

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, March 18, 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
 Dr. Casey Middlebrooks, Council Member
 Mr. Derrick Murphy, Council Member
 Mr. Curt Posey, Council Member
 Mr. Mike Shaw, Council Member

ABSENT: Mr. John Lyda, Council Member

ALSO PRESENT: Mr. Phillip Corley, City Attorney, Wallace, Jordan, Ratliff & Brandt, LLC
 Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC
 Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC
 Chief Nick Derzis, Police Chief
 Chief Clay Bentley, Fire Chief
 Ms. Amanda Borden, Library Director
 Ms. Susan Fuqua, Director, Municipal Court
 Mr. Mike Lewis, Director, Human Resources
 Dr. Melinda Lopez, Chief Financial and Information Officer
 Mr. Rod Long, City Engineer
 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

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. Posey made a motion to approve the minutes of the March 4, 2019 regular meeting and the March 7, 2019 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. **REPORTS**

Dr. Tara Simmons came to the front. Dr. Simmons wanted to personally thank on behalf of the Hoover City Schools, the Mayor, the City Council, the Fire Chief, and the Police Chief for

collaborating with the Hoover City Schools in providing an active shooter drill. The drill was held in February at Hoover High School on a professional development day for teachers. Dr. Simmons said they had over 100 employees to participate.

Mayor Brocato was joined in the front by Susan Johnston and Calvin Gunn to present a proclamation for National Safe Place Week. Mayor Brocato indicated that the Hoover Fire Stations are safe havens for anyone especially children that feel threatened in any way. The City Attorney read the proclamation.

Mayor Brocato was joined by Mrs. Eloise Martens. Mayor Brocato wanted to honor Mrs. Martens with a proclamation honoring her as a trustee on the Library Board. The City Attorney read the proclamation. Ms. Amanda Borden also presented Mrs. Martens with a gift and thanked her for her service at the library.

Dr. Middlebrooks made a motion for a vote of concurrence for the appointment of Mrs. Eloise Martens to Trustee Emeritus. 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.

Mayor Brocato was joined by City Clerk Margie Handley. The City Attorney read the proclamation for Margie Handley honoring her for her years of service to the City of Hoover and recognizing her on her retirement.

Mayor Brocato wanted to recognize employees for their years of service with the City of Hoover. They are as follows:

20 YEARS OF SERVICE- FIRE DEPARTMENT

Larry Florence, Brian Hallman, Tim Lawson, Michael Norman, Toby Rigsby, Randy Wiggins

35 YEARS OF SERVICE-POLICE DEPARTMENT

Jim Hays

3. **REGULAR AGENDA.**

RESOLUTION NO. 5953-19 AMEND BUDGET FYE 9/30/19

The City Attorney read Resolution No. 5953-19. This would amend the budget for fiscal year ending 9/30/2019.

Dr. Lopez presented items in the budget amendment. After discussion, Mr. Posey made a motion to approve **Resolution No. 5953-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5954-19-AUTHORIZE MAYOR TO EXECUTE AN AMENDED SERVICE AGREEMENT WITH THE SHELBY COUNTY HUMANE SOCIETY**

The City Attorney read Resolution No. 5954-19. This would authorize the Mayor to execute a second amended service agreement with the Shelby County Humane Society. After discussion,

Mr. Posey made a motion to approve **Resolution No. 5954-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5955-19-AUTHORIZE SIGNATURES FOR CHECKING ACCOUNTS**

The City Attorney read Resolution No. 5955-19. This would authorize signatures for the checking accounts. Dr. Lopez gave a brief explanation of why the signatures were being updated on the checking accounts. After discussion, Mr. Posey made a motion to approve **Resolution No. 5955-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5956-19-AUTHORIZE INSTALLATION OF FIRE HYDRANTS**

The City Attorney read Resolution No. 5956-19. This would authorize the installation of fire hydrants by the Birmingham Waterworks Board in the Lake Wilborn Phase 6 development. After discussion, Mr. Posey made a motion to approve **Resolution No. 5956-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5957-19-AUTHORIZE MAYOR TO EXECUTE ACCREDITATION DOCUMENTS**

The City Attorney read Resolution No. 5957-19. This would authorize the Mayor to execute accreditation documents with the Center for Public Safety Excellence (CPSE) for the Hoover Fire Department. Chief Bentley gave a brief explanation of this process. After discussion, Mr. Posey made a motion to approve **Resolution No. 5957-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5958-19-AUTHORIZE MAYOR TO EXECUTE A LICENSE AND PROFESSIONAL SERVICES AGREEMENT**

The City Attorney read Resolution No. 5958-19. This would authorize the Mayor to execute a license and professional services agreement with Bluebeam, Inc. regarding the acquisition of digital plan markup and commenting software. Mr. Mac Martin gave a brief explanation of this process. After discussion, Mr. Posey made a motion to approve **Resolution No. 5958-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5959-19-AUTHORIZE MAYOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT**

The City Attorney read Resolution No. 5959-19. This would authorize the Mayor to execute a professional services agreement with Skipper Consulting to provide preliminary engineering services for the (Phase 2) Lighting System from Patton Chapel Rd to I-65 ALDOT project. Mr. Rod Long gave a brief explanation of this project. After discussion, Mr. Posey made a motion to approve **Resolution No. 5959-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5960-19-AUTHORIZE MAYOR TO EXECUTE A GRANT AGREEMENT**

The City Attorney read Resolution No. 5960-19. This would authorize the Mayor to execute a Grant Agreement with Cawaco Resource Conservation & Development Council, Inc. to provide reimbursement funds for the EXPLORE Playground project. Ms. Dee Nance gave a brief explanation about this grant. After discussion, Mr. Posey made a motion to approve **Resolution No. 5960-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 5961-19-AUTHORIZE MAYOR TO EXECUTE A MUNICIPAL LEASE AGREEMENT**

The City Attorney read Resolution No. 5961-19. This would authorize the Mayor to execute a municipal lease agreement with SOUTHLAKE CAPITAL LLC regarding a replacement copier for the Engineering Department. Mr. Ben Powell gave a brief explanation of this agreement. After discussion, Mr. Posey made a motion to approve **Resolution No. 5961-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

12. **RESOLUTION NO. 5962-19-AUTHORIZE MAYOR TO EXECUTE A MUTUAL NON-DISCLOSURE AGREEMENT**

The City Attorney read Resolution No. 5962-19. This would authorize the Mayor to execute a Mutual Non-Disclosure Agreement with Imaging Machines, LLC, regarding document scanning services. Mr. Ben Powell gave a brief explanation about this agreement. After discussion, Mr. Posey made a motion to approve **Resolution No. 5962-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

13. **RESOLUTION NO. 5963-19-VACATION OF A PORTION OF PRIVATE RIGHT-OF-WAY ON TATTERSALL LANE**

The City Attorney read Resolution No. 5963-19. This resolution is for a vacation of a portion of private right-of-way on Tattersall Lane at the request of the property owner, EBSCO Industries. *PZ Case #S-0219-07*. After discussion, Mr. Shaw made a motion to approve **Resolution No. 5963-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

14. **ABC APPLICATION (050-RETAIL BEER (OFF PREMISES ONLY) AND (070-RETAIL TABLE WINE (OFF PREMISES ONLY) – NYBGREY, LLC, d/b/a NEW YORK BUTCHER SHOPPE, 6801 CAHABA VALLEY RD., STE. 12, HOOVER, AL 35242**

Mr. Shaw made a **motion to approve** the ABC Application (050-Retail Beer (Off Premises Only) and (070-Retail Table Wine (Off Premises Only) for NYBGREY, LLC, d/b/a NEW YORK BUTCHER SHOPPE, 6801 Cahaba Valley Rd., Ste 12. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. The clerk verified that all paperwork had been received and the application is ready for approval. There being no further discussion, on voice vote the motion carried unanimously.

15. **ABC APPLICATION 240 NON-PROFIT TAX EXEMPT-FOR JUNIOR LEAGUE OF**

BIRMINGHAM, INC. d/b/a JUNIOR LEAGUE OF BIRMINGHAM BARGAIN BASH 2019 TO BE HELD ON APRIL 25, 2019, FROM 6-10 PM AT 2467 JOHN HAWKINS PKWY, HOOVER, AL 35244.

Mr. Shaw made a **motion to approve** the ABC application 240 non-profit tax- exempt for Junior League of Birmingham, Inc. d/b/a **Junior League of Birmingham Bargain Bash 2019** to be held on April 25, 2019, from 6-10 pm at 2467 John Hawkins Pkwy, Hoover, AL 35244. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. The clerk verified that all paperwork had been received and the application is ready for approval. There being no further discussion, on voice vote the motion carried unanimously.

16. **2nd READING RESOLUTION NO. 5952-19 – DEANNEX 453 LAREDO DRIVE**

Mr. Smith said this was supposed to be the second reading of Resolution No. 5952-19 but the applicant has requested to withdraw. The City Clerk received notice to withdraw at the request of the property owner. Mr. Posey made the motion to accept the withdrawal of Resolution 5952-19 at the request of the property owner. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

17. **2nd READING ORDINANCE NO. 19-2421 – ANNEX 3960 SOUTH SHADES CREST ROAD**

The City Attorney had the second reading of Ordinance No. 19-2421. This would annex 3960 South Shades Crest Road owned by Diane Hoang.

Mr. Posey made a motion to **adopt Ordinance No. 19-2421**. This motion was seconded by Mr. Greene. Mr. Smith called for comments or questions from the Council or the audience.

There being no further discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, “Yea”; Dr. Middlebrooks, “Yea”; Mr. Murphy, “Yea”; Mr. Posey, “Yea”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried.

18. **PUBLIC HEARING- TO CONSIDER REQUEST OF MR. KEITH HAMBY, KISSEL ENTERTAINMENT, LLC.**

Mr. Smith stated this is a public hearing to consider Mr. Keith Hamby, Kissel Entertainment, LLC, requests for **conditional use** approval to hold an outdoor **Spring Carnival at the Galleria** on March 26 through March 30, 2019. The property is owned by Hoover Mall Limited/Galleria Venture and is zoned PC Planned Commercial. *PZ Case #C-0219-0.*

Mr. Mac Martin commented that they were going to have a smaller sized carnival and the location has changed to the Aveda parking lot toward the south end of the campus. The State Fire Marshall will be present.

Mr. Smith closed the public hearing after no further comments.

Mr. Shaw made a motion to approve the requests from Mr. Keith Hamby for conditional use as presented. This motion was seconded by Mr. Greene. Mr. Smith called for questions or

comments from the Council or the audience. There being no further discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried.

19. SET PUBLIC HEARINGS FOR MONDAY, APRIL 15, 2019 AT 6:00 PM

Mr. Smith stated public hearings are hereby set for Monday, April 15, 2019, at 6:00 p.m. to consider the following requests which come forward with a positive recommendation from the 3/11/19 Planning and Zoning Commission meeting:

- a. Mr. Joseph Parsley, Carlson Consulting Engineers, is requesting **Conditional Use** approval for a retail strip shopping center to be located at 1539 and 1541 Montgomery Highway. This property is owned by Orange Hoover 31, LLC, and is zoned C-2 (Community Business District) and C-3 (General Business District). *PZ Case #C-0319-05*
- b. Joseph Miller, MTM Engineers, representing Zac Parrish, is requesting **Conditional Use** approval for a self-storage facility and strip retail center. This facility is to be located at 5281 Ross Bridge Parkway. The owner of the property is Zac Parrish and it is zoned C-2 (Community Business District). *PZ Case #C-0319-04*
- c. Amend Municipal Code, Appendix I. Zoning, regarding Planned Unit Development application timeline. *PZ Case #Z-0219-03*

1st Reading Ordinance No. 19-2422.

The City Attorney had the first reading of Ordinance No. 19-2422. This would amend the municipal code, appendix I, Zoning regarding Planned Unit Development timeline. The second reading and consideration of this ordinance for adoption will be on Monday, April 15, 2019.

At this time Mr. Smith said there were two resolutions that needed to be added and asked the City Attorney to read the resolutions.

Mr. Smith stated that the Industrial Development Board held a meeting in regards of assisting an entity with a funding request which requires a concurrence from the Council.

Mr. Murphy stated that the Industrial Development Board met and announced a plan to assist U.S. Steel in funding for an electrical arc furnace steelmaking in a series of bonds totaling \$275 million.

20. RESOLUTION NO. 5964-19-AUTHORIZES AND APPROVES THE PROJECT WITH U.S. STEEL CORPORATION TO ISSUE REVENUE BONDS

The City Attorney read Resolution No.5964-19. This resolution authorizes and approves the project with U.S. Steel Corporation to issue revenue bonds.

Mr. Corley explained that the bond issuance is through the Industrial Development Board; the board is just a conduit to provide access for U.S. Steel. This will not affect the City or the Industrial Development Board credit rating.

Mr. Brian Ethridge, Chairman of the Industrial Development Board stated the bonds are being issued on the credit of U.S. Steel and the board is only a conduit to allow them to get the funding.

After discussion, Mr. Murphy made a motion to approve **Resolution No. 5964-19**. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.

21. **RESOLUTION NO. 5965-19-MARGIE HANDLEY DAY**

The City Attorney read Resolution No.5965-19. This resolution regards Margie Handley's time as city clerk and names March 29, 2019 as Margie Handley Day.

22. **PAYMENT OF BILLS**

Mr. Posey 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.

23. **COMMENTS/QUESTIONS**

Mr. Smith called for additional questions or comments.

Mr. Murphy asked about the status of Birchtree. Mr. Rice commented that Mr. Westhoven attended a Park Board meeting in which some of the Birchtree Board members were present. Mr. Rice said there was discussion about the long term resolution of what will happen with the Birchtree pool. Mr. Murphy would like to know if it is feasible to the city to keep providing funding. Mr. Posey wanted to know what had been spent out of the initial allocation. Mr. Rice said there was about \$125,000 left of the \$189,000 that was allocated.

Mr. Mark Yeager discussed some items previously asked for at the Birchtree pool. Mr. Yeager said they are really in need of a pool liner to prevent leaks. Mr. Yeager said the pool has been around for about 41 years and he really wants to see the bathrooms addressed for the patrons and the pool lining and concrete decking.

Mr. Smith suggested putting this topic on the Park Board Committee and let them hold discussions and get back to the Council.

Mr. Robin Schultz was present to discuss a few incidents and the use of the Hoover Met. Mr. Schultz is requesting signage so that the public will know what they can and cannot do at the fields. Mr. Shaw said this discussion has come up previously and the committee does realize they are going to have to come up with something on the public use and private rental use of the facility. Mr. Murphy said the next Met Advisory meeting is in April and he suggested Mr. Schultz attend.

Ms. Melanie Styers discussed how diversity attracted her to Hoover. Ms. Styers said after a few recent events, is the area still welcoming. Ms. Styers feels there are still some issues and read a letter about these events to the Council.

Mr. Smith called for additional questions or comments. There being none, the meeting was adjourned.

Cynthia Harris, Assistant City Clerk