

**REGULAR COUNCIL MEETING
CITY OF COLUMBIANA, ALABAMA
February 2, 2016**

The City Council of the City of Columbiana, Alabama met in a Regular Session in the Council Chambers of Columbiana City Hall at 6:00 p.m., Tuesday February, 2, 2016. Mayor Handley called the meeting to order and stated that Assistant City Clerk, Frances Sammons would be standing in for the City Clerk for this meeting. The Mayor then asked Assistant City Clerk Frances Sammons to call roll after the invocation and pledge.

Present: Council member Leslie Whiting Council member Barbara Moore
 Council member Ouida Mayfield Mayor Stancil Handley

Absent: Council Member Ricky Ruston Council member Kim King

Mayor declared a quorum was present.

CONSENT AGENDA

A. Approval of Minutes: - 01-19-2016 – Regular Meeting

Council member Whiting made a motion to accept the Consent Agenda which was seconded by Council member Mayfield. The council voted and the consent agenda passed unanimously.

DEPARTMENT HEAD REPORTS

- **Admin** – In the absence of the City Clerk, there was no report given.
- **Streets and Maintenance** – Allen Reynolds reported that they were staying busy with garbage, brush pick-up and renovation of the Rec Building on Washington Street. Gutters and ditches have been cleaned for the excessive amount of rain expected within the next 24 hours. Mayor stated that the Rec Building looked good and commended Allen on the work his department had done. Council member Mayfield stated that Mr. Oliver Head had contacted her and commended the crew on the pick-up of his garbage. He stated that they did a great job.
- **Environmental Services** – Dale Lucas reported that everything was “splendid” and things were good. Joinertown lift station control panel is to be replaced and the smoke testing will resume when the flooding is over and everything is dried out.

Council member Ricky Ruston joined the meeting at 6:08 p.m.

- **Library** - Tom Rary reported business as usual. Friends of the Library will have a valentine program on Thursday. Then on Tuesday February 9, 2016 at 6:00 p.m., Jim Phillips will present “Amazing and Little Known Facts About American Presidents” for President Day. Jon Harrison will call American Village to ask if they have someone that can represent George Washington.
- **Marketing** – Jon Harrison reported that Cowboy is February 20, 2016 and encouraged everyone to attend.

- **Police** - Chief Vick reported that things were going good. The department has been working on several theft cases and arrests have been made. Fred's Pharmacy case is still ongoing. There also was an arrest in a stolen vehicle case.

Chief reported on some items that the council asked that he look into:

- Chief Vick met with the Public Safety Committee regarding the weather siren letter that will be in the March 2, 2016 newsletter.
- The fence at Subway is down and has been cleaned up.
- The camper is gone from Old Hwy. 25.
- The trailer across from the Middle School is gone and the items that were left behind are being cleaned up.
- Chief Vick reported that former reserve officer Homer Mallory had passed away.
- New officer, Jason Sexton is working out good and glad to be on board.

Chief Vick reported that he had met with City Judge Mike Atchison regarding security in the courtroom. There are some changes in progress and he will be meeting with the council and department heads to go over a safety plan.

Mayor Handley reported that a lady from out of town had contacted him and let him know she was very appreciative for assistance from a city police officer. Someone had brought her attention to the fact that she had a low tire. It was raining when she flagged down the officer and asked where she could go to get her tire fixed. After looking at the tire, the officer asked her to follow him. He then led her to the Chevron station where he proceeded to air up the tire. Mayor Handley stated that Officer Peppers is the one that assisted the lady and asked that Chief Vick commend him for doing so.

Council member Ruston also thanked Chief Vick for the department's assistance the previous night on a suspicious vehicle that repeatedly drove through their neighborhood.

Mayor Handley reported that a resident of Nelson Walker Road had commended the city on the lack of activity on their road.

- **Sr. Center** – Ali Payne reported that the Sr. Center was very busy and doing well. They average around 50 on Wednesdays and average around 30 on other days. The mayor commended Ali on a great job.

