

CITY OF COLUMBIANA ALABAMA
City Council- Special Called Meeting
August 15, 2019
7:30 PM

The City Council of the City of Columbiana, Alabama met for a Special Called Meeting in the City Hall Council Chambers, Thursday, August 15, 2019. Mayor Handley called the meeting to order at 7:30 P.M.

Present:

Council member Leslie Whiting
Council member Ricky Ruston

Council member Barbara Moore
Council member Kim King
Mayor Stancil Handley

Absent:

Council member Ouida Mayfield

The Mayor stated that a quorum was present and that the meeting was open for the transaction of business.

Discussion – Project Development Agreement

Brad Cherry explained the details of a project development agreement with the new Taco Bell location in Columbiana.

Council Member Ruston Introduced:

RESOLUTION 08-19-04

**A RESOLUTION AUTHORIZING
A PROJECT DEVELOPMENT AGREEMENT
BY THE CITY OF COLUMBIANA, ALABAMA
AND
CGP COLUMBIANA TB, LLC**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF COLUMBIANA, ALABAMA (the "City"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the City and CGP Columbiana TB, LLC (the "Developer") have prepared that certain Project Development Agreement to be dated the date of delivery (the "Development Agreement"), as set forth in Exhibit A attached hereto and incorporated herein, for the purposes referenced therein.

(b) The City is without absolute authority or power under any local constitutional amendment to do any of the actions or undertakings referenced in Amendment No. 772 of the Constitution of Alabama of 1901, as amended ("Amendment No. 772").

(c) The City is authorized under Amendment No. 772 to become indebted, and to issue obligations as referenced therein, upon the full faith and credit of the City, to a principal amount not exceeding 50% of the assessed value of taxable property therein, as determined for state taxation, in furtherance of the powers and authorities granted in Amendment No. 772.

(d) Pursuant to, and for the purposes of, Amendment No. 772, it is necessary, desirable and in the public interest for the City to grant public funds and things of value for the economic development of the City, and for such purpose to execute and deliver and perform the obligations under the Development Agreement, including, without limitation, the issuance of its Limited Obligation Economic Development Revenue Warrant, Series 2019-A in maximum principal amount of \$267,000 (the "Warrant"), pursuant to the terms of the Development Agreement.

(e) The public benefits sought to be achieved through the City's expenditure of public funds and the obligations to be undertaken by the City on the terms specified in the Development Agreement are the construction and operation of a restaurant facility which is expected to generate additional tax revenues for the City, and the creation of additional full time equivalent jobs in the City, many of which will be filled by residents of the City and which will improve and enhance the overall aesthetics of the City thereby promoting economic development within the City and enhancing the quality of life for citizens of the City.

(f) For purposes of Amendment No. 772, the Developer is the business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value.

(g) The expenditure of public funds and the obligations to be undertaken by the City on the terms and for the purposes specified in the Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(h) (1) On August 7, 2019, the City caused to be published in *The Shelby County Reporter*, which newspaper has the largest circulation in the City, the notice required by Amendment No. 772(c)(2), a true and correct copy of which notice is attached hereto as Exhibit B.

(2) The information set forth in said notice is true and correct.

(3) Publication of said notice is hereby ratified and confirmed.

(i) (1) The assessed valuation of the taxable property in the City for the preceding fiscal year (ending September 30, 2018 and on the basis of which taxes became due and payable on October 1, 2019) was not less than \$37,041,760.

(2) The total indebtedness of the City chargeable against the debt limitation for the City prescribed by Section 225 of the Constitution of Alabama of 1901, as amended, (which indebtedness does not include the Warrant issued under Amendment No. 772), is not more than twenty percent of said assessed valuation.

(3) The total indebtedness of the City chargeable against the debt limitation for the City prescribed by Amendment No. 772(a)(4) (which indebtedness does include the Warrant), is not more than fifty percent of said assessed valuation.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the agreements, covenants, and undertakings of the City set forth in the Development Agreement, including, without limitation, the issuance of the Warrant, and

(b) the terms and provisions of the Development Agreement, in substantially the form and of substantially the content as set forth in Exhibit A, with such changes thereto (by addition or deletion) as the Mayor shall approve, which approval shall not extend or increase the obligations of the City thereunder and shall be conclusively evidenced by execution and delivery of the Development Agreement as hereinafter provided.

Section 3.

(a) The Mayor is hereby authorized and directed to execute and deliver the Development Agreement and the Warrant for and on behalf of and in the name of the City. The City Clerk is hereby authorized and directed to affix the official seal of the City to the Development Agreement and the Warrant and to attest the same.

(b) The Mayor and the City Clerk and the officers of the City are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Development Agreement and the Warrant on the terms specified in the Development Agreement, as the Mayor, the City Clerk and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution, or the Development Agreement, or duly and punctually observe and perform all agreements and obligations of the City under the Development Agreement.

Section 4. The City desires, before the issuance of the Warrant referenced in the Development Agreement, to validate the legality of all proceedings had or taken in connection therewith, the validity of the means provided for the payment of the Warrant, the validity of all covenants and provisions contained in this resolution and the Development Agreement and the Warrant, by filing a petition against the taxpayers and citizens of the City in the Circuit Court of Shelby County, Alabama. A complaint to validate such Warrant, proceedings, and covenants shall be filed and validation proceedings shall be instituted in the name of the City and the members of the governing body of the City. Maynard, Cooper & Gale, P.C., Birmingham, Alabama, is hereby designated and appointed as the attorneys of the City to file such complaint, institute such proceedings, and to take all steps necessary to complete such validation proceedings in accordance with the provisions of Article 17 of Chapter 6 of Title 6 of the CODE OF ALABAMA 1975. Any actions heretofore taken by such attorneys in connection with the filing of such petition or such validation proceedings are hereby ratified and confirmed.

Section 5. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the Council or other representative of the City, in connection with the agreements, covenants, and undertakings of the City hereby approved, or in connection with the preparation of the Development Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. All ordinances, resolutions, orders, or parts of any thereof, of the Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 7. This resolution shall take effect immediately.

Mayor Handley called for a roll call vote:


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

ADJOURNMENT:

There being no further business, Council member Ruston made the motion to adjourn and Council Member Whiting seconded the motion which was followed by a vote of members present to adjourn. Mayor Handley declared the meeting adjourned at 7:42 P.M.



Kayce Watkins, Asst. City Clerk



Stancil Handley, Mayor

