

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** January 7, 2019  
**TIME:** 6:00 P.M.  
**PLACE:** Hoover Municipal Center  
**PRESENT:** Mayor Frank V. Brocato  
Mr. Gene Smith, Council President  
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

**ALSO PRESENT:** Mr. Phillip D. Corley, Jr., City Attorney  
Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC  
Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC  
Mr. Jehad Al-Dakka, Executive Officer, Police Department  
Chief Clay Bentley, Fire Chief  
Ms. Amanda Borden, Library Director  
Mr. Jason Cope, Technology Director  
Mr. Tommy Daniel, Director, Public Works  
Ms. Susan Fuqua, Municipal Court Director  
Mr. Greg Knighton, Economic Developer  
Mr. Mike Lewis, Director, Human Resources  
Mr. Rod Long, City Engineer  
Mr. Frank Lopez, Director, Revenue and Taxation  
Dr. Melinda Lopez, Chief Financial and Information Officer  
Mr. Mac Martin, City Planner  
Mr. Ben Powell, Purchasing Director  
Mr. Allan Rice, City Administrator  
Mr. Tim Westhoven, Chief Operations Officer  
Mr. Jim Wyatt, Director, Building Inspections  
Mr. Robert Yeager, 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.

The Pledge of Allegiance was led by Mr. Posey.

1. **APPROVAL OF MINUTES**

Mr. Lyda made a motion to approve the minutes of the December 3, 2018 regular meeting and the December 13, 2018 work session as presented and to dispense with the reading. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council. There being none, on voice vote the motion carried unanimously.

2. **CONSENT AGENDA.**

Mr. Smith stated that all of the items in the consent agenda were discussed at work session and unless there was an item that need to be moved to the regular agenda for further discussion he would take a motion.

Mr. Lyda made a motion to **approve all items on the Consent Agenda.** Mr. Greene seconded the motion. On voice vote the motion carried unanimously.

- a. **Resolution No. 5917-19** – Reject sole bid - Bid No. 18-017 – Public Safety Center Repairs.
- b. **Resolution No. 5918-19** – Reject sole bid - Bid No. 18-021 – Drug Testing Equipment and Supplies for Court Referral Program.
- c. **Resolution No. 5919-19** – Acceptance of public improvements – Northampton Phases 3, 4 and 5.
- d. **Resolution No. 5920-19** – Authorize installation of fire hydrants in the Lake Wilborn Phase 5 development.
- e. **Resolution No. 5921-19** – Authorize Mayor or his designee to execute a two year renewal Application Service Provider Agreement with Superior, LLC.
- f. **Resolution No. 5922-19** – Severe Weather Preparedness Sales Tax Holiday 2019.
- g. **Resolution No. 5923-19** – Authorize Mayor to execute a Medical Director Agreement with The Board of Trustees of the University of Alabama for the University of Alabama at Birmingham.

3. **REGULAR AGENDA**

**RESOLUTION NO. 5910-18 – BID NO. 18-012 – HOOVER POLICE TRAINING FACILITY**

The City Attorney read Resolution No. 5910-18. This would award Bid No. 18-102 for the Hoover Police Training Facility to Duncan and Thompson Construction Services, LLC in the amount of \$3,279,460.00; theirs being the lowest responsible bid meeting all specifications and requirements. This would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Lyda made a motion to approve **Resolution No. 5910-18.** This motion was seconded by Mr. Greene. Mr. Greene reiterated his comments made at the work session expressing appreciation to an individual who made a generous contribution to this project and to any others who wished to contribute to the project. There being no discussion, on voice vote the motion carried unanimously.

4. **PUBLIC HEARING – CONSIDER HOOVER SCHOOLS AD VALOREM TAX INCREASE – RESOLUTION NO. 5914-18**

Mr. Smith stated this was a public hearing to consider a request from the city, in support of a request received from the school board, asking the legislature to allow the city to hold a city

election to vote on a 2.4 mill increase in ad valorem tax for the schools. He first called from question or comments from the Council. There were none at this time.

**Dr. Kathy Murphy**, Superintendent, Hoover City Schools, spoke about the need for additional money to fund upcoming capital projects. She commented that 2.4 mills would bring the city to the lid of 75 mills in the Jefferson County portion of Hoover. This resolution, if passed, would allow the legislature to vote on whether or not the city could hold a city-wide election to allow the citizens to vote for or against the increase. She expressed gratitude for the many ways the city currently supports the schools.

It was noted that a city election would be at the expense of the city at a cost of approximately \$100,000.

**Mr. Jody Patterson**, resident, spoke against any additional taxes for the schools.

There was discussion clarifying that this would allow all Hoover residents residing in both Jefferson and Shelby counties to vote on the 2.4 mill increase. Any increase above the lid bill (75 mills) would require a different legislative process that is not before the Council at this time.

Dr. Murphy discussed some of the short term needs for the schools and committed to come back with more discussion as to the detailed plan they have in place for future school needs.

At the conclusion of the public hearing, the City Attorney read Resolution No. 5914-18

Mr. Lyda made a motion to approve **Resolution No. 5914-18**. This motion was seconded by Mr. Greene. There being no further discussion, 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"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried unanimously.

5. **2<sup>ND</sup> READING ORDINANCE NO. 18-2416 – ANNEX PHASE 6 – 853 WILLOW OAK DRIVE (OLD RIVERCHASE MIDDLE SCHOOL) OWNED BY HOOVER CITY BOARD OF EDUCATION**

The City Attorney had the second reading of Ordinance No. 18-2416. This would annex Phase 6, being the final phase of annexation of property located at 853 Willow Oak Drive (Old Riverchase Middle School) owned by the Hoover City Board of Education.

Mr. Posey made a motion to adopt **Ordinance No. 18-2416**. This motion was seconded by Mr. Greene. There being no comments or questions from the Council or the audience, 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"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried unanimously.

6. **1<sup>ST</sup> READING ORDINANCE NO. 19-2417 – AMEND MUNICIPAL CODE – SMALL CELL FACILITIES REGULATIONS**

The City Attorney had the first reading of Ordinance No. 19-2417. This would amend the Municipal Code, Article VII, Small Cell Facilities Regulations, in order to align with the Federal Communications Commission mandated new guidelines entitled "Accelerating

Wireless and Wireline Broadband Deployment by removing Barriers to Infrastructure Investment” as published in the Federal Register/Vol.83, No. 199 on October 15, 2018. The second reading and consideration of this ordinance for adoption will be on Tuesday, January 22, 2019. There was discussion at work session of the Council’s option to suspend the rules for immediate consideration of this ordinance.

Mr. Shaw made a **motion to suspend the rules** for immediate consideration of Ordinance No. 19-2417 for adoption. 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. Murphy, “Yea”, Mr. Posey, “Yea”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

Mr. Shaw made a **motion to adopt Ordinance No. 19-2417**. This motion was seconded by Mr. Greene. The City Attorney had the second reading of the ordinance.

**Mr. Richard Frier**, a representative of Verizon and a resident of Hoover, thanked the Council and the Mayor for their leadership on this matter.

There being no comments or questions from the Council or the audience, 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”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

7. **1<sup>ST</sup> READING ORDINANCE NO. 19-2418 – AMEND MUNICIPAL CODE AND GRANT FRANCHISE AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICE CORP. d/b/a VERIZON**

The City Attorney had the first reading of Ordinance No. 19-2418. This would amend the Municipal Code, Appendix IV, and grant a non-exclusive franchise to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services to construct, maintain and operate a fiber based communications system in, over, under, across and through the public rights-of-way in the City of Hoover and any future additions threto. The second reading and consideration of this ordinance for adoption will be on Tuesday, January 22, 2019.

8. **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.

There being no further discussion, the meeting was adjourned.