

CITY OF TRUSSVILLE

CITY COUNCIL

MAY 14, 2019

The City Council of the City of Trussville met for a workshop session on Thursday, May 9, 2019 at 5:30 p.m. at Trussville City Hall. Council President Freeman presiding.

Those members present 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

The workshop was convened and the Council received the agenda and supporting documentation for the City Council meeting to be held on Tuesday, May 14, 2019. 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, May 14, 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 Father Wes Sharp, Holy Cross Episcopal Church, to lead in prayer. Councilman Cook 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 Shay Reynolds

Council President Freeman introduced the minutes of the April 9, 2019 and the April 23, 2019 meetings for approval. Councilman Steele moved they be approved, seconded by Councilman Taylor, and the vote was unanimous.

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

Richard Epstein, Boulder Drive, asked if the fence around the former Braden site was being paid for by the city or by the contractor and was told the contractor. He asked about a pool and a generator at the civic center, and was told it is not currently in the budget. He asked about Cedar Street and was told there are plans and it will be done when the Highway 11 widening is done in

front of City Hall. He asked about the traffic signal at Vann Road, and was told drilling and soil testing for the poles is being done. When those results are known, the base and footings will be designed for the poles. He asked about the lights on I-459 that are not working, and was told the Mr. Cooper of ALDOT is supposed to give us an inventory of what lights are theirs and which ones are ours at our meeting next month.

Ms. Betty Wallace, 4400 Parkwood Circle, stated she has lived here three years and loves this community. She stated she lives on a corner lot and spends about \$1,500 a year on her yard. She stated dogs make their deposits in her yard, when people are walking them. She stated she has asthma and cats in the area have attacked her, causing an asthma problem. She asked for help and was told we have an animal control ordinance.

The consent agenda was presented as follows:

Accounts Payable

Liabilities	2,046.38
Non-Departmental	46,441.88
Mayor and Council	12,988.88
Administration	7,471.53
Finance	700.80
Inspections	4,512.43
Municipal Court	520.70
Information Technology	16,947.80
Police Department	54,465.61
Fire Department	51,698.54
Public Works	50,731.92
Garbage	180,924.92
Parks and Recreation	202,279.75
Library	29,160.89
Rental Properties	992.93
GENERAL FUND TOTAL	661,884.46
2018 BOND FUND	70,567.92
CORRECTIONS FUND	12,821.90
MUNICIPAL COURT	563.55
DRUG CONFISCATION	20.00
CAPITAL PROJECTS	5,194.45
TOTAL ACCOUNTS PAYABLE	753,052.28

CGAT training - Rhudy - Auburn - July 12, 2019 - \$100.00, plus lodging & expenses
 Special Operations Supervisor - Nashville, TN - Robinson - \$460.00 & Jones -Comp, plus lodging
 Merit increases effective May 25, 2019

Jessie Clifton - Fire - Grade 17, Step 9, plus 10%
 Larry David, Jr. - Fire - Grade 17, Step 4, plus 10%
 John Layton - Park & Rec - Grade 7, Step 4
 Jesse Sewell - Park & Rec - Grade 7, Step 4
 Charles Bradford - Police - Grade 20, Step 10
 Michael Pressley, Jr. - Police - Grade 17, Step 3, plus 10%
 Joshua Payne - Police - Grade 17, Step 10, plus 10%
 Chad Jones - Police - Grade 20, Step 9
 Anthony Martin, Jr. - Police - Grade 17, Step 2, plus 5%

Hire seasonal lifeguards, Grade 7, Step 1, effective May 17, 2019

Chase Armstrong
 Payton Berry
 Abbie Rigg
 Noah Rigg
 Ethan Wilson

Hire seasonal lifeguard, Grade 7, Step 3, effective May 17, 2019 - William Foster

Hire Patrick W. George, permanent part-time Civic Center, Grade 6, Step 1

Hire Jordan Thomas, Police Officer, Grade 17, Step 4
Accept resignation of Jim Isom from Public Safety Committee
Authorize IT Department to go out to bid on fiber internet access (FIA) for the Entertainment District
Appoint John Patterson to Public Safety Committee through January 11, 2020

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

A request to rezone property at 109 and 107 Vann Circle from R-4 to C-2 was presented. This property is behind Edgar's and belongs to The Redevelopment Authority and to the City. A public hearing was opened, and there being no comment, the hearing was closed. Councilman Steele moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of Ordinance 2019-021-PZ, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Steele then moved Ordinance 2019-021-PZ changing this zoning be approved, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

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

Nays: None

An ordinance to rescind an annexation ordinance on property located at 6495 Service Road for failure to make settlement with the Center Point Fire Department and pay the local fee was presented. Councilman Steele moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of Ordinance 2019-022-ANX seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

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

Nays: None

Councilman Steele then moved Ordinance 2019-022-ANX rescinding this ordinance be approved, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

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

Nays: None

An ordinance to authorize the installation of a stop sign on the east side of Camp Coleman Road at Pinewood Drive was presented. Councilman Taylor moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of Ordinance 2019-023-PS 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 Taylor then moved Ordinance 2019-023-PS authorizing this installation be approved, seconded by Councilman Plant, and upon a roll call vote, the results were as follows:

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

Nays: None

A hearing to show cause why the alcohol license for Courtyard Bar and Grill should not be revoked was called. Councilman President Freeman stated the City of Trussville considers alcohol sales a privilege, and expects sales to be made responsibly.

Mr. Michael Cantonese, Chelsea, stated undercover officers came to his facility and his employees sold to them.

Council President Freeman asked was this the first time this type of sale was made, and was told no, it has happened twice.

Council President Freeman asked how long they have been open and was told two and one half years. He asked have there been any other instances?

Mr. Cantonese stated they have called the police when intoxicated people come in.

Council President Freeman asked if he knew the number of times the police were called in two and one-half years, and he replied no. Council President Freeman asked when they were called last, and he replied a couple of nights ago when someone overdosed shortly after arriving at the restaurant.

Council President Freeman stated there have been twenty-two incidents, plus the one this past weekend. He asked if Mr. Cantonese could share his percentage of food to alcohol sales, and was told it varies from month to month, but the last couple of months have been 60/40 and 56/44. He stated some food is served that is not rung up as sales, but rather is given away.

Council President Freeman asked Mr. Cantonese if he was in receipt of the letter mailed to him, and he stated he received it.

Councilman Cook stated when Mr. Cantonese said this was a small incident, this is not small to us.

Councilman Plant asked Mr. Cantonese when the license was applied for in 2016, did he remember discussing at that time, what we expected when making alcohol sales. He asked did he remember discussing the seriousness of this matter. We have been led to believe this weekend's incident was a heroine overdose. He asked the hours of operation and was told 11:00 a.m. until 2:00 a.m.

Councilman Taylor stated Mr. Cantonese said the police were called when people were intoxicated, he asked were these people over-served? He asked what was meant by giving away food?

Mr. Cantonese answered that some arrived intoxicated. Some were served one drink and because of other factors became intoxicated. He stated they give away food every day at Happy Hour from 5:00 to 7:00. Also police officers, firefighters, and military eat free.

Councilman Taylor stated he understood that they have two other locations that hold bar licenses, and he responded yes, and they have a new Pell City location that is a restaurant. Councilman Taylor asked what was the difference between them, and was told they serve earlier in the day here and serve more food.

Councilman Taylor asked after what we have heard tonight, what will be done differently than has been done before? He asked Chief Rush about the number of calls at other restaurants.

Chief Rush stated Buffalo Wild Wings has the next highest number of calls, and they have less than half of the number of calls at Courtyard.

Mr. Cantonese stated that since the first selling to minors incident in November, they have been meeting with the employees bi-weekly to talk about IDs and signs of intoxication. This is an ongoing process.

Councilman Taylor asked what happened to the employees who sold the alcohol to minors?

Mr. Cantonese stated the first one was fired. The second one was shown an ID that had the correct year, a 1997 license. She is still working pending her court case. She is not serving alcohol now. She is working behind the bar and in the kitchen, but not serving. Her court date is in June.

Councilman Steele asked if they use private security, and was told yes, on Thursday, Friday and Saturday nights they have a door person. Councilman Steele asked if a family came in at 7:00 for dinner would they serve them?

Mr. Cantonese responded no, they only admit persons 21 and older after 5:00.

Councilman Steele asked was the private security off duty police, and was told no. He asked was it a private security company, and was told no.

Mr. Cantonese stated they hire people they find to work the door.

Councilman Steele asked has private security ever called the police? He also asked does the manager have the authority to fire, and was told yes. He asked is it the same manager, and was told no. The first one was let go.

Councilman Plant stated he had a copy of the report from the incident. He asked did Mr. Cantonese have one?

Mr. Cantonese stated he asked for a copy and was told he could not have one.

Chief Rush stated he could not have the report because this is an ongoing investigation.

Councilman Taylor asked what time the underage sales were made, and Chief Rush stated he could not remember the times, but they were both after 5:00. Councilman Taylor asked did the doorman check the ID?

Mr. Cantonese stated this was during the week when they did not have a doorman. After 5:00 persons under 21 and families are not served.

Councilman Taylor asked if he came in after 5:00 on a Tuesday or Wednesday and sat at the bar and ate chicken wings and water, would he be carded? Do you card everybody?

Mr. Cantonese replied yes. After the first incident, we card everybody. Before it was only under forty.

Councilman Plant stated when they applied for the license, the revenue mix was discussed. He stated with a restaurant alcohol license, the food sales must exceed the alcohol sales.

Councilman Taylor asked the food and alcohol mix at the other locations.

Mr. Cantonese stated at the 280 location it is 30% food and 70% alcohol. In Alabaster, it is 40% food and 60% alcohol. In Pell City, it is 60% food and 40% alcohol.

Council President Freeman stated there have been seven calls to the Trussville location since January 2019. He asked are there a similar number of calls at the other locations, and was told yes.

Mr. Cantonese stated they have what they call a "Red Book," where incidents are recorded. These incidents are discussed at the employee meetings. He stated there are sixty-two incidents recorded in the book since January. Some are that people did not like their food. It includes all incidents.

Mayor Choat stated our minutes from Marcy 27, 2016 where this alcohol license was approved, reflect that you were asked if you participated in the Responsible Vendor Program, and

you said no, you do your own training process. He asked did Mr. Cantonese think this might be helpful.

Mr. Cantonese stated he could get the Budweiser man to do training. He also said that he was a certified trainer for another employer years ago.

Council President Freeman asked would they change their policy after these instances, and Mr. Cantonese stated they will probably continue to do what they have done. They have their book.

Mayor Choat stated Mr. Cantonese said in the minutes, that he would card everyone. If you go back to doing that, it might help.

Mr. Cantonese stated he has a couple of night clubs where they use a machine. One has been brought to this location to help. He stated he did take this seriously. He stated he has a family and he wants this to be safe.

Councilman Plant stated we are seeing a pattern and practice where two underage sales were made in less than six months. We find this very serious, and that does not even get into the other incidents.

Mr. Cantonese asked did the summary provided to the City Council give details such as who called it in? He stated he did not know how he could control theft from a vehicle in the parking lot, or a lady being there and her husband coming in and creating a problem. We called the police, but we can't control these things.

Councilman Taylor pointed out that there are not the same number of calls at other restaurants that serve alcohol.

Councilman Plant asked why all of these people come to his location?

Councilman Taylor stated that he thought it could be because most restaurants that serve alcohol close after 11:00.

Mayor Choat asked how Buffalo Wild Wings handled this?

Chief Rush stated they are open until 2:00. They hire off duty officers for security.

Councilman Taylor asked if their security was from security private companies, and was told no, they hire their own people. Some are retired police. Some are just people we hire.

Mayor Choat asked who the gentleman with Mr. Cantonese was, and was told the manager.

Mr. Joseph Tillman, 456 Camden Cove Circle, Calera, stated he has worked for the company for seven and a half years and in Trussville for one and a half years.

Councilman Taylor asked was he there when the underage persons were served, and Mr. Tillman stated no, he was off on both nights.

Councilman Plant asked was he there when the person overdosed this weekend, and he said he was. He stated he was identified at the door, but immediately said he left something in the car and would be right back. He came back and seven minutes later, he passed out.

Councilman Cook stated they are in a tough spot. We must protect the City of Trussville. We welcome anyone to spend their money here, but it appears this is not a good clientele that is being attracted.

Councilman Taylor stated he was really disturbed. From the beginning it has been called a restaurant, when it is really a bar. He stated he does not get the feeling there is any emergency plan

in place. He has not heard this is a wake up call and things will be done differently. He stated he did not think there was sufficient training, and he did not feel it would be any different this weekend.

Councilman Plant stated the letter sent only says the alcohol license will be revoked. The Resolution says the business license will be revoked.

Councilman Steele stated he would do all of it.

Councilman Plant stated notice was not given on the restaurant portion. Those references will be deleted from the resolution.

Council President Freeman asked if there were any public comments, and there were none.

Councilman Plant moved Resolution 2019-020 revoking the alcohol license only, and removing references to the other portions of the business license, be approved, seconded by Councilman Steele. Councilman Plant stated he found no enjoyment in this. We never want to hurt or put someone out of business.

Mr. Cantonese stated they are putting measures in place. This will affect their employees. He stated they are looking into equipment and possibly getting police back as security.

Councilman Taylor stated he hears this, but no other restaurant that sells alcohol has to do this. These measures are not required to keep order at other restaurants.

The vote was unanimous.

Councilman Plant moved Resolution 2019-021 authorizing closing Hewitt Street from Chalkville Road to Rockridge Avenue on May 22 from 4:00 to 8:00 p.m. This was seconded by Councilman Cook. First Baptist Church will hold their annual Summer kickoff party on Magnolia Mall with vendors and music. The motion carried with Councilman Taylor abstaining.

Councilman Taylor moved Proclamation 2019-010 on the Christmas Tree lighting even to be held on December 18 be approved, seconded by Councilman Plant, and the vote was unanimous.

Councilman Taylro moved Proclamation 2019-011 on the Christmas Parade to be held on December 14 be approved, seconded by Councilman Steele, and the vote was unanimous.

Councilman Cook moved Proclamation 2019-012 on the Maple Leaf Run be approved, seconded by Councilman Plant and the vote was unanimous.

Councilman Cook stated an Eagle Scout is doing a project in our dog park. The Tennis Club is now selling memberships to 18 and under. For Design Review he reported that their meeting has been moved to the third Monday due to the Memorial Day holiday.

Councilman Plant stated the speaker at the last Chamber luncheon was Pattie Neill. The Finance Committee met just before our workshop and things look good. Jane Alexander of the Historical Board is here tonight. The museum will be open on Saturday May 18 from 10:00 a.m. until 1:00 p.m.

Councilman Steele reported the Senior Board President is here. They have great activities, dancing, exercise, and pool. Public Works is busy cutting grass.

Councilman Taylor stated the speaker at the next Chamber luncheon will be a representative from the World Games. The public safety softball game will be May 18 at 10:00 a.m. Proceeds will go for the care of Jerry Pressley, a Tarrant Firefighter injured in the line of duty who lives in Trussville.

Councilman Taylor stated our baseball team made it to the final four, but lost this weekend. The girl's softball team is in the championship game. Councilman Taylor stated we need to recognize Coach Mauldin who has taken teams to the playoffs each year for the last several years.

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

Respectfully submitted,

Lynn B. Porter
City Clerk