

CITY OF TRUSSVILLE  
CITY COUNCIL MINUTES

JUNE 12, 2018

The City Council of the City of Trussville met for a workshop session on Thursday, June 7, 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

Absent: Councilman Zack Steele

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, June 12, 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, June 12, 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 May 22, 2018 meeting for approval. Councilman Steele moved they be approved, seconded by Councilman Freeman, and the vote was unanimous.

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

Mr. Wayne Odell, 6500 Waterford Cove, Wreaths Across America, Navy and Marine Fleet Reserve Association, was recognized and asked for a proclamation for this cause to lay wreaths on the graves of veterans on the third Saturday in December. This includes five KIAs - killed in action - buried at Jefferson Memorial. The Alabama Artillery will fire a cannon for us. All active duty recruiters will assist in laying the wreaths. He asked for help in soliciting business participation in Trussville for this third annual event.

Mayor Choat stated he helped with this last year. He stated we will have a proclamation ready at our next meeting.

Mr. Richard Epstein, Boulder Drive, stated he recently read Trussville is the fastest growing city in the area. He stated he saw where demolition has begun on the Braden's building - the metal storage buildings have been removed. He asked the status of the traffic signal at Brooks Crossing, the ditch at Woodland Circle, a generator for the Civic Center and a new pool.

Mayor Choat responded that the light at Brookes Crossing is in the design phase and should be installed in six to eight months. Commissioner Knight has looked at the ditch. The pool is under consideration. The power lines near Braden's will be moved this summer, and then the building will be demolished.

Councilman Steele stated we hosted the State Track Tournament and our team finished third overall. Our girls won the championship in their division. The boy's 4 X 1 team broke the state record. The team members were called forward and recognized.

The consent agenda was presented as follows:

Accounts Payable

Liabilities	18,464.69
Non-Departmental	43,227.22
Mayor and Council	9,672.16
Administration	9,465.58
Inspections	12,761.51
Municipal Court	11,844.44
Information Technology	409.37
Police Department	63,809.13
Fire Department	73,239.17
Public Works	32,203.02
Garbage	172,655.49
Parks and Recreation	94,354.33
Library	12,249.76
Rental Properties	1,157.10
GENERAL FUND TOTAL	555,512.97
STREET IMPROVEMENT FUND	3,529.80
LOCAL CONFISCATION	885.15
CORRECTIONS	3,267.42
TOTAL ACCOUNTS PAYABLE	563,595.34

AAPPA Worker's Compensation - Jensen - Auburn - Aug. 10, 2018 -\$150, plus 1 night's lodging and meals

Certified voice Stress Analyzer Course - Rob Hicks - PD - Northport, AL - Oct 1-5, 2018 - \$1,295.00, plus lodging

Mass Fatalities Planning & Response - Morrette & Bradford - PD - Jacksonville, AL - June 19 - No cost

EMS World Expo - Nashville - Cindy Jones - Oct 29-Nov 2, 2018 - \$350 plus expenses

Firefighter Combat Challenge - Benton, Clifton, Lovvorn, Massey, Robert, & Tinney - Montgomery - June 29-30 - \$980 total registration, plus three rooms for one night.

Merit increases effective June 9, 2018

Scott Mann, Inspections, Grade 23, Step 5

Clifford Moore, Fire, Grade 20, Step 8, plus 15%

Terry Summerrow, Public Works, Grade 7, Step 6

Merit increases effective June 23, 2018

Zykeisha Randle, Court, Grade 19, Step 2

Brian Nabers, Park & Rec, Grade 7, Step 6

Promote JR Malchus, Sr. Plans Examiner, Grade 26, Step 3 effective June 9, 2018

Approve education incentive pay for Michael Hicks - FD - 5%, eff June 9, 2018

Approve Paramedic pay for Justin Grogan - FD - 5%, eff June 9, 2018  
Approve investigator pay for Officer James McCool - PD effective 6-9-2018  
Approve Contract with HPM for bid and construction management services downtown  
Approve Park and Recreation bidding on State Tournaments

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

A public hearing on an ordinance on erosion control, illicit discharge, and post construction stormwater management was called. David Arnett stated this is required by our new Stormwater permit. This basically took the ordinances that we had and made them more restrictive and altered the fees. Our illicit discharge ordinance went from a few paragraphs to six pages. There are procedures to trace the discharge from the offending site. The post-construction portion went from one paragraph to six pages. There are checks and balances to handle this. This outlines how we will track and enforce such occurrences. It also increases the design standards. We have worked with CRS and agree with 98% of their suggestions. CRS said that retention and detention do not address water quality. The general ADEM permit mentions water quality sixteen times and the ordinance mentions it ten times. This adds monitoring and detection for testing on page 26. He stated he felt we have exceeded the requirements. He stated there is one sentence difference in what was asked by CRS.

Mr. Wayne Sandford of Stone Pointe Builders asked was there any estimate of how this will affect the cost per square foot for builders? He stated it does cost them. Is this 2%, 3%, 10%?

Mr. Arnett stated the bond remains the same. The fee is increased from \$100 to \$400.

Ms. Beth Stewart, Executive Director Cahaba River Society, stated they are concerned about the model ordinance for SWMA. The agreement is an important part of the ordinance. She stated she appreciated Mr. Arnett's assessment of the procedures and enforcement changes, but their concern is how practices used on the site protect water quality. The pre and post development section is broad. Water quality is not just related to velocity and volume, there is also impact to the ground water. Infiltration helps to clean the water. The trend toward retention and detention helps with flood mitigation, and for this purpose their use is encouraged, but they don't address infiltration and filtration. Ponds can take enormous amounts of space. The use of bioswales, rain gardens, and impervious surface materials allow for infiltration. Vestavia and Irondale included their technical standards in their ordinances. We do not want to see significant run off. The cumulative result of large volume increases contribute to erosion and bank collapse. She stated they are concerned that the current language is too vague and too broad. They want the language in the permit added to the ordinance, as they feel this is the safest way to manage it. Essentially we are in the same place as the last time we met. We were asked to clarify our expectations. We support what you are doing, and we are willing to partner in education.

Councilman Cook asked Ms. Stewart what the highlighted portion of the handout meant, and was told that they would like to have all of the bold and italic language added to the ordinance.

David Arnett stated all of this language is in the technical memorandum and stated several times.

Ms. Stewart stated the technical memorandum is not a part of the ordinance, and they feel this should be included.

David Arnett stated we have the ability to update the memorandum administratively, without having to amend the ordinance.

Councilman Plant asked, if we add it, will this prohibit us from administratively amending the document, and was told yes.

Ms. Stewart stated this language is in your MS4 permit.

David Arnett stated these are minimum requirements. If SWMA decides that 1.1 inches of rain is not the benchmark needed, we could increase this with a technical memo. If included in the ordinance, Council action on an amendment would be required.

Ms. Stewart stated their concern is that retention/detention ponds do not achieve what they need. They feel that 1.1 inches is too little.

Council President Taylor stated this seems to leave out increasing our ability to control.

David Arnett stated they use quantitative rather than qualitative.

Councilman Plant stated we have high water quality in our area. He stated he appreciated our working together to get the best ordinance. He stated he would like to revisit this in six months to a year to see if this ordinance achieves what it intended.

David Arnett stated, if they determine that it does not achieve what is intended, he would not want to wait six months, but would prefer to take action at that time.

Councilman Freeman stated they depend on the Mayor and David Arnett to advise them.

The public hearing was closed. Councilman Steele 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 Steele then moved that Ordinance 2018-010-ADM on erosion control, illicit discharge, and post construction stormwater management 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

An ordinance to rezone 8009 Bethune Parkway From R-2 to RG was presented. Mr. Richard Johnson, Stockton Partners, LLC and Mr. Jonathan Belcher, President of Signature Homes presented this request on one hundred acres. Mr. Johnson stated they met with the community and solicited discussion about what type of amenities they would like to see in this phase, as all amenities in all phases are available to all members of the community. Forty percent of the area will be left natural or in common area in this plan. They worked with the Planning and Zoning Board and incorporated traffic calming procedures, including shortened streets and roundabouts, in this plan and also had a traffic study done for a traffic signal at Bethune Parkway. This signal will be installed at their cost. They have created a connection with Cardinal Street which gives two additional outlets to Highway 11 from the development by means of Meadowlark Drive and Commerce Drive. They met with the schools and discussed school impact. They have agreed to minimum lot sizes of 8700 square feet and minimum lot widths of 70 feet. Sixteen percent of the homes will be basement lots. The density does not increase with this plan over what is allowed in R-2, but it allows them to preserve more land. He stated the road assessment will result in \$250,000 being paid at closing to the city. Stockton has been the best performing community in the Birmingham area, and they would like to be allowed to continue.

A public hearing was opened and there being no comment, the hearing was closed. Councilman Freeman stated this matter comes to the City Council on a split decision from Planning and Zoning. He 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 then moved that Ordinance 2018-011-PZ rezoning the property at 8009 Bethune Parkway from R-2 to RG 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

An ordinance rezone ten acres between Hawkrigde Road & Simmons Drive From I-2 to R-G was presented by Mr. Wayne Sanford, Stone Pointe Builders, 1068 Old Zion Loop, Navoo, AL. He stated their community will have no issue with the railroad track as they are near the Watterson overpass. He stated they hope to build fifty-two units. He stated they will come back with an additional strip of recently acquired property at a later meeting. These will be 2,400 square foot homes on quarter-acre lots.

A public hearing was opened and Mr. David Frost, 635 Mermont Circle, was recognized. He stated he moved here in 1970 and built his present home in 1980. In 1988 Mr. T.J. Harris brought this property into the city as I-2. The Mermont neighborhood asked for a 150' buffer. A 50' buffer/greenbelt was given when the property was subdivided. Now there is no greenbelt with residential property. He stated he would like to see R-2 development, but that does not seem to be the norm. He stated the development of Hawkrigde dumped dirt into their lake and caused a lot of expense and aggravation. This development is below the dam, so this will not happen again. This is an earthen dam that does not need to be disturbed. They say they will do no blasting. He stated his house is on rock, and he does not want it shaken. He stated he thinks they will build nice houses, but this will create more traffic on an already busy road. He stated his major concern is the dam and the people who will live below it. He stated he welcomed residential development rather than industrial, and thinks this will be an asset, but he does not want their houses or the dam damaged.

Mr. Sanford stated there is a huge elevation difference. He stated he did not foresee any blasting. He stated he did not want to impact them either.

Mr. Carl Edwards, Mermont Drive, stated they asked for no blasting. He stated if there is a need for blasting, someone needs to come back and talk to them. He would like assurances.

Council President Taylor stated there is a process before any blasting is done and insurance requirements.

Councilman Plant stated a pre-blast survey is required, and a bond. He stated he thought that any company would take a hard look at the dam.

Mr. David Stovall stated he felt this was a discussion for a later time since this hearing is about zoning. There are ordinances that limit blasting to certain vibrations.

Mr. Frost asked could they retain the 50 foot buffer?

Mr. Sanford stated this project is not at final design stage yet. He stated if he can buffer and make it feasible, he will. The back portion of the property is very steep, and he does not see carving into that.

Mr. Frost stated he would like to see the trees left on the steep part.

Ms. Jean Thrasher, 404 Cherokee Drive, stated speaking as a resident and not as a real estate agent, she is excited to see this tract with ugly warehouses become beautiful homes.

The public hearing was closed. Councilman Freeman stated this was recommended by Planning and Zoning. He moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Freeman then moved that Ordinance 2018-011-PZ rezoning the property at 8009 Bethune Parkway from R-2 to RG be approved, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

An ordinance pre-zone Quarry Road properties from A-1 to C-2 was presented by Mr. Craig Crimm. He stated he is trying to get his business and property at 6404 Quarry Road rezoned and annexed into the city.

A public hearing was opened and there being no comment, the hearing was closed. Councilman Freeman stated this was recommended by Planning and Zoning under the statute that allows property to be pre-zoned prior to annexation. He 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 then moved that Ordinance 2018-013-PZ pre-zoning the property at 5330, 5334, 5342, 6104 and 6110 Old Quarry Road 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

An ordinance to pre-zone 8080 Gadsden Highway from I-1 and A-1 to C-1 was presented by Mr. Mickey Windham, Vestlake Drive. He stated he has cleaned up this property since he purchased it and has a dentist interested in some of the highway frontage.

A public hearing was opened and there being no comment, the hearing was closed. Councilman Freeman stated this was recommended by Planning and Zoning under the statute that allows property to be pre-zoned prior to annexation. He 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 then moved that Ordinance 2018-014-PZ pre-zoning the property at 8080 Gadsden Highway 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

A resolution on a project tax sharing agreement for Trussville Commercial Investments, LLC was heard. Mayor Choat stated this is an agreement between the city and a developer on Highway 11 between Tutwiler and Calumet. The development is projected to generate \$5 million in sales annually. This is the sixth or seventh project done by this group, but no incentives have been granted before. This will be a 50/50 split of the 3% non-education local sales tax up to \$750,000 or seven years, whichever first occurs.

A public hearing was opened and there being no comment, the hearing was closed. Councilman Plant moved Resolution 2018-015 be approved authorizing this agreement, seconded by Councilman Steele, and the vote was unanimous.

A nuisance abatement on property at 6335 Patriots Pass was carried over until tonight for review. Mr. David Arnett stated he was contacted by the owner who told him that the numbers did not work to rebuild. He will have a contractor out next week to demo the remaining wall and fill in the site.

An ordinance to annex 5330, 5334, 5342, 6104, & 6110 Old Quarry Road was presented. Councilman Freeman moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Freeman then moved that Ordinance 2018-015-ANX annexing the property at 5330, 5334, 5342, 6104 and 6110 Old Quarry Road be approved, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

An ordinance to annex 8080 Gadsden Highway was presented. Councilman Freeman moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Freeman then moved that Ordinance 2018-016-ANX annexing the property at 8080 Gadsden Highway be approved, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Plant moved Resolution 2018-016 to surplus fire department vehicles be approved, seconded by Councilman Steele. He stated the tanker being surplused will be donated to a group of small rural fire districts to share in providing the ability to fight fires in areas with few fire hydrants. The vote was unanimous.

Councilman Plant moved Resolution 2018-017 to direct grant funds to Chamber of Commerce be approved, seconded by Councilman Steele. This \$1,000 grant was directed to the City for use by the Chamber. This is to disburse these funds. The vote was unanimous.

Councilman Cook reported TRA met to discuss Quad 1. They talked about assigning different projects to different members. The IDB is trying to have some of their property declared an Advantage site. They are in the third phase of a seven phase selection process. The plan to visit other Advantage sites in other cities to see how they have succeeded. They discussed looking for more land for industrial development. The Utilities Board annual conference is coming up where General Manager Mike Strength will be installed as President. The Board of Education has announced a 3% pay raise with 2.5% from the state and .5% from local funds. They recognized retiring staff. They recognized the Lady Husky softball team. Four of their players were selected for the all-region team. First year coach Taylor Burt was named Coach of the Year. Our boy's baseball team came in second in the state.

Councilman Freeman reported that the addition at Cahaba Elementary is progressing. The soccer field is thirty to thirty-five days from completion. They are waiting on approval for the Middle School addition and will then bid it. For Planning and Zoning he reported that there were 21 new home starts this month. The Board approved a lot in Wynwood Lakes, a resurvey for Stockton, preliminary approval was given to Chatham Crest, Phase 3, and zoning changes were recommended on Husky Parkway from Institutional 1 to CP and on Watterson Parkway from C-2 to Institutional 1.

Councilman Plant carried over his report.

Councilman Steele reported that at the Park and Recreation Board meeting last night, Coach Jeff Mauldin agreed to run the fall baseball program. This has been his third year having the high school team in the state playoffs.

Council President Taylor stated the Chamber golf tournament will be held at Pine Tree Golf Club on June 28. There will be a Movie on the Mall on Friday at 7:45 showing "Beauty and the Beast." Chick-fil-A will have food trucks on the mall. David Knight will be the speaker at the next luncheon. Our schools had a large turnout for the state playoff tournament. Two of our players were selected as 7A all-state players.

Mayor Choat recognized Mr. Matt Deniburg with Hoar Program Management (HPM). We are happy to have them working with us through our downtown revitalization. He stated last night was Johnny Tarassoli's last night on the Planning and Zoning Board. He has served for twelve years. Mike Strength was installed as President of the Alabama Gas Association. He stated he was proud of Mike in heading one of the best run systems. Paving is being done in Echo Hills. The traffic signal on Husky Parkway will be bid soon.

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

Respectfully submitted,

Lynn B. Porter  
City Clerk