

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Tuesday, January 17, 2017
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 (Arrived at 6:06 p.m.)
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
Mr. Bob House, House Consultants
Ms. Amanda Borden, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
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. Craig Moss, Director, Parks and Recreation
Mr. Mike Ogles, Director, Technology
Mr. Ben Powell, Director, Purchasing
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, Chief Operations Officer
Chief Chuck Wingate, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
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.

Councilman Curt Posey led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Mr. Greene stated each member of the Council had previously received a copy of the minutes of the January 3, 2017 work session, January 3, 2017 regular meeting, and the January 12, 2017 work session.

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. Greene called for discussion. There being none, on voice vote the motion carried unanimously.

2. **REPORTS**

Mr. Greene asked **Mr. Michael Krawcheck** to join Mayor Brocato and Councilman Middlebrooks, Chairman, City Council Library Board Committee, at the front of the chambers to be recognized for his years of service on the Library Board. The City Attorney read a **Proclamation** expressing appreciation of Mr. Krawcheck's service and affirming his appointment to the **Hoover Public Library Board** as **Trustee Emeritus**.

3. **RESOLUTION NO. 5524-17 – REJECT SINGLE BID RECEIVED ON BID NO. 02-16-1E AND AUTHORIZE MAYOR TO NEGOTIATE PURCHASE**

The City Attorney read Resolution No. 5524-17. This would reject the bid of Diversified, as the only bid received, and authorize the Mayor to negotiate and execute a contract with Diversified for the Base Bid, Alternate #1 and Alternate #4, at a price lower than their quoted amount.

Mr. Lyda made a motion to approve **Resolution No. 5524-17**. 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. 5525-17 – AUTHORIZE MAYOR TO EXECUTE 2ND AMENDMENT TO GOVERNMENT ENTITY TOWER LEASE AGREEMENT WITH CROWN CASTLE SOUTH, LLC REGARDING TOWER AT GREYSTONE CREST**

The City Attorney read Resolution No. 5525-17. This would authorize the Mayor to execute a Second Amendment to the Government Entity License Agreement with Crown Castle South, LLC regarding the public safety antennas at the site near Greystone Crest. This amendment has no effect on the city's budget or expenses.

Mr. Lyda made a motion to approve **Resolution No. 5525-17**. This motion was seconded by Mr. Posey. Mr. Greene called for question or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5526-17 – AUTHORIZE INSTALLATION OF FIRE HYDRANTS – LAKE WILBORN PHASE 2**

The City Attorney read **Resolution No. 5526-17**. This would authorize the Birmingham Water Works Board to install fire hydrants in the Lake Wilborn Phase 2 subdivision.

Mr. Lyda made a motion to approve **Resolution No. 5526-17**. 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. 5527-17 – AUTHORIZE MAYOR TO EXECUTE AMENDMENT TO LICENSE AGREEMENT WITH TYLER TECHNOLOGIES, INC. – SOFTWARE FOR POLICE DEPT.**

The City Attorney read Resolution No. 5527-17. This would authorize the Mayor to execute an Amendment to License Agreement with Tyler Technologies, Inc. regarding software for the Police Department.

Mr. Lyda made a motion to approve **Resolution No. 5527-17**. 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. **RESOLUTION NO. 5528-17 – AUTHORIZE MAYOR TO EXECUTE TRI-PARTY CONSTRUCTION AGREEMENT REGARDING BRIDGE OVER CSX RAILROAD – STADIUM TRACE EXTENSION**

The City Attorney read Resolution No. 5528-17. This would authorize the Mayor to execute a Tri-Party Construction Agreement between the City of Hoover, CSX Transportation, Inc. and Blackridge Partners, LLC regarding the construction of a bridge over the CSX Railroad to be known as the Stadium Trace Extension Bridge; subject to review and revisions by the City Attorney's office.

Mr. Lyda made a motion to approve **Resolution No. 5528-17**. This motion was seconded by Mr. Posey. Mr. Greene called for question or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

8. **2ND READING ORDINANCE NO. 17-2319 – ANNEX TWO VACANT RESIDENTIAL PARCELS ON STROLLAWAY DRIVE**

The City Attorney had the Second Reading of Ordinance No. 17-2319. This would annex two vacant residential parcels located on Strollaway Drive, owned by Chester and Lynn Norris.

Mr. Posey made a motion to **adopt Ordinance No. 17-2319**. 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"; and Mr. Shaw, "Yea".

