

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, June 4, 2018
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Frank V. Brocato
Mr. Gene Smith, Council President
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. John Greene, Council President Pro-Tempore

ALSO PRESENT: Mr. Phillip D. Corley, Jr., City Attorney
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
Chief Nick Derzis, Police Chief
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Chief Financial & Information Officer
Mr. Mac Martin, City Planner
Mr. Craig Moss, Director, Parks & Recreation
Mr. Ben Powell, Director, Purchasing
Mr. Allan Rice, City Administrator
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, City 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. Smith stated each member of the Council had previously received a copy of the minutes of the May 7, 2018 and May 21, 2018 regular meetings, and the May 17, 2018 and May 31, 2018 work sessions.

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

2. **REPORTS**

The following candidates came forward and asked for support in the upcoming Primary Election:

Phillip Bahakel, Candidate, Circuit Judge, Shelby County
Donna Beaulieu, Candidate, Court of Criminal Appeals, Place 3
John Bahakel, Candidate, Alabama Supreme Court, Place 4

Mr. Posey made a motion to appoint **Ms. Pamela Sayle** to a six year term on the **Hoover Arts Council**. Dr. Middlebrooks seconded the motion. There being no discussion, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5815-18 – AMEND BUDGET FYE 9/30/18**

The City Attorney read Resolution No. 5815-18. 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. 5815-18**. This motion was seconded by Mr. Posey.

Dr. Melinda Lopez reviewed the proposed amendments and answered questions from the Council.

Mr. Smith called for additional questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

4. **PUBLIC HEARING – ABATEMENT OF PUBLIC NUISANCES DUE TO WEEDS AND/OR GRASS – RESOLUTION NO. 5816-18**

The City Attorney read Resolution No. 5816-18 declaring the following properties as nuisances due to weeds and/or grass and orders the abatement thereof: 2061 Crosscrest Drive, 2335 Deerwood Road, 1536 Holly Road, 3256 Mockingbird Lane, 542 O’Neal Drive, 400 Shadeswood Circle, and 2272 Vanessa Drive.

Mr. Robert Macke, Zoning Enforcement, presented pictures of the properties taken earlier today.

Mr. Smith stated this is a public hearing and asked if there was anyone who wished to speak regarding any of these properties. There were none. He then called for comments from the Council.

There being no discussion, Mr. Lyda made a motion to approve **Resolution No. 5816-18**. This motion was seconded by Mr. Posey. On voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5817-18 – DECLARE PROPERTIES AS PUBLIC NUISANCES DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 5817-18 declaring the following properties as nuisances due to weeds and/or grass: 1003 Alford Avenue and 1017 Bridgewater Park Drive.

Mr. Lyda made a motion to approve **Resolution No. 5817-18**. This motion was seconded by Mr. Posey.

Mr. Robert Macke, Zoning Enforcement, said this is the first hearing on these properties. A public hearing to consider the abatement of these properties will be held in about three weeks.

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. 5818-18 – ADOPT REVISED TITLE VI PLAN – HOOVER SENIOR CENTER**

The City Attorney read Resolution No. 5818-18. This would adopt the Title VI Program set forth in the Exhibit A to the resolution as required in order to comply with Title VI federal requirements. This resolution also designates the manager of the Hoover Senior Center to serve as the Title VI officer and gives the manager the authority to revise and update the plan as necessary.

Mr. Lyda made a motion to approve **Resolution No. 5818-18**. This motion was seconded by Mr. Posey. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5819-18 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH DISCOVERY BENEFITS REGARDING RETIREE HEALTH REIMBURSEMENT ACCOUNTS**

The City Attorney read Resolution No. 5819-18. This would authorize the Mayor to execute and administrative services agreements with Discovery Benefits, Inc. to continue servicing the retiree Health Reimbursement Accounts.

Mr. Lyda made a motion to approve **Resolution No. 5819-18**. This motion was seconded by Mr. Posey. 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. 5820-18 – AUTHORIZE MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENT FOR APPLE AND GOOGLE ACCOUNTS TO ESTABLISH MY HOOVER CONNECT APP REQUIRED BY SECLICKFIX**

The City Attorney read Resolution No. 5820-18. This would authorize the Mayor and/or his designee to execute an agreement for an Apple Developer Account, an Apple iTunes Connect Account, and a Google Developer Account as required by SeeClickFix to establish a My Hoover Connect app.

Mr. Lyda made a motion to approve **Resolution No. 5820-18**. This motion was seconded by Mr. Posey.

