

**REGULAR COUNCIL MEETING  
CITY OF COLUMBIANA, ALABAMA  
February 16, 2021**

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. on Tuesday, February 16, 2021. Mayor David Mitchell called the meeting to order and asked City Clerk, Charlene Tucker, to call roll after the invocation and pledge.

**Present:**

Council Member Karen Lilly  
Council Member Vickie Mizzell  
Council Member Ricky Ruston

Council Member Kim King  
Council Member Ashley Phillips  
Mayor David Mitchell

**Absent:**

None

The Mayor declared that a quorum was present.

**Consent Agenda**

- A. Approval of Minutes 2-2-21 Regular Council Meeting
- B. Approval of Minutes 2-8-21 Council Work Session Meeting

Council Member Ruston made a motion to approve the consent agenda as presented, which was seconded by Council Member Mizzell and followed by a unanimous show of hands vote of all members present. The Mayor declared the motion carried.

**Department Head Reports**

**Police** – Sasha Knighten reported the following:

- We currently have no on the job injuries
- We are currently on course with our 2021 budget
- We have filled our open positions
- Our new vehicle should arrive by the end of January and be on the road sometime in February/March. This will be a Dodge Durango
- We have issued out all new equipment
- Training for 2021 APOST hours CPR/ AED training is complete. We will now concentrate on Tactical and Community Policing training
- We have received some applications and interviewed several people for the position of Police Officer. Two have been hired, one of which is moving from part time to a full time position. The new hire is Allexis Rittenhouse, who comes to us from Dalton, Georgia.
- Parking on the streets of Springs Crossing is starting to become an issue. We have issued letters to all residents asking them to help us with this problem and be sure to park in the driveway.
- Donated an old, surplus police cruiser to the Career Technical Education Center (CTEC)

**Admin** – Charlene Tucker reported the following:

- No reports of safety issues. Continue to clean/sanitize due to COVID-19
- January 2021 budget – revenues are up and expenses are down
- Fully staffed with 3 full time positions and 1 part time position
- City Clerk and Assistant City Clerk attending certified clerk training in February
- City Hall needs to be updated. No repairs are needed at this time.

**Public Works** – Allen Reynolds reported the following:

- No injuries during this fiscal year
- At this time our current budget is on track
- We are currently down two employees in sanitation and three employees in street. Need two laborers and one with CDL license.
- We are in need of two ¾ ton pick-up trucks long wheelbase for the sanitation department
- Some of our equipment is in need of replacement and some are in need of repairs
- We have monthly training meetings
- We are in desperate need of a shop and office building to work on equipment
- We have received all of our COVID care packages. All items were purchased using the Cares Act funding
- Paving projects will start this summer
- All bulbs were replaced at the baseball & softball fields that were out
- Bleachers at the baseball complex that were damaged from the storm have been ordered
- We have some electrical problems are Bolton field

**Court** – Mayor Mitchell reported the following:

- There has been no lost time due to injuries or other safety issues. Court staff needs police officers at every court to insure everything runs smooth and for everyone’s safety. Everything in court has been running smooth.
- We are on track with our budget
- Staffing is good
- No facility issues
- Court equipment is up and running
- The next court will be held on February 23 ,2021 @ 2:00pm
- Court has released all debts to Municipal Intercept for the year 2021. We are hoping by doing this early we will get to collect more money this year.
- We are still working on virtual hearings at the jail.

Mayor Mitchell Introduced:

**ORDINANCE 02-21-04**

**Ordinance Approving Certain Matters Related to the Issuance of Revenue Bonds (City of Columbiana Old Mill Square Project), Series 2021 by the Cultural Facilities Cooperative District of the City of Columbiana**

**WHEREAS**, the Cultural Facilities Cooperative District of the City of Columbiana, a public corporation organized under the laws of the State of Alabama (the “District”), previously has issued its Revenue Bonds (City of Columbiana Old Mill Square Project), Series 2018-A (the “Series 2018-A Bonds”), which are outstanding in the principal amount of \$8,450,000;

**WHEREAS**, the Series 2018-A Bonds were issued for the purpose of (a) financing the acquisition, construction and equipping of a multipurpose cultural and entertainment event and community center and park at Old Mill Square, which is located in the City of Columbiana, Alabama (the “Bond-Financed Facilities”) and (b) paying the costs of issuing the Series 2018-A Bonds;

**WHEREAS**, the Series 2018-A Bonds were issued pursuant to a Trust Indenture dated May 1, 2018 (the “Indenture”) between the District and Regions Bank (the “Trustee”);

**WHEREAS**, pursuant to a Lease Agreement dated May 1, 2018 (the “Financing Lease Agreement”) between the District and the City, the Bond-Financed Facilities are leased by the District to the City and the City has agreed to pay rentals at times and in amounts sufficient to pay the principal of, premium (if any) and interest on the Series 2018-A Bonds and any other Bonds issued under the Indenture when due, and upon payment in full of the Series 2018-A Bonds and any other Bonds issued under the Indenture, the Bond-Financed Facilities shall be transferred to the City for the sum of \$1.00;

**WHEREAS**, as additional security for the Series 2018-A Bonds, the City has guaranteed the payment of the principal of, premium (if any) and interest on the Series 2018-A Bonds;

**WHEREAS**, in order to achieve certain present value interest savings, the City has deemed it advantageous to advance refund certain of the outstanding Series 2018-A Bonds, and for such purpose, to request that the District issue its Revenue Bonds (City of Columbiana Old Mill Square Project), Series 2021, designated as either federally taxable or federally tax-exempt, as permitted by applicable law (the “Series 2021 Bonds”);

**WHEREAS**, the Series 2021 Bonds will be issued by the District pursuant to the Indenture under a supplemental indenture (the “Supplemental Indenture”) and the City has agreed to enter into a supplement to the Lease Agreement (the “Supplemental Lease Agreement”) to evidence its continuing agreement to pay rentals at times and in amounts sufficient to pay the principal of, premium (if any) and interest on the Series 2021 Bonds;

**WHEREAS**, as additional security for the Series 2021 Bonds, the City will, pursuant to a guaranty agreement (the “Guaranty Agreement”), guarantee the payment of the principal of, premium (if any) and interest on the Series 2021 Bonds;

**WHEREAS**, the District and the City may deem it to be advantageous to cause the payment of principal and interest on the Series 2021 Bonds to be insured by an insurance policy (the “Policy”) to be issued simultaneously with the delivery of the Series 2021 Bonds by a municipal bond insurance company (the “Insurer”);

**WHEREAS**, the refunding of the Series 2021 Bonds will be accomplished pursuant to an escrow trust agreement (the “Escrow Agreement”) between the District, the City and the Trustee;

**WHEREAS**, the Series 2021 Bonds shall be limited obligations of the District payable solely out of payments by the City pursuant to the Financing Lease Agreement, as supplemented by the

Supplemental Lease Agreement, and the Guaranty Agreement; the Trustee will not have a mortgage on the Bond-Financed Facilities and the Indenture shall not be subject to foreclosure;

**WHEREAS**, a portion of the Bond-Financed Facilities will be made available by the City for use by the Shelby County Arts Council, an Alabama nonprofit corporation (the “Arts Council”), which has agreed to assist the City in the operation and management of the Bond-Financed Facilities and in return the City has agreed to charge and collect nominal rent from the Arts Council for its use of a portion of the Bond-Financed Facilities;

**WHEREAS**, the Series 2021 Bonds will be sold to The Frazer Lanier Company Incorporated (the “Underwriter”) on the terms and conditions contained in a bond purchase agreement (the “Bond Purchase Agreement”) between the District, the City and the Underwriter;

**WHEREAS**, in order to enhance flexibility in the timing of the sale of the Series 2021 Bonds, it is desirable for by the City Council of the City of Columbiana (the “City Council”) to establish certain parameters that will govern the sale of the Series 2021 Bonds and to delegate to the Mayor of the City the power to approve the final terms of sale, and, accordingly, it is in the best interests of the City for to the Mayor to be authorized and directed to approve the final pricing terms of the Series 2021 Bonds, subject to the parameters established herein;

**WHEREAS**, copies of the proposed Supplemental Indenture, Supplemental Lease Agreement, Guaranty Agreement and Escrow Agreement (herein collectively referred to as the “Financing Documents”) have been presented to, considered and approved by the City Council; and

**WHEREAS**, the City Council, upon evidence duly submitted to and considered by it, has found and determined, pursuant to the requirements of Amendment No. 772 of the Constitution of Alabama of 1901, as amended, as follows:

1. On February 7, 2021, the City published a notice in the *Shelby County Reporter*, which is the newspaper having the largest circulation in the City, that described in reasonable detail the actions proposed to be taken pursuant to this ordinance, contained a description of the public benefits sought to be achieved, and identified the corporation to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value.
2. The City seeks, through the refunding of certain of the Series 2018-A Bonds, which provided a portion of the original financing for the development of the Bond-Financed Facilities, to promote the local economic and industrial development of the City by increasing employment in the City, by making improvements to its public facilities and improving the quality of life of its citizens, and by promoting and developing for the public good and welfare trade, tourism, cultural and entertainment opportunities, commerce, industry, and employment opportunities in the City, which the City expects will enable it to better encourage existing businesses to expand operations in the City and new businesses to locate in the City.
3. The Arts Council is the corporation to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value.
4. The issuance of the Series 2021 Bonds, the obligations to be undertaken by the City pursuant to the Financing Documents and the expenditure of the proceeds of the Series 2021 Bonds, which are public funds, for purposes of refunding certain of the Series 2018-A Bonds,

which financed a portion of the costs of acquisition, construction and equipping of the Bond-Financed Facilities, will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, as follows:**

1. The City Council does hereby approve, authorize, ratify and confirm (a) the issuance of the Series 2021 Bonds, designated as either federally taxable or federally tax-exempt, as permitted by applicable law, (b) the execution and delivery of the Financing Documents by the parties to such instruments, and (c) the consummation of all other transactions described in the recitals to this ordinance and contemplated by the Financing Documents (the "Plan of Financing").
2. The Series 2021 Bonds shall be sold pursuant to the Bond Purchase Agreement. In order to provide for the sale of the Series 2021 Bonds, the Mayor of the City is hereby authorized and directed to execute and deliver the Bond Purchase Agreement for and in the name and behalf of the City. The Bond Purchase Agreement shall be in such form as the Mayor, acting with the advice and recommendation of the employees of and advisors to the City, shall determine to be necessary or desirable in order to consummate the transactions authorized by this ordinance, the determination of the definitive form of the Bond Purchase Agreement by the Mayor to be conclusively established by his execution of the same. Notwithstanding the foregoing provisions of this paragraph, the Mayor shall not execute and deliver the Bond Purchase Agreement unless (1) the aggregate principal amount of the Series 2021 Bonds does not exceed \$9,250,000, (2) the all-in total interest cost for the Series 2021 Bonds (that is, taking into account accrued interest, any original issue discount or original issue premium, the underwriter's discount, any premiums or fees for credit enhancement paid from proceeds of the Series 2021 Bonds, and any other costs of issuance paid from proceeds of the Series 2021 Bonds) is not greater than 2.90%, and (3) the net present value savings achieved from the refunding of the Refunded Bonds is not less than 3% of the principal amount of the Series 2018-A Bonds that are refunded. The Mayor's execution and delivery of the Bond Purchase Agreement shall constitute his approval of the final pricing terms of the Series 2021 Bonds.
3. It shall be a condition precedent to the issuance of the Series 2021 Bonds and the delivery of the Financing Documents by the parties to such instruments, that (a) the City Council approve the final pricing terms of the Series 2021 Bonds, and (b) the District shall file a petition in the Circuit Court of Shelby County, Alabama under Article 7 of Chapter 81 of Title 11 of the Code of Alabama 1975 against the taxpayers and citizens of the City of Columbiana, to determine the District's authority to issue the Series 2021 Bonds and the legality of all proceedings had or taken in connection therewith, the validity of the means of payment thereof, and the validity of all pledges of revenues and of all covenants and provisions pursuant to the Financing Documents.
4. The Mayor of the City is hereby authorized and directed, acting with the advice and recommendation of the employees of and advisors to the City, if deemed advantageous, to procure the Policy from the Insurer.
5. The Mayor of the City is hereby authorized and directed to execute and deliver the Financing Documents to which the City is a party thereto in substantially the form presented to the City Council at this meeting with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve, which approval shall be conclusively evidenced by his execution of such instruments. The Clerk of the City is hereby authorized and directed to affix the corporate seal of the City to such instruments and to attest the same.

6. Each of the following persons is hereby authorized to act in the name and on behalf of the City as an “Authorized City Representative” for purposes of the Indenture and the Financing Lease Agreement:

<b>Name</b>	<b>Title or Office</b>
David Mitchell	Mayor
Charlene Tucker	City Clerk

7. In order to maximize the net present value interest savings to the City, those of the Series 2018-A Bonds to be redeemed shall be specified in the Escrow Agreement and shall be determined by the Mayor, acting with the advice and recommendation of the employees of and advisors to the City, the definitive selection of the Series 2018-A Bonds to be refunded to be conclusively established by the Mayor’s execution of the Escrow Agreement. Conditioned upon the issuance of the Series 2021 Bonds, the City hereby calls those of the Series 2018-A Bonds as specified in the Escrow Agreement, for redemption on May 1, 2022. The City is not in default of its obligations with respect to the Series 2018-A Bonds and no such default is imminent. The Mayor and City Clerk of the City and the District and the Trustee are each authorized and directed to take such actions as are necessary and desirable to effect such redemption.

8. The officers of the City and any person or persons designated and authorized by any officer of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the District such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to (a) complete the Plan of Financing, (b) carry into effect the intent of the provisions of this ordinance and the Financing Documents, and (c) demonstrate the validity of the Series 2021 Bonds, the absence of any pending or threatened litigation with respect to the Series 2021 Bonds, the Financing Documents and the Plan of Financing, and the exemption of interest on the Series 2021 Bonds from federal and State of Alabama income taxation.

9. Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this ordinance except that such action was taken prior to the adoption of this ordinance, is hereby ratified, confirmed, approved and adopted.

It was moved by Council Member Ruston that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance be given. The motion was seconded by Council Member King and was unanimously carried, those voting aye being:

Ayes: Karen Lilly, Vickie Mizzell, Ricky Ruston, Kim King, Ashley Phillips, David Mitchell

Nays: None

The Mayor declared the motion carried.

After said ordinance had been discussed and considered in full by the Council, it was moved by Council Member Ruston that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Council Member Mizzell. The question being put as to the adoption of said motion and the final passage and adoption of said ordinance, the roll was called with the following results:

Ayes: Karen Lilly, Vickie Mizzell, Ricky Ruston, Kim King, Ashley Phillips, David Mitchell

Nays:

The Mayor thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

### **Board Reports**

The Planning Commission is updating the city's planning and zoning ordinance. There was a public hearing for re-zoning at the February 11 planning meeting and that passed. This will come before council at a public hearing on March 16. This is to re-zone Randy Clements property on Highway 47 from R-2 to B-2.

### **Discussion – Other City Business**

None

### **Mayor's Report**

- Alabama League of Municipalities Advocacy Day was February 9 in Montgomery. The mayor met with Alabama Department of Agriculture and Sweet Grown, Alabama, which is a farm to table initiative. They are interested in our Cowboy Day event along with our Farmer's Market.
- Shelby County Mayors' Association Luncheon was February 10 and COVID vaccines were discussed. 1000 vaccines will be given at Old Mill Square on February 17 and 500 will be given on February 25. These are by appointment only and those appointments are already filled.
- 58 Inc., Industrial Development Forum was February 10
- Mayor Mitchell and Jeff Bowers attended a concerned citizens meeting on February 12 regarding crime and drug use in their neighborhood.
- ADECA / Opportunity Alabama Meeting will be February 17
- Mayors' Luncheon with Rep Gary Palmer is February 18
- State of Our Communities Presentation is February 24
- 58 Inc. will hold a State Partners meeting on March 24 in Helena

Council Member King thanked Kayce, Ali, Charlene and Andrea for calling senior citizens and helping them make their COVID vaccine appointments.

Council Member Lilly asked Mayor Mitchell about the concerned citizen meeting. If meetings are scheduled in the future, the mayor will make council aware so they can attend.

### Announcements

- February 17 - COVID Vaccination Clinic at the Grande Hall at Old Mill Square from 8:00 am to 4:00 pm (1000 Vaccinations given)
- February 26 - Cattlemen's Rodeo at Expo Center (7:00pm)
- February 27 - Cattlemen's Rodeo at Expo Center (1:00pm and 7:00pm)
- February 27 - Cowboy Day at Old Mill Square Park 9:00am to 4:00pm
  - 10:00 Music by Ella Langley
  - 12:00 Parade
  - 1:30 Music by Cam Spinks
  - Food Trucks, Vendors, Cowboy Skits, Cornhole, Hobby Horse
- March 2 - Bluegrass Jam at SCAC
- March 5 - Red Hot Rodeo at SCAC
- March 12 - Ladies Night in Columbiana
- March 13 - Tea with the Easter Bunny at the Grande Hall at Old Mill Square (Columbiana Main Street Fundraiser)
- March 13 - Alabama 4-H Music Festival

### Public Comments

None

There being no further business, Council Member Ruston 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 Mitchell declared the meeting adjourned at 6:49 p.m.



Charlene Tucker, City Clerk



David Mitchell, Mayor

