HOOVER CITY COUNCIL
MINUTES OF MEETING

DATE: Monday, February 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
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 Corley, City Attorney, Wallace, Jordan, Ratliff & Brandt, LLC
Ms. April Danielson, City Attorney, 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, Technology Director
Mr. Tommy Daniel, Director, Public Works
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 and Information Officer
Mr. Mac Martin, City Planner
Mr. Ben Powell, Purchasing Director
Mr. Allan Rice, City Administrator
Mr. Tim Westhaven, Chief Operations Officer
Mr. Jim Wyatt, Director, Building Inspections
Mr. Robert Yeager, 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 Boy Scout Troop 9; and Mr. Ward Brook.

1. APPROVAL OF MINUTES

Mr. Lyda made a motion to approve the minutes of the February 4, 2019 regular meeting 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 asked Betty Daigle, Ann McAdams, Roberta Atkinson, and City Landscape
Architect Sharon Nelson to join him at the front of the chambers. The City Attorney read the
Proclamation declaring Saturday, March 2, 2019 as Arbor Day in the City of Hoover and encouraged everyone to observe this day by planting one or more trees and participating in one or more programs provided by the sponsors of Arbor Day.

Members of the Beautification Board presented a scrapbook of their activities from 2016 to 2018 to the City Council and the Mayor. Mayor Brocato thanked the Beautification Board for their presentation.

Mayor Brocato recognized three Good Samaritans that stepped up in a timely manner during a situation that happened this past Thanksgiving night at the Galleria. Ms. Ajah Robinson, Ms. Anthonia Anwah, and Ms. Aiyana Hines joined him at the front of the chambers. Mayor Brocato said that an elderly woman had fallen during the incident at the mall and was severely injured and these three young ladies saw this woman down and stopped to help her. These ladies are all part of the Gardendale High School sports medicine program so they knew exactly what to do. He said they went above and beyond the call of duty to render aid to this elderly woman and he was very proud of them. He thanked them and presented each of them a key to the city. The ladies received a standing ovation.

3. REGULAR AGENDA.

RESOLUTION NO. 5939-19 – AMEND BUDGET FYE 9/30/19

The City Attorney read Resolution No. 5939-19. This would amend the budget for fiscal year ending 9/30/2019.

Dr. Lopez presented items in the budget amendment. After discussion, Mr. Lyda made a motion to approve Resolution No. 5939-19. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.


The City Attorney read Resolution No. 5940-19. This would reject all bids received on Bid No. 18-013 regarding the Bluff Park Pavilion project.

Mr. Powell commented that three bids were submitted were significantly over the allocated funding for this project and his staff is reassessing their options.

Mr. Posey asked if rejecting all bids will affect the Arts Council show. Mr. Rice commented that the Arts Council will still be able to function and this project may have to be done in two phases.

Mr. Murphy expressed concerns about instances such as this where construction totals are significantly higher or no one is showing up to bid and he questioned how this was being handled. Mr. Powell commented that they have to get more creative in soliciting participation in the bid process.

Mr. Lyda made a motion to approve Resolution No. 5940-19. This motion was seconded by Mr. Greene. There being no further discussion, on voice vote the motion carried unanimously.
5. **RESOLUTION NO. 5941-19 – FIRE HYDRANTS**

The City Attorney read Resolution No. 5941-19. This would authorize the Birmingham Waterworks Board to install fire hydrants in the Stadium Trace Village area as well as one on Municipal Drive near Lorna Road.

Mr. Lyda made a motion to approve Resolution No. 5941-19. This motion was seconded by Mr. Greene. There being no discussion, on voice vote the motion carried unanimously.

6. **ABC APPLICATION (040-RETAIL BEER (ON OR OFF PREMISES) AND (060-RETAIL TABLE WINE (ON OR OFF PREMISES) – TUK TUK THAI KITCHEN, LLC, 5426 HIGHWAY 280 EAST, SUITE 9**

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 Tuk Tuk Thai Kitchen, LLC, 5426 Highway 280 East, Suite 9. 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.

7. **ABC APPLICATION (140-SPECIAL EVENTS RETAIL) – GEMCO, LLC D/B/A BEEF O'BRADY'S ST. PATRICK'S DAY CELEBRATION – 5519 GROVE BLVD, SUITE 109, ON 3/16/19 AND 3/17/19**

Mr. Shaw made a motion to approve the ABC Application (140-Special Events Retail) for Gemco, LLC d/b/a Beef O’Brady’s St. Patrick’s Day Celebration, 5519 Grove Blvd to be held on 3/16/19 and 3/17/19. 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.

8. **PUBLIC HEARING - AMEND ZONING CONDITIONS AND APPROVE CONDITIONAL USE – PET SUITES RESORT – 2311 JOHN HAWKINS PARKWAY**

Mr. Smith stated this is a public hearing to consider the following requests from Mr. John Rasmussen, Gonzalez-Strength & Associates, Inc., regarding property at 2311 John Hawkins Parkway:

a. Amend the zoning conditions for the site to allow (1) a parapet wall to extend to 24 feet, (2) a blade or tower to extend to a height of 27 feet, and (3) a flat roof at 18 feet to accommodate roof mounted HVAC and other equipment. *PZ Case #Z-0119-01*

b. Conditional Use approval for a Pet Suites Resort. This request includes a revised site plan for a facility offering various services to pets, including grooming, nutrition, boarding, and other specialized services. *PZ Case #C-0119-01*

Mr. Charlie Beavers, Attorney for Pet Suites Resort, presented a slideshow and focused on the changes made to the site plan and facility. The building has been moved 40 feet closer to Highway 150 (John Hawkins Parkway) made possible due to the deletion of all outside activity from the project. This also allowed for additional landscaping in the rear area. A retaining wall will be built in the area where some of the magnolias were going to be planted. The moving of the building now makes it about 80 feet to the property line from the back of the building when before it was 30 feet. Pet Suites has agreed to put an additional fence just inside the existing
fence along the rear property line. The wall plan has changed from metal siding with normal insulation to brick with additional sound proofing. Mr. Beavers met with the residents of Pine Rock Lane on January 30, 2019. He then reviewed the following list of conditions to be placed on the property:

1. The walls of the dumpster building shall be constructed of the same exterior materials as the main building.
2. Dumpster pick up times shall be restricted to between 7:00 AM and 8:00 PM.
3. The existing concrete drainage pipe in the back yard of the Foreman property, which extends to or close to the boundary between the Foreman lot and the Pet Suites property, shall be connected by and at the expense of the developer of the Pet Suites property, upon written approval thereof by the owners of the Foreman lot.
4. A 6 foot tall wooden fence shall be constructed next to the existing fence along the boundary between the Pet Suites property and the adjacent residential lots, except in the area next to the Palko lot (additional landscaping, as shown on the landscape plan, shall be installed on the Palko lot upon written permission from the owners of the Palko lot).
5. Outside construction shall be limited, as provided in the current zoning ordinance conditions, to between 7:00 AM and 9:00 PM, Monday – Friday, and between 8:00 AM and 5:00 PM Saturday and Sunday.
6. The Pet Suites building shall be open for delivery and pick-up of pets between 6:30 AM and 8:00 PM (pets remain inside the building 24 hours per day).
7. Outside lights along the rear of the Pet Suites building and the lights in the rear most island in the parking lot, shall go out by 10:00 PM each evening (except for any safety lighting attached to the rear of the building, which shall be directed downward).
8. The dumpster building is to be relocated closer to John Hawkins Parkway (Hwy 150).

The developer has also agreed to enter into a restrictive covenant on the property that will restrict the outside pet activity. The covenant is to be recorded and may only be amended by the consent of the property owners on Pine Rock Lane.

A question was asked as to the possibility of installing a deceleration lane. Mr. Jon Rasmussen explained that this is under the amount of trips required by the Alabama Department of Transportation to warrant a right turn lane so the plan does not include a deceleration lane but that is something that could be considered.

After a brief discussion about lighting and the dumpster walls, there was a lengthy discussion about blasting and the proper process for neighbors to file claims in the event they should receive damage from blasting. Mr. Rice commented that the project is permitted and regulated the Hoover Fire Marshall’s office and if any damage is reported it will go through them. Chief Bentley concurred and commented that he was very comfortable with the process the city has in place regarding blasting and he had no problem moving forward with the project.

Ms. Chris Shows, 132 Pine Lane, commented that she went to the meeting and believe that they are in agreement of what has been proposed by Pet Suites.

Mr. Bill Singleton, 125 Pine Rock Lane, expressed concern about the relocating of pests, mice and snakes when blasting occurs or the wooded area is uprooted.
Mr. Shaw made a motion to **approve the zoning conditions for the site and approve the conditional use, subject to the conditions submitted by the applicant with the additional condition to move the dumpster up closer to the front of the property.** He understood the restrictive covenant to be a separate item. This motion was seconded by Mr. Greene. Mr. Smith called for additional questions or comments from the Council or the audience.

Mr. Lyda expressed appreciation to the applicant on working patiently with the City Council, City Staff and the residents on this project. Mr. Shaw concurred and added that this is pro-business and good for the community.

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

9. **PUBLIC HEARING - AMEND CONDITIONAL USE SITE PLAN - THE CROSSINGS AT HOOVER, A SENIOR LIVING (INDEPENDENT, DEPENDENT, AND MEMORY CARE) CENTER- 2171 PARKWAY LAKE DRIVE**

Mr. Smith stated this is a public hearing to consider the request of Mr. Cole Williams, Goodwyn, Mills, & Cawood, Inc., to amend the site plan for the **Conditional Use** approval granted in February 2018 for The Crossings at Hoover, a Senior Living (Independent, Dependent, and Memory Care) Center to be located at 2171 Parkway Lake Drive on the corner of Montgomery Highway and Parkway Lake Drive. The property is owned by S&K Investments and is zoned PUD PI (Planned Light Industrial). *PZ Case #C-0119-02*

Mr. Cole Williams gave a brief description of the amended site plan.

Mr. Shaw made a motion to approve the requests from Mr. Cole Williams as presented. 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.

10. **SET PUBLIC HEARINGS FOR MONDAY, MARCH 18, 2019 AT 6:00 PM**

Mr. Smith stated public hearings are hereby set for Monday, March 18, 2019, at 6:00 p.m. to consider the following request which comes forward with a positive recommendation from the 2/11/19 Planning and Zoning Commission meeting:

Mr. Keith Hamby, Kissel Entertainment, LLC, is requesting **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-0219-03*

11. **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 additional questions or comments. There being none, the meeting was adjourned.

\[Signature\]

Margie Handley, City Clerk