



Minutes of the City of Calera Council Meeting February 21, 2022

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Monday, February 21, 2022, at 6:30 p.m., in a regular meeting. Mayor Graham residing.

Mayor and Council Members Present:

Jon G. Graham, Mayor
Philip Busby, Council Member
Kenny Dale Cost, Council Member
Ernest Montgomery, Council Member
Calvin Morgan, Council Member
Kay Snowden Turner, Council Member
Alan Watts, Council Member

Guests:

Sean Kendrick, James Fuller, Kelly Ellison, David Hyche, Debbie and Richard Byers, Bill and Ann Davis, Markus Snowden, Dawn Gragg, Bill Hilyer, Seth Gandy, Reggie Darden, Shane McMillan, Autrey McMillan, Jackie Batson, Stephanie Busby, Deb Long, Dennis Torrealba, Tip Edwards, Shana Graham, Eric and Brandy Cost, Jeff Bice, Ralph Mims, Scott Jennings, Jacob Welch, Heather Bradley, Dan Wiegel

Mayor Graham called the meeting to order at 6:30 p.m.

Word of Prayer and Pledge of Allegiance:

Alan Watts opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

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

Regular Meeting – February 7, 2022
Work Session – February 7, 2022

Council Member Morgan seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Old Business:

Alcoholic Beverage Control Board Applications presented for Family Dollar Stores of Alabama LLC

Trade Name: Family Dollar 21946

Applicant: Family Dollar Stores of Alabama LLC

Address: 8154 Highway 31, Calera, AL 35040

Type License: 050 – Retail Beer (Off Premises Only)

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

Council Member Montgomery made a motion to approve the Alcoholic Beverage License Application for Family Dollar Stores of Alabama LLC. Council Member Cost seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Watts

NAYS: Turner

Motion Passed

New Business:

Sean Kendrick, Fire Chief – Shelby County Emergency Notification System Announcement

Alabama League of Municipalities – Annual Convention May 11 – 14, 2022 – Voting Delegate Authorization

1st Voting Delegate – Ernest Montgomery

2nd Voting Delegate – Calvin Morgan

3rd Voting Delegate – Kenny Dale Cost

Council Member Busby made a motion to approve the three voting delegates: Montgomery, Morgan, and Cost. Council Member Watts seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Proclamation – Black History Month – February 2022

Council Member Cost made a motion to recognize February 2022 as “Black History Month”. Council Member Morgan seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Calera High School Track and Field Program request approval to declare the March 26, 2022, Fundraiser as a Special Event

Council Member Watts made a motion to approve the special event for the Calera High School Track and Field Program. Council Member Turner seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Guests:

Jackie Batson
Calera Main Street

Deb Long
149 Savannah Lane

Dan Wiegel, Attorney

1600 Parkwood Circle Suite 200 Atlanta, GA

Family Dollar – Alcoholic Beverage Control Board Alcohol License Application

Council Member Busby made a motion to adjourn the meeting at 7:00 p.m.

Approved this 7th day of March 2022.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

To view our City Council Meeting please click the link below:

<https://www.youtube.com/watch?v=CdVNtWdCth4>

Proclamation

Black History Month - February 2022

WHEREAS, each year, Black History Month is observed in February; and

WHEREAS, the origins of Black History Month date back to 1915 when Dr. Carter G. Woodson founded the organization known today as the Association for the Study of African American Life and History; and

WHEREAS, February was chosen by Woodson specifically because it covered the birthdays of Frederick Douglass (February 14) and Abraham Lincoln (February 12)

WHEREAS, observing Black History Month provides opportunities to gain a deeper understanding of African American history and acknowledge the centuries of struggles for equality and freedom; and

WHEREAS, Black History Month also celebrates the achievements and contributions that African Americans have made in shaping our country, society, and communities; and

WHEREAS, this year's Black History Month theme celebrates Black health and wellness being vital during the worldwide pandemic; and

NOW, THEREFORE, I, Jon G. Graham, Mayor of the City of Calera do hereby proclaim February 2022 as

Black History Month

I encourage everyone to observe this month by acknowledging the history and challenges faced by African Americans, and paying tribute to this community for its strength, perseverance, character, and contributions, all of which enrich our lives.

Council Member Cost made a motion to recognize February 2022 as "Black History Month" Council Member Morgan seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

Adopted February 21, 2022

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20220113140256259

Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: \$150.00 County: \$75.00
Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: \$150.00 County: \$75.00
Trade Name: FAMILY DOLLAR 21946 Filing Fee: \$100.00
Applicant: FAMILY DOLLAR STORES OF ALABAMA LLC Transfer Fee:
Location Address: 8154 HIGHWAY 31 CALERA, AL 35040
Mailing Address: 500 VOLVO PARKWAY CHESAPEAKE, VA 23320
County: SHELBY Tobacco sales: YES Tobacco Vending Machines: 0
Product Type: 01 Type Ownership:
Book, Page, or Document info: 056-230
Do you sell Draft Beer?:
Date Incorporated: 01/27/2016 State incorporated: VA County Incorporated:
Date of Authority: 02/03/2016
Federal Tax ID: 56-1234186 Alabama State Sales Tax ID: 680010495

Name:	Title:	Date and Place of Birth:	Residence Address:
HARRY R SPENCER B62122342 - VA	ASSISTANT SECRETARY	02/10/1979 CHICAGO IL	509 WOODARDS FORD ROAD CHESAPEAKE, VA 23322
DEBORAH E MILLER A62156423 - VA	VICE PRESIDENT	11/28/1957 PHILADELPHIA PA	428 58TH STREET VIRGINIA BEACH, VA 23451
PETER A BARNETT A62175451 - VA	PRESIDENT	11/20/1962 CHICAGO IL	329 CAVALIER DRIVE VIRGINIA BEACH, VA 23451

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: LICENSING DEPT
Business Phone: 205-690-9036
Fax:

Home Phone: 757-698-7582
Cell Phone:
E-mail: ab-licensing@dollartree.com

PREVIOUS LICENSE INFORMATION:
Trade Name: FAMILY DOLLAR 21946
Applicant: FAMILY DOLLAR STORES OF ALABAMA LLC

Previous License Number(s)
License 1: 990-010108958
License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20220113140256259



If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: LEASE ADMINISTRATION DEPARTMENT 757-321-6000

What is lessors primary business? REAL ESTATE

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO

Is the business used to habitually and principally provide food to the public? NO

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? NO

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 10068

Display Square Footage:

Building seating capacity: 0

Does Licensed premises include a patio area? NO

License Structure: SINGLE STRUCTURE

License covers: ENTIRE STRUCTURE

Number of licenses in the vicinity: 0

Nearest: 0

Nearest school:

Nearest church:

Nearest residence: 0 blocks

Location is within: CITY LIMITS

Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
HARRY R SPENCER	DUI APRIL 2005	VIRGINIA BEACH VA	PPAID FINE



Family Dollar #21946

STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20220113140256259



Initial each

Signature page

☐

In reference to law violations, I attest to the truthfulness of the responses given within the application.

☐

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

☐

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

☐ N/A

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

☐ N/A

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

☐ N/A

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

☐

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

☐

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

☐

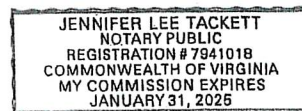
I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print):

Signature of Applicant:

Notary Name (print): Jennifer Lee Tackett

Notary Signature:



Commission expires: 1/31/25

Application Taken: 1/13/2022 App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: 20220113140256259

Application Payment Confirmation Number: 80742218

Payment Summary			
Payment Item	Amount	Fee	Total
Application Fee for License 050 and License 070		\$100.00	
			\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	Amount	Fee	Total
060 - RETAIL BEER (OFF PREMISES ONLY)	\$75.00	\$150.00	\$225.00
070 - RETAIL TABLE WINE (OFF PREMISES ONLY)	\$75.00	\$150.00	\$225.00
	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 060 - RETAIL BEER (OFF PREMISES ONLY)

License Type 2: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)

License County: SHELBY

Business Type:

Trade Name: FAMILY DOLLAR 21946

Applicant Name: FAMILY DOLLAR STORES OF ALABAMA LLC

Location Address: 8154 HIGHWAY 31
CALERA, AL 35040

Mailing Address: 600 VOLVO PARKWAY
CHESAPEAKE, VA 23320

Contact Person: LICENSING DEPT

Contact Home Phone: 757-698-7582

Contact Business Phone: 205-890-9036

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

ShelbyALerts Emergency Notification System



ShelbyALerts is a FREE system for you and your family
to receive lifesaving emergency notifications
straight to your cell phone, email and landline phone.

We can quickly provide you with critical information such as severe weather, road
closures, missing persons, evacuations and more.

You will have the ability to receive alerts for up to five locations, such as your home
address, your children's school(s), and your place of employment.

You pick where, you pick how.

Does ShelbyALerts alert you & your family?

Follow these easy steps:

1. Go to: ema.shelbyal.com
2. Click on "SIGN UP: ShelbyALerts Everbridge Notifications"
3. Fill out the form to complete Sign Up

For more information, contact Shelby County EMA

ema.shelbyal.com

205-669-3999

Go directly to SIGN UP:



VOTING DELEGATE AUTHORIZATION FORM

The City of Town Council must select the voting delegates and this form must be completed and returned to the Alabama League of Municipalities on or before **April 27, 2022**, in order for the municipality named below to be eligible to have its designee cast a vote at the Annual Business Meeting of the League on Thursday, May 12, 2022, at 10:30 a.m.

The League Constitution REQUIRES that Voting Delegates and Alternates be Elected Municipal Officials and the must be selected by a vote of the City or Town Council.

Deadline to submit completed form is April 27, 2022!

The Following person(s) is authorized to cast the municipality's vote at the business session of the Annual Convention of the Alabama League of Municipalities on May 12, 2022.

Please print the requested information

1. **Voting Delegate:**

Ernest Montgomery
Name
Council Member
Title

2. **1st Alternate Voting Delegate:** Votes only in absence of Voting Delegate

Calvin Morgan
Name
Council Member
Title

3. **2nd Alternate Voting Delegate:** Votes only in absence of Voting Delegate & 1st Alternate

Kenny Dale Cost
Name
Council Member
Title

Voted on by the City or Town Council on this the 21 day of February, 2022

Form Completed by:

Connie B Payton
(Please Print) Name

City Clerk
Title

Calera
City/Town

2-21-2022
Date

Return form to: Alabama League of Municipalities

P.O. Box 1270, Montgomery, Alabama 36102 or by Fax to (334) 263-0200 or Email to

DPascal@almonline.org



REQUEST TO BE ADDED TO THE CITY COUNCIL AGENDA

Form must be completed and returned to the City Clerk cpayton@calera.org
no later than 5:00 p.m. on the Wednesday prior to the council meeting

SPEAKING POLICY REQUIREMENTS

1. All individuals wishing to address the Council must complete the request form.
2. Verbal comments and interruptions from the floor will not be allowed.
3. Each speaker will be limited to five (5) minutes. For groups of individuals that wish to address the Council on the same topic, they will be limited to three (3) minutes per speaker. In cases where there are multiple speakers on the same topic, speakers are encouraged not to repeat the same information presented by previous speakers.

Date of Request: 2/14/22

Meeting Date: 2/21/22

Speaker's Name: Jackie Batson

Speaker's Address: 1048 Pine Valley Dr

Speaker's Telephone Number: 404-268-4102

Please give your description of the subject(s) you wish to address. You will not be able to discuss matters that are not listed on your request.

Question regarding food trucks in the Calera Courtyard



REQUEST TO BE ADDED TO THE CITY COUNCIL AGENDA

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Date of Request: 2/16/22

Meeting Date: 2/21/22

Speaker's Name: Debo Long

Speaker's Address: 149 Savannah Lane

Speaker's Telephone Number: 205-447-3476

Please give your description of the subject(s) you wish to address. You will not be able to discuss matters that are not listed on your request.

Savannah Pointe

Calera Budget 2022



REQUEST TO BE ADDED TO THE CITY COUNCIL AGENDA

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SPEAKING POLICY REQUIREMENTS

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Date of Request: 02/08/2022

Meeting Date: 02/21/2022

Speaker's Name: Dan Wiegel

Speaker's Address: 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339

Speaker's Telephone Number: 678-336-7296

Please give your description of the subject(s) you wish to address. You will not be able to discuss matters that are not listed on your request.

This is to discuss adding beer and wine off premise sales to the existing Family Dollar located at 8154 Highway 31 in Calera, Alabama.

Have real estate questions?
Let's talk, coffee is on me!



deb long

Broker-Owner, Author, REALTOR®
(205) 447-3476 | Deb@DebLong.com



At CallTodaysHome.com you can...

- Find your property value /evaluation
- Search for your new home /listing
- Schedule time for coffee and real estate /contact



TODAY'S HOME
REAL ESTATE

1904 Indian Lake Dr, #200, Birmingham, AL 35244
(205) 588-8282 | CallTodaysHome.com

CITY OF CALERA
7901 Highway 31
Calera, Alabama 35040
(205) 668-3500
(205) 668-3624 Fax

REQUEST FOR PUBLIC RECORDS

I, undersigned, hereby request copies of the following records for the City of Calera: (Please be specific)

Please state reason for request:

Investigative Research

Date of this Request: **February 21, 2022**

Records requested: **Please provide the following information as related to the chain of approval for the Savannah Pointe/Charleston/Aberdeen subdivision. 1) Council meeting minutes from May 1, 2005 - July 31, 2005; 2) The signed master plan from Council and/or the signed preliminary Phase 1 Plan for the above referenced community; 3) Signed applications for the above referenced community from 2005 and 2013; 4) Copy of ordinance #2005-34 that Mr. Justice referenced during the Planning Commission meeting Feb 1, 2022; 5) Building permit(s) for the gate, road and culvert on lot 618 of Savannah Pointe. 6) Copy of the Public Notice as for hearing regarding the Savannah Pointe/Charleston/Aberdeen subdivision decisions.**

Name of Person/s requesting: **Deb Long**

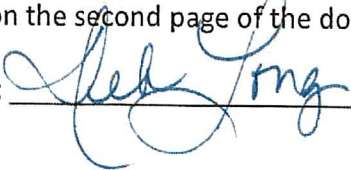
Physical Address: **149 Savannah Ln, Calera AL 35040**

Mailing Address: **149 Savannah Ln, Calera AL 35040**

Telephone Number: **(205) 447-3476** Business Telephone: _____

Fax Number: _____ Cell Phone Number: **(205) 447-3476**

I certify by my signature below that I have read and that I understand and agree with the terms and conditions listed on the second page of the document for handling public information requests.

Signed: 

Date: **Feb 21, 22**

TERMS AND CONDITIONS FOR HANDLING PUBLIC INFORMATION REQUESTS

The official Custodian of Records for the City of Calera is the office of City Clerk pursuant to the Code of Alabama 1975. Section 11-43-100. All access to public records must be requested through the City Clerk.

The purpose of the Open Records Act is to allow the public to monitor the manner in which public officers discharge their public duties. However, not all records are public, such as confidential information, sensitive personnel records, records pertaining to pending criminal investigations, and records which if disclosed would be detrimental to the best interests of the public, as well as other categories of information that may not be appropriate for public disclosure.

In an effort to protect of the City of Calera from any potential litigation, to establish accountability, and to establish a good tracking system, the Information Request / Subpoena Policy is hereby implemented.

It is the policy of the City of Calera to provide copies of public documents upon request in an expedient manner. When the request is received in the office of the City Clerk, the person requesting the information is told the request is normally handled within seven working days. Such requests, particularly those involving a large volume of information, must be handled on a time available basis such as not to compromise the city's day-to-day operations.

The municipal officials and employees have no greater rights to inspect records than do members of the public. Also, while the Council acting as a whole has the right to request to see certain documents, individuals Council Members must demonstrate their interests in order to review records, just like private citizens.

The City of Calera is entitled to recover its cost of providing requested information and is obligated to institute such procedures as are necessary to protect the public records and insure their continued integrity. To those ends, the following shall apply to all public information requests / subpoenas of any kind:

1. For reproduction of records, including Police Department records, the City will assess a per page charge as authorized by laws for reproduction costs; there will be no charges for materials copied for information requests up to the first 20 pages. After the first 20 pages, there will be a \$.25 per page charge. If a request involves a large volume of information, at the discretion of the City Clerk, a retainer may be required before starting the project. If the retainer is not used up, the balance will be refunded.
2. For reproduction of videotaped and / or recorded documents:
 - a. If an attorney or individual provides the City with a tape or any other necessary recording media, the City will copy the requested information at no charge.
 - b. If the City has to use its own tape or any other necessary recording media, a \$5.00 charge per media used will be assessed.
3. For reproduction of records using outside sources, the City will recoup all out-of-pocket expenses, including mileage and any other cost incurred.
4. With regards to all information requests, whether general or Police related, no employee's time will be charged for preparation and / or research, until changed by the City Council.
5. Reasonable public access shall be granted to view records under the supervision of a City employee designated by the City Clerk or in the City Clerk's office.
6. The City is entitled to require verifiable information as to the identity of the person requesting the records as well as of the person receiving such information.
7. All records must remain in the custody of a City employee at all times. As a measure to safeguard records, reproductions may not be made by anyone other than a City employee designated by the City Clerk.
8. All requests must be presented to the City Clerk on the City of Calera's Information Request form and signed. The applicant's signature certifies that the applicant has read, understands, and agrees with the terms and conditions of the policy for handling public information requests.
9. All requests and / or subpoena served by the county sheriff, certified mail, hand delivered by an attorney (pertaining to a lawsuit, and/or claim), must be processed by the City Clerk of the City of Calera, the official Custodian of Records.

CITY OF CALERA
7901 Highway 31
Calera, Alabama 35040
(205) 668-3500
(205) 668-3624 Fax

REQUEST FOR PUBLIC RECORDS

I, undersigned, hereby request copies of the following records for the City of Calera: (Please be specific)

Please state reason for request:

Researching the approval process for the proposed Aberdeen Development.

Date of this Request: January 13, 2022

Records requested: Please produce all documents in your possession relating to
The proposed Aberdeen Development. This includes, but is not limited to (1) all documents
and applications submitted by the developer; (2) All documents showing any approval
or denial of the applications submitted by the developer; (3) Minutes from any meeting
where the Aberdeen development was discussed; (4) A list of all individuals notified about
the proposed Aberdeen development, and the date of notice.

Name of Person/s requesting: John Walter, attorney for Savannah Point Residential Association Inc.

Physical Address: 1217 Greystone Parc Drive, Hoover, AL 35242

Mailing Address: 1217 Greystone Parc Drive, Hoover, AL 35242

Telephone Number: _____ Business Telephone: _____

Fax Number: _____ Cell Phone Number: 205-905-9510

I certify by my signature below that I have read and that I understand and agree with the terms and conditions listed on the second page of the document for handling public information requests.

Signed: 

Date: January 13, 2022

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6. The City is entitled to require verifiable information as to the identity of the person requesting the records as well as of the person receiving such information.
7. All records must remain in the custody of a City employee at all times. As a measure to safeguard records, reproductions may not be made by anyone other than a City employee designated by the City Clerk.
8. All requests must be presented to the City Clerk on the City of Calera's Information Request form and signed. The applicant's signature certifies that the applicant has read, understands, and agrees with the terms and conditions of the policy for handling public information requests.
9. All requests and / or subpoena served by the county sheriff, certified mail, hand delivered by an attorney (pertaining to a lawsuit, and/or claim), must be processed by the City Clerk of the City of Calera, the official Custodian of Records.

SOUTHEAST ADVOCATE

ALABAMA • GEORGIA • FLORIDA

February 1, 2022

Planning Commission for the City of Calera

7901 US-31

Calera, AL 35040

Sent Via Email Only to Connie Payton, City Clerk (cpayton@clera.org), to be forwarded to the members of the Calera Planning Commission

Re: The Aberdeen Subdivision.

To the Members of the Planning Commission for the City of Calera:

My name is John Walter and I was recently hired by Savannah Pointe Residential Association, Inc. to investigate the procedures being used to approve the Aberdeen subdivision. I presented my findings in a letter to the City Council on January 18, 2022. The primary points of the January 18 letter are (1) that the time period to approve the preliminary plat application may have already lapsed, thus resulting in approval by default, and (2) that the master plan originally approved by the City Council around 2006 has expired and must be resubmitted to the City Council before the preliminary plat can be approved. A copy of the January 18, 2022 letter is included here for convenience as Exhibit A.

On January 21, 2022, the City's attorney William Justice provided a response letter. A copy of Mr. Justice's letter is included here as Exhibit B. In his letter, Mr. Justice correctly explained that the time period for the planning commission to vote on the Aberdeen, Phase I Preliminary Plat application has not expired. I appreciate Mr. Justice's help clarifying and confirming that the Planning Commission still has an opportunity to vote on the preliminary plat

application. But I respectfully disagree with Mr. Justice regarding whether the the original master plan approved in 2006 has expired.

Since the time Mr. Justice and I exchanged letters, the city has failed to produce any documents showing that construction activity that may have taken place at the property was properly permitted or approved. This further strengthens my position that the original master plan allegedly approved by the City Council has expired. On January 13, 2022, I requested all documents relating to the proposed Aberdeen development. To this date, I still have not received the following documents that should be deemed necessary to proceed:

1. A list of all individuals mailed notice of the public hearing on the application to approve the preliminary plat for Aberdeen, Phase 1, as required by Ala. Code § 11-52-32(a);
2. A full copy of the original preliminary master plan along with evidence that the Calera City Council voted to approve it;
3. The land disturbance permit for the grading that was performed; and
4. The building permit for the culvert installed on the land.

