

April 1, 2013

The Mayor and Council of the City of Calera met on April 1, 2013 at 6:30 p.m. at Calera City Hall with the following present:

Mayor: Jon G. Graham

Council Members: Ernest Montgomery, Alan Watts, David Bradshaw, Chris Bunn, Philip Busby, Bobby Joe Phillips

Department Heads: Roy Hadaway, Finance Director
Sean Kendrick, Fire Chief
Chris Pappas, City Engineer
Mike Wood, Building Official
Matt Worthen, IT Services Manager
Doug Smedley, Sewer Operations Director
Seth Gandy, Parks and Recreation Director
David Jones, Public Works Director
Janet Greathouse, Library Director

Guests: Randy and Rebecca Krueger, Fred Hoskins, Mollie Brown, Calvin Morgan, Mike Bullard, Harold Cole, Jim Whittle, Paula Yoe, Chris Akins, Jerry Mahon, Sandra Coley, Roy Binkerd, Leafus Taylor, Claude McWhorter and Jasper Levio

Harry Jones called the meeting to order and opened with a Word of Prayer and the Pledge of Allegiance.

Council Member Bradshaw made a motion to approve and dispense with the reading of the following minutes:

Regular Meeting – March 18, 2013
Work Session – March 18, 2013
Special Called Meeting – March 25, 2013

Council Member Bunn seconded said motion which was carried unanimously.

REPORTS OF DEPARTMENT HEADS:

No reports given

COUNCIL MEMBER REPORTS:

Council Member Bradshaw requested Chief Lemley update the Council on the CSX Railroad Project. Chief Lemley stated he is waiting on a response from CSX and will report to the Mayor and Council as soon as it is received.

MAYOR REPORT:

No Mayor Report

OLD BUSINESS:

No Old Business

NEW BUSINESS:

PUBLIC HEARING

This portion of the meeting was conducted as a public hearing concerning Ordinance 2013-06:

The following citizens were present to question the proposed sales tax increase: Jerry Mahon, Jim Whittle, Sandra Coley, Roy Binkerd, Leafus Taylor, Randy Krueger, Rebecca Krueger, Chris Akins, Calvin Morgan, Harry Jones and Claude McWhorter.

Mayor Graham advised the administration is proposing the one cent sales tax increase in order for the City of Calera to fill its minimum personnel staffing requirements and to complete essential capital projects that will enhance the health and well-being of its citizens, and to bring about continued economic growth for our city.

The minimum personnel staffing will include hiring ten additional firemen, four additional police officers and two additional park employees.

The essential capital projects include the park complex located on Highway 20 and matching funds for the I-65 Exit 231 Bridge project.

Jerry Mahon stated he is in favor of the sales tax increase and questioned how soon the bridge project would start.

Mayor Graham advised city officials are planning a meeting with Governor Robert Bentley on Tuesday, April 9, 2013 at 9:00 a.m. to get State support for plans to improve the Interstate 65 overpass at Exit 231 near Wal-Mart.

Jim Whittle stated he is in favor of the sales tax increase since it will allow the city to hire additional police officers and firemen to protect our city.

Sandra Coley questioned if a study has been completed to see if a loss of revenue will occur if the proposed sales tax increase is adopted? Mrs. Coley is in favor of the additional firemen and police officers to lower response time and requested additional patrols in her subdivision.

Roy Binkerd has concerns with the number of vacant buildings located in the downtown area and has the following questions: Why the city would not cut employees and spending instead of just increasing taxes? What has the city done to recruit businesses?

Mayor Graham advised the city is aware of the downtown problems which include: the lack of parking and high truck traffic. The City is currently working on a solution to these problems. Mayor Graham explained the city has made cuts in every area possible.

Leafus Taylor stated he is against the sales tax increase and suggested the city cut back instead of increasing sales tax. Mr. Taylor stated the citizens of Calera should not carry the tax burden for a state and federal project. Mr. Taylor wants the project completed

without increasing sales tax and asked if the city has considered having a bond issued for the project.

Terry Pickens stated the bridge is not the traffic problem. Mr. Pickens requested an officer be placed at both ends of the bridge and write tickets to the drivers. Mr. Pickens stated the city has enough police officers and firemen. If the city is concerned about response time we should consider signing agreements with our surrounding cities and county to help answer calls.

Randy Krueger requested feedback from the upcoming meeting with Governor Bentley be placed on the website and Facebook.

Rebecca Krueger questioned if the Mayor and Council would vote on the Ordinance tonight or delay voting until the meeting with Governor Bentley has occurred.

Mayor Graham advised the Mayor and Council would be voting tonight as he felt it is important to show Governor Bentley that Calera is committed to the bridge project.

Chris Akins questioned if the sales tax increase is adopted tonight, when would the new sales tax rate take effect? Mayor Graham advised the new rate would be effective June 1, 2013. Mr. Akins requested the Mayor and Council consider giving the business owners more time to prepare.

Jim Whittle stated he is in favor of the sales tax increase. If the city does not act on these improvements, we will not grow.

Council Member Montgomery asked Chris Pappas, City Engineer to explain how the matching money works. Mr. Pappas advised the state is limited on funding, so they look for ways to stretch their budget by choosing projects where cities are willing to put in matching money. If the city is willing to put up matching money this should move the project up the priority list.

Harry Jones stated the city must deal with the traffic concerns in order to attract new businesses.

Calvin Morgan requested the Council consider placing an officer at the Exit 231 Bridge during rush hour times, holidays and special occasions to help with the flow of traffic.

Chief Lemley stated traffic lights are in place to help with the regular flow of traffic. Officers are currently patrolling over 70 neighbors and 100 square miles.

Claude McWhorter stated he is in favor of the sales tax increase because everyone would pay the same amount.

Council Member Bradshaw requested Chris Pappas, City Engineer give a detailed design of the Sports Complex Project including specifics pertaining to completion. Mr. Pappas updated the residents on the construction phase of the project. Council Member Bradshaw requested an updated design for the Sports Complex be placed on the city website.

ORDINANCE 2013-06

An Ordinance amending Article II of the Ordinance Code of the City of Calera, Alabama, and amending City of Calera Ordinance No. 2004-25 pertaining to the levy and collection of Sales and Use Taxes:

Be it ordained by the City Council of the City of Calera, Alabama, that Ordinance No. 2004-25 is hereby amended to read as follows:

ARTICLE II. SALES AND USE TAXES

Sec. 5-20. Sales Tax - Levy In City.

There is hereby levied, in addition to all other taxes of every kind now imposed by law, and there shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged or continuing within the city in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences or debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of over fifty (50) tons burden), an amount equal to four percent (4%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business.

(2) Upon every person, firm or corporation engaged or continuing within the city in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within the city, or any athletic association thereof, or other association whether such institution or association be a denominational, state or county or a municipal institution or association or a state, county or city school, or other institution, association or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls or every kind and description within the city, an amount equal to four percent (4%) of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to four percent (4%) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one percent (1%) of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer or house trailer, provided where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of two dollars fifty cents (\$2.50) per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve (12) succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference; that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(5) Upon every person, firm or corporation engaged or continuing within the city in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to four percent (4%) of the gross proceeds of the sale thereof. Provided, however, the four percent (4%) rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference; that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(6) Upon every person, firm or corporation engaged or continuing within the city in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to four percent (4%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

Sec. 5-21. Same - Levy In Police Jurisdiction.

Upon every person, firm or corporation engaged in the doing of any act, or who shall do any act, or continuing in the doing of any act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the city but beyond the corporate limits of said city, of which or upon which a privilege or license tax is in this article levied or required within the corporate limits of the city, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the city, a privilege or license tax equal to one-half of that provided, levied or required in this article for the doing of such act, or the engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the city. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said city, but without the corporate limits thereof, all the provisions of this article extend and apply to all the area within the police jurisdiction of the city.

Sec. 5-22. Same - State Statutes Applicable.

The taxes levied by sections 5-20 and 5-21 shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the state sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state sales tax statutes for enforcement and collection of taxes.

Sec. 5-23. Use Tax - Levy.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty (50) tons burden) purchased at retail on or after the effective date of this article for storage, use or other consumption in the city, except as provided in paragraphs (b), (c), and (d), at the rate of four percent (4%) of the sales price of such property within the corporate limits of said city.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the city of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of this article at the rate of four percent (4%) of the sales price of any such machine within the corporate limits of the city; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments

and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the city of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after the effective date of this article for storage, use or other consumption in the city at the rate of one percent (1%) of the sales price of such automotive vehicle, truck trailer, semitrailer, or house trailer within the corporate limits of said city. Where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference; that is, the price of the new or used vehicle sold, less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the city of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment which is purchased at retail after the effective date of this article, for the storage, use or other consumption in the city at the rate of four percent (4%) of the sales price of such property within the corporate limits of said city regardless of whether the retailer is or is not engaged in the business in this city. Provided, however, the four percent (4%) rate herein prescribed with respect to parts attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference; that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

(e) An excise tax is hereby imposed on tangible personal property at one-half the rates specified in paragraphs (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the city, but within the police jurisdiction.

Sec. 5-24. Same - State Statutes Applicable.

The taxes levied by section 5-23 shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments and deductions that are applicable to the taxes levied by the state use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state use tax statutes for enforcement and collection of taxes.

Sec. 5-25. Article Cumulative.

This article shall not be construed to repeal any of the provisions of the general license code of the city, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the city by its general license code.

This Ordinance and Amendment shall become effective on June 1, 2013.

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

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Montgomery moved that Ordinance No. 2013-06 be adopted. Council Member Phillips seconded said motion and upon vote the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Adopted this 1st day of April, 2013.

Mayor Graham declared Ordinance No. 2013-06 adopted.

Jon G. Graham, Mayor

Attest:

Connie B. Payton, City Clerk

Proclamation

WHEREAS, the City of Calera recognizes the importance of parents talking with their teens about alcohol; and

WHEREAS, high school students who use alcohol or other substances are five times more likely to drop out of school or believe good grades are not important; and

WHEREAS, teen alcohol use kills about 5,000 people each year, more than all other illegal drugs combined; and

WHEREAS, the majority of kids say their parents are their primary influence when it comes to decisions about drinking alcohol; and

WHEREAS, PowerTalk 21 day is established on April 21, 2013, to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol; and

WHEREAS, to equip parents to talk with their teens about alcohol, Mothers Against Drunk Driving (MADD) on April 21, 2013 will offer a free community parent workshop to give parents the tools in a parent handbook to effectively talk to their teens about alcohol; and

WHEREAS, these local parent workshops, also replicated across the country, will offer parents a research-based parent handbook to help them talk with their teens about alcohol and encourage adults to consider creating a safer community by becoming involved in reducing underage drinking; and

WHEREAS, I urge all citizens to join in the local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities; and

NOW, THEREFORE, do I Jon. G. Graham, as the Mayor of Calera, do hereby proclaim Sunday, April 21st to be

PowerTalk 21 Day

Council Member Bunn moved that April 21st be proclaimed PowerTalk 21 Day. Council Member Bradshaw seconded said motion and upon vote the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

In the City of Calera, Alabama

Signed this 1st day of April, 2013.

Jon G. Graham, Mayor
City of Calera

Alcoholic Beverage Control Board Application presented for A and T Enterprise, Inc.

Trade Name: Calera Food Mart
Applicant: A and T Enterprise, Inc.
Type License: 050 Retail Beer (Off Premises Only)
Type License: 070 Retail Table Wine (Off Premises Only)
Location: 8130 Highway 31, Calera, Alabama 35040

Council Member Bunn made a motion to approve the Alcoholic Beverage License Application for A and T Enterprise, Inc. Council Member Phillips seconded said motion which was carried unanimously.

Mayor Graham opened sealed bids for the Pest Control Bid from the following:

Cooks Pest Control
Mr. Buggs Pest Control
Connell Pest Control

Mayor Graham advised Mike Wood, Building Official to review the bids and present a Resolution to adopt at the next meeting.

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2013-07

WHEREAS, on or about the 30th day of March, 2013, Calera 30, LLC filed a petition with the City Clerk of the City of Calera, Alabama as required by 11-42-20 and 11-42-21, Code of Alabama 1975, as amended, petitioning and requesting that the property hereinafter described be annexed to the municipality of the City of Calera, Alabama, which petition contained an accurate description of the property proposed to be annexed together with a map of the said property showing its relationship to the corporate limits of the City of Calera, Alabama, and the signature of the owner of the property described were signed thereto;

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

1. That the City of Calera, Alabama does adopt this Ordinance assenting to the annexation of the property owned by the above referenced property owner, as described in:

Exhibit A

to the municipality of the City of Calera, Alabama.

2. That the corporate limits of the City of Calera, Alabama, be extended and rearranged so as to embrace and include such property, and such property shall become a part of the corporate area of such municipality upon the date of publication or posting of this Ordinance, as provided for in the Code of Alabama as cited above.

3. That the City Clerk be and she is hereby authorized and directed to file a copy of this ordinance, including an accurate description of the property being annexed, together with a map of the said property showing its relationship to the corporate limits of the City of Calera, Alabama, to which said property is being annexed in the office of the Judge of Probate of Shelby County, Alabama.

4. That the Zoning Map of the City of Calera, Alabama and any other official maps or surveys of the City shall be amended to reflect the annexation of the above described property, and that a copy of this Ordinance be transmitted to the City Planning Commission and the Zoning Administrator.

Council Member Bunn moved that unanimous consent of the Council is given for the immediate action upon said Ordinance. Council Member Watts seconded said motion and upon vote the results were:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Watts moved that Ordinance No. 2013-07 be adopted. Council Member Bradshaw seconded said motion and upon vote the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Adopted this 1st day of April, 2013.

Mayor Graham declared Ordinance No. 2013-07 adopted.

Jon G. Graham, Mayor

Attest:

Connie B. Payton, City Clerk

Council Member Phillips made a motion to adjourn the meeting at 7:59 p.m.

Approved this 15th day of April, 2013.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk