

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Thursday, January 18, 2018
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Frank V. Brocato
Mr. Gene Smith, Council President
Mr. John Greene, Council President Pro-Tempore
Mr. John Lyda, Council Member
Dr. Casey Middlebrooks, Council Member
Mr. Derrick Murphy, Council Member
Mr. Curt Posey, Council Member
Mr. Mike Shaw, Council Member

ALSO PRESENT: Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC
Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC
Chief Clay Bentley, Fire Chief
Ms. Amanda Borden, Library Director
Mr. Jason Cope, Director of Technology
Chief Nick Derzis, Police Chief
Mr. Greg Knighton, Economic Developer
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Umang Patel, Municipal Court
Mr. Mac Martin, City Planner
Mr. Tommy Daniel, Director, Public Works
Mr. Ben Powell, Director, Purchasing
Mr. Craig Moss, Director, Parks & Recreation
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, Chief Operations Officer
Dr. Melinda Lopez, Chief Financial & Information Officer
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Treasurer

The meeting was called to order by Council President Gene Smith.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Posey.

At this time Mr. Lyda made a motion to amend the agenda to add Resolution No. 5774-18. Dr. Middlebrooks seconded the motion. On voice vote the motion to add the item to the agenda carried unanimously. Mr. Smith stated they would have discussion after the Reports.

1. **APPROVAL OF MINUTES**

Mr. Lyda made a motion to approve the minutes of the January 3, 2018 regular meeting and January 11, 2018 work session as presented and to dispense with the reading. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council. There being none, on voice vote the motion carried unanimously.

2. **REPORTS**

Mr. Smith stated that no one is present to receive the **Proclamation** regarding **Alabama Human Trafficking Month** so Mayor Brocato would present that to them at a later date.

Mayor Brocato recognized **Mr. Rick Norris** for his 30 years of service with the City. Mr. Norris had his daughter Ellyn in attendance with him.

Mayor Brocato recognized **Mrs. Kelsi Walters** for her 20 years of service with the City. Mrs. Walters' husband, Ira and daughter, Keira were also in attendance.

Chief Derzis introduced three new police officers, Aaron Finney, Jordan Berry and Tara Bates. Officer Finney, Officer Berry and Officer Bates were sworn in by Chief Derzis at this time.

3. **RESOLUTION NO. 5774-18 – REQUEST THE ALABAMA LEGISLATURE TO FURTHER EVALUATE SENATE BILL 130 and HOUSE BILL 110**

The City Attorney read Resolution No. 5774-18 that urges the Alabama Legislature to further evaluate Senate Bill 130 and House Bill 110 prior to adoption.

Mr. Lyda made a motion to approve **Resolution No. 5774-18**. This motion was seconded by Dr. Middlebrooks. Mr. Smith called for questions or comments from the Council or the audience. Mayor Brocato thanked the Council for voting in favor of this Resolution and going on record to see if the bill can be stopped. Dr. Middlebrooks explained for the benefit of the audience that online businesses pay an 8% seller's use tax. These bills are proposing that if those online businesses relocate to a brick and mortar location in Alabama they can choose to still pay the online seller's use tax of 8% instead of paying local sales taxes.

There being no further discussion, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried unanimously.

4. **RESOLUTION NO. 5762-18 – AMEND BUDGET FYE 9/30/18**

The City Attorney read Resolution No. 5762-18. This would amend the Budget for Fiscal Year Ending September 30, 2018 as shown on the Exhibit A attached to the resolution.

Mr. Lyda made a motion to approve **Resolution No. 5762-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There was a brief discussion regarding the Communications Manager position shown in the budget amendment. There were no further comments or questions and on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5763-18 – BID NO. 17-006 – UNIFORMS, BOOTS AND ACCESSORIES FOR PUBLIC WORKS AND PARKS MAINTENANCE PERSONNEL**

The City Attorney read Resolution No. 5763-18. This would award Bid No. 17-006 for uniforms, boots and accessories for Public Works and Parks Maintenance personnel to various vendors by line item.

Mr. Lyda made a motion to approve **Resolution No. 5763-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5764-18 – BID NO. 17-039 – HOOVER MET COMPLEX SOUTH ACCESS ROAD**

The City Attorney read Resolution No. 5764-18. This would award Bid No. 17-039 for the Hoover Met Complex South Access Road to C.S. Beatty Construction, Inc. in the amount of \$3,050,435.00; 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. Lyda made a motion to approve **Resolution No. 5764-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There was a discussion regarding maintenance of the road while construction is taking place in the area. There were no further comments or questions and on voice vote the motion carried unanimously.

7. **RESOLUTIONS 5765-18 AND 5766-18 – AUTHORIZE MAYOR TO EXECUTE AGREEMENTS REGARDING HOOVER MET COMPLEX SOUTH ACCESS ROAD**

The City Attorney read Resolution No. 5765-18. This would authorize the Mayor to execute a construction management agreement with Brasfield & Gorrie, LLC, regarding the Hoover Met Complex South Access Road.

The City Attorney read Resolution No. 5766-18. This would authorize the Mayor to execute a construction materials testing and observation services agreement with Goodwyn Mills & Cawood regarding the Hoover Met Complex South Access Road.

Mr. Lyda made a motion to approve **Resolution No. 5765-18 and Resolution No. 5766-18** with the latter being subject to the City Attorney's review and approval. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5767-18 – AUTHORIZE MAYOR TO NEGOTIATE AND EXECUTE EXTENSION OF WASTE DISPOSAL CONTRACT WITH SANTEK**

The City Attorney read Resolution No. 5767-18. This would authorize the Mayor to negotiate and execute an extension of the waste disposal contract with Santek.

Mr. Lyda made a motion to **continue Resolution No. 5767-18** to the call of the Chair. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the

Council. Mr. Greene stated that a representative of Santek was in attendance. Mr. Sam Dillender, General Manager for Santek Waste Services addressed the Council and spoke regarding the complaints received throughout the holidays with the changes in waste pick-up days. There was also discussion regarding the issues with recycling and the plans to address those issues. There were no additional comments or questions and on voice vote the motion to continue carried unanimously.

9. **RESOLUTION NO. 5768-18 – AUTHORIZE MAYOR TO EXECUTE EASEMENT AGREEMENT WITH ALABAMA POWER COMPANY TO RELOCATE LINES AT THE HOOVER MET COMPLEX**

The City Attorney read Resolution No. 5768-18. This would authorize the Mayor to execute a Distribution Facilities Easement agreement with Alabama Power Company for the relocation of lines for soccer field and tennis court construction at the Hoover Met Complex.

Mr. Lyda made a motion to approve **Resolution No. 5768-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5769-18 – ACCEPTANCE OF PUBLIC IMPROVEMENTS WITHIN PUBLIC RIGHT OF WAY – LAKE CYRUS 10TH SECTOR 8TH ADDITION**

The City Attorney read Resolution No. 5769-18. This would authorize the acceptance of public improvements within the public right of way within the Lake Cyrus 10th Sector 8th Addition subdivision.

Mr. Lyda made a motion to approve **Resolution No. 5769-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 5770-18 – AUTHORIZE MAYOR TO EXECUTE RENEWAL OF WORKER'S COMPENSATION STOP LOSS INSURANCE WITH MIDWEST EMPLOYERS CASUALTY**

The City Attorney read Resolution No. 5770-18. This would authorize the Mayor to execute a Renewal of Worker's Compensation Stop Loss Insurance with Midwest Employers Casualty for two years.

Mr. Lyda made a motion to approve **Resolution No. 5770-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

12. **RESOLUTION NO. 5771-18 – AUTHORIZE MAYOR OR HIS DESIGNEE TO EXECUTE SOFTWARE SUBSCRIPTION RENEWAL WITH LogMeIn**

The City Attorney read Resolution No. 5771-18. This would authorize the Mayor or his designee to execute a software subscription renewal with LogMeIn.

Mr. Lyda made a motion to approve **Resolution No. 5771-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

13. **RESOLUTION NO. 5772-18 – AUTHORIZE MAYOR OR HIS DESIGNEE TO EXECUTE SUBSCRIPTION TO IMPLAN ONLINE**

The City Attorney read Resolution No. 5772-18. This would authorize the Mayor or his designee to execute a subscription to IMPLAN Online.

Mr. Lyda made a motion to approve **Resolution No. 5772-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

14. **RESOLUTION NO. 5773-18 – VACATION OF EASEMENT – LOT 1 VERDURE KNOLLS SECOND SECTOR – 1521 ASTRE CIRCLE (PZ Case #S0118-01)**

The City Attorney read Resolution No. 5773-18. This would vacate a 20 ft. easement located on Lot 1 Verdure Knolls Second Sector, 1521 Astre Circle (PZ Case #S-0118-01).

Mr. Lyda made a motion to approve **Resolution No. 5773-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

15. **ABC APPLICATION – COURTYARD BY MARRIOTT HOOVER – 1824 MONTGOMERY HWY**

Mr. Shaw made a motion to approve the **ABC Application** (020-Restaurant Retail Liquor) for Skyline CM Portfolio, LLC d/b/a Courtyard by Marriott Hoover, 1824 Montgomery Highway. This is a change in ownership on a previously approved site. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

16. **PUBLIC HEARING – CONDITIONAL USE – CLUBHOUSE, POOL & AMENITIES – BLACKRIDGE COVE**

Mr. Smith stated this is the public hearing to consider the request of Richard A. Johnson, II, representing Blackridge Partners, LLC, for **Conditional Use** approval for a clubhouse, swimming pool, and other community amenities to be located on Blackridge Cove. The property is owned by Blackridge Partners, LLC, and is zoned PR-1 Planned Single Family District. *PZ Case #C-1217-16*

Mr. Richard Johnson presented the Council with a handout and described the site in the Blackridge planned community for the proposed clubhouse, swimming pool and other community amenities.

Mr. Shaw made a motion to approve the **conditional use**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Dr. Middlebrooks asked about any plans for food trucks in the community and Mr. Johnson responded that the community is private and gated; the decision would be up to the homeowner's association. There were no further comments or questions and on voice vote the motion carried unanimously.

17. SET PUBLIC HEARINGS FOR MONDAY, FEBRUARY 5, 2018 AT 6:00 PM

Mr. Smith stated public hearings are hereby set for Monday, February 5, 2018 at 6:00 PM to consider the following requests which come forward with a positive recommendation from the 1/8/18 Planning and Zoning Commission meeting:

- a. Cole Williams, Goodwyn, Mills, & Cawood, Inc., is requesting **Conditional Use** approval for the **Crossings of Hoover**, a Senior Living (Independent, Dependent, and Memory Care) Center to be located at 2171 Parkway Lake Drive on the corner of Montgomery Highway and Parkway Lake Drive. The property is owned by S&K Investments and is zoned PUD PI (Planned Light Industrial). *PZ Case #C-0118-01*
- b. Rakesh Patel, representing AUM Enterprises Inc., is requesting **Conditional Use** approval for retail beer (off premises only) and retail table wine (off premises only) to be sold in the convenience store inside the Hampton Inn and Suites located at 4520 Galleria Blvd, Ste. 144. AUM Enterprises Inc. is the property owner and the property is zoned PC (Planned Commercial). *PZ Case #C-0118-02*

18. PAYMENT OF BILLS

Mr. Lyda stated he had reviewed the bills and made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. Mr. Smith called for questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Smith called for further comments or questions from the Council or the audience. Mr. Murphy asked for an update on the Highway 150 road extension. Mr. Westhoven responded he is not aware of any issues with the project and believes it is on schedule to be completed in September 2018. He said he will check the status and have an update for Mr. Murphy for the next meeting.

Mr. Posey said residents had been asking about solicitation regulations and the cut-off time for solicitation. Chief Derzis responded that 6:00 p.m. is the cut-off time.

A motion was made by Mr. Lyda and seconded by Mr. Greene to adjourn. On voice vote the motion carried unanimously.

Margie Handley
City Clerk