

**REGULAR COUNCIL MEETING  
CITY OF COLUMBIANA, ALABAMA  
November 7, 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 November 7, 2017. Mayor Stancil Handley called the meeting to order and asked Assistant City Clerk, Casey Dooley, 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 10-16-2017 Council Work Session
- B. Approval of Minutes 10-17-2017 Regular Meeting
- C. Approval of Minutes 10-23-2017 Council Work Session
- D. Approval for City Clerk Mark Frey to use the credit card for meals and accommodations at the Clerks Winter Conference in Orange Beach, December 5-8. Not to exceed \$650.00.
- E. Authorizing the purchase of the following items for Street and Cemetery Departments as noted in the FY2018 Budget:
  - LED Light Bulbs for Street Lights (20) \$5680 S
  - Hedge Trimmer \$490 C
  - 750 lbs. Lawnmower Lift \$415.76 C
- F. Authorizing the purchase of the following for the Police Department as noted in the FY2018 Budget:
  - Police Car and Vehicle Equipment \$33,000
- G. Authorizing the purchase of the following items for Fire Department as noted in the FY2018 Budget:
  - Brush Truck Skid Unit not to exceed \$12,500
  - 60 Replacement SCBA bottles not to exceed \$40,500
- H. Authorizing the purchase of the following items for Administration as noted in the FY2018 Budget:
  - New City Server (portion of hardware) \$3000
- I. Approval for Mike McCain to set up Temporary Office Trailer for Fireworks Stand for the New Year's Holiday next to Oaxaca Mexican Grill.

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

**GUEST – MISSY MONTZ**

Mrs. Montz spoke about the National Hospice and Palliative Care Organization. She asked Mayor Handley to sign a Proclamation proclaiming November 2017 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.

Mayor Handley read the following proclamation:

## **PROCLAMATION**

### ***National Hospice and Palliative Care Month – November 2017***

**WHEREAS**, 2017 marks the 50<sup>th</sup> anniversary of St. Christopher's Hospice in London, widely recognized as the first modern day hospice organization, and the 35<sup>th</sup> anniversary of the Medicare hospice benefit in the United States;

**WHEREAS**, hospice and palliative care offer those they serve the high-quality of care delivered by an interdisciplinary team of skilled professionals and trained volunteers that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and more;

**WHEREAS**, the hospice and palliative care philosophy places the needs of the individual at the center of care allowing patients and family caregivers to focus on quality of life, surrounded and supported by family and loved ones, despite serious and life-limiting illness;

**WHEREAS**, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States, yet more than 40 percent of Medicare beneficiaries received care for 14 days or less, considered too short a time to fully benefit from the range of services that hospice offers;

**WHEREAS**, each year, hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients and comfort to families;

**WHEREAS**, a growing body of peer-reviewed research indicates that timely access to hospice and palliative care can decrease hospitalizations and Emergency Room visits and increase quality of life for patients and family caregivers;

**WHEREAS**, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the healthcare they would want to receive should they have a serious or life-limiting illness or if they were unable to speak for themselves;

**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 that I, Stancil Handley, Mayor of Columbiana by virtue of the authority vested in me by the State of Alabama and the City of Columbiana do hereby proclaim November 2017 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.

Dated on this day of November 7, 2017 by: Mayor Stancil Handley

## DEPARTMENT HEAD REPORTS

- **Library** – Mayor Handley announced Sheila Gallups as the new Library Director and congratulated her. The Library had 3045 visits to their face book page. Sheila Gallups reported she has a part time employee that will be working less hours and would like to make a recommendation to City Council to hire a new part time employee for the Library. Mayor Handley asked to put on the agenda for next City Council meeting.
- **Fire Department** – Fire Chief Johnny Howard Jr. reported call wise they had 17 fire calls which were no major loss. EMS had 72 calls inside the city limits. Assistant Fire Chief Brett Ashworth reported Josh Dunnaway is in his 4<sup>th</sup> week of fire fighter recruit school and is at the top of his class.
- **Police Department** – Chief Lamar Vick stated that everything was fairly good. They are working on end of year training. There has been some thefts on Main Street and vandalism at ballparks. Vick stated the department is short a part time officer and a dispatcher.
- **Administration** – City Clerk Mark Frey was absent due to surgery. Mayor Handley asked everyone to keep him in our prayers and we are all looking forward to his return.
- **Streets and Maintenance** – Allen Reynolds reported that his guys have been busy cutting grass and removing leaves. They are also repairing windows and a door at Bolton and Lewis Field from break ins. They cut down two dead trees at the Cemetery. They have also been working on getting bulbs changed out on Christmas lights on the buildings in the city.
- **Environmental Services** – Dale Lucas reported that the sewer projects are on schedule as planned as well as construction projects. He reported losing an employee in October and is one employee short at this time.
- **Marketing** – Elizabeth Smith reported there's several things coming up between now and the end of the year. This week all three youth football teams made it to the championship round. There will be a mini parade for them this Friday. The following were mentioned as upcoming events: Night on the Town, Christmas Open House, Tour of Homes, Christmas Parade and Holly Jolly Trolley. The last Trade Day will be this Saturday until April 2018.

Council member Mayfield introduced Ordinance 10-17-07. Mayor Handley noted that this was the second reading of this ordinance and it could be considered for passage at tonight's meeting.

### ORDINANCE NO. 10-17-07

#### AN ORDINANCE AMENDING BUSINESS LICENSE CODE ORDINANCE NO. 09-13-02 CONCERNING CERTAIN DELIVERY LICENSES

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. 09-13-02 as previously amended (“Business License Code”) to bring it into conformity with newly enacted Alabama Act 2017-415, which revised the laws concerning municipal delivery licenses;

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

Section 1. That Ordinance No. 09-13-02, as amended, is hereby further amended so that Section 29 states as follows:

**“Sec. 29. Delivery License.**

(a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus an issuance fee not to exceed \$10 a delivery license for the privilege of delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:

(1) Other than deliveries, the taxpayer has no other physical presence within the municipality;

(2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;

(3) Such delivery, set-up and installation is performed by the taxpayer’s employees or agents, concerns the taxpayer’s own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;

(4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year;

(5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered.

(6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 45 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase a business delivery license or other appropriate license from the municipality plus pay a penalty of \$10.

(b) Mere delivery of the taxpayer’s merchandise by common carrier shall not allow

the municipality to assess a business license tax or a delivery license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding subsection if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) The purchase of a delivery license or the exemption from the purchase of a delivery license pursuant to subsection (f) shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama 1975 as amended or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.

(f) A taxpayer that otherwise meets the criteria for the purchase of a delivery license pursuant to this section is not required to purchase a delivery license or a regular business license if the following criteria apply:

(1) The taxpayer's gross receipts that are derived from within the municipality do not exceed \$10,000 during the year; and

(2) The taxpayer has no other physical presence within the municipality during the year.”

Section 2. 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 3. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon its adoption as provided by law.

**THEREUPON** Council member Mayfield moved and Council member Whiting seconded the motion that said Ordinance be given vote. Mayor Handley asked for a roll call 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	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Said Ordinance passed by majority members of the Council and the Mayor declared the same passed.

Passed, adopted and approved this 7<sup>th</sup> day of November, 2017.

Council member King introduced:

RESOLUTION 11-17-01  
**RESOLUTION AUTHORIZING A ONE-TIME PAY INCREASE**

**WHEREAS**, the Columbiana City Council would like to provide a one-time pay increase to its employees; and

**WHEREAS**, the Columbiana City Council has adequate funds in the payroll account to cover this expenditure that is included in the FY2018 Budget; 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 wishes to provide the increase to employees.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Columbiana that the City Council hereby authorizes the payment of a one-time pay increase for all active full-time and all active part-time employees, in the amount of \$215.00 (net pay) for full-time employees and \$115.00 (net pay) for part-time employees, in active status as of November 7, 2017, and having worked at least their budgeted number of hours since October 1, at an approximate cost to the City of \$15,000.00.

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

	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	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Passed, adopted and approved this 7<sup>th</sup> day of November, 2017.

Council member King introduced:

**RESOLUTION 11-17-02**

**AUTHORIZING MAYOR TO SIGN AGREEMENT WITH BIRMINGHAM REGIONAL PARATRANSIT CONSORTIUM DBA CLASTRAN FOR LEASE OF CITY SENIOR BUS**

**WHEREAS**, the City Council of the City of Columbiana recognize the need to replace the Senior Center van and ClasTran has offered to provide a used van to the City for a De Minimis amount; and

**WHEREAS**, the City of Columbiana recognize that it is in the public's best interest; to enter into a mutually beneficial agreement with the BRPC dba ClasTran;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA**, that the Mayor is hereby authorized and empowered to sign and execute any and all documents necessary to facilitate the agreement between the City of Columbiana and BRPC dba ClasTran.

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

	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	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Passed, adopted and approved this 7<sup>th</sup> day of November, 2017.

Council member Mayfield introduced:

**RESOLUTION 11-17-03**

**REIMBURSEMENT RESOLUTION PURSUANT TO UNITED STATES TREASURY REGULATION SECTION 1.150-2**

Recitals. (a) The United States Department of the Treasury has issued final regulations relating to the use of proceeds of tax-exempt obligations for the reimbursement of expenditures made prior to the date of issuance of tax-exempt obligations. Under the regulations, in general, if specified requirements are satisfied, then proceeds used for reimbursement are deemed to be spent on the date of reimbursement. If such requirements are not satisfied, then proceeds used for reimbursement will remain subject to rebate, arbitrage and other rules relating to tax-exemption until ultimately spent.

(b) The City of Columbiana, Alabama (the "City") has determined to acquire, construct and install certain capital improvements as further described on Exhibit A hereto (the "Series 2018 Improvements").

(c) In order to proceed with acquisition and construction of the Series 2018 Improvements, pending the issuance of the tax-exempt obligations in an approximate maximum principal amount of \$10,000,000 to pay the costs thereof, it may be necessary for the City to use its

own funds to pay certain expenses in connection with the Series 2018 Improvements and the financing thereof.

(d) If the City is required to spend its own funds on the Series 2018 Improvements pending the issuance of such tax-exempt obligations as may be required to provide temporary or long-term financing for such improvements, it is the City's official intent to reimburse the City for such expenditures out of proceeds of such tax-exempt obligations issued in connection with the Series 2018 Improvements by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN, as follows:

Section 1. The City hereby declares its official intent to reimburse the expenditures made by the City with respect to the Series 2018 Improvements and all related improvements thereto in whole or in part from the proceeds of tax-exempt obligations which may be issued hereafter by the City. Pending the issuance of the tax-exempt obligations, any funds of the City spent on the Series 2018 Improvements will be expended from the City's General Fund or Capital Improvement Fund.

Section 2. The amount for which the City expects to reimburse the City's General Fund from the proceeds of such obligations will not exceed \$3,000,000.

Section 3. Any reimbursement to the City is expected to be made on or before the later of the date eighteen months after the expenditure is paid or after the property is placed in service. Any expenditure to be reimbursed shall be either for engineering expenses or other preliminary expenses as recognized in Section 1.150-2(f) or shall be a capital expenditure properly chargeable to capital account (or would be so chargeable with a proper election such as an election under Section 266) under general federal income tax principles.

Section 4. This Resolution shall not compel the City to issue the tax-exempt obligations referenced herein. The issuance and sale of such obligations shall be subject to the final approval and authorization thereof by the governing body of the City, including, without limitation, the approval of the purposes, use of proceeds, principal amounts, terms of maturity and payment dates, interest rates, offering prices and redemption prices and terms, and costs of issuance.

Section 5. All ordinances, resolutions, orders, or parts of any thereof, of the City in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 6. This resolution shall take effect immediately.

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

	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	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted this 7<sup>th</sup> day of November, 2017.

**EXHIBIT A**

**Series 2018 Improvements**

An approximate 30,000 square-foot arts and entertainment facility and related equipment and infrastructure.

Introduced by Council member Mayfield:

**RESOLUTION 11-17-04  
AUTHORIZATION TO EXECUTE 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 employees; and

**WHEREAS**, it has been determined that utilizing American Fidelity for the administration of the City's Cafeteria Plan will be beneficial for both the City and employees.

**NOW, THEREFORE, BE IT RESOLVED** by the Columbiana City Council that the Mayor is hereby authorized to execute any and all paperwork required to execute agreement with American Fidelity for the purpose of administering the City's Cafeteria Plan at an annual cost of \$0.00 to the City.

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

Adopted this 7<sup>th</sup> day of November, 2017.

**FIREBALL POOL HALL ALCOHOL LICENSE REQUEST**

Mayor Handley reported to Council that he had made a recommendation to the owner of the business about the need to go before planning and zoning to request a zoning change so he may be licensed properly for alcohol. Council member Mayfield requested this be discussed at next work session. Mayor Handley agreed this be put on agenda for next work session.

**CITY PROPERTY ON HWY 25 BYPASS  
BEHIND THE OWENS HOUSE  
UPDATE**

Mr. Samaniego had spoken with Mayor Handley regarding his desire to purchase a half acre behind the Owens House that is owned by the city. This will be discussed more at a later time when Mr. Samaniego has more information on the purchase.

**UPDATE ON ABATEMENTS**

Council member Whiting commented that the property at Hwy 47 South was cleaned up and looking good at this time. Mayor Handley commented that the lady for the property at Hwy 47 North is still trying to find out legally what she can do. No action at this time.

**OTHER CITY BUSINESS**

None

## **MAYOR'S REPORT**

Mayor Handley informed the Council that the Alabama Therapeutic Education Facility is now GEO Entry Services and that both residents and employees have increased.

## **ANNOUNCEMENTS**

None

## **PUBLIC COMMENT**

None

There being no further business, Council member Whiting moved that the meeting be adjourned which was seconded by Council member King. The motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:20 p.m.

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Casey Dooley, Assistant City Clerk

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Stancil Handley, Mayor