

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: June 6, 2016
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Gary Ivey
Mr. Jack Wright, Council President
Mr. Brian Skelton, Council President Pro-Tempore
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. Leslie Klasing, Waldrep Stewart & Kendrick
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Fred Simpler, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Officer Jehad Al-Dakka, Executive Officer, Police Department
Ms. Linda Andrews, Library Director
Ms. Susan Fuqua, Director, Municipal Court
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Lt. Rusty Lowe, Executive Officer, Fire Department
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

1. **REPORTS**

Mr. Greene made a motion to appoint **Mr. Jim Brush** and **Mr. Bob Brown** to the **Board of Zoning Adjustments**. This motion was seconded by Mr. Skelton. On voice vote the motion carried unanimously.

2. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the May 16, 2016 regular meeting and the June 2, 2016 work session.

Mr. Smith made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion. There being none, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5408-16 – BID NO. 04-16 – HOOVER PUBLIC SAFETY CENTER RE-ROOFING – *Continued from the 5/16/16 meeting***

The City Attorney read Resolution No. 5408-16. This would **reject all bids** received on Bid No. 04-16 for the Hoover Public Safety Center Re-Roofing project. The apparent low bidder, Magic City Roofing, has been unable to produce appropriate documentation to substantiate their lighting protection subcontractor in order to meet the qualifications described in the bid. As such, Magic City Roofing has withdrawn their bid. The architect and city staff will revise the specifications and rebid the project as soon as possible.

Mr. Smith made a motion to approve **Resolution No. 5408-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Admiral Natter asked Mr. Ben Powell how the specifications would be modified in order to have more vendors. Mr. Powell stated this is related to the lighting protection system in particular and they plan to open it up to a larger number of lighting protection contractors who are eligible to serve as subcontractors and come from a farther reaching area. Mr. Smith asked if it would be bid separately. Mr. Powell replied no; it is part of the bid package for the re-roofing project itself.

There being no further discussion from the Council, Mr. Wright called for comments or questions from the audience. There being none, on voice vote the motion carried.

4. **RESOLUTION NO. 5415-16 – BID NO. 09-16 – TRAFFIC CONTROL AND TRAFFIC SAFETY EQUIPMENT**

The City Attorney read Resolution No. 5415-16. This would award Bid No. 09-16 for Traffic Control and Traffic Safety Equipment to Traffic Products, Inc., Temple, Inc., Graybar Electric, Buffalo Electric Co. of Alabama, and Transportation Control Systems, Inc. by category/group; theirs being the lowest responsible bids in each category in each group.

Mr. Smith made a motion to approve **Resolution No. 5415-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Mr. Rives noted there were several items with only one bidder. He asked Mr. Powell if those should be awarded or should the Council authorize the Mayor to negotiate in those situations. Mr. Powell said that would certainly be an option for the Council. However, the reason why he recommended awarding them is that most of these product groups are a particular manufacturer with a sole representative who is authorized to provide those products in this particular area so there would be limited success in negotiating. Admiral Natter asked Mr. Powell if in his opinion these bids by these single bidders are reasonable bids within the area in which they are bid. Mr. Powell replied yes; based on the knowledge he had of the products.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5416-16 – AMEND BUDGET FOR FYE 9/30/16**

The City Attorney read Resolution No. 5416-16. This would amend the budget for Fiscal Year Ending September 30, 2016 as shown on the Exhibit “A” attached to the resolution. This is dealing with the reallocation of library funds to the theatre renovation project.

Mr. Smith made a motion to approve **Resolution No. 5416-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Admiral Natter asked Patricia Guarino, Hoover Public Library, to explain the funds that are being reallocated and the costs involved from a net standpoint. Ms. Guarino said there are no costs net wise. The theatre renovation project bids came in higher than anticipated. This project is a priority so they are requesting to transfer funds from a couple of projects involving an awning over the children’s play area and some lighting enhancements. Admiral Natter asked if they anticipated coming back later this year for a budget amendment to do the awning. Ms. Guarino said they would not be pursuing the awning for the children’s department.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5417-16 – DECLARE 2228 TAL BROOK ROAD AS PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 5417-16. This would declare the property located at 2228 Tal Brook Road as a public nuisance due to weeds and/or grass. This resolution originally included two other properties located at 532 Clearview Road and 541 Saint Lauren Way but the grass on those properties has been cut to the city’s satisfaction so they were removed from the resolution.

Mr. Smith made a motion to approve **Resolution No. 5417-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Mr. Smith asked Mr. Robert Macke if he anticipated either of the two properties removed from the resolution to be a future issue. Mr. Macke said the bank has become involved and has gotten a management crew on the Clearview Road property and the property on Saint Lauren Way is for sale and the agent has a deal in the works. So, he felt these two properties would work themselves out. Mr. Greene asked if the Tal Brook Road property is inhabited. Mr. Macke said it is a rental house and is currently vacant. He had some contact with the owner who told him it would be taken care of by next weekend. Mr. Smith asked if the owner was paying a lease tax on this property since it is a rental house. Mr. Macke said he was not sure. Mr. Smith asked if this was something Mr. Frank Lopez might want to look into as well as a business license. Mr. Lopez said he would be happy to do so.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5418-16 – 2016 BACK TO SCHOOL SALES TAX HOLIDAY**

The City Attorney read Resolution No. 5418-16. This resolution provides for the Back to School Sales Tax Holiday to be held during the period from 12:01 a.m. on Friday, August 5, 2016 and ending at midnight on Sunday, August 7, 2016.

Mr. Smith made a motion to approve **Resolution No. 5418-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Mr. Smith noted that at a previous meeting Mr. Dan Fulton suggested extending the holiday to a full week event. He inquired as to the feasibility of even one or two more days. Mr. Frank Lopez said the dates and times of the sales tax holiday are set by state legislative act and to amend it would require going back through the legislature and the state would have to agree to extend their sales tax holiday as well. Mr. Smith noted it was too late to do anything this year.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience. There being none, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5419-16 – ACCEPTANCE OF PUBLIC IMPROVEMENTS – LAKE CYRUS 10TH SECTOR, 6TH, 7TH AND 9TH ADDITIONS**

The City Attorney read Resolution No. 5419-16. This would authorize the acceptance of public improvements within the road right of way of Lake Cyrus 10th Sector 6th Addition, Lake Cyrus 10th Sector 7th Addition and Lake Cyrus 10th Sector 9th Addition at the request of D. R. Horton, Inc. and Signature Homes.

Mr. Smith made a motion to approve **Resolution No. 5419-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council and the audience. There being none, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5420-16 – DECLARE AS SURPLUS - EQUIPMENT, VEHICLES AND POLICE MOTORCYCLES**

The City Attorney read Resolution No. 5420-16. This would declare certain equipment and vehicles as surplus to be sold as is at public auction. It would also declare four police motorcycles as surplus to be sold to other local law enforcement agencies.

Mr. Smith made a motion to approve **Resolution No. 5420-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council. Admiral Natter noted that the resolution called for the motorcycles to be sold to local law enforcement agencies but at the work session Chief Derzis said there were some out of state agencies interested in purchasing them. Officer Al-Dakka concurred. Mr. Smith amended the motion to include that the four police motorcycles be given the opportunity to be sold to law enforcement agencies outside the local community. Mr. Skelton seconded the motion.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience. There being none, on voice vote the motion as amended carried unanimously.

10. **RESOLUTIONS 5421-16 AND 5422-16 – AUTHORIZE MAYOR TO EXECUTE DOCUMENTS GRANTING EASEMENTS TO ALABAMA POWER COMPANY ON EVENT CENTER PROPERTY AT HOOVER MET**

The City Attorney read Resolution No. 5421-16. This would authorize the Mayor to execute a temporary pole line easement to Alabama Power Company on the event center property at the Hoover Met.

The City Attorney read Resolution No. 5422-16. This would authorize the Mayor to execute a distribution facilities easement to Alabama Power Company on the event center property at the Hoover Met.

Mr. Smith made a motion to approve **Resolution No. 5421-16 and Resolution No. 5422-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **ORDINANCE NO. 16-2301 – AMEND MUNICIPAL CODE TO ADD SOLICITATION AND PEDDLING REGULATIONS**

The City Attorney had the Second Reading of Ordinance No. 16-2301. This ordinance amends the Municipal Code by amending Chapter 8, Licenses and Business Regulations, to add Article XIII, Solicitation and Peddling Regulations. Under these regulations solicitors and peddlers will be required to obtain a permit and an identification badge from the revenue department in order to solicit or peddle at residences within the city. As part of the permit approval process applicants will be required to undergo a criminal background check. Solicitors and peddlers will also be required to abide by rules of conduct set forth in the ordinance including hours of solicitation and not entering upon property marked with a no solicitation sign and other rules of conduct. It also exempts certain individuals and organizations from solicitation including solicitations made by local affiliates of nationally recognized charitable or benevolent entities which would cover girl scouts, boy scouts, 4H, school organizations that have an umbrella from a national organization it uses for fundraising, solicitations made on behalf of an organization or group that is affiliated with primary, middle or secondary education or a canvasser who is simply gathering information.

Mr. Smith made a motion to adopt Ordinance No. 16-2301. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council.

Admiral Natter commented on Section 8-410 which shows the hours of solicitation as 9 a.m. to 6 p.m. He asked what the other cities in the area had adopted in this regard. The City Attorney said Homewood is 9 a.m. to 6 p.m. (adopted in 1987); Vestavia Hills is 9 a.m. to 7 p.m. (adopted in 2012); Irondale is 9 a.m. to 6 p.m. (adopted in 2015); Pelham is 9 a.m. until one hour after sundown (adopted in 1978); Helena has a proposed ordinance that is 9 a.m. until sunset; Calera is 9 a.m. until one hour after sundown (adopted in 1978); Mountain Brook bars it completely (adopted in 2010). Admiral Natter expressed concern that since the work session on Thursday the City Council received letters from some companies. He was not sure where they are based out of. The City Attorney said it was his understanding that one is in Nashville, TN and the other is in Utah. Admiral Natter said these companies are threatening to file suit if the city does not adhere to their request of 9 a.m. to 9 p.m.

There being no further discussion from the Council, Mr. Wright called for questions or comments from the audience.

Mr. Frank Young, Attorney, Red Mountain Law Group, Birmingham, spoke representing Vivint, Inc., a home monitoring internet smart device company that is headquartered in Provo, Utah. It is a worldwide company with over one million customers in the United States. They have 21,000 customers in Alabama with quite a number of active customers in Hoover. He spoke to the question of extending the time beyond 6 p.m. to get closer to the close of business time particularly during the summer months when it is light until around 9 p.m. He said that when this ordinance was first proposed there was a 7 p.m. time frame which they could live with. The 6 p.m. time frame does not do a service to the Hoover community. He requested that the Council at least extend it back to the 7 p.m. time frame and an even longer time frame in the summer months.

Admiral Natter noted that the letter received from the Assistant General Counsel for Vivint, Inc. requested a time period of 9 a.m. to 8 p.m. Mr. Young said the best circumstance would be 8 p.m. or dusk whichever would be later but they would be happy if the Council extended beyond the 6 p.m. deadline which is too restrictive.

Mr. Smith noted they have 21,000 customers in Alabama which has a population of approximately 4.3 million.

Admiral Natter asked who the company utilizes as solicitors. Mr. Young said the company has a group of trained professionals both in Utah and here in Alabama that are employees of the company. They are licensed by the state and go through a rigorous examination to be able to look at the product knowledge and understand the ethical rules which is extremely important to Vivint. The company also has trained service technicians that set up the electronic equipment in the homes. Admiral Natter asked would they be covered by the company's liability insurance. Mr. Young replied yes. Mr. Smith asked if they paid employment tax to the State of Alabama. Mr. Young did not know the answer to that question. Mr. Smith said that may be something Mr. Frank Lopez would want to look at. Mr. Smith asked if the employees were mostly college students. Mr. Young replied no; they are mostly married people who bring their families with them and they stay in Alabama three to four months in the summer season. The service technicians are residents of Alabama and are available around the clock. This is a Mormon based company and most people in the company are affiliated with the Mormon faith. Mr. Smith asked where the employees live during the transition period. Mr. Young said this year they are living in apartments located behind The Summit.

Mr. Smith asked Mr. Young how many Hoover citizens were clients of this company. Mr. Young guessed approximately seventy-five.

Mr. Daniel Snyder, Attorney, said he was engaged today by **Southwestern Advantage, Inc.**, Nashville, Tennessee, to address their issues. Their main concern is the time constraints. Admiral Natter said this is the company that requested the 9 a.m. to 9 p.m. time period. Mr. Snyder said he recalled that they requested until dusk or 8:30 p.m. whichever was earlier. Mr. Snyder said he believed they would be agreeable to anything with the time

frame being around dusk. The company hires college students to sell books during the summer months. The college students are independent contractors; not employees of the company. Admiral Natter asked if they had liability insurance on them. Mr. Snyder did not know the answer to that question.

Mr. Snyder said he noticed just from his own review today that this section of the ordinance does not seem to take into account the U. S. Supreme Court's decision from last year where they made some serious changes to the way cities have to approach constitutional issues in context of speech and content regulation. He said this section is a content based regulation because it is separating the way people are treated based on the type of solicitation they are doing. Mr. Snyder noted that the proposed ordinance does allow for the posting of no solicitation signs. He said he would ask at the very least that the city table this to allow time to work on the timing issue.

Ms. Joan Dechow, a resident of **Arbor Hill** subdivision and Chairman of the Neighborhood Watch Committee, said this neighborhood is inundated with solicitors. They have a Do Not Solicit sign on the gate to the neighborhood and they come in anyway. She asked what the consequence would be for those who violate this ordinance. The Council informed her she could call the police and that in addition to dealing with the police the solicitor would lose their permit to solicit in the City of Hoover. Ms. Dechow expressed appreciation to the Council for considering this ordinance. Mr. Smith asked by raising of hands how many citizens in the audience agreed with Ms. Dechow. There was a large show of hands. The City Attorney informed Ms. Dechow that to violate the ordinance would be a Class C Misdemeanor with fines up to \$500, six months incarceration. Ms. Dechow asked that the Council pass the ordinance at this meeting and not put it off.

Mr. Dennis Davis, a resident of Arbor Hill subdivision, said there are a lot of elderly people in the neighborhood who live alone and they are very much afraid of people ringing their doorbell all times of the day and night. He strongly urged the Council to pass the ordinance as is.

Mr. Tim Carter, 3455 Sheila Drive, concurred with the previous two speakers. He said he can always ignore a doorbell ringing but he works in his yard a lot and is often approached by solicitors outside and it is difficult to get away from them.

Mr. Arnold Singer, 613 Riverhaven Place, said there are good solicitors and bad solicitors depending on their crew leaders. He noted that most of the solicitors used by Southwest Advantage are from quite a distance away. He said they would be much more productive if they would make telephone calls and be invited to come and make their presentation.

Mr. Lyda noted that for the Arbor Hill neighborhood or any other neighborhood that has a sign posted bearing the words "No Peddlers", "No Solicitors" this proposed ordinance addresses that in Section 8-409. Should this ordinance pass in essence they will have a Mountain Brook like ordinance.

Admiral Natter stated that based on the discussion and the information received on the recent Supreme Court ruling he would make a motion that this ordinance be modified to the hours of 9 a.m. to 7 p.m. and not become effective until June 13, 2016. Mayor Ivey requested that the amendment be from 9 a.m. to 7 p.m. or dark whichever comes first because during the winter months it gets dark at 4:30 p.m. Admiral Natter modified his motion to make it 9 a.m. to 7 p.m. or sunset whichever comes earlier; year round. This motion died for the lack of a second.

Mr. Skelton made a motion to adopt Ordinance No. 16-2301 as presented, being 6 p.m., with the addition of "or sunset, whichever comes first". This motion was seconded by Mr. Lyda. Mr. Wright called for further discussion on the motion.

The City Attorney said that Mr. Skelton's motion should be considered an amendment to the motion originally made Mr. Smith and seconded by Mr. Skelton.

Mr. Smith withdrew his motion. The City Attorney said Councilor Smith has withdrawn his motion to adopt. There is an ordinance that has had a second reading. There is now an amendment to the ordinance by Councilor Skelton and seconded by Councilor Lyda. The Council can take up the amendment and then a motion can be made to adopt the amended ordinance as read. Mr. Wright asked the clerk to call the roll on the motion and second to amend the ordinance. On roll call vote of the Council the votes were as follows: Mr. Greene, Mr. Lyda, Admiral Natter, Mr. Rives, Mr. Skelton, Mr. Smith and Mr. Wright, "Yea".

Mr. Smith then made a motion to adopt Ordinance No. 16-2301 as amended. This motion was seconded by Mr. Skelton.

The City Attorney suggested that because the ordinance is being amended on the second reading the Council should suspend the rules for immediate consideration, make this a first reading of the ordinance as it has been amended, and then move to adopt after the rules are suspended. The Council would then go back to the regular order of business.

Mr. Smith rescinded his last motion and made a **motion to suspend the rules for immediate consideration** of the amended ordinance. This motion was seconded by Mr. Skelton. On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea".

Mr. Smith made a motion to **adopt Ordinance No. 16-2301 as amended**. This motion was seconded by Mr. Skelton. On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea".

12. **2ND READING ORDINANCE NO. 16-2306 – AMEND MUNICIPAL CODE – PARKS AND RECREATION**

The City Attorney had the second reading of Ordinance No. 16-2306. This would amend the Municipal Code, Chapter 11.5, Parks and Recreation. The Alabama Legislature enacted legislation completely preempting the entire code of regulation in this state touching in any way upon firearms to the complete exclusion of any order, ordinance or rule promulgated or enforced by any political subdivision of the state certain exclusions. The city received a complaint from the Alabama Attorney General's Office stating that his office had received a sworn petition requesting an investigation of signs prohibiting firearms posted at city-owned parks and facilities. Subsequent to this investigation the Attorney General determined that Alabama Law does not allow the City of Hoover to prohibit firearms at public parks. Currently the Municipal Code does not permit the possession or carrying of firearms at city athletic parks, lake parks, passive or playground parks and preserves. The city was given until May 16th of this year to modify any ordinances that regulate firearms and to remove any signage related to the firearms at city-owned parks. This ordinance would remove the word *firearms* from the list of prohibited items at all city-owned athletic parks, lake parks, passive or playground parks and preserves.

Mr. Skelton made a motion to **adopt Ordinance No. 16-2306**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council.

Mr. Smith asked the City Attorney to verify that this does not include any school campus property. The City Attorney said that is correct as they are not city-owned facilities.

Mr. Rives said the Hoover Met is a city-owned facility and is also a park. He was concerned that because it is a park the city would not be allowed to prohibit firearms at the Hoover Met. The City Attorney said that if the city controls access, limiting ingress and egress, to a facility then it can prohibit firearms. He said the Hoover Met is owned by the Hoover Park and Recreation Board but the city controls the ingress and egress to it so he believed signage is allowed there.

Admiral Natter said he understood that the Hoover Public Library has a police officer that controls the ingress and egress of that facility so no weapons are allowed at the library. Officer Al-Dakka said there was a police officer there for a couple of weeks while they were reviewing the Attorney General's opinion but the signs have been removed from the library and there is no longer a guard or police officer at the entrance to the library. There is an officer that works there about 22-25 hours throughout the week but not at the entrance. Admiral Natter asked then is open carry then allowed at the library. Officer Al-Dakka answered yes, based on the Attorney General's opinion. Mr. Smith asked about the availability of reserve officers like the ones used in the schools. He asked would they have the same authority. Officer Al-Dakka said they do have the same authority but they are utilized for the schools and there are not that many of them.

There being no further discussion, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea".

13. **1ST READING ORDINANCE NO. 16-2307 – AUTHORIZE ISSUANCE OF GENERAL OBLIGATION WARRANTS, SERIES 2016**

The City Attorney had the First Reading of Ordinance No. 16-2307. This would authorize the issuance of not exceeding \$80,000,000 principal amount of general obligation warrants, Series 2016.

The second reading and consideration for adoption will be on Monday, June 20, 2016.

14. **PUBLIC HEARING – REZONE APPROXIMATELY 1519.3 ACRES TO PLANNED UNIT DEVELOPMENT TO BE KNOWN AS BLACKRIDGE – JONATHAN BELCHER, BLACKRIDGE PARTNERS, LLC AND RIVERWOODS HOLDINGS, LLC – 2ND READING ORDINANCE NO. 16-2303**

Mr. Wright said this is the public hearing to consider the request of Jonathan Belcher, Blackridge Partners LLC, to rezone approximately 1519.3 +/- acres located east of South Shades Crest Road, north of the Cahaba River, and lying between Stadium Trace Parkway and Highway 52 from A-1 (Agriculture) and NZ (Not Zoned) to **PUD** (Planned Unit Development) to be known as **Blackridge**. This property is owned by Blackridge Partners, LLC, and Riverwoods Holdings, LLC. *PZ Case #Z-0416-03*

Mr. Bob House, Planning Consultant, distributed handouts summarizing the PUD request. He explained that there had been one change and one clarification in the summary since the last meeting. These changes were highlighted in yellow on the summary sheet. The one change was dealing with the density to be preserved by the developer in the future. That concept has been eliminated so now the entire density of 2,232 dwelling units will never be used at all on the property. There were 3,382 units allocated for this property back in 1994 as far as the annexation guidelines. That number minus the proposed density of 1,150 units equals 2,232 which is a reduction of about two-thirds of the density. The point of clarification is the last item on the summary dealing with the \$1500 fee to be paid at the time building permits are issued. This clarifies that (pursuant to the annexation conditions) each applicant for a building permit to construct a dwelling on the property shall pay \$1500 in addition to the current building permit fees charged by the city. This is unique to this project. He gave a general overview of the proposed development which is contained in the summary handout. This handout is a part of the permanent record and is on file in the office of the city clerk.

Mr. Wright asked what year this property was annexed into Hoover. Mr. House replied 1994.

Mr. Wright called for questions or comments from the Council.

Mr. Lyda asked what would be the ramifications for the city if the property were left unzoned. Mr. House said the city has to allow development of any piece of property in the city. It has to be zoned for some use. It is a constitutional issue. The government cannot take property without compensation. Everyone has the right to develop their property. It is the city's job to determine the most appropriate use of the property.

Mr. Smith said it was his understanding then that entire \$3,000 from building permit fees would end up going to the schools. Mr. House said it would go to the city and the City Council would determine how it is spent. Mr. Smith noted the Council had already passed an ordinance that the current building permit fees (\$1500) would go to the schools. Mr. House clarified that this ordinance does not deal with how the additional \$1500 would be distributed.

Mr. Wright asked Mr. Robert Yeager to make sure there is a budget resolution to address the additional \$1500 for the future.

Mr. Jonathan Belcher, Signature Homes, 3545 Market Street, Hoover, 35226, said he read Mr. House's summary and it covers all of the main points. He said he was presenting the Blackridge PUD on behalf of Blackridge and Riverwoods. The property consists of 1523 acres of which Signature Homes owns 700 acres and Riverwoods owns the additional 823 acres. The property included in the PUD is part of an annexation that took in the years 1993 and 1994. During that time there was a total of 2,420 acres that were annexed. The annexation included conditions that were based on the total number of homes to be built at a density of 2.2 dwellings per acre for a total of 5,420 dwellings. The conditions included public recreation space, a school site and a public safety building or fire station. The size of the public recreation space and the school site were both based upon the number of homes to be built. Their proposal includes an area that results in a maximum density of 3,382 homes. However, they evaluated the property and saw an opportunity to provide something unique to the City of Hoover and that is to develop a community that primarily consists of larger home sites that would average over one acre based on a density of 1,150 homes across the 1523 acres. It will be anchored by a 100 acre recreational lake on the property. In doing so they were able to reduce their density from 3,382 dwellings to 1,150 dwellings. It is still a large community but is one-third of what could be built on the property today. As this will be a gated community the roads will be private and maintained by the community so there will be no additional burden on the city. This will also make a significant reduction in the traffic that is proposed on Stadium Trace parkway. The public recreation site they are proposing is not located on the property because of the gated area. They own the property immediately adjacent on Wilborn Lake and their proposal is to include a park in this area that would be over 60 acres. The annexation conditions based on the 1,150 homes would only require a 29 acre park space. The proposed park space on the Wilborn Lake property is located along the Cahaba River. The city does not currently have any significant park space along the Cahaba River. They have evaluated this with the Cahaba River Society and the river keeper in the area and they believe it will be an ideal site for a canoe launch there and just a great preserve for the city to have in the future. He said he had presented their proposal to Dr. Kathy Murphy, Superintendent of Hoover City Schools, and shared a report with her that the

reduced density would not require a school site yet. The annexation conditions stated that once 1800 units are built a school site will be required. This does not eliminate a future school site. They just have not reached that number of units yet. This site also does not constitute all of the annexation property. Last week he sent a study to the City Council and Dr. Murphy that showed the reduction of the number of students that would result in their proposal which would be a total reduction of 815 students less than what is currently approved by the annexation conditions when the property is fully complete. While the requirement of a public safety building is based on all of the annexation property they have committed to build a fire station at which time the fire department deems necessary. Additionally, they provided in their PUD a provision for a temporary fire station if the fire department would like to have one. They have included in their PUD that no lots on the Signature Homes property will be recorded until Stadium Trace parkway has been extended and the bridge over the railroad crossings between Wilborn Lake and Blackridge has been completed. Additionally, no lots will be recorded on the Riverwoods property until the second bridge has been completed between the Blackridge and Riverwoods property.

Mr. Smith asked how long before they expect the first dwelling to be inhabited and how long before they would be fifty percent complete. Mr. Belcher said it would be close to two years for the first dwelling and six to seven years to be fifty percent complete.

Mr. Lyda noted there is a history with the Chestnut Ridge residents regarding concerns about spray fields being used for sewage. He asked Mr. Belcher to confirm that these will not be used here and that the sewage will be handled either by Jefferson County or other wastewater treatment. Mr. Belcher said that was correct. The proposal is to be provided by Jefferson County Environmental Services primarily. There are a few home sites that may be serviced by septic tanks.

Mr. Wright opened the floor to those who wanted to speak in opposition.

Dr. Kathy Murphy, Superintendent, Hoover City Schools, said she looked forward to an opportunity when the city, the school district and the developers are all able to come to the table together to talk about long term strategic planning and the impact that any growth development in the city has on the school district. She was very appreciative of the developers for sharing with the school district but there is a difference in being informed and in being engaged. She noted that out of every single family dwelling home their anticipation is about .37 of a child. So, 2.73 homes is equivalent of a child coming from that many units. She encouraged everyone to be asking what kind of school district we want to have and let's make sure as we are thinking about growth and development within the city to be thoughtful about the impact on the school district as they are trying to educate those children. In looking at the calculations for the full completion of this 10 or 15 years from now we will actually be over our capacity. Based on Signature Homes' calculations after all homes are built will be about 5,288. The maximum capacity for the two high schools is 5,372. They prefer an optimal capacity number which would be 4,834. She said we are going to have to be thoughtful about how over the next ten years or so we are making sure we can facilitate and accommodate. She thanked Jonathan Belcher and others who have come to the table to share with her about projected development.

Mr. Arnold Singer, 613 Riverhaven Place, said Stadium Trace parkway is a public access road. He suggested that once access is limited the name of the street be changed from Stadium Trace parkway to avoid confusion as to where people are allowed and where they are not allowed. He said there had been a lot of discussion about the role of developers in politics, etc. He said the difference in a great developer and not so great developer is one who looks at the zoning ordinance and says they can live with the requirements or even less than what is required rather than wanting more. He felt that is how the community should look at the difference in development.

Mr. Smith asked Dr. Murphy to clarify her statement about the 5,288 figure. Dr. Murphy said that was total homes enrollment after all the homes are built out. Mr. Smith asked how many additional students she anticipated from this development into the school system as a whole. She said she did not have that number but the school district calculations are one student per 2.73 homes.

Mr. Belcher said the 5,288 figure is the projected enrollment at the high school level only. When they put the study together they felt that their largest constraint was the high school level. They took all of the homes that were currently zoned in the city; not just the Blackridge PUD which is 1,150. There are a total of 8,191 approved homes on the books today. They have reduced that by 2,232 which means there are almost 6,000 more homes to be built in the city of which their proposal is 1,150 (about twenty percent). Assuming all homes on the books are built out the projection based on the current ratio of students per household would be 5,288 high school students. Mr. Smith inquired as to the number of students this development alone would bring to the school system. Mr. Belcher said approximately 460. He guesstimated that 170-180 of those would be high school level.

Admiral Natter said it was his understanding that the School Board has an ongoing look at the future from additional schools, where to put them, etc. So, the school system in itself is not stymied or rock solid. Dr. Murphy mentioned working together and being engaged but it is his understanding that the school board continuously looks to the future as to what the needs will be. Dr. Murphy concurred.

Mr. Curt Posey, 238 Cambo Drive, asked Mr. Belcher what were the ad valorem dollars that this development would bring to the city once all 1,150 homes are sold. Mr. Belcher said the average price of the homes would be north of \$500,000 to \$600,000 times 6.5 mills would be at least \$300 per house to the city in ad valorem.

The City Attorney had the Second Reading of Ordinance No. 16-2303.

Mr. Lyda made a motion to **adopt Ordinance No. 16-2303**. This motion was seconded by Admiral Natter and Mr. Skelton. On roll call vote of the Council the votes were as follows: Mr. Greene, "Nay"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried.

15. **PUBLIC HEARING – REZONE 6.63 ACRES AT 1000 RV TRACE FROM A-1 TO C-2 FOR CONSTRUCTION OF NEW BUILDING ON CITY PROPERTY**

Mr. Wright said this is the public hearing to consider the request of The City of Hoover to rezone approximately 6.63 acres of Lot 3, Hoover Met Resurvey located at **1000 RV Trace** from A-1 (Agricultural District) to C-2 (Community Business District) for the construction of a building for the new Hoover Sportsplex. This property is owned by the City of Hoover. *PZ Case #Z-0516-04*

The City Attorney had the Second Reading of Ordinance No. 16-2304.

Mr. Lyda Mr. Lyda made a motion to **adopt Ordinance No. 16-2304**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience. There being none, on roll call vote of the Council the votes were as follows: Mr. Greene, “Nay”; Mr. Lyda, “Yea”; Admiral Natter, “Yea”; Mr. Rives, “Yea”; Mr. Skelton, “Yea”; Mr. Smith, “Yea”; and Mr. Wright, “Yea”. The motion carried.

16. **PUBLIC HEARING – REZONE 3428, 3432, 3436 & 3440 SIERRA DRIVE FROM C-1 TO C-2 FOR ADDITIONAL PARKING FOR AUTOMOBILE DEALERSHIPS – DANIEL BRADEN**

Mr. Wright said this is the public hearing to consider the request of Daniel W. Braden, Braden properties II, LLC requesting to rezone 4 lots located at **3428, 3432, 3436 & 3440 Sierra Drive** from C-1 (Neighborhood Shopping District) to C-2 (Community Business District) to provide additional parking area for the King Acura and Tameron Honda automobile dealerships. This property is owned by Anne H. Sarrels, James O. Bendall & Albert Lee Bendall and William M. & Lena T. Willoughby. *PZ Case #Z-0516-05*

The City Attorney had the Second Reading of Ordinance No. 16-2305.

Mr. Bob House, Planning Consultant, distributed a handout of the conditions recommended by the Planning and Zoning Commission. The fifth item has changed since the handout distributed at the May 16, 2016 Council meeting to state that access on Sierra Drive is prohibited. He reviewed the conditions as follows: (1) The property shall be limited to the storage of new cars and operable used cars, and employee parking; (2) All light fixtures shall be LED zero cutoff fixtures. Light fixtures shall not exceed 16 feet in height and shall not cast light off the premises. (3) The fence and gate along Sierra Drive shall be decorative black metal as shown on the attachment. All other security fencing shall be black vinyl coated chain link. The maximum height of all fencing shall be six feet. The landscaping along Sierra Drive shall be located between the fence and the Sierra Drive right of way. (4) Automobile delivery trucks shall not be parked on Sierra Drive. (5) Access to Sierra Drive is prohibited. (6) Advertising signs are prohibited on the subject property.

Mr. Smith asked if Acura had withdrawn. Mr. House said this was a joint venture between Acura and Tameron. Acura has withdrawn since Tameron can access this property from their existing dealership so there is no need for a driveway onto Sierra Drive. Mr. Smith said

they would then be able to make full use of all of the properties. Mr. House replied yes. Mr. Smith asked if these properties would remain subdivided for future purposes. Mr. House said it would be to their advantage to resurvey the lots into one parcel based on the zoning requirements.

Mr. Rives said he understood then that what is shown as two parking lots would then be a single parking lot. Mr. House said that was correct; with no driveway onto Sierra Drive. The gate would be on the other end.

There being no additional discussion from the Council, Mr. Wright asked if there were those in the audience who wished to speak in opposition.

Mr. Tim Carter, 3455 Sheila Drive, said he has lived in this neighborhood for thirty-two years and was happy to hear there would be no driveway onto Sierra Drive as that was one of his biggest concerns. He is still concerned that now instead of facing smaller businesses the neighborhood will be facing the back of the car dealerships which he feels will lower the value of their homes. He said they already experience noise from the loud speakers at the dealerships and he was concerned that they would be hearing them from the new parking lot as well which is even closer to the neighborhood. He also noted there is a school bus stop there which he did not feel was safe because it is a business area and would now be even more enclosed. Mr. Wright shared his handout with Mr. Carter so that he could look at the drawing of the proposed parking lot addition.

Mr. Smith asked Mr. House if there had been any discussion about audible devices. Mr. House replied no, but a restriction can be added that amplified audio devices are prohibited on the subject property.

Mr. Carter added that the zoning change from C-1 to C-2 will be less restrictive on the businesses there. He questioned whether the car dealership would have to come back if they wanted to move the body shop closer to Sierra Drive in the future. Mr. House said these conditions would regulate the property regardless of ownership so any use of this property other than what is limited here and described here would have to come back for an amendment to the conditions of this ordinance before the Planning and Zoning Commission and City Council.

Mr. Carter said he assumed that the amount of traffic would not change. He asked if Sierra Drive could be widened as part of the construction of the parking area or at least fill in the ditches. There are certain places on the street that are narrower with ditches on both sides. He suggested covering the ditch at least on that side of the street.

Mr. Smith asked Rod Long, City Engineer, if the width of Sierra Drive met current city standards. Mr. Long said it about 20 feet in width which is a little below standard. He noted that the ditches will be filled in along the frontage of the subject property which will provide better shoulder in that area. Mr. Smith inquired as to the width of Shades Crest Road. Mr. Long replied 22 feet. Mr. Smith suggested considering Sierra Drive in a future budget.

Mr. Carter said that several neighbors mentioned to him their concerns about employees from the service departments of the car dealerships speeding down Sierra Drive when they are test driving the vehicles that are in for repair. Officer Jehad Al-Dakka made a note of this complaint and said he would look into it.

Mr. Carter then discussed the issue of the big car haulers for King Acura unloading on Bailey Drive. Mayor Ivey said that is because they can get in the car lot but they cannot get back out. He said Crest Cadillac uses small trucks versus eighteen wheelers and unloads on the lot.

Mr. Carter also noted that people in general use this road as a short cut and are constantly running the stop sign at Bailey Drive and Sierra Drive.

Mr. Lyda made a motion to **adopt Ordinance No. 16-2305**, subject to the conditions recommended by the Planning and Zoning Commission with the addition that amplified public address systems are prohibited on the subject property. This motion was seconded by Mr. Skelton. On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried unanimously.

17. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Skelton. Mr. Wright called for questions or comments. There being none, on voice vote the motion carried unanimously.

Mr. Wright called for additional comments or questions from the Council or the audience.

Mr. Dan Fulton, 1440 Alford Avenue, stated Dr. Murphy had been attending some of the City Council meetings and he encouraged all of the City Council to attend the next Board of Education meeting. The Board of Education is now providing video recording and posting it on You Tube and he encouraged the City Council to consider doing the same for City Council meetings. He then commented on the five baseball fields proposed for the sports complex. He asked how the number of fields was determined. Mr. Tim Westhoven said it was based on the amount of land available and is split between baseball, soccer, lacrosse and football. Mr. Fulton discussed Page 6 of the 2015 CAFR regarding sales and use tax revenue which shows that revenue has been flat in this area for the last two years and there is a sentence on the page that says city management expects to maintain the fiscal year 2015 level of sales tax receipts in the near future. He asked the Mayor and Council what the city is doing to enhance and increase this revenue. Mr. Rives talked about the construction of the sport and event facility which will increase revenue for the city. Mr. Smith added that the city has a great demographic system with a median income over \$85,000 per year and that is what brings to the city places like Von Maur and other places filling empty buildings. The city works with the Chamber of Commerce and the Chamber works with the business community with a great demographic system and school system. Mr. Fulton then discussed the upcoming \$80 million bond issue. He inquired as to the meaning of the section titled *Miscellaneous*. Mr. Smith said it was his understanding that the staff intends to come to the Council with a list of capital projects that the city would be able to

fund with part of that money instead of waiting possibly for years. Some of those being roadwork projects which will help transportation around the city. Mr. Fulton commented on a recently burglary that took place at the Best Buy in Hoover emphasizing the need for additional police officers and the importance of protecting the city's retail. Mr. Fulton concluded with a request for additional funding for the schools. He called on the Council to immediately provide an additional \$6 million to the Hoover City Schools and then pledge for the next budget to provide \$10 million and going forward provide up to \$6 million to \$10 million each year to the Hoover City Schools. He said the schools have some serious funding problems and he felt that the city needed to step up and do what it should do and what it pledged to do when the school system first started.

Mr. Arnold Singer, 613 Riverhaven Place, said he would not be present at the next meeting and wanted to offer his comments at this time about the new sportsplex and SEC Baseball. He believes the Council's vote on the \$80 million bond issue at the next meeting will have a major effect on election results. At the last meeting in December Allen Pate discussed the need for the athletic complex to handle the city's growing population and attract bigger sports tournaments. It was also mentioned that this new facility would help ensure that Hoover would be awarded a new contract to host the SEC Baseball tournament. The criteria established by the SEC involved a three year contract with two one year options. Last week Hoover was unanimously named by all fourteen athletic directors as the host city. There will now be a \$6 million increase in the cost of the sportsplex as a result of adding 11,000 square feet, making five baseball fields the same dimensions as the Hoover Met field and other enhancements. One of the fields is to have the same orientation as the Hoover Met field. He said that in the 8 ½ years he has lived here the city has always prided itself on being fiscally prudent. He questioned whether that is beginning to change. Assuming a five year contract is negotiated Hoover will still be making interest payments only on the \$80 million and will not have begun paying down the principal. He questioned how the city would pay for this. He is expecting the reintroduction of the 3% increase in the lodging tax since that will be paid by the visitors. He expressed concerns about the downgrading of Hoover debt because it is funding marketing costs rather than long term facilities. He recently read that the final terms of the contract are to be negotiated and he suggested that when Mr. Hallman sits down with the SEC to negotiate the length of the contract for Hoover to host the SEC Baseball Tournament that he asked for a 15 year contract with two three year options in the name of fiscal sanity. If the SEC rejects a reasonable length of contract then Hoover should do the honorable thing and walk away. He said the original sportsplex could still be built but suggested hiring a professional firm to bring events to the Hoover Met and sportsplex that are net profitable to the municipal balance sheet as well as the hotels, restaurants and retail stores of Hoover. He said he hoped he had given a different view of the financial stability or instability that we face as a community.

There being no additional comments or questions, the meeting was adjourned.