

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** May 2, 2016

**TIME:** 6:00 P.M.

**PLACE:** Hoover Municipal Center

**PRESENT:** Mayor Gary Ivey  
Mr. Jack Wright, Council President  
Mr. John Greene, Council Member  
Mr. John Lyda, Council Member  
Admiral Jack Natter, Council Member  
Mr. Joe Rives, Council Member  
Mr. Gene Smith, Council Member

**ABSENT:** Mr. Brian Skelton, Council President Pro-Tempore

**ALSO PRESENT:** Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney  
Ms. Leslie Klasing, Waldrep Stewart & Kendrick  
Ms. April Danielson, Waldrep Stewart & Kendrick  
Mr. Nic Waddell, Waldrep Stewart & Kendrick  
Mr. Bob House, House Consultants  
Ms. Linda Andrews, Library Director  
Mr. Tommy Daniel, Director, Public Works  
Chief Nick Derzis, Police Chief  
Ms. Susan Fuqua, Director, Municipal Court  
Mr. Mike Lewis, Director, Human Resources  
Mr. Rod Long, City Engineer  
Mr. Frank Lopez, Director, Revenue and Taxation  
Dr. Melinda Lopez, Director, Information Management & Reporting  
Mr. Craig Moss, Director, Parks and Recreation  
Mr. Allen Pate, Executive Director  
Mr. Ben Powell, Purchasing Director  
Mr. Tim Westhoven, Assistant Executive Director  
Chief Chuck Wingate, Fire Chief  
Mr. Jim Wyatt, Director, Inspection Services  
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

**1. APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the April 4, 2016 and April 18, 2016 regular meetings and the April 28, 2016 work session.

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

2. **RESOLUTION NO. 5397-16 – BID NO. 02-16-1B – HOOVER SPORTSPLEX – SITE AND FOUNDATION PACKAGE**

The City Attorney read Resolution No. 5397-16. This would award Bid No. 02-16-1B for the Hoover Sportsplex Site and Foundation Package to Rabren General Contractors, Inc. in the amount of \$2,360,000 (base bid plus alternate #1); theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5397-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council or the audience. Admiral Natter asked if the city had used this contractor in the past. Mr. Pate replied no, but the city's construction manager, Brasfield and Gorrie, has used them on several projects. They have met and talked with the contractor about this project and they feel they are fully qualified to do the work. Admiral Natter asked Mr. Pate if he had any knowledge of their past performance on previous jobs. Mr. Pate replied nothing other than what the construction manager has passed on to him. He noted that the architect has worked with them as well. Both speak highly of them.

There being no further discussion, on voice vote the motion carried. Mr. Greene voted "Nay".

3. **RESOLUTION NO. 5398-16 – BID NO. 08-16 – ROADWAY LIGHTING AND TRAFFIC SIGNAL MAINTENANCE**

The City Attorney read Resolution No. 5398-16. This would reject the single bid received from Stone & Sons Electrical Contractors, Inc. regarding Bid No. 08-16 for Roadway Lighting and Traffic Signal Maintenance and authorize the Mayor to negotiate with said company at a price not to exceed their bid amount of \$38,798.76. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5398-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5399-16 – AUTHORIZE MAYOR TO EXECUTE REQUEST TO ALABAMA POWER FOR ADDITIONAL TRAFFIC SIGNALS**

The City Attorney read Resolution No. 5399-16. This would authorize the Mayor to execute a request to Alabama Power for additional traffic signals at Valleydale Road at Inverness Center Drive and Preserve Parkway at Lake Crest Drive.

Mr. Smith made a motion to approve **Resolution No. 5399-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5400-16 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH SHELBY COUNTY COMMISSION FOR INSTALLATION AND/OR MAINTENANCE OF TRAFFIC CONTROL SIGNALS**

The City Attorney read Resolution No. 5400-16. This would authorize the Mayor to execute an agreement with the Shelby County Commission for the installation and/or maintenance of traffic control signals located at Valleydale Road and Inverness Center Drive.

Mr. Smith made a motion to approve **Resolution No. 5400-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience.

Mr. Smith asked Rod Long, City Engineer, if there had been prior roadway improvements in this area that involved state funds. Mr. Long replied no. He said this is just a permit with the Shelby County Highway Department to allow the city to put a signal on a road they maintain.

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

6. **RESOLUTION NO. 5401-16 AND RESOLUTION 5402-16 – MWPP ANNUAL REPORTS – INVERNESS AND RIVERCHASE WASTEWATER SYSTEMS**

The City Attorney read Resolution No. 5401-16. This informs the Alabama Department of Environmental Management of actions taken by the Hoover City Council regarding the Municipal Water Pollution Prevention (MWPP) Program for the Riverchase Wastewater System.

The City Attorney read Resolution No. 5402-16. This informs the Alabama Department of Environmental Management of actions taken by the Hoover City Council regarding the Municipal Water Pollution Prevention (MWPP) Program for the Inverness Wastewater System.

Mr. Smith made a motion to approve **Resolution No. 5401-16 and Resolution No. 5402-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience.

Mr. Smith asked Rod Long, City Engineer, if there had been any reportable events since the last report. Mr. Long replied no. He said there are occasional small spills but no significant spills and no enforcement actions. These reports show that the systems have been running very well for the last year. Admiral Natter asked how these numbers compare to last year's numbers. Mr. Long said he was not sure but the numbers are good. He noted it can be a little worse grade every year the plant is older so we may have moved down one point.

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

7. **1<sup>ST</sup> READING RESOLUTION NO. 5403-16 – DEANNEX PORTION OF PROPERTY LOCATED AT 1400 SHADES CREST ROAD OWNED BY MELBA KANE AND JOLENE MILLS**

The City Attorney had the first reading of Resolution No. 5403-16. This is regarding the deannexation of a portion of property located at 1400 Shades Crest Road at the request of the property owners, Melba Kane and Jolene H. Mills. The City Council has determined that the deannexation of the property is in the public good of the city. The resolution also directs the Mayor to certify a copy of the resolution together with all other documents required by state

law and file these documents with the Judge of Probate of Jefferson County. The deannexation will become effective upon the authorization of the Judge of Probate.

The second reading and consideration for adoption of this resolution will be on Monday, May 16, 2016.

8. **1<sup>ST</sup> READING RESOLUTION NO. 5404-16 – DEANNEX OLD BERRY HIGH SCHOOL PROPERTY LOCATED AT 2816 COLUMBIANA ROAD OWNED BY THE HOOVER BOARD OF EDUCATION**

The City Attorney had the first reading of Resolution No. 5404-16. This is regarding the deannexation of the Old Berry High School property located at 2816 Old Columbiana Road at the request of the property owner, the Hoover Board of Education. The Board of Education has entered into a sales contract to sell the property and the contract is contingent upon the deannexation of the property from the city. The City Council has determined that the deannexation of the property is in the public good of the city. The resolution also directs the Mayor to certify a copy of the resolution together with all other documents required by state law and file these documents with the Judge of Probate of Jefferson County. The deannexation will become effective upon the authorization of the Judge of Probate.

Mr. Wright said the Council has asked that the City Attorney and his legal team stay in constant communication with the Vestavia Hills Board of Education so the Council does not deannex this property and the sale not go through. Mr. Waldrep agreed.

Admiral Natter asked Mr. Waldrep if this deannexation is subject to the sale going through. Mr. Waldrep replied that the sale is subject to the deannexation but the deannexation is not subject to the sale.

The second reading and consideration for adoption of this resolution will be on Monday, May 16, 2016.

9. **RESOLUTION NO. 5405-16 AUTHORIZE MAYOR TO EXECUTE CONTRACT WITH JEFFERSON COUNTY COMMISSION TO PROVIDE ELECTION SERVICES FOR UPCOMING MUNICIPAL ELECTIONS**

The City Attorney read Resolution No. 5405-16. This would authorize the Mayor to execute a contract with the Jefferson County Commission to provide certain election services for the August 23, 2016 municipal election and, if necessary, the October 4, 2016 run-off election.

Mr. Smith made a motion to approve **Resolution No. 5405-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5406-16 – APPOINT CITY CLERK TO PERFORM DUTIES OF MAYOR PERTAINING TO UPCOMING MUNICIPAL ELECTIONS**

The City Attorney read Resolution No. 5406-16. This would appoint the City Clerk to perform the duties of the Mayor pertaining to the August 23, 2016 municipal election and, if necessary, the October 4, 2016 run-off election.

Mr. Smith made a motion to approve **Resolution No. 5406-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **1<sup>ST</sup> READING RESOLUTION NO. 5407-16 – AUTHORIZE CITY TO USE SAME TYPE OF ELECTRONIC VOTING DEVICES USED BY JEFERSON COUNTY FOR ALL MUNICIPAL ELECTIONS**

The City Attorney had the first reading of Resolution No. 5407-16. This would authorize the City of Hoover to use the same type of electronic voting devices used by Jefferson County for all municipal elections. This resolution also directs the Mayor to file a copy of this resolution with the Secretary of State as provided by state law.

The second reading and consideration for adoption of this resolution will be on Monday, May 16, 2016.

12. **1<sup>ST</sup> READING ORDINANCE NO. 16-2301 – AMEND MUNICIPAL CODE – ADD SOLICITATION AND PEDDLING REGULATIONS**

The City Attorney had the first reading of Ordinance No. 16-2301. This ordinance amends the Municipal Code by amending Chapter 8, Licenses and Business Regulations, to add Article XIII, Solicitation and Peddling Regulations. Under these regulations solicitors and peddlers will be required to obtain a permit and an identification badge from the revenue department in order to solicit or peddle at residences within the city. As part of the permit approval process applicants will be required to undergo a criminal background check. Solicitors and peddlers will also be required to abide by rules of conduct set forth in the ordinance including hours of solicitation and not entering upon property marked with a no solicitation sign and other rules of conduct. It also exempts certain individuals and organizations from solicitation including solicitations made by local affiliates of nationally recognized charitable or benevolent entities which would cover girl scouts, boy scouts, 4H, school organizations that have an umbrella from a national organization it uses for fundraising, solicitations made on behalf of an organization or group that is affiliated with primary, middle or secondary education or a canvasser who is simply gathering information.

Mr. Smith asked who would be enforcing the ordinance. Ms. April Danielson said the police would enforce it based on a complaint from a resident. It would then be an offense against the city and would go to municipal court. Mr. Waldrep said he believed it would be like it is now where people in the revenue department will report the illegal conduct to the police and the police will investigate it. But it could be that a homeowner will call the police directly. Mr. Smith said he was mostly concerned about Saturdays when most city officials are not at their desks.

Admiral Natter said he was unable to be at work session on Thursday when this was discussed. He expressed concern with Section 8-410 of the proposed ordinance which sets the hours of solicitation. It currently prohibits solicitation and peddling between the hours of 7:00 p.m. to 9:00 a.m. He asked that the city attorneys review that and adjust the hours to read from 5:00 p.m. to 9:00 a.m. as he felt that when people come home at night they want to rest and enjoy their families and not answer the door from peddlers. Ms. April Danielson stated that under current case law there must be a time after 5:00 p.m. Mr. Waldrep

explained that once the peddler has paid for a license to peddle they must be given some reasonable opportunity to solicit while people are at home. After further discussion, Admiral Natter asked that it be changed to prohibit solicitation between the hours of 6:00 p.m. to 9:00 a.m. Mr. Waldrep recommended that this change be offered as an amendment to the ordinance on the first reading. Admiral Natter made a motion that this be amended based on the first reading. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council. There being none, on voice vote the motion carried unanimously.

This ordinance will have its second reading and consideration for adoption on Monday, May 16, 2016.

13. **PUBLIC HEARING – CONDITIONAL USE – LIVE ENTERTAINMENT & ON PREMISE SALE OF ALCOHOL – PARK CREST EVENT FACILITY – 2034 LITTLE VALLEY ROAD – C-2 - WILLIAM GARY BEARD** (Continued from the 5/2/16 Council meeting)

Mr. Wright stated this is the public hearing to consider the request of William Gary Beard for **Conditional Use** approval for an event facility with live entertainment for weddings, corporate events and other similar functions; and for the sale of on premises alcohol at **Park Crest**, 2034 Little Valley Road. Mr. William Gary Beard, Park Crest Properties, LLC, is the property owner and the property is zoned C-2 Community Business District. (*PZ Case #C-0416-05*). This item is continued from the May 2, 2016 meeting.

Mr. Lyda made a **motion to approve the conditional use**. This motion was seconded by Mr. Smith. Mr. Wright asked Bob House if there had been any changes since the work session. Mr. House replied no. Mr. Wright asked Mr. House to outline the conditions at this time.

Mr. House stated that approval of this conditional use should be subject to the following conditions:

Live entertainment shall be limited to the performance of music.

Live music shall not be performed later than 12:00 a.m., midnight on Friday and Saturday nights.

Live music shall not be performed later than 10:00 p.m. on Sunday through Thursday nights.

All vehicles shall be parked on the Park Crest Premises or the adjacent parking lot owned by the applicant. Parking shall not be permitted on Little Valley Road or on the premises of Elevation Hoover.

The applicant shall employ at least one off-duty Hoover Police officer for all events.

Mr. Wright said he understood that Little Valley Road is a City of Hoover street. Mr. House replied not in that location. It turns into an easement after the sharp curve coming up the hill. Mr. Rod Long, City Engineer, concurred that it is a city street to that point. Mr. Wright asked that Mr. Long look at the egress out of there from a safety standpoint as it needs a little more turn marking.

Mr. Rives asked if there was someone present to speak with regard to the other building located next to this facility.

Mr. Gary Beard spoke from the podium stating that he is the owner of both buildings. Mr. Rives asked him to clarify that the new building is the subject of this case tonight. Mr. Beard concurred. Mr. Rives asked Mr. Beard how he planned to use the old restaurant building. Mr. Beard said the building has some of their offices in it as well as a kitchen. He was not certain what his plans were for the building down the road. It can also be used as an event facility as was previously approved by the city.

Mr. Wright said he visited the building and it is first class. Mr. Beard said they are very proud of it and they wanted to build something that Hoover would be proud of.

Mr. Wright called for additional discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Lyda made a **motion to approve the ABC Application** for Park Crest Properties, LLC. This motion was seconded by Mr. Smith. On voice vote the motion carried unanimously.

14. **SET PUBLIC HEARING FOR MONDAY, MAY 16, 2016 AT 6:00 P.M.**

Mr. Wright stated a public hearing is hereby set for **Monday, May 16, 2016 at 6 p.m.** to consider the request of Hoa Huy Tran, PHO280 LLC, for **conditional use** approval for the sale of 040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) at **PHO280** located at **5426 Hwy 280 East, Suite 9**. This property is owned by The Terrace, LLC and is zoned PC Planned Commercial. (PZ Case #C-0516-06) *This will be considered by the Planning and Zoning Commission at their May 9, 2016 meeting.*

15. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. Mr. Wright called for questions or comments. There being none, on voice vote the motion carried unanimously.

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

Mayor Ivey said that **Celebrate Hoover Day** was a great success and the staff did an outstanding job as always. Mr. Smith said he read that the headcount was 15,000. Mayor Ivey said he felt that was a conservative number.

Mr. Wright stated the **Mayor's Prayer Breakfast** will be held tomorrow morning at 7:30 a.m.

**Mr. Arnold Singer**, 613 Riverhaven Place, said he had attended all of the Celebrate Hoover Days since he moved to Hoover and he commended Erin Colbaugh, Events Coordinator on a great job. He spoke about the proposed peddling ordinance and the importance of performing the background checks on the permit applicants. He then talked about the proposed Black Ridge PUD and said he would be attending the Planning and Zoning Commission meeting regarding this case. He said one of the things that would be very helpful to everyone involved, if and when this case comes before the City Council, would be a map specifically showing where the Signature Homes property is located as opposed to the Riverwoods property because this is a bifurcated application with one set of conditions for roads by Signature Homes and another set of conditions for roads by Riverwoods. He said he would like to learn more about the 16 ¼ acres

that will be set aside for recreation by Signature Homes and the 12 1/2 acres. He said he understood this would be a gated community and he questioned how the public would be able to access the public recreation areas.

There being no additional comments or questions, the meeting was adjourned.

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Margie Handley, City Clerk