

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** Monday, April 16, 2018  
**TIME:** 6:00 P.M.  
**PLACE:** Hoover Municipal Center  
**PRESENT:** Mayor Frank V. Brocato  
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

**ABSENT:** Mr. Gene Smith, Council President

**ALSO PRESENT:** Mr. Phillip D. Corley, Jr., City Attorney  
Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC  
Chief Clay Bentley, Fire Chief  
Ms. Amanda Borden, Library Director  
Mr. Jason Cope, Director Information 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, Court Magistrate  
Mr. Mac Martin, City Planner  
Mr. Craig Moss, Director, Parks & Recreation  
Mr. Ben Powell, Director, Purchasing  
Mr. Allan Rice, City Administrator  
Mr. Tim Westhoven, Chief Operations Officer  
Dr. Melinda Lopez, Chief Financial & Information Officer  
Mr. Jim Wyatt, Director, Inspection Services  
Ms. Dee Nance, Community Services Officer  
Mr. Robert Yeager, City Treasurer

The meeting was called to order by Council President Pro-Tempore John Greene.

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 April 2, 2018 regular meeting and April 12, 2018 work session as presented and to dispense with the reading. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council. There being none, on voice vote the motion carried unanimously.

## 2. **REPORTS**

The following candidates came forward and asked for the support of the City Council and the citizens in the upcoming June 5, 2018 Primary election:

**Chris McCool**, Candidate, Alabama Court of Criminal Appeals, Place 2

**Lakitia Hall-Wright**, Candidate, Deputy Circuit Clerk, Jefferson County, Bessemer Div.

**Damon Watson**, Candidate, Jefferson County Circuit Judge, Place 15

**Danny Carr**, Candidate, Jefferson County District Attorney

Mrs. Betty Daigle with the Beautification Board came forward to present the winners of the poster contest sponsored by **ALSPALS** (Alabama's People Against A Littered State). The theme this year is **Clean Home Alabama** with 4<sup>th</sup> and 5<sup>th</sup> grade students submitting entries from the nine participating Hoover schools. The following winners will represent Hoover in the state-wide contest: **Demarco Hill, 1<sup>st</sup> Place, Gwin Elementary; Sarah Roy, 2<sup>nd</sup> Place, Gwin Elementary; and Layla Cannon, 3<sup>rd</sup> Place, Brock's Gap Intermediate.**

Mayor Brocato recognized **Debbie Carrier**, Risk Management, for her **20 years of service** with the City of Hoover. Debbie was accompanied by her husband, Ed.

Mayor Brocato recognized **Benny Turner**, Public Works Department, for his **20 years of service** to the City.

Mr. Derrick Murphy announced that the Education Committee has voted to nominate Amy Mudano for the current Board of Education vacancy. Mr. Murphy made a motion to appoint **Amy Mudano** to the **Board of Education**. Mr. Posey seconded the motion. On voice vote the motion carried unanimously. Dr. Middlebrooks abstained. Ms. Mudano thanked the Council for their support and stated she looks forward to working with the Board.

Mayor Brocato spoke briefly regarding the addition of a **technology accelerator** within the City of Hoover on **Data Drive** for the purpose of workforce development. He credited Mr. Shaw with creating the IT Roundtable; a gathering of representatives from the IT community in Hoover that served as the basis for formation of the accelerator.

Mayor Brocato addressed the Council regarding the City's financial health and the anticipated future financial challenges the City will be facing due to rising costs and decreased revenue. His presentation included a comprehensive list of the things that have already been done administratively to reduce costs and spending. Mayor Brocato asked that the Council Finance Committee convene within the next two weeks to discuss ways to ensure the City's finances remain in good standing. He explained that staff will begin preparing the 2019 budget within the next couple of months and a resolution from the Council by the June 4<sup>th</sup> Council meeting would be very helpful in terms of future planning. Mr. Lyda, as Chair of the Finance Committee, stated he would schedule the committee meeting within the next two weeks.

The Council expressed their appreciation to the Mayor for the information presented. Mr. Shaw stated he appreciated the support the Mayor and administration have provided in regards to improving technology resources within the City and noted it has been a collaborative effort.

3. **RESOLUTION NO. 5798-18 – ACCESS EASEMENT DEDICATION –REQUIRED BY ALDOT FOR INVERNESS COMMUNITY GREENWAY**

The City Attorney read Resolution No. 5798-18 for dedication of an access easement, Tract 1, City of Hoover, as required by ALDOT for Inverness Community Greenway from the Inverness Fire Station to Hoover's Nature Park.

Mr. Lyda made a motion to **approve Resolution No. 5798-18**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5799-18 – AUTHORIZE MAYOR TO EXECUTE STANDARD PROJECT RESOLUTION, TRAFFIC SIGNAL MAINTENANCE AGREEMENT - RESURFACING AND INTERSECTION IMPROVEMENTS STADIUM TRACE PARKWAY AT BROCK'S GAP AND LEARNING LANE**

The City Attorney read Resolution No. 5799-18 to authorize the Mayor to execute a standard project resolution, traffic signal maintenance agreement for resurfacing and intersection improvements for Stadium Trace Parkway at Brock's Gap and Learning Lane and plans with ALDOT for the project.

Mr. Lyda made a motion to **approve Resolution No. 5799-18**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5800-18 – AUTHORIZE MAYOR TO EXECUTE STANDARD PROJECT RESOLUTION, MAINTENANCE AGREEMENT WITH ALDOT REGARDING I-459 PROJECT**

The City Attorney read Resolution No. 5800-18 that would authorize the Mayor to execute a standard project resolution, maintenance agreement with ALDOT regarding the I-459 project; pavement rehab, resurfacing and cross slope correction from South of County Road 52 to State Road 150.

Mr. Lyda made a motion to **approve Resolution No. 5800-18**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5801-18 – AUTHORIZE MAYOR TO EXECUTE A LICENSE AND SUBSCRIPTION AGREEMENT WITH COSTAR REALTY TO PROVIDE COMMERCIAL REAL ESTATE DATA FOR ECONOMIC DEVELOPMENT PURPOSES**

The City Attorney read Resolution No. 5801-18 authorizing the Mayor to execute a license and subscription agreement with COSTAR Realty to provide commercial real estate data for economic development purposes.

Mr. Lyda made a motion to **approve Resolution No. 5801-18**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none on voice vote the motion carried unanimously.

**7. CHANGE ORDER NO. 2 – ALFORD AVENUE IMPROVEMENTS AND SHADY BROOK LANE REALIGNMENT (WALKER PATTON COMPANY)**

Mr. Greene stated this item is regarding Change Order No. 2 for the Alford Avenue improvements and Shady Brook Lane realignment projects as constructed by the Walker Patton Company.

Mr. Lyda made a motion to approve **Change Order No. 2**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

**8. 2<sup>ND</sup> READING ORDINANCE NO. 18-2366 – ANNEX PHASE 2 OF PROPERTY LOCATED AT 7160 CAHABA VALLEY ROAD, OWNED BY BROOK HIGHLAND COMMUNITY CHURCH**

The City Attorney had the second reading of Ordinance No. 18-2366. This would annex Phase 2 of property located at 7160 Cahaba Valley Road owned by Brook Highland Community Church.

Mr. Posey made a motion to adopt **Ordinance No. 18-2366**. This motion was seconded by Dr. Middlebrooks. Mr. Greene called for questions or comments from the Council or the audience. There being none, 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”. The motion carried unanimously.

**10. 1<sup>ST</sup> READING ORDINANCE NO. 18-2369 – ANNEX PHASE 3 OF PROPERTY LOCATED AT 7160 CAHABA VALLEY ROAD, OWNED BY BROOK HIGHLAND COMMUNITY CHURCH**

The City Attorney had the first reading of **Ordinance No. 18-2369**. This would annex Phase 3 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, May 7, 2018.

**11. 2<sup>ND</sup> READING ORDINANCE NO. 18-2367 – PROVIDE FOR THE LEVYING OF MUNICIPAL TAXES FOR GENERAL AND MUNICIPAL PURPOSES FOR THE CITY OF HOOVER, AND FOR THE ASSESSMENT AND COLLECTION OF SUCH TAXES FOR TAX YEAR BEGINNING OCTOBER 1, 2018**

The City Attorney had the second reading of Ordinance No. 18-2367 that provides for the levying of municipal taxes for general and municipal purposes for the City of Hoover, and for the assessment and collection of such taxes for tax year beginning October 1, 2018.

Mr. Lyda made a motion to adopt **Ordinance No. 18-2367**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, 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”. The motion carried unanimously.

12. **2nd READING ORDINANCE NO. 18-2368 – AMEND MUNICIPAL CODE – ESTABLISHMENT OF THE HOOVER ARTS COUNCIL**

The City Attorney had the second reading of **Ordinance No. 18-2368** that would amend the Municipal Code to create the Hoover Arts Council for the purposes of advancing, promoting advocating and fostering the arts and arts culture, including but not limited to visual, performing, literary, culinary and applied arts within the City of Hoover. The Hoover Arts Council will serve as the direct liaison with the City Council on matters concerning the arts.

Mr. Posey made a motion to adopt **Ordinance No. 18-2368**. This motion was seconded by Mr. Lyda. Mr. Greene called for questions or comments from the Council or the audience. Several members of the Council thanked Mr. Posey for helping to bring about this ordinance. There was no further discussion 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”. The motion carried unanimously.

13. **ABC APPLICATION – 140 – SPECIAL EVENTS RETAIL – TURNER FOOD SYSTEMS LLC D/B/A/ HOOVER MET 2018 BBQ COOKING CONTEST**

Mr. Shaw made a motion to approve the **ABC Application** (140-Special Events Retail) for Turner Food Systems LLC d/b/a Hoover Met 2018 BBQ Cooking Contest to be held on Saturday, April 28, 2018 from 7:00 a.m. to 7:00 p.m. in the parking lot of the Hoover Met, 100 Ben Chapman Drive. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

14. **ABC APPLICATION – 140 – SPECIAL EVENTS RETAIL – TURNER FOOD SYSTEMS LLC D/B/A/ HOOVER MET 2018 HOT ROD POWER TOUR**

Mr. Shaw made a motion to approve the **ABC Application** (140-Special Events Retail) for Turner Food Systems LLC d/b/a Hoover Met 2018 Hot Rod Power Tour to be held on Monday, June 11, 2018 from 8:00 a.m. to 5:00 p.m. in the parking lot of the Hoover Met, 100 Ben Chapman Drive. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

15. **PUBLIC HEARING – CONDITIONAL USE – JUNIOR LEAGUE OF BIRMINGHAM - SPECIAL EVENT ABC LICENSE FOR EVENT TO BE HELD AT 2467 JOHN HAWKINS PKWY**

Mr. Greene stated this is a public hearing to consider the request of Junior League of Birmingham, Inc. for **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; Interior And Parking Lot**, on April 26, 2018. This property is owned by Hoover Baptist Medical Center, LLC and is zoned C-2 Community Business District.

Mr. Greene asked if there was anyone present who wished to speak for or against this request.

**Ms. Marianne Gilchrist**, 2212 28<sup>th</sup> Ave. So., Birmingham, AL 35223 came forward and invited everyone to attend the **Junior League's Bargain Carousel**, April 26<sup>th</sup> through April 29<sup>th</sup>. Mayor Brocato expressed his appreciation to the Junior League for bringing their special events to the City of Hoover.

Mr. Shaw made a **motion to approve the conditional use**. This motion was seconded by Mr. Posey. Mr. Greene called for comments or questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Shaw made a **motion to approve the ABC Application** for the **Junior League of Birmingham Inc.** This motion was seconded by Mr. Posey. Mr. Greene called for comments or questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

16. **PUBLIC HEARING – CONDITIONAL USE – SALE OF GASOLINE – RACETRAC PETROLEUM – 2137 VALLEYDALE ROAD – ZONED C-2 – MOUNTAINPRIZE, INC. AND SAVAGE, SAVAGE & BROWN, INC.**

Mr. Greene stated this is a public hearing to consider the request of Racetrac Petroleum, Inc. for **Conditional Use** approval to allow **gasoline sales** at **2137 Valleydale Road**. Mountainprize, Inc. and Savage, Savage & Brown, Inc. are the property owners and the property is zoned C-2 Community Business District.

Mr. Greene asked if there was anyone present who wished to speak for or against this request.

**Mr. Martin Evans** came forward representing Racetrac Petroleum and gave a brief explanation of their request. **Mr. Sammy Belfease** with Racetrac Petroleum responded to a question about possible plans of moving to a model that requires an electrical component for automobiles. This is something that will be considered in the future.

Mr. Shaw made a motion to **approve the conditional use**. This motion was seconded by Mr. Posey. Mr. Greene called for additional comments or questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

17. **PUBLIC HEARING – REZONE PROPERTY OWNED BY THE CITY AT 830 MUNICIPAL DRIVE FROM C-1 NEIGHBORHOOD SHOPPING DISTRICT TO C-2 COMMUNITY BUSINESS DISTRICT – 2<sup>ND</sup> READING ORDINANCE NO. 18-2364**

Mr. Greene said this is a public hearing to consider the request of the City of Hoover 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 City Attorney had the Second Reading of Ordinance No. 18-2364.

Mr. Mac Martin, City Planner, described the request to rezone the property. This site is intended for a police training center.

Mr. Shaw made a motion to adopt **Ordinance No. 18-2364**. This motion was seconded by Mr. Posey. Mr. Greene called for questions or comments from the Council or the audience. There being none, 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”. The motion carried unanimously.

**18. PUBLIC HEARING – AMEND MUNICIPAL CODE – APPENDIX I – ZONING - CLASSIFY ALCOHOL SALES AS PERMITTED ACCESSORY USES. – 2<sup>ND</sup> READING ORDINANCE NO. 18-2365**

Mr. Greene stated this is a public hearing to consider the request of the City of Hoover to amend the Municipal Code, Appendix I. Zoning, to classify alcohol sales as permitted accessory uses.

The City Attorney had the second reading of Ordinance No. 18-2365.

Mr. Mac Martin, City Planner, reviewed the proposed ordinance. It will eliminate the current conditional use process for the sale of alcohol in certain zones.

Mr. Lyda made a motion to **adopt Ordinance No. 18-2365**. This motion was seconded by Mr. Posey. Mr. Lyda thanked Mr. Martin for working with him to produce this ordinance that will expedite the process for business owners and increase the expediency with which the City can draw revenue. Mr. Greene called for additional comments or questions from the Council or the audience. There being none, 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”. The motion carried unanimously.

**19. SET PUBLIC HEARINGS FOR MONDAY, MAY 7, 2018 AT 6:00 P.M.**

Mr. Greene stated public hearings are hereby set for Monday, May 7, 2018 at 6:00 p.m. to consider the following requests coming forward with a positive recommendation from the 4/9/18 Planning and Zoning Commission meeting:

- a. Jubilee Joe’s is requesting Conditional Use approval for a special events alcohol license for an event to be held on Saturday, May 12, 2018 at 5190 Medford Drive (Lot 5, The Shoppes of Hoover). *PZ Case #C-0418-06*
- b. Eric Shula, representing D.R. Horton, is seeking to rezone property located on Old Rocky Ridge Road from R-4 (Multi-Family District) to R-T-4 (Townhouse District). D.R. Horton is the property owner. *PZ Case #Z-0418-04*

The City Attorney had the 1<sup>st</sup> reading of **Ordinance No. 18-2370**.

**Mr. Jody Patterson**, 404 Trace Court, Hoover, inquired as to the number of townhome units proposed for this development. Mr. Mac Martin described the two items under consideration for this project. There are 60 acres currently in Hoover zoned R-4 Multi-family and approximately 3 acres in unincorporated Jefferson County zoned R-3. The property in Hoover zoned R-4 would currently allow 330 multi-family units. The owner, D.R. Horton, is requesting to rezone the 60 acres and pre-zone the 3 acres to R-T-4 Townhome District with a cap of 170 townhome units. The property owner has petitioned to annex the 3 acres to serve as access to the development. The 60 acres was annexed in the 1970’s.

Dr. Middlebrooks asked if Jefferson County had the right to deny access to the property if Hoover does not annex it. The City Attorney stated some research would have to be done to determine that.

There was discussion regarding costs of building materials and the purchase of materials within the City of Hoover. Mr. Frank Lopez stated materials are taxed at the point of delivery.

- c. Eric Shula, representing D.R. Horton, is seeking pre-zoning approval (pursuant to Alabama Code Section 11-52-85) for property on Old Rocky Ridge Road zoned Jefferson County R-3 to Hoover R-T-4 (Townhouse District). D.R. Horton is the property owner. *PZ Case #Z-0418-05*

The City Attorney had the 1<sup>st</sup> reading of **Ordinance No. 18-2371**.

## 20. **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. Posey. Mr. Greene called for questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Greene called for further comments or questions from the Council or the audience.

Mr. Lyda said he will wait on Mr. Smith's return to schedule the **Finance Committee** meeting. There will be a public input component to that meeting and he encouraged citizens to share comments and engage in this topic.

Mr. Posey thanked everyone for voting on the **Arts Council** ordinance as well as those in the community who participated in bringing this about. Applications will be on the website as soon as possible to start putting the Arts Council together.

Mr. Shaw expressed his appreciation of the process for the Board of Education appointment. He thanked Mr. Murphy for his efforts in that regard.

**Mr. Jody Patterson** readdressed the Council to express his opposition to any consideration of a 1% sales tax increase as a way to generate revenue.

**Mr. Carl Tonitis**, 1735 Mountain Laurel Lane, asked that a portion of any increase in revenue be applied to offset future Hoover sewer charge increases.

**Mr. Paul Braswell**, 1308 Gables Drive, Hoover, asked that the City not sacrifice the quality of life in Hoover with excessive cuts to services.

**Mr. Danny Carr, Candidate, Jefferson County District Attorney**, addressed the Council and audience and asked for their support in the upcoming election.

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