

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

APRIL 12, 2016

The City Council of the City of Trussville met for a workshop session on Thursday, April 7, 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 Perry Cook  
Councilman Brian Plant  
Councilman Alan Taylor

Absent: Councilman Buddy Choat

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, April 12, 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, April 12, 2016 at 6:00 p.m. at the Trussville Police Training Facility, due to the election being held at 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 Plant to lead in prayer. Councilman Taylor 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 22, 2016 meeting for approval. Councilman Taylor moved they be approved, seconded by Councilman Cook, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. The School Board reappointment for Stan Garrett, and the Agenda Addendum were added to the Consent agenda, as was appointing Mary Robertson to the Grow Trussville Committee. Councilman Plant moved the agenda be approved, seconded by Councilman Cook and the vote was unanimous.

Ms. Melissa Payne, 6459 Spring Street, addressed the Trussville Springs temporary entrance at Bell's Crossing. She stated there is a safety issue at the railroad crossing. She stated they are told

by the school that the buses are too long to navigate the streets, thus forcing children and parents to wait for the bus between the unsignalized railroad and Highway 11. She read a statement.

Councilman Plant asked if she would forward her comments and she gave the copy to him.

Councilman Taylor asked where we are on the permanent entrance, and Mayor Melton responded it is in Montgomery for final review. He stated he got ALDOT and the railroad and the developer together in January. There was a super-elevation issue with the first location of the permanent entrance. The new entrance had to go back to the railroad and had to have new ALDOT approval.

Councilman Plant asked how long the ALDOT permit had been pending and Mayor Melton replied four to five years.

Ms. Payne stated she knew of no roads that will connect to the new entrance.

Mr. Jerry Vinyard, 4248 Cahaba Bend, questioned the ALDOT approval.

Mr. Richard Epstein, 4742 Boulder Drive, stated striping was done at Sams, but it still has not been done on Trussville Crossings Parkway. The striping on the Chalkville Road right-hand turn lane is completely gone. As this is a county road, he has reported this to Commissioner Joe Knight. He stated we need a new municipal pool. He suggested this be funded with a bond issue. He stated the ditches near Snake Hill are dangerous. He stated there was a news report recently that the City of Birmingham is changing out street lights to LED. He stated, though costly, these lights save on electricity in the long run.

Public Works Director Wayne Sullivan stated we still have several striping projects to do and we plan to do all of these at once. We have not received the striping back from Skipper yet.

Councilman Choat asked Mr. Sullivan about the possibility of putting up railing, and Mr. Sullivan replied that there is not enough room to put up a rail. Also, this is a county road.

Mr. Max Stinson, 4251 Cahaba Bend, stated a resident was hurt on the street in Trussville Springs. The Fire Department was called and could not get in due to workers parking in the streets obstructing traffic. He stated he wants the regulations enforced to make it right. He stated his wife could not get out of the subdivision recently before calling the police to get the vehicles moved. He stated the builder's superintendent is incompetent. His home was built off of the foundation by three inches and the fourth roof was installed before it was done correctly. He stated this occurred before Mr. Arnett was here.

Inspections Superintendent David Arnett stated he has been to Mr. Stinson's home several times. He stated he has talked to the Mayor and the builder and is working to resolve problems.

Mr. Stinson stated the builder does not know the building code. Lighting fixtures were installed without boxes and the contractor said it was not a problem. Mr. Arnett got this corrected.

Mr. Vinyard stated he is having a third air quality test done because molded trusses were used in the construction of his home.

The consent agenda was presented as follows:

	Accounts Payable	
	<u>Regular</u>	<u>Addendum</u>
Liabilities	97.56	49,565.41
Non-departmental	11,451.34	
Mayor and Council	214.88	6,160.00
Administration	17,765.76	1,303.24
Inspections	5,267.23	879.01

Municipal Court	729.93	207.04
Police Department	24,230.90	11,519.67
Fire Department	36,007.00	11,182.16
Street Department	12,083.06	21,233.67
Garbage		112,559.76
Parks and Recreation	38,045.77	48,095.86
Library	1,535.90	4,842.27
Heritage Hall	259.84	714.46
GENERAL FUND TOTAL	147,689.17	268,262.75
MUNICIPAL COURT FUND	226.77	96.67
CORRECTIONS FUND	2,191.23	1,065.45
WARRANT FUND	22,021.35	
LOC-TUB	61,978.77	3,162.46
TOTAL ACCOUNTS PAYABLE	234,107.29	272,587.33

Proactive Criminal Patrol- Townes- Oxford- June 13-16, 2016- no cost  
Merit increases effective April 16, 2016

Police

Robert Antonio, Grade 17, Step 6  
David Warrnus, Grade 17, Step 6

Fire

Jeffery Fore- Grade 24, Step 9  
Paul Givens - Grade 20, Step 9  
Michael Hicks - Grade 17, Step 4

Public Works - Gary Daugherty - Grade 7, Step 6

Parks - Kelly Lloyd - Grade 12, Step 4

Library- Karen Davis- Grade 13, Step 9

Accept resignation of Rebecca Burchfield, Library effective April 15, 2016

Reappoint Carol Davenport to Park Board through Feb 28, 2020

Iron Unlimited - Quotation for street signs Wynwood Lake & Tutwiler

Approve street light maintenance costs - 2 lights in Lake Vista

Bell Company - Quotation for street signs in historical district- \$11,455.00

Williams - Blackstock- Quotation for library project revisions - \$45,000.00

Powers & Associates- Quotation for project management services on library expansion

Milam and Company - Repairs to Wynwood Storm Sewer not to exceed \$6,860

Authorize purchase of Microsoft Surface Pro 4 tablets for Mayor, Council, Clerk, & Spare at  
\$11,000 initial cost and annual software renewal of\$800

Accept resignation of Eddie Seal from Redevelopment Authority

Reappoint Stan Garrett to School Board through May 25, 2021

Appoint Mary Robertson to the Grow Trussville Committee through Aug 24, 2018

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

A public hearing on a Small Cell Technology Ordinance that will amend the Zoning Ordinance was presented by Attorney Andy Rodenstrich and Ms. Kimberly Adams of Crown Castle. Small cell technology consists of power units and antenna to enhance cell coverage. These units can be mounted on existing utility poles in many instances. Crown Castle is seeking a franchise agreement to operate within the Trussville rights-of-way. This is the same agreement approved by Mountain Brook and pending in Homewood. Each node would be reviewed and approved by the Inspections Department.

A public hearing was opened and, there being no comment, the hearing was closed.

Councilman Plant 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 Plant moved Ordinance 2016-006-PZ adding regulations for small cell technology to the Zoning Ordinance, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

An ordinance to amend the sign ordinance to allow for pylon signs in prescribed areas near the interstate was presented. A public hearing was opened and Mr. Max Stinson, Cahaba Bend, asked did this replace the sign ordinance, and was told no, it amends the existing ordinance.

Council President Montalto stated this will allow pylon signs near interstate interchanges.

Ms. Ginger Cornelius, 113 Acrilane Drive, asked did this include the area where Verizon is located?

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

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant moved Ordinance 2016-007-PZ amending the sign portion of the Zoning 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

An application for an off premise beer and wine license for PJSK Enterprises at Raceway at 1435 Gadsden Highway was considered. Councilman Choat asked Mr. Patel if this was his first store, and he replied yes, as owner, but he has worked in other stores. He was asked what his policy was for identifying under aged persons. Mr. Patel stated they scan the driver's license or manually enter the birth date. The sale will not be accepted if the person is not old enough.

Councilman Taylor asked if this was what others use, and Mr. Patel stated he did not know what others use, but Raceway uses this system. Councilman Taylor asked if someone his age would be asked for ID and was told they ID anyone under 30.

Councilman Plant asked if he was a member of the Responsible Vendor Program and he responded no but he would become a member. Councilman Plant stated alcohol sales are a privilege not a right. He stated if caught in a sting operation, he could be asked to come back to this body to justify why his license should not be revoked.

Councilman Choat asked was he using under 30 as an example of who would be asked for ID? Mr. Patel stated there is a button on the register that says "over 30." This new system was installed in January or February.

Mayor Melton stated he was not aware of any problems at this location in the past four to five years.

A public hearing was opened and there being no comment, the hearing was closed. Councilman Choat moved this application be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to establish permit fees for small cell technology, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant moved Ordinance 2016-008-ADM, establishing these permit fees 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 Plant moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to establish license fees for small cell technology, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant moved Ordinance 2016-009-ADM, establishing these license fees 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 Plant moved Resolution 2016-016 approving a franchise agreement with Crown Castle to allow construction and maintenance of small cell technology facilities within the public right-of-way, seconded by Councilman Choat, and the vote was unanimous.

Councilman Cook moved Resolution 2016-017 declaring five damaged conference chairs and a folding machine as surplus be approved, seconded by Councilman Plant, and the vote was unanimous.

An ordinance to amend the building code ordinance as it pertains to the energy code was presented. Ms. Heather Goggins, ADECA Energy & Residential Codes Board, stated she has worked with the State Homebuilders' Board, Utility Companies, and municipalities to devise an amended model energy code that is more practical for use in Alabama than the ICC energy code. This model code incorporates all of the state amendments and serves as a minimum energy code acceptable for municipalities in the state.

Councilman Plant asked was Inspections Superintendent David Arnett in favor of this, and Mr. Arnett responded, yes, he was.

Councilman Taylor moved this amendment to the Building Code Ordinance be given unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Choat, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Choat, Cook, Plant, and Taylor

Nays: None

Councilman Plant moved Ordinance 2016-010-ADM, amending this code 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

Two properties in the city have been notified of weed nuisances on their properties, and no response or action has been made. The next step is to formally declare the nuisance and begin a second notification process, post the property and hold a public hearing. If the situation is not remedied by that hearing date, the matter will be filed to add the clean up costs to the tax notice on the property for the following year.

Councilman Plant moved Resolution 2016-018 declaring property at 7811 Happy Hollow Road as a nuisance be approved, seconded by Councilman Taylor, and the vote was unanimous.

Councilman Plant moved Resolution 2016-019 declaring property at 5140 Bonnie Ruth Road as a nuisance be approved, seconded by Councilman Choat, and the vote was unanimous.

A proposal has been received from Michael Hughes to prepare and host a GIS zoning map for the city at a cost of \$1200.00 plus a monthly hosting fee. Councilman Taylor moved this proposal be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Choat reported that the Library Board will meet on Tuesday to discuss the rebid of the library expansion. We are optimistic that we can reduce the cost.

For Parks and Recreation, Councilman Choat reported we are hosting the Senior Games and have 222 participants ages 55 to 90. Eighty of these are participating in track and field. Other activities are shuffle board, basketball, and tennis. The pool will open on May 28. We have several new programs including dog obedience training, self-defense for women and children, adult basketball, and home school PE. We have 150 participating in our track program, and will host a track meet in May.

Councilman Cook reported in March the IDB discussed the timber sale and filling the beaver pond. Grow Trussville will meet in May. RDA met last night and discussed property acquisition. Matt Phillips is working on a web site for the board, to include historical facts. They are talking to the participants in the four quarters downtown. One merchant has a plan and this will be helpful in getting this program kicked off.

Councilman Plant reported the Historical Committee will meet in April. Trussville is sponsoring the 18<sup>th</sup> annual Fire Explorer Competition. This trains young people who are interested in becoming firefighters. There will be 27 teams made up of 100 Explorers. Our new fire truck was dedicated on Saturday.

Councilman Taylor reported the Board of Education will meet on Monday. On April 21 Attorney General Luther Strange will award our schools the Safe School Award.

For the Chamber he reported their luncheon will be April 21 with Brian Shoop, UAB Baseball coach as speaker. Cityfest will be held on May 7. Councilman Taylor stated a First Responder breakfast will be held on May 26. Bobbie Roper will be leaving the Chamber, and we are sad, but she will be joining the staff at Trussville Utilities replacing Courtney Dollar, and this will be good.

Councilman Montalto reported Planning and Zoning met last night and recommended compliance zoning for four subdivisions in St. Clair County that do not currently have zoning applied. The property across Hawkrigde Road from Hawkrigde Garden Homes was recommended to be rezoned from Commercial to Garden Homes for development. Additional property to become a part of the next phase of Stockton was recommended to be rezoned from Industrial to garden homes. The Express Oil Change in the Winn-Dixie shopping center is expanding and the property to be added is

recommended to be rezoned from Industrial to Commercial. The building permit report for the month of March was as follows:

	Construction	No.	Value
Residential	New	12	\$3,976,267
	Additions & Alterations	20	\$ 348,140
Commercial	New	0	
	Additions & Alterations	8	\$1,353,697
	Demolition	1	1465 Gadsden Hwy (Don's Carpet)

Mayor Melton reported the utility line replacement in the downtown area should be completed in May. They are also replacing water lines in the Honor Keith Road area, and then the area will be paved. Work is continuing on the Trussville Clay Road project. The road will be widened from the bridge to Husky Parkway. Resurfacing is being done on parts of Kay Avenue, Linden Street, Edgeview Avenue, and Valley Road. Repairs are being made to the Woodward Road cul-de-sac and paving. We will be going out to bid on a new paving contract soon. The greenways project is moving slowly along.

Councilman Choat inquired about the interchange at I-59 asking will the ramps be resurfaced, and Wayne Sullivan responded yes. Councilman Choat stated some drivers are still stopping rather than merging into traffic. He asked could signage be erected letting people know the lane has been extended.

Mr. Sam Winbush, Pineview Road, asked that ordinances be enforced in his area. He cited a situation where the bus driver could not get through last week because of the illegal auto repair shop being conducted from a house where cars are left in the street. Residents are having to reroute themselves out of the area because of this. Three weeks ago, shots were fired at this location. He stated he has asked the police to address this, but they have not done so. He also reported tall grass near Valley Loop Road and Pineview Road and in the park area. He stated he and his neighbors have been unable to get Charter to extend lines in this area. He was told he would have to pay \$900 to get connected. Other development in the area has Charter.

Mayor Melton stated he was not aware of the grass cutting. He stated he drove through looking for the garage problem, but evidently they were not working that day. He stated he has asked the police to keep an eye out for this, and to address the problem. He stated that Tiffany Estates that adjoins his area also does not have Charter, and they would like to have it. He stated he is not making a lot of headway, but he is working on it. He has proposed that the service be extended from Mountain Drive between two houses. We also have areas of Trussville Clay Road and Memory Lane wanting service. He stated we could revoke their franchise, but then there is no one to replace them to provide service where they currently provide it.

Mr. Winbush stated some of the older ladies in his area are afraid to leave their houses due to all that is going on at the house with the garage. People who do not live there are coming and congregating for reasons they fear are illegal, cars are parked on both sides of the road, six cars are in the back yard and a truck on bricks, and oil is going into the drainage system. There are tire jacks, ramps, and chains all out in the yard. Folks are afraid to say something for fear of retaliation. When blight starts and is not stopped, the whole area begins to go down.

Councilman Plant stated we will get some help for them.

Mr. Joseph Robbins, Cahaba Bend, stated there are very real threats due to constricted traffic flow in Trussville Springs. Cement trucks and building material deliveries are crossing the tracks and trying to beat the trains. A collision and derailment could create an environmental issue so near to homes and the Cahaba River. He stated he is aware of an upcoming event where alcohol will be sold, and this is a concern also with existing conditions.

Ms. Payne stated construction vehicles do not stop at the tracks. This goes on every day.

Mr. Billy Reindeau, 6142 Wynwood Cove, asked about signs in the Wynwood Lake subdivision. Some new ones are needed and some need new lettering.

Mayor Melton stated we have accepted a bid to refurbish, replace or install street signs and stop signs in that development, that will have the same look. The road depression will also be repaired.

Ms. Beverly Atkins, Lake Vista Drive, stated she could not get here when the meeting started, but inquired about the two additional street lights requested. She was told these were approved earlier in this meeting.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk