

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, March 5, 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: Mr. Phillip Corley, Wallace, Jordan, Ratliff & Brandt, LLC
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
Ms. Susan Fuqua, Municipal Court Magistrate
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.

1. APPROVAL OF MINUTES

Mr. Lyda made a motion to approve the minutes of the February 19, 2018 regular meeting and March 1, 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

Ms. Winnie Cooper, representing the **Pen Women** addressed those present. Ms. Cooper is Co-Chair for the Pen Women's 2018 Art Show currently on display in the lobby at City Hall and she invited everyone to view the work of the artists.

Several candidates addressed the Council and audience and asked for their support in the upcoming primary election on June 5, 2018:

Mr. Bill Veitch, Candidate, Jefferson County District Attorney;
Mr. Raymond Johnson, Jr., Candidate, Jefferson County District Attorney;
Mr. Peter "Pete" Johnson Davis, Candidate, Circuit Court Judge, Place 16, and
Ms. Allison Boyd, Candidate, Shelby County Probate Judge.

The City Attorney read a **Proclamation for Women in Construction Week**. Mayor Brocato presented the proclamation to Ms. Virnetta Woodbury, Brasfield & Gorrie and Ms. Gloria Cook, Robins & Morton. Ms. Woodbury and Ms. Cook received the proclamation on behalf of the **Greater Birmingham Chapter of the National Association of Women in Construction**.

The City Attorney read a **Proclamation for Narcolepsy Awareness Day**. Mayor Brocato presented the proclamation to Ms. Claire Auriemma and her husband, Matthew Auriemma.

3. RESOLUTION NO. 5778-18 – REVISED PERSONNEL POLICY AND PROCEDURE MANUAL.

The City Attorney read Resolution No. 5778-18 that would adopt revisions to the Hoover Personnel Policy and Procedure Manual.

Mr. Lyda made a motion to approve **Resolution No. 5778-18**. This motion was seconded by Mr. Greene. Mr. Mike Lewis addressed concerns expressed by Mr. Smith regarding the promotional guidelines in the policy. In addition, Mr. Lewis informed the Council that the new email policy was retracted from the proposed revision as they plan to submit a social media policy with the second set of proposed revisions to be presented at a later date. 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, "Nay". The motion carried.

4. RESOLUTION NO. 5780-18 – AUTHORIZE MAYOR TO EXECUTE A PLANNING AND ENGINEERING SERVICES AGREEMENT WITH SAIN ASSOCIATES TO WRITE NEW SUBDIVISION REGULATIONS FOR THE CITY (CONTINUED FROM THE 2/19/18 MEETING)

The City Attorney read Resolution No. 5780-18 that would authorize the Mayor to execute a Planning and Engineering Services Agreement with Sain Associates to write new subdivision regulations for the City.

Dr. Middlebrooks made a motion to continue **Resolution No. 5780-18** to the April 16, 2018 City Council meeting. This motion was seconded by Mr. Murphy. After discussion, Dr. Middlebrooks made a motion that his previous motion be amended to **continue this item to the May 7, 2018 City Council meeting**. There were no further comments or questions and on voice vote the motion to continue carried unanimously.

5. RESOLUTION NO. 5787-18 – BID NO. 18-001 – MEDICAL SUPPLIES FOR FIRE/EMS

The City Attorney read Resolution No. 5787-18. This would reject the sole bid received for Bid No. 18-001 for Medical Supplies for Fire/EMS and authorize the Mayor or his designee to negotiate for the purchase of the items at a price not to exceed the quoted bid amount.

Mr. Lyda made a motion to approve **Resolution No. 5787-18**. This motion was seconded by Mr. Greene. Mr. Smith thanked Mr. Powell and Chief Bentley for the information they provided regarding this bid. 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. 5788-18 – AUTHORIZE MAYOR TO EXECUTE A ROADWAY MAINTENANCE AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR GALLERIA BOULEVARD EXTENSION TO HIGHWAY 150 PROJECT

The City Attorney read Resolution No. 5788-18 that would authorize the Mayor to execute a roadway maintenance agreement with the Alabama Department of Transportation (ALDOT) for the improvements for the Galleria Boulevard Extension to Highway 150.

Mr. Lyda made a motion to approve **Resolution No. 5788-18**. This motion was seconded by Mr. Greene. Mr. Westhoven said this is a Jefferson County sponsored project with Hoover also participating financially. This is a standard agreement that ALDOT requires. Mr. Smith called for questions or comments from the Council or the audience. There were no further comments or questions and on voice vote the motion carried unanimously.

7. RESOLUTIONS 5789-18 REQUEST OFFICIAL OPINION FROM THE ALABAMA ATTORNEY GENERAL REGARDING PROPOSED ORDINANCE TO ALTER THE TIME FOR ON PREMISE SUNDAY ALCOHOL SALES IN HOOVER.

The City Attorney read Resolution No. 5789-18 that authorizes the City Attorney to seek an opinion from the Alabama Attorney General concerning Act 2017-444 and its application to the City of Hoover.

Mr. Lyda made a motion to **approve Resolution No. 5789-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Mr. Lyda explained this is a request to the Alabama Attorney General to clarify the bill passed by the Alabama Legislature in 2017 that allows municipalities to alter the on-premise sale of alcohol from noon until 10:00 o'clock. There were no additional comments or questions and on voice vote the motion carried unanimously.

8. RESOLUTION NO. 5790-18 – CONSENT TO ASSIGNMENT OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOOVER AND THE VILLAGE AT

BROCKS GAP, LLC TO BANCORPSOUTH BANK; AND AUTHORIZE THE MAYOR TO EXECUTE THE COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT

The City Attorney read Resolution No. 5790-18. This would authorize the Mayor to execute a collateral assignment of the development agreement as well as any other documents necessary to effectuate the assignment of the development agreement between the City of Hoover and The Village at Brocks Gap in order to assign the payment of development incentives to Bancorpsouth Bank as lender for The Village of Brocks Gap in the event of default of financing terms.

Mr. Lyda made a motion to **approve Resolution No. 5790-18**. The motion was seconded by Mr. Greene. The City Attorney explained that in the development agreement it states the developer can assign the development agreement to a third party or lender only with the consent of the City. In order to obtain the consent of the City the development has requested to put it before the Council. This would be additional security for the loan with their bank to develop the project. There were no additional comments or questions and on voice vote the motion to continue carried unanimously.

9. PUBLIC HEARING TO CONSIDER A PETITION FOR ANNEXATION, SUBMITTED BY ELIZABETH VAUGHAN, EXECUTIVE DIRECTOR, FRESHWATER LAND TRUST, OF 259.2 ACRES LOCATED BETWEEN ROSS BRIDGE PARKWAY AND SHADES CREST ROAD. 2ND READING ORDINANCE No. 17-2355. (continued from the November 20, 2017 meeting)

Mr. Smith announced this is a public hearing to consider a petition for annexation of 259.2 acres located between Ross Bridge Parkway and Shades Crest Road. Ms. Libba Vaughan, Executive Director for the Freshwater Land Trust, came forward to address the Council. She said they currently have approximately 150 acres of protected green space in the City of Hoover and with this annexation that will bring it up significantly. They look forward to partnering with the City on this piece of land. Mr. Smith said the City appreciates the opportunity. There were no additional comments or questions.

The City Attorney had the second reading of Ordinance No. 17-2355. Mr. Posey made a motion to **adopt Ordinance No. 17-2355**. This motion was seconded by Mr. Greene. 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. Mr. Smith briefly described the process of annexation and stated this action will not become valid until 90 days after the date of publication of the ordinance.

10. 1ST READING ORDINANCE NO. 18-2360 – AMEND MUNICIPAL CODE TO PROVIDE REQUIREMENTS FOR HOME OCCUPATIONS AND DAY CENTERS WITHIN RESIDENTIAL AREAS.

The City Attorney read Ordinance No. 18-2360 that provides for home occupations to be conducted as a permitted, principle use in a residential zoning district only following an application by the requestor and the review and approval of such application by the Building

Official or his designee for compliance with the requirements established in the ordinance. This modifies the current municipal code which classifies a home occupation as a conditional use. This ordinance provides that daycare home centers, group daycare centers and night care facility home centers as defined in the ordinance may operate within residential zoning districts as a conditional use as currently allowed by existing zoning regulations pending compliance with requirements established in this ordinance. Mr. Corley said the primary change from the previous first reading held on February 19 is that the number and frequency of patrons on the premises for any reason related to the home occupation who are not members of the resident family shall be in keeping with the residential character of the neighborhood in which the home occupation is located. The previous version restricted any patrons who were not members of the resident family.

Mr. Wyatt added that once the applicant comes in and understands the requirements, if the neighborhood raises any concerns, then the applicant can be directed to the Planning & Zoning Commission to apply for a conditional use.

Following a brief discussion, Mr. Lyda said that given the small change in the wording he would make a motion to suspend the rules for immediate consideration of the ordinance. Mr. Greene seconded the motion. 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". Mr. Corley had the second reading of Ordinance No. 18-2360. Mr. Lyda made a motion to **adopt Ordinance No. 18-2360**. Mr. Greene seconded the motion. There were no further comments or questions and 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.

11.1st READING ORDINANCE NO. 18-2361 – ANNEX SMALL COMMERCIAL PARCEL LOCATED WITHIN THE INVERNESS CENTER NORTH OFFICE COMPLEX OFF OF INVERNESS CENTER PARKWAY. 2ND READING AND CONSIDERATION FOR ADOPTION ON MONDAY, MARCH 19, 2018.

The City Attorney read Ordinance No. 18-2361. This would annex property owned by the SRI Properties Trust located in Inverness.

Mr. Smith said the 2nd reading and consideration for adoption will be Monday, March 19, 2018.

12. CHANGE ORDER NO. 1 – CARCEL & G CONSTRUCTION, LLC – BRADDOCK DRIVE ROADWAY IMPROVEMENTS PROJECT.

Mr. Long reviewed the items presented in the change order.

Mr. Lyda made a motion to **approve Change Order No. 1**. 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. ABC APPLICATION – 140 – SPECIAL EVENTS RETAIL – BEEF O’BRADY’S ST. PATRICK’S DAY CELEBRATION TO BE HELD ON MARCH 17, 2018 IN THE PARKING LOT OF 5519 GROVE BLVD., STE. 101

Mr. Shaw made a motion to approve the **ABC Application** (140-Special Events Retail) for Beef O’Brady’s St. Patrick’s Day Celebration. 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. 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. Smith stated he would like to once again commend Ms. Borden on the excellent **Southern Voices** program.

Mr. Murphy offered his congratulations to the **Spain Park Girls Basketball** team who have been named the **7A State Basketball Champions**. He also stated the first round of community meetings on school safety would be March 6th at Spain Park, and the second meeting on March 8th at Hoover High School. Mr. Murphy then thanked the Police and Fire Departments for all they do for the City and for the school system as well with the Student Resource Officers.

Mr. Shaw recognized former Council member **Mr. Joe Rives** who was in attendance.

Mayor Brocato congratulated Dr. Alice Turney, Principal at **Riverchase Elementary** for being recognized as the **2018 Blue Ribbon Lighthouse School**.

Mr. James Hodges, 5201 Park Trace Drive, addressed the Council. He spoke in support of the short term lease ordinance that was previously withdrawn from consideration.

Mr. Robin Schultz, 348 Albemarle Drive, stated he recently had a good discussion with Santek regarding garbage service and he believed that Santek wants to fix the problems.

There were no additional comments or questions. Mr. Lyda made a motion to adjourn. The motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

Margie Handley
City Clerk