

**CITY COUNCIL MEETING  
MINUTES OF PRE-COUNCIL MEETING – TUESDAY, JUNE 27, 2017  
CITY OF HUEYTOWN**

The City Council of the City of Hueytown met on Tuesday, June 27, 2017 in pre-Council meeting at 5:30 P.M. in the pre-Council Chamber of Hueytown City Hall.

The meeting was called to order with President Zimmerman and Council members Contomo, Crane and Jacks present. Council member Pickens was absent. Mayor Ware and City Attorney Jon Terry were present.

The purpose of the meeting was to discuss general municipal business and review the City Council agenda.

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**MINUTES OF CITY COUNCIL  
CITY OF HUEYTOWN, ALABAMA  
TUESDAY, JUNE 27, 2017**

A regular meeting of City Council of the City of Hueytown, Alabama was held in the Council Chamber of Hueytown City Hall on Tuesday, June 27, 2017. The meeting was called to order at 6:06 P.M. with approximately 25 people in the audience. The invocation was given by Council President Zimmerman followed by the Pledge of Allegiance.

Upon roll call, President Zimmerman and Council members Contomo, Crane and Jacks were present. Council member Pickens was absent. Mayor Ware and City Attorney Jon Terry were present.

President Zimmerman recognized Seth Holloway of The Cut-Off News.

> AMEND AGENDA: REMOVE RESOLUTION NO. 5578 AND ADD ORDINANCE NO. 17-0523-1 FOR FINAL READING (MOBILE FOOD UNITS – AKA FOOD TRUCKS)

At this time, Council member Crane moved to amend the agenda to remove Resolution No. 5578 (moratorium - mobile food units (aka food trucks) and to add Ordinance No. 17-0523-1 for final reading (to establish standards and definitions for mobile food units/aka food trucks). The motion was seconded by Council member Contomo and upon roll call, unanimously carried.

**1. APPROVAL OF MINUTES**

Council member Jacks moved, seconded by Council member Crane, that the minutes of pre-Council Meeting held Tuesday, June 13, 2017 and the minutes of Regular Meeting held Tuesday, June 13, 2017 be approved as previously received and thereby dispensing with reading of the minutes. Upon roll call, President Zimmerman and Council members Contomo, Crane and Jacks voted yes. There were no nay votes. President Zimmerman declared the minutes approved.

**2. MAYOR'S REPORT**

Mayor Ware welcomed everyone and thanked them for their interest in the City.

The Mayor announced that City Clerk and Treasurer Janice Wilhite is retiring after 27 years with the City. He thanked Mrs. Wilhite for her service. He then introduced Kevin Fouts, the new City Clerk and Treasurer, effective July 1, 2017.

**3. STANDING COMMITTEE REPORTS**

Council member Jacks of the Public Works and Parks Committee announced All-Star Games, Girls Softball Championships and park improvements.

Council member Contorno of the Finance Committee reported that the Council had received the financial condition statement of all funds through the period ending May 31, 2017. He briefly summarized the report.

There were no other Standing Committee reports.

4. OFFICERS’ REPORTS

There were no officers’ reports.

5. CORRESPONDENCE

There was no written correspondence.

6. BILLS FOR APPROVAL

Council member Contomo of the Finance Committee moved, seconded by Council member Crane, that the List of Bills be approved in the total amount of \$166,548.45. Upon roll call, President Zinnerman, Contomo, Crane and Jacks voted yes. There were no nay votes. The motion unanimously carried.

6-27-2017

===== FUND TOTALS =====		
01	GENERAL FUND	97,562.07
11	7 CENT GAS TAX	3,626.18
13	EMERGENCY COMMUNICATIONS	3,589.34
14	4 CENT GAS TAX	396.36
15	GARBAGE FUND	54,039.55
16	U.N.I.T TASK FORCE FUND	6,168.95
22	2014 GOW	1,166.00
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GRAND TOTAL:		166,548.45
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7. RESOLUTION NO. 5578: MORATORIUM - MOBILE FOOD UNITS  
(AKA FOOD TRUCKS) **REMOVED FROM AGENDA**

Resolution No. 5578 to place a moratorium for accepting business license applications for Mobile Food Units (aka Food Trucks) was removed from the agenda earlier in the meeting (Reference Ordinance No. 17-0523-1/Item No. 10A.)

8. RESOLUTION NO. 5579: WEED ABATEMENT/DECLARE PUBLIC NUISANCE AND ORDER ABATEMENT/AUTHORIZE PUBLIC HEARING – 917 ALLISON-BONNETT MEMORIAL DRIVE, 2932 ALLISON-BONNETT MEMORIAL DRIVE, 3030 BRIARCLIFF ROAD, 1022 BROAD STREET, 1023 BROAD STREET, 119 CYPRESS STREET, 3033 DEVON ROAD, 103 EAST CREST ROAD, 220 ERIE COURT, 107 IVY AVENUE, 318 JAMES AVENUE, 109 LAIRD AVENUE, 111 LAIRD AVENUE, 132 LAIRD AVENUE, 120 MAHONE AVENUE, 121 MAHONE TERRACE, 304 MARSH AVENUE, 1749 ROBINS STREET, 100 VINES AVENUE, 102 WICKSTEAD ROAD, 130 WICKSTEAD ROAD, 448 WILLOW LANE, 140 22<sup>ND</sup> STREET AND 1702 26<sup>TH</sup> AVENUE NORTH

Resolution No. 5579 was introduced to declare overgrown weeds a public nuisance, order abatement and to authorize Notice of Public Hearing for 917 Allison-Bonnett Memorial Drive, 2932 Allison-Bonnett Memorial Drive, 3030 Briarcliff Road, 1022 Broad Street, 1023 Broad Street, 119 Cypress Street, 3033 Devon Road, 103 East Crest Road, 220 Erie Court, 107 Ivy Avenue, 318 James Avenue, 109 Laird Avenue, 111 Laird Avenue, 132 Laird Avenue, 120 Mahone Avenue, 121 Mahone Terrace, 304 Marsh Avenue, 1749 Robins Street, 100 Vines Avenue, 102 Wickstead Road, 130 Wickstead Road, 448 Willow Lane, 140 22<sup>nd</sup> Street and 1702 26<sup>th</sup> Avenue North.

**RESOLUTION NO. 5579  
TO DECLARE PUBLIC NUISANCE AND ORDER ABATEMENT  
(AUTHORIZE PUBLIC HEARING/WEED ABATEMENT)**

**WHEREAS**, Ordinance No. **94-0809-1** (adopted September 27, 1994 in accordance with Section 11-47-140, Code of Alabama 1975) and Ordinance No. **09-0825-1**(adopted September 22, 2009, in accordance with amendments in Title 11-67-60, et seq., Code of Alabama) provide

procedures to control and abate the nuisance created by overgrown weeds and vegetation within the City limits of Hueytown; and

**WHEREAS**, pursuant to provisions of said ordinances, the City's Building Inspections Superintendent has determined that weeds located at the addresses set out herein below are overgrown to the extent that they create public nuisances;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUEYTOWN, ALABAMA**, hereby declares the weeds at the addresses set out herein below are a public nuisance and their abatement is hereby ordered.

**917 ALLISON-BONNETT MEMORIAL DRIVE – 30-21-3-4-1.4**  
**2932 ALLISON-BONNETT MEMORIAL DRIVE – 30-20-4-1-87**  
**3030 BRIARCLIFF ROAD – 30-31-4-13-3**  
**1022 BROAD STREET – 30-20-2-1-61**  
**1023 BROAD STREET – 30-20-2-1-40**  
**119 CYPRESS STREET – 30-21-2-10-15.1 (PARCEL IN TAX SALE)**  
**3033 DEVON ROAD – 30-31-4-12-32**  
**103 EAST CREST ROAD – 30-19-1-4-16**  
**220 ERIE COURT – 30-29-2-16-8**  
**107 IVY AVENUE – 30-29-3-11-3**  
**318 JAMES AVENUE – 30-20-1-5-8 (PARCEL IN TAX SALE)**  
**109 LAIRD AVENUE – 30-30-3-1-1.1**  
**111 LAIRD AVENUE – 30-30-3-1-2**  
**132 LAIRD AVENUE – 30-30-3-2-1**  
**120 MAHONE AVENUE – 30-19-3-2-6**  
**121 MAHONE TERRACE – 30-19-3-4-2**  
**304 MARSH AVENUE – 30-20-1-6-11**  
**1749 ROBINS STREET – 30-21-4-0-20 (PARCEL IN TAX SALE)**  
**100 VINES AVENUE – 30-30-2-4-27 (PARCEL IN TAX SALE)**  
**102 WICKSTEAD ROAD – 30-19-4-7-24 (PARCEL IN TAX SALE)**  
**130 WICKSTEAD ROAD – 30-30-1-1-21 (PARCEL IN TAX SALE)**  
**448 WILLOW LANE – 38-6-4-10-8.2**  
**140 22<sup>ND</sup> STREET – 30-30-4-2-25**  
**1702 26<sup>TH</sup> AVENUE NORTH – 38-5-2-7-17**

**FURTHER** that Notice of Public Hearing shall be given by the Building and Zoning Department as set out in the above-mentioned ordinances to inform the owner (owner as on record in the Office of the Tax Assessor of Jefferson County, Alabama, Bessemer Division) of the time, date, and place of the hearing and the reason for the hearing.

**ADOPTED** this 27<sup>th</sup> day of June, 2017.

Council member Jacks moved, seconded by Council member Contomo, adoption of the foregoing resolution. Upon roll call, President Zinnerman, Contomo, Crane and Jacks voted yes. There were no nay votes. President Zinnerman declared the resolution adopted.

**9. ORDINANCE NO. 17-0627-1: REZONE 3024 KING STREET, BESSEMER  
FIRST READING/TERRY AND LEE**

Ordinance No. 17-0627-1 was introduced to rezone 3024 King Street, Bessemer, Alabama 35023; property of Luella M. Terry and Herman Leon Lee, from MR to R2. Upon Public Hearing, there was no one present for or against the ordinance. Council member Contomo moved, seconded by Council member Jacks, that the Public Hearing be closed. Upon roll call, the motion unanimously. President Zinnerman declared the Public Hearing closed.

**10. ORDINANCE NO. 17-0627-2: REZONE 2614 MITCHELL ROAD, BESSEMER  
FIRST READING/REID**

Ordinance No. 17-0627-2 was introduced to rezone 2614 Mitchell Road, Bessemer, Alabama 35023; property of Vallie M. Reid, from MR to R2. Upon Public Hearing, there was no one present for or against the ordinance. Council member Contomo moved, seconded by Council member Jacks, that the Public Hearing be closed. Upon roll call, the motion unanimously. President Zinnerman declared the Public Hearing closed.

10A. ORDINANCE NO. 17-0523-1: ESTABLISH STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS (aka FOOD TRUCKS) - FINAL READING

President Zinnerman announced that Ordinance No. 17-0523-1 to establish standards and definitions for mobile food units (aka food trucks) received first reading at the Council meeting of May 23, 2017 and now was the time for consideration for adoption. (*Final reading was postponed at the meeting of June 13, 2017.*) Council member Crane moved, seconded by Council member Jacks for adoption. Upon roll call, President Zinnerman and Council members Contomo, Crane and Jacks voted yes. There were no nay votes. President Zinnerman declared the ordinance adopted.

**ORDINANCE NO. 17-0523-1**

**AN ORDINANCE TO ESTABLISH STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS (aka FOOD TRUCKS)**

**WHEREAS**, the Hueytown Planning and Zoning Commission has recommended by Commission Resolution passed at a public hearing held on April 18, 2017, that the City Council adopt the following standards and definitions of Mobile Food Units (aka Food Trucks).

**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 Hueytown Revenue Division of the City Clerk's Office 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 Jefferson 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.
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. No Mobile Food Unit shall be allowed to operate in excess of three (3) consecutive days in any one location, unless they have the City's written approval to operate at one location for an extended period of time related to special events lasting more than three (3) days. If an exception request is denied by the mayor, the applicant has the right to appeal to the City

Council. During days of non-operation, the Mobile Food Unit and all associated vehicles, etc., must be removed from the premises.

7. No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day across all locations. Operational hours exclude time used exclusively for food preparation.
8. Hours of operation for all Mobile Food Units shall be limited to 6:00 a.m. to 9:00 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 mayor, the applicant has the right to appeal to the City Council.
9. No Mobile Food Unit shall operate on more than two (2) individual sites within the City per day.
10. No more than two (2) Mobile Food Units shall operate on the same site per day unless the City provides written approval for an exception to this related to specially approved festivals, celebrations, etc. If an exception request is denied by the mayor, the applicant has the right to appeal to the City Council.
11. 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.
12. No mobile food unit shall operate within a 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.
13. Mobile Food Units shall be located a minimum of twenty-five (25) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.
14. 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 every 24 hours to maintain the health and safety of the public and to prevent any adverse odors. City trash receptacles shall not be used for this purpose.
15. No Mobile Food Unit shall be left unattended or stored at any time on the vending site when vending is not taking place.
16. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.
17. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.
18. No amplified microphones, audio speakers or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation. (This would not impact traditional music for Ice Cream trucks). A mobile food vehicle and/or pushcart may use battery-operated lights with appropriate protective shield for the purpose of illuminating merchandise.
19. Any power required for the mobile food unit shall be self-contained. The mobile food vehicle and pushcart shall not draw its power from the public rights-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley, sidewalk or parking lot.
20. 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 Official or the hours of operation of the principal use do not coincide with those of the Mobile Food Unit.
21. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed other than menu boards. At no time shall any signage be placed within the public right-of-way.

22. No Mobile Food Unit shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.
23. No Mobile Food Unit shall have a drive-through service.
24. The operator of a Mobile Food Unit shall comply with all applicable sales, use and other tax ordinances and regulations.
25. The proposed Mobile Food Unit vending activity shall comply with all applicable laws including but not limited to the Americans with Disabilities Act.
26. 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.
27. 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.
28. 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 Hueytown. Any person violating any provision of this ordinance may be issued a citation by the Hueytown 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 Hueytown Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Hueytown 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 Jefferson 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 Hueytown 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.

ADOPTED this 27<sup>th</sup> day of June, 2017.

11. EXTEND FLOOR TO THE PUBLIC

Prior to extension of the floor to the public, President Zinnerman reminded that anyone wishing to address the Council should state their name and address, and must be a resident of Hueytown in order to speak and should limit comments to three minutes.

At this time, Mayor Ware announced that he plans to hold Town Hall meetings in each of the five City districts during the month of August to meet citizens and hear concerns. President Zinnerman thanked the Mayor for all that he is doing.

Randy Ray, 6667 Post Oak Drive, Hueytown, noted concerns about people ringing door bells early in the mornings in the Westwind neighborhood and drug use at some of the houses. The Mayor and Chief Hagler spoke to the citizens present about these matters.

Becky Sayers, 6637 Post Oak Drive, Hueytown, asked how many officers are in the Police Department . Chief Hagler responded with 38 officers total in the department but within that number there are detectives, SRO, and administrative personnel. There were approximately 15 people present at the meeting who are concerned with recent burglaries and property damage in the Westwind neighborhood. Ms. Sayers was also concerned about a burned-out home in the neighborhood. She noted that her brother wants to buy the property. Building Inspections Superintendent Kent Byram responded that the City is having difficulty locating the property owner informing that the City uses information on record in the Office of the Tax Assessor of Jefferson County for the property owner's name and address.

12. ADJOURNMENT

There being no further business to come before the meeting, and upon the motion of Council member Contomo which unanimously carried, the meeting was adjourned at 6:29 P.M.

  
City Clerk and Treasurer

  
President of City Council

  
City Clerk and Treasurer (Eff. 7-01-2017)