

**REGULAR COUNCIL MEETING
CITY OF COLUMBIANA, ALABAMA
March 6, 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 March 6, 2018. Mayor Stancil Handley called the meeting to order and asked City Clerk, Mark Frey, to call roll after the invocation and pledge.

Present:

Council member Leslie Whiting	Council member Barbara Moore
Council member Ricky Ruston	Council member Kim King
Council member Ouida Mayfield	Mayor Stancil Handley

Absent:

None

The Mayor declared a quorum was present.

CONSENT AGENDA

- A. Approval of Minutes 02-20-2018 Regular Meeting
- B. Approval of one step merit increase for Officer Kenneth D. Peavy, moving from Pay Grade X Step 5 to X Step 6 effective on next pay cycle.
- C. Approval of one step increase due to completion of probationary period for Officer Kevin Perry Moving from Pay Grade X Step 4 to X Step 5 effective on next pay cycle.

Council member Ruston made a motion to accept the consent agenda with correction which was seconded by Council member King and unanimously passed by a vote of all members present.

Mayor Handley read the following proclamation:

**2018 CHILD ABUSE PREVENTION PROCLAMATION
SHELBY COUNTY, ALABAMA**

Whereas, in fiscal year 2015, 52 States reported 683,487 victims of child abuse and neglect; and 1,670 children died as a result of abuse or neglect; and

Whereas, in Shelby County, 1,630 children were the subjects of 1,210 child abuse/neglect and prevention reports made to The Shelby County Department of Human Resources during fiscal year 2017;

Whereas, 30 children from the City of Columbiana were provided services through The Shelby County Children's Advocacy Center (OWENS HOUSE) during fiscal year 2017.

Whereas, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone in our community; and

Whereas, our children are our most valuable resources and will shape the future of Shelby County, Alabama; and

Whereas, child abuse can have long-term psychological, emotional, and physical effects for victims of abuse, and;

Whereas, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, child advocacy centers, health, community-and-faith-based organizations, business and law enforcement agencies; and

Whereas, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to the social and emotional well-being of children and families in a safe, stable, nurturing environment.

Now, therefore, we recognize April 2018 as National Child Abuse Prevention Month in the City of Columbiana, AL. We pledge to dedicate ourselves to the task of improving the quality of life for all children and families and to preventing child abuse.

DEPARTMENT HEAD REPORTS

- **Library** – Sheila Gallups reported that everything is being delivered and set up for the new space and there were many events happening at the Library. Ann Head won dinner for 2, at the Local Kitchen, in the drawing. There will be a Classic Movie on Wednesday and the 17th will be a Lego Event.
- **Administration** – City Clerk Mark Frey stated that he has been working on the workers comp insurance and general liability insurance policy. Everything was running smoothly at City Hall.
- **Streets and Maintenance** – Allen Reynolds reported that he has been working on the lights at the parks as well as preparing the 200 Mildred Street Annex for renovations. Allen also reported that he was at full staff with the hiring of Jeremy Lansford.
- **Environmental Services** – Dale Lucas reported that the rain has slowed the sewer projects down a bit and they are only 23 feet from the final manhole on the project. Butler Street is almost done and they are working to get the subcontractor in to complete the cleanup and street repair.
- **Fire Department** – Fire Chief Johnny Howard reported that all of the new equipment and trucks are almost ready to be put into service. They have been working to acquire equipment for the new trucks without having to purchase these items. The insulation replacement project has proven to be a formidable job, but it is getting done.
- **Police Department** – Chief Lamar Vick stated that the new police vehicle is almost ready to hit the road and it is outfitted with all new equipment. The new duty gear has started coming in and they are working to replace it. He is also awaiting an order of new body cameras.

MARKETING REPORT

Elizabeth Smith reported the following:

- Thursday will be another shopping event “Night on the Town”
- A job fair is coming to Columbiana sponsored by 58 INC on April 9th
- April 21st from 9-12 will be the second annual Touch-A-Truck event sponsored by Columbiana Main Street
- Trade Days start on the 2nd Saturday in April
- Liberty Day is coming up in June

Council member Ruston introduced:

ORDINANCE 03-18-01

**AN ORDINANCE CHANGING NAME OF SUMMER CLASSICS WAY
TO MILL STREET**

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

Section 1. The name of the public street in the City of Columbiana, Alabama, currently known as Summer Classics Way is changed to Mill Street.

Section 2. This Ordinance shall become effective upon its passage and publication or posting as required by law.

This was the first reading for this ordinance which will be considered during the next regular Council meeting.

Council member King introduced Ordinance 03-18-02 and made a motion to suspend the rules in order to consider its passage during the first reading which was seconded by Council member Whiting and followed by a unanimous roll call vote.

Mayor Handley welcomed Brad Cherry with Bradley Arrant and asked him to discuss Ordinance 03-18-02 and the financing for Old Mill Square through the Columbiana Cultural Facilities Cooperative District. Brad explained the validation process for this project financing and basic timeline for its approval through Circuit Court.

ORDINANCE NO. 03-18-02

**ORDINANCE APPROVING CERTAIN MATTERS RELATED TO THE ISSUANCE OF
REVENUE BONDS (CITY OF COLUMBIANA OLD MILL SQUARE PROJECT), SERIES 2018-
A BY THE CULTURAL FACILITIES COOPERATIVE DISTRICT OF THE CITY OF
COLUMBIANA**

WHEREAS, the City of Columbiana, a municipal corporation organized under the laws of the State of Alabama (the "City"), has requested that the Cultural Facilities Cooperative District of the City of Columbiana, a public corporation organized under the laws of the State of Alabama (the "District"), issue its Revenue Bonds (City of Columbiana Old Mill Square Project), Series 2018-A (the "Series 2018-A Bonds") in an amount not to exceed \$12,000,000 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 between Walton Street and Summer Classics Way (the "Bond-Financed Facilities") and (b) paying the costs of issuing the Series 2018-A Bonds; the Bond-Financed Facilities and their intended municipal functions are more particularly described in the Financing Lease Agreement referred to below;

WHEREAS, the Series 2018-A Bonds will be issued pursuant to a trust indenture (the "Indenture") between the District and Regions Bank (the "Trustee");

WHEREAS, pursuant to a Ground Lease Agreement (the "City/District Lease Agreement") between the District and the City, the City will lease to the District the real property upon which the Bond-Financed Facilities will be constructed;

WHEREAS, pursuant to a Lease Agreement (the "Financing Lease Agreement") between the District and the City, the Bond-Financed Facilities will be leased by the District to the City and the City will agree 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 when due;

WHEREAS, the District and the City may deem it to be advantageous to cause the payment of principal and interest on the Series 2018-A Bonds to be insured by an insurance policy (the "Policy") to be issued simultaneously with the delivery of the Series 2018-A Bonds by a municipal bond insurance company (the "Insurer");

WHEREAS, the District will levy a fee for use of the Bond-Financed Facilities, with the proceeds of such fee being transferred to the City pursuant to the Financing Lease Agreement for the City's use in operation of the Bond-Finances or payment of the City's rental obligations under the Financing Lease Agreement;

WHEREAS, as security for the payment of the Series 2018-A Bonds and all other obligations under the Indenture, the District will, pursuant to the Indenture, assign and pledge all the District's rights under the Financing Lease Agreement, except for certain rights relating to indemnification, reimbursement of expenses and receipt of notices and other communications;

WHEREAS, as additional security for the Series 2018-A Bonds, the City will guarantee the payment of the principal of, premium (if any) and interest on the Series 2018-A Bonds pursuant to a Guaranty Agreement (the "Guaranty Agreement") by the City in favor of the Trustee;

WHEREAS, the Series 2018-A Bonds shall be limited obligations of the District payable solely out of (a) payments by the City pursuant to the Financing Lease Agreement and Guaranty Agreement and (b) any other revenues, rentals or receipts derived by the District from the leasing or sale of the Bond-Financed Facilities; 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 subleased by the City to 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 2018-A Bonds will be sold to INTL FCStone Financial, Inc. (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 2018-A 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 2018-A 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 2018-A Bonds, subject to the parameters established herein;

WHEREAS, copies of the proposed Indenture, City/District Lease Agreement, Financing Lease Agreement, and Guaranty 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 21, 2018, 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 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 2018-A Bonds, the obligations to be undertaken by the City pursuant to the Financing Lease Agreement and the Guaranty Agreement and the expenditure of the proceeds of the Series 2018-A Bonds, which are public funds, for purposes of financing the 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 2018-A Bonds, (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 2018-A Bonds shall be sold pursuant to the Bond Purchase Agreement. In order to provide for the sale of the Series 2018-A 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 2018-A Bonds does not exceed \$12,000,000 and (2) the all-in total interest cost for the Series 2018-A 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 2018-A Bonds, and any other costs of issuance paid from proceeds of the Series 2018-A Bonds) is not greater than 4.25%. The Mayor's execution and delivery of the Bond Purchase Agreement shall constitute his approval of the final pricing terms of the Series 2018-A Bonds.

3. It shall be a condition precedent to the issuance of the Series 2018-A 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 2018-A Bonds, and (ii) 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 2018-A 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 are 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. The granting of a leasehold interest in the real property under the City/District Lease Agreement by the City in favor of the District, with the payment of nominal rent therefor, is hereby authorized and approved.

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:

Name	Title or Office
Stancil Handley	Mayor
J. Mark Frey	City Clerk

7. 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 2018-A Bonds, the absence of any pending or threatened litigation with respect to the Series 2018-A Bonds, the Financing Documents and the Plan of Financing, and the exemption of interest on the Series 2018-A Bonds from federal and State of Alabama income taxation.

8. 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.

Duly passed and adopted this 6th day of March, 2018.

MAYOR'S REPORT

- The Hwy 26/70 intersection improvement is scheduled for early April
- The City Hall Annex is being renovated to offer additional space for the Senior Center events and meeting space
- March 14th will be Breakfast With The Mayor and everyone is invited

ANNOUNCEMENTS

- None

PUBLIC COMMENT

- 3 Hearts One Mission is moving forward and many different groups are getting on board to assist. There will be 3 pantries and 3 little libraries here in Columbiana. Mayor Handley asked if they would identify 10 potential locations and bring them to the Council for consideration.

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 7:22 p.m.


J. Mark Frey, City Clerk




Stancil Handley, Mayor