

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, February 19, 2018
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Frank V. Brocato
Mr. Gene Smith, Council President
Mr. John Lyda, Council Member
Dr. Casey Middlebrooks, Council Member
Mr. Derrick Murphy, Council Member
Mr. Curt Posey, Council Member (arrived at 6:10 p.m.)
Mr. Mike Shaw, Council Member

ABSENT: Mr. John Greene, Council President Pro-Tempore

ALSO PRESENT: Mr. Phillip D. Corley, Jr., City Attorney
Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC
Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC
Ms. Amanda Borden, Library Director
Mr. Jason Cope, Director of Technology
Chief Nick Derzis, Police Chief
Mr. Umang Patel, Municipal Court
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. Ben Powell, Director, Purchasing
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, Chief Operations Officer
Chief Clay Bentley, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, City Treasurer
Mr. Rod Long, City Engineer

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. Lyda.

Representatives from **Girl Scout Troops 226 and 687** came forward to ask for support with the annual Girl Scout cookie sale.

Mr. Lyda recognized **Boy Scout Aiden Ticola** and his father Mark Ticola who were present in the audience.

1. **APPROVAL OF MINUTES**

Mr. Smith stated each member of the Council had previously received a copy of the minutes of the February 5, 2018 regular meeting, and the February 15, 2018 work session.

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

2. **REPORTS**

Mr. Louis Baxley from the **office of Senator Doug Jones** addressed the Council and offered their services to the City in any way needed. He encouraged the Council to contact them through their Birmingham office and they would be happy to be of assistance.

Ms. Cindy Wade with the **Assistance League of Birmingham** addressed the Council to announce their annual gala to raise funds for the Operation School Bell program. Mr. Lyda is a member of their advisory board and will be the honoree at the gala on April 5, 2018 at The Club. She invited everyone to attend the gala and support Operation School Bell. Mr. Lyda stated he is honored to be a part of the Assistance League of Birmingham.

The City Attorney read the **Proclamation** for **National Girl Scout Cookie Weekend**. Ms. Georgia Pearson, Penny Rose Pearson and Christy Mylius and Savannah Mylius were present to receive the proclamation.

The City Attorney read the **Proclamation** honoring **Heather Jones Skaggs** for her many contributions to the City of Hoover. Ms. Skaggs was present to receive the proclamation. She was accompanied by her husband Greg and her parents, Bill and Donna Jones.

The City Attorney read a **Proclamation** honoring **Larry Giangrosso** for his outstanding career and many achievements coaching baseball. Mr. Giangrosso was also recognized for his contributions to education as he currently serves as Principal of Spain Park High School. Larry Giangrosso and his wife Karen came forward to receive the proclamation.

Mayor Brocato came forward to **re-appoint Mr. Roger Varner** to the **Personnel Review Board**. Mr. Lyda made a motion to concur with the re-appointment. Dr. Middlebrooks seconded the motion. On voice vote all were in favor and the motion carried.

3. **RESOLUTION NO. 5778-18 – REVISIONS TO CITY OF HOOVER PERSONNEL POLICY AND PROCEDURE MANUAL.**

The City Attorney read Resolution No. 5778-18. This resolution is for approval to a revision of the Personnel Policy and Procedures manual.

Mr. Lyda made a motion to approve Resolution No. 5778-18. This motion was seconded by Mr. Posey. After discussion about needing additional time to review the review the revisions, Mr. Lyda amended his motion to **continue Resolution No. 5778-18 to the call of the Chair**. Dr. Middlebrooks seconded the motion. On voice vote the motion carried unanimously. Mr. Smith asked the clerk to place this item on the next Council meeting agenda.

4. **RESOLUTION NO. 5779-18 – AUTHORIZE MAYOR TO EXECUTE AMENDMENT TO HUMANE CARE AND DISPOSAL OF ANIMALS SERVICE AGREEMENT WITH HUMANE SOCIETY OF SHELBY CO., INC.**

The City Attorney read Resolution No. 5779-18. This resolution amends the service agreement with the Shelby County Humane Society.

Mr. Lyda made a motion to approve **Resolution No. 5779-18**. This motion was seconded by Dr. Middlebrooks and Mr. Posey. Ms. Meghan Wayman, Operations Manager, and Bob McArdle, President of the Board of Directors for Shelby County Humane Society came forward to discuss their policies and procedures. Mr. Smith called for additional comments or questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5780-18 – AUTHORIZE MAYOR TO EXECUTE A PLANNING AND ENGINEERING SERVICES AGREEMENT WITH SAIN ASSOCIATES TO WRITE NEW SUBDIVISION REGULATIONS FOR THE CITY.**

The City Attorney read Resolution No. 5780-18. This resolution provides for a contract with Sain Associates for preparation of new subdivision regulations for the City.

Mr. Lyda made a motion to approve Resolution No. 5780-18. This motion was seconded by Dr. Middlebrooks. Following discussion as to whether an entire re-write was needed and questions as to the timing of this due to financial issues within the city, Dr. Middlebrooks made a **motion to continue Resolution No. 5780-18**. Mr. Murphy seconded the motion. On roll call vote of the Council the votes were as follows: Mr. Lyda, “Nay”; Dr. Middlebrooks, “Yea”; Mr. Murphy, “Yea”; Mr. Posey, “Yea”; Mr. Shaw, “Nay”; and Mr. Smith, “Yea”. The motion carried.

6. **RESOLUTION NO. 5781-18 – AUTHORIZE MAYOR TO EXECUTE A MASTER SaaS SUBSCRIPTION AND PROFESSIONAL SERVICES AGREEMENT FOR THE ACQUISITION OF PLAN REVIEW SOFTWARE**

The City Attorney read Resolution No. 5781-18. This resolution authorizes the Mayor to execute a contract for a subscription to plan review software

Mr. Lyda made a motion to approve **Resolution No. 5781-18**. This motion was seconded by Mr. Posey. Mr. Smith asked for questions or comments from the Council or the audience. There being no discussion, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5782-18 – AUTHORIZE MAYOR TO EXECUTE MUNICIPAL RIGHT-OF-WAY IMPROVEMENT PERMIT AND INDEMNIFICATION AGREEMENT WITH EXPRESS OIL CHANGE, LLC TO INSTALL A COMMUNICATIONS LINE ON SOUTHPARK DRIVE.**

The City Attorney read Resolution No. 5782-18. This resolution is for a municipal right-of-way improvement permit and indemnification agreement with Express Oil Change, LLC for the installation of a communications line on Southpark Drive within the City’s right-of-way.

Mr. Lyda made a motion to approve **Resolution No. 5782-18**. This motion was seconded by Mr. Posey. There being no discussion, on voice vote the motion carried unanimously.

8. **RESOLUTIONS 5783-18 & 5784-18 - VACATIONS OF EASEMENTS**

The City Attorney read Resolution No. 5783-18. This would vacate a storm drainage easement on a portion of Lot C-2 Village Center Townhomes at the request of the property owner, Allen Hawkins. *PZ Case #S-0218-05*

Mr. Lyda made a motion to approve **Resolution No. 5783-18**. Mr. Posey seconded the motion. There being no discussion, on voice vote the motion carried unanimously.

The City Attorney read Resolution No. 5784-18. This would vacate an easement on Lot 6 Greystone 7th Sector, Phase V, at the request of the property owners, Charles and Ashleigh Williams. *PZ Case #S-0218-04*

Mr. Shaw made a motion to approve **Resolution No. 5784-18**. Mr. Posey seconded the motion. There being no discussion, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5785-18 – AMEND BUDGET FYE 9/30/18**

The City Attorney read Resolution No. 5785-18. This would amend the Budget for Fiscal Year Ending September 30, 2018 as shown on the Exhibit A attached to the resolution.

Mr. Lyda made a motion to approve **Resolution No. 5785-18**. This motion was seconded by Mr. Posey. Mr. Smith called for questions or comments from the Council or the audience.

Mayor Brocato emphasized that Hoover makes every effort to make its schools as safe as possible. During the last budget three additional Student Resource Officers (SRO's) were approved but that still did not provide 100% coverage. This proposed budget amendment for two additional SRO's would accomplish that. He asked for the Council's strong consideration in this matter.

Mr. Rice and Dr. Lopez addressed the funding for these positions. This amendment shows the funds coming from reserves but the plan is to use the city-wide overtime budget without having to transfer any reserve funds. Mr. Rice noted will actually provide greater than 100% coverage and allow for a cushion when an SRO has to be away from a campus. This was to be requested in the upcoming budget regardless but they are requesting this interim measure in aiding in the security of the schools.

Mr. Rice clarified that while this item was added to the agenda late today, discussion regarding this matter took place on Friday with the Council President. Mr. Rice wanted to verify that the funding was available before bringing it forward. Many of the Council members, as well as the Mayor and Dr. Murphy, were contacted by concerned parents at the end of last week after the school shooting in Florida which prompted the request to move forward at this time rather than wait until October 1.

At Mr. Smith's request, Chief Derzis addressed the hiring of two SRO's versus a full time police officer. He is comfortable with it for this budget year but asked that the Council keep an open mind in the upcoming budget process.

Mr. Posey, Mr. Murphy and Dr. Middlebrooks spoke briefly in support of this amendment and commended the city for its dedication to hiring SRO's.

There being no additional comments or questions, on voice vote the motion carried unanimously.

10. **RESOLUTION No. 5786-18 – AUTHORIZE CITY ADMINISTRATOR TO NEGOTIATE AND SETTLE WORKER’S COMPENSATION CLAIM**

The City Attorney read **Resolution No. 5786-18** that would authorize the City Administrator to negotiate and settle any worker’s compensation claim brought against the City with the written approval of the City Council President and Finance Committee Chairman.

Mr. Lyda made a motion to approve **Resolution No. 5786-18**. Mr. Posey seconded the motion. Mr. Smith suggested the Council discuss adding the Council President Pro-Tem to the list and any two of the three could make that decision. There being no comments or questions from the Council or the audience, on voice vote the motion carried unanimously.

11. **1st READING ORDINANCE NO. 18-2359 – ESTABLISH SHORT TERM RENTAL REGULATIONS FOR SINGLE FAMILY RESIDENCES.**

Mr. Rice stated there would be changes to the proposed ordinance and asked that the 1st reading not take place at this time. Mr. Lyda made a **motion to withdraw** Ordinance No. 18-2359. The motion was seconded by Mr. Posey. There were no comments or questions and on voice vote the motion carried unanimously.

12. **1st READING ORDINANCE NO. 18-2360 – PROVIDE REQUIREMENTS FOR HOME OCCUPATIONS AND DAY CENTERS WITHIN RESIDENTIAL AREAS**

The City Attorney had the first reading of **Ordinance No. 18-2360**. This would allow for home occupations to be considered a permitted principle use within residential districts subject to the requirements of the ordinance. It would modify the current municipal code that considers a home occupation as a conditional use. This ordinance also provides that day care home centers, group daycare centers and night care facility home centers, as defined in the ordinance, may operate within a residential zoning district as a conditional use as currently allowed by existing zoning regulations subject to compliance with the requirements of this ordinance.

Mr. Rice reviewed this item and addressed several concerns of the Council regarding the proposed ordinance.

Mr. Robin Schultz, 348 Albemarle Road, expressed concern that some businesses would have a difficult time conforming to the ordinance as proposed and asked if there would be changes to the ordinance. Mr. Smith noted that changes to the ordinance would require another first reading.

Mr. Don Bennett, 1125 Shades Crest Road, encouraged the Council to continue to allow businesses that are facilitated by technology to operate.

Mr. Rice clarified that currently all applicants have to be told no because of restrictions in the zoning ordinance. If the proposed ordinance passes many applicants will be approved and those that are not approved will have the opportunity to go before a board for an appeal process.

13. **ABC APPLICATION (040-RETAIL BEER – ON OR OFF PREMISES) (060 – RETAIL TABLE WINE – ON OR OFF PREMISES) FOR O SUSHI HOOVER INC D/B/A O SUSHI HOOVER, 5519 GROVE BLVD. STE. 101**

Mr. Smith stated this is a request for approval of an ABC Application (040-Retail Beer – On or Off Premises) and (060-Retail Table Wine – On or Off Premises) for O Sushi Hoover Inc., d/b/a O Sushi Hoover, 5519 Grove Blvd., Ste. 101. This is a change in ownership on a previously approved site.

Mr. Shaw made a **motion to approve** the ABC Application. This motion was seconded by Mr. Posey. Mr. Smith called for questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

14. **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. Posey. On voice vote the motion carried unanimously.

Mr. Murphy stated the **Board of Education application** will be posted on the website after the Council meeting. The deadline for submittal is March 12th at 5:00 p.m. with interviews to take place on March 19th. Tentatively, on April 2nd at 5:30, there will be a committee meeting prior to the regular Council meeting and the appointment may take place later at the Council meeting.

Mr. Ronald Jackson, Executive Director of Citizens for Better Schools and Sustainable Communities came forward to address the Council. He stated his concerns about the funds that Birmingham intends to use for recreation and entertainment that he believes would better serve the community if directed to education needs. Mr. Jackson is asking Hoover and every Mayor and Council in Jefferson County to consider supporting Birmingham with the building of a new stadium since the project is going to be an economic driver for the entire metropolitan area.

Mr. Dennis Price, 2121 Bailey Brook Court, addressed the Council regarding the short term rental ordinance. He said that while his issue with a short term rental in his neighborhood has been resolved and he was very pleased with the City of Hoover's response he wanted the Council to be aware of the realities regarding short term rentals.

Mr. Smith said that under state law the Council is responsible for municipal buildings and construction. With that, he is creating a **renovation committee**, which will be a committee of the whole Council with Mr. Smith as Chair and Mr. Lyda as Vice-Chair.

There were no further questions or comments and the meeting was adjourned.

Margie Handley, City Clerk