

**Minutes of the proceedings of the City Council of the City of Graysville,
Alabama of the regular meeting held on October 4, 2018.**

Interim Fire Chief Greg Gilchrist gave the invocation.

The regular meeting of the City Council of the City of Graysville was called to order at 6:00 p.m. in the Council Chambers of City Hall by Mayor James C. Davis.

Upon roll call those present:

<i>Clark "Julio Davis</i>	<i>Mayor</i>
<i>James Armstrong</i>	<i>Councilmember</i>
<i>Dorothy Hawthorne</i>	<i>Councilmember</i>
<i>George Helms</i>	<i>Councilmember</i>
<i>Karen Lauderdale</i>	<i>Councilmember</i>
<i>Chris Shaw</i>	<i>Councilmember</i>
<i>Randy Teeter</i>	<i>Councilmember</i>

Also present was Leslie Klasing, City Attorney; Mr. Danny Carr, candidate for Jefferson County District Attorney; Tommy Greene, City Comptroller; a host of local citizens; several city employees and City Clerk, Kathy Dumas.

Mr. Danny Carr spoke briefly and he asked for support in his candidacy for Jefferson County District Attorney on November 6, 2018 election.

Councilmember Shaw moved to approve minutes of September 27, 2018 as presented. Motion seconded by Councilmember Armstrong and carried.

Invoices were presented for payment as follows:

CITY:	BILLS	October 4, 2018
UNIFIRST CORP	\$127.90	EMPLOYEE UNIFORM EXP
RETIREMENT SYSTEM	\$22,812.13	EMPLOYEE RETIREMENT
RETIREMENT SYSTEM	\$534.56	LIBRARY RETIREMENT
JEFF CO MAYORS ASSOC	\$433.00	ANNUAL DUES
VERIZON WIRELESS	\$114.64	DESK PHONE EXPENSE
REGIONS BANK	\$16,714.80	BOND PAYMENT
AT & T	\$331.61	ADM/FIRE FAX MACHINE
GRAYSVILLE FIRE DEPT	\$185.00	FIRE SP CONTRIB FUND
UNITED WAY	\$10.00	EMPLOYEE DEDUCTION
LOWES BUS ACCT	\$240.58	COMM CTR/P&R MAINT
REGIONS BANKCARD	\$469.12	OFFICE/MAINT SUPPLIES
LOCAL GOV HEALTH INS	\$18,258.00	EMPLOYEE HOSP/DENTAL INS
AMERICAN UNITED LIFE	\$310.55	EMPLOYEE L & H INSURANCE
LIBERTY NATIONAL INS	\$233.19	EMPLOYEE DEDUCTION

AMERICAN FAMILY LIFE	\$114.70
MOSES HILL	\$60.00
ROGER YOUNGBLOOD	\$90.00
JAMES C. DAVIS	\$360.57
CHAMBER COMMERCE	\$208.44
RICOH USA, INC.	\$410.81
HARRIS COMPUTER	\$772.08
SAM'S CLUB	\$85.00
GRAYSVILLE LIBRARY	\$1,366.87
CLASTRAN	\$447.00
REGIONAL PLANN COMM	\$655.00
ALABAMA POWER	\$7,807.12
CARD SERVICES	\$934.61
GRAYSVILLE MUN GAS	\$878.76
STERICYCLE, INC.	\$207.83
WILLIE DOVE DOOR	\$270.00
CAM-LAR DIRECT	\$91.04
CHARTER COMM	\$287.06
M & M TIRE	\$492.90
ADV ASPHALT PROD	\$250.86
PINEVIEW LANDFILL	\$772.98
CHARTER COMM	\$129.31
COLONIAL LIFE	\$311.85
	\$77,779.87

GAS:

UNIFIRST CORP	\$175.50
RETIREMENT SYSTEM	\$9,047.69
VERIZON WIRELESS	\$42.94
REGIONS BANK	\$57,991.15
AT & T	\$228.90
BROOKLERE PHARMACY	\$61.20
UNITED WAY	\$10.00
ANND-MARIE ADAMS	\$56.00
U S DEPT TREASURY	\$297.14
GRAYSVILLE MUN GAS	\$200.00
STATE OF ALABAMA	\$234.50
LOWES BUS ACCT	\$674.88
REGIONS BANKCARD	\$397.39
LOCAL GOV HEALTH INS	\$10,716.00
AMERICAN UNITED LIFE	\$147.02
LIBERTY NATIONAL INS	\$160.99
AMERICAN FAMILY LIFE	\$43.42
COLONIAL LIFE	\$486.65

EMPLOYEE DEDUCTION
INSPECTION SERVICES
INSPECTION SERVICES
ADM TRAVEL EXPENSE
ADVERTISE YARD SALE
COPIER CHARGES
COMPUTER EXPENSE
ANNUAL DUES
LIBRARY APPROPRIATIONS
ANNUAL DONATION
SEMI-ANNUAL MEMBERSHIP
UTILITIES/ST LIGHTS/TRAFFIC
EDUC EXP/TRAVEL/CAP
UTILITY EXPENSE
MEDICAL WASTE DISPOSAL
FIRE DOOR REPAIRS
FIRE PAPER PRODUCTS
TV/INTERNET EXP
TIRE S-4 STREET
COLD MIX PATCH
LANDFILL FEES
COMM CTR CABLE\INTERNET
EMPLOYEE DEDUCTION
EMPLOYEE UNIFORM EXP
EMPLOYEES RETIREMENT
DESK PHONE EXPENSE
BOND PAYMENT
FAX MACHINE EXPENSE
COLLECTION FEES EXPENSE
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
MAINT SUPPLIES
OFFICE/MAINT SUPPLIES
EMP HOSP/DENTAL/VISION
EMPLOYEE L & H INSURANCE
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION

GRAYSVILLE MUN GAS	\$385.58	UTILITY EXPENSE
ALABAMA POWER	\$2,669.76	UTILITY EXPENSE
MONROE SYSTEMS	\$310.61	TONER CARTRIDGE PRINTER
SARA FIELDS	\$16.00	BILL DELIVERY POSTOFFICE
COMPUTER NETWORK	\$102.75	ANTENNA ASSEMBLY GAS
CONREX PROP MGMT	\$53.62	OVERPAYMENT
TOMEKIA DANNE	\$3.18	OVERPAYMENT
DEBORAH DENNIS	\$13.84	OVERPAYMENT
RICHARD GARY	\$111.85	OVERPAYMENT
THE LEGACY CONN	\$320.00	AFTERHOURS EXPENSE
PORT CITY PIPE	\$3,737.03	GAS MAINT SUPPLIES
CONSOLIDATED PIPE	\$530.00	GAS PLUGS
REGIONS BANKCARD	<u>\$186.29</u>	MAINT SUPPLIES
	\$89,411.88	
TOTAL CITY/GAS	\$167,191.75	

Councilmember Shaw moved to approve payment of invoices as presented. Motion seconded by Councilmember Hawthorne and carried unanimously.

Mayor Davis announced Wrestling will be at the Community Center on Saturday October 6, 2018 at 7:00 p.m.

Mayor Davis stated the annual Fall Festival will be Friday October 26, 2018 at the Community Center from 6:00 p.m. to 8:00 p.m.

Mayor Davis also announced that November 8, 2018 will be the Veteran's luncheon at 12:00 noon at the Community Center.

Councilmember Armstrong stated he has not received a price on the Youth Basketball insurance but will make report at the next meeting.

Mayor Davis stated Councilmember Helms term on the Water Board has expired and he recommended appointing Mrs. Gail Barrett to the Water Board.

Councilmember Lauderdale moved to appoint Mrs. Gail Barrett to the Graysville Water Board as presented. Motion seconded by Councilmember Teeter. Roll call votes as follows:

<i>Councilmember Armstrong</i>	<i>Yes</i>
<i>Councilmember Lauderdale</i>	<i>Yes</i>
<i>Councilmember Teeter</i>	<i>Yes</i>
<i>Councilmember Hawthorne</i>	<i>Yes</i>
<i>Councilmember Helms</i>	<i>Yes</i>

Councilmember Shaw
Mayor Davis

Yes
Yes

Councilmember Armstrong reported on Park Board meeting and he presented a list of park repairs for the Graysville Heights Park.

Ordinance Number 934 was presented as follows:

ORDINANCE NO. 934

**AN ORDINANCE AMENDING THE BUSINESS LICENSE CODE CONCERNING
CERTAIN DELIVERY LICENSES AND THE ISSUANCE FEES
FOR BUSINESS LICENSES**

WHEREAS, the City Council has adopted the Business License Code of the City of Graysville, Alabama, as enacted by Ordinance No. 901 and as amended thereafter; and

WHEREAS, the City Council wishes to bring its Business License Code into conformity with Alabama Act 2017-415, which revised the laws concerning municipal delivery licenses, as well as with the directive of the Alabama Department of Revenue, which now allows a maximum business license issuance fee of \$12.00.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAYSVILLE, ALABAMA, while in regular session on October 4th, 2018, at 6:00 p.m., as follows:

Section 1. Ordinance No. 901, as amended, is hereby further amended so that Section 21 reads as follows:

SECTION 21. Delivery License.

