

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

JUNE 14, 2016

The City Council of the City of Trussville met for a workshop session on Tuesday, June 14, 2016 at 5:00 p.m. at Trussville City Hall, with Council President 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 at 6:00 p.m. The Council reviewed the agenda and determined the order for consideration at the Council meeting. Council President Montalto asked that the Terracon contract remain on the regular agenda for further discussion as he did not feel he had adequate information provided on this item. He asked what this was, and was told it is for construction testing that will be for additional services not provided for in the original testing contract. When asked was this not a part of the construction bid, he was told that this contract is outside of the construction contract.

Park and Recreation Director David Vinson and Assistant Director Drew Peterson approached the Council to request funding to bid on State Track and Field, Basketball, Girls' Softball, and Flag Youth and Adult Football tournaments. Trussville hosted the Track and Field event this year with 319 participants. Mr. Vincent explained that we can expect to break even or possibly net a small gain from the gate to these events, but it allows us to showcase our city and benefits our local hotels and restaurants. The Council agreed to add this to the agenda.

Mr. Tim Petro and Mr. Robert Jones of LED Solution presented an installation cost and estimated time to recoup the investment through energy savings on the Civic Center gym and track and on the police training building and the police department and jail. These quotations will be good for a period of sixty days. The Council will consider these proposals and make a decision at a later time.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, June 14, 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 Associate Pastor Joe DeWitt of First United Methodist Church to lead in prayer. Councilman Cook led the pledge to the flag.

Those persons answering present to roll call 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  
Attorney Carl Johnson

Council President Montalto introduced the minutes of the May 24, 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. Councilman Cook moved the agenda be approved, seconded by Councilman Taylor. An item to authorize Park and Recreation to submit bids for State tournaments was added. Mayor Melton asked to be authorized to counter the ALDOT offer for 137.78 acres of property for the Northern Beltline at \$1 million. The offer on the table is \$758,000. The proclamation for Erin Georgia was moved to the top of the agenda. The vote was unanimous.

The consent agenda was presented as follows:

	Accounts Payable	
	<u>Regular</u>	<u>Addendum</u>
Liabilities	1,350.00	40,302.96
Non-Departmental	48,193.41	32,200.00
Mayor and Council	281.71	475.93
Administration	15,669.53	734.63
Engineering and Inspections	2,599.95	2,612.17
Municipal Court	864.20	
Police Department	27,504.55	13,550.67
Fire Department	27,217.71	5,228.80
Street Department	25,706.08	1,482.42
Garbage	113,221.80	
Parks and Recreation	68,140.60	23,573.02
Library	8,805.12	2,076.38
Rental Properties	933.50	21.66
GENERAL FUND TOTAL	340,488.16	122,258.84
CONFISCATED FUND	498.00	
MUNICIPAL COURT FUND	958.77	
CORRECTIONS FUND	2,446.15	
2014 WARRANT FUND	2,341.44	
LOC - TUB	44,152.95	912.59
DRUG CONFISCATION FUND	2,742.80	
TOTAL ACCOUNTS PAYABLE	390,885.47	125,914.14

NASRO Conference - Browning - Clarksdale, MS - Aug 1-5 - \$495.00 plus lodging  
Interview & Interrogation - Scott Smith - Oxford, AL - July 11-15 - No cost  
Taser Instructor Recertification - Cardwell - Florence, AL - July 13 - \$225.00  
AL Assoc of Chiefs of Police conference - Aug 1-4 - Orange Beach - \$200.00  
Approve settlement Alabama Furniture Market - \$1764.92  
Approve survey proposal Arrington Engineering - Kennimer Avenue - \$6,000.00  
Renew contract QCHC, Inc.- jail medical services - \$47,800.80 (Paid monthly \$3,983.40)  
Proclamation Erin Georgia  
Merit increases effective June 11, 2016

Krystin Godfrey - Inspections - Grade 13, Step 2  
Scott Mann - Inspections - Grade 23, Step 3  
Clifford Moore - Fire - Grade 20, Step 6, plus 10%  
Herb Rosenbaum - Fire - Grade 24, Step 10, plus 10%

Timothy Shotts - Fire - Grade 27, Step 9, plus 15%  
Terry Summerrow - Public Works - Grade 7, Step 4

Merit increases effective June 25, 2016

Clayton Dew - Police - Grade 17, Step 3  
Jason Townes - Police - Grade 17, Step 5  
Brian Nabers - Park & Rec - Grade 7, Step 5  
Garth Jensen - Public Works - Grade 7, Step 5  
Lanny Parker - Public Works - Grade 12, Step 7

Councilman Cook moved these items be approved, seconded by Councilman Taylor and the motion carried, with Councilman Plant abstaining on one accounts payable item relating to a family member. The vote was unanimous.

