

October 18, 2010

The Mayor and Council of the City of Calera met on October 18, 2010 at 7:00 p.m. at Calera City Hall with the following present:

Mayor: Jon G. Graham

Council Members: Ernest Montgomery, Mike Roberson, David Bradshaw, Chris Bunn, Ed Gentry, Bobby Joe Phillips

Department Heads: Janet Greathouse, Library Director  
Sean Kendrick, Fire Chief  
Roy Hadaway, Finance Director  
Sean Lemley, Police Chief  
Doug Smedley, Sewer Operations Director  
Chris Pappas, City Engineer

Guests: Bill Davis, Gwen K. Turner, Karen Scott, Randy Krueger

Mayor Graham called the meeting to order. Council Member Roberson made a motion to approve the following minutes:

Regular Meeting – October 4, 2010  
Work Session – October 4, 2010

Council Member Phillips seconded said motion which was carried unanimously.

#### **DEPARTMENT HEAD REPORTS:**

Chris Pappas, City Engineer advised Council Member Bradshaw that the I-65 resurfacing project should begin in two weeks.

Roy Hadaway, Finance Director reported that the Alabama League of Municipalities advised that the city is unable to correct the road conditions at Waterford Subdivision; the roads are still considered private property. The Homeowners Association and land owners will have to take this matter up with the developer.

Janet Greathouse, Library Director reminded the Council about the fundraiser this evening at Zaxby's for the Friends of the Library. Mrs. Greathouse requested approval to hire a part time employee to work 19 hours per week.

Council Member Bunn made a motion to approve the hiring of a part time employee for the Library. Council Member Gentry second said motion which was carried unanimously.

Connie Payton, City Clerk reminded the Mayor and Council Members about the Benefits Fair to be held on November 2, 2010, 8:00 a.m. till 1:00 p.m. at the Library. Flu Shots and the Wellness Screenings will be given to employees covered by our Health Insurance Plan.

#### **COUNCIL MEMBER REPORTS:**

Council Member Montgomery reported Grants Chapel Church located at 1250 Woodbine Avenue, Calera, Alabama is having problems with large trucks turning around in their parking lot during church hours. Chief Lemley will check into this matter.

Council Member Roberson requested again to Chris Pappas, City Engineer the need for the concrete median on Limestone Parkway. Mr. Roberson is receiving complaints from the business owners located on north side of Limestone Parkway. Traffic exiting these businesses can make a right turns only. This median is also unsightly due to over grown grass.

Council Member Bradshaw suggested that the City take a position on the night citizens should trick or treat since Halloween falls on Sunday this year. City Hall, Calera Schools and Calera Chamber have been receiving multiple calls concerning this issue.

Council Member Gentry made a motion to recommend that we celebrate Halloween on October 31, 2010. Council Member Phillips seconded said motion which was carried unanimously.

Council Member Bunn will be sending Roy Hadaway, a few questions to forward to Alabama League of Municipalities.

Council Member Phillips has been contacted by Meriweather Residents concerning the closed street entering Highway 16. Many residents would like to see this street completed and opened for traffic. Chris Pappas, City Engineer advised that a turning lane will have to be installed on Highway 16 before we can open the street. The City is waiting on the funding for this project.

#### **MAYOR REPORT:**

Timberline Golf Club, Inc. contacted the Mayor requesting permission to use low speed utility vehicles on the streets for maintenance purposes only. (Example: John Deere Gator) Chief Lemley will check into this matter and report back to the Mayor and Council.

#### **Mayor Graham introduced the following Ordinance:**

#### **ORDINANCE NO. 2010-14**

#### **AN ORDINANCE TO REGULATE TRUCK TRAVEL WITHIN THE CITY OF CALERA AND TO PROVIDE PENALTIES FOR VIOLATIONS**

BE IT ORDAINED by the City Council of the City of Calera, Alabama, as follows:

**Section 1. Definitions.** For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given in this subsection. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. *City* is the City of Calera, Alabama.
2. *Person* is any person, firm, partnership, association, corporation,

company or organization of any kind.

3. *Truck* is any vehicle and/or trailer designed or operated for the transportation of property which has more than two (2) axles.

**Section 2. Application of Regulation.** All trucks within the City shall be operated in compliance with the Ordinance and other ordinances of the City of Calera.

**Section 3. Exceptions.** This Ordinance shall not prohibit:

- a. *Emergency vehicles.* The operation of emergency vehicles upon any street in the City.
- b. *Public utilities.* The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, sidewalks, or utilities within the City.
- c. *Detoured trucks.* The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
- d. *Sanitation trucks.* The operation of trucks used for collection of residential garbage, recyclables and/or debris as contracted by the City.

**Section 4. Truck Routes Established.** Trucks with more than two (2) axles and/or a maximum gross weight of 20,000 lbs. or more are prohibited on all City of Calera municipal streets maintained by the City unless otherwise posted to allow such use as herein provided.

- a. City streets which are maintained by the City of Calera and which are still experiencing planned construction traffic in relation to the development of properties fronting said streets may be posted by the City of Calera to allow trucks with a maximum gross weight of 48,000 lbs. with any individual axle not exceeding 16,000 lbs.
- b. In the event any person, firm, or corporation desires to operate a trucks on a City street maintained by the City of Calera, except as otherwise provided hereinabove and which truck has more than two (2) axles and/or exceeds a maximum gross weight of 20,000 lbs. or more, the person or entity operating said truck may apply to the City Engineer for the City of Calera for a permit to operate such truck. Each application for permit will be handled on an individual basis and the City Engineer for the City of Calera shall have the authority to approve or disapprove said permit. In the event such permit is approved, the City Engineer shall establish the allowed loads, the route to be used, and the period of time during which such will be allowed.

**Section 5. Penalties.** Any person, firm or corporation violating any of the said terms and provision of this Ordinance shall, upon conviction, be punished in accordance with Title 11-45-9, Code of Alabama, 1975, for a misdemeanor violation for each such offense. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

**Section 9. Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance which shall continue in full force and effect notwithstanding such holding.

**Section 10. Effective Date.** The provision of the Ordinance shall become effective immediately upon the passage and approval thereof by the City Council of the City of Calera, Alabama and the publication and/or posting thereof as required by Alabama law.

Council Member Phillips moved that unanimous consent of the Council be given for the immediate action upon said Ordinance. Council Member Montgomery seconded said motion and upon vote the results were:

AYES: Montgomery, Roberson, Bradshaw, Graham, Bunn, Gentry, Phillips

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Montgomery moved that Ordinance No. 2010-14 be adopted, which motion was seconded by Council Member Phillips and upon vote the results were as follows:

AYES: Montgomery, Roberson, Bradshaw, Graham, Bunn, Gentry, Phillips

NAYS: None

**DONE, ORDERED, APPROVED and ADOPTED** this the 18th day of October, 2010.

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Jon G. Graham, Mayor

ATTEST:

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Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

## **RESOLUTION NO. R-2010-02**

### **A RESOLUTION TO BILL FOR FIRE PROTECTION AND RELATED SERVICES RENDERED BY THE CALERA FIRE DEPARTMENT**

**WHEREAS**, response to and / or recovery from minor and major emergencies and disasters requires purchases to replace supplies, periodic and scheduled maintenance on apparatus, fuel purchases, rehabilitation supplies, manpower expenses, repair and / or replacement of protective gear and equipment required by the Calera Fire Department, OSHA, NFPA and / or other associated guidance; and

**WHEREAS**, the Calera Fire Department is an official response agency within the County of Shelby, Alabama, in a specified Fire District as well as an official responding agency in districts or municipalities where mutual aid and / or automatic aid agreements exist; and

**WHEREAS**, the management staff of the Calera Fire Department acknowledges that expenses should rightfully be recovered from the person(s) or agency(s) that services were rendered to; and

**WHEREAS**, no law or statute prevents or precludes the Calera Fire Department from billing and recovering these expenses from the above stated person(s) or agency(s); and

**WHEREAS**, the services being charged for were actually incurred or implied by the Calera Fire Department while / when rendering services to a person(s) or agency(s) involved in Shelby County, or for other responses in which a mutual or automatic aid agreement exists with the Calera Fire Department, or where a request for mutual aid was made from another agency.

**NOW, THEREFORE**, the management staff of the Calera Fire Department hereby order and direct as follows:

1. The Calera Fire Department hereby adopts billing for responses to and / or recovery from minor and major emergencies and disasters requiring purchases to replace supplies, periodic and scheduled maintenance on apparatus, fuel purchases, rehabilitation supplies, manpower expenses, repair and/or replacement of protective gear and equipment required by the Calera Fire Department, OSHA, NFPA and/or other associated guidance. Any person(s) or entity(s) residing within the Calera City Limits or Police Jurisdiction will be exempt from this resolution.
2. The Fire Chief, his designee, or contracted billing company will submit a billing statement to a person(s), agency(s) or the insurance company(s) of the person(s) or agency(s) that services were rendered for the services and/or expenses actually provided and/or incurred unless the person(s) or agency(s) resides within the Calera City Limits or Police Jurisdiction.
3. The Calera Fire Department hereby adopts the billing policy as described above.

The Fire Chief, his designee, or contracted billing company is hereby directed to bill for services provided for highway / road vehicle crash responses, extrication services, landing zone services, rescue services, fire suppression services, hazardous materials services, and other services or expenses, and the total number of man-hours as directed by the implementation of the foregoing policy. The hourly rate paid to the highest paid full-time employee of the Calera Fire Department, and the other fees will be charged according to the current fee schedule maintained by the Calera Fire Department. This resolution will only apply to a person(s) or agency(s) that does not reside

within the Calera City Limits or Police Jurisdiction.

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Asst. Fire Chief

Council Member Roberson moved that Resolution No. R-2010-02 be adopted.  
Council Member Bunn seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Roberson, Bradshaw, Graham, Bunn, Gentry, Phillips

NAYS: None

Mayor Graham declared Resolution No. R-2010-02 adopted.

**ADOPTED and APPROVED THIS THE 18<sup>th</sup> day of October, 2010.**

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Jon Graham, Mayor

ATTESTED BY:

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Connie B. Payton, City Clerk

**GUESTS:**

Karen Scott, Structures Inc. was present to request an extension of two years for the 4<sup>th</sup> Sector of Emerald Ridge.

Council Member Gentry made a motion to allow the two year extension request. Council Member Bunn seconded said motion which was carried unanimously.

William Able withdrew his request to attend the meeting.

Gwen K. Turner, 1001 Garnet Drive, Calera, Alabama was present to discuss her utility bill. Mrs. Turner was advised that she could purchase an irrigation meter to help lower the sewer charges on her bill due to excessive outside watering.

Council Member Phillips made a motion to adjourn the meeting at 7:50 p.m.

Approved this 1<sup>st</sup> day of November, 2010.

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Jon G. Graham, Mayor

ATTEST:

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Connie B. Payton, City Clerk