

AMENDED MINUTES FROM THE JANUARY 24, 2022, COUNCIL MEETING

(Amended on June 20, 2022)

The regular Called Meeting of the Northport City Council convened at 5:30 p.m. on **January 24, 2022**, at Northport City Hall, in the Council Chambers located at 3500 McFarland Blvd. The invocation was offered by Mayor Herndon. President Hogg led the assembly in the Pledge of Allegiance. Upon roll call, the following were found to be present: President Hogg, Councilwoman Bobo, Councilman Washington, Pro Tem Hinton, and Councilwoman Dykes. City Administrator Webb and Mayor Herndon were also present at Monday night's meeting.

Motion by Councilwoman Bobo, **Second** by Councilman Washington **to approve the agenda for January 24, 2022**. Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilman Washington, **Second** by Councilwoman Dykes **to adopt Ordinance 2131 amending the Northport Municipal Code by adding Division 6 to Article II of Chapter 70**. Roll call was as follows: Councilman Washington, Yes; Councilwoman Dykes, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by President Hogg, **Second** by Councilwoman Bobo **to adopt Ordinance 2132 amending the Subdivision Regulations regarding sidewalks**. Roll call was as follows: President Hogg, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

Motion by Pro Tem Hinton, **Second** by Councilman Washington **to adopt Ordinance 2133 rezoning Bridge Avenue North of approximately 9.105 acres located at 1007 Rice Mine Road**. Roll call was as follows: Pro Tem Hinton, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg Opened the Floor for a Public Hearing for Agenda Item 7 (a) 4.

Mr. Brock Corder, 1307 25th Avenue, spoke in his support of the Conditional Use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and West of Resource Lane and gave a presentation. A few points mentioned in Mr. Corder's presentation regarding the development:

We are a local company, founded in Northport in 2021. We are Northport residents and involved in the Northport community.

In 2013, this property was zoned RM2. We attempted to rezone this 5.24 acres to single family with variances. This request was denied by the City. In 2014, we proceeded to purchase this property, knowing it was zoned for multi-family and that it would have to be developed as multi-family in the future.

There is about one half of one acre of wetlands in this 5.24 acres. Only about 0.02 acres will be impacted by this development.

The proposed 51 homes meet all current zoning regulations of the City of Northport. We are not requesting any waivers or any variances of any type from the City. We will have 4.4 acres of open space, which is about 80 percent of the property. This is four times more than the zoning requirements of the City for open space in development.

Northport Zoning Code Section 402 list multiple family zoning with a "P" which is a permitted use in this RM zoning. The text of the Zoning Ordinance states that a "P" signifies that it is a permitted use by right. Our site is zoned for what we are requesting tonight. Legally, we are entitled to proceed with this proposed development by right.

We have made efforts to address the concerns of the neighbors and residents.

We have modified the plan to eliminate a road to Clear Lake Street and proposed a one way, gated, private drive for NFD access, even though the NFD stations responding would use the Highway 69 entrance. We are open to the City's wishes, a full access road to Clear Lake Street, a limited (gated) access, or no access at all. ALDOT has no problems with the main entrance on Highway 69.

We are also willing to work with City Staff to address safety issues for Tiger Rock and other pedestrian issues on Resource Drive.

Our post development water run off will not exceed the predevelopment run off. This will be managed by underground detention of rainwater.

The issues relating to the Clear Lake dams have been raised. These are private dams. We do not own them. We do not touch them. We are not changing any drainage above or below the dams. These dams are upstream from our development. I can not do anything to a privately owned dam that I do not own.

As to the impact on property values, we anticipate that the price range would be in the high \$100,000 range to the \$250,000 range. The price per square foot would be higher than anything in Northwood Lake subdivision or the Clear Lake subdivision.

To summarize, we meet all requirements of the City of Northport with this development and are not asking for any variances or waivers from any City requirement.

The following spoke in **opposition** of the **Conditional Use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and West of Resource Lane:**

Mr. Armen Amirkhanian, 908 55th Street, Northport, AL 35473. Mr. Amirkhanian stated he is an Assistant Professor at UA and a Licensed Professional Engineer in Alabama, South Carolina, and Oregon. Alabama is the only state in the country that does not have regulations on dam safety. Alabama is the only state that does not have a dam safety official. It is extremely difficult, without any regulations, to compel a landowner to address any deficiencies with a dam. He also discussed the overtopping event that caused Twin Lakes to fail which he said he thought the City performed work on by adding rip rap to the extreme downstream slope. He pointed out the difference between a spillway and a dam and their functions. Mr. Amirkhanian also discussed the deficiencies of the Clearlake Dam. In his opinion, in the road there is evidence of longitudinal cracking at the crest of the dam due to the age of the dam which is 50 or 60 years old.

Mr. Justin Beams, 3971 Aspen Street, Northport, AL 35475, stated he is a geologist and a GIS Analyst and Technician. His major concern is the flooding taking place and potential flooding. He shared that FEMA maps have not been updated since 2014 and that was a major concern that this was not being taken into consideration. He reminded Mayor and Council there is climate change taking place, more severe rainfall, etc. He left Mayor and Council with the question, "Do we really want to increase the flooding issue already taking place?"

Mr. George Adair, 2108 Fountain Way, Northport, AL 35473, address Mayor and Council with his concern of residents not being heard. He stated he and his wife moved back to Northport in 2017. During his 17 years of working in City government, he was the Director of Public Utilities and over the water, sewer, and electric. He learned that it was important for City officials to listen to the citizens they serve. He remarked that he is pleased with Mayor and Council listening to all of the speakers addressing them tonight. He also offered insight that it is vital elected officials heed the advice and direction of City departments and bodies in the City that are responsible for reviewing plans such as these.

Ms. Anna Davis-Abel, 4512 Twin Lake Court, Northport, AL 35473, an English Professor addressed the Council with three main concerns/ requests. Her first request was, prior to voting in favor or against this development, is to allow FEMA to release updated floodplain maps. The last evaluation from FEMA in this area was in 2007, not 2014 as stated prior. In 2019, this map was marked as needing reevaluating. The reevaluation map will not be issued until a person visits the site and evaluates. The second request was for Fish and Wildlife Services to be consulted. Ms. Davis-Abel contacted Heather Elliott, Professor of Law and Water at the University of Alabama Law School. Currently, with a ½ acre, the Builders Group believes they are in accordance with the Clean Water Act; however, there is a sub-part of the Clean Water Act that states that one cannot interfere within 300 feet of a waterbed that directly feeds into a navigable water source, which the Black Warrior River does. Because the current maps are not updated, the single stream that goes through the property now forks and that is not reflected because it has not been updated.

She also reminded Council that she had requested the townhome community be renamed so they do not think they have access to Clearlake since it is a privately owned lake and these residents do not want foot traffic.

Ms. Sandra Hampel, 4500 Twin Lake Court, Northport, AL 35473, stated she is a 40-year resident of the Twin Lake Community and her main concern is that of children and their safety. To give Mayor and Council an idea of where her property is located, she stated her property is adjacent to Clarklake Street and the backside of her property is on the larger of the Twin Lakes. She wanted to thank Mayor and Council for giving her the opportunity to voice her many concerns about the proposed 51 townhome development. She stated that everyone in the room has a common goal whether it is realized or not. Every person in the room wants the best for the City of Northport. Ms. Hampel expressed that all citizens want to be proud of the City of Northport and want it to be attractive for future residents. She also stated that she wants people to move here and for the City to continue growing. She said that all citizens should want the very best for Northport's prized assets, the children. Ms. Hampel stated that Northport and its citizens should want to do everything for the well-being and safety of the children of Northport because the children are the future. Ms. Hampel expressed her main concern being for the students and their safety traveling to and from school on busy Hwy. 69.

Mr. Michael Holt, 3800 Gaineswood Lane, Tuscaloosa, AL 35406, addressed Mayor and Council stating he is pro-growth and pro-business. Mr. Holt is the owner of Tiger Rock, and his business is located at 1 Resource Lane, Northport, AL, 35473. He is concerned about the traffic in this area. His concern is that his parking lot will become a thoroughfare road causing a safety concern for his students and other customers of businesses in this area. Mr. Holt voiced that some things are legal but not necessarily wise.

Ms. Jana Morrison, 1801 Clear Lake Street, Northport, AL 35473, addressed Mayor and Council pertaining to Clearlake Development. Ms. Morrison had several concerns. She began with questioning Mayor and Council of why this proposed development was still being presented as Conditional Use approval. Her understanding was that Conditional-Use approvals were only needed if variances were requested and if property was being used in a manner it was not zoned. She requested that this type of approval be changed before it is approved. Ms. Morrison also requested that Mayor and Council hold Mr. Corder accountable for the 10-foot distance between his structures and the property lines shared in the Clearlake Community. The same request applies to all other adjoining property owners. Another request, the enforced emergency gate be one in nature to deter foot traffic and vehicular traffic and forever more only be used as an emergency lane when entering or exiting the townhomes. It will not be open for purposes other than emergency vehicles, if Mayor and Council do not change the fact there will be an emergency access, and for reasonable needs of repair.

It is also being requested from Ms. Morrison that the builder have a formal Environmental Impact Study conducted for the final review plan. She clearly stated that it be an EIS not an EA. She would like this study for the following reasons:

- EIS will inform of the build environment and how to comply to federal law and EPA Water Act
- 1/3 of Twin Oaks residents have conducted extensive foundation repairs, some in excess of \$40,000.00
- Two sources have been consulted stating the applicant has referred to the 2014 delineation study and that the study is out of date
- A local geologist stated unstable foundation which is susceptible to erosion and sinkholes

Ms. Anne Hewitt, 10691 South Davis Road, Cottdale, AL 35453, Chairperson of the West Alabama Sierra Club voiced her concern of wetlands being disrupted. She stated that 0.02 acres is 871.2 square feet. When one interferes or disrupts any part of the wetland, it is all disrupted. All the habitats and endangered species are all disrupted. The Sierra Club wants everyone to enjoy, protect and explore the great City of Northport and in the great State of Alabama.

Mr. Mike Olson, 4503 Twin Lakes Court, Northport, AL 35473, stated that when the developers developed Twin Oaks in the 1950s, they left that area of the lake and dam alone. The original developers realized the land was not suitable. He also questioned how much the developer paid for the property.

Mr. Jason Sellars, 15314 Lakehurst Drive, Northport, AL 35473, addressed Mayor and Council with his main concern being integrity. He stated he approached the entire situation with an unbiased view. He also said he does not feel like the placing of the development is strategic. He stated that citizens are bringing up valid, intellectual concerns and their concerns are being marginalized and potentially going on deaf ears.

Ms. Ellen Pledger, 4712 Oneida, Northport, AL 35473, stated she and her family have resided in Northwood Lake since 1974. She stated that she does not want to be Tuscaloosa. She does not want to take away the community feel of Northport. She also shared her thoughts on the future look of Northwood Lake and the Twin Lakes area if development continues at this pace, stating these areas will look like the Highlands in Tuscaloosa.

Ms. Jana Morrison came back to the microphone to make a statement. She wanted clarification from November 12, 2013's Council meeting, Chairman Higginbotham expressed his concerns over the conditions of the road and said these conditions would need to be addressed by the City's Engineering Department. She stated this was never done.

Ms. Kay Holden, 3010 Natchez Trace, Northport, AL 35473, addressed Mayor and Council were her main concern being underwater stormwater drainage system. She is concerned that the City will end up having to take over maintenance. The HOA is asking for a traffic study and the burden of that cost be put on the builder.

Mr. Derrick Dunn, 2508 Shoal Place, Northport, AL 35473, addressed Mayor and Council with his main concern being as development continues upstream that most every bit of this watershed comes down through this proposed area. These flooding issues are not being mitigated. He stated that current issues are not being addressed and there is no need to continue with other developments that will escalate current problems.

President Hogg Closed the Floor for a Public Hearing for Agenda Item 7 (a) 4.

Motion by President Hogg, **Second** by Councilwoman Bobo to adopt Ordinance 2134 of the Conditional Use approval of a performance residential development consisting of approximately 5.42 acres located south of Clearlake Street and west of Resource Lane. Additionally, with this motion, conditions set forth as part of this motion 1) no connectivity of this development to Clear Lake Street, 2) a crosswalk/sidewalk to protect the children frequenting Tiger Rock will be required of Northwood Lake, 3) each townhome until will be sprinkled for fire protection. Roll call was as follows: President Hogg, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, No; and Councilwoman Dykes, No. **Motion Carries.**

Motion by Councilwoman Bobo, **Second** by Councilman Washington to adopt Ordinance 2135 granting an exclusive Ambulance Franchise to Northstar Paramedic Services, Inc in the City of Northport. Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes, and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg offered for a 1st Reading, Conditional Use approval to allow vehicle sales (custom golf carts) in a C-3 zone located at 4549 Robert Cardinal Airport.

President Hogg offered for a 1st Reading, Ordinance amending Section 74-237 of Chapter 74 Utilities V, of the Northport Municipal Code pertaining to Service Areas outside the City Limits.

Motion by President Hogg, **Second** by Councilwoman Bobo to adopt Resolution 22-10 authorizing water service outside of the city limits be provided to Mr. Aaron Winters for property located at 12811 Hwy. 171, pursuant to the conditions in the resolution. Roll call was as follows: President Hogg, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Dykes, **Second** by Councilman Washington to adopt Resolution 22-11 authorizing the agreement between the City Council and ALDOT for the Charlie Shirley Road Resurfacing Project. Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Pro Tem Hinton, **Second** by Councilwoman Bobo to adopt Resolution 22-12 authorizing the agreement between the City Council and ALDOT for the Watermelon Road Resurfacing Project. Roll call was as follows: Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Bobo, **Second** by Councilman Washington to adopt Resolution 22-14 authorizing the City Administrator to execute a right-of-way permit to William H. Boyd for 402 Bridge Avenue, Northport, Alabama. Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by President Hogg, **Second** by Pro Tem Hinton **to approve January 24, 2022 Consent Agenda Items.**

CONSENT AGENDA

1. Minutes, January 3, 2022 Regular Meeting
2. Bill Listing
3. PO Requisition, 2022 City-Wide Computer Order 1, CDWG, \$10,975.08 – IT Department
4. PO Requisition, Renewal of Supersedeas Bond pertaining to Condemnation of Property for the Hwy. 69/UCR 69 Realignment Project, USI Insurance Svc. LLC, \$11,900.00- Legal
5. PO Requisition, Workers Compensation Premiums, Municipal Workers Compensation Fund, Inc., \$429,970.00-HR
6. PO Requisition, Lease of server space and joint utilization of Spillman, October 1, 2020- December 31, 2021, City of Tuscaloosa, \$18,750.00- PD
7. PO Requisition, Water Recirculation Pump for WWTP, Morrow Water Technologies, Inc., \$8,388.57- Utilities
8. PO Requisition, AutoCad Subscription Renewal, Shi, \$5,014.86-Engineering
9. PO Requisition, Aeration Blower Assembly for WWTP, General Machinery, Inc. \$9,791.00- Utilities
10. PO Requisition, Ford Police Interceptor, Stivers Ford, \$44,272.00- PD
11. PO Requisition, Ford F250 Super Cab, Stivers Ford, \$38,485.00-PD

Roll call was as follows: President Hogg, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

MAYOR AND COUNCIL MEMBER'S BUSINESS

Mayor Herndon, Mayor Herndon congratulated Officer Green on being sworn in earlier that morning

Councilwoman Bobo, District 1, Councilwoman Bobo had no official business for District 1.

Councilman Washington, District 2, Councilman Washington had no official business for District 2.

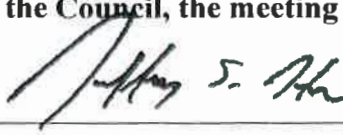
Pro Tem Hinton, District 3, Pro Tem Hinton had no official business for District 3.

Councilwoman Dykes, District 4, Councilwoman Dykes had no official business for District 4.

President Hogg, District 5, President Hogg had no official for District 5.

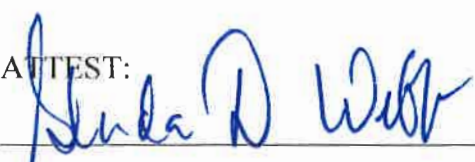
Motion by President Hogg **Second** by Councilwoman Bobo **to adjourn the meeting.** Roll call vote was as follows: President Hogg, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

There being no further business to come before the Council, the meeting was adjourned at 7:23 p.m.



Jeff Hogg, President

ATTEST:



Glenda D. Webb, City Administrator