

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

MARCH 22, 2016

The City Council of the City of Trussville met for a workshop session on Thursday, March 17, 2016 at 5:30 p.m. at Trussville City Hall. 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 to be held on Tuesday, March 22, 2016. 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, March 22, 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 Taylor to lead in prayer. Councilman Plant 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 March 8, 2016 meeting for approval. Councilman Taylor moved they be approved, seconded by Councilman Choat, and the vote was unanimous.

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

The Consent agenda was presented as follows:

Accounts Payable

	Regular	Addendum
Liabilities	53,317.66	2,313.97
Non-Departmental	2,912.00	110,102.86
Mayor and Council	27.49	283.33
Administration	9,323.18	697.68
Engineering and Inspections	4,353.50	409.15
Municipal Court	207.12	297.34
Police Department	39,337.17	297.34
Fire Department	3,983.05	3,867.83
Public Works	3,376.82	28,999.31
Garbage	112,594.76	
Parks and Recreation	6,280.53	10,908.04
Library	3,239.09	1,503.47
Rental Properties	19.21	
GENERAL FUND TOTAL	238,971.58	163,333.70
MUNICIPAL COURT FUND	7,316.57	1,310.00
CORRECTIONS FUND	4,282.11	373.76
2014 WARRANT FUND	3,371.67	
LOC FUND	14,284.01	
CONFISCATED FUND		6,485.00
TOTAL ACCOUNTS PAYABLE	268,225.94	171,502.46

AAPPA Conference - Jensen - Eufaula - July 27-29 - \$250.00 plus lodging & expenses  
 Certified Examiners Course - Lovell & Bruce - Nashville - April 11-15 - \$495 ea plus lodging  
 Tactical Operations Training - Filetti - Las Vegas - May 18-20 - \$339 plus lodging & travel  
 Approve estimate Trimm Landscape - Linden/Kay project - \$12,350 (13 houses)  
 Creative Camp - Dot Kelley - April 12-13 - Mentone - \$125.00  
 Merit increases effective April 2, 2016

Police

Keith Edward Fuell, Grade 17, Step 5, plus 10%  
 Bobby J. Tomlin, Grade 17, Step 6  
 James C. McCool, Grade 17, Step 6, plus 5%

Fire

Jonathan David Atkins, Grade 17, Step 8  
 David Andrew Griffith, Grade 17, Step 8, plus 10%  
 Brandon M. Jones, Grade 17, Step 8, plus 5%  
 Phillip K. McLaughlin, Grade 24, Step 10, plus 15%  
 Clifford A. Moore, Grade 17, Step 8, plus 10%  
 James Moore, Grade 24, Step 8, plus 15%  
 Albert Frank Tinney III, Grade 24, Step 10, plus 15%

Library

Maura I. Davies, Grade 18, Step 4  
 Lindsey B. Kelley, Grade 13, Step 6

Approve Jefferson County Debris MOU

Approve contract with Jefferson County for election services - \$6,121.00 for general election and an additional \$6,121.00 for run off, if necessary

Hire firefighter - William Tyler Benton - Grade 17, Step 2, plus 10% eff. 3-23-16

Law Enforcement Resources - Byars - Florence, AL - April 7, 2016 - No cost

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

A request for a restaurant retail liquor license for Courtyard Oyster Bar and Grill, to be located on Chalkville Mountain Lane, was presented. Mr. Michael Catanese was recognized and stated they wish to open this as their third location. They also have restaurants in Alabaster and on

Highway 280. They will have a “meat and two” luncheon special each day. At dinner there is live entertainment.

Councilman Taylor asked if they were a part of the responsible vendor program, and was told no, but they have their own training program. Councilman Taylor asked how they identify patrons and was told that they card everyone, and if there are any questions, they go to the training manual.

Councilman Cook questioned were the hours of 11:00 a.m. to 5:00 a.m., seven days a week correct, and was told yes. He was told that alcohol sales cease at 2:00 a.m. on Sunday mornings. He stated by being open these hours, they cater to those who work non-traditional shifts, and for those who work at operations that are open 24-hours, and may need dinner after midnight.

Councilman Taylor asked if they had ever been cited for underage sales, and was told they have never been cited for anything. He stated their Highway 280 facility has been open for nine years and the Alabaster location for three years.

Councilman Plant asked have they had police calls, and Mr. Cantanese replied they have called the police about rowdy patrons. Councilman Plant reminded him that this restaurant liquor license requires a mix where food sales must exceed alcohol sales. He asked what type of license they held at their other facilities and was told a private club license. This license allows more alcohol than food, but only their 280 location has that mix. It operates more as a bar. Alabaster operates more as a restaurant. They feel this location will be more similar to Alabaster, and chose to apply for the restaurant license.

Mr. Cantanese stated they hire off-duty police officers at peak times.

Councilman Taylor stated his concern was that the business be called what it is.

Councilman Plant stated the City has had problems with prior businesses at this location.

Council President Montalto asked was the kitchen open until the doors were closed, and was told yes.

Mayor Melton stated an alcohol license is a privilege, not a right. If there is a problem with inebriated patrons, the City Council can revoke the license.

Council President Montalto stated his years of experience at the other two locations is a plus.

The public hearing was opened and Ms. Martha Driggers, Roundabout Drive, asked where this is located, and Councilman Taylor replied it is behind the Chevron Station near the interstate on Chalkville Road. She asked how the restaurant was not responsible for people being inebriated, if the police had to be called to the restaurant. Mr. Cantanese replied they have no way of knowing prior to serving guests, what medical conditions or medications taken by the patron, might enhance the effects of alcohol. Sometimes guests are already inebriated when they arrive at the restaurant and create problems. This is not a frequent occurrence, but it does happen.

Mayor Melton asked did he agree to the Responsible Vendor Program, and was told that the ABC Board no longer conducts this program in-house, but instead have allowed the beer and wine distributors to run the program. He stated they have a program of their own that he feels is working for them that includes responsible vending of alcohol. He stated he has previously been certified as a trainer under RVP. He stated they document any issues that arise in their stores ranging from falls to unruly guests. These items are then discussed at weekly management meetings and at weekly staff meetings at each location. The components used in RVP are incorporated into their training.

Councilman Choat stated, if this has worked in the other two stores, he was satisfied it would work here.

Council President Montalto asked when they plan to open, and was told hopefully in a couple of weeks. They still have to redo a ramp and a few other items before opening.

Councilman Cook moved this application be approved, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, and Cook

Nays: Councilman Plant and Taylor

A public hearing on a development agreement for 30 AIP AL, LLC was called. Mr. John Quinn, 4950 Spring Rock Road, Birmingham, stated this is a redevelopment of property at Highway 11 and Edwards Lake Road. There will be 9000 square feet of retail to include Chipotle, a mattress store and a vitamin shop. This will create 25 new jobs and increase the property tax base. The initial leases will be ten years with five year extensions. This site will generate \$2-3 million in sales tax revenue, with \$1.6 million of this being new revenue. He stated they are excited to be here. This agreement will not affect the sales tax for schools, but will split the city portion of the sales tax for five years.

Mr. Jef Freeman, Woodward Road, asked was this a 50/50 split, and was told yes, the maximum is \$500,000 or five years, whichever occurs first.

Councilman Cook moved Resolution 2016-012 authorizing this agreement be approved, seconded by Councilman Taylor, and the vote was unanimous.

Ms. Cynthia Isom, 6200 Mountain Court, was recognized to address the Council on her request to hold a MS 5K run. She stated her husband has multiple sclerosis, and she has helped fundraise for the past five years. This will fund research for MS. There were no medications for MS twenty years ago, and today there are thirteen. The National MS Society research funding goes to UAB. Councilman Cook moved Proclamation 2016-005 authorizing this event be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Choat read Proclamation 2016-006 on Parental Alienation Prevention moved it be approved, seconded by Councilman Taylor, and the vote was unanimous.

Councilman Plant presented Proclamation 2016-007 on Organ Donation and moved it be approved, seconded by Councilman Choat, and the vote was unanimous.

Resolution 2016-013 authorizing modifications to the traffic signal at Highway 11 and Edwards Lake Parkway. The city will be reimbursed up to \$150,000 from ALDOT. The anticipated cost of the modifications is in the \$100,000 range. Councilman Cook moved this resolution be approved, seconded by Councilman Choat, and the vote was unanimous.

Councilman Plant moved Proclamation 2016-008 on the Freedom Celebration be approved. He stated this is a very successful event on the Fourth of July sponsored by First Baptist Church and the Chamber of Commerce. Councilman Plant moved this proclamation be approved, seconded by Councilman Choat and the motion carried with Councilman Taylor abstaining.

Councilman Cook moved Resolution 2016-014 authorizing the sale of timber in the undeveloped portion of the Industrial Park with the proceeds to go to the IDB. A forester will oversee this cutting. This will not be a clear cut, but rather what is called a real estate cut, so that potential buyers can better see the property. Councilman Cook moved this be approved, seconded by Councilman Plant, and the vote was unanimous.

An annexation request for 6001 Service Road was presented. Councilman Choat 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 Choat then moved Ordinance 2016-005-ANX annexing this property be approved, 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 Taylor moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to establish city council places on the ballot, seconded by Councilman Taylor. This ordinance replaces a 1964 ordinance that established places, and set the times of the election and when the council would assume office. Changes to State law have since rendered portions of that ordinance invalid, and this will replace it. 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 2016-006-ADM establishing City Council ballot places be approved, 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

The budget on the Library expansion project was \$3 - \$3.5 million. The bids came in higher than expected, with the low bid being \$4.5 million. These bids will be rejected and we will work with the architect to modify the plans and rebid the project so that we can move forward.

A resolution to upgrade the traffic signal at Highway 11 and Tutwiler Drive was presented. The developer of the new shopping center will pay these costs, with the city to be responsible for ongoing maintenance and power costs. Councilman Cook moved Resolution 2016-015 authorizing this action be approved, seconded by Councilman Choat and the vote was unanimous.

Councilman Choat reported for Parks and Recreation that the annual Easter Egg hunt was held with 700 children and more than 6,000 eggs. He thanked Suzy Hammons and staff for their work on this event. The Senior Board met. The lights are up and burning again and the roof leak has been repaired.

For the Library Councilman Choat reported the Board met last night, and they understood why the bids for the expansion were rejected. They hope to have this project back underway in three months. He gave the Library Report as follows:

Library Report  
February 2016

Total Circulation:	
All activity including items checked out, checked in, and renewed	34,109
Downloadable Audio/E-Books	1,236
Computer Use:	1,170
Library Visits:	20,980
Reference Transactions:	5,486
Library Programs:	28
Program Attendance:	785
New Members	85

Councilman Cook reported that Public Works is busy. There have been several calls about debris pickup that we are addressing through the contractor.

Councilman Montalto carried over his report.

Councilman Plant stated we hope to have the new fire truck in service soon. There will be a dedication service for the new piece of equipment.

Councilman Plant stated he attended the Leadership Conference put on by the Chamber and it was a good event.

Councilman Taylor stated he appreciated the way our police department responded to the unfortunate event with an abduction at Target last week.

He reported that the Board of Education extended Dr. Neill's contract for four years. She told them that she would not accept a pay increase unless the teachers received an increase. He stated he appreciated the job she does. The two schools under construction are close to being blacked in. These schools will be completed before the start of school next year. School will start on August 24.

Councilman Taylor stated the Chamber's Leadership Conference had ninety-seven attendees. The spring carnival is setting up now for this week and next week. It will not be open on Easter.

Mayor Melton stated with good weather and people working in their yards, the brush pick up has gotten behind. He stated Advanced Disposal will be bringing in additional boom trucks to help get this caught up.

He reported that the gas and water line replacement in the downtown area is continuing. This project should be completed by May. They will bore to replace the lines under the highway.

Mayor Melton reported the Greenway project is moving along and the Trussville Clay/Service Road project is progressing.

Mr. Jeffrey Freeman, 318 Woodward Road, asked if a crosswalk at the Tutwiler traffic signal was being considered? He also asked could a crosswalk at this signal be equipped for use by the visually impaired? He stated there are junk automobiles in the southwest quadrant of downtown that need to be removed. He stated there appear to be power poles within the alleyway.

Mayor Melton inquired where this is and was told behind Mike & Mike Automotive. He explained that the alley does not go all the way through and these poles are on private property.

Mr. Freeman stated he is glad to see the building on Morrow removed. He asked about the status of the Valley Road extension, noting that he saw that the first section is completed.

Mayor Melton stated there is a one-acre tract left to be acquired. We should get the appraisal this week. We also need a sliver on Linden Street and that appraisal is due this week also. Temple Tutwiler will donate his property for right-of-way. The Martin property has been annexed. We are still in the planning stages right now until all of this comes together.

Mr. Freeman asked was there a date for construction to begin, and was told a precise date is not known at this time.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk