

CITY OF HOOVER
CITY COUNCIL
WORK SESSION
MINUTES
JANUARY 30, 2020

The City Council of the City of Hoover met in a regular work session on this date at 5:00 PM, in the Council Chambers at Spain Park High School, following publication and posting pursuant to Alabama Law. Council President Gene Smith called the meeting to order.

Members Present:

Gene Smith, Council President
John Greene, Council Pro-Tem
Curt Posey, Council Member
John Lyda, Council Member*
Arrived at 5:12 p.m.

Members Absent:

Casey Middlebrooks, Council Member
Derick Murphy, Council Member
Mike Shaw, Council Member

Other Officials Present:

Mayor Frank V. Brocato
Phillip Corley, City Attorney
April Danielson, 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
Wendy Dickerson, City Clerk
Susan Fuqua, Municipal Court Director
Mike Lewis, Human Resources Director
Melinda Lopez, PhD, Chief Financial & Information Officer
Mac Martin, City Planner
Dustin Moore, Fleet Manager
Ben Powell, City Treasurer
Chris Reeves, Assistant City Engineer
Allan Rice, City Administrator
Mindy Wyatt, Applications Systems Specialist
Nick Derzis, Police Chief
Greg Knighton, Economic Developer
Ellen Madden-Williams, Assistant to the Mayor

Melanie Posey, Public Information Officer
Jim Wyatt, Director of Building Inspections
Marty Gilbert, Acting Director of Building Inspections
Tina Bolt, Finance Director

Consent Agenda

The Consent Agenda is presented by the Council President at the beginning of a Council Meeting. Items presented on the Consent Agenda are considered routine and non-controversial. They are adopted by general consent without debate. Items may be removed from the Consent Agenda by the request of any one member. If an item is removed it may be considered either immediately after the Consent Agenda is approved or considered later on the agenda at the discretion of the Council President and City Council.

PAYMENT OF BILLS

RESOLUTION NUMBER 6183-20

A RESOLUTION APPROVING AN ALCOHOL LICENSE, 5250 PERIDOT PLACE, RADIANT INVESTMENTS, LLC D/B/A BIG WHISKEYS, NIZAR BATADA, AMAAN PORBANDARWALLA, ZUNAID PORBANDARWALA, AND SAJID JALALI, EXECUTIVE(S).

Mr. Smith read the summary of the Resolution.

Mrs. Dickerson stated that the applicant is requesting a restaurant, retail liquor license. The Chief of Police has reviewed the application and is not opposed to the approval of this application.

Mr. Smith asked if this is a new location and not the licensing of a previous location.

Mrs. Dickerson stated that is correct.

Mr. Smith asked if there were any questions.

Mr. Greene asked if it is a new business.

Mr. Smith stated that it is a new business in a new location. The site has never been used before. It is in the Stadium Trace Village on 150.

Mr. Smith asked if the applicant was present.

The applicant was not present.

RESOLUTION NUMBER 6184-20

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
NON-DISCLOSURE AGREEMENT FOR ECONOMIC
DEVELOPMENT PURPOSES.**

Mr. Smith read the summary of the Resolution.

Mr. Knighton stated that it is very common for Economic Development prospects and projects to ask for Economic Development organizations to sign a non-disclosure agreement for a variety of reasons. They do not want people to know who their competition is, they could be relocating a facility from another state, and they may not want that work force to be aware of it and they may not want the market to be aware of it. The way that our current system operates, if we were to execute a non-disclosure agreement, that non-disclosure agreement would have to come before the City Council for approval. This would defeat the entire purpose of having a non-disclosure. With this being a governmental entity, we know that there are certain tenants of the law that we are not able to agree to at times, so Ms. Danielson and he worked off a template that the Alabama Department of Commerce uses when they are executing non-disclosure agreements. Mr. Knighton stated that the information in the Council packet is a model after that and was tailored to a municipal government. This gives the Mayor's Office the ability to sign a non-disclosure agreement when we are in a situation that asks to sign a non-disclosure agreement for an Economic Development project.

Mr. Smith asked if the Council has a copy of the proposed agreement in their packets.

Mr. Knighton stated yes.

Mr. Smith asked if this takes the place of Mr. Yeager's previous concepts of projects.

Mr. Knighton stated that it gives assurance to companies in a public forum that there are certain aspects of the projects that we would not release. It would be protected and protects us from public information requests, as well.

Mr. Smith asked if each time a request is made it does come before the Council.

Mr. Knighton stated absolutely.

Mr. Smith said so the City would sign the non-disclosure without the Council's knowledge.

Mr. Knighton stated that is correct. That is the whole point in having it. Right now, we are not able to do so, and if we were in the position where we are asked to sign a non-disclosure agreement, we have to come before the Council and explain it and it may have information within it that would reveal information about the project that the prospect would not want revealed publicly.

Mr. Smith asked Mr. Rice if he had something to add to what Mr. Knighton said.

Mr. Rice stated that it could also be Council Members that execute these individually and we have had situations where Council leadership or others have been involved in project meetings so it could be individual Council Members also executing these in addition to the Mayor and staff that is involved.

Mr. Smith asked if there were any questions from the Council.

No further questions were asked.

RESOLUTION NUMBER 6185-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RESTATEMENT OF LEASE AND CONSENT TO SUBLEASE WITH SHADES CLIFF CIVIC CLUB, INC.

Mr. Smith read the summary of the Resolution.

Mr. Corley stated that this resolution restates the lease, which was originally entered into in 1987. Part of the reason for doing that is because that lease was not recorded so we need to restate the lease and have it recorded.

Mr. Smith asked if a copy of the lease was in their packets.

Mr. Corley stated yes.

Mr. Smith asked why do they want to consent the sublease and who might we sublease any of that property to.

Mr. Rice stated the Park Board.

Mr. Smith asked why the Park Board would not sign this lease.

Mr. Rice stated that they would do it as a sublease. They would keep it in the City's name.

Mr. Smith said so the City could maintain ultimate control.

Mr. Rice stated yes.

Mr. Posey stated that he knows that we are moving closer to doing something with that pavilion and he knows that we have had negotiations. He stated that he personally does not like to improve property that they do not own. He stated that he thinks that he would like to own that property if possible before they invest millions into it. He asked if there is an issue there that they would not sell the property to us and give us a chance to own that property. Then we would at least agree that we are maintaining it, we are tearing down the building, potentially building a new building. He does not know why we cannot get to the point of conversation about ownership of the property.

Mr. Rice stated that he had not had any discussion with them about purchase. He stated that they would probably not want to divest that property. The budget on the pavilion is \$150,000. He stated that they could certainly approach them about some or all of the property.

Mr. Posey stated that he thinks it is a conversation worth having. We do not have a park property there that we own. We lease this one. This is a scenario that gets many events and we are putting a lot into it in manpower and projects going there. Mr. Posey stated that we can do this, but they need to go back and have that conversation.

Mr. Smith asked if there were any further questions.

Mr. Greene asked Mr. Rice about the \$150,000 previously mentioned.

Mr. Rice stated that that is the approximate budget on the pavilion.

Mr. Greene asked if he had any idea of what the property itself would sell for.

Mr. Rice stated no. They would need an appraisal and go through those steps. They have not gone through that.

Mr. Greene stated that he has no idea himself; but we certainly would not want to put forth \$150,000 invested in it and it only be worth \$140,000 or would sell for \$180,000.

Mr. Rice stated that his suspicion is that it is a valuable piece of property.

Mr. Greene stated that it is in his too but he would like to know.

Mr. Corley stated that it is a 99-year ground lease, which in some ways it is similar to having property and you control the property for 99 years. Those investments go back to the owner. That is frequently used when property owners want to sell property, but is willing to commit to a long-term relationship.

RESOLUTION NUMBER 6186-20

A Resolution Amending The Budget For The Fiscal Year Ending September 30, 2020.

Mr. Smith read the summary of the Resolution.

Mr. Lyda arrived at the meeting during the reading of the summary of the Resolution.

Ms. Bolt stated that this budget amendment is for a federal grant for hazmat equipment. It is a local match of \$15,756. The second item is to standardize department issued weapons for the police officers. This is with State Direct Fund money.

Mr. Smith asked which sources were the matching funds and the police funds coming from.

Ms. Bolt stated that the matching funds for the \$15,756 is coming from the General Fund.

Mr. Smith asked what is that fund. He asked what exactly a 201 Fund is.

Ms. Bolt stated that is just coming from the General Fund and being moved to the Special Revenue Fund.

Mr. Smith asked if it was coming from Special Revenue.

Ms. Bolt stated no, it is going into Special Revenue.

Mr. Smith asked if it was coming from the general funds into Special Revenue.

Ms. Bolt stated yes.

Mr. Smith stated that he thought the general fund was balanced and that we did not have any additional General Fund monies unless it came out of capital.

Ms. Bolt stated that we did balance it.

Mr. Smith asked if we passed a balanced budget back in September, how is there any money to transfer out to use for purchases if it was not included in the original budget.

Ms. Bolt stated that she would have to defer to Dr. Lopez because she was not here at that point.

Dr. Lopez stated that Item 3 is for property tax and we already received the property tax for the year and it exceeded the budget and that allows us to do that.

Mr. Smith asked how far ahead we are with property taxes.

Dr. Lopez stated that it was several hundred thousand dollars, but she could not say exactly.

Mr. Smith stated that at least it is enough to take care of this. This was something that he was not aware of. He stated that he had a request of the Council, which is something to think about between now and Monday. He know that Chief Derzis had in his original budget to request a system that would allow these weapons would come with new holsters right.

Chief Derzis stated yes.

Mr. Smith stated that Chief Derzis had requested a system that would allow any time somebody draw their firearm that it automatically triggers their bodycam to come on. For whatever reason, it did not make it into the budget. He stated that it is \$50,000 to be able to do that and we would spend more than that on one litigation if we had to defend our officers or ourselves. He would like the Council to give consideration to including this device in these purchases. He stated that if this were so, Ms. Bolt would figure out if there were more property tax available to be able to handle this \$50,000 request. He stated that they would talk about it more on Monday. He asked if there were any further questions from the Council.

Mr. Lyda asked Mrs. Dickerson about the cut-off time for the budget amendments. He asked if she received any of these last Friday.

Mr. Rice stated that there was some internal confusion. It was emailed by the Police Department. Unfortunately, Dr. Lopez was out of town attending a professional engagement and the budget amendment was not passed along in time and was delayed.

Mr. Lyda stated that he would prefer them to get that done by Friday for the Clerk's sake and the Member's sake as well to be able to have ample time to review this.

Mr. Smith asked if there were any further questions from the Council.

1st Reading (Items to be considered on February 17, 2020)

ORDINANCE NUMBER 20-2472

An Ordinance Authorizing The Lease Of Unneeded Municipal Real Property Of The City Of Hoover, Alabama

Mr. Smith read the summary of the Ordinance.

Chief Derzis stated that back in 2011 is when NASRO moved from Minneapolis, Minnesota to Hoover, Alabama to have the National Headquarters at the Hoover Public Safety Center. He stated that he is very pleased to say that around that same time Lt. Canady retired and became the executive director. He stated that he would give some statistics of training and some numbers. Over the past several years, NASRO has become the go to training for school based police around the United States and nationally. Right now, it does seek the White House proper justice, so really nothing takes place without school based police. He stated that he is very proud to be associated with that and that Executive Director Canady has done a great job.

Mr. Canady stated that he retired from the City of Hoover in February 2011 and it was a bittersweet time. He started with the City February 1, 1986 and a couple of years later the City moved forward with forming its own school district. He stated that he did not realize what kind of doors that would open up for officers to be able to work with students and schools. During that time, they had the opportunity for the City and the school to collaborate in a very positive way that is still paying many dividends today. He was a part of that for about 12 years of his career. He was a Board member and instructor. By the time that he became eligible for retirement, the executive director from NASRO was preparing to retire. He put in an application not thinking that he would get the position. The office was located in Minneapolis, St. Paul and he had been in Alabama for 56 years. When he was offered the job, his response to the Board was, "Thank you, but I am not taking it if you are making me move to Minnesota." At that time, they told him that if he could find them reasonable office space near him then they would let him move. He stated thanks to Chief Derzis and the City for helping to find space in the Public Safety Center. They actually moved into that office in December 2010. The growth during that period of time has been nothing short of phenomenal, especially in the last few years. They were actually in a smaller place on the second floor when in their beginning stages. They started

out with three people, two staff employees and himself, and they were all right in that space. As they grew, the City allowed them to move to a larger space on the backside near the Forensic Training Center. It has been a great space for them. They renovated it once since they have been there with the help of the City. They have gone from three staff to 10 staff and they are getting ready to hire two more positions, which speaks to their growth. He stated that if the City had not allowed them to have this space, there is no way that this association would have been able to grow to its present level. When put into the situation that they are in right now, any not for profit association could only bring of that type of situation. It has allowed for significant growth. They have been able to train more officers across the country and around the world. Right after they moved into the City's space, they began teaching officers internationally. They train all over the world now since they have been in Hoover. They are very engaged with the Department of Justice and the White House. Four of them testified before the Federal Commission on School Safety last summer. They run a national conference every year. All of the logistics, registrations, and accounting are planned out in that office. The conference, since they have been here has grown by thousands to over 2,000 attendees. Since they have been in Hoover, their membership has grown from 3,500 to over 10,000 active members. They have been to places like South Africa, the country of Georgia, and Morocco. NASRO is almost 30 years old. This is a nine-year period, which is about 1/3 of the time it has been in existence. In 2011, they trained 1,517 officers and school administrators. This past year they have trained 10,679. They plan to train more than that this year. The state of Pennsylvania has passed a law that every SRO and school safety officer in that state has to be trained by them. Illinois and Indiana are in the process of following suit. This office space is incredibly important to their association and is much appreciated. What they are looking for at this point is to extend their lease for five years and they desperately need to do some remodeling of their office. They have worked with a contractor on doing that work. They have budgeted approximately \$100,000 for that work to be done to create more space for their new employees that are coming and the space just needs some refreshing. He stated that they are looking forward to being able to do that. Some of the things that they want to continue are their complimentary seats at their leadership summits that they hold. They want to be able to hold free memberships to every Hoover School Resource Officer. They want to continue their free training for their Hoover School Resource Officers and administrators. They are very appreciative of the opportunities that the City has given to them.

Mr. Smith asked Mr. Canady if he would be picking up any additional square footage in this lease.

Mr. Canady stated that he is not. To be specific in what they are doing, they have a certain amount of working office space and then they have a large storage room. He stated that they are going to move all of their storage off site. They are going to create two new offices in what is currently the storage room. It gives them more office space without picking up any additional square footage.

Mr. Smith asked if their entity is tax exempt on their materials and supplies.

Mr. Canady stated that he would like to refer to a subordinate on that, but he is afraid that they probably will not. They are actually a 501-C3 and he does not know if that makes them tax exempt on certain supplies. He has been asking that question and is not aware at this point.

The Mayor departed the meeting at 5:30 p.m.

Mr. Smith asked if there was any will within the Council to give them an exemption on sales tax to spend on building materials. He stated that he knows that they have done it for some other businesses. He knows that it is not a lot of money, but he thinks that every nickel counts.

Mr. Canady stated, yes, they are always looking for ways to cut expenses.

Mr. Smith stated that he would put that in Mr. Chairman's hands and discuss that later.

Mr. Canady stated that one thing that he wanted to add is that they just recently hired Mr. Boardman as their attorney. Their previous attorney was forum based. NASRO was nationally founded in Florida, so it is a Florida Corporation. They just recently pleaded transferring that to an Alabama Corporation.

Mr. Smith asked if there were any questions from the Council.

Mr. Greene asked Mr. Canady how many square feet does he have now.

Mr. Canady stated 2,480 square feet.

Mr. Greene asked if that includes or adds to the storage space that he mentioned.

Mr. Canady stated that it is included.

Mr. Smith asked if there were any further questions.

Mr. Rice stated that Mr. Canady's very generous offer on the individual memberships was not reflected in this document. There will be an updated document before Monday night.

1st Reading and Setting Public Hearings For February 17, 2020 (No Action To Be Taken At This Meeting)

RESOLUTION NUMBER 6181-20

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR THE PATTON CREEK ART FESTIVAL FOR THE PROPERTY LOCATED AT 4445 CREEKSIDE AVENUE, HOOVER, ALABAMA. NO ACTION TO BE TAKEN AT THIS MEETING.

Mr. Smith read the summary of the Ordinance.

Mr. Posey stated that this is an Art Council project that they took to Greg and Greg was able to get some space for this art show at Patton Creek. Patton Creek wants to make it a festival and are looking to do this annually. At one point in time, this was in the MET, then it moved to Vestavia, and they were able to get it back over here.

Mr. Martin stated that the art festival is scheduled for March 7, 2020 from 9 a.m. to 4 p.m. There is an updated site laid out that was actually approved by the Planning Commission. It is a little different from what is in the conditional use packet. This was just to clear up some concerns from the Fire Marshall's office. Everything has been rearranged according to the Fire Marshall's wishes. He thinks they are all good in this.

Mr. Smith asked if there is any alcohol involved in this.

Mr. Martin stated that he does not believe there is.

Mr. Smith asked if there were any questions from the Council.

Mr. Martin stated that he thinks that they said that they could have fun without alcohol.

Mr. Greene asked what the cost to the City was.

Mr. Martin stated not that he was aware of any costs.

RESOLUTION NUMBER 6182-20

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR A MODULAR BUILDING TO BE USED FOR SUNDAY SCHOOL CLASSES FOR THE PROPERTY LOCATED AT 560 LAKE CREST DRIVE, HOOVER, ALABAMA. NO ACTION TO BE TAKEN AT THIS MEETING.

Mr. Smith read the summary of the Ordinance.

Mr. Martin stated that this comes with a positive recommendation from the Planning Commission. The Conditional Use was to update the site plan for an existing church building not too far off of Highway 150. He stated that they will notice on the map shown that where the new modular building would be located on the site. This will not impact parking demands, storm water, or landscape.

Mr. Smith asked what the name of the church is.

Mr. Martin stated Cross Creek.

Mr. Smith asked if this is a temporary site.

Mr. Martin stated that their understanding is from the engineer representing the applicant that this modular building is temporary; however, when asked to define temporary, they were not given a specific timeframe.

Mr. Smith asked if they could make a presentation on Monday.

Mr. Martin stated that he would let them know to be there.

Mr. Smith asked if there were any questions for Mr. Martin.

No further questions were asked.

ORDINANCE NUMBER 20-2471

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE OF HOOVER, ALABAMA. *NO ACTION TO BE TAKEN AT THIS MEETING.*

Mr. Smith read the summary of the Ordinance.

Mr. Martin stated that this is to create a new residential Legacy single-family district or RLSF. They have a number of cases going to the Board of Zoning Adjustment related to setbacks, particularly front setbacks and more historic neighborhoods. They have particularly seen a number of cases coming from the Park Avenue area of Bluff Park. Much of that was developed prior to incorporation into Hoover and much of the development out there predates our zoning regulations and many subdivision regulations as well. They have a number of different Legacy restored properties that were constructed and not built to the same kind of consistent pattern; you see a more contemporary subdivision. In essence, this new single-family residential district would offer a level of flexibility with the setbacks that they do not presently have in many of their other residential districts. By large, the Legacy single-family residential zone will very much mimic the R-1 in minimum lot sizes, house sizes, and many other developmental criteria. If for instance there was an existing development, pattern or established front setback, not only could they adjust from the home to that average setback, but they could also get 5ft. of grace to the front or to the rear. They will also incorporate some additional flexibility in case someone revitalizing their home would like to put in a front porch, or a covered front porch on the home. Many of the older homes were built in a ranch style. Now, as properties are going into reinvestment, people want to have the front of the home, the street, and sidewalks engaged a little more to have that additional space for the covered porch. Some things add a little more flexibility that their other districts will allow. He stated that he thinks it will be a good idea going forward as they see more reinvestment in their older neighborhoods.

Mr. Smith asked if there were any questions from the Council.

There were no questions from the Council.

Mr. Smith asked Mr. Martin if this is more to make noncompliant properties compliant or if it is more to be used going into the future. He stated that he remembers one issue when someone lived just off Park Avenue and they wanted to build a covered porch in front of the house. That was going to put them into the setback so they were denied. He asked if he was thinking right.

Mr. Martin stated that their aim is to accomplish both. There are a number of nonconformities that exists in the more historic neighborhoods seeing that they were not built to the zoning that we have in place. This new district will offer an opportunity to allow these properties to become conformed, but in addition to that, it also tries to anticipate future investment and reinvestments in the neighborhoods to offer flexibility to allow for those improvements.

Mr. Smith asked if the plan that was passed by Planning and Zoning fits within the plan that was passed.

Mr. Martin stated that he would say so. The Comprehensive Plan calls for the enhancement to existing neighborhoods to continue their privacy and relevance. It allows that zoning district to take care of some nonconformities and to create flexibility for reinvestment.

Mr. Smith asked if Mr. Martin could see where someone would come to the City and request this type of zoning in a new neighborhood where it really should not apply. They would try to add on to the house and claim that they want an exemption using the new regulation.

Mr. Martin stated it is certainly not anything prohibiting someone from applying, but they would have to look at it from a case-by-case basis to make sure that this particular zoning district in that case, whether or not it is appropriate.

Mr. Smith asked what would be the reason for denying if all they were trying to do was something similar to someone in Bluff Park, but they are in Ross Bridge. They just want to be able to build closer to the property line or add on to their home. What would be the reasons that they would reject that but pass it in other areas in the City?

Mr. Rice stated that as a Planning Commission member he would consider it congruent with the remaining neighborhood that they are in. This started out as a Bluff Park intuitive and Mr. Shaw's input got it to where it could benefit other historic areas. He stated that if they got a request from Ross Bridge, he would personally look at the congruity of what else is going on in that neighborhood for this zoning class because it is not standard to the rest of the neighborhood.

Mr. Smith stated that he understands. Anyone who lives within an HOA is going to have to go to their own ARC anyway.

Mr. Rice stated yes.

Mr. Smith stated that he is thinking in places like Russet Woods and whether or not they would qualify for approval.

Mr. Rice stated that Russet Woods development has a modern code and standard setback already, so it probably would not.

Mr. Greene asked Mr. Martin if over in the Bluff Park area, as far as Ross Bridge, if they have had other issues like this.

Mr. Martin stated that he gets the occasional inquiry about setbacks and whether or not there could be some relief in areas such as Green Valley. That one area has an older subdivision. He is also thinking of areas like the Chapel Hill and Georgetown portions of Hoover. He stated that he has several of those types of neighborhoods that approved that activity.

Mr. Smith asked if there were any further questions from the Council.

There were no further questions from the Council.

Mr. Smith stated that the only thing that he wanted to say was that the sound system is being run by a student at Spain Park who has volunteered her time and talent. Her name is Hayden Beamer. He thanked her for her assistance to the Council. He asked if the Council had anything else to bring up in this meeting. He asked if Mr. Lyda was going to handle the bills.

Mr. Lyda stated that he would.

Mr. Smith asked Mr. Rice if he had anything from the administration.

Mr. Rice stated no.

There being no further business, the meeting adjourned at 5:46 p.m.

Gene Smith
Council President

Frank V. Brocato
Mayor

ATTESTED BY:

Wendy Dickerson
City Clerk