

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: April 18, 2016
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Gary Ivey
Mr. Jack Wright, Council President
Mr. Brian Skelton, Council President Pro-Tempore
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Linda Andrews, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Brent Parrott, Municipal Court
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Chief Chuck Wingate, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

1. **REPORTS**

The City Attorney read a **Proclamation for Parental Alienation Awareness Week**. Mayor Ivey presented the framed proclamation to Dr. Kim Frederick.

The City Attorney read a **Proclamation for National Library Week**. This proclamation also congratulates the **Hoover Public Library** on being awarded the **2016 Gold Level Standard Award for Public Libraries**. Mayor Ivey presented the framed proclamation to Ms. Linda Andrews, Library Director, and Amanda Bonner Borden, Assistant Director. Ms. Borden expressed her gratitude on behalf of Ms. Andrews and the library staff. She thanked

the City Council and Mayor Ivey for their support of the library noting that without them they would not be able to meet the standards to receive this award. She thanked the Library Board of Trustees. Two of the Board Members, Colleen Eikmeier and Eloise Martens, were present in the audience. Ms. Borden also thanked the Friends of the Hoover Library and all of the citizens of Hoover.

Ms. Tia Martin spoke about the **Birmingham Veterans Center** which is now **located in Hoover**. The veteran's center is a special program of the Veterans Administration that exclusively serves combat veterans who are having issues readjusting after serving on deployment. These issues can be resolved through outpatient mental health counseling in a small outpatient setting. Their services are free. They provide services to combat veterans, active duty service personnel, and survivors of military sexual trauma, active military of the National Guard, the Reserve and to families who are suffering bereavement from an active military member. She said they look forward to providing these services to the members of Hoover and surrounding areas.

Admiral Natter asked what constitutes a combat veteran. Ms. Martin said a combat veteran would be a military person who has been deployed to an active theater. It does not necessarily mean that they have served in combat. Admiral Natter asked if that meant that if they were in an area where they received combat pay or hazardous duty pay that they would be entitled to those services. Ms. Martin responded yes, and the services are free. Admiral Natter welcomed them to Hoover.

Mr. Lyda said he had the opportunity to visit the facility and spend some time with Ms. Martin earlier in the day. He said it is a first class facility and he encouraged others to visit the facility. He concurred with Admiral Natter in welcoming them to Hoover.

Mr. Wright stated the City Council recently held interviews for the school board position that will become effective June 1, 2016. This is a five year term. He said they were all very deserving applicants and the interviews were very good. He thanked all of them for making themselves available for appointment. He said he would take a motion at this time.

Mr. Rives made a motion to **appoint Deanna Bahaman** to the **Hoover Board of Education** effective June 1, 2016. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council.

Mr. Smith said he felt Ms. Bahaman would make a very good board member and he congratulated her. However, in his opinion, there was one other person that almost lives and breathes Hoover City Schools and has probably attended more School Board meetings than any current board member. He felt saddened that this person did not receive any more consideration than they did.

Mr. Lyda said it is the goal of each council member to find the most qualified applicant. Ms. Bahaman is one of several very good applicants. One of the priorities he had was finding someone from the eastern side of Hoover to represent the unique needs of the schools in that area. He was curious to know what set this applicant apart from the three applicants from the eastern side of town. In looking at not only this council but the planning and zoning commission and the board of education and perhaps even park and recreation board, this

council has not done an adequate job of ensuring adequate representation from all areas of the city. Again, he asked what separates this applicant from the other three applicants.

Mr. Wright said there would be no personal discussions held on this matter and he asked the clerk to call the roll.

On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Nay"; Admiral Natter, "Yea" (after commenting that he was not at the interviews but he went over the applications in detail and he looked at it as the school board individual serving at large the same as the council members serve at large; not in districts or areas. He looked at the individual who he felt would be best for the entire school system); Mr. Rives, "Yea"; Mr. Skelton, "Yea"; Mr. Smith, "Nay"; and Mr. Wright, "Yea". The motion carried.

Mr. Wright congratulated Ms. Bahaman and she received a round of applause. Ms. Bahaman said this was really an honor and expressed her appreciation. She said she looked forward to working with the School Board.

2. **RESOLUTION NO. 5391-16 – BID NO. 01-16 – HVAC & LOW TEMP REFRIGERATION & ICE MAKER SERVICES**

The City Attorney read Resolution No. 5391-16. This would award Bid No. 01-16 for HVAC and Low Temperature Refrigeration and Ice Maker Full Service Contract as follows: Award HVAC services to Engineered Cooling Services, Inc. in the amount of \$371,000 total bid, \$80 hourly rate normal hours, \$120 hourly rate outside normal hours and 20% discount off manufacturers' list price; theirs being the lowest responsible bid meeting all specifications and requirements. This would also award the Low Temperature Refrigeration and Ice Maker Services to Johnson Controls, Inc. in the amount of \$87,449 total bid, \$87.00 hourly rate normal hours, \$130.50 hourly rate outside normal hours and 10% discount off manufacturers' list price; theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute contracts with said companies for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5391-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Smith asked Mr. Wright if the Council needed to dispose of Item 5 on the agenda. Mr. Wright replied no.

3. **RESOLUTION NO. 5392-16 – BID NO. 06-16 – STREET RESURFACING**

The City Attorney read Resolution No. 5392-16. This would award Bid No. 06-16 for Street Resurfacing to Wiregrass Construction Company, Inc. in the amount of \$2,459,777.29; theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5392-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5393-16 – ACCEPTANCE OF PUBLIC IMPROVEMENTS – SHADES RUN SUBDIVISION**

The City Attorney read Resolution No. 5393-16. This would authorize the acceptance of public improvements within the road right of way of the Shades Run subdivision at the request of U. S. Steel Corporation.

Mr. Smith made a motion to approve **Resolution No. 5393-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience.

Mr. Smith asked had the city been notified of any possible pending litigation by the owner of the property. The city attorney said he was not aware of any.

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

5. **RESOLUTION NO. 5394-16 – DECLARE POLICE VEHICLE AS SURPLUS**

The City Attorney read Resolution No. 5394-16. This would declare a 2005 Chevy Tahoe police vehicle as surplus to be sold to a local law enforcement agency.

Mr. Smith made a motion to approve **Resolution No. 5394-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience.

Admiral Natter asked Chief Derzis if he had a prospective buyer or would it go out for bid. Chief Derzis said they have a couple of agencies that are interested and they would be bringing more vehicles forward for surplus in the near future as they begin to purchase new vehicles. Admiral Natter asked if local law enforcement agencies meant local municipalities. Chief Derzis said generally it is municipalities around the state. Over the years they have sold the majority of their cars to probably twenty or so different agencies around the State of Alabama and a few in Mississippi. These are smaller departments that can't afford a new product. By selling them at a reasonable price the city is doing them a favor and a service.

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

6. **RESOLUTION NO. 5395-16 – STANDARD PROJECT RESOLUTION, MAINTENANCE AGREEMENT AND PLANS WITH ALDOT – RESURFACE HWY 31 FROM BISHOP CREEK BRIDGE TO SHELBY/JEFFERSON COUNTY LINE**

The City Attorney read Resolution No. 5395-16. This would authorize the Mayor to execute a Standard Project Resolution, Maintenance Agreement and Plans with the Alabama Department of Transportation for the Resurfacing of Highway 31 from Bishop Creek Bridge to the Shelby/Jefferson County Line project.

Mr. Smith made a motion to approve **Resolution No. 5395-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience.

Mr. Rives inquired as to the amount the city would have to pay for this resurfacing. Mr. Rod Long, City Engineer, said there is no cost to the city. This is a process that the Alabama Department of Transportation uses to notify the city of an upcoming project. Mr. Rives said there are a lot of streets that are not being paved in Hoover and this road is in great condition. That is why he was asking the question. Mr. Wright noted that Highway 31 is a state highway.

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

7. **RESOLUTION NO. 5396-16 – AUTHORIZE MAYOR TO EXECUTE MOA WITH ALABAMA LAW ENFORCEMENT AGENCY AND ALABAMA GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA**

The City Attorney read Resolution No. 5396-16. This would authorize the Mayor to execute documents related to a Memorandum of Agreement between the Alabama Law Enforcement Agency and the Alabama Gulf Coast High Intensity Drug Trafficking Area and the City of Hoover Police Department regarding the disbursement of funds for the HIDTA program.

Mr. Smith made a motion to approve **Resolution No. 5396-16**. This motion was seconded by Mr. Skelton. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

8. **2ND READING ORDINANCE NO. 16-2301 – AMEND MUNICIPAL CODE – ADD SOLICITATION AND PEDDLING REGULATIONS**

Mr. Wright said it was his understanding that the city attorney would like to continue this to the next meeting. Mr. Waldrep said they would like to carry that over at the call of the chair.

Mr. Smith made a **motion to continue this ordinance to the call of the chair**. This motion was seconded by Mr. Skelton. On voice vote the motion carried unanimously.

9. **PUBLIC HEARING – CONDITIONAL USE – LIVE ENTERTAINMENT & ON PREMISE SALE OF ALCOHOL – PARK CREST EVENT FACILITY – 2034 LITTLE VALLEY ROAD – C-2 - WILLIAM GARY BEARD**

Mr. Wright stated this is the public hearing to consider the request of William Gary Beard for **Conditional Use** approval for an event facility with live entertainment for weddings, corporate events and other similar functions; and for the sale of on premises alcohol at **Park Crest**, 2034 Little Valley Road. Mr. William Gary Beard, Park Crest Properties, LLC, is the property owner and the property is zoned C-2 Community Business District. (*PZ Case #C-0416-05*)

Mr. Wright asked if Mr. Beard was present. Mr. Bob House, Planning Consultant, replied yes. Mr. House said the Planning Commission recommends approval of this conditional use subject to the following conditions: *Live entertainment shall be limited to the performance of music; and live music shall not be performed outside of the building later than 12:00 a.m., midnight.* This is a new building constructed specifically as an event center on Little Valley Court. It is zoned C-2 Community Business District.

Mr. Wright asked about the people who live in the apartments. Mr. House said the only person at the Planning and Zoning meeting who was opposed to the conditional use was the owner of the property down the hill. There was no one there from the apartment complex at the Planning and Zoning meeting. Mr. Wright asked if the residents in the apartment complex received notification. Mr. House replied no; just the owner.

Mr. Smith noted there would be live music. He asked would there be any dancing or anything like that allowed within this zoning. Mr. House said live entertainment is defined as any live performance conducted on the premises where alcohol is sold. A live band would

be a paid band performed. That would be live entertainment under the definition of the ordinance. People dancing to that music would not. If there were people who were paid to dance, sing, juggle or whatever, that would be live entertainment. Mr. Smith said if people were paid to dance a dollar at a time it would be permitted. Mr. House said it would be live entertainment and subject to the ordinance and not be permitted.

Mr. Greene inquired as to occupancy limit at the facility. Mr. House said the fire marshal will enforce the occupancy of the building. After a brief discussion it was determined to be 400. Mr. Greene asked about parking. Mr. House said there is adequate parking.

Admiral Natter asked what is meant by "other similar functions". Mr. House said they list weddings, businesses, receptions and things of this nature. It would be any group gathering where they would be selling alcohol or performing music; or not...it could be a business meeting. Admiral Natter wanted to clarify that anyone that is paid to dance would be prohibited. Mr. House stated that was correct.

The clerk stated she had not received anything in writing from the owners of the apartment complex but that a phone call was made to her office today from the new owners of the complex and they expressed concern about noise. They would not have received a notice because they just recently bought the property.

Admiral Natter made a **motion to continue** this conditional use to the next Council meeting so the new owner can get together with Mr. House and see if something can be worked out that is amenable to the city, the apartment owner and the applicant of the conditional use. This motion was seconded by Mr. Skelton. Mr. Wright called for further discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. PUBLIC HEARING – CONDITIONAL USE – EVENT FACILITY – HOOVER HOUSE – 2255 TYLER ROAD – ED & BARBARA RANDLE

Mr. Wright stated this is the public hearing to consider the request of Ed & Barbara Randle for **Conditional Use** approval for their property located at **2255 Tyler Road** (a/k/a The Hoover House) to be used as a wedding venue, a place for corporate meetings and other similar social functions. Mr. and Mrs. Randle are the property owners and the property is zoned R-1 Single Family Residential. *PZ Case #C-0216-02*

Mr. Bob House stated the Planning and Zoning Commission recommends approval of the conditional use subject to the following restrictions:

1. Event occupancy shall not exceed 99 people and all event activities shall be limited to the first floor of the building.
2. All event parking shall be limited to the Shades Mountain Independent Church parking lot, as stipulated in the parking agreement. Shuttle bus service between the church parking lot and subject property shall be provided for all events. Parking may also be provided on the adjacent lot 9 owned by the applicant and in other locations on the subject property permitted by the Hoover Fire Department. Parking shall not be permitted on any public street right-of-way.
3. Events shall not commence before 10 a.m. and shall end no later than 10 p.m.

4. The performance of live music shall be limited to inside the building or on the covered patio. All types of amplified music both live and recorded are prohibited on the premises.
5. At least one off-duty City of Hoover police officer shall be employed to provide security, traffic and parking control for each event.
6. This conditional use shall be specific to the Randle family. The conditional use shall expire at such time as the Randle family transfers ownership of the property or management of the event enterprise.

Mr. Wright asked if Mr. Randle was present. He was not present. Mr. Wright called for comments or questions from the Council.

Admiral Natter said this appears to be quite a bit more restrictive than the previous case. Mr. House said this property is zoned residential and is basically surrounded by single family residential uses. The Hoover-Randle House has been used unofficially for charity events over the years for just these purposes. The reason this conditional use has been triggered is because Mr. and Mrs. Randle plan to move and this building will no longer be a dwelling. It will then be specifically just a commercial enterprise which requires a conditional use. There was some opposition at the first Planning and Zoning Commission meeting. The Randles opened their home to the neighborhood and there were about twenty people who came to discuss the issues. All of the issues addressed at that meeting have been addressed here. It went back to the Planning and Zoning Commission with a much more amenable neighborhood and the commission recommended approval to the council. The general feeling is that this use is better accepted by the neighborhood than if the house was sold, demolished and a subdivision built on the five acres. The Randles will reside in the guest house next to the event facility.

Mr. Lyda added that in the four years he had served on the Planning and Zoning Commission with Mr. Pate he had never seen a case where the neighbors and the petitioner, being the Randles, worked together to arrive at a very good solution. And that is the reason for the long list of conditions.

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

11. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Skelton. Mr. Wright called for questions or comments. There being none, on voice vote the motion carried unanimously.

Mr. Wright called for additional comments or questions from the Council.

Mr. Smith asked a question regarding Item 12 on the agenda that was continued to the next meeting regarding solicitation and peddling regulations. He asked April Danielson if this was for residential only or residential and commercial. Ms. Danielson replied residential only.

Mr. Arnold Singer, 613 Riverhaven Place, commended the Library Board. He said he attended many of the board meetings and that in his forty years of being involved in local government it is the best non-profit board he had ever seen. He said he recently began attending some Parks and Recreation Board meetings as well as Planning and Zoning meetings. At the last Planning and Zoning meeting he heard that Stadium Trace Parkway would be extended and would go from a beautiful two lane in each direction with a boulevard running down the center to a two lane with one lane in each direction bottleneck ending at the proposed Black Ridge Planned Unit Development. He felt that PUD's were a great tool and had been used very successfully in Hoover but as he read through the Black Ridge PUD he found a document that violates everything a PUD is supposed to be. He talked about the importance of commercial revenue balance in order to provide the residents with the services they are expecting. He said the Black Ridge PUD is put together by two groups and its acreage goes back to the 1980's and 1990's. Part of the land was owned by US Steel. The property consists of 1527 acres all of which is proposed for PR-1 Planned Single Family. It contains no commercial and he felt that was a violation of the intent of the PUD. He suggested that the Council review the document and the traffic study that was done. He noted that the property is an odd shape and would invite bringing in additional property owners that surround it. The projections for this development are 2.3 people per household which almost sounds like a senior community. He understood there have been further discussions with the developer and a revised version of the PUD was expected. He felt this was a serious situation and if at all possible he would appreciate the opportunity to be part of those discussions.

Mr. Pate introduced **Mr. Jim Wyatt** as the new **Director of Inspection Services** replacing Don Reilly who recently retired.

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

Margie Handley, City Clerk