

**CITY OF HOOVER  
CITY COUNCIL  
MINUTES  
AUGUST 5, 2019**

The City Council of the City of Hoover met in regular session on this date at 6:00 PM, in the Council Chambers at the Hoover Municipal Complex, following publication and posting pursuant to Alabama Law. Council President Gene Smith called the meeting to order.

**Members Present:** Gene Smith, Council President  
John Greene, Council Pro-Tem  
John Lyda, Council Member  
Curt Posey, Council Member  
Mike Shaw, Council Member  
Casey Middlebrooks, Council Member  
Derrick Murphy, Council Member

**Members Absent:** None

**Other Officials Present:** Mayor Frank V. Brocato  
Phillip Corley, City Attorney  
Nick Derzis, Police Chief  
Jehad Al-Dekka, Executive Officer, Police Department  
Clay Bentley, Fire Chief  
Amanda Borden, Library Director  
Jason Cope, Technology Director  
Tommy Daniel, Public Works Director  
Wendy Dickerson, City Clerk  
Chris Reeves, Assistant City Engineer  
Mike Lewis, Human Resources Director  
Frank Lopez, Revenue and Taxation Director  
Melinda Lopez, PhD, Chief Financial & Information Officer  
Rod Long, City Engineer  
Mac Martin, City Planner  
Robert Macke, Zoning Inspector  
Dustin Moore, Fleet Manager  
Linda Moore, 911 Director  
Melanie Posey, Public Information Officer  
Tim Westhoven, Chief Operations Officer  
Elenie Counts, Assistant to the City Administrator  
Dana Stewart, Senior Center Director  
Robert Yeager, City Treasurer

Mindy Wyatt, Applications Systems Specialist  
Susan Fuqua, Director, Municipal Court

Mrs. Wendy Dickerson, City Clerk, led the invocation.

Mr. Dylan Robert Morgan led the Pledge of Allegiance. Mr. Morgan is with the Boy Scout Troop number 367, Riverchase United Methodist Church. He is working on his Communications Merit Badge.

## **MINUTES**

The minutes of the July 1, 2019, regular meeting was presented for approval.

**MOTION:** Motion to dispense with the reading of the minutes of the July 1, 2019, (Regular Meeting) and approve them as presented was made by Mr. Lyda and second by Mr. Greene. Mr. Smith called for a voice vote and the motion carried approving the minutes from July 1, 2019, regular meeting.

## **ANNOUNCEMENTS, GUEST RECOGNITIONS**

- Mayor invited Chief Derzis up to the front. Chief Derzis said that three of his officers recently attended a motorcycle competition in Hendersonville, Tennessee, in which 45 participants from 12 different agencies around the Southeast participated. Sergeant Brian Nelson took 1<sup>st</sup> place in the Elite and ranked number one in the over-all competition and received the Mr. Rodeo award for the highest score. Officer Adam Dozier placed 1<sup>st</sup> in the Expert and ranked 6<sup>th</sup> in the over-all competition. Officer T.J. Denson Place ranked 1<sup>st</sup> in the Novice and ranked number 10 in the over-all completion. He, also, won over-all in the last man standing competition. The last man standing is when you compete in a riding course with everyone in the competition; he was the last man standing. They also took first place in the over-all team competition. They are experts in their field and Chief Derzis is proud to be associated with these guys.
- Chief Derzis announced that tomorrow night the Police Department will be hosting their 10<sup>th</sup> year National Night Out. The National Night Out will be held in front of Belk's Department Store at the Riverchase Galleria. There will be food trucks, the Police Department, Hoover Fire, the DEA is coming with one of their labs, and the US Marshalls are bringing a cool vehicle. It is a great opportunity for the community to come out and interact with the Police and really find out what they do. They appreciate the Mayor and Council for always supporting this event.

- Mr. Lyda reported that Robert Yeager announced his intention to retire effective September 30, 2019. The City Council is tasked with naming a new City Treasurer. Mr. Lyda said that he and his colleagues have worked diligently in the last month to come up with a scenario that they feel will serve the citizens very well.

**MOTION** Motion to approve Mr. Ben Powell as City Treasure effective October 1, 2019, was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith called for the question with a roll call vote to approve Mr. Ben Powell as City Treasurer effective October 1, 2019, as follows:

Mr. Greene -	Yes	Mr. Posey-	Yes
Mr. Lyda-	Yes	Mr. Shaw -	Yes
Dr. Middlebrooks -	Yes	Mr. Smith-	Yes
Mr. Murphy-	Yes		Motion carried.

Mr. Lyda said he had spoken with Ben and he is deeply honored for the confidence shown in him and looks forward to working with everyone.

## **CONSENT AGENDA**

### **RESOLUTION NUMBER 6042-19**

A Resolution Authorizing the Mayor To Enter Into An Agreement With Raymond James For A Domestic Core Fixed-Income Manager

### **RESOLUTION NUMBER 6043-19**

A Resolution Authorizing The Mayor To Execute An Application With Lincoln Financial For Group Insurance

### **RESOLUTION NUMBER 6045-19**

A Resolution Authorizing The Mayor To Enter Into An Agreement With Jefferson County Office Of Senior Citizens Services Regarding Assistance With Programs

### **Payment of Bills**

Mr. Corley read the Resolutions.

Mr. Lyda made the motion to approve all consent items with a second by Mr. Greene

Mr. Smith called for the question with a voice vote on all consent items and the motion carried adopting all the consent items.

## **REGULAR AGENDA**

### **RESOLUTION NUMBER 6041-19**

**A Resolution Authorizing Birmingham Water Works To Install A Fire Hydrant at the north side of Mars Hill Road, 170 feet from Emery Way.**

Mr. Corley read the Resolution.

**MOTION** Motion to approve Resolution Number 6041-19 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Murphy abstained from voting on Resolution Number 6041-19.

Mr. Smith called for any comments of the audience or Council.

Mr. Smith called for the question with a voice vote on Resolution Number 6041-19 and the motion carried adopting Resolution Number 6041-19.

### **RESOLUTION NUMBER 6044-19**

**A Resolution Declaring A Weed And Other Vegetation Nuisance And Directing The Abatement Of Said Nuisance Pursuant To Alabama Law**

Mr. Corley read the Resolution.

Properties included are:

2039 Arnold Road  
2874 Wisteria Drive  
6278 Black Creek Loop North  
2384 Chapel Road

Properties no longer included in this Resolution are:

1755 Napier Drive

Mr. Smith opened the public hearing.

Mr. Macke stated this is the first hearing on four properties. Napier Drive has been cut and taken off the resolution and photos were taken this afternoon.

Mr. Smith closed the public hearing.

**MOTION** Motion to approve Resolution Number 6044-19 was made by Mr. Lyda seconded by Mr. Greene

Mr. Smith called for any comments of the audience or Council.

Mr. Smith called for the question with a voice vote on Resolution Number 6044-19 and the motion carried adopting Resolution Number 6044-19.

### **ORDINANCE NUMBER 19-2450**

#### **An Ordinance Of The City Of Hoover To Modify Chapter 3, Alcoholic Beverages And To Repeal All Ordinances And Parts Of The Ordinances Of The City Of Hoover In Conflict Therewith**

Mr. Corley read the Ordinance.

Mr. Corley stated that this ordinance relates to the Brunch Bill, it amends, Chapter 3, Article 1, and Section 3-3 of the Municipal Code of the City of Hoover to prohibit on premises sales of alcohol malt or brewed beverages in the City from and after 2:00 a.m. to 4:00 a.m. on any day except Sunday and on Sunday between the hours of 2:00 a.m. and 10:00 a.m. This ordinance amends Chapter 3, Article 1, Section 3-4 of the Municipal Code of the City of Hoover and makes it unlawful for any place of business licensed to sell liquors, wines, malt or brewed beverages to allow any person to consume or drink such beverage on business premises between the hours of 2:00 a.m. and 8:00 a.m. on any day except Sunday and on Sunday between the hours of 2:00 a.m. and 10:00 a.m. This ordinance, also, amends Chapter 3, Article 2, and Section 3-29 of the Municipal Code of the City of Hoover permitting the dispensing of alcoholic beverages including beer, wine, and liquor to members of private clubs on Mondays through Saturdays from 11:00 a.m. to 2:00 a.m. the following morning and on Sundays from 10:00 a.m. to 10:00 p.m.

Mr. Smith opened the public hearing. There being no one to speak for the public hearing, Mr. Smith closed the public hearing.

**MOTION** Motion to adopt Ordinance Number 19-2450 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith thanked Mr. Lyda for all the work he has put into working on this. Also, Municipal Lobbyist Beth Chapman put a lot of work in on this as well.

Mr. Lyda thanked the City Attorneys for their hard work as well.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene said having witnessed the negative impact alcohol has had on many people's lives he cannot vote on anything other than his personal convictions on this ordinance therefore he will abstain from voting.

Mr. Greene – Abstained	Mr. Lyda- Yes
Dr. Middlebrooks – Yes	Mr. Murphy - Yes
Mr. Posey - Yes	Mr. Shaw - Yes
Mr. Smith- Yes	Motion carried.

### **ORDINANCE NUMBER 19-2451**

#### **De-Annexation – 2249 Highway 93, Villeta and Eugene Linton, Owner**

Mr. Corley read the Ordinance.

**MOTION** Motion to adopt Ordinance Number 19-2451 was made by Mr. Posey seconded by Mr. Greene.

Mr. Smith asked Mr. Corley how many acres was this de-annexation represented at the first reading.

Mr. Corley said it was approximately 56 acres but was stated as tonight everything attached in the legal to the description would be included in the de-annexation.

Mr. Smith said over time this acreage is going to be developed. Mr. Smith asked if there were going to be covenants on the property.

Mr. Eugene Linton said when they purchased the property there were quite a few stipulations on the property that don't allow it to be subdivided and does not allow businesses to be open on it. Mr. Linton said they are asking for this because he has taken another job in Alexander City that has forced them to moved. He stated that the family that is wanting to purchase the property actually has some children already in Helena School system and they are hoping to not have to move their children from the school.

Mrs. Villeta Linton said that the family that is buying their home that is on the 31 acres are just going to move there and live. There is an additional 25 acres that they have first right of refusal on and they feel that they may purchase this once they sell their home. Mrs. Linton does not feel this will benefit the City of Hoover as far as tax money. On their 2019 taxes, it is only like \$500.00 going to the schools.

Mr. Smith asked what if the other family chooses not to take the other 25 acres.

Mr. Linton said they would keep it and may eventually end up moving back on to it.

Mr. Smith asked if it had the same covenant as the other acres.

Mr. Linton answered yes.

Mr. Smith stated that this property has been in the City for many, many years and was in the City when the Linton's bought it. Mr. Smith said he personally does not believe in de-annexing property partly because someone wants their children to attend a different school system. It could result in a loss of property taxes. Others that are home schooling or have their children in private schools will want to de-annex as well because they do not want to pay money to Hoover School system if they are not using the school system.

Mr. Posey mentioned that a few months ago a lady asked to de-annex her property into Vestavia and Vestavia would not accept it. Mr. Posey wanted to know if Helena was going to accept this property.

Mr. Linton said they are not asking Helena to annex and that they were going to stay in Shelby County because it is already a county school and is actually zoned Helena.

Dr. Middlebrooks said it has been relevant that the City has looked to annex properties into the City and fill a lot of holes that the City has encountered. Dr. Middlebrooks said seeing this property on the very outskirts of the City; he is much more comfortable with de-annexing this property because it is not creating a hole. Dr. Middlebrooks said this could also be looked at as a land swap. Dr. Middlebrooks asked Richard Johnson how much land did Helena de-annex and the City annexed in from Blackridge.

Mr. Johnson said 24 acres.

Mr. Shaw said he has no problems with this, but it is creating a lack of continuity and isolating the other houses near this land.

Mr. Murphy asked about the fire protection and who will cover or respond.

Mr. Smith said if it is in the County it would be Indian Ford.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – Yes	Mr. Lyda- Yes
Dr. Middlebrooks – Yes	Mr. Murphy - Yes
Mr. Posey - Yes	Mr. Shaw - No
Mr. Smith- No	Motion carried.

**RESOLUTION NUMBER 6046-19**

**A Resolution Authorizing The Mayor To Enter Into A Contract With The Administrative Director Of Courts, Judicial Branch, State of Alabama For Court Referral Officers**

Mr. Corley read the Resolution.

**MOTION** Motion to approve Resolution Number 6046-19 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked Ms. Susan Fuqua is she wanted to respond to this Resolution.

Ms. Fuqua said Jason Harris is the Court Referral Supervisor and he will talk about the contract.

Mr. Smith asked Mr. Harris if he was a State employee or City employee.

Mr. Harris said he has been a City employee for a month and a half now. Mr. Harris said he was a state employee for 5 1/2 years and worked in the Supreme Court Building. He was in charge of the court referral system for the state. The court referral program is the Education Counseling Program in the court system for the state. Every court in the state is covered by these services. The Administrative Office of Courts contracts with local entities to provide those services at no cost to whoever the entity is so the contract is not City funds they are straight from the AOC provided services for them to do their counseling in the court system.

Mr. Shaw said he had the opportunity to talk with Susan and Jason about some of the things they are working on from the court referral program and he is excited to hear some of the ideas Mr. Harris has coming forward to the court.

Mr. Smith called for any comments of the audience or Council. There being none, he closed the floor.

Mr. Smith called for the question with a voice vote on Resolution Number 6046-19 and the motion carried adopting Resolution Number 6046-19.

**1<sup>st</sup> Reading (Items to be considered on August 19, 2019)**

**ORDINANCE NUMBER 19-2449**

**An Ordinance To Amend Ordinance Number 09-2183 To Establish 14 Voting Locations For All Municipal Elections To Be Held In The City Of Hoover**

Mr. Corley read the ordinance.

01. Hoover Park and Recreation Center at 600 Municipal Drive
02. Hoover Public Library at 200 Municipal Drive
03. Oakmont Presbyterian Church at 1817 Patton Chapel Road
04. Shades Crest Baptist Church at 452 Park Avenue
05. Bluff Park United Methodist Church at 733 Valley Street
06. Prince of Peace Catholic Church at 4600 Preserve Parkway
07. Findley Center at 1000 RV Trace
08. Saint Peter's Catholic Church at 2061 Patton Chapel Road
09. Riverchase Church of Christ at 1868 Montgomery Highway
10. Hoover Fire Station Number 7 at 100 Inverness Center Parkway
11. Hoover Fire Station Number 8 at 121 Village Street
12. Greystone Farms Club House at 1000 Farm House Road
13. Ross Bridge Welcome Center at 2101 Grand Avenue
14. City Hall/Absent T Voting at 100 Municipal Lane

Mr. Posey asked for a motion to suspend the rules for immediate consideration since this is a housekeeping issue with a full roll call vote and second by Mr. Greene.

**MOTION** Motion to suspend the rules and have immediate consideration of Ordinance Number 19-2449 was made by Mr. Posey seconded by Mr. Greene.

Mr. Smith stated that there is a motion and a second to suspend rules because there is a possibility of having an upcoming school vote and there are certain advertising requirements to take care of if the school does decide to have an election this calendar year.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – Yes	Mr. Lyda- Yes
Dr. Middlebrooks – Yes	Mr. Murphy - Yes
Mr. Posey - Yes	Mr. Shaw - Yes
Mr. Smith- Yes	Motion carried.

**MOTION** Motion to approve Ordinance Number 19-2449 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – Yes	Mr. Lyda- Yes
Dr. Middlebrooks – Yes	Mr. Murphy - Yes
Mr. Posey - Yes	Mr. Shaw - Yes
Mr. Smith- Yes	Motion carried.

**ORDINANCE NUMBER 19-2453**

**Annexation – Blackridge Annexation Parcel 1, Phase 1, Blackridge Partners, LLC, Owner**

Mr. Corley read Ordinance Number 19-2453

**Set Public Hearings for August 19, 2019, 1<sup>st</sup> Reading**

**RESOLUTION NUMBER 6040-19**

**C-0719-10- Piyanka Ghosal, OBO AL Power Company, is requesting Conditional Use approval to allow Alabama Power Company, to own the residence (2177 Samuel Pass located in Reynolds Landing) as a demonstration home for emerging technologies and to continue to test and gather data related to electrical and solar applications, Jerry and Elizabeth Nowell are the property owners and the property is zoned PR-2.**

Mr. Corley read the resolution.

**ORDINANCE NUMBER 19-2452**

**Z-0719-23 – Mr. Ryan Goolsby requests rezoning of property located at 2807 Wisteria Drive from C-2 (Community Business District) to C-P (Preferred Commercial Office District) for the purpose of building his new State Farm Insurance Agency. Mr. Goolsby is the property owner and the property is currently zoned C-2 (Community Business District).**

Mr. Corley read the ordinance.

**COMMENTS/QUESTIONS**

Mr. Smith commented that Ms. Erin with WBTM is taking a job in another State and wanted to thank her for everything she has done for Hoover and for Central Alabama.

Three students with Clean Hoover and Student and leads the Environmental Organization were present to talk about what they had been doing over the past weekend. The students said that they had about 20 or more people at Moss Rock. They cleaned up and had about five bags of trash at the Preserve and the surrounding neighborhoods. They commented that some of the things they are trying to do in the future are tree planting days and basic species removal just like

general education about recycling and trying to talk to small businesses about their business practices. They appreciate the help of everyone keeping an eye on those things in the future.

Mr. Smith suggested they get with the Public Information Officer so that she can get some information out for them to get more volunteers and participation in the future.

Dr. Middlebrooks wanted to commend the group on their efforts and community pride. He, also, wanted to commend the young adults that came before them and started this last year because they really set a foundation that speaks volume for a student group.

The students said some of their main goals for this year are to try to get recycle bins across parks in the City. They have the cup initiative where if a person brings five plastic cups or plastic water bottles into a restaurant they can get a discount on their drink. They are going to contact restaurants about this.

Mr. Posey asked if they had reached out to the City to talk about a Community Service Agreement with the City or working with the City on any formal funding for their projects. They are great projects. Mr. Posey, also, feels the Chamber of Commerce could help them, too.

The students said they had not reached out but they did reach out to Mr. Gene Smith and Mr. Derrick Murphy about coming to their previous event and they invited them to this meeting. The students thanked them for the invite and said they haven't really looked into funding, yet, but they think the recycle bins for the parks may be expensive for them so they are definitely interested in help with funding.

The students said they partnered with the Hoover Parks and Rec and they provided them with some funds. They contacted the Mayor and Dee Nance for help with other things.

Mr. Robin Schultz, Albemarle Drive, commented that the people that just spoke brought up an interesting topic for the City which is the recycling aspect of it. Mr. Schultz said over the last few weeks there has been a lot of discussion on social media regarding recycling and lack of recycling. At times the hauler which is Santek, has put both the blue and the gray bins into the truck at the same time and this has brought some discussion with folks that want to recycle and these kids are a perfect example of the young people who want to make things better. Mr. Schultz said in 2015, Santek took over the contract for the City and at that time it was an average of 57 trucks per month that were brought to Birmingham Recycle and Recovery and this is the company that accepts recycling for all of Jefferson County. The haulers bring the recycling to them and they separate it and recycle it. In 2017 that number remained at 57. In 2018, it went down to 37 and this year they are down to 20 trucks a month so something is happening as to where the trucks are not arriving at the recycling center.

Mr. Smith asked Mr. Schultz if he was saying that they are only bringing 20 trucks a month or are there only 20 trucks picking up.

Mr. Schultz said he spoke with Melvin Smallwood, who is the Operations Manager with Santek, and they discussed recycling and one of the things he said was because Hoover is growing the number of trucks is actually going up that are picking up the recycling but the number of trucks arriving at the recycling center is actually going down. The agreement with Santek that was signed back in 2015 specifically states that no recycling can be taken to any landfill facility. Mr. Schultz said he would like to get the City and Council's help in finding out what has happened to this. Mr. Schultz said one thing that is happening is that the recycling center is receiving contaminated material. The hauler gets fined for contaminated loads. Mr. Schultz feels with the help of the Birmingham Recycling Center and the help of the kids that just spoke that an education type effort be formed to educate people on how to recycle. This can be in a two minute video placed online on the website that shows what can go in and what cannot go in these recycling bins.

Dr. Middlebrooks asked was the drop off in the amount of trucks in 2018 around the same time China stopped accepting the world's recycling and around the time that plastics being accepted went from 1 to 7 to 1 to 2.

Mr. Schultz said yes, however, that should not change the number of trucks arriving.

Dr. Middlebrooks said he does like Mr. Schultz's idea of more education on the City's part because that is part of the problem and there is a group over the mountain called the Counselors Roundtable of Birmingham and mostly over the mountain region that have decided to take on this project as a region and they will be taking a field trip to the Birmingham Recycling and Recovery Center and they plan on looking at recycling as a whole region and not just Hoover.

Mr. Smith said about a year ago Santek made a presentation to the Council and to the City and they were talking about tagging the cans with information sheets and he thinks they may have changed supervisors and this was never done.

Mayor Brocato said they can find out if they are still doing this but the recycling information is on the website. Mayor Brocato feels a video on the website would be very effective.

Mr. Posey asked does the City get anything from Santek that shows how many recycling trucks go and how many loads they take and can this be looked at and correlate as to why the drop occurred.

Mayor Brocato said the City can contact them and ask them for this information.

Mr. Schultz said he asked them for this information and he is still waiting on it.

There being no further discussion, meeting was adjourned at 5:53 p.m.

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Gene Smith  
Council President

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Frank V. Brocato  
Mayor

**ATTESTED BY:**

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Wendy Dickerson  
City Clerk