

April 5, 2010

The Mayor and Council of the City of Calera met on April 5, 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: Doug Smedley, Sewer Operations Director  
Chris Pappas, City Engineer  
Sean Lemley, Police Chief  
Janet Greathouse, Library Director  
Mike Wood, Building Official  
Mike Kent, Zoning Official  
Sean Kendrick, Fire Chief  
Roy Hadaway, Finance Director  
Clint Barnett, Deputy Chief

Guests: Randy and Rebecca Krueger

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

Regular Meeting – March 15, 2010  
Work Session – March 15, 2010

Council Member Phillips seconded said motion which was carried unanimously.

#### **REPORTS OF DEPARTMENT HEADS:**

Mike Wood, Building Official had Connie Payton, City Clerk open the three Pest Control Service Bids that were received. All three bids were opened and given to Mike Wood to review. Mr. Wood plans to award the bid at the next scheduled council meeting.

Ed Gentry, made a motion to allow Mike Wood to review the bids and report back to the Mayor and Council. Ernest Montgomery, seconded said motion, and upon vote the results were as follows:

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

NAYS: None

Chris Pappas, City Engineer updated the Mayor and Council that the Flood Plan Study has been completed and is on file in his office. Mr. Pappas hopes to have the Environmental Study for the Bypass completed and approved by May.

Sean Lemley, Police Chief reported that he and his staff would be picking up the new cars on Wednesday and Thursday. Chief Lemley hopes to have all the new cars equipped and in service in three weeks.

Sean Kendrick, Fire Chief reported that the Williams property has been burned.

### **COUNCIL MEMBER REPORTS:**

Mayor Graham reminded the Council Members that the ribbon cutting for the renaming the Library will be held on Tuesday, April 13, 2010 at 11:00 a.m.

Ernest Montgomery, Council Member requested an update from Chris Pappas and Doug Smedley on the upcoming sewer project. Mr. Smedley advised the Mayor and Council that he hopes to phase in the project over the next five years; however, we are still waiting on the ADEM report.

Mike Roberson, Council Member reported that he is pleased with the visual appearance of the police department in the community. Council Member Roberson encouraged the other council members to stop by the city parks on a Saturday to witness all of the events taking place.

David Bradshaw, Council Member requested that we write a letter to the CSX Railroad concerning the upcoming spring letting for the Highway Paving Project.

Chris Bunn, Council Member thanked David Jones, Public Works Director for installing closers on the restroom doors at the park.

Chris Bunn, Council Member has been contacted by Waterford Residents concerning the blasting from ChemLime during the daytime hours. Council Member Bunn would like to schedule a meeting with the Mayor and ChemLime to discuss his concerns.

Ed Gentry, Council Member expressed his concerns over the decreases in revenue and would like to begin making plans concerning the future of our city.

### **PUBLIC HEARING:**

The Mayor and Council conducted a Public Hearing on the Eddie Cosby Property – Nuisance Complaint located on Highway 31 in the downtown area.

After discussion with the Mayor and Council, Mr. Wood, Building Official requested a 30 day extension for Eddie Cosby.

Ed Gentry, made a motion to allow a 30 day extension on the nuisance complaint. David Bradshaw seconded said motion, and upon vote the results were as follows:

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

NAYS: None

### **GUESTS:**

Rebecca Krueger, presented the Rules and Regulations for the Calera Farmers Market for approval.

Ed Gentry made a motion to approve the Rules and Regulations for the Calera Farmers

Market pending an approval by Butch Ellis. David Bradshaw, seconded said motion, and upon vote the results were as follows:

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

NAYS: None

Karen Wesson, 208 Stonecreek Place was not present to address the Mayor and Council concerning her sewer complaint. Doug Smedley updated the Council concerning her matter. After discussion it was decided to deny Mrs. Wesson request.

Ed Gentry made a motion to deny Mrs. Wesson's request for reimbursement for a plumbing bill. Mike Roberson seconded said motion, and upon vote the results were as follows:

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

NAYS: None

Mayor Graham introduced the following Resolution:

**RESOLUTION 2010-07**

WHEREAS, the City of **Calera**, Alabama (hereinafter at times referred to as (City) is desirous of having certain improvements made on within the City Limits of **Calera**, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: **STPAA-0003(558) Guardrail, Guardrail End Anchors, Planing, full Depth Reclamation with Cement, Resurfacing, Traffic Signal Loops and Permanent Traffic Stripe Along SR-3(US-31) from the Chilton/Shelby County Line to 7<sup>th</sup> Avenue in Calera.**

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of **Calera** that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and

hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A

Please refer to: Project Notes, Traffic Signal Project Notes, Traffic Control Notes  
(Sheets 2E – 2S )

Please refer to: Sequence of Construction and Traffic Control Plan (Sheets 6 - 17)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other

applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

Council Member Gentry moved that Resolution No. R-2010-07 is adopted. Council Member Bunn seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2010-07 adopted.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 5th day of April, 2010.

ATTEST

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Connie B. Payton, City Clerk

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Jon G. Graham, Mayor

I, the undersigned, Clerk of the City of Calera, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the 5th day of April, 2010, which resolution is on file in the office of the City Clerk.

Given under my hand and the official seal of such this 5<sup>th</sup> day of April, 2010.

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Connie B. Payton, City Clerk

Mayor Graham introduced the following Ordinance:

### **ORDINANCE NO. 2010-04**

AN ORDINANCE APPROVING THE TRANSFER OF SURPLUS REAL PROPERTY

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

**Section 1.** It is hereby established and declared that the following described real property of the City of Calera, Alabama, is no longer needed for public or municipal purposes:

Part of Block 29 in the unrecorded plat of the Dunstan's Map of Calera, being part of the Northeast Quarter of Section 21, Township Twenty-two (22) South, Range Two (2) West of the Huntsville Meridian, lying in the City of Calera, Shelby County, Alabama, and being more particularly described as follows:

Beginning at the intersection of the east line of Montgomery Ave. (US 31) and the south line of 9th Street as shown in said Dunstan's Map of the City of Calera; thence along the said east line of U.S. Highway 31, North 05 degrees 33 minutes 05 seconds East (Geodetic Bearing) 34.00 feet to the southwest corner of said Denson's lot as described in Deed Book 160, page 186 in the Probate Judges Office of Shelby County, Alabama; thence along the south fine of said Denson's lot, South 86 degrees 04 minutes 19 seconds East 237.24 feet to the west right of way line of the CSX Railroad, thence along the said west right of way line of railroad, South 00 degrees 08 minutes 16 seconds 40.21 feet to the South line of said 9th Street; thence along the said south line of 9th street, North 84 degrees 36 minutes 51 seconds West 240.98 feet to the place of beginning; containing 8,855 square feet or 0.203 acres.

Subject to all easements, right of ways and building restrictions of record.

**Section 2.** Pursuant to the authority granted by § 11-47-20, Code of Alabama 1975, the mayor and the city clerk are hereby authorized and directed to execute a quitclaim deed, a copy of which is attached to this ordinance and made a part hereof, conveying said property to Jean C. Collum in the name of the City of Calera, Alabama, for and in consideration of the sum of \$ 1.00.

**Section 3.** This Ordinance shall become effective upon its passage and publication or posting as required by law.

Council Member Phillips moved that Ordinance No. 2010-04 be adopted, which motion was seconded by Council Member Montgomery and upon vote the results were as follows:

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

NAYS: None

Adopted and approved this 5<sup>th</sup> day of April, 2010. Mayor Graham declared Ordinance No. 2010-04 adopted.

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Jon G. Graham, Mayor

Attest:

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Connie B. Payton, City Clerk

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

Approved this 19<sup>th</sup> day of April, 2010.

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Jon G. Graham, Mayor

ATTEST:

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Connie B. Payton, City Clerk