

CITY OF TRUSSVILLE
CITY COUNCIL MINUTES

APRIL 23, 2019

The City Council of the City of Trussville met for a workshop session on Thursday, April 18, 2019 at 5:30 p.m. at Trussville City Hall, with Council President Jef Freeman presiding.

Those members present were as follows:

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

Absent: Councilman Alan Taylor

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, April 23, 2019. The Civil Service Ordinance was discussed. A Resolution objecting to municipal preemption of local decisions on the use of disposable containers was added. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Mr. Conner Farmer, Highpoint Properties, Mr. Steve Mordicai, SouthPace Properties, and Mr. Clark Parker, Embassy Homes explained their pending zoning request at 522 Main Street. Engineer Mr. David Stovall stated they have done traffic studies and a signal warrant study. He stated the traffic signal is not warranted without the c-store.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, April 23, 2019 at 6:00 p.m. at Trussville City Hall. Council President Freeman presided over the meeting and Lynn Porter, City Clerk, served as recording secretary.

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

Those persons answering present to roll call were as follows:

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

Absent: None

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

Council President Freeman introduced the minutes of the April 9, 2019 meeting for approval. Councilman Cook moved they be approved, seconded by Councilman Plant, and the vote was unanimous.

The agenda, consent agenda, and agenda addendum were presented for approval. Mayor Choat stated we are two employees down at the Library and asked that we move two pages up to

part-time employees to help out. Mayor Choat also asked that he be authorized to sign a contract with ETC to conduct a citizen survey at a cost of \$16,000 to \$20,000 depending on the options we choose. These items will be added to the consent agenda. Council President Freeman asked the SHINE proclamation be moved to the top of the agenda. Councilman Steele moved the agenda be approved as amended, seconded by Councilman Plant and the vote was unanimous.

Ms. Angela Grigsby, 515 Willow Lane, stated she was concerned about the Trussville gymnastics program. Ingrid, who runs the program, has recently diverted the use of the gym and the equipment to her program Ingrid Gymnastics. She is systematically moving the Trussville Gymnastics students to Ingrid Gymnastics and imposing new rules on the Trussville Gymnastics students to disqualify them from the program. She has also cancelled the team camp.

The consent agenda was presented as follows:

Accounts Payable

Liabilities	5,347.89
Non-Departmental	44,349.30
Mayor and Council	6,425.23
Administration	12,083.89
Inspections	8,372.75
Municipal Court	6,293.43
Finance	8,868.75
Information Technology	14,536.06
Police Department	118,650.04
Fire Department	81,420.06
Public Works	186,489.78
Parks and Recreation	96,053.09
Library	11,810.79
Rental Properties	712.89
GENERAL FUND TOTAL	601,413.95
2018 BOND CONSTRUCTION FUND	22,530.63
CORRECTIONS FUND	6,726.07
DRUG CONFISCATED FUND	1,577.75
CAPITAL PROJECTS FUND	10,650.52
TOTAL ACCOUNTS PAYABLE	642,898.92

Jefferson County Personnel Board 2018 annual cost - \$210,761.00
 ACEA Conference - Sullivan - May 7-8 - Orange Beach - \$225 plus lodging & expenses
 AL Narcotic Officers Assn - Robinson, McCool, Dillon, Jones - Aug 20-22 - Orange Beach \$150.00 ea (\$600.00 total), plus lodging & expenses
 Winning a Gun Fight - Anderson & Rosetta - May 16 - Hoover - \$25.00 ea (\$50.00 total)
 AAFC Conference - Shotts & McLaughlin - Orange Beach - \$225 plus lodging & expenses
 Merit increases effective April 27, 2019
 Donna Fox - Park & Rec - Grade 12, Step 4
 Steven N. Roberson - Fire - Grade 17, Step 5, plus 10%
 Ellis Wayne Sullivan - Public Works - Grade 32, Step 7
 Merit increases effective May 11, 2019
 Pamela Hasty - Park & Rec - Grade 7, Step 5
 Hire Park & Rec seasonal laborer - Steven Bright - Grade 7, Step 1
 Hire Park & Rec pool seasonal
 Pool Managers - effective May 1, 2019
 Aubrey Mavin - Grade 12, Step 1
 Kaylyn McDaniel - Grade 12, Step 1
 Lifeguards
 Kelly Ryan - Grade 7, Step 4
 Anna Partee - Grade 7, Step 3
 Bailey Berry - Grade 7, Step 2
 Wesley Hudgins - Grade 7, Step 2

David Ladner - Grade 7, Step 2
Layton Lambert - Grade 7, Step 2
Jacob Peterson - Grade 7, Step 2
Preston Peterson - Grade 7, Step 1
Nicholas Rayburn - Grade 7, Step 4
Cotton Ryan - Grade 7, Step 2

Hire Youth Services Librarian - Alicia Eyer, effective May 27, Grade 18, Step 1

Accept resignation of Diane Pool from Redevelopment Authority

Accept resignation of Lee Lesley from Park and Recreation Board

Accept resignation of Stephen Moode from Historical Committee

Reappoint Sandra Turner to Historical Committee through April 5, 2023

Reappoint Public Safety Committee

Reid Frazier through 1-11-2022

Tommy White through 1-11-2021

Eddie Seal through 1-11-2022

Reappoint Senior Citizens Committee

Don Lambert through April 14, 2022

Carmen LaFosse through April 14, 2023

Gary Meadows through April 14, 2022

Bobbie Rush through April 14, 2023

Charlie Rowe - Driveway at Fire Station #3 - \$3,400.00

Councilman Taylor moved these items be approved, seconded by councilman Steele, and the vote was unanimous.

Councilman Steele moved Proclamation 2019-008 declaring April as SHINE month promoting community service, seconded by Councilman Taylor. This program was developed and is being promoted by Miss Madison Ward, the reigning Miss Trussville. The vote was unanimous.

A request for approval of an alcohol application for B & B Bartending for the Athletic Foundation Shrimp Boil was presented by Mr. Bobby Greenwalt of Auburn.

Councilman Plant asked was this the first time they have worked this event, and was told yes.

Mr. Greenwalt was asked what they will be doing. He replied that his company is a beverage management company, providing a safe environment for the distribution of alcohol

Councilman Plant asked would this be only beer and wine, and was told it will be only beer.

Mr. Chris Horne, Cahaba Park Drive, Trussville Athletic Foundation, stated an area will be roped off. Police will be at the entrance.

Councilman Plant asked have they had any problems at past events, and was told there have been no incidents in the seven years of this event.

Mr. Greenwalt stated there will be four tents, and arm bands will be issued.

Councilman Plant asked Mr. Greenwalt if he had ever had a problem with service to underage minors and was told no.

Councilman Plant moved this application be approved, seconded by Councilman Steele and the vote was unanimous.

A hearing on an assessment on a nuisance abatement at 103 Post Oak Drive was called. No representative of the property was present. Councilman Cook moved Resolution 2019-016 authorizing this assessment to be placed against this property be approved, seconded by Councilman Plant, and the vote was unanimous.

An ordinance to establish a local Civic Service System was presented. Mayor Choat stated our attorney provided a time line of events at our workshop. The City has been under the Jefferson County Personnel Board since 1992. Public Safety has been under it since the 1960s. We have tried to take care of employee benefits, leave, insurance, and retirement. There will be no changes for current employees under the new system.

Councilman Plant moved an ordinance establishing a Civil Service System be given 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 Freeman, Cook, Plant, Steele, and Taylor

Nays: None

Councilman Plan moved Ordinance 2019-020-ADM establishing this local Civil Service System be approved, seconded by Councilman Steele, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Steele moved Resolution 2019-017 opposing the preemption of local authority on the use of their rights-of-way by cell service providers be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Steele moved Resolution 2019-018 opposing the preemption of local authority to restrict or outlaw the use of disposable containers, seconded by Councilman Taylor. Councilman Plant stated he was not in favor of mandates from the Legislature. The vote was unanimous.

Councilman Cook moved Resolution 2019-019 extending the moratorium on new massage therapy installations for ninety days be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Steele moved Proclamation 2019-009 in support of the downtown merchant's Second Saturday events be approved, seconded by Councilman Taylor, and the vote was unanimous.

A request to rezone property at 522 and 518 Main Street was presented. Councilman Taylor stated he has been out of the country for the past three weeks, and asked that this be considered a first reading only to give him time to get up to speed. He stated we will hear comments tonight, but this will give him time to study the matter.

Council President Freeman stated he was not in favor of this. Councilman Taylor moved this be considered a first reading, seconded by Councilman Plant. Council President Freeman called for a roll call vote. The results were as follows:

Yeas: Councilmen Plant, Steele, and Taylor

Nays: Councilmen Freeman and Cook

Mr. David Stovall, EDG, stated the request for the front portion of this property is C-2 and for the rear is RG. This is consistent with other development along Highway 11. Over the last twenty years, RG has been used as a buffer between commercial and residential property along Highway 11. Two commercial users are on board at the present, a filing station and c-store and the Board of Education Office right of the entrance. Property will be swapped with the city to give a larger BOE lot. The main Winn Dixie entrance will be aligned with this entrance and a traffic signal installed. The other two entrances at Winn Dixie will become right in, right out only. The easternmost entrance already is.

Mr. Stovall stated all exterior sides will be brick or stone with asphalt roofs to blend with the BOE building. He stated they heard the concerns of the neighbors, and they have looked at how service stations and c-stores are done in other affluent communities. He displayed several depictions of such buildings. He stated the RG lots will not be minimum sized lots. The lots will be a minimum of 60 feet wide, with a minimum of 1800 square feet, if one level, and 2100 square feet if two levels. He displayed prospective architectural plans for these homes what will sell from the \$380,000s to the \$400,000s. The architectural plan for the proposed BOE building was shown. He stated they propose to use the same materials. He stated they know the concerns of the community. He stated they feel this has been addressed in a responsible way. We took the frontage and buffered the residential. He stated when he has made presentations to the Planning and Zoning Board in the past, he has always been told the city wanted RG development close to downtown. Traffic is the reason this property is valuable. The trees that are there are beautiful, but this is private property, and the owner has property rights. When the individual concerns of neighbors who have used this property for their own purposes become more important than the rights of the property owner, it is concerning. We have tried to address the concerns and still have a viable project at the end. He stated they were asked to reduce their plans to writing, and offered the assistance of the City Attorney. He presented a list of the items recited in the presentation.

Councilman Plant asked if this was the list presented to the Planning and Zoning Board, and was told no, this came out of the Council workshop. Councilman Plant stated our ordinance requires a minimum lot width of 50' for RG lots, and you have stipulated your lots will not be less than 60'. There will be a consistency of architectural styles for the project across the entire frontage. Councilman Plant asked City Clerk Porter the minimum square footage for a garden home and was told 1200 square feet on one level. If there is more than one level with an attached garage, the first floor square footage can be reduced to 1,000 as long as there is a minimum of 200 square feet on the second level. This proposal is 1800 square feet on one level and 2100 if more than one level. He asked if this was to be made a part of the request?

Mr. Stovall stated they were just asked to produce this as evidence of their intent. He stated the term garden home is a misnomer. The lot size is the only difference between the designations

Councilman Plant stated he understood that children have footpaths on this property to get to friends' homes. Mr. Stovall stated they have agreed to put a fenced 5' path between the residential and the garden home development, if that is what is wanted.

Councilman Cook noted that what is being put in the record may not be what the BOE actually builds.

Mr. Stovall stated they agree to mimic whatever the BOE builds.

Councilman Plant stated any approval will run with the land and be binding on them and on successor owners.

Mr. Stovall stated he assumed that at the time they are ready to go they will mimic the BOE plan, but once they are under construction, they won't be responsible for changes the BOE might make.

Councilman Taylor stated the current zoning is R-2, and asked what the minimum requirements were in that district, and was told an 85' wide lot, with 35' front and rear setbacks and a 1300 square foot minimum home on the main level.

Councilman Freeman stated, if this is approved, it would still have to be subdivided.

Councilman Plant stated if a plan meets the subdivision regulations, Planning and Zoning has little latitude except to approve it. Architectural plans were presented for the proposed development tonight, but this would not be required for the existing zoning.

The public hearing was opened and Kimberly Andreae , 109 Dew Drive, stated she opposed the gas station. It is not needed as there are two on Highway 11. She stated Winn Dixie meets a

variety of needs. The smell of gasoline and stench of garbage is not needed on Highway 11. Traffic will increase. Signal lights may be good, but the commercial should not be a factor. We must protect our Cahaba school. Housing is already available. This is a drainage area and there will be toxic run off and noise. There is not a need in this area. Paine Elementary has room to expand. We must consider if this is the best way.

Shana Neigoot, 523 Birch Street, agreed. She stated people do not want more stuff. The City is doing an amazing job downtown. We do not need a gas station. We need light between buildings. A traffic signal will not help at Winn Dixie. We do not need a 5' path between two fences. Children need to be able to climb the trees also.

Jean Cox, 418 Linden Street, stated there is a dangerous situation downtown. Linden Street is a cut through street. She stated she is scared for her children to play in the front yard. There are no sidewalks in the area. We need improvement in the infrastructure in this area. She stated she felt this is irresponsible. She stated it goes against the tree plan. The trees on this property are 10'-15' taller than any others in the area. If the trees are not saved and the property is graded, there will be runoff and sedimentation.

Mr. Dennis Blass, 221 Calumet Place, stated he opposed this. There is awful traffic. Highway 11 was once beautiful, but now is not. If the property must be rezoned, use the most restrictive zoning. He stated he did not want a gas station, fry cooks, or the rest. We do not need commercial.

Mr. Arnold Reichert, 116 North Mall, stated he loved this area. There are great homes, great churches, and great schools. There is no botanical gardens. He stated his wife is an artist and we need gallery space. He stated he would love it if the city retained this property. He would like for the city to plant trees there and show off various species. Churches currently sponsor gallery space for local artists to show their works.

Ms. Jaime Anderson, 4289 Lexie Circle, stated she disagreed with the zoning, but she appreciated the job the Council does. The Planning and Zoning Board recommended against it. She stated this land is an estate of Dr. Frances Hamilton. She said that many have said this would make a good park. She stated she is on the Park Board, and she has walked it, but it would not make a good city park. She stated she called Wendy Hamilton, who told her she did not make business decisions for her husband Chuck Hamilton. The city is supposed to weigh and decide. This is a special piece of property. She said she used to play there as a child. There will be other developments, but this is special.

Mr. John Baird, 101 Dew Drive, stated this is in his back yard. He stated the seal behind the Council says "Gateway to Happy Living." The Comprehensive Plan says we need to enhance gateways, and this is a gateway. Promises are limited beyond the recommendation of Planning and Zoning.

Councilman Plant stated it was his understanding that there was a list of uses to be restricted from this property that was presented to Planning and Zoning.

Mr. Stovall replied no, that is not correct. Mr. Dawkins on the Board asked for several qualifiers, but before they were discussed, there was a motion to deny.

Mr. William McKee, Birch Street, stated he walks his dogs every morning. Cars cut through Birch Street. Fast food was formerly mentioned on this property, but that has not been mentioned tonight. They talked about a gas station. He stated he did not have faith in this development. There are other spaces available.

Ms. Kristie Jones, Sloss Circle, stated there was talk about property rights. She asked who owns the property, and was told the petition is signed by the Hamilton Estate, and this group, Hambone, LLC is authorized to act as the owner's agent to rezone and develop the property.

Mr. Nelay Shah, Magnolia South Drive, asked who was leading this, what was the impact, what was the staff cost, and when it would happen?

Council President Freeman stated all things are considered by the Planning and Zoning Board and by the City Council. He stated he could assure that everyone on the City Council, even when they disagree, want what is best for the City of Trussville.

Ms. Olivia Jean Nabors, 518 Linden Street, asked what will happen as far as water treatment and sewage, and how this would impact the city? She stated Trussville has one of the best water systems anywhere, and it needs to be preserved.

Ms. Cheryl Hamilton, Birch Street, asked how long the construction would take?

Mr. Stovall stated they anticipate two years.

The public hearing was closed.

Mr. David Stovall stated there were comments made that a gas station was not needed. He pointed out that there is not a service station on the north side of the road between Deerfoot Parkway and Parkway East/Center Point Parkway in Roebuck. Several people said it is difficult to get in and out of Winn Dixie. A signalized intersection would help. There were comments about runoff and sewer. The city has stormwater ordinances and water quality ordinances and design standards. The County does not have a sewer capacity problem. There are also state regulations on these matters.

Mr. Stovall stated several people have commented that the City needs to purchase this property. He asked did the city have plans or want to purchase this property?

Mayor Choat stated this has not been discussed in his ten years on the City Council. It has not been addressed and there is no current plan to purchase it.

Mr. Stovall asked what the Council thought was reasonable for this property?

Council President Freeman stated he did not think they were qualified to answer this question. He stated a city planner might be.

Councilman Taylor stated he was not sure what it should look like, but he was not happy with the current zoning of R-2, as residential along Highway 11 does not seem appropriate.

Mr. Stovall stated if the property were developed as it is currently zoned, a traffic signal would not be warranted.

Council President Freeman stated by a three to two vote, we will consider this and vote on it at our next meeting.

Councilman Plant stated the law requires notice of a public hearing and we have held the public hearing tonight. We are not required to send notice of the next meeting. There are legal means and bounds that everyone operates within. We can't make it up as we go along. We can't say that you can't use your property just because, and it is unfair to leave that impression. We need to be able to articulate a legal reason why a decision was made. This ordinance will come up for a vote on May 14, 2019.

Councilman Cook gave his departmental report saying that the Water Board met yesterday. The Quad 1 costs for water delivery are up. The Board was updated on gas leak detection. Customers will be receiving a 2019 water quality report in the next couple of weeks.

Council President Freeman stated the Board of Education met and gave out many awards. Some of our academies are amazing.

Councilman Plant reported that the director of our Chamber of Commerce Diane Poole has retired. He stated Dr. Pattie Neill was the speaker at the last luncheon. The Attorney General presented a Safe School award to our Middle School. We are the only school system in the state that has more SROs than we have school facilities.

Councilman Steele stated auditions for the next ACTA presentation “Brigadoon” will be held soon.

Councilman Taylor stated he appreciated all of the comments. He stated until he was elected, he did not realize how difficult it was to make these decisions. We must deal with the facts of a situation. There is a lot of emotion. He stated he wanted time to study to do what is right. He thanked everyone for coming and for their opinions.

Mayor Choat stated work is underway on the traffic signal at Vann Road. He thanked the Council for allowing him to sign the contract to get the survey on the city and city departments done. He stated the opportunity for the City to created their own personnel board is a big step for us. He stated he thought this was best for the city. He stated we will notify the Jefferson County Personnel Board tomorrow.

Council President Freeman thanked the audience for coming out and for their civility.

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

Respectfully submitted,

Lynn B. Porter
City Clerk