- (a) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee of \$10.00, a delivery license for the privilege of

delivering its merchandise in the municipality if the taxpayer meets all of the following criteria:

- (1) Other than deliveries, the taxpayer has no other physical presence within the municipality;
- (2) The taxpayer conducts no other business in the municipality other than delivering merchandise and performing the requisite set-up and installation of said merchandise;
- (3) Such delivery, set up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in that municipality, and is done by means of delivery vehicles owned, leased, or contracted by the taxpayer;
- (4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year;
- (5) Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered;
- (6) If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, then within 45 days after any of said criteria have been violated or exceeded, the taxpayer shall purchase a business delivery license or other appropriate license from the municipality and will be subject to a penalty of \$10.00.

- (b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the municipality to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a delivery vehicle other than a common carrier.
- (c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.
- (d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.
- (e) The purchase of a delivery license (or the exemption from the purchase of a delivery license pursuant to subsection (f)) shall not, in and of itself, establish nexus between the taxpayer and the municipality for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the municipality.
- (f) A taxpayer that otherwise meets the criteria for the purchase of a delivery license is not required to purchase a delivery license or a regular business license if (i) the taxpayer's gross receipts that are derived from within the municipality do not exceed \$10,000.00; and (ii) the taxpayer has no other physical presence within the municipality during the year.

Section 2. Ordinance No. 901, as amended, is also hereby further amended so that Section 3, paragraph (c) states as follows:

(c) *Issue Fee.* For each license issued there shall be an issue fee collected of twelve dollars (\$12.00), unless a different amount of issue fee is specifically required for a particular license as set forth herein, and said issue fee shall be collected in the same manner as the license tax.

Section 3. This ordinance shall become effective upon its adoption as provided by law.

Section 4. That the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraph or section, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

ADOPTED AND APPROVED THIS THE 4th DAY OF October, 2018.

JAMES C. DAVIS, MAYOR

ATTEST:

Kathy Dumas, City Clerk

CERTIFICATION OF CITY CLERK

I, Kathy Dumas, City Clerk of the City of Graysville, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Graysville, Alabama, on the 4th day of October, 2018.

The above and foregoing ordinance was published on the 5th day of October, 2018, by posting copies thereof in three public places within the City of Graysville, one of which was the post office or the Mayor's office in the City of Graysville.

Witness my hand and seal on this the 4th day of October, 2018.

Kathy Dumas, City Clerk

Councilmember Teeter moved to give Ordinance Number 934 immediate consideration. Motion seconded by Councilmember Shaw. Roll call votes as follows:

<i>Councilmember Armstrong</i>	<i>Yes</i>
<i>Councilmember Lauderdale</i>	<i>Yes</i>
<i>Councilmember Teeter</i>	<i>Yes</i>
<i>Councilmember Hawthorne</i>	<i>Yes</i>
<i>Councilmember Helms</i>	<i>Yes</i>
<i>Councilmember Shaw</i>	<i>Yes</i>
<i>Mayor Davis</i>	<i>Yes</i>

Councilmember Teeter moved to approve Ordinance Number 934 as presented. Motion seconded by Councilmember Shaw. Roll call votes as follows:

<i>Councilmember Armstrong</i>	<i>Yes</i>
<i>Councilmember Lauderdale</i>	<i>Yes</i>
<i>Councilmember Teeter</i>	<i>Yes</i>
<i>Councilmember Hawthorne</i>	<i>Yes</i>
<i>Councilmember Helms</i>	<i>Yes</i>
<i>Councilmember Shaw</i>	<i>Yes</i>
<i>Mayor Davis</i>	<i>Yes</i>

Thereupon on motion of Councilmember Armstrong, motion seconded by Councilmember Shaw and being unanimously carried the meeting was duly adjourned.

Councilmember James Armstrong

Councilmember Dorothy Hawthorne

Councilmember George Helms

Councilmember Karen Lauderdale

Councilmember Chris Shaw

Councilmember Randy Teeter

Mayor Clark "Julio" Davis

City Clerk, Kathy Dumas