

**REGULAR COUNCIL MEETING  
CITY OF COLUMBIANA, ALABAMA  
April 4, 2017**

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 4, 2017. Mayor Stancil Handley called the meeting to order and 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.

The Mayor declared a quorum was present.

**CONSENT AGENDA**

A. Approval of Minutes 03-21-2017 Regular Meeting

Council member Whiting made a motion to accept the Consent agenda as written which was seconded by Council member King and unanimously passed by a vote of all members present.

**DEPARTMENT HEAD REPORTS**

- **Library** - Tom Rary reported that there were many activities happening at the Library including a Social Security planning class that has been very well received by seniors. The Movie of the Month is "SING" and on the 29<sup>th</sup> of April, the Library will celebrate Arbor Day.
- **Streets and Maintenance** – Allen Reynolds reported that he and his crew were already very busy staying on top of the fast growing grass. All of the recent rain really has accelerated the growth of all vegetation. His crew is working to make sure the cemetery is cut and ready for the upcoming Easter holiday.
- **Environmental Services** – Dale Lucas reported that he had held a pre-construction meeting with BLD Services for the Main Street Sewer Rehab project. They will be starting the slip line work on Monday. The plan is to work on this project from 6pm through 6am to insure a minimal impact on the businesses and commuters in town.
- **Fire Department** – Chief Johnny Howard Jr. reported that several of his guys had just finished up with annual training. He has been working with the new owners of the Shangri-La building as they prepare to open a senior housing and healthcare facility on Egg and Butter Road.
- **Police Department** – Chief Lamar Vick stated that everything was going well in his department. Things had been slow with spring break. He has hired 2 new dispatchers to replace positions left vacant by outgoing employees. There have been several calls regarding high weeds on some properties and he is working to inform the property owners of their need to keep their property compliant with our ordinances.

- **Administration** – City Clerk Mark Frey reported that he and Fran had completed the workers comp audit. He also had followed up with the County regarding ATRP funds that have not been returned to the City. There is a list being developed of residents and businesses that are required to have city garbage service, but have not been paying for the service. He also gave an abatement update.

Mayor Handley made a motion to amend the agenda by adding Resolutions 04-17-03, 04-17-04, and 04-17-05 which was seconded by Council member Mayfield and passed unanimously by a roll call vote of the Council.

Council member King also made a motion to amend the agenda by adding Ordinance 03-17-01 which was seconded by Council member Mayfield and passed unanimously by a roll call vote of all the Council.

Council member King introduced the following Resolution:

**RESOLUTION 04-17-01  
AUTHORIZING THE MAYOR TO SIGN CONTRACT WITH INFOMEDIA FOR THE  
DEVELOPMENT OF A NEW WEBSITE AND AUTHORIZES THE CLERK TO AMEND  
THE FY2017 BUDGET TO REFLECT EXPENDITURE**

**Whereas**, the City Council of the City of Columbiana recognizes the added benefit of providing a new website for all citizens; and

**Whereas**, the Council understands the importance of providing a website that is responsive and easily viewable from any platform; and

**Whereas**, after an extensive bid process and negotiation period by the City's web development team a qualified company has been selected; and

**Whereas**, this project expenditure was not included in the FY2017 budget as previously passed by the City Council at a regular meeting in October of 2016;

**Now, Therefore**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, that the Council selects INFOMEDIA Mayor is hereby authorized and empowered to sign and execute any and all documents necessary to facilitate the development, design and implementation needed for the new City of Columbiana Website and also authorizes the City Clerk to transfer \$10,000.00 from the General Fund and amend the FY2017 budget as such.

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

Passed, adopted and approved this 4<sup>th</sup> day of April, 2017.

Council member King introduced the following Resolution:

**RESOLUTION 04-17-03**

**RESOLUTION FOR ABC LICENSE FOR CLADDAGH RESTAURANT GROUP LLC  
D/B/A THE LOCAL KITCHEN AND ALE – RESTAURANT RETAIL LIQUOR**

**WHEREAS**, the City of Columbiana has received an application from **CLADDAGH RESTAURANT GROUP LLC D/B/A THE LOCAL KITCHEN AND ALE**, through the Alcoholic Beverage Control Board requesting an 020 restaurant retail liquor license; and

**WHEREAS**, the City of Columbiana recognizes that this business has complied with the requirements of the State of Alabama to obtain such licenses;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Columbiana that the City Council of the City of Columbiana does hereby grant the request and charge the City Clerk with providing a letter to the Alcoholic Beverage Control Board indicating their approval of the license request.

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

Adopted this 4<sup>th</sup> day of April, 2017.

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

Council member King introduced:

**RESOLUTION 04-17-04**

**RESOLUTION FOR ABC LICENSE FOR FRED'S STORES OF TENNESSEE INC D/B/A  
FRED'S STORE 1363 – RETAIL BEER (OFF PREMISES ONLY) AND RETAIL TABLE  
WINE (OFF PREMISES ONLY)**

**WHEREAS**, the City of Columbiana has received an application from **FRED'S STORES OF TENNESSEE INC D/B/A FRED'S STORE 1363**, through the Alcoholic Beverage Control Board requesting an 050 RETAIL BEER (OFF PREMISES ONLY) license and a 070 RETAIL TABLE WINE (OFF PREMISES ONLY) license; and

**WHEREAS**, the City of Columbiana recognizes that this business has complied with the requirements of the State of Alabama to obtain such licenses;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Columbiana that the City Council of the City of Columbiana does hereby grant the request and charge the City Clerk with

providing a letter to the Alcoholic Beverage Control Board indicating their approval of the license request.

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

Adopted this 4<sup>th</sup> day of April, 2017.

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

Council member Ruston introduced:

**RESOLUTION 04-17-05**  
**RESOLUTION FOR ABC LICENSE FOR SWEET LIFE LLC DBA MUSIC ON MAIN –**  
**OUTDOOR EVENTS**

**WHEREAS**, the City of Columbiana has received an application from **Sweet Life LLC d/b/a Music on Main**, through the Alcoholic Beverage Control Board requesting a 150-Special Retail license – 30 Days or Less, and an authorization to serve alcohol during outdoor events “Music On Main”, held at 115 South Main Street; Parking Lot Columbiana, AL 35051 on May 5, 12, 19, and 26; and

**WHEREAS**, the City of Columbiana recognizes that this business has complied with the requirements of the State of Alabama to obtain such licenses;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Columbiana that the City Council of the City of Columbiana does hereby grant the request and charge the City Clerk with providing a letter to the Alcoholic Beverage Control Board indicating their approval of the license request.

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

Adopted this 4<sup>th</sup> day of April, 2017.

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

Mayor Handley announced the results and declared the Resolution passed.

Council member King made a motion to add Ordinance 03-17-01 to the agenda which was seconded by Council member Mayfield. The Council voted unanimously to add the ordinance to the agenda. This ordinance has already had its first reading during the last meeting and was briefly discussed. The Council designated the following location for mobile vendors, food trucks and trailers:

- The corner of College Street and Summer Classics Way on the dirt parking pad

It was also noted that vendors can also request to locate on private property of an active business with written permission from owner/retailer so long as they are not in a residential area.

### **ORDINANCE # 03-17-01**

#### **AN ORDINANCE TO REGULATE THE OPERATION OF MOBILE VENDING UNITS**

WHEREAS, mobile vending in public areas can promote the public interest by contributing to an active and attractive pedestrian environment; and

WHEREAS, reasonable regulation of mobile vending units is necessary to protect the public health, safety, and welfare; and

WHEREAS, the granting of permits and business licenses for the temporary use of public places, subject to such conditions as the council may impose, is authorized by § 11-49-1, Code of Ala. 1975, so long as such use does not constitute a public nuisance;

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

#### **Section 1. Definitions.**

**Mobile food unit** - a self-contained vehicle or a trailer that serves prepared foods or beverages, or prepares and serves food or beverages. This term does not include a food cart.

**Food cart** - a non-motorized cart, wagon, vehicle, or device which is not required to be licensed or registered under Alabama law as a motor vehicle, which is used for the preparation, cooking, sale, and serving of food or beverages.

**Mobile vending unit** - a vehicle, trailer, cart, wagon or device from which retail sales of any kind are conducted. This term includes a mobile food unit but does not include a food cart.

**Section 2. Permit and business license required.** It shall be unlawful to operate a mobile vending unit within the city limits or police jurisdiction of the City of Columbiana without first obtaining a mobile vending unit permit and appropriate business license.

### **Section 3. Application and issuance of permit.**

(a) Application for a mobile vending unit permit must be submitted to the City Clerk, or other official designated by the Mayor, in writing and must contain the following information:

- (i) Name, and home and business address of applicant and owner, if other than the applicant, of the mobile vending unit to be used;
- (ii) Description of the type of food, beverage, or merchandise to be sold;
- (iii) Description or photograph of the mobile vending unit to be used; and
- (iv) Copy of valid, current health department certificate of inspection and approval of mobile food unit.

(b) Upon verification that the proposed operation of the mobile vending unit is in compliance with the provisions of this ordinance, and upon payment of a permit fee of \$100.00, the City Clerk, or other official designated by the Mayor, shall issue a mobile vending unit permit containing the same information as provided in the application. The permit must be displayed on the mobile vending unit at all times it is in operation. A permit shall remain in effect until December 31<sup>st</sup> of the year the permit was purchased unless revoked.

### **Section 4. Restrictions on operation of mobile vending units.**

(a) A mobile food unit must be inspected and approved by the Shelby County Health Department. A valid, current certificate of such approval must be displayed on the mobile food unit at all times it is in operation.

(b) No mobile vending unit may be operated in a residential zone. A mobile vending unit may only operate in areas specifically designated by the City Council for mobile vending unit operation, which shall be listed on the mobile vending unit permit. A request to operate in another location must be made in writing for consideration by the City Council on a case-by-case basis.

(c) All mobile vending units must be removed at the end of each day. No mobile vending unit may be left in the designated area overnight.

(d) The mobile vending unit operator is responsible for disposal of waste and trash associated with the operation. Operators must remove all waste and trash daily. City trash receptacles shall not be used for this purpose, except that consumers of products purchased from a mobile vending unit may use city trash receptacles to dispose of wrappers and utensils.

(e) The mobile vending unit operator is responsible for collecting and remitting all applicable sales taxes and other taxes.

### **Section 5. Penalty; denial or revocation of permit.**

(a) Any person, firm, or entity violating any provision of this ordinance shall be fined not less than \$100 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) A mobile vending unit permit may be denied or revoked for any of the following reasons:

- (i) Fraud or misrepresentation contained in permit application;
- (ii) Operation of the mobile vending unit in such manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare;

(iii) Operation of the mobile vending unit in violation of the provisions of this ordinance, the business license ordinance, or the County or State health department regulations.

**Section 6. Effective date.** This Ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

The Council voted and the results of the vote to consider this ordinance 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	<u>X</u>	___	Council member Kimberly King	<u>X</u>	___
Council member Ouida Mayfield	<u>X</u>	___	Mayor Stancil Handley	<u>X</u>	___

### DISCUSSION OF PROPERTY PURCHASE ON INDUSTRIAL PARKWAY

The Council discussed the purchase of property on Industrial Parkway and the fact that there was a company who would be interested in purchasing from the City if we acquired it. There was some discussion about how this could be done and the Council asked the Mayor to consult with Bill Justice and develop a plan. They were interested in moving forward. If successful this transaction would bring a new business to Columbiana and up to 7 jobs.

### MAYOR'S REPORT

- Spring Carnival will be in town next week and proceeds will benefit Kiwanians Club
- Alabama Outlawz will have their first home game on the 22<sup>nd</sup> of April
- 200 Mildred Street project is moving forward to give City additional meeting space and storage

### ANNOUNCEMENTS

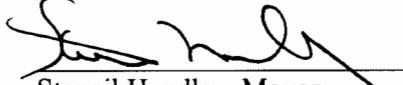
- The Beautification Board is working to develop a new City Flag
- April 28<sup>th</sup> the State will be letting the bid on the intersection project
- Several developers have expressed an interest in property around Columbiana

### PUBLIC COMMENT

- The 18 mile bicycle race is slated for Sunday and riders will be leaving from SCHC

There being no further business, Council member Whiting moved that the meeting be adjourned which was seconded by Council member Ruston. The motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:45 p.m.

  
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J. Mark Frey, City Clerk

  
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Stancil Handley, Mayor

