



Minutes of the City of Calera Council Meeting October 3, 2022

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Monday, October 3, 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

City Attorney:

Bill Justice

Guests:

James Fuller, Bill Hilyer, Reggie Darden, Chris Pappas, Seth Gandy, Kelly Ellison, Sean Kendrick, David Hyche, Jackie Batson, Dennis Torrealba, Bill and Ann Davis, Mrs. Baxley, Debbie and Richard Byers, Alison Powers, Ken Thompson, Ross Naish, Autrey and Donna McMillian, Kevin Shirey

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

Word of Prayer and Pledge of Allegiance:

Calvin Morgan opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

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

Regular Meeting – September 19, 2022
Work Session – September 19, 2022

Council Member Cost 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:

Ordinance No. 2022-23 -Amending the Code of Calera, Alabama Motor Fuel License Tax Increase - Public Hearing

Ordinance No. 2022-24 - Amending the Code of Calera, Alabama Relating to the Sale of Fireworks - Public Hearing – Second Reading

Council Member Watts moved that Ordinance No. 2022-24 is adopted. Council Member Cost seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 3rd day of October 2022

New Business:

Resolution No. 2022-27- Bid Award 2022 Basketball Uniforms (See Attached)

Council Member Busby moved that Resolution No. 2022-27 is adopted. Council Member Turner seconded the motion and upon vote, the results were as follows:

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

NAYES: None

Motion Passed- Adopted this 3rd day of October 2022

Resolution No. 2022-28 - Support of the Construction and Operation of a FY22 Railroad Crossing Elimination Grant Program / Proposed Grade Separation for the Rail Highway Grade Crossing Along State Route 25 (SR-25)

Council Member Turner moved that Resolution No. 2022-28 is adopted. Council Member Morgan seconded the motion and upon vote, the results were as follows:

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

NAYES: None

Motion Passed- Adopted this 3rd day of October 2022

Ordinance No. 2022-25 - Business License Issuance Fee - Public Hearing

Ordinance No. 2022-26 - Amending License Classification Code – Adding 5313 Residential Rental Property -Amending License Fee Schedule D - Public Hearing

Ordinance No. 2022-27 - Western REI, LLC, Annexation Request - Public Hearing – Annexation Conditional on M1 Zoning

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

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

NAYS: None

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

Council Member Busby moved Ordinance No. 2022-27 be adopted. Council Member Turner seconded said motion and upon vote the results was as follows:

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

NAYS: None

Motion Passed – Adopted this 3rd day of October 2022

Ordinance No. 2022-28 - Lease Municipal Property - Public Hearing

Council Member Morgan moved Ordinance No. 2022-28 be adopted. Council Member Turner seconded said motion and upon vote the results was as follows:

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

NAYS: None

Motion Passed – Adopted this 3rd day of October 2022

Alcoholic Beverage Control Board Application presented for Toulo Food Mart

Trade Name: Toulo Food Mart

Applicant: Touloutlet, Inc.

Address: 8000 Highway 31 S, Calera, AL 35040

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

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

Council Member Cost made a motion to approve the Alcoholic Beverage License Application for Toulo Food Mart Council Member Montgomery seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed

David Hyche, Police Chief – Recognizes his staff as they were recently recognized at the Shelby County Chamber Luncheon for outstanding excellence in public safety. Juan Taborda, David Mapica, Ross Naish, Jessica Davis



Guests:

Council Member Busby made a motion to adjourn the meeting at 7:06 p.m.

Approved this 17th day of October 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=8PGjyboBDfE>

Public Hearing Only

Mayor Graham introduced the following Ordinance:

ORDINANCE 2022-23

An Ordinance amending Article IV of the Ordinance Code of the City of Calera, Alabama, and amending City of Calera Ordinance Adopted on February 28, 1967, pertaining to the levy and collection of Motor Fuel Tax:

Be it ordained by the City Council of the City of Calera, Alabama, that Ordinance adopted on February 28, 1967, pertaining to the levy and collection of Motor Fuel Tax is hereby amended to read as follows:

ARTICLE IV. MOTOR FUEL TAX

Sec. 5-51. Tax Imposed.

Every distributor or seller shall pay a license tax to the city, and a license tax is hereby fixed and levied, which license tax shall be an amount equal to four cent (\$0.04) for each gallon of gasoline or motor fuel sold or delivered within the corporate limits of the city by such distributor or seller and an amount equal to one-half of four cent (\$0.02) for each gallon of gasoline or motor fuel sold or delivered by such distributor or seller outside the corporate limits of the city, but within the police jurisdiction.

Effective date

This Ordinance shall become effective on the first day of January 2023, and the first payment of taxes hereunder shall be due and payable on the twentieth day of February 2023. The Ordinance shall remain in full force and effect apply to each month of the year 2023 beginning with the month of January 2023 and to each month of each calendar year thereafter from year to year.

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

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member _____ moved that Ordinance No. 2022-23 be adopted. Council Member _____ seconded said motion and upon vote the results were as follows:

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

NAYS: None

Adopted this _____ day of _____ 2022.

Mayor Graham declared Ordinance No. 2022-23 adopted.

Jon G. Graham, Mayor

Second Reading

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2022-24

AN ORDINANCE AMENDING THE CODE OF CALERA, ALABAMA
RELATING TO THE SALE OF FIREWORKS

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

SECTION 1. Section 7-40(a) of the Code of Calera, Alabama is hereby amended to read as follows:

“(a) Common Class “C” 1.4G-7G Fireworks as presently or hereby defined by the U.S. Department of Transportation may be sold within the city limits pursuant to the provisions of this article at the following times:

(1) For all permanent structures located within five hundred (500) feet of an Interstate Highway from which fireworks sales are permitted under this article sales may occur at any time or times throughout the year.

(2) For all temporary structures and permanent structures located five hundred (500) feet or more from an Interstate Highway from which fireworks sales are permitted under this article sales may occur during the period beginning on the 28th day of June and ending on the 6th day of July and beginning on the 23rd day of December and ending on the 1st day of January of each year.”

SECTION 2. Section 7-43 of the Code of Calera, Alabama is hereby amended to read as follows:

“All fireworks structures are subject to the following requirements and those required by the state department of insurance and state fire marshal’s office.

- (1) Fireworks structures need not comply with the provisions of the building code provided, however, that all structures be erected in a manner that will reasonably ensure the safety of attendants and customers, unless said structure is erected on a permanent foundation.
- (2) Each permanent fireworks structure located within five hundred (500) feet of an Interstate Highway must be at least 75 feet away and other fireworks structures must be at least 200 feet away from any of the following: schools, public parks, playgrounds, oil distributor, propane and butane distributor, and retail gasoline service stations.
- (3) Each structure must be at least 25 feet away from all other buildings and dumpsters.
- (4) Each structure which allows the paying customers to enter must be at least 24 feet in length and eight feet in width.
- (5) Each structure in excess of 24 feet in length must have at least two exits.
- (6) Each structure in excess of 24 feet in length must have at least two ten-pound A.B.C. fire extinguishers that are properly marked and certified.
- (7) No generators, gasoline, or other combustible materials may be placed within 50 feet of the structure.
- (8) Fireworks structures can be permanent or temporary.”

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such holding shall not affect any other section, clause, provision or portion of this ordinance which is not, in and of itself, invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective immediately upon its adoption and publication or by its otherwise becoming a law.

Council Member Watts moved that Ordinance No. 2022-24 be adopted. Council Member Cost seconded said motion and upon vote the results were as follows:

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

NAYS: None

Adopted this 3rd day of October 2022.

Mayor Graham declared Ordinance No. 2022-24 adopted.

Jon G. Graham, Mayor

Attest:

Connie Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2022-27

A RESOLUTION ACCEPTING A BID FOR 2022 CALERA YOUTH BASKETBALL UNIFORMS AND COACHES APPAREL 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 26, 2022, at 10:00 a.m.; and

WHEREAS bids were as follows:

Company

Varsity Sports	\$135.20
BSN	\$126.50

WHEREAS, the Mayor and Council of the City of Calera, at the Regular Meeting on October 3, 2022, considers the recommendation of Mr. Jeff Stewart. The Mayor and Council will award the bid for the 2022 Calera Youth Basketball Uniforms Bid in the amount of \$126.50 to BSN.

(Copy of Mr. Jeff Stewart, Park and Recreation Field Superintendent recommendation letter attached to this Resolution)

Council Member Busby moved that Resolution No. R-2022-27 be adopted. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2022-27 adopted.

Adopted this 3rd day of October 2022.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

2022 Calera Youth Basketball Uniform Bid

Mayor,

I recommend that we accept the bid for the 2022 Youth Basketball Uniforms from BSN Sports for \$126.50 lump sum.

There was one other bid of \$135.20 lump sum from Varsity Sports.

Thank you,

Jeff Stewart



2022 Basketball Uniform Bid Amount by Vendors

Vendor	Total	Notes
BSN	\$ 126.50	
Varsity	\$ 135.20	

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2022-28

**A RESOLUTION IN SUPPORT OF THE CONSTRUCTION
AND OPERATION OF PROPOSED GRADE SEPARATION FOR THE RAIL HIGHWAY GRADE
CROSSING ALONG STATE ROUTE 25 (SR-25) FY 22 RAILROAD CROSSING ELIMINATION GRANT
PROGRAM**

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

The City Council of the City of Calera, Alabama (the "Council") has found and determined, and does hereby find, determine, and declare as follows:

WHEREAS, The Council recognizes that residents of the City of Calera, Alabama (the "City"), as well as the significant number of daily commuters who travel on Interstate 65 and other public roadways through the City and through Shelby County, Alabama (the "County"), are in need of improved travel efficiency and traffic congestion relief during peak commute hours, and that improved travel efficiency and reduced traffic congestion will have a positive social and economic impact on the City; and

WHEREAS, The railroad crossings in the City of Calera area pose many health and safety issues. Currently, all the tracks in this area are at-grade crossings. An overpass would allow all motorists the ability to safely traverse the tracks without the safety risks associated with at-grade crossings.

WHEREAS, In effort to alleviate the issues with the at grade railroad crossing of Highway 25 in downtown Calera, the City shall prepare and submit an application for the FY 22 Railroad Crossing Elimination Grant Program. The City recognizes and understands the requirement of a 20 percent local funding match.

Council Member Turner moved that Resolution No. R-2022-28 be adopted. Council Member Morgan seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2022-28 adopted.

Adopted this 3rd day of October 2022.

ATTEST:

Jon G. Graham, Mayor

Connie B. Payton, City Clerk

Public Hearing Only

Mayor Graham introduced the following Ordinance:

Ordinance No. 2022-25

AN ORDINANCE AMENDING SECTION 5-3 (c) OF THE CODE OF ORDINANCES OF THE CITY OF CALERA, ALABAMA TO INCREASE THE BUSINESS LICENSE ISSUANCE FEE TO \$14.00

WHEREAS, every five (5) years, the Alabama Department of Revenue (ALDOR) is responsible for establishing and publishing adjustments to municipal business license issuance fees; and

WHEREAS, based on the U.S. Department of Labor's producer price index, municipal business license issuance fees remain or may be adjusted to a maximum amount of \$14.00, at the discretion of each municipality, for the license year beginning January 1, 2023; and

WHEREAS the Mayor and City Council desires to increase the business license issuance fee from \$10.00 to \$14.00, for the license year beginning January 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Calera, Alabama as follows:

Section 5.3 (c). of the Code of Ordinances of the City of Calera, Alabama, is hereby amended to read as follows:

(c) Issue Fee. For each license issued, there shall be an issue fee collected of fourteen dollars (\$14.00) and said issue fee shall be collected in the same manner as the license tax.

Said ordinance shall become effective with collection of the 2023 license year.

Council Member _____ moved that unanimous consent of The Council be given for immediate action upon Ordinance No. 2022-25. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES:

NAYS:

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

Council Member _____ moved that Ordinance No. 2022-25 be adopted. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES:

NAYS:

Mayor Roy declared Ordinance No. 2022-25 adopted.

Adopted this _____ day of _____ 2022.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Public Hearing Only

Mayor Graham introduced the following Ordinance:

Ordinance No. 2022-26

AN ORDINANCE AMENDING SECTION 5-13.9 LICENSE CLASSIFICATION CODES AND SECTION 5.13.10 LICENSE FEE SCHEDULE—OF THE CODE OF ORDINANCES OF THE CITY OF CALERA, ALABAMA

BE IT ORDAINED by the Mayor and City Council of the City of Calera, Alabama as follows:

WHEREAS Sections 5.13.9 and 5.13.10 of the Code of Ordinances is hereby amended to read as follows, for the license year beginning January 1, 2023.

Section 5.13.9 – License Classification Codes of the Code of Ordinances of the City of Calera, Alabama, is hereby amended to read as follows:

Adding:

Code	NAICS Title / Business License Code	Schedule
5313	Residential Rental Property	D

Section 5.13.10 – License Fee Schedule of the Code of Ordinance of the City of Calera, Alabama, is hereby amended to read as follows:

Amending:

Schedule D	\$165.00 per home
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Said ordinance shall become effective with collection of the 2023 license year.

Council Member _____ moved that unanimous consent of The Council be given for immediate action upon Ordinance No. 2022-26. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES:

NAYS:

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

Council Member _____ moved that Ordinance No. 2022-26 be adopted. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES:

NAYS:

Mayor Roy declared Ordinance No. 2022-26 adopted.

Adopted this _____ day of _____ 2022.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2022-27

WHEREAS, on or about the 1st day of September, 2022, Western REI, LLC Jason Spinks, filed a petition with the City Clerk of the City of Calera, Alabama as required by 11-42-20 and 11-42-21, Code of Alabama 1975, as amended, petitioning and requesting that the property hereinafter described be annexed to the municipality of the City of Calera, Alabama, which petition contained an accurate description of the property proposed to be annexed together with a map of the said property showing its relationship to the corporate limits of the City of Calera, Alabama, and the signature of the owner of the property described were signed thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALERA, AS FOLLOWS:

1. That the City of Calera, Alabama does adopt this Ordinance assenting to the annexation of the property owned by the above referenced property owner, as described in:
Exhibit A

to the municipality of the City of Calera, Alabama.

2. That the corporate limits of the City of Calera, Alabama, be extended and rearranged so as to embrace and include such property and such property shall become a part of the corporate area of such municipality upon the date of publication or posting of this Ordinance, as provided for in the Code of Alabama as cited above.

3. That the City Clerk be and she is hereby authorized and directed to file a copy of this ordinance, including an accurate description of the property being annexed, together with a map of the said property showing its relationship to the corporate limits of the City of Calera, Alabama, to which said property is being annexed in the office of the Judge of Probate of Shelby County, Alabama.

4. That the Zoning Map of the City of Calera, Alabama and any other official maps or surveys of the City shall be amended to reflect the annexation of the above-described property, and that a copy of this Ordinance be transmitted to the City Planning Commission and the Zoning Administrator.

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

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

NAYS: None

The Mayor Graham declared said motion carried and unanimous consent given.

Council Member Busby moved that Ordinance No. 2022-27 be adopted. Council Member Turner seconded said motion and upon vote the results was as follows:

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

NAYS: None

Adopted this 3rd day of October 2022.

Mayor Graham declared Ordinance No. 2022-27 adopted.

Jon G. Graham, Mayor

Attest:

Connie B. Payton, City Clerk

Annexation Conditional on M1 Zoning

State of Alabama
County of Shelby

Date Filed 9/1/22

We, being the owner or owners of the following described property do hereby request annexation into the corporate limits of the City of Calera.

The property is located and contained within an area contiguous to the corporate limits of the City of Calera, Alabama, a city of more than 11,000 population, and show(s) the City of Calera, Alabama that such property does not lie with the corporate limits or police jurisdiction of any other municipality than Calera, and hereby sign(s) written petition in accordance with 11-41-20 and 11-42-21, Code of Alabama 1975, as amended, requesting that such property described below be annexed to the City of Calera, Alabama. Also attached hereto is a map and legal description of the said property to be annexed showing its relationship to the corporate limits of the City of Calera, Alabama as in accordance with the provision of the Code of Calera, Alabama as in accordance with the provisions of the Code of Alabama as cited above .

Said property is described in the attached Exhibit A.

Said property will not be annexed until legal description is approved by the City of Calera.

JB - Western REI, LLC. 9-1-22

Property Owner

Date

Connie B Pugh

9-1-22

Witness

Date



Date: 09-30-2022

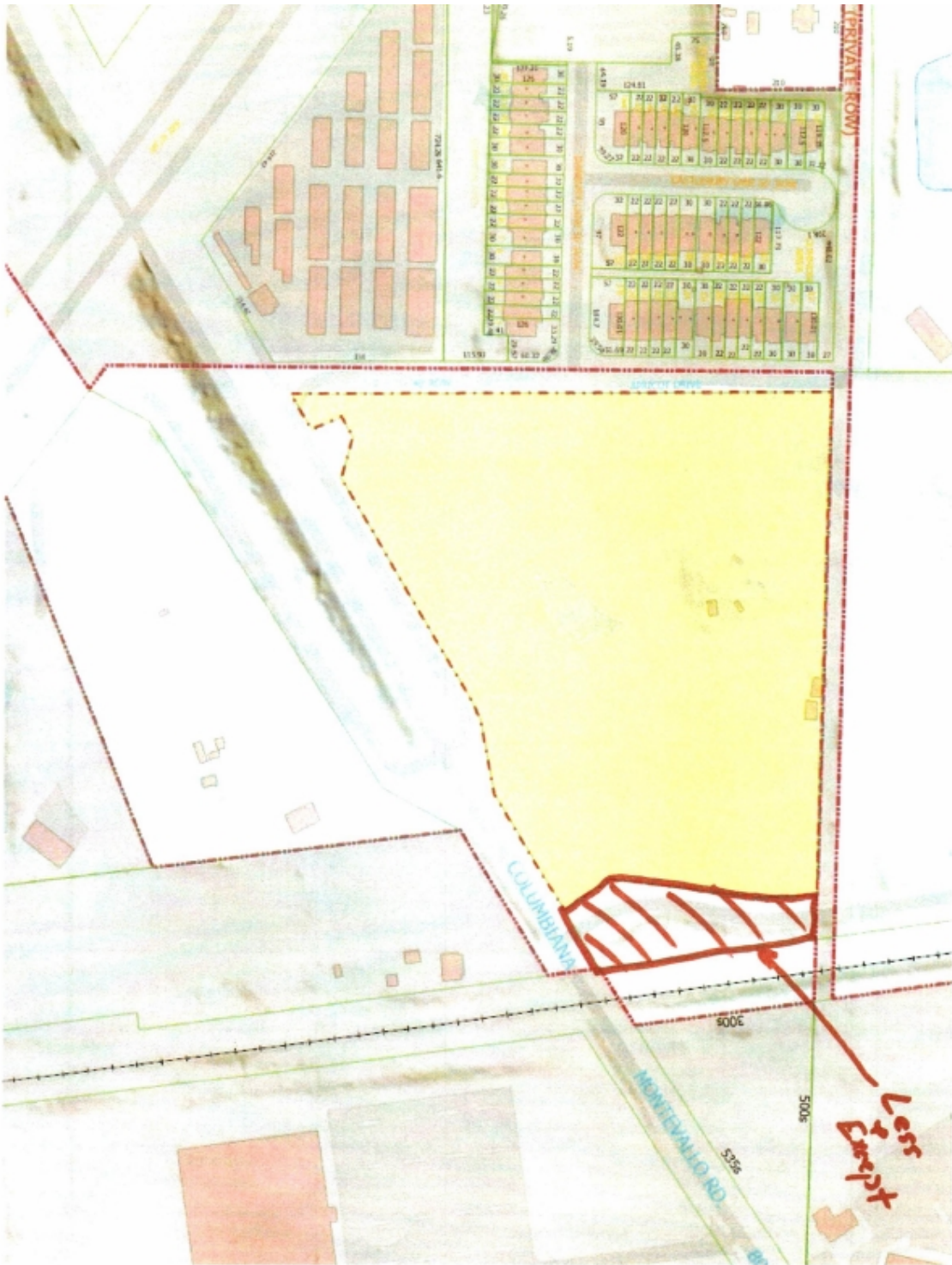
Shelby County, AL Property Record Information

Page: 1

PIN#: 28 2 04 0 001 004.000		Assessment Year: 2020		T22S R02W Sec4	
Owner Name		Owner Name			
Address		Address		City, State Zip	
Site Information					
Subdivision Name:		Primary Lot:		Secondary Lot:	
Block: 000		Map Book: 0		Map Page: 0	
Lot Dimension 1: 0		Lot Dimension 2: 0		Acres: 12.6	
Municipality: Unincorporated					
Description					
BEG INT E ROW APRICOT LANE & N LINE SEC 4 E&41.66 S138.87 SWLY191.23 SE93 TO N ROW CO RD 22 SW ALG ROW 150(S) WLY ALG ROW 115(S) SW40(S) ALG CO RD 22 CONT ALG ROW SE50(S) SW ALG ROW TO E ROW APRICOT LANE N ALG ROW TO POB					
Remarks					
DB 291 P 750;					
Document Links					
https://probaterrecords.shelbyal.com/shelby/search.do?dmy=20070315000117040=&indexName=details&templateName=Details_SN&lq=20070315000117040					



Use this map at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for legal, financial, or other purposes. Shelby County is not liable for any consequences caused by or related to, in any way, the actions taken or not taken in reliance on this document.



That part of the NW 1/4 of NW 1/4 of Section 4, Township 22 South, Range 2 West, that lies North of the Columbiana-Dargin Highway right of way, and West of L & N Railroad right of way, Except that portion sold to State of Alabama as described in Deed Book 197, Page 301. Situated in Shelby County, Alabama.

LESS AND EXCEPT:

A part of the easement heretofore granted St. Regis Paper Co.

From the point of intersection of the west R.O.W. of way line of the L & N Railroad and the northerly right of way line of County Road No. 22, as beginning point, run southwesterly along said highway right of way line for 120 feet; thence deflect right 90 degrees for 93 feet; thence deflect right 46 degrees 30 minutes for 329.8 feet to the section line; thence run easterly along the section line to the L & N right of way line; thence southerly along said L & N right of way line to the P.O.B.

Subject to existing easements, current taxes, restrictions and covenants, set-back

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2022-28

AN ORDINANCE TO LEASE MUNICIPAL PROPERTY NOT NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES

WHEREAS, the Mayor and City Council of the City of Calera, Alabama, has determined that the real property owned by the City of Calera located at 935 17th Avenue, Calera, AL 35040, is not currently needed for public or municipal purposes, and

WHEREAS, the Mayor and City Council has further determined that it is in the best interest of the public and the City of Calera, Alabama, to lease said real property on the terms set out herein,

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

Section 1. It is hereby established and declared that the following described real property of the City of Calera, Alabama, is not currently needed for public or municipal purposes, to-wit:

Real property at 935 17th Avenue, Calera, AL 35040, located on the following described land: Parcel ID 28 5 21 4 401 019.000 Lot 4, 5, and 6 in Block 203
According to the Map of Dunstan's Survey of the Town of Calera, AL

Section 2. The City of Calera, Alabama, having received an offer to lease that real property described in Section 1 above, it is hereby declared to be in the best interest of the public and the City of Calera, Alabama, to lease said real property to individual storing RV and Boats under the following terms and conditions, to-wit:

Beginning October 2022 \$45.00 per lot per month payable in advance on the 1st day of each month, lessee to furnish evidence of liability and hazard insurance to lessor with lessor named as additional insured

Section 3. Pursuant to the authority granted by § 11-47-21, Code of Alabama 1975, the mayor of the City of Calera, Alabama, is hereby directed to execute said lease agreement in the name of the City of Calera, Alabama.

Section 4. This Ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

The Mayor Graham declared said motion carried and unanimous consent given.

Council Member Morgan moved that Ordinance No. 2022-28 be adopted. Council Member Turner seconded said motion and upon vote the results was as follows:

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

NAYS: None

Adopted this 3rd day of October 2022.

Mayor Graham declared Ordinance No. 2022-27 adopted.

Jon G. Graham, Mayor

Attest:

Connie B. Payton, City Clerk



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20220914103333641



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:
 Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: County:
 Trade Name: **TOULO FOOD MART** Filing Fee:
 Applicant: **TOULOOUTLET INC** Transfer Fee: \$100.00
 Location Address: 8000 HIGHWAY 31 S CALERA, AL 35040
 Mailing Address: 8000 HIGHWAY 31 S CALERA, AL 35040
 County: SHELBY Tobacco sales: YES Tobacco Vending Machines: 0
 Product Type: 03 Type Ownership: CORPORATION
 Book, Page, or Document info: 011 016 657
 Do you sell Draft Beer?:
 Date Incorporated: 04/26/2022 State incorporated: AL County Incorporated: JEFFERSON
 Date of Authority: 04/26/2022
 Federal Tax ID: 881992242 Alabama State Sales Tax ID: R011517601

Name:	Title:	Date and Place of Birth:	Residence Address:
STEPHEN NDUNGU MUIGAI 8357364 - AL	OWNER	07/26/1974 NAIROBI KENYA	1827 ARBORTEUM CIRCLE BIRMINGHAM, AL 35216

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? YES
 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: STEPHEN MUIGAI
 Business Phone: 205-690-8084
 Fax:

Home Phone: 205-582-2793
 Cell Phone: 205-830-2902
 E-mail: STIVNDUNGU39@GMAIL.COM

PREVIOUS LICENSE INFORMATION:
 Trade Name: CALERA FOOD MART
 Applicant: GUASACACA LLC

Previous License Number(s)
 License 1: 011427258
 License 2: 011427258



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20220914103333641



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **DIND ENTERPREISES LLC 205-744-4300**
What is lessors primary business? **RETAIL CONVENIENCE STORE**
Is lessor involved in any way with the alcoholic beverage business? **YES**
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: **1500** 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 miles**
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:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20220914103333641



Initial each

☒ SN

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

☒ SN

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

☒ SN

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.

☒ X

In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, 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.

☒ X

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

☒ SN

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

☒ SN

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.

☒ SN

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.

☒ SN

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): STEPHEN NOVNGU MUYIAT

Signature of Applicant: [Signature]

Notary Name (print): Wendy Abbott

Notary Signature: Wendy Abbott

Commission expires: 10-4-22

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**

Confirmation Number: 20220914103333641



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
GUASACACA LLC
Address: 8000 HIGHWAY 31
CALERA, AL 35040
Telephone: 205-602-8727

NEW APPLICANT:
TOULOOOUTLET INC
Address: 8000 HIGHWAY 31 S
CALERA, AL 35040
Telephone: 205-690-8084

Current License No: 011427258
011427258

LICENSED PREMISES ADDRESS: 8000 HIGHWAY 31 S CALERA, AL 35040

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

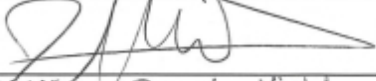
The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 14 day of September, 2022.

CURRENT LICENSEE (NAMED ON LICENSE)


Print Name: Daniel Vidal
Title: owner

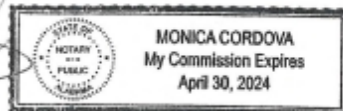
NEW LICENSEE (APPLICANT)


Print Name: STEPHEN NOUNOU MUIJAT
Title: OWNER

WITNESS: (By ABC Enforcement) _____

Revised 9/08







STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

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Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Are any applicants, whether individual, member of a partnership or association, or officers and directors of corporation or the 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?: CITGO FOODMART HUEYTOWN

Is the lessor involved in any way with the alcohol beverage business?: OPERATES CONVENIENCE STORES

Receipt Confirmation Page

Receipt Confirmation Number: **20220914103333641**
Application Payment Confirmation Number: 60848251

Payment Summary	
Payment Item	Fee
Transfer Fee for License 050 and License 070	\$100.00
Total Amount to be Charged	\$100.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 050 - RETAIL BEER (OFF PREMISES ONLY)
License Type 2: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)
License County: SHELBY
Business Type: CORPORATION
Trade Name: **TOULO FOOD MART**
Applicant Name: **TOULOOOUTLET INC**
Location Address: 8000 HIGHWAY 31 S
CALERA, AL 35040
Mailing Address: 8000 HIGHWAY 31 S
CALERA, AL 35040
Contact Person: STEPHEN MUIGAI
Contact Home Phone: 205-582-2793
Contact Business Phone: 205-690-8084
Contact Fax:
Contact Cell Phone: 205-830-2902
Contact Email Address:
Contact Web Address: