

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, February 4, 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: Ms. April Danielson, City Attorney, Wallace, Jordan, Ratliff & Brandt, LLC
Mr. Phillip Corley, City Attorney, Wallace, Jordan, Ratliff & Brandt, LLC
Chief Clay Bentley, Fire Chief
Ms. Amanda Borden, Library Director
Mr. Jason Cope, Technology Director
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
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. Craig Moss, Director, Parks and Recreation
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, 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 Mr. Posey.

1. **APPROVAL OF MINUTES**

Mr. Lyda made a motion to approve the minutes of the January 22, 2019 regular meeting and the January 31, 2019 work session 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 recognized Hoover resident, **Mr. Agha P. Afgan**, a Safety Professional and Author of “**Driver’s License to Kill**”. This is a book about real life tragedies due to automobile accidents and other conditions. Mr. Afgan said about 40,000 people die on the highways and about 4,000 of these people are teenagers.

Councilman Murphy and Mayor Brocato were joined at the podium by **Army Major Tyrone Tolbert** and **Army Command Sergeant Major William Allen**. Both of these veterans served in the Vietnam War. Mr. Murphy said Black History Month has been recognized since the 1920s for the contributions of African Americans in American history. He said the City of Hoover recognizes all service members that served in the Vietnam War; especially African American soldiers. The City Attorney read a **Proclamation** proclaiming the month of February, 2019 as **Black History Month**. Major Tolbert and Commander Sergeant Major Allen expressed their gratitude for honoring and remembering African American Vietnam Veterans.

Mr. Murphy made a motion to appoint **Mr. Foster Ware** to the **Industrial Development Board**. Dr. Middlebrooks seconded the motion. On voice vote the motion carried unanimously.

Mr. John Sparks and Jason Clements, **Sports Facilities Management**, gave a power point presentation detailing the financial updates on the Hoover Met Complex. A copy of this report is on file in the Office of the City Clerk.

3. **CONSENT AGENDA.**

Mr. Smith stated that all of the items in the consent agenda were discussed at work session. Item c. was moved to the regular agenda by Mr. Smith due to more discussion on this topic.

The City Attorney read the following items:

- a. **Resolution No. 5933-19** – Authorize Mayor to execute Task Order Agreement with Shelby County and G-Squared, LLC, for professional mapping services.
- b. **Resolution No. 5934-19** – Amend Budget FYE 9/30/19.
- d. ABC Application – 050 Retail Beer (Off Premises Only) and 070 Retail Table Wine (Off Premises Only) for Diamond Jubilee Market Inc. d/b/a **Ross Bridge Grocery**, 3601 Market Street, Suite 105.
- e. Payment of bills.

Mr. Lyda made a **motion to approve all items on the Consent Agenda** with the exception of item c., which is being moved to the regular agenda. Mr. Greene seconded the motion. On voice vote the motion carried unanimously.

4. **REGULAR AGENDA.**

Mr. Greene requested that item c. that was moved from the consent agenda to the regular agenda be taken as the first item on the regular agenda.

RESOLUTION NO. 5936-19- AUTHORIZE MAYOR TO EXECUTE AN AGREEMENT REGARDING A HOTEL FEASIBILITY STUDY

Mr. Lyda made a **motion to approve Resolution No. 5936-19**. This motion was seconded by Mr. Greene for the purpose of discussion.

The City Attorney read Resolution No. 5936-19. This would authorize the Mayor to execute an agreement regarding a hotel feasibility study.

Mr. Arnold Singer commented that hotels as part of convention centers and ballparks are normally built together and he felt this study should have been done prior to building the Finley Center.

There being no further discussion, Mr. Smith called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5931-19 – POLICE DEPARTMENT COMPENSATION (Continued from the 1/22/19 meeting to the Call of the Chair)**

Mr. Lyda made a **motion to approve Resolution No. 5931-19**. This motion was seconded by Mr. Posey for the purpose of discussion.

The City Attorney read Resolution No. 5931-19. This would modify the Police Department Work Week for overtime purposes under the Fair Labor Standards Act such that it is based upon a forty hour, seven day pay period with time and one half overtime being paid by the City for any hours a non-exempt police officer works over forty hours per pay period; and for detention officers it is based upon an 84 hour, fourteen day pay period with overtime paid for any hours a non-exempt detention officer works over eighty hours.

Mr. Murphy wanted to know if there had been any discussion with the police department since the last meeting. Mr. Rice responded that he communicated to an all police email group with an explanation of what this resolution would do and how they were sure of the authority the Mayor had to change it. He also had a chance to visit with some of the officers over the weekend. Mr. Posey wanted to clarify that in no way would the pay of the officers be cut at the end of the week nor would there be a change in their work week or a need to adjust salary. Mr. Rice said there would not be a change to the work week and overtime will start after 40 hours instead of 43 hours. Mr. Posey asked about possible litigation on this matter. The City Attorney clarified that Mr. Posey was referring to a claim; and from a legal standpoint that claim is unrelated to this resolution.

Sgt. David Wright, Hoover Police Department, reiterated his comments from the January 22nd meeting opposing the changes from the resolution and insisting that retirement figures would be affected and asked that the resolution not be passed.

Chief Derzis commented that he spoke with quite a few police officers and he agreed that officers should be paid overtime after 40 hours of a work week.

Mr. Shaw asked for clarification from the City Attorney that the Mayor has the authority to perform this action without the resolution from the Council. The City Attorney responded that the resolution prompted the action of the Council but was not necessary.

Mayor Brocato commented that the issue was brought up about pension months ago and the Retirement Systems of Alabama was contacted on the matter. He emphasized that the changes that will be made to overtime will not affect the officers' pensions.

After further discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea". Mr. Shaw, Mr. Lyda and Mr. Smith abstained. The motion carried.

6. **RESOLUTION NO. 5935-19 - AUTHORIZE MAYOR TO EXECUTE A CONTRACT FOR CITY EMPLOYEE HEALTH CLINICS WITH PARETO HEALTH AND WE CARE**

The City Attorney read Resolution No. 5935-19. This resolution authorizes Mayor Brocato to execute a collaborating employer agreement with Pareto Health AL, LLC and We Care TLC, LLC for the establishment, administration, and management of city employee health clinics.

Mr. Lyda made a motion to **approve Resolution No. 5935-19**. This motion was seconded by Mr. Greene for the purpose of discussion.

Mr. Lyda had questions for Mr. Cooper Johnson with S.S. Nesbitt. Mr. Johnson said that Pareto Health is not owned by S.S. Nesbitt and they have about four other organizations they use and recommend to clients. Mr. Johnson said they look at each client individually.

Mr. Arnold Singer was following up and asked if any other local business had been notified such as American Family Care for consideration for this type of agreement.

Mr. Rice clarified that American Family Care does not sell the product they are buying for employees. This is about clinics that are specific for employer groups. Dr. Middlebrooks offered further discussion to clarify Mr. Singer's response.

Mr. Smith called for any other questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5937-19 - AUTHORIZE MAYOR TO EXECUTE AN AGREEMENT WITH THE BIRMINGHAM CHILDREN'S THEATER AND THE RIVERCHASE GALLERIA**

The City Attorney read Resolution No. 5937-19. This resolution authorizes Mayor Brocato to execute an agreement with the Birmingham Children's Theater and the Riverchase Galleria regarding a theater production at the Galleria.

Mr. Lyda made a motion to **approve Resolution No. 5937-19**. This motion was seconded by Mr. Greene for the purpose of discussion.

Mr. Smith noted this project comes forward from Mr. Posey and the Hoover Arts Council. It would allow for four performances this summer of the Children's Theater to be held at the Galleria.

Mr. Posey commented this would be great way to bring the arts and the community together.

Mr. Smith called for any other questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

8. **PUBLIC HEARING ON ABATEMENT OF TWO INOPERABLE VEHICLES - RESOLUTION NO. 5938-19**

Mr. Smith stated this is a public hearing regarding the abatement of two inoperable vehicles on property located on 2244 Pine Lane.

Mr. Jim Wyatt reported that the property owner is working on getting the vehicles moved. If they are not moved the city will have them towed.

Mr. Smith called for any other questions or comments from the Council or the audience for the public hearing.

The City Attorney read Resolution No. 5938-19. This resolution affirms the determination of the authorized representative of the city related to the vehicle found on property located at 2244 Pine Lane. The Council finds that no further information, evidence, and/or additional investigation is needed concerning this matter in the abatement of inoperable vehicles located at 2244 Pine Lane and is hereby ordered as allowed by law.

Mr. Lyda made a motion to **approve Resolution No. 5938-19**. This motion was seconded by Mr. Greene for the purpose of discussion.

Mr. Smith called for any other questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

9. **2ND READING ORDINANCE NO. 19-2419 – AMEND MUNICIPAL CODE REGARDING PARKING REGULATIONS**

The City Attorney had the second reading of Ordinance No. 19-2419. This ordinance modifies the Municipal Code, Chapter 9, Motor Vehicles and Traffic regarding parking regulations deleting Article 5 stopping, standing, and parking in its entirety and replacing the article as set forth in the ordinance.

Mr. Lyda made a motion to **adopt Ordinance No. 19-2419**. This motion was seconded by Mr. Greene. Mr. Smith called for comments or questions from the Council or the audience.

After a brief discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, “Yea”; Mr. Lyda, “Yea”; Dr. Middlebrooks, “Yea”; Mr. Murphy, “Yea”; Mr. Posey, “Yea”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

10. **2ND READING ORDINANCE NO. 19-2420– ANNEX 3269 MONTE D’ORO DRIVE AND 3236 PINEHURST DRIVE**

The City Attorney had the second reading of Ordinance No. 19-2420. This would annex 3269 Monte D’Oro Drive and 3236 Pinehurst Drive into the corporate limits of Hoover.

Mr. Posey made the motion to **adopt Ordinance No. 19-2420**. This motion was seconded by Mr. Greene. Mr. Smith called for comments or questions from the Council.

There being no discussion, on roll call vote the votes of the Council were as follows: Mr. Greene, “Yea”; Mr. Lyda, “Yea”; Dr. Middlebrooks, “Yea”; Mr. Murphy, “Yea”; Mr. Posey, “Yea”; Mr. Shaw, “Yea”; and Mr. Smith, “Yea”. The motion carried unanimously.

11. **COMMENTS/QUESTIONS**

Mr. Smith called for additional questions or comments from the Council. There being none, he called on the members of the public that previously signed up to speak.

Ms. Lisa Singer, Fairview Lane, Riverchase, and **Ms. Shilpa Gaggar**, 1384 Scout Trace, spoke about wanting to see more conversation between the city and the public regarding diversity issues and ways to make Hoover a greater community as a whole.

The following people spoke about events that took place at the Galleria on November 22, 2018, conversations that have taken place since that time, and the need for more conversation moving forward: **Iva Williams**, Birmingham, Alabama; **Ms. Lawson**, Pleasant Grove; and **Carlos Chaverst, Jr.**, Birmingham, Alabama.

12. **EXECUTIVE SESSION**

Mr. Smith stated the Council is about to go into **Executive Session** for the purpose of discussing pending real estate litigation.

The City Attorney concurred that this purpose meets state statute.

Mr. Smith stated that **at the end of the session the regular will be deemed adjourned**. The Council will not return to the chambers for any additional business.

Mr. Lyda made a **motion to go into executive session**. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

Margie Handley, City Clerk