

CITY OF TRUSSVILLE
CITY COUNCIL MINUTES

OCTOBER 23, 2018

The City Council of the City of Trussville met in a rescheduled workshop session on Tuesday, October 16, 2018 at 5:30 p.m. at Trussville City Hall. 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, October 23, 2018. Fire Chief Tim Shotts asked that a promotion for Fighter Andy Griffin to Fire Lieutenant be added. He stated this is a budget promotion. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Ms. Mary Shell of the Alabama Historical Commission was recognized and gave a presentation on historical preservation. She explained how the Commission could assist a local preservation committee; the enabling legislation setting up this type of committee, and the educational and reporting requirements of the committee, as well as its powers; and how to set up a Certified Local Government program. She outlined staffing requirements and enforcement procedures through appearance before the committee, approval or denial of a Certificate of Appropriateness, and circuit court action when guidelines are not followed. Staff should maintain records and issue notices of decisions. She stated good communication is needed and a series of meetings with the homeowners to get agreement on what will be included in the guidelines to be enforced. The agreement of the affected homeowners would be needed before the matter is brought before the City Council for approval of the design guidelines. She stated the Secretary of the Interior Standards for Rehabilitation, Renovation, and Reconstruction are available. She stated historic elements should be preserved such as original pane configuration of windows, and features that were not there originally should not be added. Deteriorated features should be repaired rather than replaced. Distinctive elements should be protected. If an element cannot be saved, it should be replaced to match the original. New work should not destroy the original. New construction should be done in a manner that it could be removed and the original structure stand. Before demolition an archeology expert or member with a background in historical preservation should determine ways that the structure could be saved by taking alternative measures. If the expense of original materials is prohibitive, alternative materials to preserve the elements may be suggested to accomplish the preservation. If a building cannot be saved, new building development should not try to replicate surrounding historical structures, but rather should be built in current period style, but reuse the original footprint. The committee can regulate demolition by maintenance requirements that can be enforced by notice giving a time period to achieve the repairs, and then court action if there is no cooperation. The committee can set up expedited review and approval for such things as roofs, porches, and paint, to be approved by staff members. Small grants are available from \$2,000 to \$12,000 for governments to set up training for staff and to meet community education requirements. She stated the Cahaba Homestead Project is unique in the state and is certainly an area to be preserved. She stated, other than a couple of mill villages, she was not aware of another development where all of the homes were built in a three-year period, or where parks and schools were included in the plan. She pointed out that the greenest building, is the one that is already built. She stated tax credits are available in some instances.

Ms. Shell stated some things can be controlled by zoning, such as set backs, building height, roof pitch, and lot coverage.

Council President Taylor stated, many homes have been modified or changed, and asked was this common in other districts she was aware of.

Ms. Shell stated with projects this old, this is not uncommon, however, a structure can lose its contributing status, and may become non-contributing to the district.

Council President Taylor asked would the local commission make those decisions, and Ms. Shell replied that the structures must be certified to the Historical Commission standards. They would look at materials to determine if a structure qualified. She stated Trussville's site evaluated by them in 2004, probably needs to be updated.

Council President Taylor asked could we amend or take out parts of the sample ordinance her office provided, and she said this ordinance follows the state law for setting up the committee, and cannot be changed. The ordinance does not have the guidelines, that must be adopted separately.

Attorney Rick Stotser asked who is the enforcement agent of the committee and was told the City. Attorney Stotser asked, in enforcing the maintenance requirements, is it that you must do certain things at certain times?

Ms. Shell stated a system is set up, then the property owner is notified and given time to fix it, or if not done, it goes to court.

Mayor Choat asked does a grandfather clause exist, and was told yes, no one is going to make you change your existing property, except if you are doing a major change to it after adoption.

Attorney Stotser asked does the group need to get a consensus before coming to the City Council with public input? Ms. Shell replied, the group needs to decide how they want the area to look going forward, and then develop guidelines. A preservation committee can be dissolved, but it is a great tool and a great help to the city when making decisions.

Councilman Cook stated some want this and some don't. Is it up to the City Council to decide if the city wants it? Do you have to do it or are you just encouraged to do it?

