

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, July 16, 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, Technology
Ms. Susan Fuqua, Director, Municipal Court
Mr. Greg Knighton, Economic Developer
Mr. Mike Lewis, Director, Human Resources
Mr. Frank Lopez, Director, Revenue and Taxation
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, 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. Lyda made a motion to approve the minutes of the July 2, 2018 regular meeting, July 10, 2018 special meeting, and July 12, 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**

Mayor Brocato recognized the following employees on their **thirty years of service** with the Hoover Fire Department: (1) **Eddie Scott** (accompanied by his wife); and (2) **Capt. Rusty Lowe** (accompanied by his mother, son and daughter).

3. **APPROVE GENERAL MANAGER CANDIDATE FOR HOOVER METROPOLITAN COMPLEX**

Mr. Jason Clements, Sports Facilities Management, introduced **Mr. John Sparks** as their candidate for **General Manager of the Hoover Metropolitan Complex**. Mr. Sparks spoke briefly and answered questions from the City Council. Mr. Shaw made a motion to approve Mr. Sparks as the new general manager. This motion was seconded by Mr. Posey. 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.

4. **RESOLUTION NO. 5835-18 – AMEND BUDGET FYE 9/30/18**

The City Attorney read Resolution No. 5835-18. This would amend the budget for fiscal year ending September 30, 2018 as set forth in the exhibit attached to the resolution.

Mr. Lyda made a motion to approve **Resolution No. 5835-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. In the absence of Dr. Lopez, Mr. Allan Rice briefly reviewed the items in the budget amendment and their funding sources. There being no further discussion, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5836-18 – PUBLIC HEARING AND ABATEMENT OF PUBLIC NUISANCES – 3506 LYNNCREST DRIVE**

Mr. Smith stated this is a public hearing regarding the abatement of public nuisances due to weeds and/or grass on property located at 3506 Lynncrest Drive. Mr. Robert Macke previously distributed pictures taken earlier in the day. The front yard and almost half of the rear yard has been cut. The owner is trying to let part of the rear yard go natural but the city is requesting that the entire rear yard be cleared.

Mr. Mohammad Saleem, property owner, addressed the Council. Mr. Macke explained that the city received a complaint regarding overgrown grass and weeds on Mr. Saleem's property which initiated this process. Mr. Macke then gave an overview of the notification and abatement process; emphasizing that it is complaint driven.

There was discussion about possibly continuing this item to allow Mr. Saleem additional time to cut the remaining portion of the rear yard but it was determined that he had been given ample notification and time to take care of the yard. Mr. Saleem agreed to cut the remaining portion of the rear yard before any further action would need to be taken by the city.

Mr. Jeff Level, 6531 Quail Run Drive, inquired as to whether the city bills property owners in cases where the city has to cut their grass. Mr. Smith informed him that a lien is placed on the property in such case.

The City Attorney read Resolution No. 5836-18. This would authorize the abatement of public nuisances due to weeds and/or grass on property located at 3506 Lynncrest Drive.

Mr. Lyda made a motion to approve **Resolution No. 5836-18**. 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.

6. **RESOLUTION NO. 5837-18 – DECLARE PROPERTIES AS PUBLIC NUISANCES DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 5837-18. This would declare the following properties as public nuisances due to weeds and/or grass: 3217 Georgetown Place, 2244 Pine Lane, and 3575 Lornaridge Drive.

Mr. Lyda made a motion to approve **Resolution No. 5837-18**. This motion was seconded by Mr. Greene. Mr. Robert Macke had previously presented pictures of the properties that were taken earlier in the day. He reviewed the conditions of the properties. The property on Pine Lane also contains an inoperable vehicle that the city is trying to have removed. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5838-18 – AUTHORIZE MAYOR TO EXECUTE RENEWAL OF UNMANNED AIRCRAFT INSURANCE POLICY**

The City Attorney read Resolution No. 5838-18. This would authorize the Mayor to execute a renewal of the city's Unmanned Aircraft Insurance Policy with Allianz Global Corporate & Specialty Insurance Company.

Mr. Lyda made a motion to approve **Resolution No. 5838-18**. This motion was seconded by Mr. Greene. Mr. Smith noted the premium is less than the previous budget year. This is for drones utilized by the Police Department. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5839-18 – AUTHORIZE MAYOR TO EXECUTE INTER-LOCAL AGREEMENT WITH JEFFERSON COUNTY EMERGENCY MANAGEMENT AGENCY**

The City Attorney read Resolution No. 5839-18. This would authorize the Mayor to execute an Inter-Local Agreement with the Jefferson County Emergency Management Agency regarding outdoor warning siren system maintenance.

Mr. Lyda made a motion to approve **Resolution No. 5839-18**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience. Mr. Allan Rice reported that this includes twenty-seven sirens at a total cost of \$10,800 annually. There being no further discussion, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5840-18 – AUTHORIZE MAYOR TO EXECUTE CLIENT AGREEMENT WITH ThreatAdvice, LLC**

The City Attorney read Resolution No. 5840-18. This would authorize the Mayor to execute a Client Agreement with ThreatAdvice, LLC regarding cyber security services and training.

Mr. Shaw made a motion to approve **Resolution No. 5840-18**. This motion was seconded by Mr. Greene. Mr. Jason Cope, Director of Technology, along with a representative of ThreatAdvice LLC reviewed this item with the Council. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5841-18 – AUTHORIZE MAYOR TO EXECUTE INSPECTION AGREEMENT WITH NEEL-SCHAFFER FOR THE CAHABA RIVERCHASE GREENWAY TRAILHEAD**

The City Attorney read Resolution No. 5841-18. This would authorize the Mayor to execute a Construction Engineering and Inspection Agreement with Neel-Schaffer for the Cahaba Riverchase Greenway Trailhead project.

Mr. Lyda made a motion to approve **Resolution No. 5841-18**. This motion was seconded by Mr. Greene. Mr. Tim Westhoven reviewed this item with the Council. Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **1ST READING ORDINANCE NO. 18-2395 – AUTHORIZE LEASE OF SPACE AT THE FINLEY CENTER TO THE ALABAMA SPORTS FOUNDATION**

The City Attorney had the first reading of Ordinance No. 18-2395. This would authorize the lease of 7200 square feet of unneeded municipal real property located within the northwest corner of The Finley Center to the Alabama Sports Foundation.

Dr. Larry Lemak reviewed the services to be provided regarding health and safety performance. This will be the first center of its kind in the country with regard to providing research on those issues. The foundation will use its resources to attract more customers to come and participate in the center.

Mr. Murphy made a motion to **suspend the rules** for immediate consideration. This motion was seconded by Mr. Shaw. 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. Lyda made a motion to **adopt Ordinance No. 18-2395**. This motion was seconded by Mr. Posey. 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.

12. **2ND READING ORDINANCE NO. 18-2363 – AMEND MUNICIPAL CODE – STORAGE AND REMOVAL OF INOPERABLE VEHICLES**

The City Attorney had the second reading of Ordinance No. 18-2363. This would amend the Municipal Code regarding storage and removal of inoperable vehicles under certain circumstances.

Mr. Lyda made a motion to **adopt Ordinance No. 18-2363**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience.

Mr. Mark Yeager, 3464 Tal Wood Drive, inquired as to the “certain circumstances”. The City Attorney reviewed the definitions contained in the ordinance. Mr. Smith noted that the enforcement of the ordinance is complaint based.

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.

13. **2ND READING ORDINANCE NO. 18-2391 – AMEND MUNICIPAL CODE – STORM WATER FEES**

The City Attorney had the second 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 forth the city’s storm water program.

Mr. Lyda made a motion to **adopt Ordinance No. 18-2391**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience.

Mr. Rod Long, City Engineer, commented that the city currently receives \$110,000 annually in storm water fees and it is anticipated that this ordinance will increase those fees to the \$300,000 to \$400,000 range. The revenue will be used to continue with the ADEM program the city has for storm water quality; but the main expenditure will be to meet new permit post construction regulations.

Dr. Middlebrooks commented that Resolutions 5630-17 through 5634-17 regarding declarations of public purpose for drainage repairs were tabled to the call of the chair on August 7, 2017. He requested that a portion of the funds be utilized to make those repairs should the Council decide to adopt the resolutions. Mr. Smith commented he would support bringing those items back before the Council at the next regular meeting but no later than the meeting after that.

There was a brief discussion as to not having met the deadline for Jefferson County for the next fiscal year. Mr. Long will be working on getting the information to them for the following fiscal year as well as establishing a storm water fee collection process through Shelby County.

Mr. Smith asked Mr. Greene to call a meeting of the Public Works Committee to discuss the previously tabled resolutions prior to bringing them back to the Council for consideration.

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.

14. **2ND READING ORDINANCE NO. 18-2392 – AMEND MUNICIPAL CODE – PROVIDE FOR TENT SALES AND TENT USAGE**

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

Mr. Lyda made a motion to adopt **Ordinance No. 18-2392**. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council or the audience.

Mr. Frank Lopez reviewed the ordinance which would allow permanent places of business to have two tent sales per year on the grounds of the business. The city currently does not have an ordinance in place to permit them at all. There was discussion as to how this would affect businesses that already conduct monthly tent sales in the city; as well as farmer's markets, churches, etc. Mr. Lopez emphasized that this ordinance is dealing with permanent places of business. It does not apply to certain community events open to the public. Furthermore, the city does not license non-profit organizations.

There was a brief discussion as to the possibility of using the conditional use application process for some of the older businesses. Mr. Mac Martin commented that he would need to review the matter but doing so would require an amendment to the zoning ordinance.

Mr. Robin Schultz, 348 Albemarle Drive, expressed his opposition to regulating something that brings the community together.

There was discussion about amending the ordinance to allow more than two tent sales per year, which would require another first reading of this ordinance. The alternative would be to start over with a new ordinance.

There being no changes to the motion and no further discussion, Mr. Smith asked the clerk to call the roll. On roll call vote of the Council the votes were as follows: Mr. Greene, "Nay"; Mr. Lyda, "Nay"; Dr. Middlebrooks, "Nay"; Mr. Murphy, "Nay"; Mr. Posey, "Nay"; Mr. Shaw, "Nay"; and Mr. Smith, "Nay". The motion was denied.

Mr. Smith commented the next step would be a first reading of a new ordinance; perhaps as soon as the next council meeting. He asked Mr. Greene if he would want to bring this before the Public Works Committee within the next two weeks prior to the first reading of the new ordinance. Mr. Greene replied yes.

15. **2ND READING ORDINANCE NO. 18-2393 – AMEND MUNICIPAL CODE – PROVIDE FOR LICENSING OF SPECIAL EVENTS ON PUBLIC PROPERTY**

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

Mr. Lyda made a motion to **adopt Ordinance No. 18-2393**. This motion was seconded by Mr. Greene.

Mr. Lopez reviewed this item. Each event is limited to five days or less and there is no cap to the number of events to be held on the property. The question was asked whether this included city property. Mr. Lopez clarified that licensing is not required for non-profit or governmental entities.

There being no 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.

16. **PUBLIC HEARING – CONDITIONAL USE TO ALLOW CHURCH OF ROSS BRIDGE TO OPERATE AT 2101 GRAND AVENUE – U.S. STEEL CORPORATION**

Mr. Smith stated this is the public hearing to consider the request of Jamie Cowden, U.S. Steel Corporation, for **Conditional Use** approval for the **Church of Ross Bridge** to operate at 2101 Grand Avenue in Ross Bridge. The property is owned by US Steel Corporation and is zoned PC Planned Commercial. *PZ Case #C-0618-08*

Mr. Shaw 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.

Dr. Nathan Carden, Pastor, Church of Ross Bridge, was present to answer questions. They are in the process of purchasing the building from U.S. Steel but wanted to be sure the conditional use was approved prior to doing so.

Mr. Mac Martin was asked about the church being located within a certain distance of a business that sales alcohol on premise. Mr. Martin clarified there were no issues. Pastor Carden noted the existing restaurant preceded their presence there and they were not opposed to it or any like business that may locate in the area in the future.

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

17. **PUBLIC HEARING – CONDITIONAL USE – ON AND OFF PREMISE SALE OF BEER AND WINE – THE CASUAL PINT – 5541 GROVE BLVD**

Mr. Smith stated this is the public hearing to consider the request of Christopher Scott Huskin for **Conditional Use** approval to allow on and off premise sale of Retail Beer and Retail Table Wine at “**The Casual Pint**” located at **5541 Grove Blvd.** at the Grove. This property is owned by Kimco Realty Corporation and is zoned PC Planned Commercial. *PZ Case #C-0618-09*

Mr. Smith asked if there was anyone who wished to speak for or against this request.

The applicant, **Mr. Scott Huskin, 861 Crest Cove, Hoover**, was present to answer questions.

Mr. Shaw 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 unanimously.

Mr. Shaw made a motion to **approve the ABC Application** for GNR Holdings LLC d/b/a The Casual Pint. 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 unanimously.

18. **SET PUBLIC HEARINGS FOR MONDAY, AUGUST 6, 2018 AT 6:00 PM**

Set public hearings for **Monday, August 6, 2018 at 6 PM** to consider the following requests coming forward with a positive recommendation from the 7/9/18 Planning and Zoning Commission meeting:

- a. The City of Hoover proposes to rezone the following recently annexed properties from Jefferson County A-1 to Hoover A-1 Agriculture District: **2173 Silver Spur Lane**,

owned by David Havron; **2155 Silver Spur Lane** owned by James A. Whaley; **1516 Melton Road & 1518 Melton Road**, owned by Deborah J. Fout; **1536 Melton Road**, owned by Karen Robin Poe Frederick; **1542 Melton Road**, owned by Byron Taylor; **2151 Silver Spur Lane**, owned by Mary Lou Henry; and **1512 Melton Road**, owned by Mark Brown. *P&Z Case #'s Z-0718-10 through Z-0718-16*

The City Attorney had the **First Reading of Ordinance No. 18-2396.**

- b. The City of Hoover proposes to rezone recently annexed properties located at **1863 and 1865 Buttercup Drive**, owned by Blake Baxter, from Jefferson County R-1 to Hoover R-1 Single Family District. *PZ Case #Z-0718-17*

The City Attorney had the **First Reading of Ordinance No. 18-2397.**

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. 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. Posey announced a **special meeting** of the **Hoover Arts Council** to be held on July 26, 2018 at 4:00 PM in the Council Chambers.

Margie Handley, City Clerk