

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: September 19, 2016

TIME: 6:00 P.M.

PLACE: Hoover Municipal Center

PRESENT: Mr. Jack Wright, Council President
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Dr. Casey Middlebrooks, Council Member
Mr. Joe Rives, Council Member

ABSENT: Mayor Gary Ivey
Admiral Jack Natter, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Ms. Leslie Klasing, Waldrep Stewart & Kendrick, City Attorney
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Amanda Borden, Assistant 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 (left early)
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Lt. Rusty Lowe, Executive Officer, Fire Department
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director
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 Scout Troop 367.

Scout Troop 367, Riverchase United Methodist Church, consisted of Haegen Woodard, Braden Maddox, Riley Luthin, Ben McCallum, Clay Wade, Brady Moulton, Will Stamps and Caelen March. Troop Leaders: Darrin Wade, Merrill Maddox, Joe March and Tom McCallum.

1. **REPORTS**

The City Attorney read a **Proclamation** declaring the week of September 17 to 23, 2016 as **CONSTITUTION WEEK**. Mr. Allen Pate, Executive Director, presented for Mayor Ivey the framed proclamation to Tracy Pflaum and Susan Moore, Lily of the Cahaba Chapter of the Daughters of the American Revolution.

Ms. Debbie Patton, Bluff Park Art Association, reported on the upcoming Bluff Park Art Show to be held on October 1, 2016. **Beth Johns**, whose mother was a founding member, distributed brochures. Ms. Patton was standing in for Herb Patterson who was out of town.

2. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the September 6, 2016 regular meeting.

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

3. **RESOLUTION NO. 5462-16 – AMEND BUDGET FOR FYE 9/30/16**

The City Attorney read Resolution No. 5462-16. This would amend the Budget for Fiscal Year Ending September 30, 2016. Mr. Robert Yeager reviewed in detail the items listed on the Exhibit A to the resolution.

Mr. Wright asked Mr. Westhoven to further discuss **Items 6 and 7** on the exhibit. Mr. Westhoven said the City of Hoover had been working with the Alabama Department of Transportation over the last year or so trying to get Highway 150 improved from South Shades Crest Road down to Ross Bridge Parkway. The city was contacted about a week and a half ago with information that ALDOT is bringing forward a project to widen Highway 150 from South Shades Crest Road to beyond Lake Cyrus and replace the two dilapidated bridges. In that, they have known for a while now how the city would like to see that section from South Shades Crest Road to Ross Bridge Parkway widened so they have asked the city for some funding to incentivize the contract to do that portion of that project early on in the project. The project that ALDOT is about to do is actually a two and half year project so if the city incentivizes it the project will be done much quicker and give quicker assistance to the residents in Ross Bridge.

Mr. Yeager described **Item 9** as reprogramming some sidewalk funds that total \$250,000 to be used to make some modification to Medford Drive near the UAB Emergency Room off of Highway 150. Mr. Yeager noted this is surplus money from sidewalk projects that have been completed.

Dr. Middlebrooks asked for further elaboration on the Medford Drive project. Mr. Westhoven said the project will provide access to a piece of property a little further west of Medford Drive. When the City built Medford Drive access should have been provided to all adjacent parcels and this particular piece of property was not provided access. Mr. Greene asked what was on that property. Mr. Westhoven said the property is currently undeveloped. Dr. Middlebrooks asked were there plans to develop the property. Mr. Westhoven said he felt sure the property owners had plans to develop it. Dr. Middlebrooks asked if all of the

sidewalk projects in the various parts of the city had been completed. Mr. Yeager replied no, but the ones related to these funds are completed. Dr. Middlebrooks asked if there were funds available for the rest of the sidewalk projects. Mr. Yeager replied yes, on anything the city has already signed an agreement on with ALDOT.

Mr. Wright called for additional comments or questions from the Council or the audience. There were none.

Dr. Middlebrooks made a motion to approve **Resolution No. 5462-16 to approve the amendments to the budget with the exception of Item 9** for further consideration. This motion was seconded by Mr. Greene. On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Rives, "Yea"; and Mr. Wright, "Yea".

4. **RESOLUTION NO. 5463-16 – CONTINUE BUDGET FOR FYE 9/30/16**

The City Attorney read Resolution No. 5463-16. This would continue the Budget for Fiscal Year Ending September 30, 2016 until such time as the Budget for Fiscal Year Ending September 30, 2017 has been adopted.

Mr. Wright said this would continue the current budget until such time as the new Council is ready to pass a new budget.

Mr. Rives made a motion to approve **Resolution No. 5463-16**. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5464-16 – AUTHORIZE MAYOR TO EXECUTE ACTUARIAL SERVICES AGREEMENT WITH OLIVER WYMAN**

The City Attorney read Resolution No. 5464-16. This would authorize the Mayor to execute an Actuarial Agreement with Oliver Wyman Actuarial Consulting, Inc.

Mr. Rives made a motion to approve **Resolution No. 5464-16**. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5465-16 – AUTHORIZE MAYOR TO EXECUTE SPECIAL CONSTRUCTION AGREEMENT WITH AT&T**

The City Attorney read Resolution No. 5465-16. This would authorize the Mayor to execute a Special Construction Agreement with AT&T for the telecommunications work to be completed at Hoover City Hall.

Mr. Rives made a motion to approve **Resolution No. 5465-16**. This motion was seconded by Dr. Middlebrooks. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5466-16 - AUTHORIZE MAYOR TO EXECUTE SERVICE AGREEMENT WITH WILLO PRODUCTS CO., INC. FOR MAINTENANCE OF DOORS AND VEHICLE GATES AT HOOVER JAIL**

The City Attorney read Resolution No. 5466-16. This would authorize the Mayor to execute a Service Agreement with Willo Products Company, Inc. regarding the maintenance of doors and vehicle gates at the Hoover Detention Center, 2020 Valleydale Road.

Mr. Rives made a motion to approve **Resolution No. 5466-16**. This motion was seconded by Mr. Greene and Mr. Lyda. Mr. Wright called for discussion from the Council or the audience. There being no further discussion, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5467-16 – AUTHORIZE MAYOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH GONZALEZ STRENGTH & ASSOCIATES – INTERSECTION IMPROVEMENTS ON SO. SHADES CREST RD. AND EDEN RIDGE DR./SHADES RUN CIRCLE**

The City Attorney read Resolution No. 5467-16. This would authorize the Mayor to execute a Professional Services Agreement with Gonzalez-Strength & Associates to perform engineering inspection services for Intersection Improvements on So. Shades Crest Rd. and Eden Ridge Drive/Shades Run Circle, Grade, Drain, Base, Pave and Striping.

Mr. Rives made a motion to approve **Resolution No. 5467-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience.

Mr. Rives asked for additional description of this project. Mr. Westhoven said this would widen South Shades Crest Road, put a left turn lane in the middle of the off-set intersection at Shades Run Circle/Eden Ridge and realign that intersection.

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

9. **RESOLUTION NO. 5468-16 – APPOINT POLL WORKERS TO FILL VACANCIES FOR OCTOBER 4TH RUN-OFF ELECTION**

The City Attorney read Resolution No. 5468-16. This would appoint poll workers to fill vacancies for the October 4, 2016 Run-Off Election.

Mr. Rives made a motion to approve **Resolution No. 5468-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5469-16 – APPROVE LIST OF PUBLIC EVENTS**

The City Attorney read Resolution No. 5469-16. This would approve the list of public events for the 2016-2017 fiscal year.

Mr. Rives made a motion to approve **Resolution No. 5469-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 5470-16 – AUTHORIZE MAYOR TO EXECUTE STOP LOSS INSURANCE DOCUMENTS WITH BCS INSURANCE COMPANY**

The City Attorney read Resolution No. 5470-16. This would authorize the Mayor to execute a schedule for stop loss insurance with BCS Insurance Company and an Assignment of Benefits Agreement with BCS Insurance Company and Blue Cross and Blue Shield of Alabama.

Mr. Rives made a motion to approve **Resolution No. 5470-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously with one abstention from Mr. Lyda.

12. **RESOLUTION NO. 5471-16 – AUTHORIZE MAYOR TO EXECUTE DEVELOPMENT INCENTIVE AGREEMENT WITH THE COMEDY CLUB, INC.**

The City Attorney read Resolution No. 5471-16. This would authorize the Mayor to execute a Development Incentive Agreement with The Comedy Club, Inc.

Dr. Middlebrooks made a motion to approve **Resolution No. 5471-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience.

Mr. Greene said he did not believe he had enough information on this matter at this time on the financial status of The Comedy Club or its current success rate to determine the real benefit or liability of this agreement.

Mr. Lyda made a motion to amend the motion to TABLE this resolution to a future meeting. This motion was seconded by Mr. Greene.

Dr. Middlebrooks withdrew his motion to approve.

Mr. Lyda made a **motion to TABLE** this resolution to a future meeting. This motion was seconded by Mr. Greene. Mr. Wright called for further discussion 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. Rives, "Yea"; and Mr. Wright, "Yea".

13. **CHANGE ORDER NO. 1 – CITY HALL RENOVATION PROJECT**

Mr. Wright asked Dr. Melinda Lopez to give an overview of this item.

Dr. Lopez said this is the first change order for the City Hall Renovation Project and consists of approximately thirty items that are additions to the project totaling a little over \$200,000. Some of it is due to the age of the building and required code changes; some of it is assisting the Police Department on their 911 project; and some due to various other improvements to the overall project. There will be a second change order at some point. Hopefully, employees will be able to move back into the second floor in the next few weeks.

Mr. Greene inquired as to the total amount of the change order. Dr. Lopez said the total is \$202,622.10. The original amount was \$2,600,000 and it is increasing to \$2,802,602.10. Mr. Rives noted that is about a ten percent overage.

Mr. Greene inquired about the item regarding the demolishing of existing damage to the porch deck. He asked shouldn't that have been included in the original bid. Dr. Lopez said this was outside the second floor project. It mainly affected the outside deck on the second floor level. There is an existing issue with some of the concrete being chopped up and potentially dangerous and it was decided it would be best to go ahead and redo it. This was a project that was not originally part of this bid but thought of after the fact and there are a few other items like that in the change order.

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

There being none, upon a motion made by Mr. Rives for approval, and seconded by Mr. Greene, on voice vote the motion carried unanimously.

14. **ABC APPLICATION – ON OR OFF PREMISES BEER AND WINE – WHOLE FOODS MARKET – 3780 RIVERCHASE VILLAGE, SUITE 480**

Mr. Wright stated this is a request for approval of an **ABC Application** 040-Retail Beer (on or off premises) and 060-Retail Table Wine (on or off premises) for Whole Foods Market Group, Inc., d/b/a **Whole Foods Market, 3780 Riverchase Village, Suite 480**. This is for a new license on a previously approved site.

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

15. **ABC APPLICATION – SPECIAL EVENTS RETAIL – YARBROUGH FESTIVAL FOOD SERVICE INC d/b/a MOSS ROCK FESTIVAL – 601 PRESERVE WAY**

Mr. Wright stated this is a request for approval of an **ABC Application - 140 Special Events Retail** for Yarbrough Festival Food Service Inc. d/b/a **Moss Rock Festival** for their annual event to be held November 5, 2016 through November 6, 2016 at 601 Preserve Way.

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

16. **SET PUBLIC HEARING FOR MONDAY, OCTOBER 17, 2016 AT 6 P.M.**

Mr. Wright stated a public hearing is hereby set for Monday, October 17, 2016 at 6 PM to consider the following request which comes forward with a positive recommendation from the 9/12/16 Planning and Zoning Commission meeting:

Richard A. Johnson II, representing SB Dev Corp, is requesting **Conditional Use** approval for the construction of 40 (forty) townhouses and a park to be located across Grand Avenue from the Ross Bridge Welcome Center. This property is owned by SB Dev Corp and is zoned PC Planned Commercial. *PZ Case #C-0916-11.*

17. **SET PUBLIC HEARINGS FOR MONDAY, NOVEMBER 7, 2016 AT 6 P.M.**

Mr. Wright stated public hearings are hereby set for Monday, November 7, 2016 at 6 PM to consider the following requests which come forward with a positive recommendation from the 9/12/16 Planning and Zoning Commission meeting:

- a. Mr. Joseph A. Miller III, MTM Engineers, Inc., is requesting to rezone two parcels approximately 8.96 acres located at 821 Alford Avenue and 2120 Tyler Road from A-1 Agriculture District to PRD Planned Residential Development District. This property is owned by R. W. Carleton and Patricia Clark. *PZ Case #Z-0816-08.*

The City Attorney had the **1st Reading of Ordinance No. 16-2313.**

- b. Richard A. Johnson II, representing SB Dev Corp., is requesting 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.

The City Attorney had the **1st Reading of Ordinance No. 16-2314.**

18. SET PUBLIC HEARING FOR MONDAY, NOVEMBER 7, 2016 AT 6 P.M.

Mr. Wright stated a public hearing is hereby set for Monday, November 7, 2016 at 6 PM to consider the following request which comes forward without a recommendation from the 9/12/16 Planning and Zoning Commission meeting due to a tie vote:

Warren Bailey, representing Blue Rain Express Car Wash, LLC, is requesting **Conditional Use** approval for an express car wash and detailing services to be located at the southwest corner of Hwy 119 and Tattersall Drive. This property is owned by EBSCO Industries, Inc. and is zoned C-2 Community Business District. *PZ Case #C-0916-12.*

19. PAYMENT OF BILLS

Mr. Rives made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

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

Mr. Greene asked Mr. Allen Pate to address the city's contingency plan with all of the issues going on with fuel in our area. Mr. Pate said the city is keeping its fuel tanks topped off and trying to stay ahead of the curve. He did not foresee any problems. He noted the city will also be receiving some fuel cards in the next day or two and will begin fueling at outside facilities and saving our fuel.

Mr. Arnold Singer, 613 Riverhaven Place, said he ran across an item today on his computer where Hoover was named the best place to live in Alabama of the cities with over 50,000 in population and included a picture of the Hoover Metropolitan Stadium. He felt this tied in well with the recent honoring of Mr. Allen Pate by naming the press box at The Met as the **Allen Pate Press Box**. He said Mr. Pate put a lot of blood, sweat and tears into that structure where the SEC Baseball Tournament has been held each year for a number of years.

Mr. Singer commented on the recent news of the upcoming **retirement of Linda Andrews**, the first and only **Director of the Hoover Public Library**. He said he had always been very impressed with the Hoover Library even before moving to Hoover. He expressed his personal opinion that there is no one better than **Amanda Borden** to continue the culture of the Hoover Public Library.

Mr. Singer said he had been doing some research as to how different cities approach their master plan. One of the interesting things he ran across was in Raleigh, NC, where it was mentioned that it had been approved for an increase from a Class 3 to a Class 1 on their ISO rating. He noted that Hoover has been a Class 2 for a number of years and he thought it would be a great thing to get a head start before getting involved with a master plan to see what the city can do to increase its **ISO rating** from a Class 2 to a Class 1 which would put Hoover in the top four percent of the communities in the nation.

Mr. Allen Pate, Executive Director, thanked Mr. Singer for his kind comments. Mr. Pate recognized Mr. Art Clarkson who was present in the audience, noting that Mr. Clarkson was the

principal owner and general manager of the Birmingham Barons when the Hoover Met was built and was there in 1988 when it opened. Mr. Pate then recognized his wife, Edna, who was present in the audience. They have been married for 52 years. Mr. Pate expressed his appreciation to the Mayor and City Council and to the Park Board for the tribute of naming the press box after him last Friday night. He said he and his family were humbled by their graciousness.

Mr. Pate said he wished to take this opportunity to confirm that he would be **retiring effective late January, 2017**. He expressed his gratitude for the opportunity to serve the city for 29 years. He said he had enjoyed serving the city as it has continued to grow and thrive. He said Hoover has the privilege of being able to choose from many qualified citizens such as the Mayor and City Council that are willing to serve their community through elected and appointed positions. He said it had been his privilege to work with all of these folks all these many years. He thanked the city department heads and staff noting that the city has been blessed to be served by numerous seasoned department heads and employees. He said that no one person can achieve the success that this city has enjoyed alone. Rather, it takes a team, and the city has a good team. He said he was looking forward to hanging up his city employee hat in the near future and putting on his citizen hat. Again, he expressed his appreciation for the opportunity to serve. Those present gave Mr. Pate a standing ovation.

Mr. Greene commented that it is said that no one is irreplaceable but he was not so sure in Mr. Pate's case. He congratulated Mr. Pate on his retirement.

Mr. Wright expressed his appreciation to Mr. Pate and noted that the city may want to include on the *Allen Pate Press Box* that *He Built This City*.

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

Margie Handley, City Clerk