

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES  
OCTOBER 13, 2015

The City Council of the City of Trussville met for a workshop session on Thursday, October 8, 2015 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 Buddy Choat  
Councilman Perry Cook  
Councilman Anthony Montalto  
Councilman Brian Plant

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, October 13, 2015. 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, October 13, 2015 at 6:00 p.m. at Trussville City Hall. Council President Pro Tem Montalto presided over the meeting and Lynn Porter, City Clerk, served as recording secretary.

Council President Pro Tem Montalto called the meeting to order and asked Councilman Choat to lead in prayer. Councilman Cook led the pledge to the flag.

Those persons answering present to roll call were as follows:

Councilman Buddy Choat  
Councilman Perry Cook  
Councilman Anthony Montalto  
Councilman Brian Plant

Absent: Council President Alan Taylor

Others present in official capacity: Attorney Carl Johnson

Council President Pro Tem Montalto introduced the minutes of the September 22, 2015 meeting for approval. Councilman Cook moved they be approved, seconded by Councilman Choat, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. The agenda addendum and the item on the land purchase were moved to the consent agenda. Councilman Plant moved the agenda be approved, seconded by Councilman Choat and the vote was unanimous.

Commissioner Joe Knight was recognized and discussed the Floyd Bradford Road paving project. He stated he met with Mayors and representatives of the five jurisdictions about this \$1.6 million paving project. He stated the County will fund \$700,000 and the other jurisdictions will fund the remainder on a pro rata basis. Since that time Pivotal Gas has agreed to kick in \$150,000, which will reduce the amount the cities will owe. This work will not be done until spring. After this work is done, the County will maintain the road.

The consent agenda was presented as follows:

	Accounts Payable	
	Regular	Addendum
Liabilities	359.36	10,269.60
Non-Departmental	26,183.00	4,486.25
Mayor and Council	212.33	
Administration	7,263.06	366.01
Inspections	2,129.05	427.03
Municipal Court	1,041.71	
Police Department	23,486.60	3,984.04
Fire Department	44,021.95	2,173.91
Public Works	34,619.33	137,884.10
Garbage		112,594.76
Parks and Recreation	94,979.33	17,820.59
Library	3,650.67	2,253.68
Rental Properties	1,113.94	35.96
GENERAL FUND TOTAL	238,994.74	292,295.93
CORRECTIONS FUND	12,707.31	257.35
2014 WARRANT FUND	9,155.11	21,628.88
STREET IMPROVEMENT FUND		66,372.40
TOTAL ACCOUNTS PAYABLE	260,857.16	380,554.56

Greenways and walkways- City participation \$905,772.80 from LOC  
 ATRIP Trussville Clay Road- City participation \$1,027,446 from LOC  
 AL Public Safety Leadership Conference - C. Jones - \$350 -Tuscaloosa- 7 sessions  
 BLR- Alabama Law Weekly subscription- Chamblee - \$377.00  
 Merit increases effective October 17, 2015  
     Nya Montgomery- Police- Grade 17, Sep 7, plus 10%  
     Sue Hammonds- Parks- Grade 15, Step 10  
 Approve Civic Center room rental fees  
 Approve Environmental study- TTL - on Olvey property Gadsden Highway- Phase I - \$3,100 and, if needed, Phase II - \$20,000  
 Allocation request from RDA- \$50,000 from LOC  
 Approve purchase of 101 Morrow Avenue - \$300,000 subject to bankruptcy court (Littlefield Property)  
 Appoint Medical Clinic Board members  
     Bob Nelson through March 6, 2018  
     David Fuller through March 6, 2016  
 Massey Asphalt Paving, LLC- Creekside- \$47,435.00  
 Hobart annual maintenance contract- Civic Center- \$1604.74

Councilman Plant moved these items be approved, seconded by Councilman Choat, and the vote as unanimous.

A request to rezone property located at 6838 and 6850 Gadsden Highway from CP and R-2 to Qualified C-P was presented by Ms. Jo Ann Milam, 7654 Cottonridge Road. Ms. Milam stated she met with the Planning and Zoning Board and with representatives of the surrounding neighborhoods.

Council President Pro Tem Montalto asked how large this tract was and was told 4.8 acres.

Councilman Cook asked was the area where the current house sits residential or commercial and was told 250 feet back from the highway is zoned commercial, placing the existing house in the commercial area.

Councilman Choat stated it was his understanding that Ms. Milam has agreed to a 35'- 40' buffer on three sides of the property, and limiting the building height to two stories and to an architectural design complementary to the neighborhood, and was told this is correct.

A public hearing was opened and Mr. Don McGriff, 125 Black Walnut Lane, stated they met with Ms. Milam and tried to work out a compromise. He stated they do not want a restaurant. He stated there are 290 homes in three subdivisions in this area. He stated he understands that approval for a restaurant must come from another committee, but they do not want the traffic, trash or rodents that will come from a restaurant.

Mr. Gary Welander, Maplewood Drive, stated he did not want a restaurant. He stated he had no opposition to the rest of the uses.

Mr. Steve Hascha, 4232 Waterford Lane, stated this is a special exception under CP, but there is a 100% chance that they will get a restaurant if an application is made, and it will just be rubber stamped.

Mr. Kevin Geysler, Waterford Lane, asked what was meant by a traditional architectural style? He asked was this a framed building versus a faced metal building? He asked had a traffic study been done yet, and was told no as there is no prospective buyer at this time.

Ms. Frances Owen, Parcbrook, stated they do not want a bakery or a coffee shop or anything that has anything to do with food either.

Ms. Milam stated she has agreed to leave a natural 35' to 40' buffer which is more than three times what is required.

Councilman Plant asked what the ordinance requires and was told 12'.

Rob Crumpton, 124 Black Walnut Lane, stated he feared light pollution.

Council President Pro Tem Montalto stated parking lot lighting must direct the illumination downward and it must not spread past the edges of the lot.

Jo Ann Milam stated that most offices operated during daytime hours.

Mr. Thornton Howard, Maplewood, stated, given a choice, he would like for the woods to remain. He stated his property value and way of life will be impacted.

Council President Pro Tem Montalto stated a restaurant is not a permitted use, but may be allowed upon approval by the BZA.

Mr. Mike Ford, 1117 Redwood Drive, stated if Ms. Milam would have agreed to leave that out, they would not be here.

Councilman Choat asked Ms. Milam if she has any prospect of a restaurant.

Ms. Milam stated no and she has not talked to anyone who has proposed this.

Councilman Plant explained that an applicant is allowed to have any use permitted in a particular zone. CP is the highest commercial zoning. Ms. Milam has made voluntary concessions as a qualifier. He stated he understands the resident's concerns, but also understands that the applicant has made many concessions.

Councilman Choat stated it is up to the applicant as property owner to decide what the request will be and she has made many concessions.

Councilman Plant stated he thought that under our ordinance, that if an application was made to BZA, that it must be approved.

Discussion followed that the BZA must hear the application, but that decisions are based on the particular application at a particular location.

Council President Pro Tem Montalto asked if Ms. Milam agreed to take out the restaurant, would that keep someone who bought the property from coming back and getting it changed, and was told no. Any property owner may request a change to their property by filing an application and going through the hearing process.

Ms. Milam asked if she agreed to no restaurant, could she then go back to the buffer in the ordinance? What she has offered is more than three times what is required.

Mr. McGriff stated they will not agree to a reduction in the buffer.

Council President Pro Tem Montalto asked was there any compromise on the building height, and Mr. McGriff said no.

Councilman Plant stated there are a lot of concessions.

Ms. Milam stated she has given up so much, that she feels that she must draw the line. All of the concessions have been asked of her, but the other side is not willing to compromise. She stated she has not been approached by a restaurant, but would like to preserve this right to apply for approval in the future for anyone who may wish to go to BZA to do so.

Mr. McGriff stated that is not acceptable. If Ms. Milam would have taken this out none of them would be here tonight to oppose this. He stated they need to know that this will end it and that they will not have to address this type of request again. He asked if BZA rubber stamps something could the Council override it.

It was pointed out that no one can give that assurance, as any property owner at any time can make a request for the zoning on their property.

Councilman Choat stated BZA is not a rubber stamp process. He stated he has been in BZA meetings that were very confrontational. Approval depends on the issue.

Mr. Jef Freeman, Woodward Road, asked what surrounds this property and was told subdivisions are on three sides and commercial and light industrial across from it. He stated he sits on the Jefferson County BZA, and that he could assure people that board does not rubber stamp requests. A lot of requests are denied.

Ms. Virginia Cardwell, Maplewood, stated she does not want this.

Mr. Don McGriff stated he was upset by the Planning Board saying that it did not matter what the people said they wanted; the matter under consideration was the application before them.

Mr. Gary Waylander, Maplewood, stated there is no point in the future when any of us will want a restaurant. We do not want it in our back yard.

The public hearing was closed.

Councilman Plant stated he did not think these were unreasonable concerns.

Ms. Milam asked Councilman Plant if he felt her request was unreasonable, and he replied no, that she had made many concessions and he acknowledged that and appreciated it.

Ms. Milam pointed out the process for approval of a special exception is laid out in the city's ordinance.

Councilman Plant stated the concern is if it is addressed satisfactorily.

Councilman Choat stated as it stands now, the alternative is to leave it as it is and let the next owner start the zoning process over. There are no restrictions on the property now.

Ms. Milam stated, as the property owner, they have made a reasonable request. Even if she asked for the zoning with no qualifiers, that is still a reasonable request.

Council President Pro Tem Montalto suggested this matter be carried over for a vote, and that this be considered a first reading. He stated the rear property could be cleared to the property line now without any buffer next to the houses, and the commercial close to the road has no restrictions.

Mr. Don McGriff stated Ms. Milam said she had a bakery wanting to go here at the first meeting.

Ms. Milam stated no one has approached her about a bakery. Any comment she might have made would have strictly been to emphasize that BZA approval would be required for that type of use.

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

Yeas: Councilman Montalto

Nays: Councilman Choat

Upon failure to receive unanimous consent to suspend the rules, this matter is carried over until the next meeting.

Councilman Plant explained that without unanimous consent the matter cannot be voted on tonight. This will be brought up for a vote at the next meeting.

Mr. Don McGriff asked can this be done without discussion, and was told the hearing was held and closed, and further discussion is not required.

Councilman Cook moved Resolution 2015-041 be approved declaring weeds and debris a public nuisance at 7823 Happy Hollow Road, seconded by Councilman Choat, and the vote was unanimous.

Councilman Plant moved Resolution 2015-042 be approved declaring the old city hall telephone switch and fifty-one handsets as surplus, seconded by Councilman Choat, and the vote was unanimous.

Councilman Choat reported that fall sports are in full swing. There will be a David Allen Coe concert at our Civic Center on November 24.

Councilman Choat stated the demolition is almost complete at the old community center site on Parkway Drive. He announced that RDA will hold a workshop on Thursday. The property at 101 Morrow is a part of the RDA plan.

Councilman Cook announced the Poplar Street project is complete except for striping. Public Works is getting ready for fall leaf pickup with three vacuum trucks.

Councilman Plant announced that the Chamber Board will meet tomorrow and the Chamber luncheon will be held on Thursday. National Night Out was a success thanks to our police department, fire department and cert team.

Council President Pro Tem Montalto stated Design Review met and approved a new sign for Sun Nails and the YMCA and a renovation at 110 Oak Street. Planning and Zoning approved re-surveys on Advent Circle and on Floyd Bradford Road, and denied a resurvey in Cahaba Manor.

Mr. Jef. Freeman, 318 Woodward Road, RDA Chairman, stated in looking at property in the downtown, they have tried to accumulate the zoning classifications of the properties. He stated he asked for a zoning map only to find that there is only one map done and updated with colored pencils that are kept up by the City Clerk. He stated Jefferson County and most cities of our size have this information posted on their web site. He asked that the Council consider making funds available to update and digitize this map to make it available to the public.

Mr. Freeman thanked the City Council for the purchase of the Littlefield property.

Council President Pro Tem Montalto stated we will look at this and see about getting it updated.

Mr. David Nix, Kirby Lane, asked if the City ever received the traffic study for the light at Happy Hollow Road?

Public Works Director Wayne Sullivan stated he knew that the traffic count had been done but he had not seen a report.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk