

**REGULAR COUNCIL MEETING
CITY OF COLUMBIANA, ALABAMA
July 3, 2018**

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 July 3, 2018. Mayor Stancil Handley called the meeting to order and asked Fran Sammons, to call roll after the invocation and pledge.

Present:

Council member Leslie Whiting
Council member Kim King
Mayor Stancil Handley

Council member Ricky Ruston
Council member Ouida Mayfield

Absent:

Council member Barbara Moore

The Mayor declared a quorum was present.

CONSENT AGENGA

A. Approval of Minutes 06-19-2018 Regular Council Meeting

Council member Whiting made a motion to approve the minutes as presented which was seconded by Council member King and followed by a unanimous yes vote of all members present. The Mayor declared the motion carried.

GUEST – DENISEN JUSTICE OF BOY SCOUT TROOP # 560

Scout Denison Justice addressed the Council about doing an Eagle Scout Project at the City Cemetery. Mayor Handley noted that this project is a continuation of his two brothers Eagle Scout Projects. He is proposing the installation of 2 benches and a garbage receptacle at the Cemetery. Denison will be accepting donations to assist in the project that is expected to cost just over \$2000. Following discussion about the proposed project, Council member Mayfield moved and Council member Ruston seconded, followed by a unanimous vote to approve the Scout Project.

DEPARTMENT HEAD REPORTS

- **Streets Department** – Allen Reynolds reported that his guys have been cleaning up after Liberty Day. The brush truck is in the shop and the Trolley has also had some electrical problems.
- **Library** – Sheila Gallups reported that the Summer Reading Program is going well and there are 197 kids and 29 adults participating this year. The Alabama Therapeutic Center will be building shelving for audio books. The Little Libraries are being used and are an asset to town. Check the calendar for a complete list of events.
- **Police Department** – Chief Lamar Vick reported that the PD has been serving a lot of warrants and also preparing for the bicycle race that will be in town on the 14th and 15th. This is being coordinated with the Chamber of Commerce and will take 6 to 8 people to handle. Citizens will see digital signage to notify them of the event. They will be running the same route as before.
- **Fire Department** – Chief Johnny Howard Jr. reported that it was good to have Liberty Day behind him. The 4 misting stations were very popular. Three people were treated for heat exhaustion during the event. The fireworks program went off with no major issues. Next year they plan to give notice that at 8:45PM the concession stand and bathrooms will be closed and

the bottom gate will be locked by the fire marshal. They may need a banner to announce the closure as well as announcing from the stage.

There was quite a bit of storm damage around town and the FD responded to 10 calls during the weather event. There were trees down on Hwy 30, Gibson Farm Road, Mt. Dixie Road and Jefferson Street.

- **Environmental Services** – Dale Lucas reported that the last of the fencing has been put back up on the sewer trunk line replacement project. The contractor is now working to relocate the entrance at the back of the sewer plant.

MARKETING REPORT

Mayor Handley reported:

- Great Liberty Day Event
- Thanks to Porters for the Car Show
- The Shelby County Shindig is scheduled for July 14th

Council member Ruston introduced:

RESOLUTION 06-18-08

RESOLUTION FOR ABC LICENSE FROM TURNER FOOD SYSTEMS LLC – OUTDOOR EVENT “THE SHELBY COUNTY SHINDIG”

WHEREAS, the City of Columbiana has received an application from Turner Food Systems LLC, through the Alcoholic Beverage Control Board requesting a 140-Special Event Retail license and an authorization to serve alcohol during an outdoor event, “The Shelby County Shindig”, held on Main Street and the parking lot located beside Hartley’s and the Arts Council buildings on July 14th 2018; 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 140-Special Event Retail license request for this event.

THEREUPON Council member King 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.

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	___	absent
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 3rd day of July, 2018.

Council member King introduced:

ORDINANCE NO. 07-18-03

AN ORDINANCE AMENDING ORDINANCE NO. 04-00-01 TO REDUCE SALES AND USE TAXES ON FARM EQUIPMENT

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 reduce the amount of sales and use taxes imposed on farm equipment;

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

Section 1. That Section 1(e) 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:

(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 two percent (2%) of the gross proceeds of the sale thereof. Provided, however, the two percent (2%) 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 2. That Section 3(d) of the Tax Ordinance be amended to read as follows:

"Section 3.

(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 two percent (2%) 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 two percent (2%) 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 is cumulative to General License Code or Ordinance. This ordinance shall not be construed to amend or repeal any of the other 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 _____, 2018, and the first payment of taxes hereunder shall be due and payable on the ____ day of _____, 2018. This ordinance shall remain in full force and effect and shall apply to each month beginning with the month of the effective date and to each month of each calendar year thereafter from year to year.

This was the first reading and will appear on the agenda for the next meeting for consideration of adoption.

Mayor Handley asked to amend the agenda which was approved unanimously by all members of the Council present. The Council added Resolution 07-18-01 to the agenda as well as Discussion of an agreement by guest Tina Poe.

Council member Mayfield introduced:

RESOLUTION 07-18-01

AUTHORIZING THE APPLICATION AND ACCEPTING THE AWARD OF A GRANT FROM WELLS FARGO FOR THE COLUMBIANA PUBLIC LIBRARY

WHEREAS, the Columbiana Public Library has the opportunity to apply for grant funding through Wells Fargo, and

WHEREAS, Library Director Sheila Gallups is authorized to apply for a grant through Wells Fargo to assist individuals needing to apply for a job using computers to access internet and learn to setup an email account for use while applying for jobs on line and to build a resume using Microsoft Word. The grant funds will include no a local match.

NOW, THEREFORE, BE IT RESOLVED by the Columbiana City Council hereby authorizes the application and acceptance of the Wels Fargo Grant and;

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 King moved and Council member Ruston 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.

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

Adopted this 3rd day of July, 2018

Discussion – Tina Poe request for power on Old Hwy 25 West

Tina Poe addressed the Council and explained the situation with her husband's failing health and their desperate need for a place to live. Teddy is in poor health and she needs power for their trailer to help take care of him. The Mayor explained that the City would work with them as much as is possible, but the City doesn't have an ordinance in place that would allow for them to live in their RV. The Council voted unanimously to allow temporary power with the agreement as described. Tina stated that she didn't know if Teddy would sign the agreement or not, but she would get back with Mr. Frey on Thursday. The Mayor asked Tina to get in contact with Mrs. Smith and set up a meeting with the Mayor to see what can be done. The Council voted to approve the agreement.

The roll call vote results were as follows:

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

AGREEMENT

In consideration of the City of Columbiana, Alabama, granting permission for provision of temporary power through May 30, 2018, at property located on Old Highway 25 West, Tax Parcel ID # 21 8 34 1 001 038.000, assessed in the name of Clara Poe, the undersigned Teddy Poe and Tina Poe agree as follows:

1. Cleaning the property will be completed by August 31, 2018.
2. The 100 amp temporary power is authorized for RV hookup only.
3. The City is granted a power of attorney to have the power disconnected at the end of the cleanup period or if the terms of this agreement are violated.
4. Prior to provision of temporary power, the sanitary sewer system on the property must be inspected and approved in writing by Shelby County.
5. The City may terminate this agreement and have the power disconnected if the undersigned violate the terms of this agreement.

Mrs. Poe was provided a copy of the agreement and will discuss with Teddy and report to Mr. Frey.

Discussion – Rezoning Request

The Council discussed a rezoning request from the Planning and Zoning Commission and asked Mark Frey to advertise for the public hearing.

MAYOR'S REPORT

- Prepare a Resolution for the next Council meeting awarding \$750 to the Columbiana Youth Ball League.
- 3 Hearts One Mission – All boxes are up and they are being used. There have been many calls of support and there will be a ribbon cutting on July 13th which will be advertised in the paper.
- The Shelby County Shindig benefiting the Arts Council will be held on July 14th.

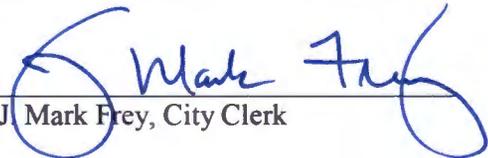
ANNOUNCEMENTS

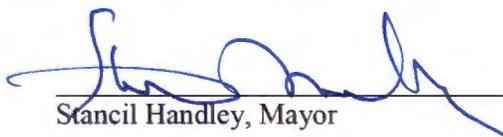
- 70 Cars and Trucks participated in the Car Show on Liberty Day. The Mayor and Council expressed their appreciation for Roger and Phyllis Porter for heading this program up and for the Tech School for making the trophies for the winners.
- Bicycle Race will be held on the 14th and 15th
- Alison Whitfield will be competing in the 48th annual National Safety School Bus Competition in Pennsylvania.

PUBLIC COMMENT

- Roger Porter said that the Car Show was great and he appreciated all of the help from the City departments in helping make the show a success. Next year we will see if some of the car show participants can be in the parade and maybe lead the parade.
- Kim King said that Liberty Day was great and appreciated all the City workers who made it happen.
- Leslie Whiting said that the VIP room was nice and all City Employees worked to make Liberty Day a success.
- The Police Department will do infant seat checks between 8-2 during the week.
- Red Vanderslice of Vanderslice Wrecker Service just celebrated 50 years of business in Columbiana and received plaques from the City, County and State honoring his years of service in the wrecker business.

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 8:30 p.m.


J. Mark Frey, City Clerk


Stancil Handley, Mayor