

**REGULAR COUNCIL MEETING
CITY OF COLUMBIANA, ALABAMA
November 17, 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 November 17, 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 Ricky Ruston	Council member Kim King
Council member Ouida Mayfield	Mayor Stancil Handley

Absent:

None. A quorum was present.

CONSENT AGENDA

- A. Approval of Minutes 10-20-2015 Regular Meeting. (No quorum at 11-03-2015 meeting)
- B. Recommendation of Department Head Allen Reynolds for a 1 step merit increase for Charles Montgomery – moving from Pay Grade VI Step 6 to Pay Grade VI Step 7 to take effect on next pay cycle.
- C. Recommendation of Department Head Allen Reynolds for a 1 step merit increase for Brandon White – moving from Pay Grade IV Step 5 to Pay Grade IV Step 6 to take effect on next pay cycle.

Council member Mayfield made a motion to accept the Consent Agenda which was seconded by Council member Whiting. A roll call vote followed which passed unanimously.

Mayor Handley read the following Proclamation:

**Proclamation
November is National Hospice Month**

WHEREAS, hospice and palliative care empower people facing a serious or life-limiting illness to live as fully as possible, surrounded and supported by family and loved ones;

WHEREAS, hospice and palliative care professionals are dedicated to helping diverse communities access quality end-of-life care and are committed to removing barriers to accessing care;

WHEREAS, hospice and palliative care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and others who make the wishes of each patient and family a priority;

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully and make more meaningful moments until the end, surrounded and supported by the faces of loved ones, friends, and committed caregivers;

WHEREAS, Each year, hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients and comfort to families anywhere, at any time.

WHEREAS, every year more than 1.6 to 1.7 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States;

WHEREAS, more than 430,000 trained volunteers contribute 19 million hours of service to hospice programs annually in the U.S.;

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;

NOW, THEREFORE, be it resolved, by virtue of the authority vested in the Board of Directors of the National Hospice and Palliative Care Organization, we do hereby proclaim November 2015 as **National Hospice and Palliative Care Month** and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

Guest – Mike McCain with Insane McCain Fireworks

Mayor Handley welcomed Mike McCain. Mike addressed the Council and requested permission to locate his Firework Trailer back in the same location as he was in on July 4th of this year. There was discussion about the professional manner that the stand was setup, operated and removed previously as well as the benefit to the City by way of Business License and Sales Tax. The Council voted unanimously to allow the trailer to be set up temporarily for the New Year's Holiday.

DEPARTMENT HEAD REPORTS

Library – Library Director Tom Rary reported that there are many programs happening at the Library including 3rd and 4th grade programs, Quilting Classes, Christmas Ornaments Painting, 2 movie marathons, as well as several programs involving the new Senior Center. Library employee Kathy Jones has lost her parents in recent months and she is coming back to work this week. The Senior Center is also established a small “in-house” library and the Senior Center is accepting donations of large print books at this time.

Rescue – Matt Rush reported that the new ambulance had to have a new fuel system installed by Ford, but it is back in service. 3 weeks ago Rescue had 6 people attend an advanced extrication

class. The Mayor thanked Rescue for working to increase their knowledge involving these types of extreme rescue situations.

Council member Mayfield thanked Rescue for all of their help during the recent gas leak evacuation that took place a couple of weeks ago.

Police Department – Chief Vick reported that his department is working to finish up some end of the month requirements. Last Tuesday his department served 10 warrants on individuals through the City. Everything went smoothly and the Mayor and Council expressed their appreciation of the hard work being done by the CPD.

Chief Vick reported that he has hired a part time Dispatcher and also a part time Police Officer. Officer Bobby Burlison is the new officer and Emily Olinger is the new dispatcher. Chief Vick also noted that everyone should be vigilant during this time of the year for burglaries. There have been reports out in the County, but so far there hasn't been an issue inside the City Limits.

Fire Department – Rodney Reed reported that everything is going good with the Fire Department. The gas leak evacuation was the main event that has taken place recently. The Mayor thanked the Fire Department for their hard work during the evacuation. Rodney noted that the Trolley and its wheel chair lift made a big difference in getting everyone moved in a rapid manner.

Streets and Maintenance – Allen Reynolds reported that the Christmas Lights are going up and the Fall Decorations are coming down. The new garbage truck has been put into service and it is making a big difference having 2 reliable trucks in town.

Environmental Services – Mayor Handley reported that Dale Lucas is out tonight due to personal business. One of the guys is taking his waste water test on Friday and the other is scheduled for testing on December 4th.

Admin – City Clerk Mark Frey reported that his department is working with the City's audit firm to get everything together for them. He is traveling down to Orange Beach tonight after the Council meeting to attend election training.

Liz is doing a great job and making a difference in our Court system as well as assisting at the front desk with Kelli.

Mayor Handley asked Jon Harrison about events going on in the City. Jon reported that there are 2 ribbon cuttings happening in town this week. The first is for the College and Career School and they are having their ribbon cutting on Thursday at 5pm. Mr. and Mrs. Driggers are having a ribbon cutting for their new Nursery on Hwy 47 South at 9am on Friday morning. On December 3rd there will be the annual Christmas Parade at 7pm and the 5th of December the annual Christmas Tour of Homes. The Holly Jolly Trolley is being held on the 17th and 18th this year as well. Jon reported that there is a meeting scheduled with a large builder regarding a new potential development for Columbiana.

There is also a meeting scheduled regarding the gas line and potential Rascal Rail Trail.

The Council discussed: Ordinance No. 10-15-07 Amending Ordinance No. 04-00-01 to increase general sales tax and reduce tax on automobiles. This is the 2nd reading and is being given an opportunity for the Council to vote. There was extensive discussion about this ordinance and how the funding will be spent as well as the expanding of the city services through the new senior center and fleet of vehicles. 2 citizens in attendance expressed concern about a tax increase. There was some discussion about the earmarking of funds. This will be discussed at length at the upcoming work session next Tuesday.

Council member Mayfield called for the question and the Mayor asked City Clerk Mark Frey for a Roll Call Vote. The results of the vote were as follows:

YEA:

Council member Leslie Whiting
Council member Kim King
Mayor Stancil Handley

Council member Barbara Moore
Council member Ouida Mayfield

NAY:

Council member Ricky Ruston

The Ordinance passed with a 5 to 1 vote.

ORDINANCE NO. 10-15-07

AN ORDINANCE AMENDING ORDINANCE NO. 04-00-01 TO INCREASE GENERAL SALES TAXES AND REDUCE SALES TAXES ON AUTOMOBILES

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. 04-00-01 ("Tax Ordinance") to increase the amount of general taxes imposed by said ordinance but to reduce the amount of taxes imposed on automobiles;

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

Section 1. That Section 1 of the Tax Ordinance be amended to read as follows:

"Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged or continuing within the City in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any

person for use in fulfilling a contract for the painting, repair, 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), an amount equal to four percent (4%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within the City, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests, conducted by or under the auspices of any educational institution within the City, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to four percent (4%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by said public primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

(c) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, an amount equal to four percent (4%) of the gross proceeds of the sale of such machines; provided, that the term "machines," 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.

(d) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail 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 an amount equal to one and one-half percent (1½%) of the gross proceeds of sale of said automotive vehicle, truck trailer, semitrailer, house trailer or mobile home set-up materials and supplies provided, however, where a person

subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$2.50 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, or house trailer shall remain the property of such person.

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.

(e) Upon every person, firm or corporation engaged or continuing within the City in the business of selling at retail 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, an amount equal to four percent (4%) of the gross proceeds of the sale thereof. Provided, however, the four percent (4%) 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.

(f) Upon every person, firm or corporation engaged or continuing within the City in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to four percent (4%) of the retail selling price of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.”

Section 2. That Section 3 of the Tax Ordinance be amended 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 one and one-half percent (1½%) 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, 2016, and the first payment of taxes hereunder shall be due and payable on the twentieth 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.

Adopted and approved this 17th day of November, 2015.

Mayor Handley asked the Council to consider Ordinance 10-15-08. This is an ordinance creating a senior center advisory board. This is the 2nd reading and vote for this ordinance. Mayor Handley confirmed that this, like all board positions with the City of Columbiana, is an unpaid advisory only position.

ORDINANCE # 10-15-08

AN ORDINANCE CREATING A SENIOR CENTER ADVISORY BOARD

WHEREAS, the City Council of Columbiana, Alabama, has determined that it will benefit the health and welfare of the citizens of the City to provide advice and assistance to the Senior Center Director,

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

Section 1. Creation of board.

There is hereby created an advisory board to be known as the Columbiana Senior Center Advisory Board to advise and assist the Senior Center Director in the performance of his or her duties.

Section 2. Membership of board.

The Board shall consist of 3 members to be selected by the City Council from residents of the City who have a recognized interest in the Senior Center activities. Members shall serve staggered terms, and the initial terms shall be as follows: 1 for a term of two years; 1 for a term of three years; and 1 for a term of four years. As the terms of members expire, their successors shall be selected for terms of four years each. Vacancies in unexpired terms shall be filled by the City Council. Members of the Board shall serve without compensation.

Section 3. This Ordinance shall become effective upon its passage and publication or posting as required by law.

ADOPTED AND APPROVED THIS 17th DAY OF NOVEMBER, 2015.

Council member Whiting called for the question and Mayor Handley asked City Clerk Mark Frey for a Roll Call vote. The results were as follows:

YEA:

Council member Leslie Whiting
Council member Ricky Ruston
Council member Ouida Mayfield

Council member Barbara Moore
Council member Kim King
Mayor Stancil Handley

NAY:

None.

MAYORS REPORT

- The China trip was great and the Mayor hopes to see many benefits from this trip.
- There is a major builder that is looking at Columbiana.
- A tour group from Birmingham came to town last week. The group had 31 people and they toured the Museums, enjoyed downtown shopping, ate at Annie's, visited the SCAC and toured the Senior Center. The Mayor stated, "This is what we need here in Columbiana."

ANNOUNCEMENTS

- Council member Whiting noted that the High School Basketball season has kicked off and it is an exciting time at Shelby County. He encouraged everyone to support the Wildcats.

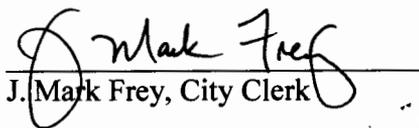
PUBLIC COMMENT

- Billy Walker asked about businesses who state that they are coming to town and don't ever come. Mayor Handley stated that if business wants to open in Columbiana and things fall through – these are things that are outside of the control of the Council. There are challenges to growing, but the City is doing everything possible to grow the right way.
- Mayor Handley called for Mrs. Owen to address the Council. Mrs. Owen states that she lives at 306 Mildred Street and she brought photos of her yard and street flooding. She stated that the City repaved the street shortly after she purchased her house. She stated that her house sits in a hole but she insisted that the City had caused the problem with flooding.

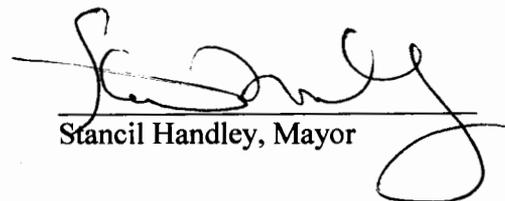
The Mayor stated that he had talked to family members of the previous owner of this house and there has always been a water problem. Mrs. Owen previously contacted the Mayor about the hump in her driveway and how cars scrape when traveling over it. The City contacted Mrs. Owen about cutting down the hump in her driveway and they were told, "Don't you touch it." The City contracted with an engineer with hydrology experience come to out and look at the street to determine what could be done. The engineer stated that the problem was due to the fact that Mrs. Owen's yard and house are in a low spot. The engineer instructed the City to make sure the inlet was cleaned out at the corner of Jefferson and Mildred Street as well as clean out the ditch across the street from the inlet to help alleviate any water from backing up. The inlet was cleaned and the ditch was dug deeper in order to make sure the water didn't back up onto Mildred Street.

Mrs. Owen was not satisfied with the findings of the engineer or the work that has been done by the City and she insisted that the Mayor was lying about all of the attempts to aid in resolving her issue. Mrs. Owen began talking about answering for lies that are told and suing the City. The Mayor asked her to leave the council chambers. Mrs. Owen continued addressing the Council as she collected her photographs at which time Mayor Handley asked Chief Vick to remove her from the Council chambers.

There being no further business, Council member Ruston moved that the meeting be adjourned, Council member Whiting seconded and the motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 9:05 p.m.


J. Mark Frey, City Clerk




Stancil Handley, Mayor