

**HOOVER CITY COUNCIL
MINUTES OF SPECIAL MEETING**

DATE: Tuesday, August 30, 2016

TIME: 11:00 A.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 Natter, Council Member
Mr. Joe Rives, Council Member

ABSENT: Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Ms. Amanda Borden, Library
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Mike Lewis, Director, Human Resources
Dr. Melinda Lopez, Director, Information Management & Reporting
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director

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

The City Clerk had roll call and a quorum was present.

Mr. Wright announced there would be two items on the agenda.

1. RESOLUTION NO. 5453-16 – AUTHORIZE MAYOR OR HIS DESIGNEE TO EXECUTE USER AGREEMENT WITH VERIZON WIRELESS

The City Attorney read Resolution No. 5453-16 that would authorize the Mayor or his designee to execute a user agreement between the City and Verizon Wireless. Mr. Wright asked Mr. Powell for an explanation of the agreement. Mr. Powell stated this is basically a housekeeping item in changing the type of account with Verizon to take advantage of unlimited data transfers. He said that with the current situation there are caps on some of the data transfer services, particularly those used out in the field by police officers, fire fighters, building inspectors and others. He stated this will allow us to take advantage of changing those accounts to unlimited data transfer ability. Mr. Powell said there is no change in the monetary situation. The city will pay no more or no less, as the services are purchased off of the state bid.

Mr. Wright asked for any questions or comments. Admiral Natter asked Mr. Powell why this item is on this agenda rather than a normal agenda. Mr. Powell explained that the Police

Department is working on some projects and this is a holdup to moving forward with a couple of items. He said they are anxious to be moving forward to have new accounts in place particularly to get ready for Christmas season and traffic control. Admiral Natter asked would these five days make a difference. Executive Officer Al-Dakka responded that was correct because they need to go ahead and purchase the air cards for all the local data terminals.

Admiral Natter made a motion to approve **Resolution No. 5453-16**. The motion was seconded by Mr. Greene and Mr. Rives. There were no additional comments or questions. On voice vote the motion passed unanimously.

2. **RESOLUTION NO. 5454-16 – CANVASS RESULTS OF AUGUST 23, 2016 MUNICIPAL ELECTION**

Margie Handley, City Clerk, announced there were 22 provisional ballots cast and the paperwork had been reviewed by the Jefferson and Shelby County Boards of Registrars respectively and the results had been returned to Hoover. She clarified that while the paperwork had been reviewed by the Board of Registrars the ballots had remained under lock here at city hall. She explained that between both Jefferson and Shelby County combined there are six ballots that will be counted. Admiral Natter asked the Clerk to please explain that process again. Ms. Handley stated that 22 provisional ballots were cast throughout the different voting locations. She said the ballots were placed in sealed secrecy envelopes and then placed in sealed provisional boxes. The Chief Inspectors and the voters filled out forms stating the reason the voters were voting provisional ballots. She explained that most of the time it is because the voter's name is not on the list at the polling place. Often it is a misunderstanding on the part of a voter who may think they reside in the city limits but they do not. Sometimes they have moved and have not updated their information so they are allowed to vote a provisional ballot. The provisional ballot review process by the Board of Registrars is the reason it takes a week to canvass results. The Board of Registrars of Jefferson County and Shelby County have determined that six of the twenty-two provisional ballots cast will count. Admiral Natter asked if this is analogous to a challenge ballot. Ms. Handley said the challenge ballot has been replaced with the provisional ballot. Admiral Natter thanked her for her comments.

The City Attorney read **Resolution No. 5454-16** that relates to the canvassing of the ballots cast at the August 23, 2016 election. He said that all names to be announced have received the majority of votes cast and will be sworn in on the first Monday in November which is November 7, 2016. Frank Brocato received the majority of votes for the office of Mayor. No candidate received a majority of votes in Council Place No. 1 so there will be a run-off between Curt Posey and Trey Lott on October 4, 2016. Gene Smith received the majority of the votes cast for Council Place No. 2. John Lyda received the majority of the votes cast for Council Place No. 3. Mike Shaw received the majority of the votes cast for Council Place No. 4. Derrick Murphy received the majority of the votes cast for Council Place No. 5. Casey Middlebrooks received the majority of the votes cast for Council Place No. 6. John Greene received the majority of the votes cast for Council Place No. 7. He said that with the exception of the candidates who will be in a run-off in Council Place No. 1, all others are due to be sworn in on November 7, 2016.

Admiral Natter asked if the provisional ballots were included. The City Attorney stated that with only six ballots to be counted there would be no change in the results. The City Attorney also said that for the 16 ballots that were not included they have the right to review those and there is a process for them to do so. He stated it is not his position to advise candidates what their rights are as to election laws and the contest. That is something they have to get their own counsel on.

The City Clerk delivered the provisional ballots to Mr. Wright and he announced the provisional votes as follows: For the Office of Mayor, Frank Brocato received three votes and Gary Ivey received three votes. In Council Place No. 1, Trey Lott received four votes and Curt Posey received two votes. In Council Place No. 2, Gene Smith received one vote and Sam Swiney received five votes. In Council Place No. 3, John Lyda received five votes and Arnold Singer received one vote. In Council Place No. 4, Michael Holt received three votes and Mike Shaw received one vote. In Council Place No. 5, Dan Ellis received two votes and Derrick Murphy received four votes. In Council Place No. 6, Jason DeLuca received five votes and Casey Middlebrooks received one vote. In Council Place No. 7, John Greene received three votes and Robin Schultz received three votes.

Mr. Wright called for a motion to approve the election count. Admiral Natter made a motion to approve **Resolution No. 5454-16**. The motion was seconded by Mr. Greene. On roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Wright, "Yea". The motion carried unanimously.

There being no other business the meeting was adjourned.

Margie Handley
City Clerk