

**CITY OF HOOVER
CITY COUNCIL
MINUTES
FEBRUARY 17, 2020**

The City Council of the City of Hoover met in regular session on this date at 6:00 PM, in the Theater at Spain Park High School, following publication and posting pursuant to Alabama Law. Council President Gene Smith called the meeting to order and the City Clerk called the roll with the following:

Members Present: Gene Smith, Council President
John Greene, Council Pro-Tem
John Lyda, Council Member
Casey Middlebrooks, Council Member
Curt Posey, Council Member
Mike Shaw, Council Member

Members Absent Derick Murphy, Council Member

Other Officials Present: Mayor Frank V. Brocato
Phillip Corley, City Attorney
Rod Evans, 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
Nick Derzis, Police Chief
Wendy Dickerson, City Clerk
Susan Fuqua, Municipal Court Director
Greg Knighton, Economic Development Director
Mike Lewis, Human Resources Director
Frank Lopez, Revenue and Taxation Director
Melinda Lopez, Chief Financial Officer
Mac Martin, City Planner
Dustin Moore, Fleet Director
Linda Moore, 911 Director
Ben Powell, City Treasurer
Melanie Posey, Public Information Officer
Chris Reeves, Assistant City Engineer
Allan Rice, City Administrator

Angela Roper, Fleet
Jim Wyatt, Building Inspections Director
Mindy Wyatt, Applications Systems Specialist
Marty Gilbert, Acting Building Inspections Director

Mr. Greene led the invocation.

Mr. Posey led the Pledge of Allegiance.

MINUTES

The minutes of the following meetings were presented for approval: January 30, 2020 (Work Session) and February 3, 2020 (Meeting).

MOTION: Motion to dispense with the reading of the minutes of the January 30, 2020 (Work Session) and February 3, 2020 (Meeting) and approve them as presented was by Mr. Lyda and second by Mr. Greene. Mr. Smith called for a voice vote and the motion carried approving the minutes of the January 30, 2020 (Work Session) and February 3, 2020 (Meeting).

ANNOUNCEMENTS AND GUEST RECOGNITION

- The Mayor recognized Mr. Craig Kelly and Dr. Murphy

Mr. Kelly stated that the Board of Education welcomes them and thanked them for being at Spain Park High School. He thanked them for considering that side of town and that it is very important for them to feel connected. He thanked them for all of the help and services that they provide, especially for City Schools.

Mr. Smith stated that they have a long time before they are able to find home again so they may be back.

Mr. Giangrosso, Principal, stated that they will always be welcomed at Spain Park. He stated that they have a project that they are very proud to get started with and get done. If they pull onto Valleydale Road and come to the stop signs, right before they either turn to the school or to the stadium, there is nothing that says "Spain Park High School". They thought that they should have something to let people know that that is the school. There is a handout that shows how that would look. They took it a step further, rather than it just to say Spain Park High School, they wanted to do something to recognize not only their country, but their state, so they had the three flags and flag poles put into the rendition. Their armed forces club decided to have inserts in the bricks. They are going to have to go back in time to 2001 and every graduate that has gone into the military and served honorably will have a brick in their name. They want to get the

project done first so that every graduate that everyone that graduated from Spain Park will have their name, the year they graduated, and their branch of service. They are very proud of that and would like to do more things to recognize their armed forces sponsor, Mr. Buz Williams. He was behind that. They came up with the flags idea and the name of the school, and he asked them to take it a step further. That is what their plans are. They are very thankful. The City, their Board of Education, and the community has helped them with that. They are very proud of this project. If the weather changes, maybe they will have it ready by their next meeting.

Mr. Smith asked if he had done any fund raising for the pavers.

Mr. Giangrosso stated that they might do that. They have a way that they have already talked about it with the Armed Forces club.

Mr. Smith stated that he would love to participate and he is sure other members of the Council will as well.

Mr. Giangrosso thanked him. He stated that he knows Mr. Kelly would like to come up to thank some people as well.

Mr. Kelly thanked them and stated that he is only there to thank several people. He thanked the City Government for supporting this. When Mr. Smith called him four or five months ago to show him what he was trying to do, which is the rendering project. He did not ask for money and he asked how they were going to pay for it. He was not asking for a budget amendment. He stated that they were going to try their best to raise the funds outside of his operating budget as well as the Board of education. In between Public Works, Operations for the City, Mr. Mattis and Mr. Daniels had their departments come out cheerfully. They got advice and met Dr. Middlebrooks and Mr. Westhoven came out. A lot of people did what they did not have to do for their jobs to support the project. They have donations from local businesses that gave money for things such as the concrete. He honored Mr. Mooney, Mr. Giangrosso, and Dr. Middlebrooks for their passion and support. He stated that the Hoover City Schools are truly blessed to have the governmental and local state's support for such a meaningful project. He thanked their Superintendent Dr. Murphy. Their City Government and Board of Education get along great. It is not that case in many places in Alabama.

Mr. Giangrosso stated that he wanted to bring awareness to Mr. Mooney donating the flag poles and the flags, the state flag that has flown on the State Capital and the American flag over the White house. They are very blessed that these will be the first two flags to be flown on there along with the Spain Park flag. They appreciate his support. They told him that they were doing a project and he really came through for them.

Mr. Mooney stated that it is his honor and privilege to be present with them for the presentation of the flags. He stated that his wife, Kelly was there with him. The Spain Park High School is a shining star in his House District. He stated that this is House District 43. Having a school like Spain Park in this district is very special. Veterans Park is very special to be in his House District. They get to see many of the things that Hoover does to recognize and honor people and allow charities to grow and prosper. It is a great meeting place. It is great to see this flag court be the first of Alabama. He does not know of any other flag courts that has been done in this way. This character project is very meaningful to him. He is extremely proud of Spain Park High School and he is very appreciative to Principal Giangrosso to allow him to be part of this. Dr. Middlebrooks, their librarian, as well as the City Councilman has given him the opportunity to be a part of an outstanding character-building project. It is a great privilege and pleasure to have the honor to present this beautiful symbol of their country, the flag of the United States of America, the stars and stripes and also, the beautiful symbol of the state of Alabama, the red Saint Andrew's cross to Spain Park High School. Hoover City Schools, the City of Hoover for the flag court the honor of Spain Park's students, staff, faculty, and administrators who served their nation in the armed forces of the United States of America. They were flown over the Nation's Capital and their State Capital. He appreciates the assistance of Congressman Gary Palmer of Alabama's sixth Congressional District and Governor Kay Ivey in acquiring them. He stated may they always fly over Spain Park High School, honoring its service men and women, representing limitless self-government instituted by their nations' founders and the founders of their state that will always champion freedom and justice for all.

Dr. Murphy stated that she is there to thank them. He thanked them for allowing them to collaborate with Chief Derzis and with their Fire Department. They have had a second active shooter drill at Simmons today. It was an excellent opportunity for them to work as alongside them. It is not a drill that any of them enjoy having to think about, walk through, and attempt to visualize. It is the day and time that they live through and it is a necessity for them to be thinking safety every day in their school district. In addition to that, they did an evacuation drill from Simmons Middle School a few weeks back. They actually walked those students from Simmons as if they had a necessity to do so, and relocated those students to Gwin. Just being thoughtful about relocation of students in the event of a devastating matter occurring is also something that they have assisted them with. She stated that they are exceptionally grateful and thanked them. She thanked Mayor Brocato because he joined them for professional development. Their school district is having two days of professional development. They are calling that Learn, Teach, and Inspire. She thanked the Councilmen for all the ways they support them.

Mr. Smith thanked Representative Mooney for his time and wished him well on his campaign coming up March 3. He asked Dr. Middlebrooks if he had anything to say.

Dr. Middlebrooks thanked Representative Mooney. He stated that he understands that the school reached out to him by the possibility of sponsoring the state flagpole of this project. They are reaching out to other members to sponsor Spain Park and the United States flagpoles. Representative Mooney asked what the cost of all three be and covered all three of them. He always goes above and beyond whenever they sought him out for anything. He has been a terrific partner to this school and to the City so for that he is very appreciative and thankful.

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

There being none, Mr. Smith stated that we would move on to the consent agenda.

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 6188-20

A RESOLUTION APPROVING AN ALCOHOL LICENSE, J AND P FOOD SERVICES, INC. D/B/A COSTAS MEDITERRANEAN CAFE, REZA JAHADIAFOOSHTEH, EXECUTIVE(S).

RESOLUTION NUMBER 6189-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH VERIZON WIRELESS.

RESOLUTION NUMBER 6190-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BOLD GROUP FOR THE UPGRADE OF THE HOOVER ALARM MONITORING SYSTEM.

RESOLUTION NUMBER 6191-20

A RESOLUTION AMENDING THE RESOLUTION FOR RETIREMENT INSURANCE.

Mr. Corley read the Resolutions.

MOTION Motion to approve the Consent Agenda was made by Dr. Middlebrooks seconded by Mr. Lyda.

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

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting the Consent Agenda.

Regular Agenda

RESOLUTION NUMBER 6193-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ENTERPRISE RESOURCE PLANNING AGREEMENT

Mr. Corley read the Resolution.

MOTION Motion to approve Resolution Number 6193-20 was made by Mr. Middlebrooks seconded by Mr. Lyda.

Mr. Smith stated that this was one of the three large components last Thursday evening. He knows staff has been working with the Council since last summer to. He asked Mr. Rice if he had any comments

Mr. Rice stated that they are very excited and they appreciate the patience of the Council, in particular Mr. Shaw for working with them on the presentation format to get to this point. This item will authorize the Mayor to authorize the actual contract. There is about a 45-day launch window between the times that they return these documents to the vendor and when they plan to be in the actual hard work. They appreciate their support.

Mr. Smith stated that he understands that with the adjusted budget they will be making a payment of \$1,045,000 along with a \$234,000. He asked if the \$234,000 is going towards a training or maintenance.

Mr. Rice stated that that is the first year annual maintenance agreement. The previous amount that he cited is the modules that they will begin to roll out in this fiscal year.

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

Mr. Shaw thanked Mr. Rice for hearing him out on that. It is a lot of money and he knows that it was dropped from the original budget. They wanted to hear more and they came back and went above and beyond. He thanked the City Staff for doing that as well. He is in favor of it and thanked them for helping to understand why it was important and why it was needed.

Mr. Smith asked what the balance would be for the next budget.

Mr. Rice stated that he thinks that the total is about \$2.7-million on the modules themselves, excluding any annual maintenance fees.

Mr. Smith asked if it was the \$2.1-million plus the \$234,000.

Mr. Rice stated that yes; it is about an additional million and about \$2.1-million.

Mr. Smith stated that it would be plus another year of maintenance.

Mr. Rice stated yes and those will escalate as they bring more modules online.

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

Mr. Singer, Riverhaven Place, stated that he has been involved with computers since 1959. He has been a consultant, but he has never seen a document as detailed as this contract. He stated that he could express it in one word, which was “accountability”. The detail that is in the contract represents a checklist that anyone that can see the status regarding progress or lack of progress in a particular area. He stated that it was a job well done to come up with such a document.

Mr. Smith asked Mr. Rice if he had anything else.

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 6193-20.

RESOLUTION NUMBER 6194-20

A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020.

Mr. Corley read the Resolution.

MOTION Motion to approve amended Resolution Number 6194-20 was made by Dr. Middlebrooks seconded by Mr. Lyda.

Mr. Smith stated that this resolution and budget amendment appropriated the funds needed to pay for the ERP, as well as \$50,000 to go towards a new device that will assist their Police Body Cams. He asked if there were any questions or comments from the Council or audience.

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 6194-20.

ORDINANCE NUMBER 20-2472

2ND READING - AN ORDINANCE AUTHORIZING THE LEASE OF UNNEEDED MUNICIPAL REAL PROPERTY OF THE CITY OF HOOVER, ALABAMA.

Mr. Corley read the Ordinance.

MOTION Motion to approve Ordinance Number 20-2472 was made by Dr. Middlebrooks seconded by Mr. Lyda.

Mr. Smith stated the NASRO is going to do about \$100,000 worth of improvement, so obviously they wanted to make sure that they had a lengthy extension. He asked if there were and comments or questions from the Council or audience.

There being none, Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – yes	Mr. Lyda – yes
Dr. Middlebrooks – yes	Mr. Posey – yes
Mr. Shaw – yes	Mr. Smith – yes

Motion carried.

RESOLUTION NUMBER 6181-20

2ND READING - PUBLIC HEARING - A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR THE PATTON CREEK ART FESTIVAL FOR THE PROPERTY LOCATED AT 4445 CREEKSIDE AVENUE, HOOVER, ALABAMA. MOTION TO APPROVE.

Mr. Smith read the Ordinance.

Mr. Smith asked if there was anyone present that would like to speak to this Resolution.

No comments were made.

Mr. Smith closed the public hearing

Mr. Corley read the Ordinance.

MOTION Motion to approve Resolution Number 6181-20 was made by Mr. Shaw seconded by Mr. Greene.

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

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 6181-20.

RESOLUTION NUMBER 6182-20

2ND READING - PUBLIC HEARING - 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. MOTION TO APPROVE.

Mr. Smith read the Resolution.

Mr. Smith stated that he believes that this church began at a modular building and now they have built a sanctuary and are ready to expand and have Sunday school classes in their own facility.

Mr. Smith asked if any one cared to speak to this Resolution.

Mr. Cope, church representative, Trace Crossings Dr. stated that they have already been before the Zoning Committee and he thinks that it is clear that they want to expand the classes at the church.

Mr. Smith asked what size is the congregation.

Mr. Cope stated that there are actually two congregations together there. Lake Crest is the owner of the building that he mentioned. Cross Creek Church is another church that was planted and meeting at the schools for several years. The total combined is 160-170 in those congregations. They have about 55 children. They would like to continue to grow.

Mr. Smith stated that he hopes that his church continues to grow in the decades to come. He asked if there were any questions for Mr. Cope from the Council or audience.

No questions or comments were made.

Mr. Smith closed the public hearing.

Mr. Corley read the Resolution.

MOTION Motion to approve Resolution Number 6182-20 was made by Mr. Shaw seconded by Mr. Greene.

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

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 6182-20.

ORDINANCE NUMBER 20-2471

2ND READING - PUBLIC HEARING -AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE OF HOOVER, ALABAMA. MOTION TO APPROVE.

Mr. Martin read the Resolution.

Mr. Martin stated that as they mentioned in Work Session, this Ordinance would be tailor made for those portions of the City that developed prior to their current zoning or subdivisions regulations being in place. Many of these places were annexed into the City. Primarily, this would give not only cases of nonconformities that are addressed, but also additional flexibility with front yard setbacks. He asked if there were any questions or comments.

Mr. Smith asked if this allows construction of anything that would normally be put in a PUD.

Mr. Martin stated that this district, as far as uses are concerned, mirrors that of the R-1 district.

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

Mr. Shaw asked Mr. Martin, just to characterize, if this is for the older neighborhood.

Mr. Martin stated that that is correct.

Mr. Shaw stated many of their homes built in the 50s and 60s are one district and they are always having to get BZA variances and such. He stated that after his technical expression, this is response to the neighborhood having more flexibility. They went back and forth in Planning and Zoning. He thinks that they came up with a good solution. He stated that he appreciated Mr. Martin's work on that.

Mr. Martin stated that not only is the Planning Commission recommended in favor of it, but also the Board of Zoning Adjustments, with their BZA chair putting his endorsement on it. He

anticipates, once in place and assigned to a geographical area that reduce the need for the public to come and seek variances.

Mr. Smith asked if there were any questions or comments from the audience. No questions or comments were made.

Mr. Smith closed the public hearing.

Mr. Corley read the Ordinance.

MOTION Motion to approve Ordinance Number 20-2471 was made by Mr. Shaw seconded by Mr. Greene.

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

There being none, Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – yes	Mr. Lyda – yes
Dr. Middlebrooks – yes	Mr. Posey – yes
Mr. Shaw – yes	Mr. Smith – yes

Motion carried.

1st Reading For March 2, 2020 (No Action To Be Taken At This Meeting)

ORDINANCE NUMBER 20-2474

AN ORDINANCE OF THE CITY OF HOOVER TO MODIFY CHAPTER 9, MOTOR VEHICLES AND TRAFFIC AND TO REPEAL ALL ORDINANCES AND PARTS OF THE ORDINANCES OF THE CITY OF HOOVER IN CONFLICT THEREWITH. NO ACTION TO BE TAKEN AT THIS MEETING.

Mr. Corley read the Ordinance.

Mr. Smith asked if there were any comments from the Council, Mayor, or audience.

There were no comments or questions.

COMMENTS/QUESTIONS

Mr. Singer, Riverhaven Place, stated that it has been a lot of work on Riverhaven Dr., which has caused a lot of anguish in his household. Ever since Thursday, they have lost TV reception, via cable three different times. He has spent almost seven hours on the phone trying to get things resolved. It even caused them to replace their TV set, based upon the recommendation

of the Spectrum service person. He stated that hopefully by tomorrow afternoon they would be functioning. It has been a horror. There is a company by the name of Gator Trenching and Boring that is doing work. He does not know if they are on the 5G project or it is Alabama Power because he has seen their vehicles in the area. It reminds him of the situation that they had along Municipal Dr. where at various times power and air conditioning was lost at the Recreation Center and the Senior Center. He stated that he hopes that no other neighborhood will be affected the way they have been as this work goes on throughout the City. He understands the benefits that will happen, but in the meantime, they have added to the City's sales tax revenue by buying a new TV at Costco.

Mr. Smith asked Mr. Wyatt if he knows whose project that may be.

Mr. Wyatt stated that he thinks that it might be Spectrum's.

Mr. Smith asked Mr. Singer if he feels that their work has destroyed his television.

Mr. Singer stated that he feels that he could only assume that, but he has no actual proof. There has been some trees chopped down that were left in the grassy area, over hanging into the roadway. He stated that that afternoon around noontime, he went to the rec center to do his one-mile walk. When he came back, a Public Works vehicle was there with its equipment removing that debris. He stated that if that was created by a contractor, that should be their responsibility. It is the same way with clearing the streets because there has been all kinds of debris in the streets and the vehicles go over the debris, causing the roadways to age prematurely. He thanked the Public Works Department for doing the right thing for the citizens.

Mr. Smith stated that he would pass that along to that staff. He stated that perhaps Mr. Wyatt could assist him with getting in touch with the right people in Spectrum. He asked if there was any further discussion from the public.

Mr. Matthew Smith, Paulette Dr., stated he wanted to discuss the flooding issue that many have experienced. He stated that obviously there was a storm throughout the entire City. He lives on Paulette. At the very bottom of the hill, all of the debris washes down. It washes through the storm drain easement, which frequently gets clogged up. Some contractors throw their leaves in there while others throw their trash in there. It all washes into his yard and in the back causing flooding issues. The other day the flooding was so bad that it could not go through the easement or the storm drain. He proposed is working off the storm drain easements a bit more. On Tuesday, he watched a truck sit out there for an hour and he watched them pick up four sticks.

Mr. Smith asked who "they" is.

Mr. Matthew Smith stated that it was someone from the City of Hoover. This is a drain that is about 5 ft. even. Obviously, with the flood, the water was overflowing. He stated that he understands that and there is no issue there. He is not asking for them to come through and clean up his yard. He is asking that they consider working on the storm drain easements so that they flow more adequately. This is an older neighborhood. His house, yard, and backyard got flooded.

The easement sits stagnant in the summer time. They usually have snakes during that time period. He stated that he has a son on the way. As a little kid, he liked to play in drains, as most kids do.

Mr. Gardener, Acre Drive stated that one idea that he had was that if the City had opportunities to educate the public on what can be done by individuals. He asked if they can help through work sessions, neighborhoods, or anything where the public can take accountabilities themselves and not just relying on the City to do it for them. He stated that he did not know if there was a program that the staff could put together to help the neighborhoods and people as a whole.

Mr. Matthew Smith stated that it was mentioned earlier that the City used to be allowed allocate the amount of money to handle these issues. He stated that maybe they can have someone allocated to help with the right of way and the easements for all residents in the City.

Mr. Smith asked Mr. Corley to explain the City's current position and why the take that position.

Mr. Corley stated that he would speak with more individuals after the meeting about the law. A few issues that the City is unable to do is to perform work on private property to benefit a private citizen without a broad public purpose to benefit the City. He thinks that most of drainage easements questions or complaints that they hear about are not owned by the City or has not been accepted for maintenance by the City. Those were put in place by the developers who originally built the neighborhoods and private property. Those easements were either owned by the Home Owners Association and the City cannot maintain those easements. What happens if they evaluate each complaint as it comes down to see if it is in an area where the City has accepted maintenance or is in a public right of way and if any of those conditions are true, they can fulfill that work, but in most cases they cannot. He stated that they would be happy to look at that specific situation and work with them any way they can. He stated that he could also give them the legal backup for that.

Mr. Smith asked if anyone else from the public or Council had any questions or comments.

There being no further business, the meeting was adjourned at 6:45 p.m.

Gene Smith, Council President

Frank V. Brocato
Mayor

ATTESTED BY:

Wendy Dickerson, City Clerk