



Minutes of the City of Calera Council Meeting – May 7, 2019

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Tuesday, May 7, 2019 at 6:30 p.m., in a regular meeting. Mayor Graham presiding.

Mayor and Council Members Present:

Jon G. Graham, Mayor
David Bradshaw, Council Member
Chris Bunn, Council Member
Philip Busby, Council Member
Ernest Montgomery, Council Member
Kay Snowden Turner, Council Member
Alan Watts, Council Member

Absent:

None

Guests:

Adrienne Turner, Phillip and Rachel Quinn, Michael Burk, Calvin Morgan, Betty Peebles, Fred Hoskins

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

Word of Prayer and Pledge of Allegiance:

Jason Jarvis opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

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

Regular Meeting – April 15, 2019
Work Session – April 15, 2019

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

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

NAYS: None

Motion Passed

OLD BUSINESS:

No old business

NEW BUSINESS:

PUBLIC HEARING

Ordinance No. 2019-05 – Quik Trip Corporation / Michael Burk, Robert Haynes, Paula Wittaker, Henry Haynes, Carrie Haynes - Rezoning Request R3 to B2 (See Attached)

Council Member Bradshaw moved unanimous consent of the Council is given for immediate action upon said Ordinance. Council Member Bunn second said motion and upon vote the results was as follows:

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

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Turner moved Ordinance No. 2019-05 be adopted. Council Member Watts seconded said motion and upon vote the results was as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

Ordinance No. 2019-06 – Quik Trip Corporation / Michael Burk, Donnell Norris - Rezoning Request R3 to B2 (See Attached)

Council Member Bradshaw moved unanimous consent of the Council is given for immediate action upon said Ordinance. Council Member Turner second said motion and upon vote the results was as follows:

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

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Turner moved Ordinance No. 2019-06 be adopted. Council Member Busby seconded

said motion and upon vote the results was as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

Ordinance No. 2019-07 – Quik Trip Corporation / Michael Burk, New Mt. Moriah Baptist Church / Ernest Montgomery - Rezoning Request R3 to B2 (See Attached)

Council Member Bradshaw moved unanimous consent of the Council is given for immediate action upon said Ordinance. Council Member Turner second said motion and upon vote the results was as follows:

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

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Turner moved Ordinance No. 2019-07 be adopted. Council Member Watts seconded said motion and upon vote the results was as follows:

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

NAYS: None

ABSTAIN: Montgomery

Motion Passed – Adopted this 7th day of May, 2019

Rescind - Resolution No. 2019-09 Establishing a Temporary Moratorium on New Business within the City Relating to the Sell of Cannabidiol / THC Extracts

Council Member Bunn moved that Resolution No. R-2019-09 is rescinded. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

Resolution No. 2019-10 Designating Official Representative for Application for Alabama CWSRF Loan Funding

Council Member Bradshaw moved that Resolution No. R-2019-10 is adopted. Council Member Busby seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

Alcoholic Beverage Control Board Applications presented for Calera Petro

Trade Name: Calera Petro
Applicant: KASWA, LLC
Type License: 050 – Retail Beer (Off Premises Only)
Type License: 070 - Retail Table Wine (Off Premises Only)
Location: 10380 Highway 25, Calera, Alabama 35040

Council Member Turner made a motion to approve the Alcoholic Beverage License Application for Calera Petro. Council Member Montgomery seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed

Alcoholic Beverage Control Board Applications presented for Toki Sushi Steakhouse

Trade Name: Toki Sushi Steakhouse
Applicant: Toki, Inc.
Type License: 020 – Restaurant Retail Liquor
Location: 8176 Highway 31 South, Calera, Alabama 35040

Council Member Turner made a motion to approve the Alcoholic Beverage License Application for Toki, Inc. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed

Resolution No. 2019-11 Alabama Department of Transportation Project # AXAA61018-ATRP (008); ATRIP# 59-05-29 Construction Agreement

Council Member Bunn moved that Resolution No. R-2019-11 is adopted. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

Capital Purchase Approval – Police Department Vehicle, \$33,943.00 and Equipment Cost Estimated at \$5,000.00

Council Member Bradshaw made a motion to approve the capital purchase as requested. Council Member Turner seconded said motion which was carried unanimously.

Motion passed

GUESTS:

Council Member Busby made a motion to adjourn the meeting at 6:42 p.m.

Approved this 20th day of May, 2019.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2019-05

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **April 2, 2019** 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: R3 (Single Family District)

To: B2 (General Business District)

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2019-05. Council Member Bunn seconded said motion and upon vote, the results were as follows:

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

NAYS: None

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

Council Member Turner moved that Ordinance No. 2019-05 be adopted. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Ordinance No. 2019-05 adopted.

Adopted this 7th day of May, 2019.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Legal Description – Tract 4 (Haynes Tract)

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commencing at a found 1/2 inch rebar lying on the Northerly end of the mitered intersection of the Westerly Right of Way of Highway 31 (having a Variable Right of Way) and the Northerly Right of Way of Anglewood Lane (having a Prescriptive Right of Way); thence run along the Northerly Right of Way of Anglewood Lane South 61 degrees 05 minutes 10 seconds West for a distance of 27.37 feet to a point, said point being the POINT OF BEGINNING; thence continuing along the last described course for a distance of 28.27 feet to a found 1/2 inch rebar, said rebar also lying on a curve to the left, said curve having a radius of 247.78 feet, a central angle of 02 degrees 55 minutes 06 seconds, a chord bearing of North 77 degrees 47 minutes 46 seconds West, and a chord distance of 12.62 feet; thence run along the arc of said curve and said Right of Way for a distance of 12.62 feet to a point, said point also lying on a curve to the left, said curve having a radius of 589.37 feet, a central angle of 04 degrees 39 minutes 43 seconds, a chord bearing of North 76 degrees 30 minutes 19 seconds West, and a chord distance of 47.94 feet; thence run along the arc of said curve and said Right of way for a distance of 47.95 feet to a point; thence leaving said Northerly Right of Way of Anglewood Lane run South 89 degrees 52 minutes 22 seconds East for a distance of 83.70 feet to the POINT OF BEGINNING. Said parcel contains 565 Square Feet or 0.013 Acres.



Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2019-06

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **April 2, 2019** 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: R3 (Single Family District)

To: B2 (General Business District)

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2019-06. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

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

Council Member Turner moved that Ordinance No. 2019-06 be adopted. Council Member Busby seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Ordinance No. 2019-06 adopted.

Adopted this 7th day of May, 2019.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Legal Description – Tract 3 (Norris Tract)

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commencing at a found 1/2 inch rebar lying on the Northerly end of the mitered intersection of the Westerly Right of Way of Highway 31 (having a Variable Right of Way) and the Northerly Right of Way of Anglewood Lane (having a Prescriptive Right of Way); thence run along the Northerly Right of Way of Anglewood Lane South 61 degrees 05 minutes 10 seconds West for a distance of 55.64 feet to a found 1/2 inch rebar, said rebar also lying on a curve to the left, said curve having a radius of 247.78 feet, a central angle of 02 degrees 55 minutes 06 seconds, a chord bearing of North 77 degrees 47 minutes 46 seconds West, and a chord distance of 12.62 feet; thence run along the arc of said curve and said Right of Way for a distance of 12.62 feet to a point, said point also lying on a curve to the left, said curve having a radius of 589.37 feet, a central angle of 04 degrees 39 minutes 43 seconds, a chord bearing of North 76 degrees 30 minutes 19 seconds West, and a chord distance of 47.94 feet; thence run along the arc of said curve and said Right of Way for a distance of 47.95 feet to a point, said point lying on a curve to the left, said curve having a radius of 589.37 feet, a central angle of 00 degrees 46 minutes 57 seconds, a chord bearing of North 79 degrees 13 minutes 39 seconds West, and a chord distance of 8.05 feet; thence run along the arc of said curve and said Right of Way for a distance of 8.05 feet to a point, said point being the POINT OF BEGINNING, said point also lying on a curve to the left, said curve having a radius of 589.37 feet, a central angle of 04 degrees 10 minutes 23 seconds, a chord bearing of North 81 degrees 42 minutes 18 seconds West, and a chord distance of 42.92 feet; thence run along the arc of said curve and said Right of Way for a distance of 42.92 feet to a point, said point also lying on a curve to the left, said curve having a radius of 328.88 feet, a central angle of 18 degrees 05 minutes 29 seconds, a chord bearing of South 88 degrees 24 minutes 51 seconds West, and a chord distance of 103.42 feet; thence run along the arc of said curve and said Right of Way for a distance of 103.85 feet to a point, said point lying on a curve to the right, said curve having a radius of 877.28 feet, a central angle of 02 degrees 08 minutes 45 seconds, a chord bearing of South 82 degrees 16 minutes 06 seconds West, and a chord distance of 32.85 feet; thence run along the arc of said curve and said Right of Way for a distance of 32.86 feet to a point, said point lying on a curve to the right, said curve having a radius of 877.28 feet, a central angle of 04 degrees 20 minutes 38 seconds, a chord bearing of South 85 degrees 30 minutes 48 seconds West, and a chord distance of 66.49 feet; thence run along the arc of said curve and said Right of Way for a distance of 66.51 feet to a point, said point lying on a curve to the right, said curve having a radius of 189.39 feet, a central angle of 15 degrees 34 minutes 42 seconds, a chord bearing of North 83 degrees 53 minutes 32 seconds West, and a chord distance of 51.34 feet; thence run along the arc of said curve and said Right of Way for a distance of 51.50 feet to a point, said point lying on a curve to the right, said curve having a radius of 189.39 feet, a central angle of 14 degrees 13 minutes 01 seconds, a chord bearing of North 68 degrees 59 minutes 41 seconds West, and a chord distance of 46.87 feet; thence run along the arc of said curve and said Right of Way for a distance of 46.99 feet to a point; thence leaving the Northerly Right of Way of Anglewood Lane run North 00 degrees 37 minutes 37 seconds West for a distance of 124.60 feet to a found 1 inch crimp top pipe; thence run South 87 degrees 23 minutes 37 seconds East for a distance of 351.79 feet to a found 1 inch crimp top pipe; thence run South 04 degrees 51 minutes 05 seconds West for a distance of 125.02 feet to the POINT OF BEGINNING. Said parcel contains 44,700 Square Feet or 1.026 Acres.

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2019-07

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **April 2, 2019** 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: R3 (Single Family District)

To: B2 (General Business District)

Council Member Bradshaw moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2019-07. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

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

Council Member Turner moved that Ordinance No. 2019-07 be adopted. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

ABSTAIN: Montgomery

Mayor Graham declared Ordinance No. 2019-07 adopted.

Adopted this 7th day of May, 2019.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Rescind - Resolution No. 2019-09 Establishing a Temporary Moratorium on New Business within the City Relating to the Sell of Cannabidiol / THC Extracts

Council Member Bunn moved that Resolution No. R-2019-09 is rescinded. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 7th day of May, 2019

RESCIND

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2019-09

ESTABLISHING A TEMPORARY MORATORIUM ON NEW BUSINESSES WITHIN THE CITY LIMITS OF THE CITY OF CALERA, ALABAMA RELATING TO THE SELL OF CANNABIDIOL / THC EXTRACTS

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

WHEREAS, cannabidiol (CBD) and delta-9 tetrahydrocannabinol (THC) extracts are found in the plant Cannabis sativa also known as industrial hemp and is sometimes used medicinally; and

WHEREAS, in 2014 and 2016 the State of Alabama passed legislation permitting **patients** the use of CBD extracts for therapeutic purposes aka Carly's Law and Leni's Law (patients may possess extract preparations of CBD that also contain up to three percent THC for the treatment of a seizure-related debilitating condition); and

WHEREAS, the Agricultural Improvement Act of 2018 legalized industrial hemp and CBD derived from industrial hemp with a THC concentration of not greater than .3% on a dry weight basis; and

WHEREAS, businesses and storefronts featuring CBD hemp oil are appearing in neighboring cities and areas; and,

WHEREAS, the City's zoning and other ordinances do not address appropriate districts for such businesses, its placement in current businesses, and its access by minors and families; and,

WHEREAS, the City of Calera desires to promote the health, safety, and welfare of the inhabitants of this City and its environs and citizens and visitors, in an orderly and thoughtful way concerning CBD.

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

1. Moratorium is hereby in effect on any new businesses whose primary sales are intended for CBD, and on the issuance of any business licenses in the City where the sale of CBD exceeds 10% of the gross revenue of the business.
2. During the moratorium no sign applications shall be approved for placement on any business that promotes THC or CBD.
3. Existing businesses within the City are urged to not promote or sell CBD during this moratorium.
4. The City's administration is hereby tasked to research and study the impact of these type businesses, their appropriate locations within zoning districts in the city, and shall make recommendations to the Council and various boards of the City consistent with federal and state law.
5. This moratorium shall take effect immediately upon the passage of this Resolution and shall continue **in effect until March 10, 2020.**
6. It is the intent of the City of Calera, Alabama that this moratorium is to supplement, and not repeal or replace, any ordinances, codes, or rules of the City of Calera.

Council Member Turner moved that Resolution No. R-2019-09 be adopted. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2019-09 adopted.

Adopted this 18th day of March, 2019.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Resolution No. 2019-09 Rescinded

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2019-10

RESOLUTION DESIGNATING OFFICIAL REPRESENTATIVE

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

WHEREAS, City of Calera, Alabama herein called the “Applicant”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that the construction of certain works required for the treatment of wastewater and /or storm water is desirable and in the public interest, and to that end it is necessary that action necessary for the construction of wastewater treatment and / or transport facilities be taken immediately; and

WHEREAS, under Code of Alabama 1975 22-34-1 et seq., and the regulations promulgated, thereunder in ADEM Administrative Code Chapter 335-11-1, the State of Alabama, has authorized the making of loans to aid in financing the cost of construction of necessary wastewater treatment and transport works to prevent the discharge of untreated or inadequately treated effluent into any waters;

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

1. That Jon G. Graham, Mayor is hereby authorized to file in behalf of the Applicant an application for a loan to be made by the Alabama Water Pollution Control Authority;
2. That Jon G. Graham, Mayor is hereby designated as the Authorized Representative of the Applicant for the purpose of furnishing to the Alabama Department of Environmental Management (ADEM) such information, data and documents pertaining to the application for a CWSRF loan from the Authority as may be required; and otherwise to act as Authorized Representative of the Applicant in connection with this application.
3. That certified copies of this resolution be included as a part of the application to be submitted to the Department for a loan.

Council Member Bradshaw moved that Resolution No. R-2019-10 be adopted. Council Member Busby seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2019-10 adopted.

Adopted this 7th day of May, 2019.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2019-11

BE IT RESOLVED, by the City of Calera as follows:

That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Addition of turn lanes at the intersection of SR-25 and 10th Street; Length – 0.163 miles; Project# ACAA61018-ATRP(008); ATRIP# 59-05-29.

Which agreement is before this Council, and that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto. (Agreement Attached to minutes)

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

Council Member Bunn moved that Resolution No. R-2019-11 be adopted. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2019-11 adopted.

Adopted this 7th day of May, 2019.

ATTEST

Connie B. Payton, City Clerk

Jon G. Graham, Mayor