

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Tuesday, September 6, 2016

TIME: 6:00 P.M.

PLACE: Hoover Municipal Center

PRESENT: Mr. Jack Wright, Council President
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ABSENT: Mayor Gary Ivey
Mr. John Greene, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Linda Andrews, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
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. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
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**

The City Attorney read a **Proclamation** declaring August 7, 2016 as **RIDE4GABE DAY TO END DUCHENNE**. Mr. Allen Pate, Executive Director, presented for Mayor Ivey the framed proclamation to Scott and Tracy Griffin, Gabe Griffin, and Michael Staley.

The City Attorney read a **Proclamation** declaring September, 2016 as **GYNECOLOGIC CANCER AWARENESS MONTH**. Mr. Allen Pate, Executive Director, presented for Mayor Ivey the framed proclamation to Kelly Rice, Doris Moody and Alice Laurendine.

Mr. Lyda made a motion to declare Council Place No. 6 as vacant and to **appoint Casey Middlebrooks** to fill the unexpired term of **Place No. 6** on the City Council. This motion was seconded by Admiral Natter and Mr. Smith. On voice vote the motion carried unanimously.

Judge Brad Bishop administered the **Oath of Office** to **Casey Middlebrooks**. Mr. Middlebrooks then took his seat with the City Council. Mr. Middlebrooks thanked all those who came out to support him tonight and throughout the campaign process. He said he was deeply honored and humbled and looking forward to serving the citizens of Hoover and driving Hoover forward.

Admiral Natter stated that Judge Bishop has served as the Municipal Judge for the City of Hoover for a total of twenty years. He is also a Professor at Cumberland and has written many books on municipal law and is admired by municipal judges all over the State of Alabama and the southeast. He thanked Judge Bishop for being here.

2. APPROVAL OF MINUTES

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the August 15, 2016 regular meeting and the August 30, 2016 special meeting.

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

3. RESOLUTION NO. 5455-16 – BID NO. 07-16 – OLD COLUMBIANA ROAD AND DEO DARA DRIVE ROAD IMPROVEMENTS PROJECT

The City Attorney read Resolution No. 5455-16. This would award Bid No. 07-16 for Old Columbiana Road & Deo Dara Drive Road Improvements Project to Wiregrass Construction Company, Inc. in the amount of \$882,026.00; theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5455-16**. This motion was seconded by Mr. Rives and Admiral Natter.

Mr. Wright said it was his understanding this project is a little below the budget level. Mr. Robert Yeager stated that was correct. Mr. Smith asked Mr. Westhoven to give a short description of this project. Mr. Westhoven said this project will improve Old Columbiana Road, widen it to a normal standard width, provide curb and gutter over its entire length and add a sidewalk that will connect up in front of Green Valley Elementary School over to the sidewalk that was started on Deo Dara Drive and connects up to the sidewalk on Patton Chapel Road. Admiral Natter asked if there any clauses in the agreement regarding penalties for late finishing or bonuses for early finishing. Mr. Westhoven said there are no bonuses or early finishing but there is typically a clause for \$250 per day for liquidated damages. Mr. Rives said it was his understanding that this will also prevent the cars that pull in behind the

automobile dealership that backs up to Old Columbiana Road. Mr. Westhoven stated that was correct. That will be curb and gutter.

Mr. Wright called for additional discussion from the Council or the audience. There being none on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5456-16 – AUTHORIZE ACCEPTANCE OF PUBLIC IMPROVEMENTS WITHIN ROAD RIGHT OF WAY – HUNTERS GATE SUBDIVISION**

The City Attorney read Resolution No. 5456-16. This would authorize the acceptance of public improvements within the road right of way of Hunters Gate subdivision at the request of D. R. Horton.

Mr. Smith made a motion to approve **Resolution No. 5456-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience.

Mr. Smith asked Mr. Rod Long to give a short synopsis of this resolution. Mr. Long said Hunters Gate is a subdivision located off of Doug Baker Boulevard that has been under construction for a couple of years. The construction of the houses is almost complete and it is time to finish out the street. The developer has asked for acceptance. Mr. Smith explained that once the city accepts the street it is the city's responsibility to maintain the street. Mr. Long concurred. Admiral Natter asked if this subdivision was put in before or after the city began requiring sidewalks. Mr. Long said it was after so sidewalks are present at least on one side.

There being no further discussion on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5457-16 – DECLARE PROPERTY AT 2308 EMPIRE ROAD AS PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 5457-16. This would declare property located at 2308 Empire Road as a public nuisance due to weeds and/or grass. This resolution originally contained two other properties: 4612 Banks Lane and 2609 Ornamental Lane but these have been removed as the grass has been cut to the satisfaction of the city.

Mr. Smith made a motion to approve **Resolution No. 5457-16** with the elimination of all properties, with the exception of 2308 Empire Road. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5458-16 AND RESOLUTION NO. 5459-16 – AUTHORIZE MAYOR TO EXECUTE AGREEMENTS WITH ALDOT REGARDING TRAFFIC SIGNAL SYSTEM UPGRADE**

The City Attorney read the following resolutions that would authorize the Mayor to execute agreements with the Alabama Department of Transportation regarding Traffic Signal System Upgrades as follows:

Resolution No. 5458-16 – Standard Project Resolution

Resolution No. 5459-16 – Traffic Signal Control Maintenance Agreement

Mr. Smith made a motion to approve **Resolution No. 5458-16 and Resolution No. 5459-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5460-16 AUTHORIZE MAYOR TO EXECUTE REIMBURSEMENT AGREEMENT WITH AT&T CORPORATION**

The City Attorney read Resolution No. 5460-16. This would authorize the Mayor to execute a Reimbursement Agreement with AT&T Corporation for the costs related to protect, relocate and lower a section of the AT&T Birmingham to Montgomery Cable within an AT&T easement located on the new sports and events center property.

Mr. Smith made a motion to approve **Resolution No. 5460-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience.

Admiral Natter asked how much of this is included in the overall budget. Mr. Westhoven said this was included in the utility relocation budget for this project.

There being no further discussion, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5461-16 – DECLARE AS SURPLUS – ONE CONFISCATED TRAILER AND SEVERAL POLICE VEHICLES**

The City Attorney read Resolution No. 5461-16. This would declare as surplus one confiscated trailer to be sold AS IS at public auction and several police vehicles to be sold AS IS to law enforcement agencies.

Mr. Smith made a motion to approve **Resolution No. 5461-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience.

Admiral Natter asked Chief Derzis how he determined which law enforcement agencies would receive these vehicles. Chief Derzis said he had already been in contact with several from departments the city has sold vehicles to in previous years. There are currently eight to ten police departments that are interested. The vehicles are sold AS IS. The majority of the departments are smaller agencies that cannot afford to buy a new product and have been buying used cars from the City of Hoover for several years. He gave a brief description of the cars to be sold.

Mr. Middlebrooks asked Chief Derzis to describe the process of selecting the vehicles that go to auction. Chief Derzis said the city has a shop that maintains all of the vehicles and these cars are high mileage. Once a vehicle reaches approximately 100,000 miles the shop generally wants them to start looking at selling them and purchasing new models.

Mr. Lyda said it was also important to note that the hours on these engines is often much higher than the mileage. Chief Derzis concurred.

There being no further discussion, on voice vote the motion carried unanimously.

9. **PUBLIC HEARING – CONDITIONAL USE – TRAMPOLINE PARK – 1694 MONTGOMERY HWY, SUITE 210 – David VanVurst, Applicant**

Mr. Wright stated this is the public hearing to consider the request of David VanVurst, representing Vanree LLC, d/b/a SkyZone Sports Kennesaw, for **Conditional Use** approval to allow a

trampoline park to be located at 1694 Montgomery Highway, Ste #210. DLC Management Corporation is the property owner and the property is zoned C-2 Community Business District. *PZ Case #C-0816-10*

Mr. Lyda made a motion to approve the **Conditional Use**. This motion was seconded by Mr. Rives. Mr. Wright asked if there were those present who wished to speak in opposition. There were none. He then called for discussion from the Council. There being none, on voice vote the motion carried unanimously.

10. **PUBLIC HEARING – AMENDMENT TO INTERNATIONAL PARK PUD – ALLOW CONSTRUCTION OF ROADWAY THROUGH LOT 7 (SECOND SECTOR) – 2545 ACTON RD - TO PROVIDE ACCESS TO ADJACENT PROPERTY**

Mr. Wright stated this is the public hearing to consider the request of Engineering Design Group, LLC, for approval of an amendment to the International Park PUD to be known as the **International Park Second Sector (Lot 7 PUD Amendment)** to allow the construction of a roadway through Lot 7 (2545 Acton Road) which will provide access to an adjacent property. The adjacent property will be developed as a park for the City of Vestavia Hills. The City of Vestavia Hills is the property owner. The property is zoned PUD PO (Planned Office).

Mr. Lyda made a motion to approve the **Amendment**. This motion was seconded by Mr. Rives. Mr. Wright asked if there were those present who wished to speak in opposition. There were none. He then called for discussion from the Council. There being none, on voice vote the motion carried unanimously.

11. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Admiral Natter and Mr. Rives. 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. Lyda thanked the Board of Education and Dr. Murphy for their willingness to take the road show of their first of two required budget hearings for their upcoming fiscal year to begin here tonight in the Council Chambers at 7 p.m.

Mr. Smith again congratulated Councilman Middlebrooks. He believed that he (himself), Mr. Middlebrooks and Jason DeLuca can all argue with anyone that says their vote does not count.

Mr. Arnold Singer, 613 Riverhaven Place, said he was honored to be in the Council Chambers on **Friday, September 2, 2016** to witness democracy in action as the **Recount of Council Place No. 6** took place. He talked about seeing the front of the chambers lined up with machines, ballots being put in, the results being read and seeing the lawyers for both candidates getting along. To see the results come out as the votes were counted initially is a testament to many people. It is a testament to the city clerk and her staff, Jefferson County staff and equipment they supplied, the candidates, and the voters. He congratulated Councilman Middlebrooks on his win and he expressed appreciation to candidate Jason DeLuca.

Mr. Singer discussed a rezoning matter that would likely be coming before the Council at their next meeting as a recommendation to rezone 108 acres from un-zoned to medium density residential. This is being done as an addition to the **Black Ridge** property. He had been

assuming that at some point, especially based on the results of the election, that there would be a request to rezone property prior to the Council and Mayor undergoing the start of a master plan. He expressed concern that Black Ridge has been indicated to take 10-12 or 10-15 years to sell out. This being added here is a totally unnecessary step. He noted that the Council does not have to approve regardless of the recommendation received but if they would consider a change he suggested that what the city needs is a senior adult (55 year and up) community. The 108 acres in the middle of that overall would create a mixed residential use of the property and would serve as a win-win for everyone.

Mr. Singer said that back in December there was a resolution that came through with regard to the city absorbing the costs of the school resource officers. He asked had there been any costs for the current fiscal year for the school resource officers. If not, there is just this month left in the fiscal year to be able to do transfers if necessary. So if the Board of Education has paid some he felt it would be appropriate to refund them the amount they have paid. Mr. Yeager said the only payment the city has received is the payment for the previous year.

Mr. Singer concluded by inviting everyone to attend a session next Monday at the Public Safety Center in the defensive driver training room at 11:00 a.m. Alex Dudchock, Shelby County Manager, will be the speaker.

Lt. Rusty Lowe, Executive Officer, Fire Department, invited everyone to attend the **Patriot's Day** observance on **Monday, September 12, 2016** at Fire Station No. 2 on Patton Chapel Road at Preserve Parkway at 8:30 a.m. The Simmons Middle School choir will sing and one of the city's firefighters who just returned from the Gulf War will be the speaker. There will also be a small observance on Sunday, September 11, 2016 at each fire station at the flag pole at 8:50 a.m. to commemorate the observance of 9/11.

There being none, the meeting was adjourned.

Margie Handley, City Clerk