

**CITY OF HOOVER
CITY COUNCIL
MINUTES
MARCH 16, 2020**

The City Council of the City of Hoover met in regular session on this date at 6:00 PM, in the Hoover Senior Center, 400 Municipal Dr., Hoover, Alabama, 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
Derick Murphy, Council Member
Curt Posey, Council Member
Mike Shaw, Council Member
Casey Middlebrooks, Council Member

Other Officials Present: Mayor Frank V. Brocato
Phillip Corley, City Attorney
Jehad Al-Dakka, Executive Officer, Police Department
Clay Bentley, Fire Chief
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, PhD, Chief Financial Officer
Chris Reeves, City Engineer
Mac Martin, City Planner
Craig Moss, Parks and Recreation Director
Linda Moore, 911 Director
Mac Martin, City Planner
Craig Moss, Parks and Recreation Director
Ben Powell, City Treasurer
Allan Rice, City Administrator
Jim Wyatt, Chief Operations Director
Mindy Wyatt, Applications Systems Specialist
Tynette Lynch, Aldridge Gardens Director
Tina Bolt, Finance Director

Debbie Carrier, Risk Management Director
Marty Gilbert, Acting Building Inspections Director

Mr. Greene, Hoover City Clerk, led the invocation.

Mr. Posey led the Pledge of Allegiance.

There were no reports or presentations.

Regular Agenda

RESOLUTION NUMBER 6225-20

CITY OF HOOVER, ALABAMA RESPONSE TO GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY.

Mr. Corley read a summary of Resolution Number 6225-20

MOTION Motion to approve Resolution 6225-20 was made by Mr. Lyda and seconded by Mr. Greene.

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

Mr. Lyda stated that last Thursday night, the Council spoke about what they had been watching in the global markets, national markets, and what is assumed to be impacts on the local economy, if there has not already been a significant impact. Unfortunately, the Council does not know what those impacts are as there is lag time in the tax revenue. The Council and their responsibility to the City of Hoover to maintain sound fiscal policy, should consider a resolution that makes it known that while the safety, health and wellbeing of the citizens continues to be the top priority. There are some measures that the Council needs to consider, while the Council figures out in the interim what impact this is going to have on the local economy. As Mr. Corley will introduce, this Resolution to say that the Council is aware that they may be entering into a time where finances and what is budgeted to come in revenue may not come in as projected. It includes items that freezes travel, new hires, and position replacements without the Council's approval. The Council can consider those at any time as the needs arise. It includes a section that puts a freeze on any new budget amendments. It puts a freeze on items that the Council does not need to hear in this time of uncertainty.

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

Dr. Middlebrooks stated that he thinks that some of the employees may be concerned going forward. He stated that he wanted assurance to them that no one is not going to be paid during this time. He asked Mr. Smith is that is correct.

Mr. Smith stated yes.

Dr. Middlebrooks asked if there was no one is losing their job, or their hours, and asked if they are still paying their employees. He stated that that is a very important message to put out there.

Mr. Smith stated that they will also pay all their bills.

Mr. Lyda stated that he thinks that it is important to point out that this measure is being put in place to prevent that.

Mr. Greene stated that a concern that he has is that he does not know the depth of what all this Resolution will affect the operations of the City. He stated that because of that he has not obtained explanations on questions he has. He will be voting no on this Resolution.

Mr. Lyda stated that he would be glad to answer any questions regarding the resolution.

Mr. Smith asked Mr. Corley to read the Resolution in its entirety.

Mr. Corley read the Resolution.

Mr. Smith stated that he believes that a motion is necessary to amend this Resolution. He stated that Item 6 is known not to include salary, benefits, gasoline and tires.

MOTION Motion to amend Resolution 6225-20 to not include salaries, benefits, gasoline, and tires was made by Mr. Lyda and seconded by Mr. Posey.

Mr. Shaw asked Mr. Corley if they have to vote on that amendment as a group.

Mr. Corley stated yes.

Mr. Smith stated that there may be other amendments. He asked Mr. Corley if they should vote on them separately.

Mr. Corley stated that they can be voted on in the same motion, but right now the motion is strictly for that amendment.

Mr. Smith asked if there were any other questions from the Council or audience. There being none, Mr. Smith called for the question to amend Resolution 6225-20 with a roll call vote, as follows:

Mr. Greene – no	Mr. Lyda – yes
Dr. Middlebrooks – yes	Mr. Murphy – yes
Mr. Posey – yes	Mr. Shaw – yes
Mr. Smith – yes	Motion carried.

Mr. Smith stated that the amended version is now on the table. They have now need a vote to pass it as amended. Mr. Smith asked if they need a motion.

Mr. Corley stated that they already have a motion.

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

Mr. Murphy stated that he understands when a situation as such causes a national and international impact, it always diverts the way people spend. The Cities are supplied on tax base to provide salaries and such. He stated that things work in waves and he would like to know a little bit more about it in detail before they move forward. For instance, with capital spending once spending is stopped on a capital asset, those are employees and people that would typically be in the City now does not spend money in the City. He spoke with several restaurant owners and they have perceived a drop, in many cases by 50%. The retail and grocery stores will pick that up as people are beginning to buy a lot, initially to prepare for when schools are closing, resulting in them not going to restaurants as much. The supply chain, as far as the whole sale, is where they would spend more money. There will be a point where the restaurants will begin to pick back up because of that. It goes in waves and none of them can gage that. He understands a level of concern. He would love for the City, the Council, and the Mayor the collaborate and monitor this a little closer over a period of time before they make a decision. It is his understanding that the capital projects will come back before them to see the top two or three bid opening results, which means that the Council can vote it down for that period of time. There are a ton of safeguards in place that the Council can make a judiciary decision at that particular time. He stated that he is not saying that one group is right over the other. He stated that he would like to see this develop a little more because it takes time to put a bid out, advertise it, and award it. It could be anywhere from 30 days, to 6 months, to 180 days before that comes down. He stated that those are some of the things that he has some concerns about, but he understands both sides of it.

