

July 5, 2016

The Mayor and Council of the City of Calera met on July 5, 2016 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 and Bobby Joe Phillips

Department Heads: Reggie Darden, Building Official
Sean Kendrick, Fire Chief
Doug Smedley, Sewer Operations Director
David Jones, Public Works Director
Matt Worthen, IT Services Manager
Seth Gandy, Park and Recreation Director

Guests: Harold Cole, Fred Hoskins, Randy Krueger, Robert and Vickie McGiboney, Kim Partridge and Carlene Gaines

Lonna Lynn Eular Higgs 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 – June 20, 2016
Work Session – June 20, 2016

Council Member Watts seconded said motion which was carried unanimously.

REPORTS OF DEPARTMENT HEADS:

No reports given

COUNCIL MEMBER REPORTS:

No reports given

MAYOR REPORT:

No report given

OLD BUSINESS:

Second Public Hearing to receive input concerning proposed changes to the Zoning Ordinance:

Table 5.2 Permitted – Uses for Non-Residential Districts:

Wrecker Service:

- B-2 – Allowed by Special Exception
- M-1 – Allowed by Special Exception
- M-2 – Allowed by Right
- M-3 – Allowed by Right

Outdoor Storage:

- M-2 – Allowed by Special Exception
- M-3 – Allowed by Special Exception

Section 3.5.5 – Industrial Uses:

Adding definition for Outdoor Storage:

The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.

R-4 Setbacks – Establish

Mayor Graham asked if anyone would like to make comments on the proposed changes.

GUESTS:

Carlene Gaines requested the Mayor and Council not consider the proposed change for the Wrecker Service. Mrs. Gaines does not want a Wrecker Service located beside her residence.

Vickie McGiboney requested the Mayor and Council not consider the proposed change for the Wrecker Service.

NEW BUSINESS:

SD Food Mart requested approval for the following Alcohol License Application.

Applicant: SASHWOT LLC
Trade Name: SD Food Mart
Address: 8000 Highway 31, Calera, AL 35040

Type License: 050- Retail Beer (Off Premises Only)
Type License: 070 –Retail Table Wine (Off Premises Only)

Council Member Bunn made a motion to approve the Alcohol License Application for SD Food Mart. Council Member Busby seconded said motion which was carried unanimously.

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2016-04

WHEREAS, a Municipal Election will be held in the City of Calera on the 23rd day of August, 2016, and if necessary a run-off election on the 4th day of October, 2016

WHEREAS, the Mayor of Calera will be a candidate in said election and is thereby disqualified due to his candidacy to perform certain election duties as set forth in Title 11 and Title 17, Code of Alabama, 1975; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calera, Alabama, that Connie B. Payton, City Clerk/Treasurer, is hereby appointed to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama, 1975 with respect to the Municipal Election to be held in the City of Calera on August 23, 2016, and any run-off election ordered held with respect thereto on October 4, 2016.

Council Member Watts moved that Resolution No. R-2016-04 be adopted. Council Member Montgomery seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2016-04 adopted.

Adopted this 5th day of July 2016.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2016-05

CITY OF CALERA, ALABAMA

RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER AN AGREEMENT WITH SHELBY COUNTY FOR THE USE OF COUNTY ELECTION EQUIPMENT

WHEREAS, the City of Calera has requested the loan of County voting equipment known as the Auto MARK device (1) and (4) DS200 voting machines for the upcoming municipal election; and

WHEREAS, Shelby County has agreed to loan this equipment at no cost to the City of Calera with the understanding that the City of Calera must arrange in a separate agreement with E, S, & S Elections for pickup, delivery, setup, programming, and printing supply fees necessary to utilize the Auto Mark device for voting purposes; and

WHEREAS, the City of Calera will be liable for the safe operation and care of the equipment and shall be liable for any injury to person(s) or damage to loaned property and assumes full responsibility for its use in City Elections and the return of the equipment to Shelby County; so

THEREFORE, BE IT RESOLVED that the City Council of the City of Calera, authorizes the Mayor of Calera the authority to enter into a memorandum of agreement between Shelby County and the City of Calera for the use of this election equipment.

Council Member Busby moved that Resolution No. R-2016-05 be adopted, which motion was seconded by Council Member Bradshaw and upon vote the results were as follows:

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

NAYS: None

Adopted this 5th day of July, 2016.

Mayor Graham declared Resolution No. R-2016-05 adopted.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2016-06

CITY OF CALERA, ALABAMA

A RESOLUTION AUTHORIZING, ADOPTING, AND DIRECTING THE USE OF AN ELECTRONIC VOTE COUNTING DEVICES

WHEREAS, Chapter 7 of Title 17 of the Alabama Code of 1975, as amended, and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems; and

WHEREAS, § 17-7-21, Code of Alabama 1975, as amended, provides that a municipality may, in its discretion, by adoption of an appropriate resolution, authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such municipality; and

WHEREAS, the City Council of Calera, Alabama, deems it advisable and beneficial to use the electronic vote counting system adopted by Shelby County, Alabama;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calera, Alabama, as follows:

1. For all municipal elections held subsequent to the passage of this resolution, the use of the DS200 Vote Counting System, a system which complies with Section 17-7-21 of the Code of Alabama and any regulations adopted pursuant thereto, is hereby authorized for the reporting, counting, and tabulating of any and all elections results.
2. The Clerk is hereby directed to file a copy of this resolution with the Secretary of State as provided in § 17-7-21, Code of Alabama 1975, as amended.

Council Member Bradshaw moved that unanimous consent of the Council be given for the immediate action upon said Resolution. Council Member Bunn 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 Resolution No. R-2016-06 be adopted, which motion was seconded by Council Member Bradshaw and upon vote the results were as follows:

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

NAYS: None

Adopted this 5th day of July, 2016.

Mayor Graham declared Resolution No. R-2016-06 adopted.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2016-07

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **June 7, 2016** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: M-1 (Light Industrial District)

To: B-2 (General Business District)

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2016-07. Council Member Bunn seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member Bunn moved that Ordinance No. 2016-07 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

Mayor Graham declared Ordinance No. 2016-07 adopted.

Adopted this 5th day of July, 2016.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor



Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2016-08

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **June 7, 2016** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND
COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: M-1 (Light Industrial District)

To: B-2 (General Business District)

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2016-08. Council Member Busby seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member Watts moved that Ordinance No. 2016-08 be adopted. Council Member Montgomery seconded said motion and upon vote, the results were as follows:

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

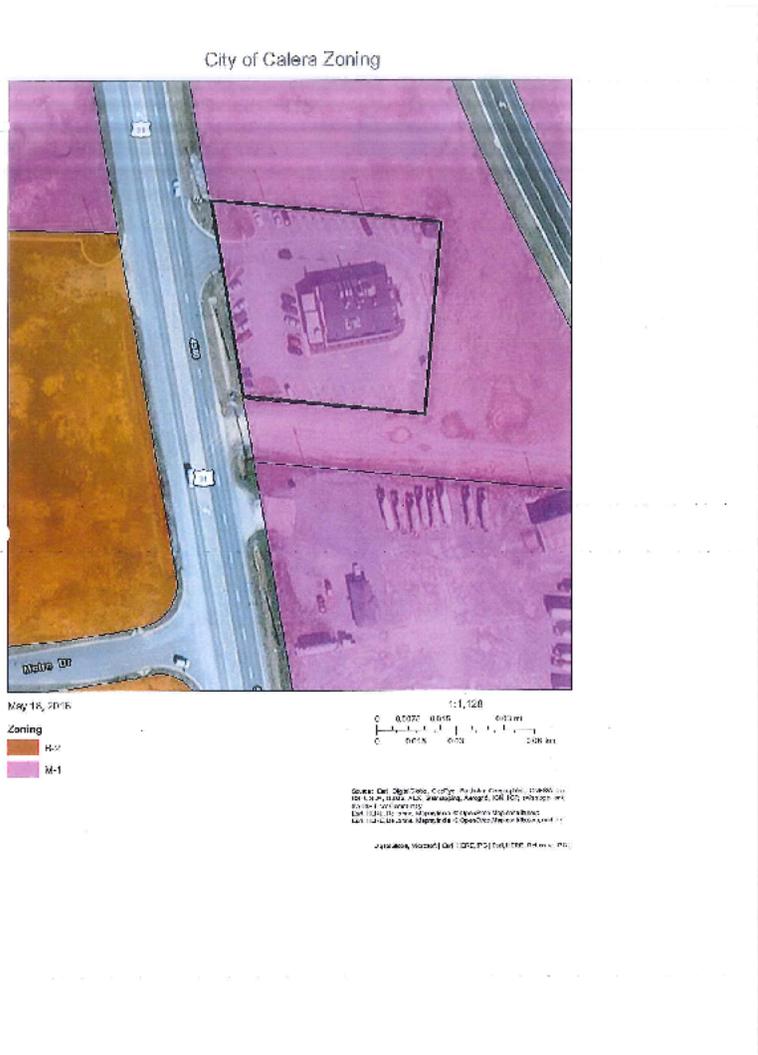
NAYS: None

Mayor Graham declared Ordinance No. 2016-08 adopted.

