

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES  
MAY 10, 2016

The City Council of the City of Trussville held a workshop session at 5:00 p.m. on Tuesday, May 10, 2016 immediately preceding the City Council meeting. Council President Anthony Montalto presiding.

Those members present were as follows:

Council President Anthony Montalto  
Councilman Buddy Choat  
Councilman Perry Cook  
Councilman Brian Plant  
Councilman Alan Taylor

Absent: None

Others present in Official Capacity: Mayor Eugene Melton

The workshop was convened and the Council received a preliminary agenda and supporting documentation for the City Council meeting. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, May 10, 2016 at 6:00 p.m. at Trussville City Hall. Council President Montalto presided over the meeting and Lynn Porter, City Clerk, served as recording secretary.

Council President Montalto called the meeting to order and asked Councilman Choat to lead in prayer. Councilman Cook led the pledge to the flag.

Those persons answering present to roll call were as follows:

Council President Anthony Montalto  
Councilman Buddy Choat  
Councilman Perry Cook  
Councilman Brian Plant  
Councilman Alan Taylor

Absent: None

Others present in official capacity: Mayor Eugene Melton  
Attorney Whit Colvin

Council President Montalto introduced the minutes of the April 26, 2016 meeting for approval. Councilman Taylor moved they be approved, seconded by Councilman Choat, and the vote was unanimous.

The agenda and consent agenda were presented for approval. Councilman Cook moved the agenda be approved, seconded by Councilman Choat and the vote was unanimous.

Mr. Mack McCullough, RAM Environmental, stated their company has done three projects for the city - two gyms and the racket club. He stated they have now analyzed the police training facility and the Civic Center track and gym. He explained the cost versus the power savings with LED lights.

Councilman Taylor asked if we can compare power bills to see if we have really seen a savings. We also need to see if this is within the bid law.

Mr. Richard Epstein, 4742 Boulder Drive, thanked the Mayor for the lighting on the interstate. He stated the striping at Sams has still not been done. He asked could another vendor be found if the first one is too busy to get to it. He stated the pot hole going to the Civic Center needs to be fixed before the road work is done. He stated Birmingham started a downtown plan twenty years ago, and there is still nothing done. He questioned Trussville following the same path.

Mr. John Martin, 8738 Carrington Lake Parkway, representing Carrington homeowners, was recognized. He stated the Carrington Lakes development was bought out of bankruptcy by a group that buys a distressed properties and resold as soon as it could be. This new developer has taken HOA funds to pay his company's liability insurance, he has paid his taxes from HOA funds, he hired an architectural review consultant with HOA funds, and the homeowners have no representation on the architectural review board. He has allowed a realtor to set up an office in the clubhouse depriving the residents of its use. The roads past the clubhouse have never been sealed, and he says the homeowners are responsible for them, not the developer. The lakes have not been maintained. Mr. Martin stated he was on the Board, but when he questioned some of their actions, the developer changed the bylaws to remove him from the board. The lawyer who prepared the bylaws is not licensed to practice in Alabama. He received a letter saying he was being removed from the board for cause due to his informing the neighborhood of what was happening. The quality of the houses being constructed is inferior to the houses that were previously built in Carrington. The covenants say that homes will be brick, but the developer will not adhere to this. He says newer sectors have different standards from those originally imposed, which is not true and the homes do not match the existing homes in these sectors. He stated they were told by the Inspections Department that since there was an Architectural Review Board, they were not responsible for determining the style of homes in the development. The city stopped work on seven homes due to the builders failing to comply with regulations on setbacks. He stated they only want the same type of homes to be built there to keep the look of the subdivision. He stated there are no dumpsters on construction sites and building materials and garbage from contractor lunches is piled on the ground and blows through the neighborhood. There is also Tyvek in the lakes from these sites.

David Arnett stated the foundation surveys submitted to the department did not show the true spacing. This problem is being addressed and two homes have been removed. One home that was conforming prior to adjoining homes being constructed was given a variance. This construction occurred before Mr. Arnett's employment with the city.

Council President Montalto asked the policy on trash receptacles, and Mr. Arnett stated he would follow up on this tomorrow.

Mr. Martin asked what they could do about the design of homes.

David Arnett stated they do not enforce home design. They enforce the building code.

Mr. Martin asked what could be done about the plan to build one story homes rather than two story homes?

Council President Montalto stated zoning addressed minimum setbacks and square footage, but not design.

Mr. Joseph Robbins, Cahaba Bend, asked did the developer of Trussville Springs have bonds on what is being built?

Mayor Melton responded bonds are not required on what is being built. Bonds are required on the public roads.

Mr. Robbins asked have all permitting plans been submitted to Norfolk Southern Railroad?

Mayor Melton stated Ms. Lawler in the legal department at Norfolk-Southern told him that they are going through the agreement, and hope to have it completed in a month, but a railroad merger action her office is working on could delay this.

Mr. Robbins asked the status of ALDOT approval on the grading and other items.

Mayor Melton stated ALDOT is waiting on the railroad approval before approving any connection with the highway.

The consent agenda was presented as follows:

	Accounts Payable	
	<u>Regular</u>	<u>Addendum</u>
Liabilities	3,523.10	
Non-Departmental	7,523.40	
Mayor and Council	40,144.86	11.00
Administration	1,622.81	2,016.63
Inspections	2,185.87	870.06
Municipal Court	711.55	451.18
Police Department	22,436.96	4,668.88
Fire Department	11,072.00	31,672.15
Public Works	16,488.48	22,115.30
Garbage		113,150.80
Parks and Recreation	17,027.23	33,528.64
Library	885.52	17,257.00
Rental Properties	152.84	737.58
GENERAL FUND TOTAL	123,774.62	226,479.22
CORRECTIONS FUND	1,203.48	
2014 WARRANT	37.73	
TOTAL ACCOUNTS PAYABLE	128,501.83	226,479.22

ADDITIONAL ACCOUNTS PAYABLE

CDW Government	5,517.31
Staples	1,534.93
Verizon- Court	207.04
Civic Center Catering	29,193.78
McPherson Oil	7,892.66
Unifirst	678.68
Porters Termonox- Sr. Bldg	25.00
Civic Center Exercise	11,387.40
McCain Uniform	217.00
Summer Reading Program	800.48
APPA Conference- Jensen	246.80
Sandi Wilson- mileage	27.22
Adult Softball	1,210.00
Adult Flag Football	44.00
Youth Flag Football	1,521.00
Tactical Operations Conf – Warmus - Louisville, KY - Aug 14-19, 2016 - \$549 plus lodging and meals	
Gangs and Narcotics- Chad Jones- Hoover- July 17-20-\$125.00	
National Fire College- Mike Mason- Emmetsburg, MD- May 29 - June 3- meals only- \$167.32	
Fire Marshalls Association of AL membership dues- Ledbetter, Fore, Reasonover, & Rosenbaum- \$55.00 total	
ACEA Conference- Sullivan- May 10 - 11, 2016 - Orange Beach - \$200 plus lodging & meals	
Workmen's Comp audited billing- \$15,785	
Merit increases effective May 14, 2016	
Fire- Kristopher Lovvorn- Grade 17, Step 8	

Parks- Mark Faulkner- Grade 7, Step 4  
Approve quotation to install new ADA compliant handicap ramp at City Hall - Milam & Co. - \$10,774.00

Hire Lifeguards for 2016

1. Taylor Davis- Grade 7, Step 1
2. Haley Harrison- Grade 7, Step 2
3. Matt House- Grade 7, Step 2
4. Christian DePew- Grade 7, Step 2
5. Christian Gagliano - Grade 7, Step 1
6. Amy Kuhn- Grade 12, Step 1 (Pool Manager)
7. Josh Monski- Grade 7, Step 1
8. Mary Caroline Lesley - Grade 7, Step 1
9. Nick Rayburn- Grade 7, Step 1
10. Calab Rigg- Grade 7, Step 1
11. Elijah Rollins- Grade 7, Step 1
12. Kelly Ryan- Grade 7, Step 1
13. Amanda Saxon- Grade 7, Step 2
14. Alec Talley- Grade 7, Step 2
15. Cole Underwood- Grade 7, Step 1
16. Marc Weber- Grade 7, Step 1
17. Mason Rollins- Grade 7, Step 2

Parks- Summer seasonal full time- Conner Mays Grade 7, Step 2

Approve contract Terracon for Phase I Environmental study on Kennimer Ave. property- \$2,200.00

Approve sewer line extension at Willow Oaks Commons (Hwy 11 at Vann Road) - \$28,768.00

Promote J R Malchus to Plans Examiner, Grade 24, Step 3 effective with JCPB paperwork

RDA Request for additional survey funding - \$11,750

Councilman Taylor moved these items be approved, seconded by Councilman Plant and the vote was unanimous.

A public hearing on an Ordinance to rezone GIS 421 Main Street from I-1 to C-2 was called. Mr. John Davis, Express Oil Change/Tire Engineers, stated they are seeking this rezoning to expand their existing business located at 425 Main Street on a shopping center out parcel. The new building to add five bays will face the existing facility. The waiting area in the existing facility will be enlarged. The traffic will circulate as it does now through access to the shopping center.

Councilman Choat verified that there will be no access from Highway 11.

Councilman Cook asked would this be the same size or smaller than the existing facility, and was told it will be smaller. It will be about 70% of the size of the existing building.

Councilman Taylor asked if the current facility met the overlay regulations, and what the new facility would look like?

Mr. Davis stated the existing facility does not look like their normal buildings due to restrictions placed on the shopping center out parcels. The new building will be constructed of the same materials as the existing facility.

Councilman Taylor stated Express Oil has been a good corporate citizen, and he appreciated what they do.

A public hearing was opened, and there being no comment, the hearing was closed. Councilman Choat moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Choat then moved Ordinance 2016-011-PZ be adopted as presented rezoning this property, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Council President Montalto stated the next four zoning actions are on St. Clair County property that has not had city zoning applied. This is compliance zoning to assign appropriate zoning.

Cahaba Valley Estates will be zoned to R-2 in compliance with the lot and home sizes, and which zoning mirrors the zoning on the Jefferson County portion of this subdivision. The undeveloped property to the east and the portion of the Trussville Golf Course located in St. Clair County will be zoned A-1. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant then moved Ordinance 2016-012-PZ be adopted as presented rezoning this property, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on Ordinance to zone Foxwood Estates to R-2 was called. This assigns the same zoning as that applied to the Jefferson County portion of this subdivision and complies with the lot and home sizes and setbacks. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant then moved Ordinance 2016-013-PZ be adopted as presented rezoning this property, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on Ordinance to zone Carrington Estates to R-1 in compliance with the lot and home size and setbacks in the development was called. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant then moved Ordinance 2016-014-PZ be adopted as presented rezoning this property, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on an Ordinance to zone unzoned portions of Carrington Lakes to R-2, RG, R-3, R-1, and Inst-2. These zoning classifications are in compliance with the original subdivision master plan, with the exception of the five acres on Black Jack Road to become institutional that was purchased by the city. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant then moved Ordinance 2016-015-PZ be adopted as presented rezoning this property, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on an Ordinance to rezone a tract on Hawkrige Road from Q-C-2 to RG was called. This is across Hawkrige Road from the Hawkrige garden homes, and will be built similarly to the existing homes. Mr. Jerry Tortorigi stated this will be eighteen homes.

Council President Montalto stated this was recommended by Planning and Zoning. He asked where the entrance will be.

Mr. Scott Vaughn, engineer, stated access to driveways will be by way of a service road connecting to Hawkrige across from the two roads into the existing development.

Ms. Olivia Parks, 627 Mermont Circle, stated she lives on Lot 22 and asked would the existing buffer be disturbed.

Mr. Vaughn stated the dedicated buffer will not be disturbed. Further study of the map indicated that her property lies outside of the dedicated buffer. There is an easement on her property. Ms. Parks was assured that the vegetation within the easement will not be disturbed as it is not on the property to be developed.

Mr. Tortorigi stated they will plant an additional twelve-foot buffer at the rear of these lots. He showed pictures of the types of homes to be built.

The public hearing was closed. Councilman Cook moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Cook then moved Ordinance 2016-016-PZ be adopted as presented rezoning this property, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on an Ordinance to rezone acreage west of Stockton West from I-1 to RG was called. Mr. Richard Johnson, Signature Homes, Market Street, Hoover, stated this is an additional twenty-four acres that will be added to Stockton West for sixty-eight additional lots. The architecture will vary some from the first development, but it will be equal construction and will be the same price point.

Mayor Melton stated this also contains an emergency exit through the industrial area near Amerex on Meadowlark Drive.

A public hearing was opened, and there being no comment, the hearing was closed. Councilman Taylor moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Taylor then moved Ordinance 2016-017-PZ be adopted as presented rezoning this property, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

A public hearing on an Ordinance to rezone 1980 Gadsden Highway from CP to C-2 was called. This property lies west of Tutwiler Farms on the vacant lot on the highway in front of the Social Security office. Mr. Jerry Tortorigi was recognized representing the owner. He stated this property has been on the market for five years. There have been several offers, but due to the underground piping, many uses could not happen.

Mr. Lee Jackson, Butler Properties, Athens, GA, stated they intend to build an O'Reilly Auto Parts store on this site. This will not be a twenty-four-hour operation as he previously erroneously stated. Their hours will be 7:00 a.m. until 10:00 p.m.. The closest house in Tutwiler Farms is more than 1,000 feet away. There is a berm with Magnolia trees planted on it between this site and the garden homes. This property is within an overlay district and they will strictly adhere to those provisions. This project will generate sales taxes, business licenses, ad valorem taxes, and jobs.

Council President Montalto stated this was not recommended by Planning and Zoning, as they had rejected certain uses in the Blackwater development, and felt this was not in keeping.

Councilman Taylor stated he would abstain from the discussion and vote due to a family member's involvement.

Mr. Tortorigi stated the property across the street is C-2, and the property by Tutwiler is C-2. He stated it is hard to get a building size and parking needed on this site.

Councilman Cook asked what was the difference in an office building and this use with those constraints, and was told the price of the lot for the amount of office space that could be constructed is too high. Retail uses can pay a higher price for this amount of space.

Mr. Jackson stated they are a low traffic use, and do not need as much parking as a restaurant use would.

A public hearing was opened and Mr. Bill Lowery, Tutwiler Homeowners Association president, Woodward Road, stated there is a lot of activity in their area in the last year. The owner should have done their due diligence before purchasing this property that they can't sell. He stated

he did not wish to see an auto parts store there. He stated this is a part of the transition district, and did not think this was a proper use.

Mr. Bob Smith, 425 Woodward Road, stated if they have big sales, they will have big traffic. People miss the entrance to the Social Security office now and turn around in our subdivision.

Ms. Barbara Harrison, Woodward Road, stated she felt they were being railroaded with the shopping center, and they have no power to stop the encroachment on their subdivision.

Mr. Steve Smith, 252 Tutwiler Drive, asked how the road widening would affect this site and Mayor Melton responded it will take 20-25 feet for additional right-of-way. Mr. Smith stated this makes the lot even smaller.

Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant then moved this Ordinance be adopted as presented rezoning this property, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: None

Nays: Councilmen Montalto, Choat, Cook, Plant, and Taylor

An Ordinance to establish fire lanes in Trussville Springs and set fines was presented for a second reading. Councilman Plant stated this ordinance is the same as originally proposed.

Councilman Choat asked how the lanes will be marked.

Councilman Plant responded that we will work with the developer and homeowners to have a paint color appropriate for the area.

Ms. Melissa Payne, 6459 Spring Street, asked, in the spirit of working with the area, could they get a copy of the bond? She asked was this being done without the seal coat being applied to the road?

Councilman Plant moved Ordinance 2016-018-PS be adopted, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: None

Nays: Councilmen Montalto, Choat, Cook, Plant, and Taylor

A Resolution to award the bid on the Roebuck Industrial Drive extension was presented. Mayor Melton stated this bid is \$1,782,116.38. Of this, ALDOT will contribute a total of \$710,000 - \$150,000 on the signal and \$560,000 on the construction. Barber's cost share is \$143,448.73. The sum of \$35,000.75 was taken from the bid through value engineering by the contractor. This leaves \$893,666.83 of this contract that will be paid by the City, and this is in line with the original estimate.

Councilman Plant moved Resolution 2016-024 be approved awarding this bid, seconded by Councilman Choat. Councilman Taylor stated we estimated between \$750,000 and \$1 million for this project. Now we have accomplished that. This is a lot of money to spend, but our attorney feels this is binding on ALDOT. The vote was unanimous.

A Flood Damage Prevention Ordinance was presented. The only change between this



ordinance and the previously adopted ordinance is the date of the St. Clair County Flood Insurance Rate Maps (FIRM). Councilman Cook moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Taylor then moved Ordinance 2016-019-PZ be adopted as presented, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Choat reported that the Library meeting has been rescheduled to next Tuesday. He recognized two ladies from Shades Valley who are attending our meeting.

For Parks and Recreation he reported that we are hosting the State track meet on May 21, 2016. The pool will open on May 28. The Boy Scout troop sponsored by Parks and Recreation sold 4500 bales of pine straw to help fund their New Mexico trip. Flag football is holding registration now for K-1 children. This flag program will have the option of using pads one day per week to let the children become accustomed to pads. A soccer tournament with eighty teams was hosted by the United Soccer Club. We have a new tennis program called Rocket Tennis for seven to ten-year-olds. Trussville hosted eight events of the Senior State games, and we will host the Master's Games later this year. Youth Basketball will begin playing in June.

Councilman Cook reported the IDB will hold a quarterly luncheon hosted by Amerex on May 18. The weather has been too wet for the timber people to get access, but they are proceeding with plans to fill the beaver pond. The RDA will meet on May 17.

Council President Montalto reported for Planning and Zoning that a pre-zoning and annexation for property on Service Road was recommended, as was a rezoning from I-1 to R-4 on property at Gadsden Highway and Bethune Parkway for duplexes for persons fifty-five and up. This project will be gated and the rental senior homes will be brick with maintenance provided.

Councilman Plant carried over his report.

Councilman Taylor reported for the Board of Education that the high school baseball team won and will host a 7A semi-final game with Sparkman who is currently ranked number one. The winner will go to the State finals against a team from south Alabama. The new principal at Cahaba Elementary is Joy Tyner who formerly was at Northside Elementary in Clinton, Mississippi.

Mayor Melton carried over his report.

Mr. Jef Freeman was recognized from the audience and expressed his concern that the contract for the road work near Don's Carpet was approved too rapidly.

No other business coming before the Council, a motion was made to adjourn.

Respectfully submitted,

Lynn B. Porter  
City Clerk