Ms. Shell stated the regulations are binding after they are approved. The committee has the authority to develop design guidelines and enforce them. Certain things can be limited by zoning.

Councilman Freeman asked what was the difference in becoming a Certified Local Government, and Ms. Shell replied that it is a feather in your cap and makes additional technical assistance and grants available.

Councilman Cook stated some homes within the district were not originally built. They are non-contributing, but we would not want them to do something that would affect the district.

Councilman Plant verified there are two ways we can approach this. One is through zoning and the other is through this enabling legislation provided by the Historical Commission. Once a committee is created, if there is a dispute between a homeowner and the commission, it will not come to the City Council, but rather to Circuit Court.

Ms. Shell stated that is correct. If a homeowner does not get a Certificate of Approval, they can modify the plan or go to court. The preservation group does not have to do anything. The applicant can file in Circuit Court.

Councilman Plant asked where the sample ordinance came from, and was told a lawyer drafted it for the Historical Commission to track the legislation contained in the Code of Alabama.

Councilman Plant stated many houses have the original garages that are not suitable for a large car. If the owners wish to take them down and put up something useable, can this be done?

Ms. Shell stated once you have a preservation guideline, the city must back up the commission. A judge would decide if procedures were followed.

Councilman Steele stated he visited other areas of town with Ms. Shell today, the Presbyterian Church, downtown, and our parks. Downtown has too many non-contributing buildings to qualify. He asked if forming a historical district will increase property taxes, and was told it could stabilize or add value. He asked if the language of the model could be modified, and was told not if you apply for Certified Local Government status. She stated she would never know, unless this application was made, but the protections come from adhering to this model.

Councilman Taylor asked were insurance rates higher for replacement of historical structures, and was told if there is a non-contributing structure that is destroyed, if rebuilt, you would not want the new construction to look historic. It would need to fit with mass, size, and height of the surrounding structures. If a contributing structure is damaged, materials used to replace damaged portions would need to be similar in design to the original materials.

Councilman Taylor asked who decides what is contributing or non-contributing and was told that the historical commission does.

Councilman Plant stated zoning can regulate set backs, height, roof pitch, can regulate porches, and lot coverage. Zoning does not regulate materials.

Ms. Pattie Sransky, 212 Lake Street, stated she was still unsure of the difference between the types of committees, but she felt that the commission needs to have a heart for the area. She stated she felt we should look to see what other cities our size have done.

Ms. Laura Reichert, 116 North Mall, stated she felt we need to get all residents to comment.

Mr. Todd Valeric, Parkway Drive, stated he would like to see a vote of the neighborhood with ballots.

Ms. Barbara Petty, 124 Parkway Drive, stated it sounds like a liability for the members.

Mr. Eddie Bonner, Parkway Drive, stated he appreciated Design Review and Inspections, but he did not see a need for more rules and regulations. He stated the last meeting he attended spoke of updating communication. Only 45 names were on the email he received tonight, so the rest of the 287 homes did not know about it. The Cahaba Homeowners Association lacks communication.

Donnette Plant, 100 Lake Street, agreed that information is not getting to all homeowners. She stated she got a copy and shared it with some of her friends to let them know.

Mr. Jim Keith, 112 Magnolia Street, stated he was not sure how he felt. He would like to do a small addition on his home, but is concerned if these changes will make it too restrictive on his own home.

Mr. Chuck Tortorici, stated he was concerned about the board of professionals making decisions for an area where they do not live.

Ms. Becky Rogers, 106 Pine Street, stated there needs to be effective communication with all owners.

Ms. Jane Alexander, 207 Lake Street stated there are 287 project homes with 10-20 built later. Two have been lost to fire and rebuilt non-conforming. Five have been demolished and rebuilt in other styles. She stated she did not want to see them torn down, and she did not want the State of Alabama or the Department of Interiors involved.

Mr. Danny Garrett, State Representative, former School Board member, stated they decided to tear down the old school and the neighbors came out, then the city became involved, and they ended up with two neighborhood schools and renovating this one - and without the big bureaucracy that comes with this.

Mr. Bob Davis, 208 West Mall, stated ten years ago, he did a presentation at the Library of Congress on the Roosevelt New Deal. People could not believe that this development remained in place. He stated the first eleven years, there were no changes to the homes. In 1949 the homes were sold and there have been changes made since that time. This may be the last gasp to save. We need some common sense rules. In 1945 a North Carolina man wrote a book about new deal projects across the country, and discussed the various types of developments done. He stated in his book that this development in Trussville was so special that it could not be grouped with any of the others.

Mr. Jason Garner, 121 Parkway Drive, stated some of these houses are too small. He stated he did not think he should be told he had to have a metal roof. He asked the City's time frame to put this into place?

Council President Taylor stated this is the first time that the Council has heard this as a group, and we do not have a time frame.

Mr. Garner state his house is non-contributing, and he wants to expand it, but he does not want to use the style being discussed.

Ms. Kendall Robertson, Cherokee Drive, stated the Chamber of Commerce building was roofed several years ago and it took nine to twelve months to do a job that should have taken no more than thirty days because of the materials used.

Mr. Joel Grubbs, 209 Oak Street, stated every time government gets their hands on something, it is not a good thing.

Mr. Ray Ross, Lake Street, stated he remodeled in 2006 when he moved here. He could have bought a different house in a different neighborhood or in a different city, but he wanted to live in the Cahaba Project. Many want to take down project houses and build mini-mansions. Why is this done? The destroys the ambiance. We have got to figure this out, and stop demolishing these homes.

Mr. Guy Jones, 123 Parkway Drive, stated he agreed with this.

Ms. Susan Huey, Lake Street, asked what now? Meetings like this do not have any value. She asked do we contact all of the project? Does this include Cherokee? Many elderly do not use social media. We need facts and not commentary to make a decision.

Mayor Choat stated this is a Trussville issue, not a state issue. He stated he trusted that the homeowners could work it our. He stated he appreciated Ms. Shell giving us information on alternatives. He stated he thought we can come together and find balance. We need to find a way to work locally.

Ms. Jimmie King, 102 Pine Street, stated there has not always been so much demolition. She asked was there not some way to have restrictions to keep this from happening in the Project? And something to keep them from being built so high?

Councilman Freeman stated he served on the committee on the Courthouse murals consisting of thirteen or fourteen members. They were able to reach a consensus on a workable solution with communication - not argument. He stated he would like to see our historical district preserved, and he thought we can work it out.

Mr. Jim Keith, 112 Magnolia Street, questioned if termites or mold was a reason to remove a whole house, when only a small area was affected. He asked who has the burden of proof?

Ms. Barbara Petty, Parkway Drive, asked if their zoning was different from other areas?

Councilman Freeman stated there are not different zoning laws for the Cahaba Project. If as a group, the property owners want a special zoning, we need to hear this.

Ms. Kenley Nelms, South Mall, asked if we do not go about this the way Ms. Shell says, what are we going to do.

Brannon Dawkins, said we have been told that we can't do this locally. We just stumbled on the State regulations. We want to stop the houses being taken down, and want the original structure included in additions. She asked what are the options?

Councilman Plant stated he was not aware of these documents until recently. People should know the rules when they buy a house. We are talking about changing the rules for everyone. The issue is fairness. We would have an awesome amount of power over your lives. We have discussed how to do this. He stated according to Ms. Shell, we do not have the authority to vary this ordinance. There is no prohibition to demolition now, and none in the state document. He stated he thought this was unreasonable and too much power. He stated he did not support it. He stated he would be happy to build consensus and discuss.

Attorney Rick Stotser stated the homeowners have the authority to form a homeowner's association without the involvement of the city.

Council President Taylor stated many of the calls he has received have said that I do not want government telling me what I can do with my property. We had Ms. Shell come to give information. We are working to get answers.

Mr. Arnold Reichert, North Mall, stated if you can handle this, please do. Currently it is not being handled.

Me. Pattie Sransky, Lake Street, stated she only heard about this meeting from Jelly Lepper. It sounds like if the Council approves it, homes can be torn down.

Councilman Freeman stated there is a lot of misinformation being repeated. The Council does not hear these requests. The Design Review Committee has asked people to change their plans to better fit in, so comments that nothing is done are not correct. They do not approve everything that comes before them.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, October 23, 2018 at 6:00 p.m. at Trussville City Hall. Council President Pro Tem Steele presided over the meeting and City Clerk Lynn Porter served as recording secretary.

Council President Pro Tem Steele called the meeting to order and asked Councilman Freeman to lead in prayer. Councilman Plant led the pledge to the flag.

Those persons answering present to roll call were as follows:

Councilman Perry Cook
Councilman Jef Freeman
Councilman Brian Plant
Councilman Zack Steele

Absent: Council President Alan Taylor

Others present in Official Capacity: Mayor Buddy Choat
Attorney Rick Stotser

Council President Pro Tem Steele introduced the minutes of the October 9, 2018 meeting for approval. Councilman Cook moved they be approved, seconded by Councilman Freeman, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. Councilman Cook asked that an item be added to consider a temporary moratorium on home demolitions in the Cahaba Project. He moved the agenda be approved, seconded by Councilman Freeman and the vote was unanimous.

Mr. Greg Blalock, Economic Development Partnership of Alabama (EDPA) was recognized to present an Advantage Site award to Mr. Fred Goodnight, Chairman of the Industrial Development Board. The site must meet rigorous due diligence for an industrial property to receive this distinction. The Trussville former GoldKist site has met all of these criteria. It become one of fifty-eight sites in the state. It will be marketed on the State EDPA site.

Mr. Mark Davis was recognized from the Fallen Warrior Program. His program is setting a goal of casting busts of all 128 KIA military personnel since 911. The cost is \$11,0000 for each bust. His group is building awareness and raising funds for this project. They need help finding the families of these military personnel in the Trussville area. Sheep Dog Firearms is assisting with this project by holding a “Corvette Cruise In.”

Mayor Choat stated we are also promoting Wreaths Across America.

Ms. Linda Burns stated she and her Rotary Club have been active in the Yellow Ribbon Campaign for Vets.

Mr. Randy Hydrick, 4915 Trussville Clay Road, stated the safety stop signs on Chalkville Road for pedestrians are confusing. Some do not know that they mean you only stop is a pedestrian is present. At night he has seen pedestrians almost get hit because drivers do not see them, and some drivers do not heed the signs at all. He stated he thought we needed a button that would light the intersection. He stated he felt this was a liability to the city. He also stated that the CNG pumps at the Shell station on Deerfoot, does not work most of the time. It is listed on the CNG fueling site. Travelers depend on that site to find fueling stations. Once they get there, it is out of order. Why can't this be fixed?

Councilman Cook stated he would reach out to Mike Strength. The city was using the station to fill vehicles, but that is the extent of our involvement.

The Consent Agenda was presented as follows:

	Accounts Payable	
	<u>Regular</u>	<u>Addendum</u>
Non-Departmental	1,658.04	290,605.00
Mayor and Council	216.74	
Administration	6,012.27	
Inspections	807.84	
Municipal Court	1,876.81	
Finance	341.39	
Information Technology	4,884.29	19,552.50
Police Department	27,407.64	
Fire Department	43,178.27	
Public Works	37,671.39	
Garbage		174,562.66
Parks and Recreation	73,859.14	
Library	17,646.17	
Rental Properties	1,176.87	
GENERAL FUND TOTAL	216,736.86	484,720.16
CORRECTIONS FUND	8,287.52	

MUNICIPAL COURT FUND
TOTAL ACCOUNTS PAYABLE

395.00
225,419.38

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

Newly promoted fire lieutenant Any Griffith was recognized.

A request for a Restaurant Retail Liquor License for La Calle Tacos and Snacks was heard. Councilman Plant asked had they ever held an alcohol license before, and was told yes, her husband's business. He asked if they have has any prior issues with alcohol sales, and was told no. He asked their ID policy and was told no one will be served without ID.

Mayor Choat stated he appreciated them coming to Trussville.

Councilman Plant asked if they are members of the Responsible Vendor Program, and was told no, but they will join.

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

Councilman Plant moved Resolution 2018-047 awarding the bid on a firewalls at City Hall and at Fire Administration to TSA at \$22,300.00, seconded by Councilman Freeman, and the vote was unanimous.

Councilman Freeman moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to annex property at 2930 Queenstown Road, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, Freeman, and Plant

Nays: None

Councilman Freeman then moved Ordinance 2018-026-ANX be adopted, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, Freeman, and Plant

Nays: None

Councilman Freeman moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to annex property at 6495 Service Road, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, Freeman, and Plant

Nays: None

Councilman Freeman then moved Ordinance 2018-027-ANX be adopted, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, Freeman, and Plant

Nays: None

Councilman Cook moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of an ordinance to declare property in the Industrial park as surplus, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, Freeman, and Plant

Nays: None

Councilman Cook then moved Ordinance 2018-028-ADM declaring Lot 2, Trussville Industrial Park be adopted, seconded by Councilman Freeman, and upon a roll call vote, the results were as follows:

Yeas: Councilmen Steele, Cook, and Plant

Nays: None

Abstain: Councilman Freeman

Councilman Cook moved a moratorium be placed on demolitions in the Cahaba Project through November 13, 2018 at the close of business, to give time to find a resolution of the problem going forward. This was seconded by Councilman Freeman.

Councilman Plant stated he did not feel this was necessary, but in the spirit of trying to come together, he was willing to support it.

Councilman Cook stated it may not be necessary, but it will halt demolition between now and then. The vote was unanimous.

Councilman Plant moved a catering contract for the Civic Center with Chocolate Biscuit/Fit Biscuit be approved. This is for a new owner. This was seconded by Councilman Cook, and the vote was unanimous.

Councilman Plant moved Resolution 2018-048 amending the Willow Oaks Incentive agreement, seconded by Councilman Cook. Mayor Choat stated part of the agreement was to fully cover the ditch in back to extend parking, but the Corps of Engineers would not allow this to be done. This will release us from our obligation and the \$43,800.00 will be less than the cost of completing the improvements. The vote was unanimous.

Councilman Freeman moved Resolution 2018-049 approving a lease buy out with Paul Davis Company by conveying Lot 2, Trussville Industrial Park. Mayor Choat stated this lease does not expire until summer of 2020, and we need to proceed with work in the downtown entertainment district area. This was seconded by Councilman Cook and the motion carried with Councilman Plant abstaining.

Councilman Cook moved Resolution 2018-050 approving a lease buy out with Diesel South in the amount of \$168,000, seconded by Councilman Freeman. Mayor Choat stated this is the same situation as the before to end a lease early that does not expire until 2020. The vote was unanimous.

An announcement was made that a public hearing on a park grant to refurbish the ballfields along the greenway behind the Library will be held at our November 13 meeting.

Councilman Cook stated the Utilities Board met yesterday. They discussed their capital budget. The work on line along Highway 11 is 95% complete. Two water tanks will be coated. The Husky Parkway bridge main extension was discussed.

Councilman Freeman stated Design Review met last night. The Board of Education toured the buildings and then met in a workshop. The biggest draw to Trussville is our schools. The football team will play Thompson on television Friday night. The band performance is a treat.

Councilman Plant stated Mayor Choat gave his annual State of the City address at the Chamber luncheon with the Utilities Board as sponsor. He gave the Library report and stated that September was Food for Fines month, and the collected food was given to TEAM.

Councilman Steele carried over his report.

Mayor Choat stated the County is paving Chalkville Road. It will be milled from Hewitt Street to Main Street and resurfaced. This will take several days to complete. They will perform this work between the hours of 8:00 and 3:00 to miss most of the traffic.

Mayor Choat stated work on Valley Road is coming along. Having the IDB site named as an Advantage Site is great for us. They have had two inquiries in two weeks on the site.

Mr. Richard Epstein, Boulder Drive, was recognized and asked about the lights that are out on the interstate. Mayor Choat stated the reason they are not working is due to vandalism where copper was stolen. We are working with ALDOT on this.

Mr. Bob Davis, West Mall, stated he knew of two young men killed in the military - Charlie Glenn and Paul Medland and knew how to get in touch with their families.

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

Respectfully Submitted,

Lynn B. Porter
City Clerk