

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES  
FEBRUARY 28, 2017

The City Council of the City of Trussville met for a workshop session on Thursday, February 23, 2017 at 5:30 p.m. at Trussville City Hall, with Council President Brian Plant presiding.

Those members present were as follows:

Council President Brian Plant  
Councilman Perry Cook  
Councilman Jef Freeman  
Councilman Zack Steele  
Councilman Alan Taylor

Absent: None

Others present in Official Capacity: Mayor Buddy Choat

The workshop was convened and the Council received a preliminary agenda and supporting documentation for the City Council meeting to be held on Tuesday, February 28, 2017. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Councilman Steele stated we want to create a partnership with a dog park contract similar to the one with baseball, soccer, and others.

Jaime Anderson passed out presentation materials that included an e-mail from Dr. Haddock of the Cahaba River Society.

Councilman Cook stated 22 buses park in the lot adjacent to this proposed park, and the employees park their personal vehicles there while driving the buses. He asked had this been considered and was told yes. The parking for the park will be on the far side. They will try to mitigate disruption as much as possible.

Councilman Taylor asked if the cost was known and was it budgeted, and would they carry their own insurance? He was told they will carry their own insurance.

The dangers of walking dogs in the streets was stressed.

A second group requesting term limits for the Board of Education members was heard. Several comments about school board meetings and the lack of interaction with parents were heard. Comments about school programming were heard, and allegations of retaliation for challenging the Board were heard. Questions about elected versus appointed boards were heard. Proponents of this change mentioned new members bringing fresh ideas, giving others an opportunity to serve, and current complacency and/or crony-ism between board members and school officials.

Proponents were asked which of these grievances about school operations would be helped by term limits? They were assured that each appointment and reappointment to this board was made for a reason. The Council agreed to do a better job of making information about board vacancies easily available, and to encourage citizens to participate.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, February 28, 2017 at 6:00 p.m. at Trussville City Hall. Council President Plant presided over the meeting and Lynn Porter, City Clerk, served as recording secretary.

Council President Plant called the meeting to order and asked Councilman Taylor to lead in prayer. Councilman Steele led the pledge to the flag.

Those persons answering present to roll call were as follows:

Council President Brian Plant  
 Councilman Perry Cook  
 Councilman Jef Freeman  
 Councilman Zack Steele  
 Councilman Alan Taylor

Absent: None

Others present in Official Capacity: Mayor Buddy Choat  
 Attorney Rick Stotser

Council President Plant introduced the minutes of the February 14, 2017 meeting for approval. Councilman Taylor moved they be approved, seconded by Councilman Freeman, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. A change order to the Library to add additional fire extinguishers and exit lights was added. Councilman Cook moved the agenda be approved, seconded by Councilman Freeman and the vote was unanimous.

The consent agenda was presented as follows:

|                             | Accounts Payable |                 |
|-----------------------------|------------------|-----------------|
|                             | <u>Regular</u>   | <u>Addendum</u> |
| Liabilities                 | 494.00           |                 |
| Non-Departmental            | 5,146.61         |                 |
| Mayor and Council           | 1,760.00         |                 |
| Administration              | 1,876.56         |                 |
| Inspections                 | 719.82           |                 |
| Municipal Court             | 716.00           | 606.32          |
| Police Department           | 8,831.69         |                 |
| Fire Department             | 11,999.53        | 522.70          |
| Public Works Department     | 4,549.19         | 360.00          |
| Parks and Recreation        | 23,891.00        | 1,391.20        |
| Library                     | 14,935.72        | 1,059.01        |
| Rental Properties           | 454.31           |                 |
| GENERAL FUND TOTAL          | 107,804.98       | 3,939.23        |
| CORRECTIONS FUND            | 1,286.48         | 715.00          |
| WARRANT FUND                |                  | 6,795.62        |
| TOTAL ACCOUNTS PAYABLE      | 109,091.46       | 11,449.85       |
| ADDITIONAL ACCOUNTS PAYABLE |                  | 49,106.71       |

Regional Seminars for Municipal Court Officials - Guttery - Birmingham - April 13-14 - \$185.00  
 Tac Ops Tactical training - Robinson - Las Vegas - May 10-12 - \$289.00, plus travel and lodging

Alabama Municipal Revenue Officer Training - Shipp- Tuscaloosa- April 14-17 \$185 plus travel and lodging

Hire Police Officers

Hayden Emerson Cooley  
 Thomas Justin Freeman

Hire Paramedic/Firefighters

Larry Davis, Jr  
 Judson Moore  
 Tyler Rollins

Merit increases effective March 4, 2017

Police - Jason Daniel Smith - Grade 17, Step 8

Fire - Michael L. Mason - Grade 7, Step 6

Fire - Matthew B. Richardson - Grade 17, Step 8

Parks - David Gremmels - Grade 7, Step 3

Parks - Bernard Lockhart - Grade 17, Step 3

Merit increase effective Dec.24, 2016, Fire - Caleb Hancock - Grade 17, Step 3

Approve quotation Jerry Robbins to repair water damage in Police patrol office- \$2,725.00

Approve going out to bid on three police vehicles

Approve bid Flooring Specialties - floor racquet club - \$9,593.00 - paid from Coke money

AMROA Certification - Coleman, Shipp, Frazier - Tuscaloosa - April 12-14 - \$225.00 plus lodging & expenses

Library Change Order # 9 - Add additional fire extinguishers and exit lights - \$1,904.00

Accept quote from Hastings Heating & Air - 15 ton unit at Library - \$17,455.00

Approve quotation from MAS Modern Marketing - Outreach handout items - \$7,520

Office items to be purchased from Seized Funds

Councilman Taylor moved these items be approved, seconded by Councilman Cook and the motion carried with Council President Plant abstaining on one item due to a personal conflict.

Councilman Taylor moved Proclamations 2017-003 for the Blow Away 5K run to raise funds for Cystic Fibrosis research to be held on November 11 be approved, seconded by Councilman Cook, and the vote was unanimous.

Councilman Taylor moved Proclamation 2017-004 for the Magnolia Elementary 5K and Fun Run on March 18 be approved, seconded by Councilman Cook, and the vote was unanimous.

Councilman Freeman moved Proclamation 2017-005 for the No Longer Ministry 5K Run Fundraiser for an orphanage in Costa Rica to be held on April 8 be approved, seconded by Councilman Steele, and the motion carried with Councilman Taylor abstaining due to a professional conflict.

Councilman Taylor moved Proclamation 2017-006 for the Moody Miracle League 5K and Fun Run to be held March 11 to raise funds for playing fields for physically and mentally challenged individuals be approved, seconded by Councilman Freeman, and the vote was unanimous.

Councilman Taylor moved Proclamation 2017-007 for CityFest, our annual festival put on by the Chamber of Commerce, to be held on May 6 be approved, seconded by Councilman Freeman, and the vote was unanimous.

Councilman Steele moved Resolution 2017-010 awarding the bid on a pouring/snack contract to Coca-Cola be approved, seconded by Councilman Cook, and the vote was unanimous.

A Resolution authorizing a contract between the Park and Recreation Board and the Cahaba Dog Parks Auxiliary was presented. Councilman Steele asked that a provision that the City Council would approve the final contract be added.

Council President Plant asked who negotiates and signs the contracts with the various sports associations, and was told the Park Board discusses and approves, but David Vinson signs them. Council President Plant stated this contract will be handled like all of the athletic contracts, except that the City Council will approve it before it is signed.

Councilman Steele moved this resolution be approved, seconded by Councilman Cook.

Councilman Taylor stated this is a non-budgeted item, and we do not know the costs. He stated he would rather see the contract negotiated, have it come back to us to approve, and then the resolution be approved. He stated he would like for us to come up with what it will look like and what it will cost the city first.

Councilman Cook stated he agreed that this is non-budgeted. This is just the first step to get a contract negotiated.

Mayor Choat asked the status of the organization and was told they are in the process of forming a 501 C-3. They have already established a bank account and raised money. He asked were they incorporated and was told not yet.

Councilman Steele stated we contract with the Baseball Association recently and they are not a 501 C-3.

Council President Plant stated he did not think we have the legal authority that says who we will negotiate with. That formal step to form an entity, is needed before the contract is brought back.

Councilman Steele stated this is just a resolution to talk and negotiate with this group to get a contract that will then be approved.

Councilman Taylor asked do we have to ask the City Council to approve this contract? He stated he did not think this resolution was needed. We do not know the costs. He stated he thought it was premature to be addressing it. He stated he is not against it, and will not try to stop it, but he just wants to see something stating the costs.

Councilman Taylor was told the auxiliary has a quote for the fence, and from Trimm Landscape on the sod.

Councilman Freeman agreed with Councilman Taylor that we don't have enough information to approve.

Councilman Steele stated if no one thinks this resolution is needed, he would withdraw his motion, and Councilman Cook withdrew his second. Council President Plant asked Mayor Choat and David Vinson to move forward.

A Resolution declaring a moratorium on Cahaba Project demolition was presented. Mayor Choat stated we have talked about where we are, and how to protect the Cahaba Project. He stated this will give us time to see how to move forward to protect the district. This only pertains to demolition and has a hardship provision.

Councilman Freeman stated what happened was legal, but we want to prevent it from happening in the future. This resolution applies to demolition only for three months, and can be extended for up to two additional 90-day periods. Councilman Freeman moved this Resolution 2017-011 be approved, seconded by Councilman Steele.

Councilman Taylor asked do we clearly know what area this entails, and was told yes, it includes all houses within the survey of the Cahaba Project. He asked was this all houses, regardless of when they were built, are still a part, and was told yes.

Council President Plant stated these homes were inventoried and designated as contributing or non-contributing when the district was designated by the National Register of Historic Places as an historic area. Any hardship requests will come to the City Council.

Councilman Cook stated that paragraph one says "demo." He asked does this mean the entire structure? Does it mean taking down one wall to build a room? Does it mean tear down 3/4ths?

Attorney Stotser stated it says it does not include repairs.

Councilman Taylor stated as far as he knew, there was never a problem until this house was taken completely down. He stated he was told it was termite infested.

Mayor Choat stated the plans were already an issue before the house was taken down.

Attorney Stolser stated we may need to come up with a definition of "demo."

Councilman Cook asked what about "any" demo? When asked about interior renovations, he suggested any exterior demo.

Councilman Plant stated our City Attorney was asked to come up with this fast.

Councilman Taylor stated this is not the end result. This gives us time to address the issue.

Mayor Choat suggested we get input from area residents.

Councilman Cook stated he wants to see something done to protect the historical value. He stated he would suggest wording to stop exterior demo for this period.

Councilman Steele stated he did not like complete demo.

Council President Plant asked could it be any exterior demolition without City Council approval?

Ms. Donnette Plant, 100 Lake Street, stated maybe it should be the front facade of the house. Cahaba Elementary saved the front facade on Parkway Drive, and you cannot tell the difference.

A suggestion was made to make this read street view.

Mr. Brian Payne suggested, so as not to affect the historical aesthetic of the home.

Councilman Taylor asked what if you tear down and build back similar?

Hr. Ian Maddox asked what was included in conversation with the attorney? Was it tear down or what it built back?

Council President Plant stated it needs to be fine tuned some more. Some unique aspects may need to be addressed. There are no covenants in the Cahaba Project, and it is not practical to go back and try to do this now.

Mr. Maddox stated the Edgeview community in Homewood has lost its historical character due to things like this being allowed. By the time an effort was made to stop it, it was too late.

Mr. Bob Davis, West Mall, stated the survey on the National Register also listed an non-contributing those houses that had been "monkeyed with."

Ms. Christie Lawrence, 107 Lake Street, stated this did not stop houses being constructed to replace these homes. She thanked Bob Davis for voting no. She stated she felt it should not have been approved. There should be a subcommittee to look at Cahaba Project homes to see that renovations or expansions are done in character.

Mr. Ryan Dawkins stated he would like the Council to consider the word "exterior" demo. The house on Lake Street had one wall left, but the rest of the house does not fit.

Councilman President Plant stated we may need to address roof pitch and similar items.

Councilman Freeman stated the Design Review Committee reviewed this and approved the plans, so nothing was done wrong. Our proposal to catch these things is review of the Cahaba Project. It should be treated differently. Obviously it was not what the residents of the area want.

Mr. Payne asked would the Council be reviewing the members of the Board? He stated he had to get windows and paint colors approved. How did this get approved? We would like to know how they decided that this fit the neighborhood? It seems that the neighborhood representative on the Board was not given any say to protect us.

Council President Plant stated, after this process, may need a subcommittee to look at Cahaba Project matters.

Councilman Freeman stated we as a City Council - we as a City - must address the historical significance of this area. He stated he felt that Cahaba Project residents should review.

Ms. Laura Maddox, 112 Oak Street, in Homewood they have bulldozed houses and built back four houses on the lot. She asked does the Council want to see this area preserved?

Council President Plant stated there is a long-standing view to preserve this area. Lots cannot be further subdivided already. We want to tie into the historical look.

Mr. Arnold Reichert, North Mall, stated they are very disappointed with the Design Review Committee. This is an advisory committee. If it were all Cahaba Project members, it would still only be advisory. It falls back on the Council to see that this does not happen again.

Ms. Christy Payne stated the house on Lake Street that everyone thought was too big is 4,000 square feet. This house is over 6,000 square feet.

Mr. Bob Davis stated when the old high school was redone, there was negotiation for a year and a half to get approval. The negotiation on this house was less than ten minutes. The owner did not have permission to tear down the house. He just did it.

Councilman Cook stated he has an issue with "major" as this is vague.

Attorney Stotser stated it refers to destruction or major modification to any existing structure.

Councilman Cook stated he asked before what was a temporary structure and was told five years. He asked what about 51%? Or 42%? The Board approved, but once in place and approved, we can't stop. He stated he thinks this should be any exterior demo for 90 days.

A lady in back stated a permit was issued. You are responsible for that.

Council President Plant stated if the plans comply with the law, we can't withhold a permit. This would give them authorization to withhold a permit while things are worked out.

Councilman Freeman amended the motion to approve Resolution 2017-011 to include any exterior demo, and Councilman Steele amended his second, and the vote was unanimous.

Ms. Joanna Edge, 105 Lake Street, stated a permit was issued to replace what should not have been torn down.

Council President Plant stated this was done based upon the plans approved by Design Review. The owner was not given permission to tear down the entire house.

Ms. Edge stated their concern is that the house is not in keeping with the neighborhood, and they do not understand why this was allowed.

Councilman Steele stated he has the same overall frustrations as others do. He stated he had to appear before the Design Review Committee, and was asked about his roof, his windows, doors, and paint colors. He questioned how this was required of them and not of others. He stated he felt the system failed.

Council President Plant stated there needs to be the same process for all who apply.

Mr. Payne asked did anyone see in the plans presented any part of the original look of the Cahaba Project?

Ms. Laura Reichert stated there is not any consequence for not doing what you say you will do.

Council President Plant stated we are making a lot of assumptions that we don't have back up on. Our city attorney will work on this.

Councilman Freeman stated we will get with our city attorney to try to see that this does not happen in the future.

Ms. Reichert stated she would like to see if anything can be done to forestall building this house.

Councilman Taylor stated that it also does not help the neighborhood to have a vacant lot with rubble.

Council President Plant stated any project is not allowed to violate a permit.

Ms. Ruth McKelvey, 6919 Birdsong Lane, asked was notice not sent for a zoning hearing, and was told this did not involve a zoning change.

Mr. Payne asked was notice sent for a variance since the setbacks are not met on the proposed new dwelling?

Council President Plant referred this to the City Clerk, and she responded that if a variance was requested, then notice would be sent to adjoining property owners of a hearing date, but she did not know if a variance request was filed or not. She stated she could verify this tomorrow morning.

Councilman Taylor moved Proclamation 2017-008 in recognition of the 160<sup>th</sup> anniversary of Mt. Joy Baptist Church. This is the oldest African American church in Jefferson County. This was seconded by Councilman Freeman, and the vote was unanimous.

Councilman Cook stated there was not a quorum at the IDB meeting, so they could not convene. The Utilities Board met and discussed their budget and discussed problems with the CNG pump at the service station and how to resolve them. They discussed leaks and repairs to lines. The water levels in the tanks are good.

Councilman Freeman stated the BOE met last night and honored athletes in track and field and the wrestling team. The wrestling team was one point from the State Championship. State records have been set by the track and field team. Our schools continue to excel.

Councilman Freeman stated he missed the Design Review meeting as he attended the BOE meeting, but the meeting was mostly approvals of signs in the Homestead Village development.

Councilman Steele reported for Parks and Recreation that Spring sports are underway. Baseball is hosting an open tournament and the Softball travel association will host a tournament in April.

Councilman Taylor gave the Fire Department report for February as follows:

#### Fire Department Activity

|                      |   |                         |    |
|----------------------|---|-------------------------|----|
| Total responses      | 235   | Motor Vehicle Accidents | 10 |
| Medical              | 178   | Hazardous Materials     | 4  |
| Patients Transported | 106   | Brush Fire w/structure  | 1  |
| Lift Assists         | 17  | Transformer Fire        | 1  |
| False Alarms         | 14  | Burn Complaint          | 1  |
| Notable Events:      | Delivered baby girl                                       |                         |    |
|                      | Assisted JCSO & ALEA with a body recovery from Cosby Lake |                         |    |

Councilman Taylor stated the Chamber renewal deadline is coming up soon. At the Chamber banquet Ms. Wynona Bryant was presented with the Customer Service Award, Ms. Deanne Billingsly was Ambassador of the Year, Ms. Donna Griffith received the individual Gatekeeper award and the City Hall Staff received the group Gatekeeper award. Sara Patterson will be the speaker at the Leadership Conference. A Business After Hours event will be held at SpareTime on March 16.

The City Finance Committee will meet tomorrow afternoon.

Council President Plant stated he appreciated the hard work of the Police Department. They are busy in the community. He stated both police and fire work to ensure the safety of our community.

Council President Plant stated the Historical Committee will hold an open house on March 5 from 1-5.

Ms. Jane Alexander, Historical Committee chairman stated they have had great attendance at their events.

Mayor Choat stated there will be a department head meeting tomorrow. We are working with the Historical Committee museum on some issues. The Vann Road project is almost complete. We are waiting on the power company to get the traffic signals on our ATRIP project working. The contractor on the greenways project is in liquidated damages now. The new bridge is installed and the old bridge will be refurbished.

Ms. Ana Larkin, 418 Glen Cross Way was recognized and stated this is the first that she has heard that the dog park auxiliary must be incorporated. This has never come up before. They want to know if they will be approved before going to the effort to incorporate. She stated they did an extensive study and presented it, and thought that they had done all they were asked to do. When their group left on Thursday, they thought that they were ready. Every time they come back they are asked for something else.

Council President Plant stated Baseball, Softball and Soccer have been here a long time and we have an entity that we can deal with. We do not often have a new entity to work with. You are a completely new body. This is tiny, and not insurmountable. We need someone empowered by the organization to bind the association.

Ms. Larkin asked how they can raise funds and hire a lawyer when they have no assurance that they will be approved?

Councilman Taylor stated they are not yet an entity. You are talking about a lease that you cannot legally sign.

Ms. Larkin asked why they were not told this last week?

Councilman Steele stated this was on him. He did not anticipate the objections from Councilman Taylor.

Council President Plant stated he felt very supportive. He stated no one is trying to set a trap for them. This is easily accomplished.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk