

INDIAN SPRINGS VILLAGE
TOWN COUNCIL MEETING
April 2, 2019

The Indian Springs Village Town Council met Tuesday, April 2, 2019. Mayor Brenda Bell-Guercio called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance. All councilmembers were present.

The minutes from March 19, 2019 were reviewed. Councilmember Robins requested that paragraph nine be revised to reflect accuracy. Councilmember Elliott made a motion to accept the minutes as amended. Councilmember Whatley seconded and the vote was unanimous.

Battalion Chief Randy Sipe gave the monthly call report. For the month of March there were 161 Total calls; 60 Fire and 101 Medical.

Robins reported that the concrete drive-way aprons were completed this past weekend. Additionally, he noted the septic tank was repaired.

Robins also noted the bid opening scheduled March 25th was a non-event. No one bid the Town Hall Exterior Renovation Project. Therefore, under Alabama Code 39-2-6 (b) If no bids or only one bid is received at the time stated in the advertisement for bids, the awarding authority may advertise for and seek other competitive bids, or the awarding authority may direct that the work shall be done by force account under its direction and control or, with the exception of the Department of Transportation, the awarding authority may negotiate for the work through the receipt of informal bids not subject to the requirements of this section. Where only one responsible and responsive bid has been received, any negotiation for the work shall be for a price lower than that bid. Robins made a motion to proceed with project by force account per the above-mentioned Alabama Code. Elliott seconded and the vote was unanimous.

Whatley presented the February financials. He pointed out that the check written to the Shelby County Commission for the SRO contract was \$25,000 more than the contract. The clerk reported the County has reimbursed for those funds and will be reflected in the April financials. Whatley made a motion to approve February financials as presented. Elliott seconded and the vote was unanimous.

Councilmember Stauss reported the email migration from Zimbra to Outlook email has been completed.

Boy Scout Chandlar Norman of Troop 71 was recognized as being in attendance in order to obtain his communication badge.

Mayor Bell-Guercio introduced Benjamin Goldman. Mr. Goldman practices law at the law firm of Hand Arendall Harrison Sale LLC, and he has been retained as an attorney for the Town. He presented a written declaration and opinion in support of the Town Council going into executive session for the purposes of discussing with the Town's attorney the legal ramifications of and

legal options for pending litigation and of discussing with the Town’s attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the Town Council pursues a proposed course of action. A copy of Mr. Goldman’s declaration and opinion is on file in the office of the Town Clerk. Elliott made a motion calling for an executive session for the purposes stated by Mr. Goldman and inviting the Town Clerk and the Chair of the Planning and Zoning Commission to take part in the executive session. The motion was seconded by Whatley. The roll call vote was as follows:

Brenda Bell-Guercio –	Yea
Herb Robins -	Yea
Dale Elliott -	Yea
Mary Sue McClurkin -	Yea
Ed Whatley -	Yea
Brian Stauss-	Yea

Prior to calling the executive session to order, Mayor Bell-Guercio stated that the Council would reconvene after the executive session and offered the approximate time that the Council expected to reconvene. Council convened in executive session at 7:35 p.m. and reconvened in open session at 8:45 p.m.

After reconvening, there was a discussion, and Elliott made a motion to adopt Resolution No. 2019-0402. The resolution reads as follows:

RESOLUTION NO. 2019-0402

A RESOLUTION TO REQUEST THAT CAPE GROUP LLC PROVIDE TO THE TOWN COUNCIL OF INDIAN SPRINGS VILLAGE A DEVELOPMENT IMPACT ANALYSIS AND MITIGATION PLAN FOR THE PROPOSED COMMERCIAL DEVELOPMENT OR REDEVELOPMENT AT 3127 CAHABA VALLEY ROAD, INDIAN SPRINGS VILLAGE, ALABAMA.

WHEREAS, the Town of Indian Springs Village, Alabama (the “Town”) requires that all businesses located within the Town hold a business license pursuant to Ordinance No. 2008-01 of the Town as amended by Ordinances No. 2010-001 and No. 2014-007 of the Town;

WHEREAS, Ordinance No. 2018-01 of the Town provides as follows:

In accordance with the Indian Springs Village Master Plan, any proposed new commercial development or redevelopment must consider and mitigate its impacts upon the surrounding community. If requested by the Town Council of Indian Springs Village, the owner of a proposed commercial development must submit to the Town Council of Indian Springs Village, a Development Impact Analysis and Mitigation Plan. No proposed commercial

development shall proceed until the Town Council of Indian Springs Village approves the Development Impact Analysis and Mitigation Plan. Further, no business operating out of a new commercial or replacement of existing commercial development shall be granted a business license or building permits for new structures until the Town Council of Indian Springs Village has approved the Development Impact Analysis and Mitigation Plan.

WHEREAS, Cape Group LLC has applied for a business license for a new commercial development or redevelopment for which it is the owner to be located at 3127 Cahaba Valley Road, Indian Springs Village, Alabama; and

WHEREAS, the Town Council of Indian Springs Village (the “Town Council”) desires to request a Development Impact Analysis and Mitigation Plan for the proposed commercial development or redevelopment;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indian Springs Village, Alabama, while in regular session on Tuesday, April 2, 2019, at 7:00 p.m. as follows:

1. The Town Council hereby requests that Cape Group LLC submit to the Town Council a Development Impact Analysis and Mitigation Plan.

2. The Town Council requests that the Development Impact Analysis and Mitigation Plan to be prepared by Cape Group LLC include the following considerations:

- A. A complete site plan, signed by a Registered Land Surveyor in the State of Alabama, for the parcel showing both plan and existing improvements, including, but not limited to:
 - i. The location, size, and dimensions of the site.
 - ii. The use, location, size, and height of all existing and proposed structures on the site.
 - iii. The location and number of all existing and proposed parking spaces.
 - iv. All easements and rights-of-way.
 - v. The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of the Town’s Zoning Ordinance, Ordinance No. 2015-002.
 - vi. The location and dimensions of all existing and proposed exterior graphic displays.
 - vii. Existing and proposed buffers/greenbelts.
 - viii. Topography at two foot intervals, to be checked by the Town Engineer for applicability to flood plain contours.
 - ix. A plan showing the location of necessary fire hydrants with adequate water flow.

- x. Existing and proposed exterior lighting.
 - xi. Existing and proposed exterior storage areas.
 - xii. Existing and proposed parking and loading areas.
 - xiii. Existing and proposed pedestrian walkways.
 - xiv. Existing and proposed points of ingress and egress.
 - xv. Existing and proposed storm drainage facilities; utility easements; and fences.
 - xvi. Existing and proposed site grading.
- B. Written certification from the Shelby County Health Department that adequate sewage treatment facilities are available at the proposed site.
 - C. A statement describing any noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard that may exist upon the property.
 - D. A statement describing whether the building groups will be architecturally unified.
 - E. A traffic analysis indicating the estimated effect of the proposed special exception use on adjacent street traffic, including volume flows to and from the proposed facility, prepared by a registered professional engineer.
 - F. A copy of any existing and intended deed restrictions for the subject property.
 - G. Plans for all permanent storage of material, merchandise, and equipment.
 - H. Hours of allowed use when commercial delivery, service, or refuse removal trucks may enter the property

3. Cape Group LLC may deliver the Development Impact Analysis and Mitigation Plan requested herein to the Town Clerk for transmission to the Town Council.

4. The Town Clerk is authorized to deliver a copy of this Resolution to Cape Group LLC.

The motion was seconded by Robins, and the vote was unanimous in favor of adopting the Resolution. A fully executed copy of Resolution No. 2019-0402 is on file in the office of the Town Clerk.

Bell-Guercio adjourned the meeting at 8:50 p.m.

Respectfully submitted,
Joan Downs, Town Clerk