



Minutes of the City of Calera Council Meeting – September 17, 2018

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Tuesday, September 17, 2018 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
Philip Busby, Council Member
Ernest Montgomery, Council Member
Kay Snowden Turner, Council Member
Alan Watts, Council Member

Department Heads Present:

Reggie Darden, Building Official
Kelly Ellison, Finance Director
Seth Gandy, Park and Recreation Director
Sean Kendrick, Fire Chief
Sean Lemley, Police Chief
Alison Powers, Library Director
Matt Worthen, IT Services Manager

Absent:

Chris Bunn, Council Member
Chris Pappas, City Engineer
Doug Smedley, Sewer Operations Director

Guests:

Calvin Morgan, Fred Hoskins, Arianne Turner, Mark Lollar, Bill Davis, Harold Cole, Jasmine T. Agnew, Diane Wilson Johnson, Mr. Wilson, Mr. and Mrs. Michael Jones

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

Word of Prayer and Pledge of Allegiance:

Michael Jones 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 – September 4, 2018
Work Session – September 4, 2018

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

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

NAYS: None

Motion Passed

REPORTS OF DEPARTMENT HEADS:

Kelly Ellison, Finance Director – Presented Budget Adjustments (See Attached)

Sean Kendrick, Fire Chief thanked New Mt. Moriah Missionary Baptist Church for the great service honoring Sam Green. Sam was an honorary firefighter with Calera for over 15 years.

COUNCIL MEMBER REPORTS:

Council Member Turner stated she is excited about the progress of the bridge project. Ms. Turner spoke with ALDOT and they stated the project should be completed in 2019 however; the right side of the bridge should be complete in two months.

Council Member Bradshaw thanked Mark Lollar for the email and his comments during the work session.

Council Member Watts invited everyone to attend closing ceremonies for Field of Angels this coming Saturday at Eagle Sports Complex at 9:00 a.m.

Council Member Montgomery thanked the Police and Fire Department for their attendance at Sam's service. Council Member Montgomery took a few moments to introduce Pastor Michael Jones wife, Ms. Joyce Jones.

MAYOR REPORT:

Mayor Graham advised the Alabama Department of Transportation is currently working on the new red lights.

OLD BUSINESS:

No old business

NEW BUSINESS

Budget Adjustments (See Attached)

Council Member Bradshaw made a motion to approve the budget adjustments as presented. Council Member Busby seconded said motion which was carried unanimously.

Motion passed

Resolution No. 2018-16 Cost of Living Adjustment in Lieu of Anniversary Step Raises (See Attached)

Council Member Bradshaw moved that Resolution No. R-2018-16 is adopted. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 17th day of September, 2018

Resolution No. 2018-17 Award Bid for Trash Receptacles (See Attached)

Council Member Montgomery moved that Resolution No. R-2018-17 is adopted. Council Member Bradshaw seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 17th day of September, 2018

Public Hearing

Ordinance No. 2018-05 – Mobile Food Units (See Attached Copy)

Mayor Graham discussed the changes made to the Ordinance since the last meeting.

GUESTS:

Jasmine T. Agnew advised if restrooms were required at the Food Truck Frenzy events she would handle that cost.

Council Member Busby made a motion to adjourn the meeting at 6:53 p.m.

Approved this 1st day of October, 2018.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2018-16

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

WHEREAS, the Mayor and Council adopted the last Cost of Living Adjustment in October 2012;

WHEREAS, the Mayor and Council will include a Cost of Living Adjustment for citywide personnel in the proposed 2018 / 2019 budget; in lieu of Anniversary Step Raises

WHEREAS, the Mayor and Council amends the current pay scale by a 3% Cost of Living Pay Adjustment effective October 1, 2018:

Council Member Bradshaw made a motion to adopt Resolution No. R-2018-16. Council Member Watts seconded said motion and upon vote, results were as follows:

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

NAYS: None

The Mayor declared Resolution No. R-2018-16 adopted this the 4th day of September, 2018.

Jon G. Graham, Mayor

ATTESTED BY:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2018-17

A RESOLUTION ACCEPTING A BID FOR TRASH RECEPTACLES FOR THE CITY OF CALERA, ALABAMA.

WHEREAS, the City of Calera has solicited sealed bids as required under the Alabama bid law; and

WHEREAS, bids were opened at Calera City Hall on September 12, 2018 at 10:00 a.m.; and

WHEREAS, bids were as follows:

Company

Ingram Equipment Company	No Bid
Sansom Equipment Company	\$7,700.00
Otto Environmental Systems North America	\$4,786.00
Swartz Associates, Inc.	No Bid
The Fibrex Group	No Bid
Bliss Pro & SRV	No Bid

WHEREAS, the Mayor and Council of the City of Calera, at the Regular Meeting on September 17, 2018 considers the recommendation of Mr. Johnny Humphries. The Mayor and Council will award the bid for the Trash Receptacles in the amount of \$4,786.00 to Otto Environmental Systems

(Copy of Garbage Department Superintendent's recommendation letter attached to this Resolution)

Council Member Montgomery moved that Resolution No. R-2018-17 be adopted. Council Member Bradshaw 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-2018-17 adopted.

Adopted this 17th day of September, 2018.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

City of Calera

JON GRAHAM
Mayor
CONNIE PAYTON
City Clerk



COUNCIL MEMBERS:
ERNEST MONTGOMERY
CHRIS BUNN
DAVID BRADSHAW
ALAN WATTS
PHILIP BUSBY
KAY SNOWDEN TURNER

TRASH RECEPTACLE BID OPENING

On Wednesday September 12, 2018 at 10:01AM in the Council Chambers of the City of Calera At City Hall located at 7901 Highway 31 Calera, AL. 35040, sealed bids were opened and read aloud by Assistant City Clerk Vickie Lewis. Bids were as followed :

Sansom Equipment Company	<u>\$ 7,700.00</u>
Otto Enviromental Systems	<u>\$ 4786.00</u>
Ingram Equipment Company	<u>No Bid</u>
Swartz Associates, Inc.	<u>No Bid</u>
The Fibrex Group	<u>No Bid</u>
Bliss Pro & Srv.	<u>No Bid</u>

All prices do not include shipping and handling costs. Upon Review of the Bid Documents it was determined that the Low Bidder has met the minimum required specifications. I do hereby request that Otto Enviromental Systems North America, Inc. be awarded the bid contract.

Respectfully Yours,
Johnny Humphries
Sanitation Superintendent

City of Calera, Alabama

Notice of Public Hearings Dates

Pertaining to a Proposed Food Truck Ordinance

The Mayor and Council will hold two (2) Public Hearings on the following dates:

Tuesday, September 4, 2018 @ 6:30 p.m.

Monday, September 17, 2018 @ 6:30 p.m.

Work Session beginning at 6:00 p.m.

The purpose of the Public Hearings is to:

Receive public input concerning the proposed Food Truck Ordinance

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2018-05

AN ORDINANCE TO ESTABLISH STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS (aka FOOD TRUCKS)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALERA, ALABAMA, as follows:

Section 1. Definitions

Mobile Food Unit (aka Food Trucks) - A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the City.

Commissary - A permitted food establishment to which a mobile food unit returns daily for such reasons as discharging liquid or solid waste, refilling tanks, water, ice bins, etc., and boarding food.

Food (s) - Any type of edible substance intended for consumption by any living creature, including but not limited to: natural persons, dogs, cats, etc.

Section 2. Standards and Requirements for Operation

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Calera for each Mobile Food Unit prior to commencing any food sales in the City. Said license shall be assigned the NAICS Code 722330 and shall be subject to Schedule A. Said license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.
2. Business licenses shall be issued for the period beginning January 1 and ending December 31 of each year. This license shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said license, operators shall submit copies of all required and current Shelby County Health Department approvals for both commissary and each Mobile Food Unit. Applicant shall be responsible for having each unit inspected and approved by the City Fire Marshal prior to issuance of a business license.
3. All Mobile Food Units must be located off the public rights-of-way.
4. Mobile Food Units shall only be located and operated in areas and/or districts zoned nonresidential unless they are temporarily operated for specific events held at a church that is located on a parcel zoned for residential use. Mobile Food Units shall be allowed to operate in residential areas when permitted in writing by a homeowners association.
5. Mobile Food Unit operators shall have approval of the property and business owner(s) for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property and business owner(s) and shall remain on the Mobile Food Unit at all times and must be made available for inspection upon request of any City Official at any time during the operation of the Mobile Food Unit.

6. Hours of operation for all Mobile Food Units shall be limited to 6:00 a.m. to 10:00 p.m. local time unless they have the City's written approval to operate for extended hours related to special events. If an exception request is denied by the Zoning Department, the applicant has the right to appeal to the City Council.
7. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.
8. A gathering of more than two (2) Mobile Food Units on the same site per day shall be approved by the Zoning Administrator on an individual basis. Property owners wishing to allow mobile food units to use their property can meet with the Zoning Department to have an allowable, pre-approved number of mobile food units established for use on -+their property. The property owner shall then be allowed to have that maximum number of units at their property on any given day without requiring repeated approval from the Zoning Department.
9. Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.
10. No mobile food unit shall operate within five hundred (500) feet of any fair, stadium, carnival, circus, festival, special event, civic event, entertainment district or other like sponsored event that is licensed or authorized by the City, unless they are authorized by the sponsor to be participants in such event.
11. Mobile Food Units shall not block or limit access to any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
12. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation. Operators shall remove all waste and trash daily to maintain the health and safety of the public and to; prevent any adverse odors.
13. No Mobile Food Unit shall be left unattended or stored at any time on the vending site when vending is not taking place. During days of non-operation, the Mobile Food Unit and all associated vehicles, etc., must be removed from the premises.
14. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
15. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.
16. Audible devices (i.e. amplified microphones, audio speakers , bull horns, etc.) shall not have an audible distance greater than 50' from the mobile food unit. (This would not impact traditional music for Ice Cream trucks). No flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation. A mobile food vehicle and/or pushcart may use lights with appropriate protective shield for the purpose of illuminating merchandise. This shall not apply to special events. Special events shall be permitted on an individual basis by the Zoning Department.

17. Extension cords may be permitted to supply power to the Mobile Food Unit with written permission from the owner of the building from which power is being drawn. Extension cords cannot be placed in such a manner to create a public safety or tripping hazard.

18. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless they have the written approval of the Zoning Department or the hours of operation of the principal use do not coincide with those of the Mobile Food Unit.

19. Signage is limited to signage located on the Mobile Food Unit and 1 double-sided A frame sandwich board sign (24" wide x 36" high, maximum) and 1 flag sign (2.5' wide x 12' high, maximum). No portable signage is allowed other than menu boards. **At no time** shall any signage be placed within the public right-of-way or in a location that blocks sight distance.

20. No Mobile Food Unit shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.

21. No Mobile Food Unit shall specifically designed to provide a drive-through service.

22. The operator of a Mobile Food Unit shall comply with all applicable sales, use and other tax ordinances and regulations.

23. The proposed Mobile Food Unit vending activity shall comply with all applicable laws including but not limited to the Americans with Disabilities Act.

24. Any Mobile Food Unit being operated without a valid license issued by the City shall be deemed a public safety hazard and may be subject to enforcement according to Section 3 of this Ordinance.

25. A Mobile Food Unit operating at any unauthorized location or beyond the hours for which the operation has been approved shall be deemed operating without a license in violation of this section and may be subject to enforcement according to Section 3 of this Ordinance.

26. The license shall be subject to additional limitations on hours and days of operation that the City determines are appropriate to prevent conflict with special events. Examples of special events include, but are not limited to, construction, parades, sponsored marathons and blocked streets to allow licensed events. The City shall not be required to provide alternate locations for operation during the actuation of any of the special events.

Section 3. Penalties

A violation of this Ordinance shall constitute an offense against the City of Calera. Any person violating any provision of this ordinance may be issued a citation by the Calera Police Department or at the request of the Revenue Officer or his/her designee be issued a summons and shall be required to appear in the Calera Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Calera Municipal Court for offenses against the City. Each day a violation continues shall be a separate offense.

Section 4. Exceptions

The City shall, at its discretion, be authorized to issue a business license exemption to any Mobile Food Unit who is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees; however, all operators are still responsible for the collection and timely remittance of sales taxes associated with the sale of said inventory, as well as inspection of food preparation facilities by the City Fire Marshal and the Shelby County Health Department.

No person, firm or corporation shall be licensed under this schedule to avoid paying a license on gross receipts from sales or services required by any other schedule of this ordinance.

Section 5. That all other provisions of the Code of Ordinances of the City of Calera are to remain in full force and effect and shall not be affected by these amendments.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. That the provisions of this Ordinance shall become effective immediately upon its adoption and publication.

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

AYES:

NAYS:

The Mayor declared said motion carried and unanimous consent given.

Council Member _____ moved that Ordinance No. 2018-05 be adopted, which motion was seconded by Council Member _____ and upon vote the results were as follows:

AYES:

NAYS:

Adopted this _____ day of _____, 2018.

Mayor Graham declared Ordinance No. 2018-05 adopted.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor