REGULAR COUNCIL MEETING CITY OF COLUMBIANA, ALABAMA April 4, 2023

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, April 4, 2023. 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 3-21-23 Regular Council Meeting

There being no changes or amendments to the minutes, the Mayor declared the minutes approved.

Department Head Reports

Fire – Mayor Mitchell reported the following:

- There has been no loss time injuries
- Slightly over budget
- Awarded SAFER Grant to recruit and train employees
- Possible second station location being discussed
- Admin vehicles are in service
- Routine maintenance on apparatus ongoing
- EMS training complete

Library – Jennifer Combs reported the following:

- No safety issues.
- Budget looks good.
- We are good on staffing.
- We had an estimated 1180 visitors for the month of March.
- For the month of February, we provided about \$34,835.00 in services. That is down from February 2022.
- The family reading fair was good despite the cold and the wind.

• The Homeschool Expo had a good turnout and great exposure for not just our library, but for the Shelby County Libraries as a whole.

Environmental – Dale Lucas reported the following:

- No injuries during this fiscal year.
- Budget is ok.
- We are still advertising for a Grade II Operator.
- We are currently working on upgrading some of our collection system.
- No change in compliance.
- We have started our 2023 training.
- We have had issues with the gas lines on Center Street and Goodwin Street being located. We have had meetings with Spire on the job sites.
- The F350 Crane Truck engine is about to go out.

Community Affairs & Senior Services – Ali Payne reported the following:

- Community Services:
 - o Main Street & Exit Realty hiding eggs again this Saturday.
 - o Main Street Columbiana Carrot Chase Fun Run, Saturday April 8th (South Main Closed from 9:30 11:30 for race)
 - o Touch a Truck April 15
 - o Music on Main / Farmers Market begins June 2nd (Music on Main in June)
 - o Looking for volunteers for Liberty Day
- Senior Services:
 - o Served 1150 meals in March.
 - Speed Bumps/Parking issues.
 - o Looking for volunteers to deliver Meals on Wheels on Wednesdays. Other days are covered.
- Grande Hall:
 - o 7 Rentals in April
 - o Finishing work to the building.

Board Reports

The Beautification Board reported that the Easter Bunny Tea was a huge success. The cemetery shrubs have been cut down. April 22 is clean-up day and the focus will be between the cemetery and city hall and Washing Street. There is one position open on the board that needs to be filled.

Mayor Mitchell introduced:

RESOLUTION 04-23-01 MUNICIPAL WATER POLLUTION PREVENTION PROGRAM

BE IT RESOLVED that the City of Columbiana, Alabama wishes to inform the Department of Environmental Management that the following actions were taken by the City Council at a regular meeting held on April 4, 2023.

1. Reviewed the MWPP Annual Report which is attached to this resolution.

- 2. Set forth the following actions and schedule necessary to maintain effluent requirements contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant.
 - a. We will continue using methods such as television inspections and smoke testing to begin repair and rehabilitation of the old lines.
 - b. Continued program of cleaning, root control and TV inspections to prevent buildups in

the system and increase the capacity for handling the additional inflow during flooding. c. Continued preventative maintenance of pump stations and acquire additional standby pumps for use in emergencies.							
NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does adopt the above actions into its Municipal Water Pollution Prevention Program. The motion was made by Council Member King and seconded by Council Member Ruston and passed by a vote of the Council.							
Yea Nay Council Member Lilly X_ Council Member King X_ Council Member Mizzell X_ Council Member Phillips X_ Council Member Ruston X_ Mayor David Mitchell X							
Mayor Mitchell introduced:							
RESOLUTION 04-23-02 PARTICIPATING IN THE MUNICIPAL WORKERS COMPENSATION FUND, INC.							
NOW COMES, the City of Columbiana, a municipal entity, and desires to participate in the Municipal Workers Compensation Fund, Inc., for the purpose of being insured for workers compensation risk.							
After due consideration with appropriate motion being made and seconded the following Resolution was adopted:							
RESOLVED , the City of Columbiana City Council hereby joins the Municipal Workers Compensation Fund, Inc. for the purpose of obtaining workers compensation insurance coverage and authorizes its appropriate agent to sign such documents as necessary to complete said coverage.							
NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does wish to join the Municipal Workers Compensation Fund for its workers compensation insurance coverage. The motion was made by Council Member Ruston and seconded by Council Member Phillips and passed by a vote of the Council.							
Yea Nay Council Member Lilly Council Member Mizzell X Council Member Mizzell X Council Member Phillips X Council Member Ruston X Mayor David Mitchell X —							

Mayor Mitchell introduced:

RESOLUTION 04-23-03 SAFETY RESOLUTION

WHEREAS, workers compensation costs have increased dramatically during the last few years, and

WHEREAS, good safety practices can result in a reduction of on-the-job injuries, now, therefore,

BE IT RESOLVED by the City of Columbiana City Council as follows:

- 1. The City of Columbiana recognizes the importance of safety in the work place and is dedicated to its commitment to safety consciousness.
- 2. Frances Allen, Assistant City Clerk, is hereby appointed as Safety Coordinator with the responsibility for implementing an effective safety program for all employees of the City of Columbiana

NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana passes this safety resolution and appoints a safety coordinator. The motion was made by Council Member Phillips and seconded by Council Member Mizzell and passed by a vote of the Council.

	Yea	Nay		Yea	Nay
Council Member Lilly	_X		Council Member King	_X	
Council Member Mizzell	_X		Council Member Phillips	_X	
Council Member Ruston	_x		Mayor David Mitchell	_X	_

Mayor Mitchell introduced:

ORDINANCE 04-23-04 AN ORDINANCE TO ESTABLISH AN ARTS AND ENTERTAINMENT DISTRICT IN COLUMBIANA, ALABAMA

WHEREAS, the State of Alabama has passed into law §28-3A-17.1, Code of Alabama, 1975, as amended, hereinafter referred to as "the Act," to create and establish entertainment district designations for retail alcoholic beverage licenses.

WHEREAS, the Act allows the Council to establish not more than two entertainment districts within the corporate limits of the City of Columbiana, each of which must have not fewer than four retail alcoholic beverage licensees and each of which may not exceed one-half mile by one-half mile in area.

WHEREAS, the Council has considered the merits of establishing such districts and believes that they will benefit the downtown area and believe that entertainment districts may benefit the City by enhancing pedestrian-oriented areas for outdoor special events that can include, but are not limited to, parades, concerts, car shows, and fundraising events for local nonprofit organizations, holiday events, and beer and wine tasting events;

WHEREAS, the Council finds that other cities, both within and without the State of Alabama, have had success with such districts, and believes that it is in the best interest of the City to provide for the creation of such districts as provided in this Ordinance.

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation. The Council reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time.

WHEREAS, because the downtown area consists of properties devoted to business, commercial, entertainment, and residential uses, the Council finds that it is prudent to proceed deliberately and cautiously in order to determine what impact, if any, the creation and operation of these districts will have on residential and business properties. For this reason, the Council will include a sunset provision in this Ordinance in order to allow a reassessment of the merits, costs, and benefits of these arts and entertainment districts and their impact on surrounding business and residential properties.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Columbiana wishes to establish one arts and entertainment district in the downtown area hereinafter referred to as the Columbiana Live District.

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

SECTION 1. Creation and Establishment of Districts. Under the authority granted in Ala. Code Sec. 28-3A-17.1(b), the City Council does hereby create and establish one arts and entertainment district in downtown Columbiana known as Columbiana Live District with the areas and boundaries as set forth and designated on the Map which is attached hereto as Exhibit 1 and incorporated by reference as if fully set out herein.

SECTION 2. Outside Consumption of Alcoholic Beverages Permitted; Conditions. Any on-premise retail alcohol beverage licensee who receives an arts and entertainment district designation from the Alabama Alcoholic Beverage Control Board shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 5:00 p.m. and 10:30 p.m. Monday through Friday and 12:00 p.m. and 10:30 p.m. on Saturday with no more than one open container of alcoholic beverage and consume said alcoholic beverage anywhere within the confines of the arts and entertainment district in which the alcoholic beverage was obtained subject to the following regulations:

- (1). A person may not enter another licensed premises with an open container or closed container of alcoholic beverage acquired elsewhere,
- (2). A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the "Columbiana Live District" logo obtained from the City of Columbiana and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Columbiana.

