

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

MARCH 14, 2017

The City Council of the City of Trussville met for a workshop session on Thursday, March 9, 2017 at 5:30 p.m. at Trussville City Hall. Council President Brian Plant presiding.

Those members present were as follows:

Council President Brian Plant  
Councilman Perry Cook  
Councilman Zack Steele

Absent: Councilman Jef Freeman  
Councilman Alan Taylor

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, March 14, 2017. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Representatives from our auditing firm of Till, Hester, Eyer and Brown went over the FY 2015-2016 audit with the Council, stating this was a clean audit report.

Mr. Richard Frier of Mobilitie talked to the Council about obtaining a wireless broadband franchise.

Mr. Danny McKinley of Southern Software advised the Council of the need for new police software with the ability not only to operate the department records management, patrol, and the jail, but also to integrate with our municipal court, surrounding jurisdictions and the Alabama Department of Public Safety. He stated that while he would love to have an opportunity to bid on this upgrade, this is a matter that needs to be addressed in the near future regardless of the vendor.

Jason Parsons, from our IT department stated it is anticipated that approximately \$10,000 in hardware upgrades will be necessary, primarily for added RAM.

Jack McDuffie presented a conceptual development plan to develop a tract into four, one-acre plus lots to be accessed from Cherokee Drive that would need approval to cross city property. This would eliminate the entrance from Highway 11.

Grady Lancaster discussed the Cahaba Project saying that all homes have been modified.

Council President Plant stated a committee will be formed with representatives from the Cahaba Project, Design Review, Planning and Zoning and the Mayor to come up with the right plan.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, March 14, 2017 at 6:00 p.m. at Trussville City Hall. Council President Plant presided over the meeting and City Clerk Lynn Porter served as recording secretary.

Council President Plant called the meeting to order and asked Councilman Freeman to

lead in prayer. Councilman Steele led the pledge to the flag.

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  
 Attorney Rick Stotser

Council President Plant introduced the minutes of the February 28, 2017 meeting for approval. Councilman Freeman moved they be approved, seconded by Councilman Taylor, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. Mayor Choat asked the Council to authorize the police department to go out to bid on new software, and to add an agreement with the Tutwiler Homeowners Association to construct a security building on city right-of-way. Councilman Cook moved the agenda be approved, seconded by Councilman Steele. Councilman Cook asked is the software something that we determine or is it something that we just accept their offer. He was told that they have looked at software from several providers. If approved to go forward, we will develop software specifications, and send them out to several vendors, and get the bids back, before a decision is made. The vote was unanimous.

The consent agenda was presented as follows:

Addendum

Accounts Payable		<u>Regular</u>	
Liabilities	8,434.65		17,592.37
Non-Departmental	2,209.75		9,638.92
Mayor and Council	8,031.00		183.20
Administration	27,180.06		130.20
Inspections	1,716.58		
Municipal Court	1,096.70		
Information Technology	159.36		4,157.5
Police Department	26,244.49		4
Fire Department	56,822.37		3,533.0
			7
Public Works	30,393.24		800.85
Garbage	163,330.42		
Parks and Recreation	45,799.96		20,967.00
Library	6,030.52		140.15
Rental Properties	718.21		22.05
GENERAL FUND TOTAL	378,167.31	CORRECTIONS FUND	57,165.60
2,829.15 LOC-TUB	2,810.00	TOTAL ACCOUNTS PAYABLE	3,916.66
	383,806.46		
			61,082.26

FDIC International Conference (Fire Dept) - Franklin, Griffith, Hopper, Panepento - Indianapolis April 25-29 2017 - 405.00 ea. = \$1,620.00 League of Municipalities Convention - May 20-23 - Bham - Choat, Cook, Freeman, Taylor, Plant, Porter - \$400.00 ea.  
 Traffic Stops - Warmus - Jacksonville, AL - April 18-19, 2017 -\$150.00, plus lodging  
 Accept resignation Michael McCalib, police officer Accept resignation Melanie Colston, magistrate, eff 3-17-2017 Declare vacancy position held by Cory Bradford,

public works laborer Hire Tiffany Jackson - Police Admin - Effective April 1 - Grade 13, Step 1 Hire Kyle Alexander Wilson, Police Officer - Eff. April 1 - Grade 17, Step 1 Approve estimate Dynamic Home Services - Station 3 bathroom repairs - \$19,580.16 Merit increase - completed academy - Donald Taylor III to Grade 17, Step 2 eff 3-4-17 Appoint Jerry Little to IDB through July 14, 2021 Hire Emile Joseph Catania - Public Works - effective 3-15-2017, Grade 7, Step 2

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

An ordinance to amend the zoning ordinance to establish an application process for conditional uses in the downtown overlay district was presented. This process was omitted when the overlay ordinance was drafted.

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

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Freeman moved Ordinance 2017-014-PZ be adopted as presented, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

A request to rezone property at 1980 Gadsden Highway from C-P to Q-C-2 was presented. Mr. Joe Schneider stated they have agreed to more than twenty exclusions. Councilman Freeman read them as follows: C-2 zoning classification, excluding the Animal hospital, Day care center, Dry cleaning or laundromat, Auto, light truck, boat and motorcycle sales, Car wash, Commercial parking, Department store, Funeral home, Gasoline service station/convenience store, Grocery store, Home improvement center, Hotel and motel, Indoor sports facilities, Minor vehicle repair, Restaurant- fast food, Small engine repair, Theater, and all special exception uses.

Mr. Bill Lowery, 422 Woodward Road, Tutwiler HOA, stated they have been here four times tonight on zoning issues. He stated he knew that the property will be developed, and knew that there were a lot of qualifiers on this. He stated this property has been zoned C-P since before he came here in 1994. This is in the transition overlay district also. It is not what they desire. This will be a busy intersection when the shopping center opens. He questioned why the Council would consider this if the Planning and Zoning Board did not recommend it. He stated he would like to see it remain for business offices.

Mr. Steve Smith, 252 Wimberly Drive, stated he backed Mr. Lowery.

Ms. Loretta Bates, Bradford Circle, stated traffic will be gridlock when the shopping center opens. She asked if the City has considered widening Highway 11 to Trussville Springs? She questioned why we would add more commercial on the main street.

Mr. Paul Fowler, Delane Drive, agreed.

Mr. Sonny McClain, Bradford Circle, stated he has heard nothing good about Trussville traffic.

Mr. Vernon Cooper, Bradford Circle, stated we do not need any more retail.

Mr. Joe Schneider stated this will be a relocation of a current business in Trussville. Kirkland's is relocating to this site, so there is no net increase in traffic. He stated they have provided the qualifiers, and would like to be friendly with the community. He stated his company developed Chipotle.

He was asked if he would exclude the tanning salon use, and agreed to this addition to the exclusions.

Ms. Gwen Pool, Powell Place, asked would this be the only store?

Mr. Schneider stated the building will be 9,600 square feet. Kirklands will occupy 7,500 square feet of this building, leaving 2,100 square feet for another tenant.

Ms. Pool asked the size of the property and was told 9/10s of an acre. She stated she was concerned that there was not enough parking for this, and Mr. Schneider replied that they have met the parking requirement for 9,600 square feet.

Council President Plant asked did this include the 12' buffer, and was told yes. He verified that there would be no driveway access from Highway 11 and was told this is correct.

Ms. Hazel Clayton, Tutwiler Drive, stated we will have Kirklands, Home Goods, and Hobby Lobby. If Kirklands does not make it here, what will go in next? She cited traffic back ups trying to get into her subdivision. She questioned how this plan meets requirements when it didn't when presented to Planning and Zoning, and was told that the size of the building has been reduced.

Council President Plant stated parking is not a city council decision in zoning. Depending on the size of the building, it either meets it or does not meet it, but the building footprint determines the parking requirement.

Ms. Clayton stated this is in the transition district and must have sidewalks.

Mr. Schneider stated they will comply with all requirements.

Mr. Vann Horne, 311 Tutwiler Drive, asked if the business goes away, do the qualifiers go away, and was told no that the zoning runs with the land. He asked who will track it, and was told it is tracked by the city as all zoning and all qualifiers are tracked.

Ms. Nina Orr, 105 Woodward Road, asked why we want to do this? They can't sell as CP, so why are we talking about this again?

Council President Plant explained that we cannot deny an application.

Mr. Paul Fowler stated he heard Highway 11 would be extended by two more lanes. What happens then?

Council President Plant stated widening Highway 11 is up to ALDOT, and it would be up to them to get the needed right-of-way.

Mr. Horne asked what if someone wants an excluded use later, and was told that the person would have to apply and go through this same process to get the particular use approved.

Councilman Cook asked if the shaded area on the plan given to them was a sidewalk and was told yes. He asked where the detention was, and was shown.

Ms. Pool stated she did not understand how this could be rezoned when property behind it was CP.

The public hearing was closed. Councilman Freeman moved for unanimous consent to

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

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Freeman moved Ordinance 2017-015-PZ be adopted as presented, seconded by Councilman Steele. Councilman Taylor stated he did not participate in the discussion, nor will he vote, as a family member owns a part interest in this property.

Councilman Freeman asked, if approved, would they work with Design Review on the lighting, and was told yes. He stated the lighting at the Social Security building spills over onto residential property now.

Mr. Sandy Darden was asked the size of the office building next door and he replied 20,000 square feet - 10,000 square feet on each level.

Council President Plant asked could this building be two stories in C-P and was told yes.

Upon a roll call vote, the results were as follows:

Yeas: Councilmembers Plant, Freeman, and Steele

Nays: Councilman Cook

Abstain: Councilman Taylor

A public hearing for a conditional use application for Slag Heap Brewing Company was presented. Proprietor Joe Meadows, 4556 Rock Creek Circle stated he was looking two years ago to open in Birmingham, and named his company Slag Heap Brewing in recognition of the Birmingham Steel Industry, and the slagbyproduct at Sloss Furnace. He stated he looked at several sites, but did not find anything. He stated he lives in Trussville, and saw our Master Plan for downtown. He stated he thought it made sense, with the city's plan to redo the district. Avondale Brewery is a great example of what one business can do to an area. He stated he drove by the ice house building twice a day, and saw that it was available. He stated he was lucky with the name as it also has a connection to the Cahaba Project area. He stated his operation is considered a nano-brewery, where four batches at a time are brewed. The other side of the building will be used as a tap room wherepeopleareserved. This is not abar. Noli liquor is served. Access to the building will be from the Morrow Avenue side. There is more parking available at this site than any other in the area. He stated they will rework the old building to bring it back as it was before. He stated they will not serve food, but will allow food to be brought in. It will be a family atmosphere. He stated there is a new pizza place across the street, so hopefully people will buy a pie and come to their establishment to eat it.

Council President Plant confirmed that there will be no access from Highway 11.

Mr. Jessie Odell, 363 Thomas Hall Drive, was recognized and stated he was in favor of this.

Ms. Connie Horsley, 2936 Floyd Bradford Road, stated she was a life-long resident of Trussville, and it has always been a family oriented community. She stated she worked in the 1980s assisting in the annexation drive after Birmingham tried to annex the new high school, which is now the middle school. She stated her father assisted the police chief and Sheriff Mel Bailey in breaking up stills along the Cahaba River. She stated a brewery is not in her vision for Trussville. She stated Mr. Meadows says this is a place to bring your family. How can this be if the establishment cannot sell to anyone under twenty-one. If he only sells beer, in my opinion, that is a bar. If it is a bar, a tavern, a restaurant with alcohol, it is all the same. We have rush hour traffic all day in Trussville. It is a matter of safety. It is illegal to drive with a blood alcohol level of 0.08. For most people, it

takes only two beers to reach this level. She gave statistics on alcohol-related accidents in 2014 saying 9,967 people nationwide lost their lives. She stated on August 7, 2014 her son-in-law became one of those statistics when he was hit head on by a drunk driver in an accident that also took the lives of two people in the other car. These lives were taken because alcohol was sold. She asked that this application be denied.

Mr. Vernon Cooper, Tutwiler Farms, asked would this be for on-site consumption? He asked did this fall within our alcohol ordinance? Council President Plant replied yes.

Mr. Jesse Odell asked why this has to have approval since there are so many places that sell alcohol already?

Mr. Greg Carroll, Longmeadow Court, President of the Downtown Merchant's Association, stated he thinks this is good for the community, and good for downtown. He stated he sees Trussville couples at similar establishments located outside of Trussville, and feels that we need to keep our taxes at home.

Mr. Sonny McLain asked where this is, and was told it is at 227 Main Street, just beyond what was Mabe's Power Equipment for many years, and is currently under renovation for a real estate company.

Mr. Scott Buttram, 200 Mountain Drive, RDA member, stated this is the type of business we are trying to recruit. This type of business has sparked growth in other areas. This is not a typical bar. This is a high-end business. There is a movement for craft breweries, and we want to see other businesses drawn in. Downtown in America is changing. This is how we recreate ourselves with Mom and Pop stores, locally owned. This is what we hope to have in downtown and we think it will spur growth.

Councilman Cook asked would soft drinks be sold and was told yes.

Mr. Meadows stated he appreciated Ms. Horsley's comments about drunk driving. He stated his sister was killed by a drunk driver. This makes him want to be more cautious with his staff, and to insure that patrons are not over served. He stated they want people to come here and to leave safely.

Council President Plant asked was he proposing outside seating, and was told yes, in an enclosed area

The public hearing was closed.

Councilman Freeman moved for unanimous consent to approve this conditional use for a brewery and tap room at 227 Main Street on a first hearing, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Freeman moved the conditional use for Slag Heap Brewing Company, a nanobrewery and tap room at 227 Main Street be approved, seconded by Councilman Cook.

Councilman Taylor stated he is the son of a Baptist preacher. There are differences of opinion on alcohol in any group. Our job is not to regulate morality. Our job is to see that all follow the law - how to train, how to serve, when to quit serving - and we hold the operators responsible. Most everyone said they wanted out downtown to develop so that our tax dollars would not leave town. Young people go elsewhere to patronize this type of business.

Council President Plant stated this is not an application for an alcohol license. He must come back for that before he starts to sell.

Councilman Freeman stated he is also required to obtain a federal license to allow him to brew, and an ABC license to sell. They can't brew until they are inspected.

Councilman Taylor asked would the cabinet shop in back stay there, and was told yes.

Councilman Cook stated we are not a moral compass. We take care of the downtown properties and see that businesses are conducted properly. We are stewards of the property and finances of the city.

Council President Plant stated some valid concerns have been brought up. If the business does not seel responsibly, we will bring them back before us to show cause why their business licenses should not berevoked. Selling alcohol is aprivilege, not aright, and weshare your concerns.

Upon a roll call vote, the results were as follows:

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Taylor moved the FY 2015-2015 audit be approved, seconded by Councilman Cook, and the vote was unanimous.

An ordinance to annex 6409 Advent Circle was presented. Councilman Freeman 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: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Freeman moved Ordinance 2017-016-ANX annexing this property be approved, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers Plant, Cook, Freeman, Steele, and Taylor

Nays: None

Councilman Taylor moved Resolution 2017-013 awarding the bid for police body armor be awarded in the amount of \$26,626.80 to be paid from seized funds, seconded by Councilman Steele, and the vote was unanimous.

Councilman Taylor moved Resolution 2017-014 declaring inoperable equipment in the police department as surplus be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Taylor moved Resolution 2017-0015 authorizing a bank account at SouthPoint Bank be approved, seconded by Councilman Freeman, and the vote was unanimous.

Councilman Cook stated the IDB will meet tomorrow.

Councilman Freeman reported that Planning and Zoning met last night and gave final approval for a sector in Longmeadow, Cahaba Farm, and two resurvey's. There were 16 new home starts last month, and 9 additions. There were 4 new commercial permits and 3 additions.

Councilman Freeman stated our schools continue to excel. They will compete in the Scholar's Bowl in New Orleans. The school calendar has been set for next year.

Councilman Steele reported opening day for Baseball and Softball is this weekend. The Mayor will throw out the first pitch for softball underhanded. He reported that we are finishing up

several public works projects. ACTA will be performing "Tom Sawyer."

Councilman Taylor carried over his report.

Councilman Plant gave the library report as follows:

**TRUSSVILLE PUBLIC  
LIBRARY City Council Report**

**Date: March 9, 2017**

**Figures for the month of February 2017**

**Total Circulation**

**All Circulation Activity including items  
checked out, checked in and renewed:  
32,996**

**Downloadable Audio/E-Books 1,421**

**Computer Use 1,050**

**Library Visits 20,450**

**Reference Transactions 4,168**

**Library Programs 21            Program Attendance**

**461 New Members 74**

**Trussville Public Library offers a wide variety of programs, book clubs and activities for all ages in our community. For children: Pre-K story time every Thursday morning, Intro to Chess every other Tuesday night for all ages, American Girl Club, Dudes & Doughnuts Book Club for boys, Chips and Chapters for older children, monthly Monday night movie. For teens: Teen Advisory Board, Manga Brigade, Books to Movies Book Club, monthly Game night. For adults: Book Club, Learn to Crochet, Learn to Knit, Genealogy programs, monthly local author presentations. We look forward to providing an even wider and more varied schedule of programming and events after the opening of our new facility.**

Mayor Choat stated he will meet with the Library Board tomorrow to discuss the transition. We will be paving in the Woodward subdivision tomorrow. The Board of Education has a quote to pave the turn around at Cahaba Elementary. He stated he met with the City of Birmingham last week and they said that they will participate in paving Mary Taylor Road on the Birmingham side. Work is progressing on the small drainage project on Edgeview. Railroad Avenue is almost done. Longmeadow and Charter met last week about their problems. The Trussville Springs developer is cleaning up the downed trees.

Mr. Jesse Odell, Thomas Hall Drive, stated there is a drainage problem and pot holes in his area.

Mr. Sam Winbush, DeShazo Drive, stated there have been gun shots in his area several times, including last Sunday, and when the police are called, they are asked if this is in the city or the county. The house and lot the gun shots are coming is in the city. It is the property at the corner of



Pineview and DeShazo. This is the same place that has the illegal auto repair business and the property has now become a junk yard. Someone is going to get killed if this is not addressed. This would not be allowed in Tiffany and should not be allowed here. There are some burned out buildings that need to be addressed. The county has already started the process on the lots in the county. Some lots are overgrown and this will get worse in the summer.

Chief Bridges and David Arnett were asked to investigate and to develop a game plan.

Chief Bridges stated they have responded to some calls, but was not aware of the one on Sunday.

Ms. Winbush stated each time they call there is a five minute conversation first to get them to dispatch the police. She stated their area does not ever see the police unless they specifically call them out.

Council President Plant stated the reason they are asked if this is in the city or the county is because there is a mixture in that area and we need to get the proper agency to respond so that they can take action. We certainly do not want gun shots in the area.

Mr. Winbush stated there are 16 homes in the area and it is a problem.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk