

**CITY OF HOOVER  
CITY COUNCIL  
WORK SESSION  
MINUTES  
FEBRUARY 27, 2020**

The City Council of the City of Hoover met in a regular work session on this date at 5:00 PM, at the Hoover Senior Center, 400 Municipal Dr., following publication and posting pursuant to Alabama Law. Council President Gene Smith called the meeting to order.

**Members Present:** Gene Smith, Council President  
John Greene, Council Pro-Tem  
John Lyda, Council Member  
Casey Middlebrooks, Council Member  
Derick Murphy, Council Member  
Curt Posey, Council Member  
Mike Shaw, Council Member

**Members Absent:** None

**Other Officials Present:** Phillip Corley, City Attorney  
Rod Evans, City Attorney  
April Danielson, City Attorney  
Jehad Al-Dakka, Executive Officer, Police Department  
Clay Bentley, Fire Chief  
Jason Cope, Technology Director  
Tommy Daniel, Public Works Director  
Nick Derzis, Police Chief  
Wendy Dickerson, City Clerk  
Susan Fuqua, Court Clerk  
Mike Lewis, Human Resources Director  
Frank Lopez, Revenue and Taxation Director  
Melinda Lopez, PhD, Chief Financial & Information Officer  
Mac Martin, City Planner  
Dustin Moore, Fleet Manager  
Linda Moore, 911 Director  
Ben Powell, Purchasing Director & City Treasurer  
Melanie Posey, Public Information Officer  
Chris Reeves, Acting City Engineer  
Allan Rice, City Administrator  
Jim Wyatt, Building Inspections Director

Tina Bolt, Finance Director  
Debbie Carrier, Risk Management Director  
Marty Gilbert, Acting Building Inspections Director

Mr. Smith reviewed the agenda for the Monday, March 2, 2020, City Council Meeting with the City staff.

The following items were reviewed at the work session:

## **CONSENT AGENDA**

### **PAYMENT OF BILLS**

#### **RESOLUTION NUMBER 6203-20**

**A RESOLUTION APPROVING AN ALCOHOL LICENSE, GEMCO, LLC D/B/A BEEF O' BRADY'S, GEORGE MCCLUNEY, III, EXECUTIVE(S).**

Mr. Corley explained Resolution Number 6203-20.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

#### **RESOLUTION NUMBER 6204-20**

**A RESOLUTION APPROVING AN ALCOHOL LICENSE, SC HOOVER, INC. D/B/A SUPER CHIX, NEHAL SONI, ARNOLD SONI, DEEPEN PATEL, RAJERH PATEL, KUMAR PATEL, AND ZAVERI REEL, EXECUTIVE(S)**

Mr. Corley explained Resolution Number 6204-20.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

#### **RESOLUTION NUMBER 6205-20**

**A RESOLUTION APPROVING AN ALCOHOL LICENSE, TACO MAMA HOOVER, LLC D/B/A TACO MAMA, NEHAL SONI, ARNOLD SONI, NAYANA SONI, AKASH PATEL, RAJERH PATEL, KUMAR PATEL, AND ZAVERI REEL, EXECUTIVE(S).**

Mr. Corley explained Resolution Number 6205-20.

**RESOLUTION NUMBER 6206-20**

**A RESOLUTION APPROVING AN ALCOHOL LICENSE, MELT HOOVER, INC. D/B/A MELT, NEHAL SONI, ARNOLD SONI, DEEPEN PATEL, RAJERH PATEL, KUMAR PATEL, AND IVON CROES, EXECUTIVE(S).**

Mr. Corley explained Resolution Number 6206-20.

**RESOLUTION NUMBER 6195-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HOOVER EMERGENCY MANAGEMENT COMMUNICATION DISTRICT.**

Mr. Smith explained Resolution Number 6195-20.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

**RESOLUTION NUMBER 6198-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HAILO-VENTURES, LLC.**

Mr. Corley explained Resolution Number 6198-20.

Mr. Shaw stated that the CEO of HAILO has a presentation to show on what they are planning to do.

A representative from HAILO stated that they are a high-tech company that will be coming to Hoover. She stated that they will be opening their doors at the Galleria Towers. It will be an incubator and accelerator for the City of Hoover and the surrounding area. They are very excited about it and have already started. They signed their first joint venture and are already talking to other companies.

Mr. Smith asked if they would be providing services to the City.

The representative stated that it is not services to the City per say, but they will be working on bringing high-tech individuals and boosting employment opportunities within the City. She went on to explain the name of the company. She stated that the name means Hoover Artificial Intelligence Logistics and Operations. She stated that they are going to focus on artificial intelligence, operations, logistics and security. It is to bring more of a high tech environment to the City of Hoover. Their resources are that they educate people and bring them up to where they can grow and create a catalyst and become the silicon valley of the southeastern part of the United States. They want it to start here instead of a big city like Atlanta. The whole point of what they are doing is to accelerate new ideas. It is not just going to be a brand new idea; it is going to be businesses that are currently here. They can take them through their program and help accelerate

their growth so they will be a competitive edge and a tactical partner for entrepreneurs within the City. The value proposition that makes them somewhat different from what they would see in the typical incubator is that they will have an executive leadership team around these new companies. They get to focus working on their businesses instead of in it, and they will provide them with the tolls and manpower to incorporate, launch, operate, and grow. They are trying to protect these businesses from the things that they have already been through. They have been through 25 years or more of buying and selling companies so that they can help them grow in an environment more quickly and with less mistakes than what they made in the past. The growth model is also going to be to drive revenue, strengthen their community ties, and to move companies forward. The model of 5 that they are working with is once they get to 5 employees or 5 orders in revenue, they want to move them out into the community. They want to move them to other places in the Galleria Towers or to somewhere else in Hoover, providing more jobs so that they can be more productive and self-sufficient. They feel that once they get through that program and this level, they will be able to do it. They have been talking with different programs and the community, like at Hoover High School, so that there are entrepreneur and business programs there. They are going to look at those students there to get started early on and learning economics and business in the real world.

Mr. Smith asked if this would be through their academy program.

The representative stated that that is what they are hoping. She stated that they have made connections there but have not yet met and do not know how it is going to work. They think it would be fun and a great way to give back. She stated that one of the things that she wanted to bring everyone's attention to is that part of what they are working on is empowering Hoover. They want to bring in high tech companies and grow them. She stated that they can help with the data and infrastructure so that they can support some of that 5G technology for some of the companies that they are talking to. They could be one of the first to do that in the southeast. This is their first joint venture that they have signed so they are very excited about this AI centric. Mike Oakman, one of their founders, is going to provide courses and boot camps for AI for the community, business, individuals, and data mining and management. They will be able to help employees and companies within the City to use their own data that they currently have to solve problems and to become more efficient. They can consult and create solutions within the tools and the assets that the company already has. Assets can be people, software, or the data that they currently have.

Mr. Smith asked how long would the boot camps last.

The representative stated that they are currently working on 5-week programs.

Mr. Smith asked if it would be day to day, once a week, or evenings.

The representative that they would be in the evenings. They will find out when people start signing up on where they would prefer it to be and work with certain companies and give a half day. They are thinking three days a week. She stated that they would appreciate the furniture. It would be nice to use some of that furniture and not have to buy everything right up front.

Mr. Smith asked if there were any questions from the Council.

Mr. Lyda asked if they knew what the monetary value for the assets being donated would be.

Mr. Posey said he was not sure.

**RESOLUTION NUMBER 6199-20**

**A RESOLUTION DETERMINING THAT CERTAIN PERSONAL PROPERTY IS NOT NEEDED FOR PUBLIC OF MUNICIPAL PURPOSES AND DIRECTING THE DISPOSAL OF SAID SURPLUS PROPERTY.**

Mr. Rice explained Resolution Number 6199-20.

Mr. Smith asked what the entire agreement was with HAILO.

Mr. Rice stated that he does not think that there is a dollar figure attached to it. He thinks that it is in more consideration for these types of donation.

Mr. Smith asked if there were any questions.

There were no questions from the Council.

**RESOLUTION NUMBER 6200-20**

**A RESOLUTION DETERMINING THAT CERTAIN PERSONAL PROPERTY IS NOT NEEDED FOR PUBLIC OF MUNICIPAL PURPOSES AND DIRECTING THE DISPOSAL OF SAID SURPLUS PROPERTY.**

Mr. Moore explained Resolution Number 6200-20.

Mr. Smith asked if Ms. Carrier had anything to add.

She stated no.

Mr. Smith asked if there were any questions for Mr. Moore.

Mr. Greene asked if he agreed with the \$27,000 figure.

Mr. Moore stated yes.

There were no questions from the Council.

**RESOLUTION NUMBER 6201-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GONZALEZ-STRENGTH & ASSOCIATES, INC.**

Mr. Chris Reeves explained Resolution Number 6201-20.

Mr. Smith asked if this is just for Gonzalez Strength.

Mr. Reeves stated yes, it is for the inspection services, not the construction of the sidewalk.

Mr. Smith asked what is the timeline from start to finish on those.

Mr. Reeves stated that they have 160 working days and ALDOT has issued them their notice to proceed. He anticipates that as soon as it dries up enough for them to get their erosion control and signage up, they will start seeing work in that area. He stated that they are planning to start on Savoy. They will have two crews working; they will also have a crew working on Valley Street putting drainage and infrastructure in, that way the sidewalk crew can move through this rapidly. They do not anticipate weather permitting taking 160 days.

Mr. Smith asked who was the contractor that earned that.

Mr. Reeves stated Gillespie Contractor, from Jasper.

Mr. Smith asked if there were any questions for Mr. Reeves.

There were no questions from the Council.

**RESOLUTION NUMBER 6202-20**

**A RESOLUTION ACCEPTING A CHANGE ORDER FOR THE HOOVER CITY HALL REROOFING.**

Mr. Wyatt explained Resolution Number 6202-20.

Mr. Smith asked if it was for glass windows.

Mr. Wyatt stated no, it is for the roof.

Mr. Smith asked if they were finished at this point.

Mr. Wyatt stated that they are.

Mr. Smith asked how much are they turning back in.

Mr. Wyatt stated that he would get that number for him.

Mr. Smith stated that, hopefully, they would have that Monday.

Mr. Smith asked if there were any questions for Mr. Wyatt.

There were no questions from the Council.

**RESOLUTION NUMBER 6207-20**

**A RESOLUTION DETERMINING THAT CERTAIN PERSONAL PROPERTY IS NOT NEEDED FOR PUBLIC OF MUNICIPAL PURPOSES AND DIRECTING THE DISPOSAL OF SAID SURPLUS PROPERTY**

Mr. Cope explained Resolution Number 6207-20.

Mr. Smith asked if this would go to Birmingham Recycling.

Mr. Cope stated no. They have an electronic recycling firm that they have used for the last two year and they take it and destroy everything. They repurpose what they can and have credited them back a certain percentage to minimize their costs and to see if those things get reused.

Mr. Smith asked if there were any questions for Mr. Cope.

There were no questions from the Council.

**RESOLUTION NUMBER 6209-20**

**A RESOLUTION REJECTING A BID FOR EVENT SUPPLY RENTAL FOR THE CITY OF HOOVER, ALABAMA.**

Mr. Powell explained Resolution Number 6209-20.

Mr. Smith asked if there were any questions from the Council.

Mr. Lyda asked Mr. Powell how close is that amount to the current contract.

Mr. Powell stated that it is approximately 5% higher than the current contract and there are some questionable items and increases. He thinks that there is room for them to work.

Mr. Smith asked if there were any further questions.

Mr. Murphy asked if Mr. Powell would include a Bid Solicitation list with the resolution next time so that they could see whom it was sent to.

Mr. Powell stated yes, that they would.

Mr. Smith asked if there were any further questions.

There were no questions from the Council.

## **REGULAR AGENDA**

### **RESOLUTION NUMBER 6197-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PAYMENT COMMITMENT AND NAMING AGREEMENT WITH ABBEY RESIDENTIAL, LLC, AND J. FRANKLIN BAREFIELD, JR.**

Mr. Rice explained Resolution Number 6197-20.

Mr. Smith asked if there were any questions from the Council

There were no questions from the Council.

### **RESOLUTION NUMBER 6210-20**

**A RESOLUTION NAMING THE POLICE TRAINING FACILITY**

Mr. Rice explained Resolution Number 6210-20.

Mr. Smith asked if there were any questions from the Council

There were no questions from the Council.

### **RESOLUTION NUMBER 6208-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO DEVELOPMENT AGREEMENT WITH BROAD METRO, LLC.**

Mr. Corley explained Resolution Number 6208-20.

Mr. Smith asked that other than the fees that were discounted for construction, there have been no other monies waived or held back from Broad Metro.

Mr. Corley stated that that is correct.

Mr. Smith asked if there were any questions for Mr. Corley.

Mr. Shaw asked why they are doing this. He asked if it is new construction that they are doing. He knows that this is a big agreement, but he wants to know why they are doing this.

Mr. Corley stated that typically the developer wants to have the incentive period come side with the grand opening and the opening of the majority of the tenants and the shopping center. This gives them 6 more months to make sure the shopping center is leased and fully operational before the development commitment commences. It is the same period of time and the same sharing agreement.

Mr. Posey asked if they know how much more he has to build out there. It looks like his main Village Center is pretty full. He is building another restaurant. He asked what else does he have to build.

Mr. Corley stated that that is correct. He is not sure about future construction, he just knows that he has been through there recently and saw coming soon. They have approved some licenses for some of the restaurants that are opening.

Mr. Posey stated that he sees where they are going, because he could be building now and have a down turn and not build and come back and ask again to move it.

Mr. Corley stated that he thinks that from their perspective, this date gives them the cushion that they need to get everything open and that they need. They do not have any plans to ask for another extension. Obviously, that would come back to the Council and it would be the will of the Body on whether or not it would be as it is this time.

Mr. Posey asked if Mr. Corley had any documents of what he submitted to him to get him to this agreement that he could share with them.

Mr. Corley stated that he could provide the correspondents that they share them, but he is not sure about the question he is asking.

Mr. Posey stated that he is just trying to figure out the conversation he had to get to this agreement and trying to understand where he is coming from. He stated that he would like to read some of that so that he can figure out how these pieces fit together.

Mr. Corley stated that he would be happy to speak to him after the meeting.

Mr. Rice stated that they think that it is about three or four more out parcels available there and they know that they having conversation on one large parcel with the potential. They originally thought about creating an entertainment facility that would be open to the public. If they get a tenant, of course they would do a tax-paying tenant on that space. If they do not then he thinks that they would push forward with their plan for recreational space. That is about what is left that they could develop and that is not already committed.

Mr. Shaw asked when was this agreement originally done.

Mr. Corley stated that he thinks it was approved in the summer but the commencement date was in December. The original commencement date was to be in December 2019, and that is what they are asking to amend. He believes that there was an agreement approved in 2017 before they started construction.

Mr. Shaw stated that he guesses that that is what he is getting at. They are three years into this. He asked what the term on it is.

Mr. Corley stated 10 years.

Mr. Shaw stated that he is skeptical at his point.

Mr. Shaw asked if it was approved in 2017, but it does not actually start until December or as amended by them.

Mr. Smith asked if there were any further questions.

There were no questions from the Council.

#### **RESOLUTION NUMBER 6211-20**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION AGREEMENT WITH CSX TRANSPORTATION, INC. AND BLACKRIDGE PARTNERS, LLC**

Mr. Rice explained Resolution Number 6211-20.

Mr. Smith asked if the City has already accepted the first bridge.

Mr. Rice stated yes.

Dr. Middlebrooks asked if he said that this would be an access to CSX for their workers.

Mr. Rice stated no. The bridge will be the primary access to that neighborhood for all traffic, public and private, but they would accept and maintain it due to its public implications.

Mr. Smith stated that just for conversations sake, how many dwellings he expects on the other side of those tracks.

Mr. Rice stated that that is in their initial development. There are other things that will follow on the other end of that track in the future.

Mr. Smith asked if there were any further questions.

Mr. Greene asked Mr. Rice what about the cost.

Mr. Rice stated that he has heard the number \$1.2-million on the construction of the bridge. That will be private funds from the developer.

Mr. Martin stated that 525 units are slated for the Riverwood's portion.

Dr. Middlebrooks asked if there were no crossings or construction access on that line.

Mr. Rice stated not that he is aware of. He asked Mr. Reeves if he knows.

Mr. Smith asked if there were any further questions.

There were no questions from the Council.

#### **RESOLUTION NUMBER 6212-20**

#### **A RESOLUTION DESIGNATING AN ENERGY SERVICE PROVIDER.**

Mr. Rice explained Resolution Number 6212-20.

Mr. Smith asked if this is the decision between the two that have responded which is Alabama Power and Snider Electric.

Mr. Rice stated yes.

Mr. Smith stated that they had a lengthy discussion at their last work session about both providers. He asked if everyone was satisfied or if they have any remaining questions. He asked if either one was present. He asked if there was any questions for Alabama Power.

There were no questions from the Council.

#### **RESOLUTION NUMBER 6213-20**

#### **A RESOLUTION FOR THE PROVISION OF TIER I BENEFITS TO TIER II PLAN MEMBERS.**

Mr. Smith stated that he contacted Mr. Rice and Mr. Greene. He apologized to the rest of the Council since this was a late addition to the agenda. He felt that with everything else and the Policy discussions that are coming he, personally, did not want this to get mixed up with everything else. He asked if new employees would get the full benefits of Tier I or just short of that.

Mr. Rice stated that they would get the same benefits as Tier I. It will apply to anybody hired after January 1, 2013.

Mr. Smith asked about any increases to the City for the conversion.

Mr. Rice stated that it would be unincreased to the City. He thanked Mr. Lewis and Ms. Bolt for working hard on this. The estimate is about \$375,000 initial impact to the employer contribution, what they pay to RSA. It is hard to estimate beyond that because then it gets into retirements and how many Tier II's get replaced with people moving into Tier I. That is the initial impact, there will be an impact on the employees who move from Tier II benefits to Tier I benefits of 1.5%. Whatever they are paying now, whether there is a traditional employee at a regular rate or if they are Public safety receiving the FLC credit, they are already paying a little bit more. Both of those categories would pay 1.5% more towards their pension in consideration of the enhanced benefits.

Mr. Smith asked if the City's portion would adjust.

Mr. Rice stated that they would adjust, but the initial impact of \$375,000. He stated that he caused Mr. Lewis to make a misstatement at the previous work session. He thinks that he was asked for the same question and he gave the wrong number and he told him \$450,000 or \$500,000, and that is not correct. The correct number is \$375,000 for the year of implementation.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

#### **ORDINANCE NUMBER 20-2474**

#### **AN ORDINANCE OF THE CITY OF HOOVER TO MODIFY CHAPTER 9, MOTOR VEHICLES AND TRAFFIC AND TO REPEAL ALL ORDINANCES AND PARTS OF THE ORDINANCES OF THE CITY OF HOOVER IN CONFLICT THEREWITH**

Mr. Corley explained Ordinance Number 20-2474.

Mr. Smith stated that they have one vender that lives in the City that has been providing rented and horse drawn carriages for quite a number of years. Mr. Smith stated that he really does not have a proper spot when it comes to licensing. He has worked around it for a number of years until he thought he was going to lose his business because of it. He asked if Dr. Middlebrooks had anything to add.

Dr. Middlebrooks stated no.

Mr. Smith asked if there were any questions from the Council.

Mr. Lyda stated that most of their transportation licenses have an inspection clause in it, and unless he is overlooking it, this one does not. He asked if there is a reason that they are not inspecting anything on this one.

Mr. Corley stated that he would have to defer to Business Licenses. He stated that he would review that and get that on Monday. He stated that the vehicle requirement and inspection is under Section 9-326.

Mr. Rice stated that they might need to get Chief Derzis to take a look at that with his staff. They might want to look for some safety equipment. It should be easy insertion by Monday.

Mr. Corley stated that there is a requirement for safety equipment.

Mr. Rice stated that he would put the inspection language with that.

Mr. Smith stated that he is sure Chief Derzis would not mind personally inspecting that one date per year. He asked Chief Derzis if that is correct.

Chief Derzis stated yes.

Mr. Smith asked if there were any questions.

Mr. Shaw asked about the protections on the cleaning up after the horses. He asked if that comes into play here. He asked if there were any requirements.

Mr. Smith stated that he thinks that if it is going to be included, it certainly should be in the Ordinance.

Mr. Lyda stated that there is a clause in the Ordinance that requires a “catch sack”; however, there is always work. He stated that the people that live in that area have voiced that this is an issue.

Mr. Corley stated that it is in Section 9-330 on page 6.

Mr. Rice stated that they could address sections and sanitation by Monday.

Mr. Smith stated that if he has the chance, he could email it to the Council to have time to look at it before the meeting.

**1<sup>st</sup> Reading For The March 16, 2020 Council Meeting (No Action To Be Taken  
At This Meeting)**

**ORDINANCE NUMBER 20-2476**

**AN ORDINANCE AUTHORIZING THE LEASE OF REAL  
PROPERTY OF THE CITY OF HOOVER, AL FOR PUBLIC  
PURPOSES TO THE PARK AND RECREATION BOARD OF THE  
CITY OF HOOVER.**

Mr. Martin explained Ordinance Number 20-2476.

Mr. Smith stated that he sees that this is a new out parcel. He asked how many tenants would occupy that.

Mr. Martin stated that currently, there would not be a new parcel created. A new structure will be placed on there. The major anchor tenant, being the grocery store, in addition to that there is a smaller tenant place for a pharmacy.

Mr. Smith stated that that is on the other side of the parking lot. He stated that maybe that is not a new structure.

Mr. Martin stated that all he sees on the left hand side is existing.

Mr. Smith asked if there were any questions from the Council. He asked Mr. Martin if he would handle any representation of this or if the applicant would be there.

Mr. Martin stated that they would make sure that the applicant is aware at the meeting.

Mr. Smith asked if there were any further questions for Mr. Martin.

There were no questions from the Council.

**1<sup>st</sup> Reading And Setting A Public Hearing For March 16, 2020 (No Action To Be Taken At This Meeting)**

**RESOLUTION NUMBER 6196-20**

**A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR ADDITION TO EXISTING SHOPPING CENTER FOR THE PROPERTY LOCATED AT 2142-2146 TYLER ROAD, HOOVER, ALABAMA. NO ACTION TO BE TAKEN AT THIS MEETING.**

Mr. Martin explained Resolution Number 6196-20.

Mr. Smith asked if outside of the box to the left is the other property that the additional bidder was able to obtain.

Mr. Martin stated that that is correct.

Mr. Smith asked if there has been any conversation about what the applicant wants to do.

Mr. Martin stated that he thinks that there are some ongoing conversations. At this time, he is still looking at multiple opportunities there, but there are no concrete plans that he is aware of.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

**ORDINANCE NUMBER 20-2475**

**AN ORDINANCE TO REZONE PROPERTY LOCATED AT 2429 SAVOY STREET, 2441 SAVOY STREET, AND 648 KLEINS DRIVE FROM HOOVER R-1 TO HOOVER R-1 WITH CONDITIONS, 621 KLEINS DRIVE FROM HOOVER A-1 TO HOOVER E-2 WITH CONDITIONS, 631 KLEINS DRIVE FROM HOOVER E-2 TO HOOVER E-2 WITH CONDITIONS AND 644 KLEINS DRIVE FROM HOOVER A-1 TO HOOVER R-1 WITH CONDITIONS, CK ENTERPRISES, LLC (LANCE KITCHENS), REPRESENTING. *NO ACTION TO BE TAKEN AT THIS MEETING***

Mr. Posey asked Mr. Martin, if by looking at the plat design and what has been and from what has been provided to him so far, if he sees that cap being reached. He asked if 47 is a good number, based on what he can see in the plat design.

Mr. Martin stated that what he has shown is a conceptual design. There is not a 100% certainty that it is going to be built according to that concept. They still have issues about the storm water management and street layout. All of those are things to consider that may very well impact that condition. Having said that, the conceptual plan that he laid out, just looking at it from a lot sized standpoint, seems to be with the request of the zoning. It is concept only. There are still some items of study that need to be dealt with like storm water and like being able to supply sewer to the property. There is still a lot that needs to be engineered and worked out.

Mr. Posey asked that as it stands today, what the number of buildable homes on that property is. He stated that it is currently without condition or rezoning.

Mr. Martin stated that one of the scenarios that was put out there with the existing zoning in place; he suggests that he could do around 36 homes. He stated that that is the conceptual layout that still hinges on a couple of things being worked out, such as access to be able to develop Lot 8 without going through the rest of the properties. There are still some things that would need to get worked out in order to achieve that.

Mr. Smith asked if that would only have access to South Sherrlyn Drive.

Mr. Martin stated that from what he said, to maximize the availability at the site was an access to South Sherrlyn Drive to the northern portion of this property. There is an issue with the right-of-way.

Mr. Smith asked how many houses he would be able to put off that entrance.

Mr. Martin stated that he would have to go back and look at the concept. It was not a majority of the homes that he was showing for this property. It would simply be for Lot 8. If Lot 7 were to remain Agricultural and it serves as a bit of a barrier between what he can do on Lot 8 and Lot 3 to the South.

Mr. Shaw stated that he come with a diagram that had 42 or 43 homes. The number of homes has been the issue in the meetings.

Mr. Martin stated that that is the case. One concept shows actually demolishing an existing large home and having many lots created there instead.

Mr. Posey stated that in the first or second planning and zoning meeting he came in with many different options for voting on just this.

Mr. Martin stated that that is correct. With the recommendation that was given to them by the planning commission, rezoning can affect all of the lots. Lot 7 would be A-1 to R-1 with conditions. Lot 5 would be A-1 to E-2 with conditions. The remainder would remain in their zoning designation, but if approved, this zoning ordinance would attach the conditions on the rest of the property.

Mr. Smith stated that he has been looking at the map. He asked what all of the conditions were.

Mr. Martin stated that the conditions in total sum, across the entire property, he would be entitled up to 48 homes.

Mr. Smith asked how much he initially went for.

Mr. Martin stated that he was initially looking at 50.

Mr. Smith asked if that was the total sum of conditions.

Mr. Martin stated that that is correct.

Mr. Smith asked if that was for the E-2 and the R-1.

Mr. Martin stated that for the E-2 and the R-1 it would be 47 new homes and the preservation of the existing home.

Mr. Smith asked if he was going to include the sidewalk requirements.

Mr. Martin stated yes.

Mr. Smith asked if there would be any new amenities.

Mr. Martin stated that there has not been too many discussions about amenities.

Mr. Smith asked if Mr. Shaw wanted to ask any questions about that.

Mr. Shaw stated that there were many hours of discussion. There was lots of good discussion, and lots of discussion from the public. He stated that he was not a fan of the cap and he knows a couple of them were not fans of it. He stated that he had a legal question that did not occur to him. He

asked what happens if one of these parcels gets sold off. How does that cap apply to the aggregate? He stated that if he sells of the top two parcels would the other developer have to work with them on that. He asked how that cap would apply.

Mr. Martin stated that the cap would be in place for all properties in aggregate. If he sells a couple of them, that cap would still be in place for the total sum of these properties.

Mr. Shaw asked if that person could be theoretically restricted from building up their land even though the Ordinance allows it because the cap was reached on other parcels. He stated that this is unlikely, given the geometry, but it is theoretically possible.

Mr. Martin stated that the cap would be a condition of the zoning, so it is embedded with the zoning of the property.

Mr. Corley stated that in that situation the developer and a potential buyer would likely work that out before such sale transaction occurred.

Mr. Shaw stated that he is not a fan of the caps because it adds complications that do not bring benefit. The zoning laws are clear.

Mr. Smith asked if the applicant would be present on Monday to make his own presentation.

Mr. Martin stated that they would make him aware of it.

Mr. Smith asked if there were any further questions.

There were no questions from the Council.

### **ORDINANCE NUMBER 20-2477**

#### **AN ORDINANCE TO APPROVE A CONTRACT TO PURCHASE REAL ESTATE AND IMPROVEMENTS SITUATED AT MOSS ROCK IN THE CITY OF HOOVER, ALABAMA, AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER SAID CONTRACT AND ANY ALL OTHER DOCUMENTS NECESSARY TO CLOSE THE SALE PURSUANT TO TERMS, PROVISIONS AND CONDITIONS OF SAID CONTRACT**

Mr. Rice explained Ordinance Number 20-2477.

Mr. Shaw stated that Ordinance 20-2474 is a second reading regarding the horse and carriage. He stated that he knows that they were talking about putting some things in there. He asked if the things that they discussed material enough to cause a first reading.

Dr. Middlebrooks stated that he thinks that they may be already covered in the agreement but they can confirm that.

Mr. Shaw stated that he was talking about the inspection.

Dr. Middlebrooks stated that if they felt like they needed to make material amendments to it that would require a first reading, then they could suspend the rules and have both readings on Monday night.

Mr. Shaw stated that he would be willing to vote to suspend the rules, in the interest of getting it done.

Mr. Smith stated that the gentleman has been waiting ever since he bought the company, so he does not think an additional two weeks would matter.

Dr. Middlebrooks stated that it would be a relatively minor change, but the new law would require a new first reading.

Mr. Smith suggested that they move back to item Ordinance 20-2474 and read the Ordinance.

Mr. Rice stated that they have been working incrementally to transfer some property via lease to the Park and Rec Board. These are properties that they already operate but they are just trying to move them through their legal office through a lease. He stated that it would give them operational control legally over properties where they are making rules and regulations now, subletting use agreements, and those kinds of things. It will also allow them to proceed with any physical improvements at those properties under the offices of the Park and Rec Board, which has a little difference in the process that the City in terms of what is bid and what can be done by design build. He stated that one of the valued aspects of this is that some of the them come in very high. Star Lake, Bluff Park Pavilion, and some of those things can be looked at in a different lense. The design build has more self-performance of the work and to see if they can include those in the original budget.

Mr. Smith asked if there were any questions for Mr. Rice.

There being none, Mr. Smith concluded their regular order.

### **COMMENTS/QUESTIONS**

The following was addressed:

- Tina Bolt spoke on behalf of her department regarding the loss of Malissa Moore, a Hoover Employee that passed away earlier during the week.
- Mr. Murphy reminded them that the Hoover Bucks and the Lady Jaguars basketball teams would be playing in the State Championship. He, also, thanked everyone for their prayers for his grandmother.

There being no further business, the meeting adjourned at 6:04 p.m.

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Gene Smith  
Council President

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Frank V. Brocato  
Mayor

**ATTESTED BY:**

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Wendy Dickerson  
City Clerk