

CITY OF TRUSSVILLE
CITY COUNCIL MINUTES
MARCH 13, 2018

The City Council of the City of Trussville met for a workshop session on Thursday, March 8, 2018 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 Perry Cook
Councilman Jef Freeman
Councilman Brian Plant
Councilman Zack Steele

Absent: None

Others present in Official Capacity: Mayor Buddy Choat

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 13, 2018. 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 13, 2018 at 6:00 p.m. at Trussville City Hall. Council President Taylor presided over the meeting and Lynn Porter, City Clerk, served as recording secretary.

Council President Taylor called the meeting to order and asked Councilman Freeman to lead in prayer. Councilman Cook led the pledge to the flag.

Those persons answering present to roll call were as follows:

Council President Alan Taylor
Councilman Perry Cook
Councilman Jef Freeman
Councilman Brian Plant
Councilman Zack Steele

Absent: None

Others present in Official Capacity: Mayor Buddy Choat
Attorney Shay Reynolds

Council President Taylor introduced the minutes of the February 27, 2018 meeting for approval. Councilman Steele 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 Plant asked that the nuisance resolution be added to the regular agenda and the change order be added to the consent agenda. Councilman Plant moved the agenda be approved as amended, seconded by Councilman Steele, and the vote was unanimous.

Judge Keecia Davis, Candidate for District Court Judge, Place 9 was recognized. Judge Davis stated she is a Birmingham Municipal Court Judge and is seeking the position being vacated

by Judge Lietchenstein's retirement. This court hears appeals from municipal courts, and DHR adult cases. She asked for support.

Mr. Chris Cremers, 6543 Deerfoot Crossings Road, was recognized and addressed the Sheepdog firing range. He asked how improvements would be evaluated and what is proposed. The deadline for the plan was January 31. Then they were given until yesterday to apply a K-13 finish to the air ducts. It has been ten months that we have not had enjoyment of our property.

Ms. Brooke Cremers, 6543 Deerfoot Crossing Road, stated she did not want to hear this in her back yard. She stated they were told that the firing range would not do anything else. She stated they need the city's help.

Mayor Choat stated March 12 was the deadline given. He stated we were told the product would be installed by today. He stated that he would investigate to see if this has been done.

Ms. Cremers stated that they would like to be involved in the City's evaluation.

Mr. Cremers stated that they agreed to zero noise in past meetings.

Council President Taylor agreed that the minutes reflect that this statement was made by the owner before this facility was approved.

Ms. Cremers stated they said the noise would be reduced to conversation levels. She wants no noise. She should not have to explain to her child why they are hearing gunfire.

A special presentation was made to Cynthia Jones from the National Fire Academy for Managing Officer Training. Chief Shotts explained that most of the training that we do is at the Alabama Fire Academy. The National Fire Academy in Emmitsburg, Maryland requires prerequisite courses for admission, and then two weeks training and study in Maryland, and then a community-based follow up project, before this certification is bestowed. Cindy's community project was on fall in the elderly.

The consent agenda was presented as follows:

Accounts Payable

| | |
|-----------------------------|------------|
| Liabilities | 18,587.67 |
| Non-Departmental | 46,542.87 |
| Mayor and Council | 9,172.55 |
| Administration | 26,526.19 |
| Inspections | 12,568.21 |
| Municipal Court | 5,894.72 |
| Police Department | 45,725.30 |
| Fire Department | 45,707.66 |
| Public Works | 37,916.48 |
| Garbage | 171,274.00 |
| Parks and Recreation | 99,532.49 |
| Library | 16,517.09 |
| Rental Properties | 1,443.63 |
| GENERAL FUND TOTAL | 542,791.38 |
| MUNICIPAL COURT FUND | 535.38 |
| STATE GASOLINE 4-CENT FUNDS | 158,924.94 |
| CORRECTIONS FUND | 17,751.89 |
| 2017 WARRANT FUND | 2,177.19 |
| TOTAL ACCOUNTS PAYABLE | 722,129.78 |

Hire Jeremy Patrick Dunn - Police Officer, Grade 17, Step 4, effective March 31, 2018

Merit increases effective March 17, 2018

Jason Baker, Library, Grade 22, Step 6

Robert Hall, Public Works, Grade 7, Step 4
William Benton, Fire, Grade 17, Step 4, plus 10%
Accept resignation of Scott Buttram from Redevelopment Authority
Possible funding for IDB Advantage Site application and required studies
Library Change Order 61-21-51 Rev.1 - Remove and replace locks & add 2 electric fail secure locks on automatic doors - \$4,468.00 plus 5 days

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

Council President Taylor stated we will begin vehicle tag sales in April. We have an Ordinance to establish a car tag fee to offset the costs of software and administration. Councilman Freeman 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 Taylor, Cook, Freeman, Plant and Steele

Nays: None

Councilman Freeman moved Ordinance 2018-003-ADM approving this fee be approved, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Cook, Freeman, Plant and Steele

Nays: None

Councilman Freeman introduced a Resolution to reduce the number of Redevelopment Authority members to seven. He explained that the Authority started out with five members. While he was Chairman and things started happening quickly, this number was increased to nine. Now that the Authority has a track record and things are going smoothly, they feel that seven is the correct number needed. The positions being deleted are currently vacant positions. Councilman Cook moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this resolution, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Cook, Freeman, Plant and Steele

Nays: None

Councilman Cook moved Resolution 2018-010 approving change in membership to seven be approved, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Cook, Freeman, Plant and Steele

Nays: None

Councilman Plant moved Proclamation 2018-004 for the Magnolia Elementary Shamrock 5-K and Family Fun Run be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved Proclamation 2018-005 for the No Longer 5K Run be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved Proclamation 2018-006 for the School Foundation Crawfish Boil be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved Proclamation 2018-007 for the Mayor's Bike Ride be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved Proclamation 2018-008 for the Freedom Festival be approved, seconded by Councilman Steele, and the motion carried with Council President Taylor abstaining.

Councilman Plant moved Proclamation 2018-009 for National Night Out be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant move Proclamation 2018-010 proclaiming City Fest be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Plant moved that the Council go into an executive session to seek the advice of counsel on possible litigation, seconded by Councilman Freeman. Council President Taylor stated the Council will return and reconvene after the executive session. Upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Cook, Freeman, Plant and Steele

Nays: None

The Council left the dais at 6:35 and returned at 6:45.

A public hearing on a resolution on conditions at 103 Post Oak Drive was opened.

Mr. Don McGriff, 125 Black Walnut Drive, stated they have been fighting this problem for more than two years. On December 27, 2016 we sent out letters to identify what the odor was. The odor is still there, but not as much as before because the house has been closed up.

Ms. Sandra Macon, 115 Water Oak Drive, stated she lives directly behind this property and she has lost two summers due to the stench. The Duprees were removed from the house, and then 168 cats were removed. With the warm weather recently, the smell arose. She stated she understands that there will be some smell during the clean up, but this has to end.

Mr. Mike Luster, 112 Water Oak Drive, stated he understands that there is no ordinance limiting the number of animals you can have. He stated the house behind him has six dogs in a very small pen.

Councilman Freeman stated the County will only allow a certain number of animals in certain zoning districts.

Attorney Alex Hershfield, P. O. Box 530512, Birmingham, AL 35253, stated he was engaged by the Duprees. Mrs. Dupree has health problems. The Duprees want to take action to address the problem. They would like time to continue to work through this problem. It is difficult to find someone to come into the house to clean it up at a reasonable price. They need to place a thirty-yard dumpster on the property, but the driveway is too steep. He asked the City Council to withhold any action to give them time to work through this problem.

Mr. Wayne Dupree, 103 Post Oak Drive, stated he and his wife wanted to clean the house up, but were prohibited from doing so by the city. The remediation costs are prohibitive. They want to do the clean up themselves. He stated they voluntarily gave up 100 cats in 2014 to the Birmingham Humane Society, and no one has given them credit for that. He stated his wife has mental challenges, but she was convinced that all of the animals they surrendered were killed, because they never saw any of them at the shelter. He said that they made several trips to the dump to help get rid of the problem. He stated his wife loves animals. He stated he was concerned that the invoice that he saw said that 140 cats were all euthanized. It claimed that they were diseased, but he has been shown no proof of this. He stated they want to clean the house out, but their hands are tied.

Councilman Plant asked for clarification on a statement Mr. Dupree made. He asked did he say that he and his wife surrendered 100 cats in 2014, separate from the 160 cats we are talking about tonight, and Mr. Dupree replied yes.

Mr. Dupree stated the letter he received tonight said that prior written notice was issued on November 9, but he did not get it until December. He stated the City had the keys to the house. He stated they responded to Mr. Arnett and gave him what they could do to remediate the problem. He just sent it to the attorney and did not respond to me.

Mr. Don McGriff, asked, supposing this works out, how do we know that there will not be another hundred cats brought in?

Councilman Plant read proposed Resolution 2018-011 on abating the nuisance at 103 Post Oak Drive. Councilman Plant moved Resolution 2018-011 be approved, seconded by Councilman Cook, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Taylor, Cook, Freeman, Plant and Steele

Nays: None

The Council suspended there reports this evening.

Ms. Dawn Lyles, Sweetwater Lane, was recognized from the audience, and asked when the Library would reopen. She was told the official grand opening will be on Sunday, April 22, but there will be a soft opening a couple of weeks before.

Ms. Diane Lemon, 216 Sweetwater Lane, asked about the break in the sidewalk along the Cahaba.

Mr. Kevin Macon, 115 Water Oak Drive, stated when Indian artifacts were brought up, we were told there would be gravel placed in this area. He stated it is a muddy hole, and asked would this section be completed?

Mayor Choat stated as soon as the project is turned over to us, we will address this. That should be around May 17.

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

Respectfully submitted,

Lynn B. Porter
City Clerk