

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: February 6, 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
Mr. Curt Posey, Council Member
Mr. Mike Shaw, Council Member
Mr. Gene Smith, Council President

ALSO PRESENT: Mr. Phillip D. Corley, Jr., City Attorney
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, Gene Smith.

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. Smith stated each member of the Council had previously received a copy of the minutes of the January 17, 2017 regular meeting, January 24, 2017 Special Work Session, and the February 2, 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. Greene. Mr. Smith called for discussion. There being none, on voice vote the motion carried unanimously.

2. **REPORTS**

Mayor Brocato joined Ms. Jennifer Whisenant, President, Moss Rock Festival Board of Directors; Ms. Eileen Kunzman, Festival Director; and Dr. Murphy, Superintendent of Hoover City Schools, for the presentation of the **Moss Rock Festival, Planet Project Awards** to the following students: Jana Maynard, Brocks Gap Intermediate; Shannon Bourn, Prince of Peace; Carrie McGrann, Simmons Middle; and Julie Altmark, Shades Mountain Elementary. The awardees were accompanied by their teachers and other students.

Beautification Board Members Mary Ross Searcy (Historian) and Ann McAdams (Chairman) presented Mayor Brocato with the **Beautification Board 2016 Scrapbook**.

Mayor Brocato asked **Mr. Martin Weinberg**, along with his wife and mother, to join him at the front of the chambers. Mayor Brocato said he chose Mr. Weinberg to fill the current vacancy on the **Birmingham-Jefferson County Transit Authority** and asked for Council's concurrence on his appointment. Mr. Lyda made a motion to concur. Mr. Greene seconded the motion. On voice vote the motion carried unanimously.

Mayor Brocato said he would like to begin including **employee milestone recognitions** at Council meetings to introduce them to the Council and audience. In addition to that he would like to recognize sworn positions in the Police and Fire Departments as new employees. He noted that Chief Derzis would be swearing in two new police officers tonight. The Mayor asked the following employees to come forward and be recognized: **Thirty years of service - Lance Kelly, Public Works; Twenty years of service - Clay Bentley, Fire Department; Scott Mims, Fire Department; Wayne Wilkey, Fire Department; and Brian Johnson, Police Department.** Chief Derzis introduced **Mark Estep** and congratulated him on his recent **promotion to Police Sergeant**. He then congratulated **Brian Johnson** on his **twenty years of service**. He introduced two **new police officers** – **Joshua Everett** and **Blake Walker**. The two officers were then sworn in by Chief Derzis.

Mayor Brocato asked **Board of Education Members** Stephen Presley, Craig Kelly, Deanna Bamman, Earl Cooper, and Jill Veitch to join him at the front of the chambers. **Councilman Murphy** read a **Proclamation** declaring the month of January, 2017 as **School Board Member Recognition Month**. Mr. Smith said Mr. Presley is approaching the end of his term and has indicated that he will not be seeking reappointment. Mr. Smith commended Mr. Presley on an exemplary job over the past five years.

The City Attorney read a **Proclamation** declaring the month of February, 2017 as **Career and Technical Education Month**. Mayor Brocato presented the framed proclamation to **Mr. Taurus Felton** who was joined by a group of teachers. **Dessire Gonzalez-Jimenez** was introduced as the first **Student of the Month** for Career and Technical Education.

3. **RESOLUTION NO. 5529-17 – ANNUAL TASK ORDER CONTRACT – PROFESSIONAL MAPPING SERVICES**

The City Attorney read Resolution No. 5529-17. This resolution would authorize the Mayor to execute a Task Order Agreement with Shelby County and G-Squared, LLC for Professional Mapping Services for 2017.

Mr. Lyda made a motion to approve **Resolution No. 5529-17**. This motion was seconded by Mr. Greene.

Mr. Smith called on Dr. Lopez for a brief description of this agreement. Dr. Lopez said this is an annual agreement with Shelby County to allow them to contract out the flying of the aerial photography. The Shelby County portion of it is basically free to the city but the Jefferson County portion is the cost of this agreement which is \$80,000. This will give us the entire city limits plus three miles beyond. This agreement also covers the different map features we receive from the county.

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

4. **RESOLUTION NO. 5530-17 – RATIFY GROUP APPLICATION SIGNED BY COUNCIL PRESIDENT – REZONE CITY PROPERTY – PART OF TRACE CROSSINGS 11TH AMENDMENT**

The City Attorney read Resolution No. 5530-17. This would ratify the group application signed by Council President Gene Smith initiating the rezoning of property owned by the City of Hoover as a part of the proposed Trace Crossings 11th Amendment to the PUD.

Mr. Smith asked Allan Rice to explain why the President of the Council was asked to participate. Mr. Rice said the City of Hoover is a part owner of some of the property that will be involved in the rezoning action being requested. The application required the signature of an agent of the city. It has been passed practices to have the Council President represent this body and then have ratification. The application was submitted timely in order to be placed on the upcoming Planning and Zoning Commission agenda.

Mr. Shaw made a motion to approve **Resolution No. 5530-17**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5531-17 – AUTHORIZE MAYOR TO EXECUTE AMENDED FEE AGREEMENT WITH SPECTRUM EMPLOYEE BENEFITS, INC. REGARDING ALERUS FINANCIAL 457(b) RETIREMENT PLAN**

The City Attorney read Resolution No. 5531-17. This would authorize the Mayor to execute an Amended Fee Agreement with Spectrum Employee Benefits, Inc., the third party administrator for the Alerus Financial 457 (b) retirement plan designated as the City Hoover Deferred Compensation Plan.

Mr. Lyda made a motion to approve **Resolution No. 5531-17**. This motion was seconded by Mr. Greene.

Mr. Mike Lewis stated this is a reduction in the annual fee from \$1200 to \$500 which will result in a savings for those who participate in the plan.

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

6. **RESOLUTION NO. 5532-17 – AUTHORIZE MAYOR TO EXECUTE CUSTOMER SERVICE ORDER FORM WITH CDW DIRECT, LLC AUTHORIZING AEROHIVE NETWORKS, INC. AS THIRD PARTY CLOUD SERVICE PROVIDER**

The City Attorney read Resolution No. 5532-17. This would authorize the Mayor to execute a Customer Service Order Form authorizing CDW Direct, LLC as seller and Aerohive Networks, Inc. as a third-party cloud service provider.

Mr. Lyda made a motion to approve **Resolution No. 5532-17**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council. Mr. Shaw said it was discussed at work session that the document refers to the third party agreement with Aerohive. He inquired as to whether the document had been reviewed. Mr. Mike Ogles said the document had been reviewed and approved by April Danielson. Mr. Ogles said this is just a release form that says CDW as the seller would not be responsible for the service; Aerohive as the service provider would be the responsible party.

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

7. **RESOLUTION NO. 5533-17 – AUTHORIZE MAYOR TO EXECUTE STANDARD PROJECT RESOLUTION, MAINTENANCE AGREEMENT WITH ALDOT – COUNTY ROAD 13 FROM BIBB COUNTY TO COUNTY ROAD 52**

The City Attorney read Resolution No. 5533-17. This would authorize the Mayor to execute a Standard Project Resolution and Maintenance Agreement with the Alabama Department of Transportation for planning, resurfacing and permanent stripe on County Road 13 from Bibb County to County Road 52. There is no city funding involved in this project.

Mr. Lyda made a motion to approve **Resolution No. 5533-17**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There were none.

Mr. Rod Long stated this is simply ALDOT's method of notification to the city regarding the project and having the city's concurrence.

There being no further discussion, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5534-17 – AUTHORIZE MAYOR TO EXECUTE CONSULTING AND ENGINEERING SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES INC. TO DEVELOP CITY-WIDE BICYCLE AND PEDESTRIAN PLAN**

The City Attorney read Resolution No. 5534-17. This would authorize the Mayor to execute a Consulting and Engineering Services Agreement with AECOM Technical Services, Inc. to develop a city-wide bicycle and pedestrian plan as part of an ALDOT project.

Mr. Lyda made a motion to approve **Resolution No. 5534-17**. This motion was seconded by Mr. Greene.

Mr. Rod Long said this is a project the city has been working on for several months to get funding from ALDOT to do an inventory of the city's existing bicycle and pedestrian facilities and look at a long range plan for the city. This would include the scheduling of four public meetings to be held throughout the city to encourage participation by various entities.

Mr. Murphy inquired as to the design time. Mr. Long said the process would take six to nine months of holding hearings and going through the inventory process. The city's portion of the cost would be \$40,000. This is in the proposed budget and may have even been in last year's budget.

There being no further discussion, on voice vote the motion carried unanimously.

9. **CHANGE ORDERS AND RESOLUTION NO. 5535-17 - RELATED TO THE HOOVER METROPOLITAN COMPLEX**

Mr. Tim Westhoven reviewed the following items related to the Hoover Metropolitan Complex.

Change Order No. 2 for Rabren General Contractors is a close out change order for the site foundation package for the indoor facility at the Hoover Metropolitan Complex. This is a deductive change order of \$6,432.55.

Change Order No. 1 for Brasfield and Gorrie, LLC is a deductive change order of \$1,542,248.00 to stop their contract for the Hoover Metropolitan Complex at the completion of Phase I. Mr. Westhoven said it is anticipated that Brasfield and Gorrie would then be hired by the Park Board to continue the Phase II project under the Park Board and there would be costs associated with that and would be funded by the bond money created last year.

Mr. Lyda made a motion to approve **Change Order No. 2 and Change Order No. 1**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Westhoven reviewed Resolution No. 5535-17. This would suspend any work in the City's contract with Goodwyn, Mills and Cawood relating to Phase II of the Sports Field complex and authorizes the Mayor to execute any correspondence and documents related to such. He explained this would close out Goodwyn Mills and Cawood's portion of Phase II of the project. This is a deductive amount of just under \$600,000.

Mr. Lyda made a motion to approve **Resolution No. 5535-17**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Dr. Middlebrooks asked if that was in savings or another moving of funds. Mr. Westhoven said it would be another movement of funds.

There being no further discussion, on voice vote the motion carried unanimously.

10. **1ST READING ORDINANCE NO. 17-2320 – LEASE OF CITY PROPERTY TO THE PUBLIC PARK AND RECREATION BOARD**

The City Attorney had the First Reading of Ordinance No. 17-2320. This would authorize the lease of public property by the City of Hoover to the Public Park and Recreation Board of

the City of Hoover. The lease of this property conveys a direct public benefit and furtherance of the public's health, safety and welfare through the Board's use of the land as an athletic field park for community use, athletic tournaments and other athletic events.

Mr. Allan Rice said this is a long term land lease between the City of Hoover and the Hoover Park and Recreation Board. This is in concert with the two contract modifications approved by the Council in the previous item. He wanted to make everyone aware of a community meeting to be held on Thursday, February 9th at 6:30 p.m. in the Banquet Room at the Hoover Met and all of this will be discussed in great detail. He thanked reporter Jon Anderson on his recent article regarding these matters. There are a lot of complicated moving parts to where the City is headed regarding the sports complex project but it is worth it. He said the city had been working since inauguration day with a tremendous number of its partners to try to create some change in the sports complex project itself but globally the entire Trace Crossings footprint. This ordinance will convey the land for Phase II for the outdoor sports fields to be constructed through a long term land lease to the Hoover Park and Recreation Board. The contracts that were just amended will sever the work in Phase I consisting of the Finley Center and the RV Park expansion, and all of Phase II will move under the auspices of the Park and Rec Board. The funding will still come from the bond funds that were approved for this project. The way the Hoover Metropolitan came into existence in 1988 was done through a design build under the auspices of the Hoover Park and Recreation Board so there is clear precedent for doing this in the city. This will allow the city to transfigure the foot print of the outdoor fields. This will not eliminate any fields. It will actually expand the size of the soccer fields to NCAA regulation size which will be an added amenity for the citizens and to any business that is brought in to tournaments, etc. It will allow for the redistribution and thinning of the density of some of the residential development. It will not add any new homes to the global area (Trace Crossings, Blackridge, Lake Wilborn) in total. It will allow some of the houses previously approved for one area to be moved to areas to be annexed and to be zoned residential located between the sports complex and the Cahaba River. It will also facilitate the donation of approximately 170 acres of park land to the City of Hoover to be dedicated for that purpose; most of which lies directly along the Cahaba River. The Hoover City School system has been a great partner with the City throughout this conversation. The City has asked for their input regarding new road work that will go in place; mainly a proposed connector road that would go in between the Hoover High School campus and Bumpus Middle School and a connector drive from Stadium Trace up past Trace Crossings Elementary and to the Hoover High School campus. This would provide much better traffic circulation for the challenging intersection of Learning Lane and Stadium Trace. He said the presentation on Thursday night at the Hoover Met Banquet Room will consist of a lot of graphics and Signature Homes, US Steel, City of Hoover, Hoover City Schools, and some of the city's other partner entities will be there to explain the plan fully and to answer questions from the public.

Mr. Smith commented that the City Council has been invited to attend this meeting but they will not be there in their capacity as elected officials. Thus, there will not be a called meeting in conjunction with that. Mr. Rice said this will be a community meeting sponsored by

Signature Homes and the city was invited to participate and get the opportunity to provide information as to the benefits to the city.

Mr. Smith said the second reading and consideration for the adoption of Ordinance No. 17-2320 will be Monday, February 20, 2017.

11. **ABC APPLICATION – CUSTOMS CAFÉ – 1845 MONTGOMERY HWY., SUITE 207 (Previously On Tap Sports Café)**

Mr. Smith said this is a request for approval of an ABC Application (020-Restaurant Retail Liquor) for Integra Consulting Group Inc., d/b/a **Customs Cafe, 1845 Montgomery Hwy, Suite 207**. This is a change in ownership on a previously approved site (previously On Tap Sports Cafe).

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

12. **PUBLIC HEARINGS – CONDITIONAL USES – CARMIKE MOTION PICTURES BIRMINGHAM III, LLC – ON PREMISE SALE OF BEER AND WINE – CARMIKE THEATRES – 4450 CREEKSIDE AVENUE AND 801 DOUG BAKER BLVD – WITHDRAWN BY APPLICANT**

Mr. Smith said the following items have been **WITHDRAWN** at the request of the applicant and no further action is required by the Council or any other body at this time:

- a. 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) *Continued from 1/17/17 Council meeting at the request of the applicant.*
- b. 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) *Continued from 1/17/17 Council meeting at the request of the applicant.*

13. **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 further comments or questions from the Council.

Dr. Middlebrooks invited everyone to attend a **book signing** on Sunday, February 19 at 3:00 p.m. at the Hoover Public Library for Local Child Author **Nia Mya Reese**, a student of Deer

Valley Elementary. Refreshments will be served. This is through the coordination of Councilman Murphy; Ms. Amanda Borden, Director, Hoover Public Library; and Jeremy Davis, Children's Department Head of the Library. He encouraged everyone to come out and support this young lady.

Dr. Middlebrooks noted that at the January 24, 2017 City Council Special Work Session regarding the SFM presentation at the Hoover Met he encouraged Monty Jones, General Manager of the Hoover Met Sports Complex, to reach out to Hoover schools and community for some of the unskilled labor positions to try to hire some of the city's special needs community in those positions. He noted that Publix and Walgreens do an excellent job hiring these individuals and he felt that the public appreciates their efforts. He encouraged and challenged at this time other department heads in the city to do the same. He said he spoke with the Hoover City Schools new **Instructional Support Coordinator, Clara Jones Moore**, and she is excited about the possibility and would love the opportunity to talk about some of the transitional services for the city's individuals graduating from high school and moving on to the job market. Mr. Smith suggested that Dr. Middlebrooks schedule her to speak at a future meeting. Dr. Middlebrooks agreed to do so and noted that he could provide her contact information to anyone who needed it as well.

Mr. Posey said there would be an **Annexation Committee meeting** immediately following the adjournment of this Council meeting in the Council Conference Room.

Mr. Smith congratulated the **Hoover High School Indoor Track Team** on another **state championship**. He noted they would be invited to attend a near future meeting to be formally recognized.

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

Ms. Lisa Reed, 2124 Roslyn Drive, Hoover, AL, 35216, said she had spoken many times to the previous council but wanted to come to the new Council with a new slate and address the serious blight issues existing in the Chapel Hill neighborhood including the presence of itinerate workers. She discussed these issues as well as the existing violations of general single family dwellings that are causing multiple problems. She noted that Mr. Robert Macke, Zoning Enforcement, had worked diligently trying to solve some of these problems. She thanked the Police Department for holding a meeting for their neighborhood to make them aware that while they do not have a lot of crime they do have a lot of loitering and crimes of opportunity. There is a lot of construction that takes place in the neighborhood on the weekends when Mr. Macke is not there to inspect. She mentioned that the trash bins from the previous garbage service contractor were never picked and now all of the neighbors have four trash bins which are horrendous and a public health issue. Mr. Smith asked Allan Rice to contact Santek to see if they should have picked up the old bins or if it was the responsibility of the previous contractor. Mr. Smith asked Ms. Reed if Robert Macke is currently assisting them with their issues. She said that the respondents in the neighborhood had not replied to the notice from the city attorney about the public health issue of hoarding and it had been nine months. Mr. Smith asked City Attorney, Phillip Corley, if any of his staff had worked with Ms. Reed on these issues. Mr. Corley said he had not worked with her but they do have a file on it that they are working on. Ms. Reed said that this neighborhood would be a great candidate for the Charter Our Community

program. Mr. Smith said he believed this would be a perfect candidate for the neighborhood viability committee once it is in place. He is still working with April Danielson on this matter. Ms. Reed said she would continue to keep in contact and expressed her appreciation for the Council's time. Mr. Smith said the city has a new legal staff and he felt sure they were eager to work with Ms. Reed and others in the future.

Ms. Lisa Harris, 2240 Locke Circle, Bluff Park, introduced herself and said she is interested in becoming more involved at the local level and doing things that will help keep Hoover as a diverse and welcoming city. She said she looked forward to being involved in boards and committees in the years to come.

Ms. Haley Goch spoke on behalf of the **99th Air Refueling Squadron Peace Group** based out of the Birmingham Airport. She wanted to raise community awareness that there is an active duty base in Birmingham with approximately 70 active duty members, 20 of those with families that reside throughout the Greater Birmingham area; including some in Hoover.

Ms. Melanie Styers, 2141 Bluff Road, Bluff Park, said she was attending a city council for the first time and was pleased to see the diversity present in the audience. She said that while there are new faces on the city council it does not represent about fifty percent of Hoover. She said she is interested in ways to make sure the city government is hearing from all constituencies in Hoover. She recalled that during the election there was discussion about having listening meetings across the city. She asked if the Council had discussed ways to get more input from those diverse constituencies across Hoover; whether it be that or some type of survey. She also wanted to know if the Council was looking at ways of diversifying some of the boards. Mr. Smith said diversity currently exists on some of the boards. He noted that people first need to make themselves available. When it comes to elected officials they will need to place themselves on the ballot. Ms. Styers said she understood that process but still did not feel that the boards were representative of the diversity across Hoover. Mr. Murphy said they have discussed utilizing social media. He applauded President Gene Smith for allowing this council to serve on different committees; such as Education Committee, Park and Recreation Committee, etc., and there are public meetings being held. The Council is trying to live stream using social media. There have been discussions about trying to diversify and reach out to our communities that are more historical. It is a building process. It starts with getting out into the communities and having town hall meetings. He noted they are starting with their committee meetings and things of that nature. It takes time. He gave the example that many of the men who ran for council actively sought for women to run even if it meant running against them. He said the city will get there we just need to develop a plan as to how we will move in that direction.

There being no further discussion, Mr. Smith called for a motion to adjourn. The motion to adjourn was made by Mr. Lyda and seconded by Mr. Greene.