- (3). No licensee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- (4). It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container, or to possess any open can, bottle, or glass container of alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots located within an entertainment district; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right of-way where the licensee has a right-of-way use agreement with the City of Columbiana.
- (5). No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.
- (6). No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the arts and entertainment district any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- SECTION 3. Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited. It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within an entertainment district.
- SECTION 4. Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District. Except for special events as permitted by the Alabama Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages purchased outside of the entertainment district shall be allowed in open containers in the entertainment district.
- SECTION 5. Drinking in Public Places; Section One (Ordinance No. 265) of the City Code as Amended. Section One of the Columbiana City Code is hereby amended so that it now reads in its entirety as follows:
- "Section One. Drinking in public places. Except as may be allowed in entertainment districts officially created and designated pursuant to the authority of Ala. Code Sec. 28-3A-17.1 as it now exists or may hereafter be amended, it shall be unlawful for any person to drink any liquor, wine or malt or brewed beverages in any of the public streets, alleys or parks or in any other public place in the city or its police jurisdiction not duly licensed for the sale of one (1) or more of such beverages or duly licensed to prepare and serve food."
- SECTION 6. Effective Date, Sunset, and Extension. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law; provided, further, that the requirement that all paper or plastic cups bear the logo of the designated licensee, or the "Columbiana Live District" logo shall not become effective until May 1, 2023. This Ordinance will automatically renew for one additional calendar year on May 1, 2024 and every subsequent year thereafter unless terminated prior thereto by official action of the Columbiana City Council.

SECTION 7. Exceptions. The Mayor, in their right, shall have the privilege of identifying special events (e.g., holidays and civic gatherings) and shall have the authority to order city streets and/or rights-of-way to be closed for said special event(s). In addition, the Mayor shall have the authority to designate certain, or all, closed areas of city streets and/or rights-of-way permissible to carry open containers, provided said container complies with the requirements of this Ordinance, during the scheduled hours of the special event(s).

NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does adopt the above Ordinance. The motion was made by Council Member Ruston and seconded by Council Member King and passed by a vote of the Council.

	Yea	Nay		Yea	Nay
Council Member Lilly	_X		Council Member King	_X	
Council Member Mizzell		_X	Council Member Phillips	_X	
Council Member Ruston	_X		Mayor David Mitchell	_X	

Mayor Mitchell introduced:

ORDINANCE 04-23-05 MUNICIPAL TREE ORDINANCE

BE IT ORDAINED by the City Council of the City of Columbiana, Alabama, that the following Municipal Tree Ordinance be passed and a Tree Advisory Board be established.

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes the practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or **Topping** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Authority and power.

- a) **Delegation of authority and responsibility.** The Public Works Director and/or their designee, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- b) Coordination among city departments. All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- c) Interference. No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 4. Tree advisory board.

The City Council hereby creates a "Tree Advisory Board," hereinafter referred to as the "Board."

- a) Duties. The Board shall act in an advisory capacity to the Director and shall:
 - 1) Coordinate and promote Arbor Day activities;
 - 2) Review and update a five-year plan to plant and maintain trees on city property;
 - 3) Support public awareness and education programs relating to trees;
 - 4) Review city department concerns relating to tree care;
 - 5) Submit an annual report of its activities to the city council;
 - 6) Assist with the annual application to renew the Tree City USA designation;
 - 7) Recommend a list of tree species for planting on city property, and a list of prohibited species; and
 - 8) Other duties that may be assigned by City Council.
- b) **Membership.** The Board shall consist of all members of the City of Columbiana Beautification Board.
- c) Term of office. Board member terms will be the same as their terms on the Beautification Board
- d) Officers. The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair and may appoint a third member to serve as secretary.
- e) Meetings. The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

Section 5. Tree planting and care standards.

- a) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- b) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- c) Preferred species list. The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.

- d) Planting distances. The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- e) Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 6. Prohibition against harming public trees.

- a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.
- e) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

Section 7. Adjacent owner responsibility.

- a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

Section 8. Certain trees declared a nuisance.

- a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.
- b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Section 9. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 10. Appeals.

