

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

MAY 8, 2018

The City Council of the City of Trussville met for a workshop session on Thursday, May 8, 2018 at 5:30 p.m. at Trussville City Hall, with Council President Alan Taylor presiding.

Those members present were as follows:

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

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, May 22, 2018. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Some members of the TRA were present and stated the TRA is now taking a new direction. They asked the Council if it was their intent that facade grants should be paid from city funds or from TRA funds?

Mayor Choat responded that he thought it would come from the funds the city sent to the TRA.

Council President Taylor stated it was his understanding that decisions on facades were made by the TRA, and it was up to them to fund them or not.

Diane Poole asked, if they decide not to continue that program, can they just stop, and was told yes.

David Arnett stated our ADEM permit requires that we adopt three ordinances on erosion and sedimentation control, illicit discharge and post construction requirements. Each city must have these, so a model was developed for the cities to use. We already have similar ordinances that we will repeal and replace with the new ones. The draft ordinance recommends raising bonds and stormwater permit fees. We currently charge \$100 for residential and \$400 for commercial permits. The recommendation is \$1,000 for all permits. We are suggesting \$400 for residential and \$1,000 for commercial. This is in line with what Vestavia is doing. Mountain Brook is using \$1,000 for all permits.

Beth Stewart, Executive Director of the Cahaba River Society, stated the city needs updated controls for post construction monitoring. She stated they feel the proposed ordinance does not get us there. She stated they would like to help, specifically on issues of volume of runoff and erosion. There is room for improvement on green infrastructure and low impact development with bio swales. These ordinances focus on outdated retention/detention facilities. She stated there was no meaningful public involvement on these ordinances. She stated Vestavia Hill is working with them to make some amendments.

Council President Taylor asked would SWMA have a problem with this, and was told no, as they are fully in accord with the permit requirements.

David Arnett stated the Cahaba River Society amendments would be better for the river. This pro-forma ordinance proposed is the minimum requirements.

Council President Taylor asked is it the goal of the Cahaba River Society to get municipalities to change or to get Stormwater Management to change?

Ms. Stewart stated they only ask to sit down and discuss alternatives with city officials.

These ordinances will be held over until May 22, with a dialogue with the Cahaba River Society to take place before then.

Mayor Choat stated the proposed nuisance ordinance combines our various nuisance ordinances. There have been changes in the laws and the property maintenance codes since some of these ordinances were adopted as early as 1987. The process has been streamlined, and who is responsible for what has been clarified. Service of notice is addressed, as is the assessment of costs and fees. This ordinance will be added to the agenda.

Mayor Choat stated he only saw garbage cans on the sidewalk on collection day. The sidewalk abuts the curb in this area with no space between.

Council President Taylor stated he got complaints about the fireworks at the Shrimp Boil going off so late, and asked was there a time restriction.

Chief Shotts stated he will address this with the vendor who does most of the displays in the city. He was asked by the sponsor to delay the exhibition, and complied with the request.

There being no further business, the workshop was adjourned.

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

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

Those persons answering present to roll call were as follows:

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

Absent: None

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

Council President Taylor introduced the minutes of the April 24, 2018 meeting for approval. Councilman Steele moved they be approved, seconded by Councilman Cook, and the vote was unanimous.

Richard Epstein, Boulder Drive, stated the power was out at the Civic Center for several hours a couple of weeks ago, and suggested a generator be installed. He stated a new pool is needed. He asked the city to contact the county to fix the ditch going north at Woodland Circle like the ditch on the other side. He asked about the traffic signal study at Brookes Crossing.

Mayor Choat stated a pool is one of the items on the list for possible funding in an upcoming bond issue. He stated we can make a contact about the ditch. Skipper Consulting is working with the State on the traffic signal. A tree fell on Trussville Clay Road bringing down the power lines. We will follow up on a generator.

Candidate for Probate Judge, Place 2, Willie Florence, Jr. was recognized. He stated he has practiced law in Probate Court for seventeen years. He stated he has a passion for adoption. He asked for support. He stated he is a Trussville resident.

Mr. Robert Lets, 3024 Floyd Bradford Road, stated on April 21 a Pivotal LNG truck went off of the road, and the neighborhood was evacuated. There needs to be signage for drivers. This was a new driver and he became confused leaving the plant. Pivotal has agreed to do training for drivers and for the neighbors.

Chief Shotts stated the evacuation was called as a precaution. There were no leaks or spills, but they did not want to take a chance when lifting the truck.

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

The consent agenda was presented as follows:

Accounts Payable

Liabilities	6,888.70
Non-Departmental	89,116.49
Mayor and Council	646.82
Administration	7,280.23
Inspections	1,715.52
Municipal Court	190.18
Information Technology	193.66
Police Department	14,458.89
Fire Department	19,035.28
Public Works	5,798.37
Garbage	171,340.59
Parks and Recreation	31,932.40
Library	11,979.52
Rental Property	293.25
GENERAL FUND TOTAL	360,869.90
STREET IMPROVEMENT FUND	1,253.77
CORRECTIONS FUND	3,675.55
TOTAL ACCOUNTS PAYABLE	365,798.72

Additional Accounts Payable

Icemakers	165.18
Kyocera	3.17
Onesource	7,389.69
Verizon	405.45
	102.28
Goodyear	391.40
NAPA	348.48
CC Refund	75.00
Brannon Electric	164.56
	325.35
Allcom	50.00
	220.85
	420.85
Express Oil	57.99
Darrell Wood	280.80
Stantec	660.55
Birmingham Water	120.30
Century Link	73.88

Spectrum	86.37
	163.98
Batteries + Bulbs	339.90
Southern Link	261.26
Hometown Sporting Goods	107.08
Argo Power Equipment	55.58
V&W Supply	30.30
Bound Tree	1,171.37
Neopost	68.25
Ag-Pro	292.73
Wells Fargo-Copier	2,086.78
Home Depot	30.01
ABC Towing	68.00
Catering - Civic Center	44,460.88
Instructors - Civic Center	21,073.00
Total	\$81,551.27

Merit increases effective May 12, 2018

Pamela Hasty - Park & Rec - Grade 7, Step 4

Kristopher D. Lovvorn - Fire - Grade 17, Step 10

Hire Lifeguards (Seasonal) - effective May 8, 2018

Kaylyn McDaniel - Grade 7, Step 1

William Foster - Grade 7, Step 2

Martin Horst - Grade 12, Step 1 (pool manager)

Wesley Hudgins - Grade 7, Step 1

Hire Park & Rec seasonal laborer - Grade 7, Step 2 - effective May 22

Daniel Scott Green

Sam Thomas Woodward

Approve educational incentive Johnathan "Nathan" Jones, plus 5%

Accept resignation Sgt. Michael Bruce - PD - effective May 1, 2018

Hire Library - Part-time Circulation Clerks - Grade 8, Step 1

Michelle Greene

Katie Jones

Laura Smith

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

A request to rezone property located at 112 Maple Avenue from R4 to CP was presented by Mr. Mike Gunter. He stated this property has been used commercially on a variance from the 1970s for an in-home business. Preferred Commercial allows offices. It does not allow retail or restaurants.

A public hearing was opened and Ms. Jan Waites, 114 Maple Avenue, was recognized. She stated she did not receive notice of this hearing. She purchased this property last year, but the prior owner's name still appears on the public records. She stated her fence backs up to this property, and she has a lot of concerns. There are a lot of rental houses in the area and the tenants did not know about this. She stated she is concerned about parking, signage and advertising, business hours, and privacy.

Mr. Brenda Ray, Kensington Avenue, stated she was Ms. Waites mother and this is her first house. They did not realize this area would become commercial.

Ms. Waites stated her real estate agent said that her property value would decline.

Mike Gunter, 196 Main Street, owner, stated he understood her concerns. Preferred Commercial will allow a small office to locate there. The former use was a car lot. He stated they purchased this because there is a large lot for parking. Architect Mr. Dave Reece has done a plan for the property. This zoning is very restrictive. Main Street is crowded and commercial is moving

back. There is commercial on Glenn Avenue and on Kay Avenue on each side of Maple Avenue with commercial farther back than this.

Ms. Waites stated she wished this would not be decided tonight.

Council President Taylor asked how many people were notified and was told 74 notices went out, and three or four were returned as undeliverable. He asked about notice to the renters, and was told that notice goes to the property owners. When asked what was said at the Planning Board hearing, City Clerk Porter stated only one person made a comment at the Planning Board hearing, and she was a rental property owner concerned about the effect on her tenants.

The public hearing was closed.

Councilman Cook stated he would like to see this carried over so more people could come.

Mr. Gunter stated the rental homes in the area are also a form of commercial.

Council President Taylor confirmed that she shared a fence on one side and determined it was a chain link fence.

Mr. Gunter stated, if this is approved, that he is willing to put up a privacy fence.

Councilman Freeman 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 Taylor, Cook, Freeman, Plant, and Steele

Nays: None

Councilman Freeman then moved Ordinance 2018-007-PZ be approved to change the zoning on 112 Maple Avenue from R4 to CP, seconded by Councilman Plant. Councilman Plant confirmed that Mr. Gunter will erect a privacy fence between the properties.

Council President asked Councilman Freeman if he would like to amend his motion to this effect. Councilman Freeman then amended his motion moving Ordinance 2018-007-PZ be approved to change the zoning on 112 Maple Avenue from R4 to CP on the condition that a privacy fence will be erected between this property and 114 Maple Avenue. Councilman Plant amended his second. Upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Freeman, Plant, and Steele

Nays: Councilman Cook

Councilman Plant moved Resolution 2018-014 authorizing and supporting a 200th anniversary planning committee to plan a Bicentennial celebration in 2020 be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved Resolution 2018-015 to surplus three police vehicles be approved, seconded by Councilman Steele, and the vote was unanimous.

A nuisance ordinance was presented as discussed at the workshop. Councilman Steele moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Steele then moved Ordinance 2018-008-ADM amending and consolidating several nuisance ordinances be approved, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Cook stated the IDB has passed stage one in having property declared as an Advantage Site, and is proceeding with phase two.

Councilman Freeman stated inspections ordinances were discussed tonight. Graduation will be held on May 22. Hewitt's baseball team is in the playoffs, as well as the softball team. Awards were given at the last Board meeting to track and field, girl's basketball and band.

Councilman Plant stated the Chamber had 4,000 in attendance at City Fest. Movie night will be held in the Baptist Church parking lot after the Merchants Association event on the second Saturday. Scott Meyer of the Alabama Sports Hall of Fame will be the speaker at the Chamber luncheon. He reported that the Library is up and running well. A suggestion was made at the Public Safety Committee to change North Mall and South Mall to one way streets, to allow for angled parking on the mall.

Council President Taylor stated we need to appoint Jeremy Walker to the Public Safety Committee to replace Dr. Sarah Nafzinger.

Councilman Steele stated ACTA is working on their summer program, "Guys and Dolls."

Mayor Choat stated the Second Annual Mayor's Bike Ride will be held on Saturday. A ribbon cutting for our Greenways will be held on May 19 at 9:00 a.m. near the Veteran's monument and bridge. He stated the Inspections Department is enforcing our sign ordinance in compliance with our ordinance.

Mayor Choat read a Proclamation in recognition of Municipal Clerk's Week listing the accomplishments of City Clerk Lynn Porter.

Mr. Arnold Reichert, 116 North Mall, stated the residents on the mall are not in favor of changing parking on the mall or having a one way street. This comes up every few years.

Councilman Plant stated this was just a suggestion that was made for consideration.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk