

CITY OF TRUSSVILLE

CITY COUNCIL

JULY 9, 2019

The City Council of the City of Trussville met for a workshop session on Tuesday, July 9, 2019 at 5:00 p.m. at Trussville City Hall, just before the Council meeting. Council President Freeman presided.

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 Mayor Choat asked Attorney Chesley Payne to go over the proposed agreement with the owners of the Village in Trussville shopping center. Mr. Payne stated this agreement will grant a permanent easement to connect the shopping center with Cedar Lane as well as a temporary construction easement. No money will change hands. They have asked to reserve the right to relocate the easement in the future should it become necessary and to request a zoning change should the property be redeveloped.

The Council received the agenda and supporting documentation for the City Council meeting to be held on Tuesday, July 9, 2019. Mayor Choat asked that several items be added to the agenda. These were a resolution to authorize the Mayor to sign an agreement with the Village in Trussville Shopping Center for a road connection easement and temporary construction easement, appoint John Patterson to the Public Safety Committee, extend the paving contract with Dunn Construction for one year, hire Collin Liam Fach in the Fire Department at Grade 19, Step 2, effective July 19, Re-grade firefighter Michael Tucker to Grade 19, Step 2, authorize Alabama Power to change out eighteen lights on Husky Parkway to LED, and to approve a contract with CCI for design of the Downtown loop road project. The Council reviewed the agenda and determined the order for consideration at the Council meeting.

Mr. Connor Farmer, the potential developer on the Hamilton property gave the Council an overview of the development plan for the site.

There being no further business, the workshop was adjourned.

The City Council of the City of Trussville met in regular session on Tuesday, July 9, 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 Plant 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 June 25, 2019 meeting for approval. Councilman Cook moved they be approved, seconded by Councilman Steele, and the vote was unanimous.

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

The consent agenda was presented as follows:

Accounts Payable

Non-Departmental	16,567.79
Mayor and Council Administration	12,140.31
Inspections	5,782.22
Municipal Court	6,119.05
Finance	7,990.50
Information Technology	750.00
Police Department	181.31
Fire Department	38,000.65
Public Works	10,496.73
Parks and Recreation	26,688.95
Library	42,286.87
GENERAL FUND TOTAL	5,294.15
CONFISCATED FUND	172,592.73
MUNICIPAL COURT	2,525.00
CORRECTIONS	733.36
CAPITAL PROJECTS	1,367.95
TOTAL ACCOUNTS PAYABLE	10,607.26
	187,826.30

Fall Municipal Law Conference - Downing - Gulf Shores - Sept 26-28 - \$325.00 plus lodging
Fall Municipal Law Conference -Chamblee - Gulf Shores - Sept 26-28 - \$355.00 plus lodging
Alabama Narcotic Officers Assn Conf - Cardwell & Reid - Orange Beach - Aug 20-22 - \$150.00 ea,
plus lodging

Merit increases effective July 20, 2019

Hayden Cooley - Police - Grade 17, Step 4, plus 5%
Daniel Swope - Police - Grade 17, Step 4, plus 10%
David Wayne Montgomery - Police - Grade 17, Step 8
Justin Christopher Grogan - Fire - Grade 17, Step 9, plus 5%
Nina Miller - Library - Grade 13, Step 6
William Tyler - Public works - Grade 7, Step 6

Promote Joseph D. Dunn to Sergeant effective July 20, 2019, Grade 20, Step 8, plus 10%

Accept resignation Laura Smith, part-time circulation clerk effective July 13, 2019

Appoint Brett Isom to Planning and Zoning Board through June 11, 2025

Appoint John Patterson to Public Safety Committee to replace Jim Isom

Extend Dunn paving contract for 1 year at same price

Hire Colin Liam Fach, firefighter, effective July 19, 2019, Grade 19, Step 2

Reclassification FD Michael Tucker, Grade 19, Step 2

Change 18 street lights on Husky Parkway to LED

Approve contract with CCI for Downtown loop road project

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

Councilman Taylor recommended that Joseph Dunn be promoted to sergeant in the patrol division.

A public hearing was called on a request to rezone property at 522 and 518 Main Street from R-2 to Q-C-2. Mr. Conner Farmer, Highpointe Properties, 120 Bishop Circle, Pelham was recognized. He stated Mr. Steve Mordecai of Southpoint Properties made him aware of this property. He stated their first proposal had commercial on the front and residential in the back. He stated they listened to the comments made by the people, and tried to be creative. He stated they are buying sixteen acres and approximately half will be left as a park and given to the city. He stated that most of the big trees are in that area, and the surrounding residential will back up to the park rather than to the commercial. They will clear the underbrush and put in picnic tables. The School Board will be exchanging approximately one acre for 1.6 acres on the west side adjacent to the park. Many Board office windows will face the park. The view coming into the downtown area will be the park and School Board building, then the commercial. He stated he is in the business of developing and selling lots. He will not be building spec buildings. This was recommended by the Planning and Zoning Board.

Councilman Cook asked Mr. Farmer did anyone from the City of Trussville help him with this plan, and Mr. Farmer replied no, he sketched it out with a pencil and ruler and then sent it to the engineer to work on.

Council President Freeman stated the list of qualifiers is on the Trussville Tribune site. He stated he heard a comment that the property would be transferred to the school board. The current school board office is in a city building on city property, and the property on this site is owned by the city.

Councilman Plant stated the qualifiers are permanent and go with the land. They can only be changed through this same process.

Councilman Cook said the developer said they were working with ALDOT on a traffic light. He asked would this be at the developer's expense and was told yes.

Councilman Plant pointed out that the coordination on the traffic signal includes alignment with the entrance to the Winn Dixie Shopping Center.

Mr. David Stovall, Engineering Design Group, stated he was told by the traffic engineer that a signal would be warranted. He stated he was told this will enhance traffic circulation in the area.

Councilman Plant asked did he understand that the driveways on either side of the Winn Dixie Shopping Center will be converted to right in/right out only with the central entrance allowing full access at the signal?

Mr. Stovall stated ALDOT will have the final say.

Council President Freeman stated he understood that there is a commitment with a service station for one lot. The parcel to the east that is not in this contract and is a possible wetland. He asked would there be a problem with underground storage tanks or spills? He was told this industry is heavily regulated.

Councilman Taylor asked does the request to rezone include the portion that is not in the contract, and was told no, it will remain R-2

Councilman Cook verified that eight acres will become a city park, and Mr. Farmer confirmed. He stated he would preface this as approximately eight acres, as it has not been surveyed. He stated he would not want to be held up if it is 7.6 acres or 7.9 acres. Councilman Cook stated he

was concerned about the eight acres of pavement with oil run off. He stated he would like them to be careful of the location of the swale as it will affect Pinchgut Creek and the Cahaba River and the City's drinking water.

Mr. Farmer stated the Corps of Engineers and Spectrum have already been engaged.

Mr. Stovall stated this is a zoning hearing, and while all of these things are important, final details will not be completed until the zoning is confirmed. The city has ordinance after ordinance to protect the public and to direct land development and water runoff, detention, and such. He stated he did not understand why a detention pond would be considered a detriment. Underground detention has its own concerns as they are difficult to maintain, and people are put in danger to clean them out. The design and permitting will be handled to the city, ADEM, and EPA standards.

Councilman Cook stated once underground detention is put in, it does not have to be maintained, so there is not danger to anyone to clean it out.

Mr. Stovall stated that statement is not true.

Councilman Plant asked if it is a true statement that if they are unable to meet all of those regulations, they property cannot be developed at all, and Mr. Stovall stated that is correct.

The public hearing was opened and Mr. William McKee, 510 Birch Street, stated he was concerned about water draining off and mosquitoes breeding in the detention pond and hurting the environment. Lots 5 and 6 have tree save areas. It is good to save for the environment. He asked what percentage of the trees would be saved? He said the City Council needs to keep reigns on the situation. The City must see that the qualifiers are not changed. The neighborhood needs to know about that and the City Council must control.

Mr. Farmer stated the part with the development is mostly yard now. There are some trees, but most of the large trees are in the park portion. The property is flat enough, that there will not be extensive grading. More than 50% of the trees will be saved.

Councilman Plant asked does the part that is not a part of the contract already hold water, and Mr. Farmer stated he did not know.

Mr. Jesse O'Dell, 7365 Thomas Hall Drive, stated he is against this. He stated there are more than 100 spaces in the city not leased. He stated he was concerned about our drinking water. This needs to be addressed beforehand. The City Council needs more answers.

Mr. Alex Dowell, 418 Linden Street, stated he read the Trussville Comprehensive Plan today. He stated he did not see walkability and this will add traffic. The only way to get there is to drive or trespass. He stated he did not see any community input in the plan. He stated he would like to see a pond with fish in it.

Mr. Michael Kidd, 7302 Thomas Hall Drive, stated we need hard answers first. He asked if this should be approved, and the developer cannot get permits, what happens? Does the City still get the park property?

Councilman Plant stated the rezoning does not guarantee approval of the project.

Mr. Stovall stated the park property will be dedicated to the City at final plat approval. If the project could not be permitted, the zoning regulations would still be there. Any subsequent owner or developer would have the same restrictions and consequences.

Councilman Plant stated if they can't build the development, the city will not get the property.

Ms. Cheryl Hamilton, 513 Birch Street, stated her property backs up to the Hamilton property. They have enjoyed peace and tranquility for twenty years, and many neighbors have lived

here for decades. She stated it is her desire for the City to purchase this property and maintain it as is. This should be kept as a habitat for owls, birds, and other wildlife. The city should use it as an arts facility and walking trails and a botanical garden. It should be law offices, not a c-store and fast food. We need people to stay here and work and live. She stated she did not agree with C-2. The trees need to stay. She questioned how they can be assured that the developer can meet the plan. A lot of people do not want this. She stated she has posted on-line petitions and has some hand written petitions. She stated she has more than 500 names. She passed these petitions to the Council.

Mr. Alex Dowell, Linden Street, asked how the city would rezone the park property, and was told the C-2 is contingent on the plan and the property would be donated to the city after final plat approval.

Council President Freeman stated he did not know if that decision has been made, or even if it has been discussed.

Councilman Taylor stated if the purchase contract goes away, then the rezoning goes away. He pointed out that the petitions presented say that the petitioners object to the property being rezoned from R-2 to C-2 and RG from the previous plan presented.

Mayor Choat stated there has been a lot of talk about empty buildings. He confirmed with Mr. Farmer that he did not plan to build any buildings.

Mr. Farmer stated no, he would only create lots. The buyers will purchase lots and build their own buildings.

Ms. Jean Cox, 418 Linden Street, stated it was said that no one on the City Council worked with the developer on this plan. She asked who did?

Mayor Choat state he has had no discussion with the developer about what will go there. He stated the City does not have to swap property.

Councilman Cook asked has anyone on the City Council helped anyone in this group in the development of this plan?

Mr. Stovall stated after the Planning Board recommendation on the first plan was negative, we asked some members what they liked and what they did not like about the plan, but we were given no suggestions about what would work.

Ms. Jean Cox, Linden Street, asked was the tree save area real or just an idea.

Mr. Conner stated they felt these trees can be saved. She stated the City should buy the lot that is not in the contract.

Mr. Jesse O'Dell, Thomas Hall Drive, asked what guarantees were there, and why move the Board of Education. They already have an office building and meeting space, and don't need a new building.

Councilman Plant stated, if the plan is approved, it will go with the land. If he does not develop, the next person will be bound to the plan, unless he goes back through the process.

Joanna Garcia, Gadsden Highway, stated it makes her sad to have traffic and new buildings.

Mr. Skip Matthews, Dew Drive, asked where the parking for the buildings on Highway 11 will be. He said the City's plan says parking should be in the rear and sidewalks.

Mr. Farmer stated there will be sidewalks on Highway 11 per the regulations.

Council President Freeman stated the Downtown overly requires parking in the rear. This is not a requirement in the Highway 11 Transition District.

Mr. Matthews asked would the sidewalks connect to anything and how this benefitted the city vision?

Council President Freeman stated he was not here in 2006 when this was initiated.

Mayor Choat stated this was designated as future commercial in our plan.

Councilman Plant stated this property does not lie within the downtown overlay district.

Mr. Matthews stated it sounds like it is not valid any longer.

Ms. Cheryl Hamilton, Dew Drive, stated Lots 5 and 6 do not have restrictions for no restaurants.

Ms. Della Lynam, 106 Post Circle, asked would there be any lighting in the park area?

Councilman Plant asked if she was interested in having lighting or against it, and she replied she felt lighting was needed.

Mayor Choat stated this has not been discussed, but we could probably light this area in the same manner as the greenways trails.

Mr. Jim Wolfe, York Street, asked what was recommended by Planning and Zoning, and Council President Freeman stated it was recommended.

Mr. Cody Moore, 6699 Service Road, stated he thinks this is an opportunity to set a new standard and encourage others to up their game. He stated we want nice stuff. He stated he thinks we deserve a new Board of Education building. If there is quality development, this will increase values for all of us, and encourage others to do the same.

Mr. Farmer stated the School Board said they need parking for their employees and for meetings. This plan gives them extra parking spaces.

Council President Freeman asked what materials will be used on the walkways?

Mr. William McKee stated Tutwiler said they did not want a nail salon, but they have one in the shopping center.

Councilman Taylor stated he did not remember this as an exclusion.

Council President Freeman stated the Design Review Committee will review all plans and signs.

Mayor Choat stated C-2 is pretty definite. If it is not excluded here, then you can have the use.

The public hearing was closed.

Councilman Cook stated Lot 1 has no qualifiers on it. The Board of Education must be in agreement with shared parking for the park.

Mayor Choat stated the city owns the property, and we are the responsible party.

Councilman Cook stated smells and lights have been mentioned. This needs to be kept in mind.

Councilman Taylor stated zoning is the most controversial thing we have in the city. It has to do with personal preferences. If you ask the City Council about any subject, you may get four or five preferences. Both sides say they speak for the majority of 23,000 people in the city. Our

responsibility is to determine, if the request being made is reasonable based on the surrounding area. To put in forty houses was not unreasonable based on the surrounding area in my opinion. The Planning and Zoning Board vets zoning requests for us, but the final decision is with the City Council. He stated he appreciated all of the comments, and he appreciates that they do not want changes near their house.

Councilman Steele stated whether this request goes through or not, he thinks the applicant was unfairly treated on social media. This is an emotional issue, but no malice is intended by these gentlemen.

Councilman Plant stated this is your city and your city government. There is a body of law to which we must adhere. People think we have unlimited ability to control land. This is not true. He stated he heard comment about empty storefronts. We can't tell a property owner, you can't move forward until other properties are filled. This is not a legal reason. This property does not belong to anyone in the room. The property owner has the right to cut every tree at any time. We enjoy this property at the owner's suffrage.

Council President Freeman stated we must plug in with a forward look. He stated he is involved with Design Review and Planning and Zoning. We must consider what the city will look like thirty years from now. He stated he can assure you that each member will cast a vote on this, and any other matter, feeling they are doing what is best for the city.

Councilman Cook read the ordinance and moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilman Taylor, and upon a roll call vote, the results were as follows: Council President Freeman - Yea. Councilman Cook - Nay. Failing to receive unanimous consent, the ordinance will be carried over for a second reading at the next meeting.

Councilman Steele moved Resolution 2019-025 awarding the bid for Fiber and Internet Access for Entertainment District to Charter at a cost of \$2,560.00 per month and \$1,305.00 per month for managed security service, be approved, seconded by Councilman Cook and the vote was unanimous.

A request to annex property at 6588 Memory Lane was presented by Rachel Cope. Councilman Plant stated in the past we have asked people to rezone property in the county before annexing it into the city. Now we have pre-zoning available. If you do not get the desired zoning, you do not have to annex. Ms. Cope agreed to apply for zoning from agricultural to residential.

Councilman Plant moved Resolution 2019-026 authorizing the Mayor to sign an agreement on behalf of the city to obtain a permanent easement for a road to connect the entertainment district with the Village in Trussville shopping center and a temporary construction easement. This was seconded by Councilman Steele and the vote was unanimous.

Councilman Cook reported for Parks and Recreation that the Board reviewed the hiring of Lauren Stanton to head our gymnastic program. Youth Football has 116 children registered. Marco Pizza will be added to the Civic Center catering list. They discussed a security deposit agreement for leased spaces. Sports are going well. Clay will allow lacrosse to play their home games on their fields.

Council President Freeman reported 67 permits were issued since last meeting. He asked Jane Bailey to report on the last Planning and Zoning meeting. She stated several subdivision items were approved, four annexations were recommended, and one zoning matter and a zoning ordinance amendment were recommended. She stated she appreciated the new board member.

For the Board of Education Councilman Freeman stated at the meeting today a 1% salary increase from local funds was approved to go with the 4% increase approved by the State for a total of 5%.

Councilman Plant stated the Summer Reading Program is going strong. Circulation is up more than 10,000 items over last year.

Councilman Steele carried over his report.

Councilman Taylor carried over his report.

Mayor Choat stated the traffic signal at Green Drive and Pineview Road will possibly go up this week. We will resurface Pineview in that area. We will be sending out bids for a Voice Over IP telephone system.

Lynn Porter stated a planning committee has been established for the Trussville community's bicentennial celebration in 2020.

Mr. Skip Matthews, Dew Drive, thanked the City Council for the work on the entertainment district, saying he thinks it will be nice.

Council President Freeman stated the 2040 Committee has shown an enthusiasm for the plan.

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

Respectfully submitted,

Lynn B. Porter
City Clerk