

**REGULAR COUNCIL MEETING  
CITY OF COLUMBIANA, ALABAMA  
April 21, 2015**

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 April 21, 2015. Mayor Stancil Handley called the meeting to order and then asked City Clerk Mark Frey to call roll after the invocation and pledge.

Present:

Council member Leslie Whiting	Council member Barbara Moore
Council member Kim King	Council member Ouida Mayfield
Mayor Stancil Handley	

Absent:

Council member Ricky Ruston  
A quorum was present.

**CONSENT AGENDA**

Council member Whiting moved to approve the consent agenda and Council member Moore seconded the motion which given to a vote and was approved unanimously by all members present.

Mayor Handley welcomed Michael McCain, with Insane McCain Fireworks. Michael presented a packet of information to the Council and a request to set up a Fireworks Stand behind the Mexican Restaurant. After some discussion, the Council decided that they would discuss this request at the next work session on the 28<sup>th</sup> of April and report back to Mr. McCain the results.

**DEPARTMENT HEAD REPORTS**

- **Admin** – Department Head Mark Frey reported that the updated vehicle and drug policy handbooks were ready for distribution to all employees. Mark, the Mayor and John DeLoach will be meeting just prior to the next council meeting in order to go over the 2014 Fiscal Year Audit. Once that meeting is completed, the audit will be distributed to council for their approval.

There have been many requests for building permits for projects and new homes coming into the City.

- **Police Department** – Chief Lamar Vick reported that everything is going good and the guys are working on building some new drug cases. Chief Vick reported that several neighboring cities' have requested information about how our department is working to deter drug dealing in Columbiana. Heroin use seems to be up and the department is building cases to help prevent the dealing of these dangerous drugs in our City. The vehicles that were declared surplus property have been sold.

Mayor Handley thanked the Chief and the entire Department for their efforts in combatting illegal drugs here in the City of Columbiana. The Mayor added, "It is no longer safe to buy or sell drugs in Columbiana, thanks to the Columbiana Drug Taskforce." Council member Whiting thanked Chief Vick for taking a personal interest in helping our City stay safe.

- **Library** – Columbiana Library Director Tom Rary reported that he had gathered some good information while he was down at the State Library Convention. He called and had an instructor come in from Montevallo to teach an ACT prep course. This service is offered free of charge to the students that come to the library. Comparable classes thorough out the county cost between \$150 and \$200. There were 3 students at the first class, 15 at the second, and 25 at the third class. As word spread about this free prep class, more and more students wanted to participate. Next year this will be a 6 week program leading up to the ACT testing.

The annual Library Summer Reading program kicks off on May 15<sup>th</sup> for the Elementary School, the 19<sup>th</sup> for the Middle School and June 3<sup>rd</sup> for the High School. Mayor Handley and the Council expressed their appreciation for all that Tom is doing to grow our library.

- **Environmental Services** – Dale Lucas reported that he is waiting for the final inspection on the lift station from the County. He is taking his new employee to get his CDL on the 15<sup>th</sup>. Dale reported that he and the wastewater engineer are looking into aerating the lagoon in order to let the contents biologically break down. This process should be a quarter of the cost of dredging the lagoon. Dale noted that, this month, there has been over \$22,000 in dump fee revenue generated at the plant due to accepting waste from a neighboring city. This revenue will be used to help pay for upgrades and service at the treatment plant.
- **Streets** – Mayor Handley reported that Department Head Allen Reynolds was out due to a doctor's appointment.

Marketing Coordinator, Jon Harrison reported that he is working on Liberty Day and it is going well. Vendors are contacting the City and Sponsors are being added. T-Shirts have been ordered and everything is going well. The annual Relay For Life is set for May 8.

The Tour De Cure is coming through Columbiana on July 13<sup>th</sup>. This raises money for Diabetes Research.

Council member Whiting asked about the pending sale of the old ECA building. There was some discussion about the sewer main that runs under part of the building. City Clerk Mark Frey also reported that there was an outstanding sewer bill that will be paid by the seller prior to the sale of this property.

Mayor Handley welcomed guest Rusty Worsham and reported the findings of the Planning and Zoning Board and the City Council's findings. This is in regards to his business located on Hwy 70. The current zoning is B1 which does allow for minor auto repair. This does not include pulling motors, transmissions, and body work or auto sales. The Mayor instructed Mr. Worsham to come by City Hall and purchase the additional license that he had requested.

Mayor Handley welcomed the Pope family and stated that the Council has talked about the opportunity presented at the last meeting. Mark, Bill Justice and the Mayor will be preparing an ordinance for the Council's consideration in regards to push food carts.

Mayor Handley welcomed Chris Mundy with Mundy Motor Company. Chris addressed the Council in regards to the City of Columbiana's Automobile Sales Tax rate which is currently 2%. Most other municipalities in the County are set at 1%. This includes his previous location in Chelsea. Chris stated that all of the auto dealers across the state are very concerned about the increase in taxes at the State level and how it can negatively impact their sales. He is also concerned about Columbian's tax rate being higher than surrounding municipalities and the disadvantage it presents for people selling cars in Columbiana.

Chris thanked the council for their consideration and he stated that his long term goal is to grow his business and eventually bring in a franchise dealership to Columbiana. The Mayor and Council decided to discuss tax abatement during the upcoming work session.

Mayor Handley reported that the Maddox family has indicated that they intend on demolishing their abated property and they have requested a 90 day administrative delay in order to allow them to do the work.

Mayor Handley and the Council discussed the property condition and the amount of time that should be granted due to weather restrictions. The City Council decided that the resolution to demolish should be voted on tonight and they would also grant the property owner the 90 day administrative delay that they are requesting as well.

Council member Whiting introduced:

**RESOLUTION NO. 04-15-06**

**A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 203 OLD HIGHWAY 25, COLUMBIANA, ALABAMA, PARCEL ID# 21-7-25-2-002-008, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 05-14-06 OF COLUMBIANA, ALABAMA; AND CALLING FOR THE CITY TO CAUSE SAID DEMOLITION TO BE PERFORMED AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS**

**WHEREAS**, the Appropriate Municipal Official of Columbiana, Alabama, determined that the condition of the building or structure located at 203 Old Highway 25, Columbiana, Alabama, Parcel I.D. Number 21-7-25-2-002-008 is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

**WHEREAS**, contemporaneously with the filing of "Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens" on February 13, 2015, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

A. All person or persons, firm, association, or corporation last assessing the subject property for state taxes to the address on file in the Shelby County Revenue Commissioner's Office,

B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the Judge of Probate of Shelby County, Alabama, at the owner or owners' last known address and at the address of the subject property,

C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Shelby County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official,

D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Shelby County, Alabama to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official,

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the subject property.

**WHEREAS**, contemporaneously with the filing of the “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens”, a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in three public places located within the City: Columbiana City Hall, Columbiana Public Library, and Columbiana Water Works.

**WHEREAS**, notice that the Appropriate Municipal Official has made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the Shelby County Reporter.

**BE IT RESOLVED by the City Council of Columbiana, Alabama** while in regular session on Tuesday, April 7, 2015, at 6:00 p.m. as follows:

**Section 1.** A Public Hearing was held on Tuesday, April 7, 2015, at 6:00 p.m. and after due deliberation the Council of the City finds that the structure standing at 203 Old Highway 25, Columbiana, Alabama, Parcel ID# 21-7-25-2-002-008 is unsafe to the extent of becoming a public nuisance to the citizens of the City and is due to be demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the Code of Alabama (1975), and Ordinance Number 05-14-06 of the City;

**Section 2.** That the City shall cause said demolition to be performed by its own employees and/or by contractor(s); and

**Section 3.** That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

Council member Mayfield moved which was seconded by Council member King that was followed by a roll call vote. The results were as follows:

	Yea:	Nay:		Yea:	Nay:
Council member Leslie Whiting	<u>X</u>	___	Council member Barbara Moore	<u>X</u>	___
Council member Rickey Ruston	absent	___	Council member Kim King	<u>X</u>	___
Council member Ouida Mayfield	<u>X</u>	___	Mayor Stancil Handley	<u>X</u>	___

ADOPTED this the 21<sup>st</sup> day of April, 2015.

Council member Mayfield moved that the Resolution to Destruct 04-15-06 should be administratively delayed for 90 days in order to allow the owner time to demolish the property. This was seconded by Council member King and the results of the roll call vote were as follows:

	Yea:	Nay:		Yea:	Nay:
Council member Leslie Whiting	<u>X</u>	___	Council member Barbara Moore	<u>X</u>	___
Council member Rickey Ruston		absent	Council member Kim King	<u>X</u>	___
Council member Ouida Mayfield	<u>X</u>	___	Mayor Stancil Handley	<u>X</u>	___

The destruction of the Maddox property will be delayed for 90 days from April 21, 2015.

Mayor Handley thanked the Bentley family for coming to the meeting tonight and he asked if she would update the council as to the progress being made on their abated property on Old Hwy 25.

Terry Bentley explained that they have an estimate from one contractor and they are waiting on another. Mrs. Bentley explained to the Council that they are working on repairs to the property including the removing of shrubs and trees around the building. They have spoken to Alabama Power about removing the old service in preparation for the installation of a new roof. The Council tabled this abatement and Mayor Handley asked for the Bentleys to update the council at each regular Council meeting until the property can be removed from the abatement list.

Mayor Handley stated that the Planning and Zoning Commission has presented a recommended change to Ordinance 215 in regards to the R-1 lot size. This follows a public hearing asking for anyone that would speak for or against this change. A second public hearing has been advertised and is scheduled for May 5 at the next regular Council meeting.

**ORDINANCE NO. 04-15-01**

AN ORDINANCE AS RECOMMENDED BY THE CITY’S PLANNING COMMISSION TO CHANGE, MODIFY, AND AMEND CERTAIN PORTIONS OF THE ZONING ORDINANCE OF THE CITY OF COLUMBIANA, ALABAMA

Be it ordained by the City Council of Columbiana, Alabama, that the following changes, modifications, and amendments to Ordinance No. 215, the Zoning Ordinance of the City of Columbiana, Alabama, as amended, are hereby adopted:

1. Article 2, Section 21 Residential Requirements for R-1 Districts are amended to make the existing R-1 requirements applicable to property which has no sewer service available; and to add new requirements applicable to property which has sewer available, to read as shown on the attached table.
2. All other ordinances or parts of ordinances, including but not limited to Ordinance No. 215, as amended, which are inconsistent or contradict this Ordinance are hereby repealed and shall be of no further force and effect.
3. Except as expressly changed, modified, or amended, Ordinance No. 215, as amended, shall remain in full force and effect.
4. The provisions of this Ordinance are severable and if any part or portion thereof shall be declared unconstitutional or illegal, such declaration shall not affect any other remaining terms,

provisions, or conditions hereof.

5. This Ordinance shall become effective upon its passage and publication or posting as required by law.

DISTRICT	USE REGULATIONS	MINIMUM YARD SIZE			MINIMUM LOT SIZE		MAXIMUM HEIGHT		MAXIMUM BUILDING AREA Percent	OFF-STREET PARKING Car Spaces	DISTRICT
		FRONT YARD FEET	REAR YARD FEET	SIDE YARD FEET	AREA SQ. FT.	WIDTH FEET	FEET	STORIES			
R-1	<u>USES PERMITTED:</u>										R-1
Sewer Available	Single family dwellings. (See regulations common to all "R" Districts, listed above.)	40	40	12	15,000	75	35	2½	25	One	Sewer Available
Sewer Not Available		40	40	15	20,000	100	35	2½	25	One	Sewer Not Available

Council member Mayfield introduced **ORDINANCE NO. 05-15-01** to: Establish the Monthly Salary of the Mayor and Council Members and moved to suspend the rules in order to take up this ordinance to be passed and adopted during this meeting. Council member Whiting seconded the motion which was followed by a roll call vote. The results are as follows:

	Yea:	Nay:		Yea:	Nay:
Council member Leslie Whiting	<u>X</u>	___	Council member Barbara Moore	<u>X</u>	___
Council member Rickey Ruston		absent	Council member Kim King	<u>X</u>	___
Council member Ouida Mayfield	<u>X</u>	___	Mayor Stancil Handley	<u>X</u>	___

Mayor Handley declared the motion adopted by unanimous vote of the members present.

**Ordinance No. 05-15-01**

**ESTABLISHING THE MONTHLY SALARY OF THE MAYOR AND COUNCIL MEMBERS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA AS FOLLOWS:

Section 1. That the salary of the mayor of the City of Columbiana, Alabama, shall be and the same is hereby fixed at a sum of \$24,000.00 annually/\$2,000.00 per month.

Section 2. That the mayor pro tem shall be compensated at the sum of \$500.00 per meeting attended, not to exceed \$1,000.00 per month. The mayor pro tem shall be allowed two excused absences per calendar year without a reduction in compensation. Unexcused absences without Mayors approval can result in reduction in compensation.

Section 3. That each council member shall be compensated at the sum of \$400.00 per meeting attended, not to exceed \$800.00 per month. Each council member shall be allowed two excused absences per calendar year without a reduction in compensation. Unexcused absences without Mayors approval can result in reduction in compensation.

Section 4. There will be no compensation for the mayor or council members for attending special called meetings.

Section 5. In addition to the salary provided for herein, the mayor or council member shall be eligible to participate in the city's single health and dental insurance coverage for \$50 per month.

Section 6. In addition to the salary provided for herein, the mayor or council member shall be eligible to participate in the city's family health and dental insurance coverage for \$100 per month.

Section 7. This ordinance shall become effective on the first Monday in November 2016 and shall continue in force and effect until repealed by action of the council.

Section 8. The provisions of this ordinance are hereby declared severable. If any portion of this ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this ordinance.

Council member Whiting now moved that said **ORDINANCE NO. 05-15-01** be finally passed and adopted as introduced which was seconded by Council member Mayfield. Mayor Handley put the final passage and adoption of said ordinance to a roll call vote and the results were as follows:

	Yea:	Nay:		Yea:	Nay:
Council member Leslie Whiting	<u>X</u>	___	Council member Barbara Moore	<u>X</u>	___
Council member Rickey Ruston	absent		Council member Kim King	<u>X</u>	___
Council member Ouida Mayfield	<u>X</u>	___	Mayor Stancil Handley	<u>X</u>	___

Mayor Handley announced the ordinance adopted and instructed the City Clerk to post said Ordinance in accordance with State Law.

### MAYORS REPORT

Little Caesar's Pizza is now open. The east end of the Senior Center is being bricked and this project is coming along on schedule. The Mayor spoke with Bob Enoch today and got an update on the Old Mill Square Park. This park project is very large will have to be done in phases. The council will be discussing these plans at the next work session.

### ANNOUNCEMENTS

Council member Mayfield announced that May 1<sup>st</sup> will be the first Music on Main. Mayor Handley addressed everyone at the meeting and encouraged them to participate in events here in town.

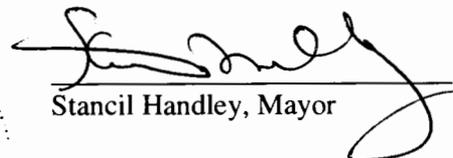
### PUBLIC COMMENT

Chris Mundy stated that he would like to participate in the promotion of the Liberty Day celebration.

Mr. Pope asked about setting up his hot dog stand during the Music on Main events. Mayor Handley stated that this was allowed last year, so it would be fine to set up. The Mayor also noted that Mr. Pope would need to get with Dr. Blackerby about permission in setting up in front of her office. In the event an alternate location is needed, Mr. Pope will contact the Mayor.

There being no further business, Council member Whiting moved that the meeting be adjourned, Council member King seconded and the motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:48 p.m.

  
J. Mark Frey, City Clerk

  
Stancil Handley, Mayor