9. **PUBLIC HEARING – AMENDMENT TO BLACKRIDGE PUD TO ADD 108 ACRES TO BE ZONED PR-1 – RICHARD JOHNSON, SB DEV CORP, APPLICANT – P.R. WILBORN, LLC, OWNER – 2ND READING ORDINANCE NO. 16-2314 - (Continued from 11/21/16 Meeting)**

Mr. Greene stated this is the public hearing to consider the adoption of Ordinance No. 16-2314 at the request of Richard A. Johnson II, representing SB Dev Corp., which would allow for the approval of an amendment to the Blackridge PUD for the purpose of adding one parcel consisting of approximately 108 acres to be zoned PR-1 Planned Single Family District-Medium Density. This property is owned by P.R. Wilborn, LLC and is currently not zoned by the City of Hoover.

Mr. Greene said the applicant has requested this be continued to the March 6, 2017 City Council meeting.

Mr. Shaw made a motion to **continue** the public hearing and second reading of Ordinance No. 16-2314 to the **March 3, 2017 City Council meeting**. 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.

10. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RETAIL BEER AND RETAIL TABLE WINE – CARMIKE THEATRE – 4450 CREEKSIDE AVENUE (PATTON CREEK) – ZONED C-2 – ARC PCBIRAL001, LLC, OWNER – CARMIKE MOTION PICTURES BIRMINGHAM III, LLC, APPLICANT**

Mr. Greene stated this is the public hearing to consider the request of Carmike Motion Pictures Birmingham III, LLC for **Conditional Use** approval for the sale of retail beer and retail table wine at the Carmike Theatre located at **4450 Creekside Avenue** in Patton Creek. ARC PCBIRAL001, LLC is the property owner and the property is zoned C-2 Community Business District. (PZ Case #C-1216-15)

Mr. Greene said the applicant has requested to continue this public hearing to the February 6, 2017 Council meeting.

Mr. Shaw made a motion to **continue** the public hearing to the **February 6, 2017 City Council meeting**. 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.

11. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RETAIL BEER AND RETAIL TABLE WINE – CARMIKE THEATRE – 801 DOUG BAKER BLVD (VILLAGE AT LEE BRANCH) – ZONED C-2 – MONARCH AT LEE BRANCH, LLC, OWNER – CARMIKE MOTION PICTURES BIRMINGHAM III, LLC, APPLICANT**

Mr. Greene stated this is the public hearing to consider the request of Carmike Motion Pictures Birmingham III, LLC for **Conditional Use** approval for the sale of retail beer and retail table wine at the Carmike Theatre located at **801 Doug Baker Blvd.** in the Village at Lee Branch. Monarch at Lee Branch, LLC, is the property owner and the property is zoned C-2 Community Business District. (PZ Case #C-1216-16)

Mr. Greene said the applicant has requested to continue this public hearing to the February 6, 2017 Council meeting.

Mr. Shaw made a motion to **continue** the public hearing to the **February 6, 2017 City Council meeting**. 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.

12. **PUBLIC HEARING – CONDITIONAL USE – CLUBHOUSE, POOL AND PARK – LOT CA-4, LAKE WILBORN, PHASE 1 – ZONED PR-1 – P.R. WILBORN, LLC, OWNER – SB DEV CORP, APPLICANT**

Mr. Greene stated this is the public hearing to consider the request of SB Dev. Corp. for **Conditional Use** approval for a clubhouse, pool, and park to be located at Lot CA-4, Lake

Wilborn, Phase 1. P.R. Wilborn, LLC is the property owner and the property is zoned PR-1 Planned Single Family District. (PZ Case #C-1216-17)

Mr. Shaw made a **motion to approve** the conditional use. This motion was seconded by Mr. Posey.

Mr. Bob House noted that the applicant was present in the audience. He reiterated his comments from the work session on Thursday. The subject property is located on the Wilborn property which is currently undeveloped. It is located approximately where Stadium Trace currently enters the Wilborn property. It will cross the power company right of way and over a creek. This will be one of the first lots on the Wilborn property. It was on a development plan previously approved by the city as an amenity site. The applicant has submitted a site plan which complies with the city's minimum standards. The Planning and Zoning Commission has recommended approval of this request.

Mr. Jonathan Belcher, Signature Homes, 3545 Market Street, concurred with Mr. House that their application complies with the city's ordinance as part of their original plan proposed. This is an amenity building and pool that will serve the Wilborn community. It is the largest one they have designed and planned to build of any developments they have done so far in the City of Hoover. It is approximately 5500 square feet and will overlook part of Wilborn Lake.

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

13. **PUBLIC HEARING – 2ND READING ORDINANCE NO. 17-2318 – PRE-ZONE 4670 VALLEYDALE ROAD FROM SHELBY COUNTY A-1 TO HOOVER C-2 (SUBJECT TO ANNEXATION) – SHEILA VAUGHN, OWNER**

Mr. Greene stated this is the Public hearing to consider the request of Sheila Vaughn, owner, to pre-zone her property located at 4670 Valleydale Road, from Shelby County A-1 to Hoover C-2 Community Business District. (Subject to annexation) The property is currently located in unincorporated Shelby County. (PZ Case #Z-1216-14)

The City Attorney had the **Second Reading of Ordinance No. 17-2318**. This would zone the property subject to annexation into the City of Hoover within 180 days of the initiation of annexation proceedings of such property as provided by law.

Mr. Shaw made a motion to **adopt Ordinance No. 17-2318**. 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"; and Mr. Shaw, "Yea".

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. Shaw. On voice vote the motion carried unanimously.

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

Mr. Allan Rice reported on the **status of the leaf pick up issues** around the city. The city met with **Santek** on January 4th with the primary discussion being leaf collection. Santek has taken several remedial efforts to try and catch up. They have moved to a six day week work cycle for leaf collection exclusively by adding Saturday crews. They have expanded their hours to ten hour shifts for leaf pickup and have begun to augment leaf collection with their knuckleboom apparatus. They have taken their managers out on leaf collection routes so they can see firsthand and trouble shoot where some of the problems are. They have added helpers to several of their trucks where there are large piles that have to be raked into the vacuum. There was a conversation about the number of trucks. By contract they are required to have nine leaf collection trucks. There was a period of time early on where they had a fleet of nine, but some maintenance all of the time, so they may have only had eight on the street. He said the City Attorney would report on where we stand contractually with that. The city did discover that part of the problem was that once the trucks were full the loads would be transported to the Jefferson County Landfill in Mount Olive. That could result in an hour and a half or two hour turn around in getting the truck back in Hoover and working again. So, the city has worked with Jefferson County and the City of Bessemer to try to find a closer dump location. Santek was able to implement some interim measures this past week where they are actually dumping into a facility they own in Bessemer as a transfer station. He received an update this morning that they were able to start the current zone on schedule. This is the zone that through some issues they experienced got completely skipped and never got the first collection done back in early December and has been the source of a lot of the reports of concerns by residents. They are on schedule to finish this zone by the 21st of this month.

The City Attorney reported that the contract requires nine operable leaf collection trucks. There is a \$500 per day per truck penalty for failure to provide that equipment, or if they use any of those outside the city limits during the leaf collection period, until the contractor can provide evidence that required equipment is acting and functioning properly within the city. There is another penalty that the contractor shall pay \$200 for each complaint request not satisfied within 24 hours for the first violation; \$400 for any second complaint at the same residence which is not satisfied within 24 hours within the same month.

Mr. Rice stated the city has not yet chosen to exercise these penalties. He felt that at this point the city has been able to achieve at least a return to the original proposed timeline and that we now start to work with our vendor on those specific compliance issues of monitoring the fleet and knowing that what we are paying for through contract is what is on the street in Hoover collecting leaves; knowing that if they do have maintenance issues they do not take a truck down for that reason and that we have nine trucks operating at all times.

Mr. Rice said the Public Works Department has a very well developed process of receiving complaints, implementing corrective measures, and tracking reports from the citizens. He said it would be helpful in the process if issues are reported to Public Works at 444-7543.

Mr. Murphy asked would the city incur any costs involved with Santek finding a closer dumpsite. Mr. Rice said he would defer to legal counsel as to contractual requirements but it would not be the posture of the city to help them with that.

Mr. Posey announced an upcoming **Annexation Committee Meeting** to be held immediately following the February 6, 2017 regular Council meeting.

Mr. Arnold Singer, 613 Riverhaven Place, reported that next Monday, **January 23rd**, **Mayor Brocato** would be giving the **State of the City Address** at the **Capers** restaurant at **Artists on the Bluff**. This is in conjunction with the Artists on the Bluff and the Hoover Historical Society. He invited everyone to attend.

Dr. Casey Middlebrooks stated that on Tuesday, **January 24th**, the **Special Education Community Alliance** will be meeting at **Caper's restaurant at 6 p.m.** The speaker will be Claire Moore, Director of Instructional Support for Hoover City Schools. He invited everyone to attend. He noted she would be announcing a new program for Instructional Support for Hoover City Schools that will be the first of its kind in the southeast.

There being no further comments, the meeting was adjourned.

Margie Handley
City Clerk