Appeals to decisions by the Director or the Tree Advisory Board, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

Section 11. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 12. Severability.

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Columbiana does adopt the above Ordinance. The motion was made by Council Member King and seconded by Council Member Mizzell and passed by a vote of the Council.

Proclaiming April 28, 2023 as Arbor Day

WHEREAS, the economic, environmental, and aesthetic welfare of the people of Alabama is largely dependent on the trees and forestlands of the state; and

WHEREAS, everyone in the City of Columbiana benefits either directly or indirectly from trees and forestlands; and

WHEREAS, trees provide jobs, products, wildlife habitat, and recreational opportunities; and

WHEREAS, trees provide oxygen, help purify the air, play an important role in the water cycle, help neutralize wastewater, stabilize the soil, and

WHEREAS, trees are an invaluable physical and psychological addition to the city, provide shade, cool the air, reduce noise levels and glare; and

WHEREAS, trees are an economic asset to the city, attract tourism, increase property values, enhance shopping patterns; and

WHEREAS, the care and management of trees by people through planning, planting, maintenance, timely removal and replacement benefits our city; and

WHEREAS, well-maintained city trees benefit present and future generations,

NOW, THEREFORE, I, David Mitchell, Mayor of the City of Columbiana, do hereby proclaim April 28, 2023 as Arbor Day and encourage each citizen to participate in tree planting activities on this day.

Proclaiming April 2023 as Fair Housing Month

WHEREAS, April 11, 2023 marks the 55th anniversary of the passage of the Fair Housing Act, which enunciates a national policy of fair housing for all who live in the United States, and

WHEREAS, The Fair Housing Act prohibits discrimination based on race, color, religion, sex, handicap, familial status and national origin, and

WHEREAS, fair housing is a positive community good; and

WHEREAS, economic stability, community health, and human relations in all communities are improved by diversity and integration; and

WHEREAS, Fair Housing is integral to the ethical commitment of members of the National Association of REALTORS® and the Birmingham Association of REALTORS® and is critical to the ability of all real estate professionals to serve their clients, customers and communities; and

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

THEREFORE, We the City Council of the City of Columbiana, Alabama do hereby proclaim the month of April 2023 as Fair Housing Month in Columbiana to establish Columbiana as an inclusive community committed to fair housing and to promote appropriate activities by private and public entities intended to provide or advocate for equal housing opportunities for all residents and prospective residents of Columbiana.

Discussion – Other City Business

Mayor Mitchell was approved as the voting delegate for the Alabama League of Municipalities business meeting at the Convention in May.

April is National Child Abuse Prevention Month. Owens House put up banners and pinwheels on Main Street to raise awareness. We will have a proclamation at the next council meeting.

Mayor's Report

- FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant awarded
 - Award Value = \$292,710, no match
 - Recruiting & retention, physicals, training, PPE / "turn-out gear"
- FEMA Assistance to Firefighters Grant (AFG) application pending for new pumper truck.
 - Amount requested = \$700,000: \$666,667 + \$33,333 (5% match)
- Shelby County Senior Programs Grant
 - Award Value = \$3,500
- Orchestra Partners Client Kick-off Meeting
 - Thursday, April 6, 5:30 PM, Song Theater
- Gas Line ruptures by sewer repair contractor on Goodwin/Center/Thompson Streets
- Paving status for Center Street
 - Did not receive Rebuild Alabama Act Grant. Will proceed with paving by city.

Announcements

- April 7 City offices closed for Good Friday
- April 8 Main Street Easter Egg Hiding
- April 8 Main Street Carrot Fun Run
- April 15 Touch a Truck in Old Mill Square Park
- Music on Main scheduled for Friday nights in June

Public Comments

Lisa Davis asked who the picnic tables belonged to that are in front of Just a Tish. The Beautification Board wanted to put a pad down for the tables. Those tables belong to Shelby County and the Beautification Board would have to get their permission to do any work in that area.

There being no further business, Council Member Mizzell moved that the meeting be adjourned which was seconded by Council Member Lilly. The motion passed by vote of all members of the Council present. Mayor Mitchell declared the meeting adjourned at 6:53 p.m.

Charlene Tucker, City Clerk

David Mitchell, Mayor