



Minutes of the City of Calera Council Meeting – October 1, 2018

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Tuesday, October 1, 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
Chris Bunn, 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
Doug Smedley, Sewer Operations Director
Matt Worthen, IT Services Manager

Absent:

Chris Pappas, City Engineer

Guests:

Calvin Morgan, Fred Hoskins, Arianne Turner, Markus Snowden

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

Word of Prayer and Pledge of Allegiance:

Sean Kendrick opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

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

Regular Meeting – September 17, 2018
Work Session – September 17, 2018

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

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

NAYS: None

Motion Passed

REPORTS OF DEPARTMENT HEADS:

No reports given

COUNCIL MEMBER REPORTS:

Council Member Turner discussed the following addendum she wants to Ordinance 2018-05:

Section 2. Item 6: Hours of Operation

Hours of operation for all Mobile Food Units shall be limited to 6:00 am to 10:00 pm **Sunday through Thursday and from 6:00 am to 12:00 Midnight on Friday and Saturday** local time unless they have the City's written approval to operate for extended hours related to special events.

Council Member Turner made the following announcements:

Family Fall Festival – Children and Family for the Holidays
Shiloh's Place
Saturday, October 27, 2018
10:00 a.m. – 4:00 p.m.
1215 Woodbine Avenue

We will be having an open house on November 5, 2018 for citizens to come meet the Mayor and City Council.

Council Member Bunn thanked the following for their support of Field of Angels: Mayor and Council, Seth Gandy, Parks and Recreation Department and Alan Watts for cooking the day of closing ceremonies. We had a total of 77 players this season.

Council Member Montgomery requested Mayor Graham give an update on the two following properties: Skating Rink property next to Eagle Drive and M4A Building on Highway 25.

MAYOR REPORT:

Mayor Graham advised the Skating Rink property has been cleared and grubbed. We should demo the building next week, burn the debris and seed for winter in the next 60 days. The front part of the property will be potential retail sites and the remainder of the property for additional parking for Oliver Park.

Mayor Graham advised the M4A section of the building located on Highway 25 is still available for rent. The layout is perfect for office space.

OLD BUSINESS:

Public Hearing

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

Council Member Turner requested the hours of operations be extended to help enhance the night life; provide more night activities downtown and give us more choices. The food trucks would like to be open like other businesses on Friday and Saturday nights. The proposed extended hours are listed below:

Section 2. Item 6: Hours of Operation

Hours of operation for all Mobile Food Units shall be limited to 6:00 am to 10:00 pm **Sunday through Thursday and from 6:00 am to 12:00 Midnight on Friday and Saturday** local time unless they have the City's written approval to operate for extended hours related to special events.

Council Member Bunn advised the way the ordinance is currently written, there is something in place for the food truck to extend their hours; the request just needs to be made.

Mayor Graham explained how the proposed ordinance reads: (Ordinance is attached) When the food truck owner comes in to have their set up location approved, the request can be made to extend hours. At any given time the food truck owner can request to have the hours extended. We placed provisions in the ordinance to extend hours if requested by the food truck owner.

Mayor Graham asked Reggie Darden, Building Official if anyone had requested extended hours. Mr. Darden advised no requests have been made.

Council Member Watts asked if the food truck owner must call each time they want to use a city location to setup. If they have to call anyway, they could ask for permission to extend their hours then.

Mayor Graham advised they would have to call to check the calendar to make sure they can set up. While they are on the phone, they could request to have their hours extended.

Council Member Montgomery advised at the last public hearing, the food trucks were be compared to brick and mortar restaurants. There are differences between the two types of businesses. We are trying to accommodate the food trucks.

Council Member Busby advised he is pleased with the proposed ordinance as written.

Ordinance No. 2018-05 – Establish Standards and Definitions for Mobile Food Units (aka Food Trucks) (Copy Attached)

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

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

NAYS: Turner

Ordinance No. 2018-05 will be moved to next agenda

NEW BUSINESS

No new business

Council Member Busby made a motion to adjourn the meeting at 6:59 p.m.

Approved this 15th day of October, 2018.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

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