

CITY OF TRUSSVILLE  
SPECIAL CITY COUNCIL MEETING  
AUGUST 14, 2015

The City Council of the City of Trussville met in special session on Friday, August 14, 2015 at 5:00 p.m. at Trussville City Hall to discuss emergency road repairs. Council President Alan Taylor presided and City Clerk Lynn Porter served as recording secretary.

Those persons answering present to roll call were as follows:

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

Absent: Councilman Perry Cook

Others present in Official Capacity: Mayor Eugene Melton

Council President Taylor called the meeting to order and recognized Mayor Melton to explain what has happened.

Mayor Melton stated the road Creekside Way in the Creekside subdivision is coming apart. This road was installed by a developer who went under during the economic downturn a few years back. The lots were taken over by the bank. The road has deteriorated to the point that it is difficult for residents to get to their homes. These roads were originally installed, with the seal coat withheld as is the normal custom. A bond was posted for the amount of the seal coat. Since this has gone on for so many years now, the road bed has come apart, and the bond is insufficient to cover the cost of the repairs to the base and binder and to apply the seal coat. Since the city does not accept these roads until the seal coat is applied, the city has not accepted maintenance responsibilities to this point. This has become a public safety issue for these residents. The purpose of this meeting is to declare an emergency situation, so that the city can go in and make these repairs, while we are negotiating debt recovery efforts with the bank who is now the owner/developer. Declaring an emergency will allow us to go out to bid under the emergency provisions of the Alabama Public Works Bid Law, which relieves us of the normal advertisement requirement for the work. Hopefully we can get the bids in by the end of next week and get started on this. Mayor Melton stated he has written a letter to the bank, Mutual Savings Credit Union, giving them until Tuesday at noon to get something done.

Council President Taylor asked are two working days enough notice to the bank? Mayor Melton responded that they have had the letter over a week.

Discussion followed on whether the original developer Eddie Kennemur or his company had declared bankruptcy or had simply given the lots to the bank when he could no longer pay the loan, and whether this had any bearing on the current actions.

Mayor Melton stated both Mr. Kennemur and Mutual Savings have been sent a letter and put on notice. We are asking permission to go onto the property and work on the road. If they do not agree, we will have to go through the process to declare the property a nuisance through the courts.

Public Works Director Wayne Sullivan explained to the Council that streets are dedicated to the public by recording a subdivision plat, but this action is not an acceptance by the city for maintenance purposes. It is the responsibility of the developer to bring the road up to a standard that the city will accept, before the City Council takes action to accept maintenance responsibilities on the roads.

Mayor Melton stated the letter he wrote was reviewed by two of our city attorneys before being sent out. This letter made it clear that we are asking permission to make these repairs but are not accepting responsibility for the road maintenance at this time, and that we will make a demand for reimbursement. Tonight we need to declare this emergency, so that we can go forward to correct this situation without having to do all of the advertising that would normally have to be done. We are still required to get bids for the repairs and award the bid.

Councilman Plant moved that we declare an emergency to repair Creekside Way, which has become dangerous to the public, under the emergency provisions of the Public Works Bid Law, seconded by Councilman Choat, and the vote was unanimous.

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

Respectfully submitted,

Lynn B. Porter