consent be given for immediate consideration of and adoption of said Resolution, which motion was seconded by Council Member Willis 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 Holland then moved that the said Resolution be finally adopted, which motion was seconded by Council Member Willis 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 and the tax abatements approved.

Mayor Bradford announced that the next item of business was the appointment of the municipal judge for a two year term commencing October 2, 2008.

Council Member Willis moved that Bill Marthalar be reappointed to a two year term as municipal judge effective October 2, 2008. Council Member Noles seconded the motion and upon said motion being put to a vote, the following vote was recorded:

AYES: Council Member Willis, Council Member Grissom, Council Member Holland,
Council Member Noles, Mayor Bradford

NAYS: Council Member Pampinto

Mayor Bradford announced that the motion had been approved and the appointment was ratified.

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