The absence of documents showing that any construction performed was properly approved strengthens the position that the the original master plan expired. As addressed in my prior letter, Calera Zoning Ordinance § 5.20.7 states that "[I]f no construction has begun with six (6) months from the estimated and approved start up date of the PUD, as indicated by §5.20.1.3.e(4), said approval shall lapse and be of no further effect." The developer should not be allowed to claim that construction began if it never received proper permits or approvals to

begin construction. It is the developer's burden to show that all necessary permits and approvals have been obtained.

However, the issue of whether the original master plan expired may be moot because documents recently produced by the city show another reason why the master plan must be resubmitted to the City Council. In particular, a major change has occurred in the master plan due to (1) changes occurring in the boundary of the land use district as reflected on the master plan and (2) changes occurring in the planning criteria submitted with the master plan.

I. The Master Plan Must be Resubmitted to the City Council for Approval Because a Major Change Has Occurred.

A. The Definition of a "Major Change."

The Calera zoning ordinances provide a specific definition for what constitutes a "major change" to a master plan. To be a "major change" two requirements must be met. First, there must be a "change in the boundaries of any land use district reflected on the master development plan." The second requirement to being a "major change" is that there be "any changes in the planning criteria submitted with the master development plan, including a change in an approved use from one that is permitted to one that is categorized as a 'special exception' within the applicable PUD land use district." Calera Zoning Ordinance § 5.20.6(2).

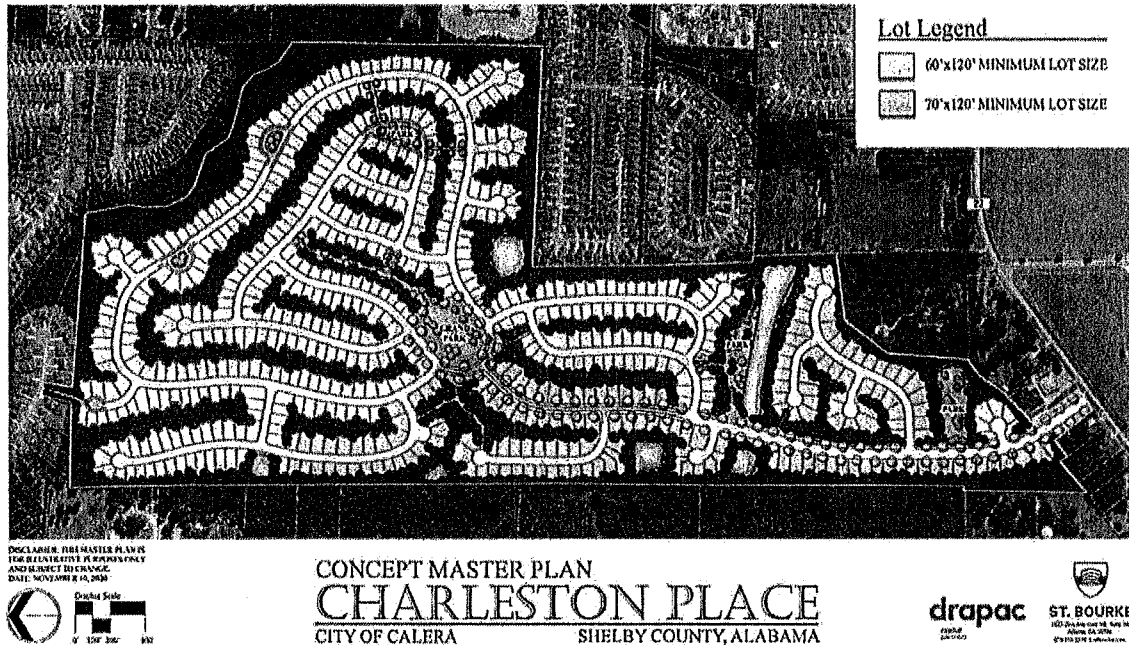
B. The First "Major Change" Requirement is Met Because There Have Been Changes to the Aberdeen Land Use Boundary Reflected on the Master Plan.

Please see below a picture of a foam poster board containing the original master plan from 2005. This picture of the poster board was taken by Chris Pappas and produced to me on January 24, 2022. Of particular importance, you can see the light purple section in the top left

[illegible]

The next image shown on the following page is the revised master plan that is currently being advanced by the developer of Aberdeen. As you can see, there are two changes made to the land use boundary reflected on the master plan. The first is that the southern part of Savannah Lane in the top left corner has been removed. That area is no longer zoned for a Planned Unit Development (PUD), but is now zoned RG for Garden Home Residential. The second change to the land use boundary reflected on the master plan is shown where the second

public entrance used to be on the north (left) end of the map. The land use boundary reflected on the master plan has been extended to include Lot 618 in the Savannah Pointe neighborhood.



The Current Master Plan

Because there are two changes made in the boundaries of the land use district reflected on the master development plan, the first requirement of being a “major change” is satisfied.

C. The Second “Major Change” Requirement is Met Due to Changes Made in the Planning Criteria Submitted With the Master Plan.

The second criteria that must be met for changes to be defined as a “major change” is that there be “any changes in the planning criteria submitted with the master development plan.” Calera Zoning Ordinance § 5.20.6(2). The “planning criteria” refers to the criteria listed in Calera Zoning Ordinance 5.20.1(3)(e). Here is the full list of the planning criteria:

The Planning Criteria of the PUD. The application shall include the following written statements and other matters:

- (1) A legal description of the total site proposed for the PUD.
- (2) A general description of the surrounding area, including current zoning and/or land uses.
- (3) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant and how they are consistent with the City's Comprehensive Plan. **The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the overall community growth.**
- (4) **If the development is to be staged, a general indication, of how the staging is to proceed, including an estimated date when construction of the PUD will begin.**
- (5) Delineation of the various land use districts, indicating for each such area its general extent, size and composition in terms of total number of acres. In residential use districts **the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e. townhouses, garden homes, single family detached, condominiums or duplexes)** shall be provided, and for non-residential use districts, the gross square footage of non-residential uses.
- (6) A calculation of the residential density in dwelling units per gross acre including interior roadways, including maximum density in units per acre.
- (7) Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, greenbelts, buffers, and off street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
- (8) **The interior open space system.**
- (9) **Principal ties to the community at large with respect to transportation, water supply and sewage disposal.**
- (10) General statement as to how common open space is to be owned and maintained
- (11) Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.

(12) A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.

(13) Any planned interim uses

(14) A traffic study may be required, if determined necessary by the City Engineer

(15) Landscaping criteria.

Calera Zoning Ordinance 5.20.1(3)(e) (bold added for emphasis).

A change to any one of these criteria is sufficient to cause a "major change." And it is undeniable that several of these planning criteria have changed. Here below is an analysis of a few of the planning criteria and how they have changed:

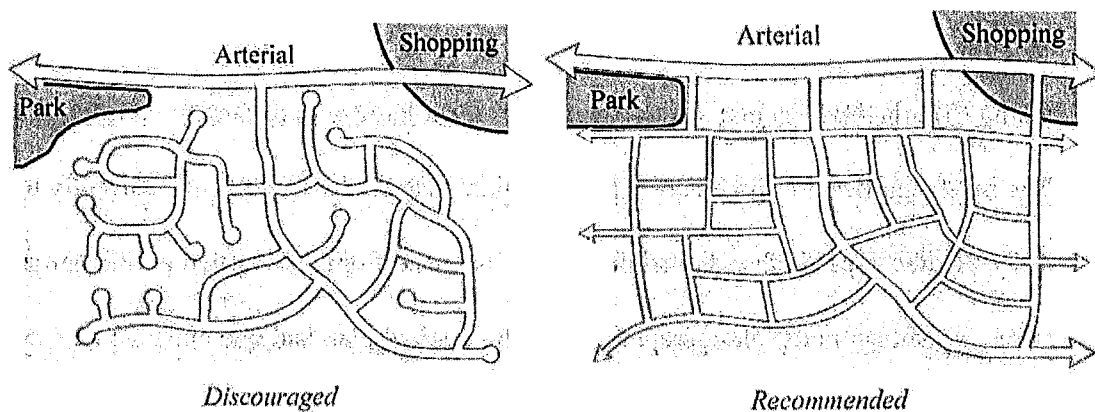
i. Planning Criteria #9: Principal ties to the community at large with respect to transportation

The most significant change between the original master plan and the one currently being advanced by the developer is that the neighborhood has gone from having two public entrances down to one. As shown in the photographs above, the original plan had one entrance on County Road 22 and another public entrance connecting onto what is today Savannah Circle in the Savannah Pointe neighborhood. In the revised master plan being pursued today, the connection to Savannah Circle is no longer a road open to the public. Rather it is now a gated emergency use entrance that is only designed and intended to be used by emergency vehicles such as firetrucks.

Going from two public entrances down to one is very significant. Subdivision regulation 4.1.1 states that "[a] proposed subdivision shall provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping, without requiring the use of arterial streets." (Emphasis added). An "Arterial Street" is defined as "[a] highway or street intended mainly to carry through traffic and to connect major activity centers.

Subdivision Regulation § 1.6.2(72)(a). The purpose of requiring multiple connections to the local street system is to “ensure safe access and mobility for motorists, pedestrians, bicyclists and the handicapped.” Subdivision Regulation 4.1.

The regulations provide illustrations to show what proper and improper neighborhood designs look like in Figure 4.1.3A. As you can see below, the illustration on the left is an example of a neighborhood design that is prohibited by Subdivision Regulation 4.1.1. It only provides one point of access and directs all traffic onto an arterial street.



Whereas the original master plan allowed people to exit the development by either going onto County Road 22 to the south or onto Savannah Circle to the north, the revised master plan now directs all traffic onto the arterial street of County Road 22. This is a direct violation of Subdivision regulation 4.1.1 and will hinder the “safe access and mobility for motorists, pedestrians, bicyclists and the handicapped,” which the regulation is designed to protect. The problem is exacerbated by the fact that the sole entrance to Aberdeen is only 280 yards from the entrance to Calera Middle School on County Road 22. Therefore, it is undeniable that there has been a change in planning criteria relating to the “principal ties to the community at large with respect to transportation.” Calera Zoning Ordinance § 5.20.1(3)(e)(9). The preliminary plat

application should be denied for this reason alone and the developer must submit its updated master plan to the City Council.

ii. Planning Criteria #8: The interior open space system.

A "major change" also occurred because the revised master plan removed a swimming pool and added four parks that did not exist in the original master plan. This is significant for two reasons. First, it constitutes a change to the interior open space system, which is Planning Criteria #8. That makes it a "major change." This is also significant because the Calera Zoning Ordinances state that adding parks to a master development plan constitutes a "Special Exception" that requires approval by the City Council pursuant to Section 5.20.3. Calera Zoning Ordinances Table 5.20.

When I pointed this out to the Calera city attorney, he stated that his understanding is that the developer now has plans to make the area designated as the "grand park" a swimming pool and to simply rename the areas designated as "parks" as "open spaces" so that it would no longer be considered a special exception.

If the developer did relabel their "parks" as "open spaces" it would not save them on this issue. It would only help them create an argument that the change in the plan does not constitute a special exception as defined in Calera Zoning Ordinance Table 5.20. However, having these new open spaces would still constitute a change in planning criteria number 8 relating to the interior open space system. Calera Zoning Ordinance § 5.20.1(3)(e)(8). Therefore, merely changing the labels does not excuse the fact that a major change has occurred. The developer also owes an explanation as to why they are suddenly deciding to put in a pool when it is not reflected on their own master plan.

There have also been changes to planning criteria numbers 3 (projections relating to community growth), 4 (timeline and stages of construction), and 5 (number and allocation of dwelling unit type). But I am not providing a detailed analysis for each of those due to time constraints. Based on these facts, the changes made to the Master Plan constitute a "major change" as defined by the Calera Zoning Ordinance § 5.20.6(2) and must be submitted to the City Council for approval.

II. Conclusion

The Planning Commission for the City of Calera should deny the preliminary plat application for Aberdeen, Phase 1 because (1) there is currently insufficient documentation to establish that the proper legal procedures were followed prior to the commencement of any construction, (2) the original master plan that was allegedly approved by the City Council is now 16 years old and has expired, and (3) there has been a major change in the master plan that requires resubmission to the City Council.

All of these problems can be resolved by the developer simply submitting its updated master plan to the City Council.

Sincerely,

A handwritten signature in cursive script that reads "John Walter". The signature is written in dark ink and is positioned above the typed name and contact information.

John Walter
Attorney
Southeast Advocate
205-905-9510
john@southeastadvocate.com

CC:

City Attorney, Bill Justice - wjustice@wefhlaw.com

Mayor, Jon Graham - jgraham@calera.org

City Engineer, Chris Pappas - CPappas@calera.org

City Clerk, Connie Payton - CPayton@calera.org

Stars & Stripes - adam@stbourne.com