

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, May 7, 2018
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. Jehad Al-Dakka, Executive Officer, Police Department
Chief Clay Bentley, Fire Chief
Ms. Amanda Borden, Library Director
Mr. Jason Cope, Director of Technology
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
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 & Information Officer
Mr. Mac Martin, City Planner
Mr. Craig Moss, Director, Parks and Recreation
Mr. Ben Powell, Director, Purchasing
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, Chief Operations Officer
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, City 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. Smith stated each member of the Council had previously received a copy of the minutes of the April 16, 2018 regular meeting, and the May 3, 2018 work session.

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

2. **REPORTS**

The following candidates came forward and asked for the support of the City Council and the citizens in the upcoming June 5, 2018 Primary election:

Nicole Saia, Candidate, Shelby County Circuit Judge
Julie Palmer, Candidate, Shelby County Circuit Judge
David Warren, Candidate, Shelby County Coroner
Mike Anderton, Candidate, Jefferson County District Attorney

The City Attorney read a **Proclamation** for **Rocky Ridge Elementary School's 50th Anniversary**. Mr. Shaw commented briefly about what Rocky Ridge Elementary has meant to his family. Dr. Dilhani Uswatte, Principal of Rocky Ridge Elementary, and Ms. Padgham of the PTO were present to receive the proclamation.

Mayor Brocato and Councilman Murphy presented a **Certificate of Appreciation** to **Mr. Earl Cooper** and thanked him for his years of service as a member of the **Hoover Board of Education**.

Mr. Smith announced that the term of Mr. Charles Faulkner on the Medical Clinic Board had expired. Mr. Smith passed the gavel to Mr. Greene and then made a motion to **reappoint Mr. Charles Faulkner to the Medical Clinic Board**. Mr. Lyda seconded the motion. On voice vote the motion carried unanimously. Mr. Smith retrieved the gavel.

Representatives from **Sports Facilities Management (SFM)** presented an overview of the financial status of the **Finley Center** since its opening. They provided figures for gross income, expenses related to the operation, profit & loss and the economic impact to the City. Expenses have been less than anticipated and the economic impact to the City is estimated to be 3.6 million. There have been 4700 hours of local usage of the facility occurring mostly on a Monday through Thursday timeline. Outdoor fields will be opening at the Hoover Met Complex and additional attractions will be installed at the Finley Center that will expand business. A sponsorship program is being implemented to provide scholarships for children who are unable to afford to play or participate at the Hoover Met Complex. SFM will put the first \$16,000.00 of seed money towards that program and will challenge local community leaders and businesses to participate. There was some discussion regarding the content of the SFM report.

Mr. Corey Collier with **Brasfield & Gorrie** presented a slide show with information on the status of **Phase II of the Hoover Met Complex**.

3. **RESOLUTION NO. 5780-18 – AUTHORIZE MAYOR TO EXECUTE A PLANNING AND ENGINEERING SERVICES AGREEMENT WITH SAIN ASSOCIATES TO WRITE NEW SUBDIVISION REGULATIONS FOR THE CITY. (continued from the 3/5/18 meeting).**

Mr. Lyda made a motion to **withdraw** Resolution No. 5780-18. This motion was seconded by Mr. Greene. There were no comments or questions and on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5802-18 – AMEND BUDGET FYE 09/30/18.**

The City Attorney read Resolution No. 5802-18. This resolution amends the budget for fiscal year ending 09/30/18.

Mr. Lyda made a motion to approve **Resolution No. 5802-18**. This motion was seconded by Mr. Greene. Dr. Lopez reviewed the items on the budget amendment.

Mr. Smith called for comments or questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5803-18 – DECLARE PROPERTIES AS PUBLIC NUISANCES DUE TO WEEDS AND/OR GRASS.**

The City Attorney read Resolution No. 5803-18. This resolution declares multiple properties within the City of Hoover as public nuisances and authorizes proceeding with abatement as allowed per Alabama law.

Mr. Macke said he initially submitted twelve properties for consideration but two have been cut so the list is currently down to ten properties for declaring as public nuisances. He stated several are unoccupied and are probably in foreclosure.

Mr. Lyda made a motion to **approve Resolution No. 5803-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. There being no discussion, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5804-18 – AUTHORIZE MAYOR TO EXECUTE TRAFFIC SIGNAL MAINTENANCE AGREEMENT FOR AL-150@ I-459 SB RAMP, AL-150 @ PRINCETON WAY & AL-150 @ STADIUM TRACE PKWY/PRESERVE PKWY, WITH ALDOT.**

The City Attorney read Resolution No. 5804-18. This resolution authorizes the Mayor to execute a traffic signal maintenance agreement for AL-150 @ I-459 SB Ramp, AL-150 @ Princeton Way & AL-150 @ Stadium Trace Pkwy/Preserve Pkwy with ALDOT.

Mr. Lyda made a motion to approve **Resolution No. 5804-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience.

Mr. Steve Grondin, 199 Trace Ridge Rd., spoke about a recent issue with a pattern change in the stop light in front of his subdivision. Stadium Trace is a heavily traveled intersection and he strongly recommended that any proposed changes in this agreement with ALDOT be advertised well in advance. Mr. Rod Long, City Engineer, said the city is in the process of updating its coordinated signal systems which potentially resulted in a phase change related to the programming of the controller. They are currently working on correcting errors such as this.

Mr. Smith asked for additional comments or questions and there were none. On voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5805-18 – AUTHORIZE MAYOR TO EXECUTE LICENSE AGREEMENT WITH ALDOT- VIEWING OF LIVE VIDEO IMAGES AND TRAFFIC INFORMATION**

The City Attorney read Resolution No. 5805-18. This would authorize the Mayor to execute a License Agreement with ALDOT for Viewing of Live Video Images and Traffic Information.

Mr. Lyda made a motion to approve **Resolution No. 5805-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience.

Mr. Rod Long stated this would allow traffic engineering to view the screen and give them a longer period of time to use the state cameras. This agreement is already in place for E-911.

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

8. **RESOLUTIONS 5806-18 AND 5807-18 – MWWP REPORTS – RIVERCHASE AND INVERNESS WASTE WATER SYSTEMS**

The City Attorney read Resolution No. 5806-18 and Resolution No. 5807-18. These resolutions inform the Alabama Department of Environmental Management of actions taken by the city regarding the Riverchase and Inverness Waste Water Systems.

Mr. Lyda made a motion to approve **Resolution No. 5806-18 and 5807-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. Mr. Tim Westhoven said the city received very good reports on both systems. There being no further discussion, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5808-18 – BACK TO SCHOOL SALES TAX HOLIDAY**

The City Attorney read Resolution No. 5808-18. This would authorize the 2018 Back to School Sales Tax Holiday beginning on Friday, July 20, 2018 at 12:01 a.m. and ending on Sunday, July 22, 2018 at 12:00 midnight.

Mr. Lyda made a motion to approve **Resolution No. 5808-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. Mr. Smith noted that Mr. Lopez reported at work session that the overall sales tax has not suffered during this holiday because people purchase other items not included in sales tax holiday list of items. There being no discussion, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5809-18 – AUTHORIZE MAYOR TO EXECUTE A SPECTRUM ENTERPRISE SERVICE AGREEMENT AND CUSTOMER ORDER FORM WITH CHARTER COMMUNICATIONS OPERATING LLC FOR THE HOOVER MET**

The City Attorney read Resolution No. 5809-18. This would authorize the Mayor to execute a Spectrum Enterprise Service Agreement and Customer Order Service with Charter Communications Operating, LLC, regarding the Hoover Met for the SEC Baseball Tournament.

Mr. Lyda made a motion to approve **Resolution No. 5809-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. There being no discussion, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 5810-18 – AUTHORIZE INSTALLATION OF FIRE HYDRANTS – STADIUM TRACE VILLAGE**

The City Attorney read Resolution No. 5810-18. This would authorize the Birmingham Water Works Board to install fire hydrants in the Stadium Trace Village development.

Mr. Lyda made a motion to approve **Resolution No. 5810-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. There being no discussion, on voice vote the motion carried unanimously.

12. **RESOLUTION NO. 5811-18 – ACCEPTANCE OF IMPROVEMENTS – STADIUM TRACE EXTENSION BRIDGE**

The City Attorney read Resolution No. 5811-18. This would approve the recommendation of the City of Hoover Engineering Department concerning the Stadium Trace Extension Bridge over the CSX Railroad on Stadium Trace Parkway and accepts the bridge for perpetual maintenance by the city; accepts the deed of easement from CSX to the city for the bridge; and accepts the quit claim deed from Blackridge Partners LLC for the bridge improvements and the dedication of the same to the city for public use.

Mr. Lyda made a motion to approve **Resolution No. 5811-18**. This motion was seconded by Mr. Greene. Mr. Smith asked for questions or comments from the Council or the audience. There being no discussion, on voice vote the motion carried unanimously.

13. **1ST READING ORDINANCE NO. 18-2372 – AMEND MUNICIPAL CODE – ESTABLISH REGULATIONS FOR SMALL CELL FACILITIES**

Mr. Shaw made a motion to **WITHDRAW** Ordinance No. 18-2372. This motion was seconded by Mr. Posey and Mr. Greene. Mr. Smith called for discussion. Mr. Shaw explained that a revised version of the ordinance will come back before the Council for a first reading at a later date. There being no further discussion on voice vote the motion carried unanimously.

14. **2ND READING ORDINANCE NO. 18-2369 – ANNEX PHASE 3 – 7160 CAHABA VALLEY ROAD -**

The City Attorney had the second reading of Ordinance No. 18-2369. This would annex Phase 3 of property located at 7160 Cahaba Valley Road, owned by Brook Highland Community Church.

Mr. Posey made a motion to **adopt Ordinance No. 18-2369**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments 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. Murphy, “Yea”; Mr. Posey, “Yea”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

15. **1ST READING ORDINANCE NO. 18-2373 – ANNEX PHASE 4 – 7160 CAHABA VALLEY ROAD -**

The City Attorney had the first reading of Ordinance No. 18-2373. This would annex Phase 4 of property located at 7160 Cahaba Valley Road, owned by Brook Highland Community Church.

The second reading and consideration for adoption will be on Monday, May 21, 2018.

16. ABC APPLICATION – TACO MAMA – 6801 CAHABA VALLEY RD., SUITE 124

Mr. Shaw made a motion to **approve the ABC Application** (020-Restaurant Retail Liquor) for Taco Mama 119 LLC d/b/a Taco Mama, 6801 Cahaba Valley Road, Suite 124. This is for a permitted accessory use in a C-2 zoning district. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Attorney Brad McGiboney was present for Taco Mama. There being no discussion, on voice vote the motion carried unanimously.

17. PUBLIC HEARING – CONDITIONAL USE – SPECIAL EVENTS ALCOHOL LICENSE - JUBILEE JOE’S –EVENT TO BE HELD AT 5190 MEDFORD DRIVE

Mr. Smith stated this is the public hearing to consider the request of Jubilee Joe’s for conditional use approval for a special events alcohol license for an event to be held on Saturday, May 12, 2018 at 5190 Medford Drive (Lot 5, The Shoppes of Hoover). *PZ Case #C-0418-06*

Mr. Lyda made a motion to **approve the conditional use**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried. Mr. Shaw abstained.

Mr. Lyda made a motion to **approve the ABC Application** for Jubilee Joe’s LLC d/b/a Jubilee Joe’s Benefit Boil 2018. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried. Mr. Shaw abstained.

18. PUBLIC HEARINGS – 2ND READINGS OF ORDINANCES 18-2370 AND 18-2371 – REZONING/PRE-ZONING TO R-T-4 – PROPERTIES ON OLD ROCKY RIDGE ROAD – D.R. HORTON

Mr. Smith stated the following items are **continued to the June 4, 2018 City Council meeting** at the request of the applicant.

- a. Public hearing to consider the request of Eric Shula, representing D.R. Horton, to rezone property located on Old Rocky Ridge Road from R-4 (Multi-Family District) to R-T-4 (Townhouse District). D.R. Horton is the property owner. (*PZ Case #Z-0418-04*) 2nd Reading Ordinance No. 18-2370.
- b. Public hearing to consider the request of Eric Shula, representing D.R. Horton, to pre-zone property on Old Rocky Ridge Road zoned Jefferson County R-3 to Hoover R-T-4 Townhouse District (pursuant to Alabama Code Section 11-52-85). D.R. Horton is the property owner. (*PZ Case #Z-0418-05*) 2nd Reading Ordinance No. 18-2371.

19. 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. On voice vote the motion carried unanimously.

Mr. Smith called for comments or questions from the Council or the audience.

Mr. Monty Jones, SFM, announced that the second annual **Hoover Classic** will take place on Wednesday, May 9th at the Hoover Met Stadium and invited everyone to attend.

Councilman Posey reminded everyone that the deadline to receive **applications** for the **Hoover Arts Council** is on Friday, May 11th. The committee will meet immediately following the May 17th work session to select the members.

Mayor Brocato spoke about the success of **Celebrate Hoover Day**. There was an estimated 10,000 people in attendance. He reminded everyone of the **Mayor's Prayer Breakfast** to be held in the morning at the Wynfrey.

Mr. Arnold Singer, 613 Riverhaven Place, talked about a recent experience he had with medical bill duplication from two different entities of a hospital. He questioned whether the city had a review of its bills that come in for services to see if there is this same kind of duplication.

There being no further questions or comments, Mr. Lyda made a motion to adjourn. Dr. Middlebrooks seconded the motion and on voice vote the motion carried unanimously.

Margie Handley, City Clerk