Adopted this 5th day of July, 2016.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor



Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2016-09

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **June 7, 2016** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND
COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: M-2 (Heavy Industrial District)

To: B-2 (General Business District)

Council Member Bunn moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2016-09. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member Montgomery moved that Ordinance No. 2016-09 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

Mayor Graham declared Ordinance No. 2016-09 adopted.

Adopted this 5th day of July, 2016.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor



Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2016-10

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **June 7, 2016** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: RT (Residential Townhomes District)

To: RG (Residential Garden Home District)

Council Member Bunn moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2016-10. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member Montgomery moved that Ordinance No. 2016-10 be adopted. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

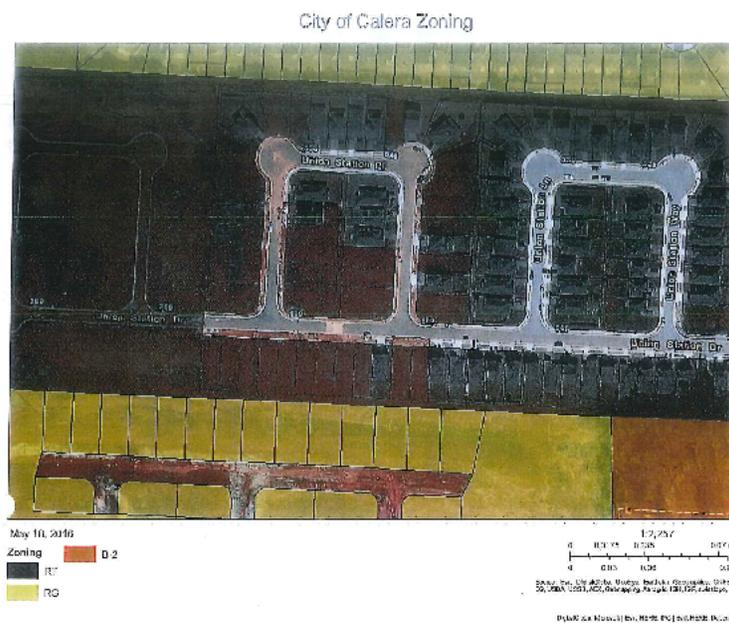
NAYS: None

Mayor Graham declared Ordinance No. 2016-10 adopted.

Adopted this 5th day of July, 2016.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor



Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2016-11

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA:

(1)**WHEREAS**, the Code of Ordinances of the City of Calera, Alabama is hereby amending Table 5.2 Permitted Uses for Non-Residential Districts of the current Zoning Ordinance by inserting the following:

Amending:

Wrecker Service Allowed by Special Exception in B-2 and M-1, Permitted by Right in M-2, M-3

Outdoor Storage Allowed by Special Exception in M-2, M-3

(2)**WHEREAS**, the Code of Ordinances of the City of Calera, Alabama is hereby amending Section 3.5.5 Industrial Uses of the current Zoning Ordinance by adding the following definition:

Outdoor Storage – The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.

(3)**WHEREAS**, the Code of Ordinances of the City of Calera, Alabama is hereby amending Table 5.8

R-4 Multi-family Residential District Setbacks:

Amending:

3. For multi-family buildings (one building per lot):

- a. Minimum Yard Setbacks:
 - (1) Front: Fifteen (15) ft
 - (2) Rear: Thirty (30) ft
 - (3) Side: None, except as required by the Building and Fire Code.
- b. Off-street parking shall be to the side or the rear.

4. For multi-family complexes, assisted living facilities and independent living facilities, no building shall be nearer a dedicated street than thirty-five (35) ft. All multiple dwelling buildings shall be separated by not less than:

- a. Forty (40) ft front to front
- b. Fifteen (15) ft front to end
- c. Thirty (30) ft front to end
- d. Fifty (50) ft front to back
- e. Twenty (20) ft end to end
- f. Any other situations: Ten (10) ft

5. Requirements for Other Uses.

- a. Public Buildings. See §7.16.
- b. Places of Assembly, Group Care Homes, Boarding Houses and Duplexes shall comply with the following setbacks:
 - (1) Front: Twenty-five (25) ft
 - (2) Rear: Thirty (30) ft
 - (3) Side: Ten (10) ft

Council Member Montgomery 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 as follows:

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. 2016-11 be adopted, which motion was seconded by Council Member Bradshaw and upon vote, the results were as follows:

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

NAYS: Phillips

Adopted this 5th day of July, 2016.

Mayor Graham declared Ordinance No. 2016-11 adopted.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

GUESTS:

Haley Wright was on the agenda to speak but was not present at the meeting.

Council Member Busby made a motion to adjourn the meeting at 6:58 p.m.

Approved this 18th day of July, 2016.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk