

**REGULAR COUNCIL MEETING  
CITY OF COLUMBIANA, ALABAMA  
June 18, 2019**

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, June 18, 2019. Mayor Stancil Handley called the meeting to order and asked City Clerk, Charlene Tucker to call roll after the invocation and pledge.

Present:

Council Member Barbara Moore	Council Member Ouida Mayfield
Council Member Ricky Ruston	Mayor Stancil Handley
Council Member Kim King	

Absent:

Council Member Leslie Whiting

The Mayor declared that a quorum was present.

**CONSENT AGENDA**

- A. Approval of Minutes 6-4-19 Regular Council Meeting
- B. Approval of Check Registers for June 1 and June 10, 2019 Accounts Payable Batches
- C. Approval for temporary construction trailer to be moved into Springs Crossing for six months. Will be reviewed and renewed, if needed, at the end of six month.
- D. Approval for Library Director, Shelia Gallups, to attend Advanced Excel training in Birmingham on July 8. Cost for lunch not to exceed \$20.
- E. Mayor's appointment of Johnny Padgett to the Planning and Zoning Commission – fulfilling the vacancy left by Craft Maier's resignation. Term to expire June 18, 2025.
- F. Reappointment of Jim Strickland to Zoning Board of Adjustment. Term to expire July 19, 2022.
- G. Reappointment of Ryan Tallie to Zoning Board of Adjustment. Term to expire July 19, 2022.
- H. Reappointment of Richard Glasgow to Zoning Board of Adjustment. Term to expire July 19, 2022.
- I. Appointment of Rob McElroy to Zoning Board of Adjustment. Moving from supernumerary member to regular member to fill the vacancy left by Bruce Cooper. Term to expire July 19, 2022.
- J. Appointment of Allen Reynolds to Zoning Board of Adjustment to fill the vacancy left by Chris Smith. Term to expire June 18, 2022.

The mayor asked that item (J) be added to the consent agenda. Council Member King made a motion to approve the minutes as presented, which was seconded by Council Member Mayfield and followed by a unanimous roll call vote of all members present. The Mayor declared the motion carried.

**PUBLIC HEARING – 108 SOUTH MAIN STREET – FINDING OF PUBLIC NUISANCE,  
NOTICE OR DECLARATION OF EMERGENCY AND NOTICE OF LIS PENDENS**

Council Member Moore moved to suspend the regular council meeting and go into public hearing. The motion was seconded by Council Member King. Mayor Handley opened the public hearing that was advertised for the property on 108 South Main Street. He turned the public hearing over to Ben Goldman and Kelly Fox with Hand Arendall. Mr. Goldman asked if anyone was in attendance for the property owner and there was not. Mr. Goldman went over all of the

information on the property and the notifications that have been sent to the property owner. The mayor had received a letter from the business located next door to the property stating concerns over the condition of the building. Mr. Goldman asked Allen Reynolds several questions concerning the property and Allen confirmed that the property was in disrepair and a public safety hazard. Ms. Fox has contacted the property owner several times regarding the public hearing and has not received a response. The council agreed that action needed to be taken and the emergency remediation resolution was passed. Mr. Goldman advised that the next step would be to contact a structural engineer to look at the property. He may suggest that other remediation specialists are contacted about the property. Since the remediation will go over the bid law amount, Mr. Goldman advised council to approve for the City Clerk to solicit bids for the demolition of the property. This will be done after the structural engineer gives the city his recommendations on how to proceed. After no further comments, Mayor Handley declared the hearing closed and the regular scheduled meeting resumed.

Council Member Mayfield introduced:

### **RESOLUTION 06-19-01**

**A RESOLUTION ORDERING THE EMERGENCY REMEDIATION OF A BUILDING OR STRUCTURE LOCATED AT 108 SOUTH MAIN STREET, COLUMBIANA, ALABAMA, PARCEL ID# 21 7 26 102 035.000, IN COMPLIANCE WITH SECTIONS 1-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 05-14-06 OF THE CITY OF COLUMBIANA, ALABAMA; AND CALLING FOR SAID REMEDIATION TO BE PERFORMED BY THE CITY OF COLUMBIANA AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH REMEDIATION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS**

**WHEREAS**, the Appropriate Municipal Official determined that the condition of the building or structure located at 108 South Main Street, Columbiana, Alabama, Parcel I.D. Number 21 7 26 1 102 035.000 (the "Subject Property") is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, and such building is subject to immediate emergency remediation because of imminent danger of structural collapse endangering human life or health.

**WHEREAS**, the Appropriate Municipal Official has made a Finding of Public Nuisance and Declaration of Emergency to the City Council of the City of Columbiana.

**WHEREAS**, all persons with an interest in the Subject Property have received actual notice of the emergency situation.

**WHEREAS**, the City Council of the City of Columbiana opened a public hearing on the Subject Property while in regular session on Tuesday, June 4, 2019 at 6:00 p.m. and agreed to postpone the public hearing on the Subject Property for two weeks to allow the owner of the Subject Property to address the emergency situation.

**BE IT RESOLVED** by the City Council of the City of Columbiana, Alabama while in regular session on Tuesday, June 18, 2019 at 6:00 p.m. as follows:

**Section 1.** After due deliberation, the City Council of the City of Columbiana, Alabama finds that the structure standing at 108 South Main Street, Columbiana, Alabama, Parcel I.D. Number 21 7 26 1 102 035.000 is unsafe to the extent of becoming a public nuisance to the citizens of City of

Columbiana, Alabama, such building is subject to immediate emergency remediation because of imminent danger of structural collapse endangering human life or health, and is due to be condemned and remediated in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the Code of Alabama (1975), and Ordinance Number 05-14-06 of the City of Columbiana, Alabama;

**Section 2.** That said remediation is to be performed as soon as possible by the City of Columbiana; and

**Section 3.** That the City Attorney and the City Clerk are hereby directed to cause the cost of such remediation to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

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>  absent  </u>		Council Member Moore	<u>  X  </u>	<u>    </u>
Council Member Ruston	<u>  X  </u>	<u>    </u>	Council Member King	<u>  X  </u>	<u>    </u>
Council Member Mayfield	<u>  X  </u>	<u>    </u>	Mayor Handley	<u>  X  </u>	<u>    </u>

Adopted this the 18<sup>th</sup> day of June, 2019.

### AMEND AGENDA TO AUTHORIZE CITY CLERK TO SOLICIT BIDS

Ben Goldman with Hand Arendall advised the council to approve for the City Clerk to solicit bids for the demolition on the property at 108 South Main Street. The remediation will go over the bid law amount and this process needs to start as soon as possible. This will be done after the structural engineer give the city his recommendations on how to proceed.

Council Member King moved and Council Member Mayfield seconded the motion that said authorization be given vote, and said 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>  absent  </u>		Council Member Moore	<u>  X  </u>	<u>    </u>
Council Member Ruston	<u>  X  </u>	<u>    </u>	Council Member King	<u>  X  </u>	<u>    </u>
Council Member Mayfield	<u>  X  </u>	<u>    </u>	Mayor Handley	<u>  X  </u>	<u>    </u>

### DEPARTMENT HEAD REPORTS

- **Streets** – Allen Reynolds reported that his department is getting ready for Liberty Day. They have been busy cleaning the streets and cutting grass.
- **Environmental** – Dale Lucas reported that the new lift station has been installed at Springs Crossing. This will support the 140 homes that will be in the subdivision at its completion.
- **Planning & Zoning** – Dale Lucas reported that 10 homes are now under contract at Springs Crossing. Closings on the homes start on the 21<sup>st</sup>. Construction in the next sector will start by the end of summer. The Zoning Board of Adjustments met this week for a variance on a home on Freeman Estates. The variance was for a foundation survey that was four inches over our planning and zoning ordinance. The Board voted to approve that variance.

- **Admin** – City Clerk Charlene Tucker reported that she has been busy with the remediation that was discussed this week. City Hall is running smoothly and everyone is getting ready for Liberty Day.
- **Police** – Chief Lamar Vick reported that he has hired Joseph Bain as a full time officer. He is going from part time to full time. His department now has a part time position open. David Orth will be the new code enforcement officer. He is out recovering from surgery now and Sasha Knighten is filling in for some of the code enforcement in his absence.
- **Fire** – Chief Johnny Howard reported that his department has had some truck maintenance issues but those are being taken care of and the trucks are being repaired. Calls are down right now. His department is getting ready for Liberty Day. He reported that some of the sidewalks on Main Street are not up to ADA specs. They are too cluttered and there is not enough room for wheelchairs to pass.
- **Library** – Shelia Gallups reported that the summer reading program is going well. The library will receive money from the Education Trust Fund and that will help with the supercomputer software the library pays for from the State. The staff received an e-mail from someone thanking them for being so helpful to them on their most recent visit to the library.
- **Marketing** – Elizabeth Smith gave the following dates:
  - Music on Main – Gospel Night is this Friday night
  - Liberty Day Kick-Off – June 28<sup>th</sup> at 6:15
  - Liberty Day – June 29<sup>th</sup> – Vendors will be set up by 9:00, the parade line-up will begin at 2:00 at the License Office, the parade starts at 3:00, music at the football field starts at 6:45 and fireworks are at 9:00. Council will ride the trolley in the parade again this year.

## ORDINANCE NO. 06-19-01

### AN ORDINANCE PROVIDING FOR CURB CUTS AND DRIVEWAY APPROACHES

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

**Section 1.** It shall be unlawful for any person to cut, break out or remove any curb along or to construct a curb return, turnout or driveway approach in the right of way of a public street, way or alley, except as authorized under the terms of this ordinance.

**Section 2.** No one shall build or maintain a driveway across the curb or sidewalk without obtaining a permit from the city engineer or the street and sanitation department head.

**Section 3.** It shall be unlawful for any person to construct, alter or extend or to permit or cause to be constructed, altered or extended any driveway approach which can be used only as an unimproved parking area. A driveway approach shall provide access to something definite on private property, such as an improved parking area, a driveway or a door at least eight feet wide intended to be used for the entrance of vehicles.

**Section 4.** It shall be understood that an approved full access turnout may at some time in the future be reduced to a less than full access configuration. By commencing work under an approved permit, the applicant agrees to accept this condition and also agrees not to hold the city responsible for any costs or damages that may result from such a change.

**Section 5.** The city will grant permission to the applicant to cut the curb, if one exists, and cut or fill a reasonable driveway area to the right of way line. Property owners will furnish the necessary side-drain pipe at their own expense. Pipe must be of standard manufacture and not improvised (e.g., metal barrels). Property owners must also furnish side-drain pipe at their own expense whenever it becomes necessary to replace the original installation due to deterioration, damage, etc.

**Section 6.** All construction work on driveways across the curb or sidewalk shall be done in conformity with the city standard specifications for sidewalk and driveways prepared by the city engineer or the street and sanitation department head. The width, location and specifications for driveway approaches and curb returns shall comply with engineering standards on file at City Hall. Current standard specifications are as follows:

- (1) Permit for construction of a sidewalk or driveway shall be secured from city hall before work is started and the work shall be done in conformity to the direction of the city engineer or the street and sanitation department head. Minimum widths of sidewalks shall be four (4) feet and minimum depths three and three-quarters (3  $\frac{3}{4}$ ) inches. (The city reserved the right to alter specifications to meet unusual physical conditions that may be encountered.)
- (2) All walks shall be placed adjoining property lines and on the grades established by the city and shall be sloped one-quarter inch to the foot. The subgrade shall be thoroughly compacted and have a slope in conformity with the finished surface.
- (3) Concrete shall be a mixture of:
  - 1.00 part cement
  - 2.25 parts sand
  - 3.25 parts gravelUsing not over six (6) gallons of water to each bag of cement.
- (4) All forms shall be rigid and straight
- (5) After the concrete has been placed and tamped, it shall be brought to the established grade by means of a strike board. It will then be worked with a wood float in a manner which will thoroughly compact it and provide a surface free from depression or irregularities of any kind. In no case shall dry cement and sand be sprinkled on the surface.
- (6) The surface edges of all slopes shall be rounded to a radius of one-half inch. The pavement shall be divided into blocks approximately the same width as the walk by means of a jointer or groover.
- (7) Transverse expansion joints shall be made at intervals of about thirty (30) feet and shall extend from the surface to the bottom of the sidewalk and shall be one-half inch in width and filled with joint filler. All protruding expansion joints shall be cut flush with the sidewalk.
- (8) After floating has been completed, the surface shall be lightly brushed transversely with a soft brush or preferably with a cork float so as to leave a nonskid surface.
- (9) As soon as the finished work has hardened sufficiently to prevent damage, the surface of the walks shall be sprinkled with clean water and kept wet for at least seventy-two (72) hours. Curing by application of chemicals or some other method may be used upon the approval of the city engineer and/or the street and sanitation department head.
- (10) Work shall be protected by the erection and maintenance of suitable barricades to protect the walk from traffic and shall not be opened to traffic until the prescribed curing period has expired.
- (11) All driveway entrances shall be constructed in conformity in all respects to the above specifications and shall have a minimum radius of at least three (3) feet at the curb, and the depth of the paving of the driveway apron and walk joining the entrance apron shall have a minimum depth of at least five (5) inches.
- (12) If the work is done by contract, the contractor shall have a city business license.

**Section 7.** A driveway is defined as a place, way or passage on private property intended for the operation of automobiles or other vehicles. No driveway shall exceed 30 feet in width.

**Section 8.** In the construction of a driveway, no street curbing shall be cut beyond any property line as projected except when consented to, in writing, by the adjoining property owner involved.

**Section 9.** Improvements to existing entrances, such as paving of unpaved drives, resurfacing of drives or major extensions of driveways, are governed by the same regulations as a new entrance, including the application and issuance of a permit.

**Section 10.** When the use of an existing driveway changes, it is required by the city that a new application for permit be submitted. For example, if property with an existing drive was previously permitted for a residence and the drive is now used for non-residential purposes, a new application for permit must be submitted by the property owner. The drive will be required to meet the standards set forth by the city for the new use of the property. If the type of commercial use changes, a new permit will be required.

**Section 11.** Where two (2) or more adjoining driveways are provided for the same property, a circular driveway is permitted, pending approval of the permit and applicable drawings.

**Section 12.** No driveway apron shall extend out into the street further than the face of the curb nor into the gutter area. The street edge of the driveway apron shall project at least three-quarters of an inch vertically above the surface of the gutter.

**Section 13.** No driveway shall be constructed within 30 feet of an intersection of two or more streets.

**Section 14.** The sidewalk grade of each driveway shall meet all ADA (Americans with Disabilities Act) rules and requirements.

**Section 15.** All curb cuts or driveway entrances to major streets shall be constructed only after the city engineer or the street and sanitation department head has ascertained that the proposed construction would not create a traffic hazard, would not create a drainage problem and would not be detrimental to proposed improvements to said major street. Notwithstanding, any curb cut or driveway entrance shall meet all city specifications.

**Section 16.** The city engineer or the street and sanitation department head may grant in writing variances from the strict application of the provisions of this ordinance; provided, however, that they shall first determine that all of the following conditions are present:

- (1) The variance desired arises from peculiar or special conditions not ordinarily found in similar districts in the city.
- (2) A literal enforcement of the terms of this ordinance will work unusual and unnecessary hardship on the property owner or tenant or would tend to deprive the owner of all reasonable use of his property.
- (3) The granting of the variance will not adversely affect the rights of adjacent property owners or tenants.
- (4) The granting of the variance will not destroy the spirit and aim of this ordinance.
- (5) The granting of the variance is not, and will not be within the foreseeable future, contrary to the public interest, safety, health, morals, convenience, prosperity or general welfare.

**Section 17.** All ordinances and portions of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 18.** This Ordinance shall become effective upon its passage and publication or posting as required by law.

The Mayor asked for a motion to omit the second reading and for a vote to pass with the first reading.

Council Member King moved and Council Member Mayfield seconded the motion that said ordinance be given vote, and said ordinance 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>_absent_</u>		Council Member Moore	<u>_X_</u>	<u>___</u>
Council Member Ruston	<u>_X_</u>	<u>___</u>	Council Member King	<u>_X_</u>	<u>___</u>
Council Member Mayfield	<u>_X_</u>	<u>___</u>	Mayor Handley	<u>_X_</u>	<u>___</u>

ADOPTED AND APPROVED THIS 18<sup>th</sup> DAY JUNE, 2019

Council Member Ruston introduced:

**RESOLUTION 06-19-02  
AUTHORIZING MAYOR TO SIGN CONTRACT WITH  
LEXIS NEXIS FOR RISK SOLUTIONS SUBSCRIPTION**

**WHEREAS**, the Mayor and Council for the City of Columbiana recognize the value of utilizing an outside firm to provide risk solutions; and

**WHEREAS**, Based on our review and recommendation by other municipalities, we are in need of this product in order to efficiently and effectively obtain information to collect old and outstanding debts for the City; and

**WHEREAS**, The cost of this subscription shall be \$100.00 a month and will be paid by Administration and Court (each paying \$50.00 a month); so

**THEREFORE, BE IT RESOLVED** by the City Council; the Mayor is authorized to sign any and all documents required to enter a contract with Lexis Nexis for risk solutions subscription for the City of Columbiana. Said agreement shall begin the day the contract is signed.

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.

	Yea	Nay		Yea	Nay
Council Member Whiting	<u>_absent_</u>		Council Member Moore	<u>_X_</u>	<u>___</u>
Council Member Ruston	<u>_X_</u>	<u>___</u>	Council Member King	<u>_X_</u>	<u>___</u>
Council Member Mayfield	<u>_X_</u>	<u>___</u>	Mayor Handley	<u>_X_</u>	<u>___</u>

Adopted this 18th day of June, 2019.

**DISCUSSION – OTHER CITY BUSINESS**

- The area where the City garage (Street Department) is located will become parking for the new Shelby County Arts Council building. The current garage needs to be taken down and Allen Reynolds' department will handle the removal. Allen, Dale Lucas and the Mayor met

about building a new garage on City property. For a 8,000 square foot building, the cost would be \$166,000 for the building and concrete. We would still have to finish the inside. Kevin Ricke has a finished, 13,300 square foot warehouse with office space and one acre of parking. Some renovations will have to be made to the warehouse to bring it up to code. Dale and Allen are meeting with a Shelby County Development Services inspector next week to discuss the improvements. The Mayor is asking council for permission to proceed with the purchase. Mr. Ricke's asking price is \$175,000. Allen needs to be able to move in as quickly as possible after bringing the building up to code. Then he can proceed with taking down the existing building. The building that he is in currently is 3,000 square feet. Council agreed to proceed.

- Bruce Andrews is a City of Columbiana employee that is "leased" to the Shelby County Arts Council. They reimburse the City for all of his salary and benefits. They asked if the City would be willing to do this with the new employees once the new Shelby County Arts Council building is open. The Mayor talked to our auditor and as long as we are being reimbursed 100%, we can continue to do this. Council agreed to proceed.
- The Grand Marshall for the Liberty Day parade is former City Council Member William Rasco.

### MAYOR'S REPORT

- This are busy in the City. ABC 33/40 did a news report on the new Shelby County Arts Council building and that will air tonight at 10:00.
- Dunn Construction made an offer on the Central Alabama Fabricators building for the building and contents. If it is not sold, the building and contents will be auctioned Thursday.
- The land owner of the Oaxaca building is in talks with Taco Bell about them purchasing the building.

### ANNOUNCEMENTS

- Last Saturday was the 30<sup>th</sup> annual city wide clean-up day and it was a big success. Council Member Mayfield thanked everyone that participated.
- The Shelby County Board of Education appreciation cookout is tomorrow from 11:30 – 1:00 at the Central Office.

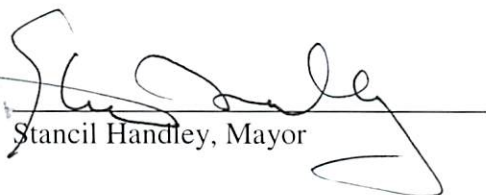
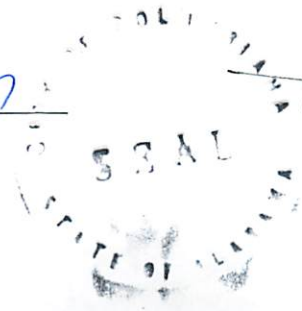
### PUBLIC COMMENT

- Chris Mundy asked to place a temporary office trailer on their new tractor location on Highway 25 by Dr. Thornburg's office. He wants to keep the trailer there until the property can be purchased and then they will build a permanent structure. It could take two years for that to happen. The council approved for the trailer to be placed there for six months and then it will be reviewed and renewed if needed.
- Roger Porter gave an update on the Liberty Day car show. The shirts for the car show has been ordered and he is expecting a big turnout.

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 Handley declared the meeting adjourned at 8:06 p.m.



Charlene Tucker, City Clerk



Stancel Handley, Mayor