Mr. Jason Cope, IT Director, reviewed the purpose of opening these accounts. The SeeClickFix application will be available to the public by the end of the month.

Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5821-18 – AUTHORIZE MAYOR TO EXECUTE MOA TO RENEW ANNUAL HIDTA AGREEMENT BETWEEN POLICE DEPARTMENT AND ALABAMA LAW ENFORCEMENT AGENCY**

The City Attorney read Resolution No. 5821-18. This would authorize the Mayor to execute necessary documents related to a Memorandum of Agreement between the Alabama Law Enforcement Agency and the Hoover Police Department regarding the disbursement of funds for the HIDTA (High Intensity Drug Trafficking Area) program.

Mr. Lyda made a motion to approve **Resolution No. 5821-18**. This motion was seconded by Mr. Posey.

Chief Derzis reported that this would bring in about \$54,000.

Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **2ND READING ORDINANCE NO. 18-2374 – ANNEX PHASE 5 – 7160 CAHABA VALLEY ROAD**

The City Attorney had the second reading of Ordinance No. 18-2374. This would annex Phase 5 of property located at 7160 Cahaba Valley Road, owned by Brook Highland Community Church.

Mr. Posey made a motion to adopt **Ordinance No. 18-2374**. This motion was seconded by Mr. Lyda. Mr. Smith 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. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried unanimously.

11. **2ND READING ORDINANCE NO. 18-2375 – ANNEX 1863 AND 1865 BUTTERCUP DRIVE, OWNED BY BLAKE BAXTER**

The City Attorney had the second reading of Ordinance No. 18-2375. This would annex two vacant residential lots at 1863 and 1865 Buttercup Drive, owned by Blake Baxter.

Mr. Posey made a motion to adopt **Ordinance No. 18-2375**. This motion was seconded by Mr. Lyda. Mr. Smith 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. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried unanimously.

12. **2ND READING ORDINANCE NO. 18-2378 – AMEND MUNICIPAL CODE - ADD REGULATIONS FOR SMALL CELL FACILITIES**

The City Attorney had the second reading of Ordinance No. 18-2378. This would amend the Municipal Code to add regulations for small cell facilities.

Mr. Shaw made a motion to adopt **Ordinance No. 18-2378**. This motion was seconded by Mr. Posey. Mr. Smith called for questions or comments from the Council or the audience.

Mr. Rod Evans, representing the City of Hoover, addressed a question regarding language in the proposed ordinance as to the aesthetics of the small cells. Mr. Rod Long, City Engineer, was asked if his staff had approved the proposed ordinance and he replied yes.

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

13. **1ST READING ORDINANCE NO. 18-2385 – AMEND MUNICIPAL CODE TO REVISE SMALL CELL ORDINANCE ADOPTED BY ORD. NO. 18-2378**

The City Attorney had the first reading of Ordinance No. 18-2385. This would amend the Municipal Code regrading small cell facilities as adopted in the previous item, Ordinance No. 18-2378.

Mr. Smith said this ordinance will have its second reading and consideration for adoption on Monday, June 18, 2018.

Mr. Rod Evans reviewed the following amendments to the small cell facilities ordinance. (1) change the annual license fee to be assessed per node rather than per node or support structure; (2) delete in its entirety the section regarding an additional fee for expedited application review; (3) change the section regarding escalation of fees by removing the 3% increase and utilizing the Consumer Price Index to account for that; (4) delete in its entirety the section regarding expedited application.

Mr. Andy Rotenstreich, 420 20th Street North, Birmingham, AL, spoke representing Verizon Wireless. Also present were **Mr. Tom Alexander**, representing AT&T and **Ms. Kimberly Adams**, representing Crown Castle. Mr. Rotenstreich addressed two remaining requests of the industry: (1) that the annual \$500 fee only apply if they are setting a new pole in the right of way. There was discussion as to how this would affect the city. Mr. Jim Wyatt commented that placing a node on an existing pole would still be a cost to the city because it would have to be reviewed annually for compliance for both building inspections and engineering. Mr. Rotenstreich requested that the city at least look at making the fee more reasonable. (2) that the factors considered in awarding a permit only apply when a new structure and node go into place; not when just putting a new antenna on an existing pole.

There was a brief discussion about these items and how to address them prior to the second reading.

14. **1ST READING ORDINANCE NO. 18-2380 – AUTHORIZE LEASE OF OFFICE SPACE AT PUBLIC SAFETY CENTER TO ALABAMA DEPARTMENT OF REVENUE**

The City Attorney had the first reading of Ordinance No. 18-2380. This would authorize the lease of unneeded municipal real property (office space) located at the Hoover Public Safety Center, 2020 Valleydale Road, Suite 208; and authorize the Mayor to execute said lease with the Alabama Department of Revenue.

The second reading and consideration for adoption will be on Monday, June 18, 2018.

15. **1ST READING ORDINANCE NO. 18-2381 – AUTHORIZE LEASE OF OFFICE SPACE AT PUBLIC SAFETY CENTER TO HOOVER HISTORICAL SOCIETY**

The City Attorney had the first reading of Ordinance No. 18-2381. This would authorize the lease of unneeded municipal real property at the Hoover Public Safety Center, 2020 Valleydale Road, Suite 108; and authorize the Mayor to execute said lease with the Hoover Historical Society.

The second reading and consideration for adoption will be on Monday, June 18, 2018.

16. **1ST READING ORDINANCE NO. 18-2382 – ANNEX PHASE 6 – 7160 CAHABA VALLEY ROAD – OWNED BY BROOK HIGHLAND COMMUNITY CHURCH**

The City Attorney had the first reading of Ordinance No. 18-2382. This would annex Phase 6 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, June 18, 2018.

17. **1ST READING ORDINANCE NO. 18-2383 – ANNEX 118 MARS HILL ROAD – OWNED BY SPINE & SPORTS PROPERTIES LLC**

The City Attorney had the first reading of Ordinance No. 18-2383. This would annex property located at 118 Mars Hill Road, owned by Spine & Sports Properties, LLC.

The second reading and consideration for adoption will be on Monday, June 18, 2018.

18. **PUBLIC HEARINGS CONTINUED FROM MAY 7, 2018 MEETING – ZONING/PRE-ZONING OFF OF OLD ROCKY RIDGE ROAD – ERIC SHULA, REPRESENTING D.R. HORTON**

Mr. Smith stated the following public hearings are continued from the May 7, 2018 meeting at the request of the applicant:

- a. Public hearing to consider the request of Eric Shula, representing D.R. Horton, 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 second reading of **Ordinance No. 18-2370**

Mr. Rhett Loveman, 2188 Parkway Lake Drive, Hoover, AL, representing D.R. Horton, reviewed the request. This rezoning would reduce the number of units from 330 apartment units to a maximum of 170 townhome units. There was a question as to why the property was not originally zoned R-1 instead of R-4 and Mr. Loveman explained that it would not have been profitable to do so.

Mr. John Thies, 2505 Christie Circle, agreed that a townhome development would be a better fit for the area than multi-family but his preference would be single family homes. He expressed the following concerns: (1) being able to acquire enough land to build the turn lanes; (2) a single access road into the development (3) traffic; and (4) impact on the school system.

Ms. Susan Sallin, 3869 Ripple Leaf Circle, expressed concern about traffic and development around historic cemeteries.

Mr. Shaw clarified that the request at this time is with regard to zoning. Turn lanes, etc. will be dealt with during the plat approval process. The developer will be required to follow the city's subdivision regulations. Old Rocky Ridge Road is a county maintained road so any plans involving improvements to it will have to be approved by the county.

There was additional discussion regarding access to the property. Mr. Loveman talked about a traffic study that was done in 2007 that was based on a proposed multi-family development. The study recommended an eastbound left turn lane but it did not state that one was warranted. He recently met with Jefferson County and was told that no further traffic study would be required.

At the conclusion of the public hearing, Mr. Shaw made a motion to **adopt Ordinance No. 18-2370**. This motion was seconded by Mr. Posey. There being no additional discussion, on roll call vote of the Council the votes were as follows: Mr. Lyda, "Yea"; Dr. Middlebrooks, "Nay"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried.

- b. Public hearing to consider the request of Eric Shula, representing D.R. Horton, to pre-zone property on Old Rocky Ridge Road from Jefferson County R-3 to Hoover R-T-4 Townhouse District (pursuant to Alabama Code Section 11-52-85). D.R. Horton is the property owner. *PZ Case #Z-0418-05*

The City Attorney had the second reading of **Ordinance No. 18-2371**.

Mr. Rhett Loveman, representing D.R. Horton, reviewed the request to pre-zone approximately three acres from county duplex zoning to Hoover townhouse zoning. This would provide the access to the townhome development from Old Rocky Ridge Road. It is the owner's preference to annex this into Hoover rather than develop the access road in the county. After further discussion, Mac Martin recalled that one of the reasons the city administration recommended this to Planning and Zoning Commission for pre-zoning was to have consistency throughout the development from where it leaves Old Rocky Ridge Road throughout the development site. If this portion remains in unincorporated county there will be two governmental entities reviewing the development.

At the conclusion of the public hearing, Mr. Shaw made a motion to **adopt Ordinance No. 18-2371**. This motion was seconded by Mr. Posey. There being no additional discussion, on roll call vote of the Council the votes were as follows: Mr. Lyda, "Yea"; Dr. Middlebrooks, "Nay"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried.

19. **1ST READING ORDINANCE NO. 18-2384 – ANNEX PRE-ZONED PROPERTY ON OLD ROCKY RIDGE ROAD, OWNED BY D.R. HORTON**

The City Attorney had the first reading of Ordinance No. 18-2384. This would annex pre-zoned property located on Old Rocky Ridge Road, owned by D.R. Horton (as presented in the previous Item 17b.)

The second reading and consideration for adoption will be on Monday, June 18, 2018.

20. **MAYOR BROCATO – PROPOSAL - INCREASE SALES TAX, LEASE AND RENTAL TAX AND LODGING TAX TO INCREASE MONEY FOR SCHOOLS AND FUND PROJECTS**

Mayor Brocato stated the city has taken action to control and reduce its expenses taking the deficit and current budget head on and is currently on track to eliminate a \$3 million shortfall. The Future Hoover public feedback process began last year and the results are being incorporated into the upcoming proposed comprehensive plan. He gave a power point presentation of his proposal for future Hoover. He presented a list of actions already taken to address the current budget. Improving the quality of life for Hoover citizens is a top priority. Future budget challenges include eliminating future deficits, generate funds for routine capital improvements, and attract/retain quality employees at a cost of \$11 million per year. Future Hoover town hall meetings and online survey results show that citizens want strong schools, a city center, an arts center, and traffic management. His proposal includes: An additional \$4 million per year for Hoover City Schools, bringing the total support for the schools to \$11.1 million annually; \$22 million in matching funds to build a new interchange along I-459 and make substantial improvements to Exit 10 at Hwy. 150; \$22.3 million to construct a new community arts center for fine and performing arts and \$1 million per year to operate it; \$1.7 million to construct a Hoover Public Library Eastern Branch and \$700,000

per year to operate it; \$500,000 per year to fund consecutive phases of a Bicycle and Pedestrian Plan; \$450,000 per year to provide a Tourism and Cultural Program to secure the future of Aldridge Gardens and assist with attracting major events to Hoover; \$20 million to provide land, building site preparation, utilities construction, and traffic solution to bring in a \$300,000,000 project that will bring over 1,000 jobs to Hoover. He also spoke about creating a true city center while positioning the Riverchase Galleria campus for the future. He then presented the following three options for raising revenue to pay for these proposals: (1) Generate \$20 million per year by increasing sales and use tax components and lease/rental tax to 4% (same as surrounding cities); (2) Generate \$2 million per year by increasing lodging tax to 6% (same as, or less than, surrounding cities); (3) Using cash to pay down existing debt, improve reserves, and avoid financing future projects.

Mayor Brocato requested a first reading at the next Council meeting to address his tax increase proposals with a second reading and vote to follow at the July 2nd Council meeting.

20. **PAYMENT OF BILLS**

Mr. Lyda made a motion to approve the payment of the bills. Mr. Posey seconded the motion. On voice vote the motion carried unanimously.

Mr. Smith commended the Mayor and staff on the success of the **SEC Baseball Tournament**.

Mr. Smith called for additional comments or questions from the Council or the audience.

Mr. Arnold Singer, 613 Riverhaven Place, commented on the item discussed earlier regarding the small cell facilities ordinance.

Mr. Thomas Kendall, 404 Shadeswood Circle, commented on the issues of inoperable vehicles and abandoned properties and presented pictures of properties throughout the city with these issues. Mr. Smith noted the city has a proposed inoperable vehicle ordinance that is waiting to go to committee before being brought before the entire Council for consideration. He informed Mr. Kendall that the city currently has a property maintenance ordinance and encouraged him to report those types of issues to the city in order to initiate the process.

Mr. Jody Patterson, 404 Trace Court, Hoover, spoke against a tax increase as well as giving any additional funding to the schools.

There being no additional questions or comments the meeting was adjourned.