

INDIAN SPRINGS VILLAGE
TOWN COUNCIL MEETING
May 21, 2019

The Indian Springs Village Town Council met Tuesday, May 21, 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 except councilmembers Dale Elliott and Mary Sue McClurkin.

The minutes from May 7, 2019 were reviewed. Councilmember Stauss made a motion to accept the minutes as presented. Councilmember Whatley seconded and the vote was unanimous.

Whatley presented the monthly financial statements from March and April, after discussion Whatley made a motion to accept both financial statements as presented. Robins seconded and the vote was unanimous.

Robins updated the Council on the progress report on the exterior Town Hall project. The contractor will start on the parking pad first and framers will start June 1st. All the new street signs including the exceptions have been completed.

Stauss updated the Council on a meeting he attended as an ISV representative. A “Place to Stay” is a new program designed to help teenagers, past the age of 18, who are too old to stay in other assistance programs. The focus of the program is to find rooms in private homes for teenagers to rent. He suggested we put an article in *The Village Voice*.

Bell-Guercio updated the Council on the revisions made to the May 3, 2017, ISV Stormwater Management Plan for Phase II MS4 report. The effective date of the new plan is May 1, 2019. Minor changes were made as requested by ADEM.

Bell-Guercio also presented the resume of Shari C. Harbison, CPA, as a replacement for Hollie Johnson who recently resigned after many years of accounting service. The Council approved the recommendation of the Mayor to hire her as an independent contractor.

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:

To discuss with the Town’s attorney the legal ramifications of and legal options for pending litigation;

To discuss with the Town’s attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the 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.

Whatley made a motion calling for an executive session for the purposes stated by Mr. Goldman and inviting the Chair of the Planning and Zoning Commission to take part in the executive session. The motion was seconded by Robins. The roll call vote was as follows.

Brenda Bell-Guercio -	Yea
Herb Robins -	Yea
Ed Whatley -	Yea
Brian Stauss -	Yea

Prior to calling the executive session to order, Guercio stated that the Council would reconvene after the executive session and Goldman expected a twenty- minute session. Council convened in executive session at 7:23 pm and reconvened in open session at 8:04 pm.

After reconvening, the Mayor read Resolution 2019-05-21. Whatley made a motion to accept Resolution No. 2019-05-21 and Robins seconded. The vote was unanimous in favor of adopting the Resolution. The Resolution reads as follows:

RESOLUTION NO. 2019-05-21

A RESOLUTION CONDITIONALLY APPROVING THE TRANSFER OF A BUSINESS LICENSE FOR EARTHWORKS LANDSCAPE SUPPLY, LLC.

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, Earthworks Landscape Supply, LLC, an Alabama limited liability company (“Earthworks”), has requested to transfer its business license from its existing location at 3127 Cahaba Valley Road, Indian Springs, AL 35124, to a new location at 3225 Cahaba Valley Road, Indian Springs, AL 35124;

WHEREAS, Section 5 of Ordinance No. 2008-01 restricts the transfer of licenses in pertinent part as follows:

No license shall be transferred except with the consent of the council ..., and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another.

WHEREAS, Earthworks has submitted a proposed site plan for the new location that includes improved site renderings, plans to level and landscape the road side, and site layout;

WHEREAS, the Mayor and other Town representatives met with Earthworks and the owner of the new location to discuss the proposed transfer, including a site inspection of the new location, and the Mayor has reported on her findings to the Town Council;

WHEREAS, the owner of the new site, through counsel, has submitted a statement that the transfer of the license will not cause there to be more than one use of the parcel;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indian Springs Village, Alabama, while in regular session on Tuesday, May 21, 2019, at 7:00 p.m. as follows:

1. Subject to the conditions set forth in Paragraph 2 hereof, the Town Council hereby offers its consent to and approves the transfer of Earthworks' business license from 3127 Cahaba Valley Road, Indian Springs, AL 35124, to a new location at 3225 Cahaba Valley Road, Indian Springs, AL 35124.

2. The transfer of Earthworks' business license is conditioned upon all of the following conditions first being satisfied with respect to 3225 Cahaba Valley Road, Indian Springs, AL 35124:

a. Approval of the premises and the issuance of a certificate of occupancy by the Building Inspector of Shelby County;

b. The provision of sufficient and appropriate parking spaces as required by the applicable technical codes and as required by the Building Inspector of Shelby County;

c. Written certification from the Shelby County Health Department that adequate sewage treatment facilities are available at the proposed site;

d. The installation of greenbelt buffers along the common boundary of the property with any property zoned and used for agricultural or

single-family residential purposes and said greenbelt shall be, at a minimum, ten (10) feet in width;

e. The exterior of the building located on the premises shall not be modified to include any garish or offensive colors, and design and construction standards shall be compatible with the character and nature of the surrounding community and the exterior thereof shall consist primarily of brick, wood, or other natural building materials, unless approved by the Town;

f. That there shall be no business activities conducted on the premises that are outside the scope of general retail commercial use (i.e., there shall be no manufacturing, service, industrial, or wholesale, etc. commercial uses); and

g. That there shall be no expansion of the real property designated for general retail commercial use and described on Exhibit G in the Order done and ordered on the 22nd day of December, 1992, in the case of Wyatt v. City of Pelham, CV-90-738 (Cir. Ct. Shelby Co., Ala.).

3. The Town Clerk is authorized to deliver a copy of this Resolution to Earthworks and to the Building Inspector of Shelby County.

ADOPTED: This 21st day of May, 2019.

Herb Robins

Council Chairman Pro Tem

APPROVED: This 21st day of May, 2019.

Brenda Bell-Guercio

Mayor

ATTESTED: This 21st day of May, 2019.

Joan Downs

Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)

SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 21st day of May, 2019, while in regular session, and the same appears of record in the minute book of said date of said Town.

Witness my hand and seal of office this 21st day of May, 2019.

Joan Downs, Town Clerk

Respectfully submitted,
Joan Downs, Town Clerk

A fully executed copy of Resolution No. 2019-05-21 is on file in the office of the Town Clerk.

Property owner, Allison Stevens did not have any questions at this time and deferred to her attorney.

Goldman also offered a proposed site plan from Earth Works and a letter from Charles Beavers for the record.

Bell-Guercio also noted that during executive session an increase in salary for Christy DeNard was discussed. Robins made a motion to increase DeNard's hourly rate of pay and the new rate will be retroactive to the anniversary hire date. Stauss seconded and the vote was unanimous.

Bell-Guercio adjourned the meeting at 8:13 pm.

Respectfully submitted,
Joan Downs, Town Clerk