Mr. Richard Epstein, Boulder Drive, was recognized. He stated the striping on North Chalkville Road has been done, but the arrows were not done, and when he inquired, he was told that was all that would be done. He stated he would not tolerate a project half done from an employee of his and the city should not either.

Public Works Director Wayne Sullivan stated the striping near WalMart and Sams has been done. There was no reason to do the arrows now. The striping was done with paint. The arrows are thermoplastic, and were previously done by the County. We do not have the capability to apply thermoplastic. When asked about painting these arrows, Mr. Sullivan replied the paint will not adhere to the thermoplastic.

A proclamation acknowledging the achievements of Erin Georgia, who has been named one of the top twenty community college students in the nation was presented. Councilman Plant read this proclamation, and moved Proclamation 2016-010 be approved, seconded by Councilman Cook, and the vote was unanimous.

A request to pre-zone property situated at 6270 Service Road from Jefferson County I-3 to City of Trussville R-1 was presented. One home is proposed to be built upon this property. If approved, this rezoning will only become effective if the property is annexed within 120 days. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Taylor 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 Montalto, Cook, Plant, and Taylor

Nays: None

Councilman Taylor moved Ordinance 2016-020-PZ be adopted, approving this pre-zoning, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

A request to annex the property at 6270 Service Road, that was just rezoned to R-1 was presented. Councilman Taylor 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 Montalto, Cook, Plant, and Taylor

Nays: None

Councilman Taylor moved Ordinance 2016-021-ANX be adopted, approving this annexation,

seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

A request to annex 153 acres of property located at 8616 and 8620 Will Keith Road, belonging to Milam was presented. Councilman Taylor 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: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

Councilman Cook moved Ordinance 2016-022-ANX be adopted, approving this annexation, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

An ordinance to repeal the language in the business license ordinance levying a monthly 3% tax remittance on lodgings in addition to the annual license fee was presented. 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, Cook, Plant, and Taylor

Nays: None

Councilman Cook moved Ordinance 2016-023-ADM be adopted, approving this amendment to the business license ordinance, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

An ordinance to establish a stand alone Lodgings Tax at the same 3% rate as previously levied in the Business License Ordinance was presented. 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, Cook, Plant, and Taylor

Nays: None

Councilman Plant moved Ordinance 2016-024-ADM be adopted, approving this amendment to the business license ordinance, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Montalto, Cook, Plant, and Taylor

Nays: None

Councilman Taylor moved Resolution 2016-029 authorizing participation in the Back-to-School sales tax holiday August 5-7 be approved, seconded by Councilman Plant, and the vote was

unanimous.

Councilman Cook moved Resolution 2016-030 authorizing the installation of a fire hydrant in Hunters Creek on Deer Run Trail be approved, seconded by Councilman Taylor. The developer will pay the cost to have this hydrant installed, and the city will be responsible for the ongoing maintenance and water costs for this hydrant on the Birmingham Water Works system.

Councilman Cook moved Resolution 2016-031 declaring a weed nuisance at 503 Birch Street be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Cook moved Resolution 2016-032 declaring a weed nuisance at 302 Nichols Way be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Cook moved Resolution 2016-033 declaring a weed nuisance at 103 Mack Roper Road be approved, seconded by Councilman Plant, and the vote was unanimous.

A contract amendment for Terracon in the amount of \$16,300 for additional testing on the Roebuck Industrial Park roadway extension was presented. Councilman Cook moved this contract be approved, seconded by Councilman Taylor.

Mayor Melton stated this is for testing services for the bridge abutments within our right-of-way. From a liability standpoint when we find something questionable, we must address it through testing so that subsidence is not a problem.

Council President Montalto stated he only received this contract tonight, and stated he thought that the city's obligation for this roadway would be \$893,666.96, and that would be all. He stated he was never made aware that there would be other engineering costs. He stated he did not appreciate receiving a contract like this right before the meeting without any explanation, and then being asked to vote on it. It was pointed out that this contract was included in the information provided to the City Council by e-mail on Thursday evening of last week. Council President Montalto stated he could not speak for everyone else, but he did not receive this information until tonight. Councilman Plant verified that this was included in the e-mail attachment and was in his packet tonight. Council President Montalto continued saying that he should be given a total project cost, and that he did not understand why the engineering and testing were not included in the bid price. This was never discussed before this bill was received.

Public Works Director Wayne Sullivan stated the engineering contract was done months ago for this project. When asked why it was not a part of the construction bid, Mr. Sullivan replied the road and the bridge had to be designed before the bid documents could be prepared, so that bidders knew what they were bidding on.

Council President Montalto stated he had not ever heard of a bid that did not include everything. He stated, at the workshop, Mr. Sullivan said that this testing was outside of the construction contract, and outside of the design contract, and he did not understand this.

Councilman Taylor asked if we know how much the engineering design contract was. Mr. Sullivan stated he did not know that amount, but he could get it. Councilman Taylor stated he did not know anything about road construction, but he was not aware that there were other costs that were not a part of the construction bid. He stated no one knows what the engineering costs are, and he did not remember seeing it, and that he felt that the Council was not provided sufficient information since they only got this tonight.

City Clerk Lynn Porter stated she did not have a copy of the engineering contract here tonight because it was approved close to a year ago, but that she could provide a copy and provide payments to date made on that contract. The testing contract was in the agenda packet sent to the Council.

Councilman Taylor stated he did not see it until tonight, when he got it out of his box.

Mr. Sullivan stated this is a road construction project. On this project the buildings were

removed and the property surveyed to establish the right-of-way. Then CCI was hired to design the road and the bridge under a separate contract. The construction could not be bid until the engineering design work was completed. The soils under the slab that was removed had to be tested to see whether or not they were suitable for road construction and met roadway compaction standards. When asked was this not already done for the existing buildings, Mr. Sullivan replied no, that the buildings were constructed on turn-down footings that did not require the soils to meet the same standards as those necessary for road construction.

Council President Montalto stated he did not think the City should have to pay this and questioned why the other participating parties did not have to pay a share of this?

Councilman Cook asked if any of this testing occurred on the portion of the project outside of the city, would the other parties have to pay?

Council President Montalto asked if this quote was for testing for the entire project, and was told yes. He stated he would like to see an agreement from the other parties where Mr. Barber agreed to pay his share before approving this contract.

Mayor Melton stated we already have that in the cost sharing agreement with Mr. Barber. The agreement drawn up by our attorney and approved by the Council includes Mr. Barber's part of the construction contract, and says that at the end of the project when all costs are known, Mr. Barber is contractually obligated to reimburse the city for those costs.

Upon a roll call vote, to approve this contract for additional testing services to be performed by Terracon in the amount of \$16,300, the results were as follows:

Yeas: Councilmen Cook, Plant, and Taylor

Nays: Council President Montalto

Councilman Taylor moved Resolution 2016-034 authorizing a bank account for drug confiscation funds and establishing who will sign on the account, seconded by Councilman Cook, and the vote was unanimous.

Councilman Plant moved Mayor Melton be authorized to proceed with the acquisition of property belonging to Mike Gunter to complete the alleyway to Chalkville Road, seconded by Councilman Cook.

Council President Montalto stated he was concerned about this proposal. He stated the Redevelopment Authority is responsible for ideas for downtown, and he felt RDA should consider and recommend this. He stated he would also like for Design Review to make a recommendation before we do anything. He stated he wanted to make sure. He stated he has not seen an estimate of the work to be done, and has not seen a paving bill.

Councilman Taylor stated this came from the Mayor's e-mail, but it was published in the Trussville Tribune before we had an opportunity to vote on it. He expressed his displeasure of the plan becoming public before the Council acted on it. He stated he is for downtown, and wants to see this done. He suggested that the sale of the property and Mr. Gunter improving his property should not be tied together. If we decide to purchase the property, that should stand alone. The RDA has a plan for a grant program for improvements downtown, and this could be used for the improvements.

Mayor Melton stated Mr. Gunter thought this was a city alley before he bought the property, and he offered it to the city at the time. The paperwork was drawn up, but it was not executed and recorded.

Councilman Plant asked why it was not executed?

Mayor Melton replied that it was an oversight while he was closing on the property. The city

had looked at buying this property to improve the alley before Mr. Gunter bought it, but decided not to due to environmental issues.

Council President Montalto asked have we done a study to see if this would benefit the city? He stated he felt the alley was unsafe and would be a liability. It is not wide enough for two-way traffic, and this makes it dangerous.

Mayor Melton stated it has always been used by the public as an alley, even though it was private property. If we purchase it, then the City will be able to determine in which direction the traffic will flow.

Councilman Taylor stated he was trying to understand the numbers in the e-mail. He asked was the \$39.35 per square foot a cost taken from the tax assessor's figures for property only or for the property with buildings?

Mayor Melton stated Mr. Gunter did not have an appraisal, so he asked him if we could use the tax assessor value for his four adjoining properties to come up with a value for the alley. He stated we took the square footage to be purchased and multiplied it by the average value per square foot on all of the property of \$39.35 per square foot. Mayor Melton stated he did not publish this e-mail. He stated he sent it to the Council and to the RDA to review. One member of RDA owns the paper. He stated the \$46,000 purchase price actually comes out to \$18.44 per square foot.

Councilman Taylor stated this should not have been printed in the newspaper before we had a chance to make a decision. He stated he is for redevelopment, and he felt it helped property values. This has nothing to do with the election, and I am not doing this to get votes. I want to do what is best for the city. He stated it troubled him that the Mayor said that this was a way to get something done before the election.

Councilman Plant stated he agreed. We have two models to achieve the same result. RDA has put in a tremendous amount of work to help downtown, and to develop ideas. This is a goal for all of us. The idea was for RDA to change the look of downtown. Two things to consider are cost and the logistics of easements, utilities and rights-of-way. RDA has considered a grant process to bring to the City. This is different from a purchase. It is an exchange of money for a value that is completely different. This parcel is in a compressed area. He stated he felt some comments were a difference without a distinction. We need to do what is right and best for the city.

Councilman Cook stated he was privileged to serve as a member of RDA several years ago before leaving when he was elected to the City Council. The RDA is a vehicle to redevelop downtown. He stated we want to see downtown prosper. He stated he felt purchasing the alley right-of-way is totally different. He stated he would stay with RDA and disagree with a land swap for improvements downtown. He stated RDA talked to the developers of the proposed Cottages development downtown at their last meeting.

Council President Montalto stated the RDA has not looked at this yet, and he thought that they should.

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

Yeas: Councilmen Montalto, Cook, and Taylor

Nays: Councilman Plant

Councilman Cook carried over his report.

Council President Montalto stated Planning and Zoning met last night and considered a proposed development on Liles Lane for 200 garden homes, and recommended this be denied. It will come before the Council in July.

Councilman Plant carried over his report.

Councilman Taylor reported that the Chamber has a new event planner Melissa Walker. She replaces Bobbie Roper who has taken a position with Trussville Utilities. The Taste of Trussville event was attended by 200 people with food provided by eleven restaurants. The First Responder breakfast was a good event. The Miss CityFest pageant proceeds went to the Miss Trussville pageant. The second runner up in the Miss Alabama pageant this past weekend was our own Cassidy Jacks. She has represented us well, and has been present at many city events this year.

Councilman Taylor stated the speaker's topic at the next Chamber luncheon will be on workplace security. Our Bridal Show event will be held on August 21. We recently graduated our first Firefighter class at our high school. This prepares these students for a career in the fire service.

Mayor Melton stated the utility work downtown is almost complete. The work on Railroad Avenue should be completed by Thursday. We will have a pre-bid conference on the Railroad Avenue project on Thursday, June 16.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk