

CITY OF SPRINGVILLE
CITY COUNCIL MEETING
MARCH 21, 2022

WORKSHOP:

The City Council of the City of Springville met in a workshop session on Monday, March 21, 2022 at 5:30 p.m. at Springville City Hall. Mayor Dave Thomas presided and City Clerk Lynn Porter served as recording secretary.

Those members answering present to roll call were as follow:

District 1	Councilmember Herbert Toles
District 2	Councilmember David Vinson
District 3	Councilmember Wayne Tucker
District 4	Councilmember Katrina Hennings
District 5	Councilmember Tim Walker
District 6	Councilmember Marshall Parker
District 7	Councilmember Sherry Reaves
Mayor	Dave Thomas

Absent: None

Others present in official capacity: Attorney James Hill
Attorney Charlie Waldrep

Park and Recreation Director Rick Hopkins stated a recent risk management assessment in one of our parks identified an issue that needs to be remediated. An area had subsided beneath the artificial turf causing wrinkling and a trip hazard. Completely replacing the turf will cost more than \$200,000. A rubber surface is \$750,000. He recommended removing the artificial turf and combining the play area boxes and filling the area with mulch. He stated he has received a quotation from Struthers Recreation for \$27,000. There will be approximately \$22,000 in mulch and for a sidewalk around the pavilion, and Parks and Recreation will be able to do some of the work. He asked for approval of up to \$50,000 to correct this problem.

Councilmember Walker asked the time frame and was told Struthers Recreation said it could be up to twelve weeks for installation.

Councilmember Hennings asked how long the work will take and was told about a week.

Councilmember Reaves stated we can't avoid doing the repairs.

Mr. Hopkins stated aesthetically, it will look better also. The artificial turf was used when it was installed, and after many years, has become unsightly.

Mayor Thomas asked Attorney James Hill about the city's liability situation, and Mr. Hill responded that it certainly would look better if we had repairs under contract, but this does not assure no action would be taken. The city has certain immunity under the Recreational Lane Use Act. He would recommend restricting access to this area.

Mr. Hopkins stated they can fill the hole with sand immediately.

City Clerk Lynn Porter presented a plan to assign a pay grade to each city position. This is the next step in establishing a merit system. Approval of these grades will have no impact on employee pay but will place employees performing the same type of work in any department at the same level.

City Clerk Porter then stated it is the goal to place all employees both classified and part-time, within an established pay scale. The part-time workers at the library do not currently fall within the current scale. The cost to adjust this pay to get these employees into the current scale for the remainder of this fiscal year would be \$832.00. We will also need to make adjustments on the part-time park employees. Those adjustments will be less than five cents per hour, but the current pay scale will have to be expanded from its current format to accommodate these pay scales.

Library Director Jamie Twente was recognized and stated she would like to be able to reward her employees with a pay increase for continuing their education. She stated she was told this could be accommodated within these pay grades with Council approval.

Councilmember Walker asked about the grass under the canopy between the buildings at the library and could something be done. Discussion followed on the lack of sun light under this canopy creating the problem.

Councilmember Parker asked if we would have to open this up with the work at the four-way. If not, the work needs to be done.

Councilmember Walker stated Councilmember Hennings suggested Astro turf.

Attorney Hill stated there are three potential zoning issues on tonight's agenda. These can be handled a couple of ways. We frequently bring matters up for a vote after unanimous consent on the first introduction, but the rules of procedure require two readings for the adoption of an ordinance, with a first reading at one meeting, and a second reading and vote at the next meeting. The use of unanimous consent is an allowed exception to this rule. If these zoning matters are handled tonight, we will need unanimous consent and then a vote. If not, we will hold the public hearing and consider this a first reading. At the next meeting, the matter would be brought up for a vote.

Attorney Hill continued that we have one petition for pre-zoning, and an annexation petition that will be considered within 180 days of the zoning decision.

Mayor Thomas stated he would prefer to annex the property first.

Attorney Hill stated the application stipulates pre-zoning.

The workshop was concluded.

MEETING

The City Council of the City of Springville met in a regular session on Monday, March 21, 2022 at 6:00 p.m. at Springville City Hall. Mayor Dave Thomas presided and City Clerk Lynn Porter served as recording secretary.

Those members answering present to roll call were as follow:

District 1	Councilmember Herbert Toles
District 2	Councilmember David Vinson
District 3	Councilmember Wayne Tucker
District 4	Councilmember Katrina Hennings
District 5	Councilmember Tim Walker
District 6	Councilmember Marshall Parker
District 7	Councilmember Sherry Reaves
Mayor	Dave Thomas

Absent: None

Others present in official capacity: Attorney
Attorney Charlie Waldrep

Mayor Thomas called the meeting to order. Reverend Mike Ennis was called upon to give the invocation, followed by the pledge to the flag.

The minutes of the March 7, 2022 meeting were presented for approval. Councilmember Reaves moved they be approved, seconded by Councilmember Walker, and the motion carried.

Councilmember Toles reminded the Council that we have agreed to meet at Purple Heart Boulevard at 6:00 before our April 4, 2022 meeting.

The agenda was presented for approval. Mayor Thomas suggested we add the three items discussed at the workshop to the first of the agenda before we get into the public hearings. These are the playground repairs, the pay grades, and the Library personnel pay adjustments. Councilmember Vinson moved the agenda be approved as amended, seconded by Councilmember Hennings, and the vote was unanimous.

Councilmember Vinson moved the playground improvements be approved up to \$50,000, seconded by Councilmember Reaves, and the vote was unanimous.

Councilmember Hennings moved the pay grades be approved, seconded by Councilmember Parker, and the vote was unanimous.

Councilmember Walker moved the pay adjustments to place the part-time library employees within the current pay scale be approved, seconded by Councilmember Toles, and the vote was unanimous.

An ordinance to rezone property between Highway 11 and Walker Drive was presented for rezoning from B-3 (Downtown Business) to I-1 (Light Industrial) was presented. Mr. Ken Beasley, 260 Robinson Street, stated they opened the 217 storage units on Walker Drive on July 1 and all units are leased. He wants to expand this development onto the adjacent property. A public hearing was opened, and there being no comment, the public hearing was closed.

Councilmember Tucker asked was the recommendation from Planning and Zoning unanimous and was told yes.

Councilmember Reaves moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilmember Tucker, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers Toles, Vinson, Tucker, Hennings, Walker, Parker, and Reaves, and Mayor Thomas

Nays: None

Councilmember Tucker then moved Ordinance 2022-01 approving the rezoning of property between Highway 11 and Walker Drive be adopted, seconded by Councilmember Hennings, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers Toles, Vinson, Tucker, Hennings, Walker, Parker, and Reaves, and Mayor Thomas

Nays: None

A request to rezone the Bagley/Clements property on Highway 11 from A-1 (Agricultural) to I-1 (Light Industrial) was presented by Mr. Trey Massey, 104 Westminster Drive, Rainbow City. Mr. Massey started by apologizing that he had missed the Planning Board meeting. He stated that Massey Asphalt Paving (MAP) has outgrown their facility in Argo and would like to relocate to this property in Springville. This property lies between Highway 11 and the railroad track and has industrial on the opposite side of the railroad and a shop across Highway 11. He stated this rezoning is not required, but he wants to do this right. He would build an office building on the front and rent space and his operation would be in the back with office space for MAP. Springville needs more business. If he moves from Argo, he would be the third or fourth largest

employer in Springville. He said he had heard complaints about drainage problems, but they will be parking equipment here. They will have to satisfy the drainage issues and sight distance at the access from ALDOT to develop the property. About an acre is in the flood zone. This is the largest highway frontage on Highway 11 south of Highway 23. The property has been for sale for many years. He asked the Council to consider rezoning this property.

Councilmember Tucker stated the upper part drops off from the highway. He asked where the driveway would be and was told on the upper side. He stated this has come up twice before. Green property is fading fast. ALDOT will not solve the drainage problem.

Mr. Massey stated they will have to have an engineer to assist them with the water problem.

Councilmember Reaves asked would the equipment storage be enclosed. Mr. Massey indicated on a drawing where the buildings and parking would be located.

Councilmember Toles asked if there would be a turn lane, and Mr. Massey responded he did not know, but they would do what ALDOT required.

Councilmember Tucker asked what would be done with the extra asphalt, and Mr. Massey responded they would take it back to the plant as FEMA will not allow them to lay in on the ground.

Councilmember Toles asked, since Mr. Massey missed the Planning Board meeting, did the people know what his plans were. Mr. Massey responded the Board members were there.

Zoning Director Maranda Nolen clarified Mr. Massey's statement that he could do this without rezoning, saying this would be a special exception use, so it would have to be approved by the Board of Zoning Adjustments (BZA) before it could be done.

Councilmember Walker stated that flooding and adjacent agricultural uses were the issues at the Planning Board meeting.

The question at what point to you have to get the Special Exception was raised.

Attorney Hill replied a Special Exception is a permitted use subject to restrictions as approved by BZA.

Mr. Massey stated he did not know the neighbor on the south side, but he would be willing to leave a buffer.

Councilmember Walker asked Ms. Nolen what happened is a Special Exception is not approved, and she replied that it does not come to the City Council, but may be appealed to Circuit Court.

Mayor Thomas asked would they be washing trucks at this location and Mr. Massey replied yes, they will wash equipment and he will have to be responsible for run off into the creek.

Mr. Julie Tolbert, 4340 US Highway 11, distributed pictures of this area with standing water from rains two weeks ago from the creek flooding. She says this happens four to five times a year. The hill creates an obstacle when pulling out onto the highway. It is blind from her side and will be blind on his side pulling equipment into and out of this site. This is coupled with the 55-mile per hour speed limit, and increasing traffic, making it dangerous. She expressed that she did not see how he would be able to build outside of the flood area.

Councilmember Tucker stated there is a natural detention pond there also. It does not run off, but gradually percolates into the ground.

Ms. Brenda Thompson, 4596 U. S. Highway 11, said this area is already packed with traffic. She stated she was concerned with equipment entering this traffic, sight distance and a dangerous curve. She said that flooding occurs at her house all the way up to the highway. Little Canoe Creek runs through her pasture.

Mr. Johnny House stated he owned the property across the street. Trucks pulling out will back up traffic. This property holds water and much of it comes from the street also.

Ms. Marian Brasher, 4214 Highway 11, opposes the change from A-1 to Industrial. She stated she feared this would set a precedent and will turn the area coming into Springville into an industrial park. The industrial building that is there now, was there before there was zoning. The FEMA flood map shows this area as AE or area of frequent flooding adjacent to the floodway of Little Canoe Creek. If the area is paved, where will the water go? The south side is lower than the highway, and would have to be filled to develop, again raising the question of where the water would go. Prior applicants were not able to redirect the water to develop the property. Any development of this property will change the flow to our property. Rezoning will change the nature of the area. This does not meet the Comprehensive Plan. She stated she has no problem with Mr. Massey or his business, but this is not the location for it. She questioned if a liability is created if rezoned before going to an engineer.

Mr. Joe Cox, 258 Rena Drive, stated he has listened to concerns at two hearings. This is a zoning. It is Mr. Massey's responsibility to get with FEMA. The landscape is changing. Yes, this is in a flood plain, but he will have to address it.

Mr. Mike O'Neal stated he is next to Helen House. He stated there is already a problem with site distance at the hill, and flooding on this property comes to the highway.

Councilmember Tucker pointed out that if the property is filled, he will have to put a berm to keep from flooding other properties, and then that would diver the water directly to the creek.

Mr. Massey stated underground detention is used in some areas.

Ms. Sally House stated she was proud people want to come to Springville and bring industry, but this is not the place. The property is between a branch and the creek, and sometimes water crosses the highway. She asked that the Council study this carefully.

The public hearing was closed.

Mayor Thomas called for a motion and the matter died for lack of a motion.

Attorney Hill stated if there is no motion for unanimous consent, then this will be considered a first reading and will automatically be placed on the next meeting agenda.

A request to pre-zone approximately 110 acres of the Bettis property from unzoned in St. Clair County to PUD (Planned unit development) and rezone forty acres of the Windham property from R-1 to PUD was presented by T. J. Johnson of Holland Homes. He stated they hope to build quality homes and to rezone and bring over 100 acres into the city. This is the fifth hearing over seven months. Originally this included more property and 484 homes. Today the development is 149 acres and the number of homes has been reduced to 246. The Windham property will be developed as larger lots and will be separated from the development of the Bettis property, with no road connections between the two sections anticipated. The density is less than two units per acre on the Windham property. He stated they want to be good neighbors. A buffer will be left along the border of the property. Common space will be owned by the HOA. They have worked with Skipper Engineering on the traffic study.

Councilmember Vinson asked the size of the homes and the price range, and was told 1800 to 2600 square feet selling in the \$400,000s for the Windham area and 1400 to 1800 square feet selling in the \$300,000s on the Windham property.

Councilmember Reaves stated the application says that no home will be less than 1100 square feet, and Mr. Johnson replied, yes, they have agreed to that minimum.

Councilmember Reaves asked have they purchased this property or is the sale contingent upon the rezoning, and was told it is contingent on the rezoning.

Mr. Richard Caudle, 3640 Vann Road, Birmingham, Skipper Consulting, stated they prepared a traffic study on the original proposed 484 homes and for the current 246 homes. The three main routes from Highway 11 to the 40-acre Windham portion of the development are Robinson Street, Pine and Wilson. These 56 lots will be entered separately from the remainder of the development. Both Robinson and Pine need to have two feet added to the street width. Wilson needs to be widened by one foot. This work would be done before any permits for home construction are issued. This will create an additional 41 vehicles per hour for these three streets combined in the mornings and 63 vehicles per hour in the afternoon.

Councilmember Toles asked about traffic coming out onto Murphree's Valley Road from 190 houses.

Mr. Caudle stated most of these will go to the interstate or left to the schools.

Councilmember Toles asked would there be a traffic signal at Robinson Street and was told no, a light at this intersection was not indicated by the study.

Mr. Caudle continued that Robinson Street currently has 584 cars per day, Pin has 781 per day, and Wilson has 286 per day. These 56 lots would generate an additional 600 cars per day across all three roads.

Councilmember Tucker stated he was told that a 30' wide easement will be used to access the Bettis property and stated this is not enough for a public street.

Mr. Johnson stated Ms. Bettis gave them a 30' easement. They are working with other options for access. He stated if they cannot get access, they will be on them. They will have to get access to Murphree Valley Road to do the project. They want to know what the city will approve. If they can't execute the plan, they cannot develop. He stated all the expenses that we have talked about would be paid by Holland Homes.

Mr. Caudle state this is a 30' easement today, but he did not think anyone foresees building a road on a 30' easement.

Mr. Daniel Holland pointed out that they cannot fully engineer the plans until they get zoning approval. He stated they have multiple options. The road might stay there or they might relocate it or do a property swap, but there will be a road somewhere.

Councilmember Tucker stated we are not asking you to do have full engineering, but he felt they do need to tell us where the access will be.

Mr. Johnson stated they have talked to Forever Wild who would like to see the easement go away and swap for property farther down.

Councilmember Toles stated he did not want Springville to get stuck with any of these costs.

Councilmember Walker asked would the houses have garages?

Mr. Holland stated this not a requirement for zoning.

Councilmember Walker stated he was told that the homes will not have garages, but would have two off -street parking spaces, and the city could control the road. He stated he has looked across the city and in all similar developments, cars are parked on the streets and emergency vehicles cannot get through. We absolutely need to consider that when there are teenagers in the home, there may be three or four cars and no place to park them. We need to look at the character of the city, not the character of the developer.

Mr. Johnson stated the zoning standard is two off-street parking spaces per residence. The roads will be built to city standards.

Councilmember Tucker stated if you park on the street, you can't get a fire truck through.

Councilmember Parker stated if there is no construction entrance, the site cannot be accessed during school traffic hours.

Mr. Johnson stated they have no control over parking on the street.

Councilmember Parker stated he was concerned about mud, silt and runoff that is hard to control. He stated he was also concerned about removing dirt and timber and how they would get it out.

Mr. Johnson stated the first phase will be Robinson and the second phase will be Murphree Valley Road. There will be a 100' buffer along the stream. The BMP plan is in the packet that shows the silt fence, sediment ponds, and the buffer.

The public hearing was opened and Ms. Janelle Adams, Old Mill Road Estates was recognized. She stated her nerves are raw. She has witnessed what has happened in other development. Lake Diane is a runoff lake from here to Home Stead Hollow. Who will assure that the lake is not compromised? The lake will turn red. She stated they have worked hard to line the lake and stock it with fish. She stated she would be interested about the traffic study on Murphree Valley Road.

Mr. Holland stated the BMP plan is a part of the submittal. He stated Ms. Adams could call him, Holland Homes, about issues. He stated things can be done. Archer Cove is a totally different development.

Ms. Adams asked if the zoning is approved, what is the impact on the schools, and what is the plan for this. She stated she has heard 1100 and 1400 square foot homes. This is not the home value you see in the city.

Councilmember Toles stated we do not have a plan to move traffic in Springville.

Councilmember Tucker stated the schools are not under our control. They are County schools.

Mr. Wayne Edwards, 407 Rena Drive, stated he did not want to be an obstructionist. He stated he lives at the end of the lake near the detention pond directly across the street. He stated he was not sure of the buffer in the area.

Mr. Johnson stated there is a 100' buffer along the streams and 25' in other areas.

Mr. Edwards stated he would like to see a bigger buffer and evergreens around the detention pond. He stated the retention pond at MacDonald Farm is not attractive. Who maintains the wastewater system and pumps? Who pays for it?

Mr. Johnson stated EPA controls the waste management entities. Holland Homes will build the system and a management entity will collect the bills and maintain the system. It will be a private system.

Mr. Edwards stated he wanted the city to grow, but not in his backyard.

Mr. Johnson stated the HOA will take care of the stormwater ponds.

Ms. Carol Edwards, 408 Rena Drive, questioned the mini homes at 1100 to 1400 square feet. She stated the homes in the Gardens are 1700 square feet. When things go bad, what is the recourse? Is there an escrow fund?

Mr. Joe Cox stated the lake is precious to them. The developers say they will do all these things. We do not have to approve this. Springville is a great community, and he would like to see it start this way. The nature preserve needs to absorb this area with the wildlife. All of that will go away. The traffic on Murphree's Valley Road is already bad. Park Street should not have been closed. All traffic will go to the four-way. We need alternate roadways.

Councilmember Tucker asked where the access to Robinson Street would be and was told by the water tank near the cemetery.

Mr. Mark Marchant, 69 Short Street, stated he liked a small town. Relative to education, he stated there are large class sizes for young students. He stated he has looked at areas where Holland Homes have built. The number of homes seems excessive and we need to consider runoff.

Mr. Johnson stated an education impact study was done. The number of students added is dispersed over all grades. ADEM requires a sign be posted with contact information. The Windham forty acres was zoned R-1 and they propose no changes to development of that tract. The 100 acres is in the County and currently has no zoning. They plan to bring this into the city and develop it.

The public hearing was closed.

Mayor Thomas stated this will be considered a first reading for the zoning of the two properties to be developed into a PUD. This will be on the next agenda. The law says it takes two readings to adopt an ordinance, unless there is unanimous consent.

Councilmember Reaves stated she was ready to vote tonight. Councilmember Reaves moved for unanimous consent to suspend the rules of procedure to allow for the immediate consideration of this ordinance, seconded by Councilmember Vinson, and upon a roll call vote, the results were as follows:

Yeas: Councilmembers, Toles, Vinson, Tucker, Hennings, Walker, Parker, and Reaves

Nays: Mayor Thomas

Since there is not unanimous consent for consideration tonight, the matter will be placed on the agenda at the next meeting.

Councilmember Walker moved the annexation petition on the Bettis property that is contingent upon pre-zoning be carried over until the next meeting, seconded by Councilmember Toles, and the vote was unanimous.

Councilmember Hennings moved the discussion of the planning goals be carried over, seconded by Councilmember Toles and the vote was unanimous.

Mayor Thomas stated the Beasley property rezoned tonight will be used for mini-storage expansion. He stated that Dr. McCleney is agreeable to sell property for overflow parking. Mayor Thomas stated greenspace has been discussed tonight. When he first took office, he proposed that the city investigate the purchase of the Bettis property. Mayor Thomas continued that Mr. Morse at the High School has been good for the school. The County cannot meet the offer he has received. I don't know if anything the city can do to retain administrators and teachers.

Councilmember Reaves stated we also must be concerned about setting a precedent for other principals and teachers.

Councilmember Tucker moved the meeting be adjourned, seconded by Councilmember Toles, and the vote was unanimous.

Respectfully submitted,

Lynn Porter
City Clerk

- A. Ordinance annex Bettis property – appx 110 acres
- B. Review and approve of the planning goals of the comprehensive plan project