Council member Ruston introduced the following resolution:

RESOLUTION 02-16-01
AMENDING THE FY2016 BUDGET TO INCLUDE ADDITIONAL CAPITAL
EXPENDITURES AND FLOOD DAMAGE REPAIR AT THE RESCUE BUILDING

WHEREAS, the Columbiana City Council has approved a beginning budget for FY2016, and

WHEREAS, the Columbiana City Council has identified the need to offer commercial dumpsters for Columbiana businesses in order to provide a more comprehensive sanitation service; and

WHEREAS, the Columbiana City Council, due to a flooding emergency at the Rescue Building, has also identified the need to contract with ServePro of Birmingham to remove water and moisture from the Rescue Building; and

WHEREAS, it is the responsibility of the City Council to approve a budget that is consistent with the revenue and expenditures reflecting their priorities for the City of Columbiana; and

WHEREAS, the purchase of these dumpsters and flood remediation service requires an amendment to the 2016 capital budget.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Columbiana that the City Council hereby amends the Fiscal Year 2016 budget to include the Sanitation Department Capital Expenditure in the amount of \$11,402.75 for dumpsters from ParKan and \$10,901.54 for Repairs and Maintenance at the Rescue Building with the funds to be paid from the Rescue Building Repairs and Maintenance line item account. This also authorizes the City Clerk/Treasurer to transfer the funds from the General Fund to the Capital Expense account and to update the Repairs and Maintenance line for the FY2016 budget.

THEREUPON Council member Whiting moved and Council member Mayfield seconded the motion that said resolution be given vote, and said resolution passed by roll call vote of all members of the Council present, and the Mayor declared the same passed. Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted this 2nd day of February, 2016.

Council member Mayfield made the motion to suspend the rules in order to consider Ordinance 02-16-12 at the first reading. Council member Whiting seconded the motion. After a brief discussion, Mayor requested a vote to suspend the rules by show of hands and then declared the same passed unanimously.

ORDINANCE NO. 02-16-02

AN ORDINANCE REPEALING SECTION 2 OF ORD. NO. 10-15-07 AND REINSTATING USE TAX RATES AS PREVIOUSLY PROVIDED IN ORD. NO. 04-00-01

WHEREAS, the Mayor and Council of the City of Columbiana, Alabama, have deemed it necessary, proper, and for the benefit of the City to amend Ordinance No. 10-15-07 by repealing Section 2 of that ordinance and reinstating the use tax rates previously provided by Ordinance No. 04-00-01;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, AS FOLLOWS:

Section 1. That Section 2 of Ordinance No. 10-15-07 is repealed in its entirety.

Section 2. That Section 3 of Ordinance No. 04-00-01 be reinstated to read as follows:

“Section 3. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City, except as provided in (b), (c), and (d) of this section, at the rate of three percent (3%) of the sales price of such property within the corporate limits of said City.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City, of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this ordinance at the rate of three percent (3%) of the sales price of any such machine; provided, that the term “machine” as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City on any automotive vehicle or truck trailer, semi- trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the City at the rate of two percent (2%) of the sales price of such automotive vehicle, truck trailer, semitrailer, house trailer or mobile home set-up materials and supplies within the corporate limits of said City. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the City at the rate of three percent (3%) of the sales price of such property within the corporate limits of said City, regardless of whether the retailer is or is not engaged in the business in this City. Provided, however, the three percent (3%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural

commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.”

Section 3. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinance.

Section 4. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective on the first day of January, 1 2016, and the first payment of taxes hereunder shall be due and payable on the 20th day of February, 2016. This ordinance shall remain in full force and effect and shall apply to each month of the year 2016, beginning with the month of January and to each month of each calendar year thereafter from year to year.

THEREUPON Council member Mayfield moved and Council member Whiting seconded the motion that said resolution be given vote, and said resolution passed by roll call vote of all members of the Council present. The Mayor declared the vote unanimous and the same passed. Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted and approved this 2nd day of February, 2016.

Council member Ruston introduced the following resolution:

RESOLUTION NUMBER 02-16-03

BE IT RESOLVED, by the City of Columbiana Shelby County, Alabama, that the City enter into an agreement with the State of Alabama acting by and through the Alabama Department of Transportation for:

The Installation and /or Maintenance of Traffic Control Signals and/or Roadway Lighting for:

Project Number: ST-059-070-001 Turn Lanes and Intersection Improvements on SR-70 and CR-26 in Columbiana

which agreement is before this City Council, and that the agreement be executed in the name of the City, by the Mayor for and in its behalf and that it be attested by the City Clerk and the seal of the City be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

THEREUPON Council member Mayfield moved and Council member Whiting seconded the motion that said resolution be given vote, and said resolution passed by roll call vote of all members of the Council present, and the Mayor declared the same passed.

Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted and approved this 2nd day of February, 2016.

Council member Whiting introduced the following resolution:

**RESOLUTION
02-16-04**

WHEREAS, the City of Columbiana, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on SR-70 and CR-26 within the City Limits of Columbiana, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: ST-059-070-001 Turn Lanes and Intersection Improvements at SR-70 and CR-26 in Columbiana.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the

purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of Columbiana, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/ A- This project does not require permanent barricade or relocation of any intersecting streets.

Please refer to: Project Notes (Sheet 2C)

Please refer to: General Traffic Control Plan Notes (Sheet 2D)

Please refer to: General Traffic Signal Plan Notes (Sheet 2E)

Please refer to: Traffic Control Plan- Sequence of Construction (Sheets 30- 40)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with

applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THEREUPON Council member Ruston moved and Council member Mayfield seconded the motion that said resolution be given vote, and said resolution passed by roll call vote of all members of the Council present, and the Mayor declared the same passed.

Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 2nd day of February 2016.

Council member Mayfield introduced the following resolution:

RESOLUTION 02-16-05
A RESOLUTION AUTHORIZING PARTICIPATION
IN THE MAIN STREET ALABAMA PROGRAM

WHEREAS, The Main Street Alabama Program has been established to assist cities to develop a public/private effort to revitalize their commercial, downtown and neighborhood areas, and

WHEREAS, the City of Columbiana agrees to participate in the Main Street Alabama Program,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA:

SECTION 1: That the City of Columbiana through the Columbiana Merchants and Professionals Association, applies for selection to participate in the Main Street Alabama Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings,.

SECTION 2: That the City of Columbiana will support the goals of this local program if so selected.

SECTION 3: That the City of Columbiana with the assistance of the CMP Association, guarantees that a Main Street Project Manager with a travel and operating budget will be employed.

SECTION 4: That the City of Columbiana be designated to submit the application.

THEREUPON Council member Whiting moved and Council member Ruston seconded the motion that said resolution be given vote, and said resolution passed by a roll call vote. The results of the vote were as follows:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

ADOPTED THIS 2nd DAY OF February, 2016.

Council member Whiting introduced the following resolution

RESOLUTION 02-16-06

AUTHORIZATION TO EXECUTE SALES CONTRACT

WHEREAS, the City Council of the City of Columbiana has the responsibility to make sound business decisions that will positively affect the current and future needs of the City and;

WHEREAS, it has been determined that additional meeting rooms and storage space is needed for City Hall and the Columbiana Senior Center.

NOW, THEREFORE, BE IT RESOLVED by the Columbiana City Council that the Mayor is hereby authorized to execute a contract with First US Bank for the purchase of 200 Mildred Street in Columbiana, AL - Parcel ID 21 7 25 2 202 019.000 in the amount of \$57,500.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the contract by all parties, that a copy of such agreement be kept on file by the City Clerk.

THEREUPON Council member Ruston moved and Council member Mayfield seconded the motion that said resolution be given vote, and said resolution passed by vote of all members of the Council present, and the Mayor declared the same passed.

The results of the vote were as follows:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	Absent	
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted this 2nd day of February, 2016.

MAYORS REPORT

- Main Street Alabama Project Meeting – It was suggested by Main Street Alabama Project that the cost to run the program be split as follows:

- 30% from the City
- 30% from Merchants and Business People
- 10% from the Citizens
- 30% from local Financial Institutions

The Mayor has talked with the Financial Institutions and any participation would be a part of their Community Reinvestments and he expects to hear back from them soon.

- Mayor Handley met with Ms. Barbara Snider the Interim Principal at Shelby County High School. Ms. Snider is interested in SCHC becoming a “community” with the city. Ms. Snider and Jon Harrison will keep in touch regarding upcoming events with the city and with the school. Information regarding happenings with the school and the city will be made available on calendars and websites. First on the calendar will be Cowboy Day on February 20 and the students may participate by wearing cowboy apparel to school that Friday.
- Shelby Co. Arts Council – The Arts Council will remain in Columbiana and on February 3, 2016 will meet regarding a new president and the direction the council will take.
- Mayor talked with Bob Enoch regarding Old Mill Square construction and hopes to get that moving in the near future. He also spoke with Mike Hill and Jim Bayard regarding an ADECA grant to help with this. Now that the Sr. Center construction and grant is complete, the city may apply for another ADECA grant.

ANNOUNCEMENTS: none

PUBLIC COMMENTS: none

There being no further business, Council member Whiting moved that the meeting be adjourned. Council member Ruston seconded and the motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:07 p.m.

Frances Sammons, Assistant City Clerk

Stancil Handley, Mayor