



Minutes of the City of Calera Council Meeting – January 19, 2021

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Tuesday, January 19, 2021 at 6:30 p.m., in a regular meeting. Mayor Graham presiding.

Mayor and Council Members Present:

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

Guests:

David Hyche, Sean Kendrick, Bill Hilyer, Stephanie Busby, Chris Pappas, Bill and Ann Davis, James Fuller, Seth Gandy, Brianne Gilliland, Jackie Batson, Kelly Ellison, Tip Edwards, Marvin Gentry, Leif Milliron

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

Word of Prayer and Pledge of Allegiance:

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

Approval of Minutes:

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

Regular Meeting – January 4, 2021
Work Session – January 4, 2021

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

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

NAYS: None

Motion Passed

Old Business:

No old business

New Business:

Resolution No. 2021-01 Request to Vacate Street – BDK Holdings, LLC – Bill Davis – All of the 20’ Alley between Lot 1 & Lot 24 of Block 200 and All the 7th Street between Block 201 and Block 200 (See attached Maps)

Council Member Turner moved that unanimous consent of the Council be given for immediate action upon Resolution No. R-2021-01. Council Member Watts seconded said motion and upon vote, the results were 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 Resolution.

Council Member Busby moved that Resolution No. R-2021-01 is 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

Motion Passed – Adopted this 19th day of January, 2021

Seth Gandy, Park and Recreation Director announced the Christmas Parade Winners:

1 st place	Central State Bank
2 nd place	Elks Lodge
3 rd place	Terrys Towing

Opioid Litigation – Authorization to sign the Legal Services Agreement to retain Friedman, Dazzio, Zulanas & Bowling and Ellis, Head, Owens & Justice (See attached document)

Council Member Watts made a motion authorizing Mayor Jon G. Graham to sign the Legal Services Agreement to join the Opioid Litigation. Council Member Morgan seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 19th day of January, 2021

Request for a Special Called Work Session on Monday – February 1, 2021 at 5:00 p.m. for the purpose to Discuss the proposed modifications to the City’s Zoning Ordinance (See attached Public Notice)

Council Member Busby made a motion to approve the special called work session. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Motion Passed – Adopted this 19th day of January, 2021

Request approval to Extend the Emergency Paid COVID 19 Sick Leave thru March 31, 2021.

Council Member Morgan made a motion to approve extending the Emergency Paid Covid 19 Sick Leave as requested. Council Member Busby 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 19th day of January, 2021

Council Member Turner made a motion for the city attorney to attend the council meetings.
Motion died to lack of second

Guests:

Council Member Busby made a motion to adjourn the meeting at 6:37 p.m.

Approved this 19th day of January 2021.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2021-01

WHEREAS, a declaration signed by BDK Holdings LLC owners of the lands abutting the hereinafter described portion of streets and/or alleys situated in the City of Calera, County of Shelby, State of Alabama, vacating said streets/alleys or portion of streets/alleys, has been duly presented to the City Council of the City of Calera, Alabama, for assent and approval of said governing body, said declaration attached being hereto affixed, marked “Exhibit A and B,” and made a part hereof; and

WHEREAS, the street or alley referred to are more particularly described as follows:

See Attached Legal Description

Exhibit A

Exhibit B

WHEREAS, it appears to the City Council of the City of Calera, Alabama that the vacations of said street/alley are in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners owning properties in the subdivision embraced in said map of Dunstan’s Survey of the City of Calera, Alabama. Subject, however to all existing right-of-ways or easements for public utilities and to all utility facilities presently situated in said area vacated, subject to this provision.

Council Member Turner moved that unanimous consent of the Council be given for immediate action upon Resolution No. R-2021-01. Council Member Watts seconded said motion and upon vote, the results were as follows:

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

NAYS: None

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

Council Member Busby moved that Resolution No. R-2021-01 be adopted. Council Member Turner seconded said motion and upon vote, the results were as follows:

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

NAYS: None

Mayor Graham declared Resolution No. R-2021-01 adopted.

Adopted this 19th day of January, 2021.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

REQUEST TO VACATE STREET/ALLEY

I, BDK Holdings LLC do hereby request the Mayor and Council of the City of Calera, Alabama to vacate the following described alley:

Description

All of the 20' Alley between Lot 1 & Lot 24 of Block 200.

We further certify that we are the sole property owners adjacent to said street and the vacation of this street would deny ingress and egress to other property owners owning properties in subdivision embraced in said map of J.H. Dunstan's Survey of the Town of Calera.



Date: 1-11-21

BDK Holdings LLC

REQUEST TO VACATE STREET/ALLEY

I, BDK Holdings LLC. do hereby request the Mayor and Council of the City of Calera, Alabama to vacate the following described alley:

Description

All of 7th Street between Block 201 & Block 200.

We further certify that we are the sole property owners adjacent to said street and the vacation of this street would deny ingress and egress to other property owners owning properties in subdivision embraced in said map of J.H. Dunstan's Survey of the Town of Calera.



Date: 1-11-21

BDK Holdings LLC.

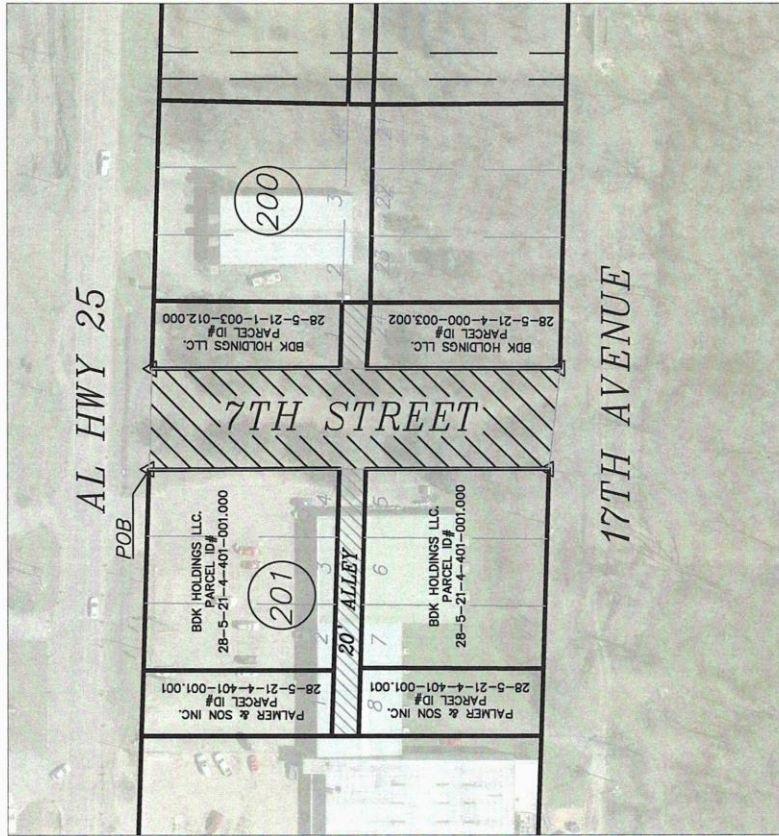
STREET CLOSING
STATE OF ALABAMA
SHELBY COUNTY

7th Street between Block 201 & Block 200 according to J. H. Dunstan's Map of the Town of Calera shall be closed. The aforementioned Street of said Map is located in the City of Calera, Shelby County, Alabama and is described as follows:

Begin at the Northeast corner of Lot 4, Block 201 of the J. H. Dunstan Map, said point also being on the south right-of-way of Al Hwy 25; thence east along the south right-of-way of said Hwy 25 to the northwest corner of Lot 1 Block 200 of said map, said point also being on the east right-of-way of 7th Street; thence south along the said right-of-way to the southwest corner of Lot 24 of said Block 200; said point also being on the north right-of-way of 17th Avenue, thence west along the north right-of-way of 17th Avenue to the southeast corner of Lot 5 Block 201 of said map, said point also being on the west right-of-way of said 7th Street; thence north along said right-of-way to the Point of Beginning.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
△ POINT



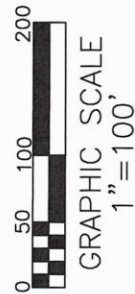
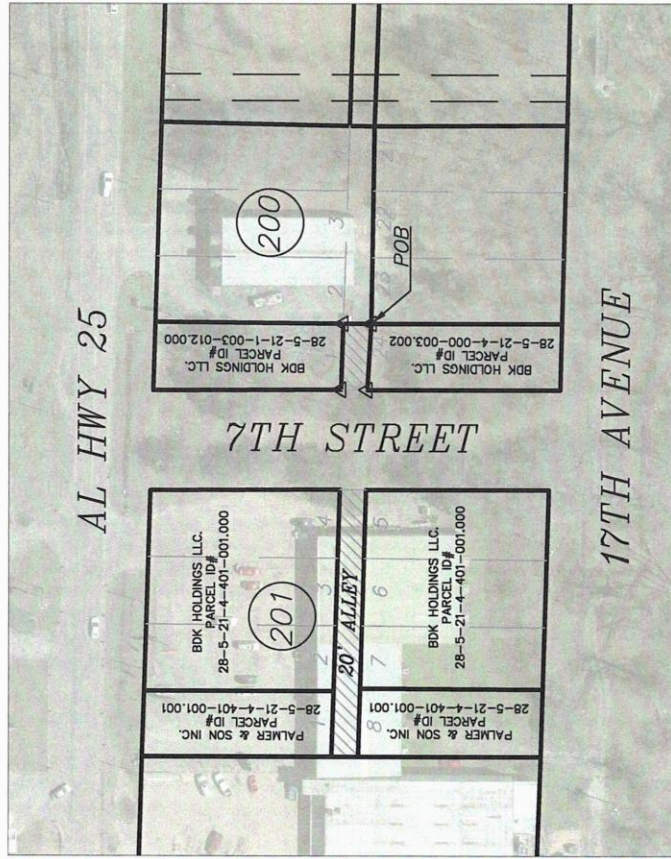
CALERA
ALABAMA

CITY OF CALERA
ENGINEERING DEPARTMENT
1870 10TH STREET
CALERA, ALABAMA 35540
PHONE (205) 880-3814 FAX (205) 888-3887

ALLEY CLOSING
STATE OF ALABAMA
SHELBY COUNTY

A Alley laying in Block 200 according to J. H. Dunstan's Map of the Town of Calera shall be closed. The aforementioned Alley of said Map is located in the City of Calera, Shelby County, Alabama and is described as follows:

Begin at the Northeast corner of Lot 24, Block 200 of the J. H. Dunstan Map, said point also being on the south right-of-way of herein described 20' Alley; thence west along the north boundary line of Lot 24 of said Block 200 to the northwest corner of Lot 24, said point also being on the east right-of-way of 7th Street; thence north across said Alley and along said east right-of-way a distance of 20 feet to the southwest corner of Lot 1 of said Block 200; thence east along the south boundary line of Lot 1 of said Block 200 to the southeast corner of Lot 1; thence south across said right-of-way a distance of 20 feet to the Point of Beginning.



CALERA
ALABAMA

CITY OF CALERA
ENGINEERING DEPARTMENT
1070 10TH STREET
CALERA, ALABAMA 36006
PHONE (205) 880-3074 FAX (205) 888-3821

PUBLIC NOTICE

**The Mayor and Council will
hold a special called work session on:**

**Monday – February 1, 2021 at 5:00 p.m.
The purpose of the special called work session is
to:
Discuss the proposed modifications to the
City’s Zoning Ordinance**

The proposed modifications include:

- Modifications to the B-3 District (including a name change from the Historical Business District to the Downtown District) and the creation of a **new** MXD Mixed-use Zoning District - this is part of the proposed Downtown Rezoning Project.
- Modifications to all residential districts – which includes select changes to the setback requirements, minimum lot widths, minimum livable floor areas, open space requirements, and parking requirements.

The proposed modifications are a direct result of public input received at recent City Council meetings as well as input that the RPCGB has received from the public during the Calera Comprehensive Plan Open Houses and surveys.

Two Property Owners Information Meetings were held last November regarding the Downtown Rezoning Project and the proposed rezoning of all 223 properties to either B-3 or MXD was widely accepted with no written objections. For more information about the proposed modifications to the B-3 District and creation of the new MXD Mixed-use District visit please visit the dedicated project website at <https://www.caleraalrezoning.com/>.

STATE OF ALABAMA

COUNTY OF Shelby

LEGAL SERVICES AGREEMENT

The undersigned, on behalf of the **City of Calera, Alabama** (referred hereinafter as "City" or "Client") does hereby retain the firms of Friedman, Dazzio, Zulanas & Bowling and Ellis, Head, Owens & Justice ("Attorneys"), and such other firms as may be necessary, to represent the City to pursue damages incurred as a result of the illegal sale distribution and marketing of opioids and opioid derivative drugs in the City.

The City agrees to employ counsel pursuant to Alabama Code § 11-40-1, which provides that a municipal corporation organized under the laws of the State of Alabama is authorized to bring causes of action such as the claims contemplated in the subject litigation. The City is invested with the powers afforded to municipal organizations under Alabama to "sue and be sued" and is responsible for the public health, safety and welfare of its citizens. The City will not be obligated for any costs or expenses of the litigation if there is no recovery. The City will not pay any attorney's fees unless there is a paid judgment or settlement of the case.

In consideration of the parties' mutual covenants hereunder, each party expressly agrees and acknowledges as follows:

The CLIENT agrees:

To authorize Attorneys to file a lawsuit in the name of the City, which may be joined with other Alabama Cities represented by Attorneys.

To pay Attorneys for such services in said lawsuit a sum equal to 25% of the total amount recovered for disbursements due at the time of judgment or settlement of the lawsuit.

Client understands that many cases may not be settled prior to a trial, and that there is no guarantee that this case will settle.

Client agrees to be available for consultation, investigation, deposition, trial preparation, and do necessary work as Attorneys direct, and do nothing to impair the value of the case. Attorneys agree to use their best effort and skill in pursuing this case but do not guarantee a specific result.

If nothing is recovered, Client will not owe any legal fee or expenses.

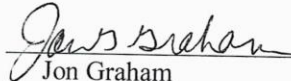
Case costs and expenses will be advanced by Attorneys. Examples of typical expenses include court filing fees, investigation, auto mileage, photocopies, court reporters, medical records, interest on any money Attorneys may borrow for expenses, expert witness fees, airfare, vehicle storage, etc. If a recovery is obtained, Client will reimburse Attorneys for these expenses from Client's share of the total recovery.

Client is aware of and is in agreement that the Attorneys' fees may be shared among other attorneys associated to work on this matter, but this will not increase the amount of the Attorneys' share of the fees.

This written agreement comprises the whole of the agreement between the parties and no other agreement is pending unless in writing and appended hereto.

Dated this the 19 day of Jan, 2020.¹

READ CAREFULLY BEFORE SIGNING


Jon Graham Mayor

The above employment is hereby accepted on the terms stated, and I agree to make no charge for professional services unless recovery is had in this matter. We agree to make no settlement without the consent of our clients.

Attorney