

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** Monday, March 19, 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  
Mr. Curt Posey, Council Member  
Mr. Mike Shaw, Council Member

**ABSENT:** Dr. Casey Middlebrooks, Council Member  
Mr. Derrick Murphy, Council Member

**ALSO PRESENT:** Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC  
Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC  
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. Frank Lopez, Director, Revenue and Taxation  
Dr. Melinda Lopez, Chief Financial & Information Officer  
Mr. Mac Martin, City Planner  
Mr. Craig Moss, Director, Parks and Recreation  
Mr. Umang Patel, Municipal Court  
Mr. Ben Powell, Director, Purchasing  
Mr. Allan Rice, City Administrator  
Mr. Tim Westhoven, Chief Operations Officer  
Mr. Jim Wyatt, Director, Inspection Services

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 March 5, 2018 regular meeting and March 15, 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. David Warren, Candidate, Shelby County Coroner, was scheduled to speak but was not in attendance.

**Mr. Steve Ammons**, Candidate, Jefferson County Commission, District 5, addressed the Council and audience and requested their support in the upcoming primary election.

Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC, read a **Proclamation** applauding the commitment and opportunities the **Birmingham Ballet** brings to Hoover, the surrounding region and to the arts community. This year Councilman Derrick Murphy and Councilman Curt Posey were asked to perform with the group in the production of Peter Pan. Councilman Posey joined Cindy Free, Ballet Director, along with a group of performers, at the front of the chambers to receive the proclamation from Mayor Brocato.

Mayor Brocato introduced **Mr. Ben Wieseman** as his new **appointment to the Planning and Zoning Commission**. Mr. Wieseman is an architect who resides in the Rocky Ridge area of Hoover. Mr. Lyda made a motion to concur with the Mayor's appointment. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5767-18 – AUTHORIZE MAYOR TO EXECUTE RENEWAL AGREEMENT WITH SANTEK (Continued from 1/18/18 Meeting to the Call of the Chair)**

The City Attorney read Resolution No. 5767-18. This would authorize the Mayor to execute a renewal agreement with Santek Waste Services, LLC.

Mr. Greene made a motion to approve **Resolution No. 5767-18**. This motion was seconded by Mr. Shaw.

Mr. Greene, as Chair of the Public Works Committee, noted that the committee met in December and voted to move this forward to the entire Council for consideration. There were some brief comments from the Mayor and Allan Rice regarding the Mayor's readiness to sign the contract at this time.

Mr. Smith noted this was discussed at work session and representatives from Santek were present tonight as well to answer questions from the audience.

There being no additional discussion, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea", Mr. Posey, "Yea", Mr. Shaw, "Yea". Mr. Smith abstained. The motion carried.

4. **RESOLUTION NO. 5791-18 – AUTHORIZE MAYOR TO EXECUTE SERVICE PROVIDER AUTHORIZATION FORM – ALERUS FINANCIAL**

The City Attorney read Resolution No. 5791-18. This would authorize the Mayor to execute a Service Provider Authorization Form to allow Alerus Financial to pay Spectrum Employee Benefits, Inc.

Mr. Lyda made a motion to approve **Resolution No. 5791-18**. This motion was seconded by Mr. Greene. Mr. Mike Lewis spoke briefly regarding this item. There being no discussion, on voice vote the motion carried unanimously.

5. **2<sup>ND</sup> READING ORDINANCE NO. 18-2361 – ANNEX SMALL COMMERCIAL PARCEL LOCATED WITHIN THE INVERNESS CENTER NORTH OFFICE COMPLEX OFF OF INVERNESS CENTER PARKWAY**

The City Attorney had the second reading of Ordinance No. 18-2361. This would annex a small parcel of property owned by the SRI Properties Trust located in Inverness Center North Office Complex.

Mr. Posey made a motion to **adopt Ordinance No. 18-2361**. This motion was seconded by Mr. Greene. There being no discussion, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea", Mr. Posey, "Yea", Mr. Shaw, "Yea". Mr. Smith, "Yea". The motion carried unanimously.

6. **1<sup>ST</sup> READING ORDINANCE NO 18-2362 – ANNEX PHASE 1 – 7160 CAHABA VALLEY ROAD, OWNED BY BROOK HIGHLAND COMMUNITY CHURCH**

The City Attorney had the First Reading of Ordinance No. 18-2362. This would annex Phase 1 of property located at 7160 Cahaba Valley Road, owned by Brook Highland Community Church.

The second reading and consideration for adoption will be on Monday, April 2, 2018.

7. **1<sup>ST</sup> READING ORDINANCE NO. 18-2363 – AMEND MUNICIPAL CODE – STORAGE AND REMOVAL OF INOPERABLE VEHICLES**

Mr. Smith stated the Mayor's office has requested that this item be continued to the next regular meeting.

Mr. Lyda made a motion to **continue Ordinance No. 18-2363** to the April 2, 2018 meeting. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

8. **ABC APPLICATION – OFF PREMISE BEER AND WINE – RITE AID – 1615 MONTGOMERY HWY – (CHANGE IN OWNERSHIP)**

Mr. Smith stated this is a request for approval of an ABC Application (050-Retail Beer Off Premise and 070-Retail Table Wine Off Premise) for Walgreen Co., d/b/a **Rite Aid, 1615 Montgomery Highway**. This is a change in ownership on a previously approved site.

Mr. Shaw made a motion to **approve the ABC Application**. This motion was seconded by Mr. Greene. There being no discussion, on voice vote the motion carried unanimously.

9. **ABC APPLICATION – ON PREMISE RESTAURANT RETAIL LIQUOR – GINZA SUSHI AND KOREAN BBQ – 5291 VALLEYDALE ROAD, STE. 101, 103 AND 105 – (CHANGE IN OWNERSHIP)**

Mr. Smith stated this is a request for approval of an ABC Application (020-Restaurant Retail Liquor) for SHIN Inc. d/b/a **Ginza Sushi and Korean BBQ, 5291 Valleydale Road, Ste. 101, 103 and 105**. This is a change in ownership on a previously approved site.

Mr. Shaw made a motion to **approve the ABC Application**. This motion was seconded by Mr. Greene. There being no discussion, on voice vote the motion carried unanimously.

10. **SET PUBLIC HEARINGS FOR MONDAY, APRIL 16, 2018 AT 6 PM**

Mr. Smith stated public hearings are hereby set for **Monday, April 16, 2018 at 6:00 p.m.** to consider the following requests which come forward with a positive recommendation from the March 12, 2018 Planning and Zoning Commission meeting:

- a. Junior League of Birmingham, Inc. is requesting Conditional Use approval for a 240-Special Event Non-Profit (tax exempt) ABC License for an event to be held at 2467 John Hawkins Pkwy. This property is owned by Hoover Baptist Medical Center, LLD and is zoned C-2 Community Business District. *PZ Case #C-0318-04*
- b. Racetrac Petroleum Inc. is requesting Conditional Use approval for a gasoline station to be located at 2137 Valleydale Road. This property is owned by Mountainprize, Inc., and Savage, Savage & Brown, Inc., and is zoned C-2 Community Business District.
- c. The City of Hoover is requesting to rezone property owned by the city located at 830 Municipal Drive from C-1 Neighborhood Shopping District to C-2 Community Business District.

The **1<sup>st</sup> Reading of Ordinance No. 18-2364** was held.

- d. The City of Hoover is proposing an amendment to the Municipal Code, Appendix I. Zoning, to classify alcohol sales as permitted accessory uses.

The **1<sup>st</sup> Reading of Ordinance No. 18-2365** was held.

#### **11. 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 additional questions or comments from the Council or the audience.

**Mr. Arnold Singer**, 613 Riverhaven Place, invited everyone to attend a meeting of the Hoover Historical Society at the Hoover Library tomorrow at 1:00 PM. A member of the Historical Society who was also a member of the first school board for Hoover wrote a book on the History of the Hoover School System. The program will be presented by the author as well as Jason Gaston, Hoover City Schools. Mr. Singer then commented on the issue of internet sales tax. He felt it was important that before the Supreme Court makes its decisions regarding this matter we need to protect the interest of all Alabamians in assuring that the cities receive their portion of the sales tax. Mr. Smith asked Mayor Brocato, being part of a state-wide sitting committee dealing with this topic, if he had any comments. Mayor Brocato stated it is currently going through the Legislature and they are waiting on the word from the Supreme Court. This is an issue that affects our state and with Hoover being such a retail engine it greatly affects our city as well.

After a brief discussion, Mr. Lyda made a motion to adjourn. The motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

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Margie Handley  
City Clerk