

**CITY OF HOOVER
CITY COUNCIL
MINUTES
APRIL 15, 2019**

The City Council of the City of Hoover met in regular session on this date at 6:00 PM, in the Council Chambers at the Hoover Municipal Complex, following publication and posting pursuant to Alabama Law. Council President Gene Smith called the meeting to order and the City Clerk called the roll with the following:

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

Members Absent: John Lyda, Council Member

Other Officials Present: Mayor Frank V. Brocato
Phillip Corley, City Attorney
Rod Evans, City Attorney
Jehad Al-Dakka, Executive Officer, Police Department
Clay Bentley, Fire Chief
Amanda Borden, Library Director
Jason Cope, Technology Director
Tommy Daniel, Public Works Director
Issa Deades, Police Officer
Wendy Dickerson, City Clerk
Susan Fuqua, Municipal Court Director
Greg Knighton, Economic Development Director
Frank Lopez, Revenue and Taxation Director
Rod Long, City Engineer
Mac Martin, City Planner
Dustin Moore, Fleet Director
Linda Moore, 911 Director
Craig Moss, Parks and Recreation Director
Ben Powell, Purchasing Director
Allan Rice, City Administrator
Tim Westhoven, Chief Operations Officer
Jim Wyatt, Building Inspections Director
Mindy Wyatt, Applications Systems Specialist

Robert Yeager, City Treasurer

Edward Boackle, Boy Scout Troop 97 and son of Larry Boackle, Hoover Fire Medic, led the Pledge of Allegiance.

Wendy Dickerson, Hoover City Clerk, led the invocation followed by the Pledge of Allegiance.

MINUTES

The minutes of the April 1, 2019, regular meeting was presented for approval.

MOTION: Motion to dispense with the reading of the minutes of the April 1, 2019, (Regular Meeting) and approve them as presented was by Mr. Posey and second by Mr. Greene. Mr. Smith called for a voice vote and the motion carried. Approving the minutes of the April 1, 2019, regular meeting.

ANNOUNCEMENTS AND GUEST RECOGNITION

- Mr. Smith recognized Dr. Kathy Murphy, Superintendent of the Hoover Board of Education.
- Dr. Kathy Murphy stated that Hoover City Schools was awarded the continuing advanced accreditation. The Hoover City Schools earned 359.35 with the average range being 278.34 – 283.33.

RESOLUTION NUMBER 5972-19

A Resolution Appointing A Member To The Hoover Board Of Education For A Term Of 5 Years

Mr. Murphy stated that the Board of Education Committee met and discussed the appointment to the Board of Education. He stated that the Committee recommends to re-appoint Craig Kelley for 5 years.

Mr. Smith asked for a motion. Mr. Murphy made the motion to approve Resolution Number 5972-19 with the second by Mr. Greene. Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 5972-19.

ANNOUNCEMENTS AND GUEST RECOGNITION

- Mr. Smith recognized Craig Kelley, Board of Education President.
- Mr. Smith recognized the Beautification Board.

- The Beautification Board announced the winners of the 2019 Litter Poster Contest with the theme of “Let’s Go Green in 2019”:
 - Adrienne Brett, 3rd Place Winner – 5th Grader at Riverchase Elementary School
 - Mirfaizan Iqbal, 2nd Place Winner – 5th Grader at Riverchase Elementary School
 - Sophie Bowman, 1st Place Winner – 5th Grader at Gwin Elementary School

EMPLOYEE RECOGNITIONS

The Mayor recognized the following employees for 20 years of service for the City of Hoover:

- Larry Boakcle – Fire Department Station 9
- Kevin Jordan – Parks and Recreation

The Mayor recognized the following employees for 25 years of service for the City of Hoover:

- Charles Cuppett – Parks and Recreation
- Glenn Davis – Parks and Recreation
- Wade Limbaugh - Inspections

PROCLAMATIONS

- Mr. Corley read the proclamation designating National Public Safety Telecommunicators Week from April 14, 2019 to April 20, 2019. The Mayor presented the proclamation to the following people:
 - Linda Moore, 911 Director
 - Allison Roper, Emergency Communications Manager
 - Colin Nelson, Emergency Communications Manager
 - Doug Glover, Emergency Communications Manager
- Mr. Corley read the proclamation designating Get On Board Day in Hoover for the for the 25th day of April, 2019. The Mayor presented the proclamation to the following people:
 - Theodore Smith, Chairman of the BJCTA Board
 - Valerie Rivers, Chief of Staff
 - Myrna Pittman, Director of Customer Care and Marketing

Consent Agenda

RESOLUTION NUMBER 5973-19

A Resolution Accepting A Bid For Correctional Facility Food and Beverage For The City Of Hoover - Bid No. 19-002 – Correctional Facility Food & Beverage

RESOLUTION NUMBER 5974-19

A Resolution Authorizing The Mayor To Enter Into An Agreement With Southlake Capital, LLC

RESOLUTION NUMBER 5975-19

A Resolution Amending The Budget For The Fiscal Year Ending September 30, 2019

RESOLUTION NUMBER 5976-19

A Resolution Determining That Certain Personal Property Is Not Needed For Public Or Municipal Purposes And Directing The Donation/Auction Of Said Surplus Property

RESOLUTION NUMBER 5977-19

A Resolution Rescinding Resolution Number 5907-18 Approved By The City Council On November 19, 2018 Regarding A Vacation Of Right-Of-Way

RESOLUTION NUMBER 5978-19

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ABC Application

0140 Special Events Retail – Jubilee Joes, LLC d/b/a Jubilee Joes Crawfish Fest 2019, Parking Lot of 2341 John Hawkins Parkway, Suite 119, Hoover AL 35244

Payment of Bills

Mr. Posey made the motion to approve all consent items with a second by Mr. Greene.

Mr. Smith called for the question with a voice vote on all consent and the motion carried adopting all the consent items.

2nd Read

ORDINANCE NUMBER 19-2424

An Ordinance Providing For The Levying Of Municipal Taxes For General And Municipal Purposes For The City Of Hoover, And For The Assessment And Collection Of Such Taxes For The Tax Year Beginning On October 1, 2019

Mr. Corley read the summary of the ordinance.

MOTION Motion to approve Ordinance Number 19-2424 was made by Mr. Posey seconded by Mr. Greene.

Mr. Smith opened the floor for a public hearing. There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – yes Mr. Middlebrooks – yes

Mr. Murphy – yes Mr. Posey – yes

Mr. Shaw – yes Mr. Smith – yes

Motion carried.

CONDITIONAL USE APPROVAL

Public hearing to consider the request of Mr. Joseph Parsley, Carlson Consulting Engineers, for **Conditional Use** approval to allow 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*

Mr. Smith read the summary of the conditional use approval.

Mr. Smith opened the floor for a public hearing.

Mr. Don Phiser, 1200 Corporate Drive, explained the request.

Discussion ensued on the size of the building, turn lanes, curb cuts, and signal.

There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

MOTION Motion to approve the conditional use request was made by Mr. Shaw, seconded by Mr. Greene.

Mr. Smith called for the question with a voice vote and the motion carried adopting the conditional use approval.

CONDITIONAL USE APPROVAL

Public hearing to consider the request of Joseph Miller, MTM Engineers, representing Zac Parrish for **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*

Mr. Joey Miller, MTM Engineers, explained the case to the Council.

Discussion ensued on the following items:

- Site Plan
- Fire Code
- Height Requirements
- Detention Pond
- Landscaping
- Traffic
- Ingress/Egress Easements
- Sidewalks
- 80% Brick Exterior

Mr. Smith opened the floor for a public hearing.

The following spoke in opposition at the meeting:

- Stan Marks, 5274 Cottage Lane

There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

Motion was made by Mr. Shaw to continue this item until the next meeting, second by Mr. Greene.

Mr. Smith called for the question with a voice vote and the motion carried to continue the item until the next meeting.

Mr. Miller stated that a traffic study will take longer than two weeks.

The Council stated that the following needs to be addressed:

- sidewalk issues
- architectural renderings
- elevation drawings
- traffic concerns

Mr. Miller stated that he will need more than two weeks to address the concerns.

Mr. Shaw made the motion to rescind the previous motion and to continue the item based on the call of the Chair, second by Mr. Greene.

Mr. Smith called for the question with a voice vote and the motion carried approving the case to be continued based on the call of the Chair with notices to be mailed before the public hearing is brought back before the Council.

RESOLUTION NUMBER 5979-19

A Resolution In Support Of House Bill Number 41, Introduced In The 2019 Regular Session Of The Alabama Legislature, To Discourage Teen Vaping

Mr. Corley read the summary of the resolution.

MOTION Motion to approve Resolution Number 5979-19 was made by Dr. Middlebrooks seconded by Mr. Shaw.

Dr. Middlebrooks explained House Bill Number 41.

Mr. Smith opened the floor for a public hearing. There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

Mr. Smith called for the question with a voice vote and the motion carried approving Resolution Number 5979-19.

Dr. Middlebrooks left the meeting, due to a family issue.

ORDINANCE NUMBER 19-2422

Amend Municipal Code, Appendix I. Zoning, regarding Planned Unit Development application timeline. *PZ Case #Z-0219-03*

MOTION Motion to approve Ordinance Number 19-2422 was made by Mr. Shaw, seconded by Mr. Greene.

Mr. Corley read the summary of the resolution.

Mr. Martin explained the amendment to the Municipal Code.

Mr. opened the floor for a public hearing. There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – yes

Mr. Murphy – yes

Mr. Posey – yes

Mr. Shaw – yes

Mr. Smith – yes

Motion carried.

RESOLUTION NUMBER 5980-19

A Resolution in Opposition To Proposed Legislation Before The Alabama Legislature, Senate Bill 264

MOTION Motion to approve Resolution Number 5980-19 was made by Mr. Shaw, seconded by Greene.

Mr. Corley read the summary of the resolution.

Mr. Shaw explained Senate Bill 264.

Mr. Smith opened the floor for a public hearing. There being no one to address the Council, Mr. Smith closed the floor for the public hearing.

Mr. Smith called for the question with a voice vote and the motion carried approving Resolution Number 5980-19.

First Read

Set public hearings for **Monday, May 6, 2019, at 6:00 PM** to consider the following requests which come forward with a positive recommendation from the 4/8/19 Planning and Zoning Commission meeting:

- Public hearing to consider the request of Mr. Bart Styes is requesting **Conditional Use** approval for hosting ticketed and private events, such as receptions, live entertainment, and such, to be held at their new coffee shop, Wild Roast Café, located at 585 Shades Crest Road. Mr. Noel Allen is the property owner and the property is zoned C-2 (Community Business District. **1st Read**

- Ordinance No. 19-2425 - Z-0419-11 - Mr. John Whitson, representing RealtyLink Investments, LLC, is requesting property located at *4273 South Shades Crest Road* be pre-zoned from Jefferson County A-1 (Agriculture) to Hoover C-2 (Community Business District) for a proposed retail shopping center with a grocery store as the anchor, pursuant to Alabama Code Section 11-52-85. **1st Read**
- Ordinance No. 19-2426 - Z-0419-10 – Ms. Virginia M. Bonds, Executrix of the Evelyn N. Mayor Estate, is requesting property located at *2016 Shannon Road* be pre-zoned from Jefferson County R-6 to Hoover C-1 (Neighborhood Shopping District) for a proposed commercial development, pursuant to Alabama Code Section 11-52-85. **1st Read**
- Ordinance No. 19-2427 - Z-0419-09 – The City of Hoover is requesting to rezone recently annexed property located at *2253 Chapel Hill Road* from Jefferson County R-1 to Hoover R-1 (Single Family District). **1st Read**
- Ordinance No. 19-2428 - Z-0419-08 – The City of Hoover is requesting to rezone the property located at *2384 Farley Road* that was annexed into the City of Hoover from Jefferson County R-1 to Hoover R-1 (Single Family District). **1st Read**
- Ordinance No. 19-2429 -- Z-0419-07 – Mr. Michael Clay is requesting to rezone property at *4764 Wineridge Lane* from Hoover E-2 (Single Family Estate District) to proposed Hoover R-1 (Single Family District). **1st Read**
- Ordinance No. 19-2430 - Z-0419-06 – The City of Hoover is requesting to rezone the property at *853 Willow Oak Drive*, (formerly Riverchase Middle School), that was previously annexed into the City of Hoover, from Shelby County E-1 District to Hoover R-1 (Single Family Residential District). Ord. # 18-2416. **1st Read**
- Public hearing to consider the request of - C-0419-06 – The City of Hoover is requesting *Conditional Use* approval for a Hoover Technical/Career Center to be located at *853 Willow Oak Drive*. The City of Hoover Board of Education is the property owner and the property is proposed to be zoned R-1 (Single Family Residential District). **1st Read**
- Ordinance No. 19-2431 - Z-0419-05 – The City of Hoover is requesting to rezone a .25 acre parcel located at *4909 Coshatt Drive* that was annexed into the City of Hoover from Jefferson County A-1 zoning district to Hoover E-2 (Single Family Estate District). **1st Read**

COMMENTS/QUESTIONS

Mr. Greene stated that he has serious concerns about police and fire response to the Hoover High School, Trace Crossings Elementary School, and Bumpus Middle School if an emergency or crisis should arise during a peak traffic time. He stated he believes this has become an increasingly dangerous situation with potential for traffic repercussions as trying to get to a school in an emergency or crisis situation. A way must be found for emergency services to get to the 3 schools despite a traffic gridlock. He would, also, like for the City to explore additional lanes to the heavily traveled main road to the schools.

Mr. Posey stated that the Hoover Arts Council will host a gallery on Father's Day weekend.

The Mayor stated that the Hazardous Material Waste day was a tremendous success. There was approximately 1,500 cars that went through in 4 hours. The process for dropping items off was very efficient.

The Mayor stated the website has been updated with an Open Government page for better transparency in the City. The page contains links to the following:

- Budgets
- Financial Reports
- Open Checkbook
- Capital Improvement Projects

The Mayor stated a feasibility study is complete on the basis of a hotel at the Med Center and asked Mr. Rice to give a review of the findings.

Mr. Rice explained the study and the determination that a hotel was not warranted for the area.

The Mayor stated that the Drug Take Back program has been a tremendous success with around 700 pounds of prescription drugs turned in.

Public comments/questions were made by the following people:

- Jody Patterson, 404 Trace Court
- David Lawson, 5418 Trace Ridge Lane
- Arnold Singer, 613 Riverhaven Place
- Chrisse Franco, 657 Trace Crossings Trail
- Mark Bagotti, Willow Trace
- Paul Braswell, 1308 Gables Drive

There being no further business, the meeting was adjourned at 8:24 p.m.

Gene Smith
Council President

Frank V. Brocato

Mayor

ATTESTED BY:

Wendy Dickerson
City Clerk