

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, July 2, 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
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 D. Corley, Jr., City Attorney
Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC
Chief Clay Bentley, Fire Chief
Ms. Amanda Borden, Library Director
Chief Nick Derzis, Police Chief
Mr. Greg Knighton, Economic Developer
Mr. Mike Lewis, Director, Human Resources
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Chief Financial & Information Officer
Mr. Mac Martin, City Planner
Mr. Brent Parrott, Municipal Court
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, Finance Director

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 June 18, 2018 regular meeting and June 28, 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. **REPORTS**

Mr. Greene presented a **Certificate of Appreciation** to **Mr. Bob Brown** for his service on the Board of Zoning Adjustments.

Mr. Rick Pate, Candidate for Commissioner of Agriculture and Industries, asked for support in the upcoming run-off election.

Mayor Brocato presented **Mr. Jim Wyatt**, Director, Inspection Services, with a certificate congratulating him on receiving a **Lifetime Achievement Award** from the Code Officials Association of Alabama.

Mayor Brocato recognized **Ms. Allison Allred** who was joined by her husband, John, and her father, Bill Armistead. Ms. Allred was diagnosed in 2001 with **Ocular Melanoma**. While this is a rare form of cancer, she is among 35 other students who attended Auburn University between 1985 and 2000 that were diagnosed with the disease years apart from one another. Ms. Allred is on the forefront of trying to address this disease by raising funds for research at Auburn. She encouraged everyone to take the “Eyepatch Challenge” and donate to help them reach their goal.

3. **RESOLUTION NO. 5833-18 – DECLARE PROPERTIES AS PUBLIC NUISANCES DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 5833-18 declaring the properties located at 700 Flag Circle, 2242 McGwier Drive, and 2217 Travis Drive as public nuisances due to weeds and/or grass.

Mr. Posey made a motion to approve **Resolution No. 5833-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Mr. Robert Macke, Zoning Enforcement, previously distributed pictures of the properties taken earlier in the day. There were originally four other properties on this list but they were cut by the property owners. There being no further discussion, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5834-18 – AUTHORIZE MAYOR TO EXECUTE CONSTRUCTION AGREEMENT WITH ALDOT FOR RESURFACING AND INTERSECTION IMPROVEMENTS ON STADIUM TRACE PKWY AT BROCK’S GAP AND LEARNING LANE**

The City Attorney read Resolution No. 5834-18 to authorize the Mayor to execute a construction agreement with ALDOT for resurfacing and intersection improvements on Stadium Trace Parkway at Brock’s Gap and Learning Lane.

Mr. Posey made a motion to approve **Resolution No. 5834-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Mr. Tim Westhoven commented that this is a revised agreement as the city has acquired additional federal funding for the project. This project is in coordination with the new retail development on the corner. There being no further discussion, on voice vote the motion carried unanimously.

5. **2ND READING ORDINANCE NO. 18-2386 – ANNEX 0.3 ACRES OF VACANT RESIDENTIAL PROPERTY LOCATED ADJACENT TO 4909 COSHATT DRIVE, OWNED BY CRAIG AND KIM PHILPOT**

The City Attorney read Ordinance No. 18-2386 that would annex 0.3 acres of vacant residential property located adjacent to 4909 Coshatt Drive, owned by Craig and Kim Philpot.

Mr. Posey made a motion to adopt **Ordinance No. 18-2386**. 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"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea", and Mr. Smith, "Yea". The motion carried unanimously.

6. **1ST READING ORDINANCE NO. 18-2363 – AMEND MUNICIPAL CODE – INOPERABLE VEHICLES**

The City Attorney had the first reading of Ordinance No. 18-2363. This would amend the Municipal Code to provide that the city may remove inoperable vehicles under certain circumstances.

The second reading and consideration of this ordinance will be on Monday, July 16, 2018.

7. **1ST READING ORDINANCE NO. 18-2391 – AMEND MUNICIPAL CODE – STORMWATER FEES**

The City Attorney had the first reading of Ordinance No. 18-2391. This would amend the Municipal Code to provide additional storm water fees to the city as allowed by Alabama law and to set up the city's storm water program.

Mr. Tim Westhoven noted the purpose for requesting the funding is to bring the city into compliance with state law with regard to funding mechanism and to fund additional work to be done as required by federal law.

The second reading and consideration of this ordinance will be on Monday, July 16, 2018.

8. **1ST READING ORDINANCE NO. 18-2392 – AMEND MUNICIPAL CODE – TENT SALES AND TENT USAGE**

The City Attorney had the first reading of Ordinance No. 18-2392. This would amend the Municipal Code to provide for tent sales and tent usage under certain circumstances.

Mr. Smith noted this will provide for tent sales for the various areas of the city that have street fairs, etc.

The second reading and consideration of this ordinance will be on Monday, July 16, 2018.

9. **1ST READING ORDINANCE NO. 18-2393 – AMEND MUNICIPAL CODE – LICENSING OF SPECIAL EVENTS ON PUBLIC PROPERTY**

The City Attorney had the first reading of Ordinance No. 18-2393. This would amend the Municipal Code to provide for the licensing of special events to be held on public property.

The second reading and consideration of this ordinance will be on Monday, July 16, 2018

10. **1ST READING ORDINANCE NO. 18-2394 – AMEND MUNICIPAL CODE – MODIFY HOTEL/MOTEL TAX**

Mr. Smith called for discussion prior to the first reading of the ordinance as there may be some changes that could be incorporated into the first reading.

Mayor Brocato reported that after meeting with the lodging industry and hearing how a proposed 3% increase would cause them to be less competitive they compromised on a per room per night fee instead. Discussions at the work session were to propose a \$2.50 per room per night fee but after meeting with the lodging industry today and hearing their concerns he recommended a \$2.00 fee in lieu of \$2.50.

Dr. Lopez answered questions from the Council as to how this would impact projected revenues.

Mr. Matt Sterley, General Manger, Hyatt Regency-Wynfrey Hotel, expressed his gratitude to the Mayor and City Council members who gave their time to meet with the lodging industry.

Mr. Paul Dangle, Director Sales, Hyatt Regency-Wynfrey Hotel, echoed the comments of Mr. Sterley.

Ms. Nancy Thomas, General Manager, Candlewood Suites, Highway 280, spoke as to the negative impact this would have on her hotel because guests generally stay seven nights or longer. There was also discussion as to state law regulations regarding non-transient guests (those who stay for a period of 180 continuous days or longer) as those taxes are reimbursed to the guests. She suggested a limit on the number of nights the fee is charged for long term guest hotels.

After discussion, Frank Lopez, Director of Revenue and Taxation, stated there is no way legally to separate extended stay hotels from other hotels. Lodging tax rules are set by the state and must be applied to everyone equally.

Mr. Wade Morgan, 3150 Sawyer Drive, spoke in favor of the 3% tax increase proposal.

Ms. Tynette Lynch, former member of the State Tourism Advisory Board, spoke in favor of the \$2.00 per room per night fee/tax rather than the 3% lodging tax increase. In her opinion it would keep the hotel industry in Hoover competitive.

After further discussion, Mr. Posey made a motion to amend the wording in proposed Ordinance No. 18-2394 to \$2.00 per room per night rather than \$2.50. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

The City Attorney had the first reading of Ordinance No. 18-2394. This would amend the Municipal Code to add a \$2.00 per room per night fee to the city's lodging tax.

This ordinance will have its second reading and consideration for adoption at a special meeting of the City Council to be held on Tuesday, July 10, 2018 at 6 PM.

11. **ABC APPLICATION – GOLDEN CITY – 3000 MEADOW LAKE DRIVE, STE 113**

Mr. Shaw made a motion to approve the ABC Application - 040 Retail Beer (on or off premises) and 060 Retail Table Wine (on or off premises) for Golden City, 3000 Meadow Lake Drive, Suite 113, Hoover, Alabama, 35242. This is a change in ownership on a

previously approved site (previously Deep Dish). This motion was seconded by Mr. Greene. There being no discussion, on voice vote the motion carried unanimously.

12. 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.

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

Mr. Smith announced an upcoming meeting of the **Board of Commissioners of the Hoover Communications Management District** to be held on Thursday, July 12, 2018 immediately following the City Council Work Session.

Mr. Smith reviewed the items to be considered at the special City Council meeting to be held on Tuesday, July 10, 2018 at 6:00 PM.

Mr. Anthony Coleman, 2441 Wine Ridge Drive, located in unincorporated Jefferson County, talked about being located within the city's police jurisdiction and being required by state law to remit sales tax and licensing taxes to the City of Hoover without any representation. Residents in the police jurisdiction do not receive police and fire protection from the City Hoover. They are required to pay fire dues to the North Shelby Fire District. He requested the Council's support in his efforts in the legislature to get a new law enacted that would require cities in the State of Alabama to choose between collecting the tax in the police jurisdiction and allowing the citizens in that jurisdiction to vote in elections where they pay taxes.

Mr. Smith commented that the City Council as the legislative body was not the appropriate body to handle this matter. He recommended that he discuss this with the Mayor as the executive branch of the city.

After further discussion, **Jehad Al-Dakka, Executive Officer, Hoover Police Department**, explained that state law gives cities a three mile radius jurisdiction to enforce the law beyond its city limits. However, the police department is not allowed to provide services outside the city limits based on a call for service. Therefore, a 911 call from someone who is not in the City of Hoover will be routed to the jurisdiction that is responsible for that call for service.

Fire Chief, Clay Bentley, added that the Hoover Fire Department is not required to provide fire protection services outside the city limits. Mr. Coleman has chosen to live in an unincorporated area and is required by state law to pay fire dues to the North Shelby Fire District for fire protection. The City of Hoover has an automatic aid agreement with the North Shelby Fire District which means that Hoover automatically responds to fire calls made to the North Shelby Fire District.

Mr. Arnold Singer, 613 Riverhaven Place, commented that the revenue for online sales made out of state and delivered to unincorporated areas goes to the county not the city.

Mayor Brocato reminded everyone that city hall will be closed on **July 4th** in honor of Independence Day.

Mr. Allan Rice reviewed the garbage collection schedule for the holiday week.

Dr. Middlebrooks reiterated Mr. Smith's comments earlier regarding Mr. Coleman's concerns being handled through the Mayor's office rather than City Council.

Mr. Charles Miles, 203 Runningbrook Road, recommended an indirect tax on plastic bags as a revenue base and an alternative to increasing sales tax.

Margie Handley, City Clerk