Mr. Shaw stated that this is not business as usual. The fact that the emergency rate cut to zero is a huge quantitative mean that they have not seen since 2008. He thinks that the time to act is now. These things move very quickly. He thinks that the Council will always be evaluating the situation, but he thinks that that is the point. He is in strong favor of this. They just found out that the Hoover restaurants in Jefferson County will be serving take-out only. The Council knows that this is going to have a significant impact on Hoover's Revenue.

Mr. Smith stated that this was not bought up without looking at the history of the City. This was pretty close plan as to what happened in 2008 in the recession then where the City lost about \$12 million out of less than a \$100 million budget over night. They have followed with this Resolution with many of the same issues that were dealt with then, but they did not include things like the elimination of employees. Those are things that could occur if things get bad enough. In 2008 the employees were happy to do that in order to keep their colleagues and losing their jobs for layoffs. They were fortunate that they did not have to lay off anybody. They are following a plan that worked back then and he believes that it will work now. As with any other Resolution, this can be revisited at any time, especially dealing with the replacement of necessary personnel. He understands that they have a payroll position that needs to be dealt with. It is going to need to happen very soon. Perhaps that is going to need some consideration as well. He asked Mr. Rice if he cared to speak to that.

Mr. Rice stated that they have a couple of situations, if the Body would entertain some discretion on hiring. They had the very unfortunate loss of one of their employees several weeks ago. She was one of two individuals in the Payroll Department. With much of their planning they are asking who will do the job if the person gets sick and has to go home for two weeks. There is not an answer for that in Payroll. Interviews can start quickly and he would recommend some consideration there. Another immediate situation that they were trying to move forward with are technical questions so that they can move forward and get it filled. At one point, about 6 or 7 weeks ago, they had four engineers working for the City of Hoover. Today they have one and he works seven days a week. They do not propose to fill all of those positions immediately, but they do want some redundancy for workload. There are a couple of those types of situations that he would consider to be urgent.

Mr. Smith asked if the Council would like to address those two positions.

Mr. Lyda stated absolutely. In an effort to show flexibility intended in this Resolution, he believes that it is absolutely necessary to consider those.

Mr. Smith stated that he guesses that they need to get a motion to amend the amended.

MOTION Motion to amend the amendment to include the hiring of someone in Payroll and Engineering of Resolution 6225-20, was made by Mr. Lyda and seconded by Mr. Posey.

Mr. Murphy asked if they could vote on the amendments separately. He suggested that they add line items post this vote.

Mr. Posey asked if it would be as a separate Resolution.

Mr. Murphy stated yes.

Mr. Smith asked Mr. Corley how that would need to be phrased.

Mr. Corley stated that it would be a separate motion, a Resolution. They could take a motion from the floor.

Mr. Smith asked if they can bring another Resolution. He asked if they could bring one from the floor, even though it is not in writing.

Mr. Corley stated yes. They can make a separate motion to approve the hiring of those two positions as a supplement to this Resolution.

Mr. Smith asked if that is how the Council would like to move forward.

Mr. Posey stated yes, that it is a very wise thing to do.

Mr. Smith asked if the Mayor and staff had anything to say to this.

Mr. Murphy asked if they just did a motion and a second to add it within the initial item.

Mr. Smith stated that they are going to have another Resolution that will come from the floor to hire those particular spots.

Mrs. Dickerson stated that they have a motion and a second to amend the amendment.

Mr. Smith asked if that was to add the two positions.

Mrs. Dickerson stated yes. She stated that they would have to have a vote to do that or Mr. Lyda could withdraw the amendment to the amended resolution.

Mr. Corley stated that that is correct.

Mr. Lyda withdrew his motion for the amendment to the amended Resolution.

The Mayor stated that he appreciates the Council for working on this. He thinks that when he spoke to them on Thursday night, the message was clear that the City has to do something quickly. He is proud of the Department Heads and how they have been working nonstop on addressing the budget issue. Many of them have seen the first draft of it and they will have it out to them pretty soon. It contains significant moves by the City. As they have done in everything that they do, they did not act rash or seem panicked. They have gone by great guidelines. As he told them Thursday night, the City not only has the human side of it that it is dealing with, which is very difficult and has continued to grow, responsibilities continue to grow each day. The City, also, has the financial side of it. They want to be very careful in the way that they present anything to their employees and their citizens and to make sure that they are not panicking. Anything that they have done on the closures, for instance, they have acted under the guidelines of the CDC, the State Health Officer, the local Jefferson County Health Officer. They want to make sure that they are following the best practices. He stated that as he looks at this, he appreciates all of the hard work. He stated that he thinks that a lot of these things are already in the works. They have already had to make some amendments on hiring a City Engineer. The way it is written, the need for six fire fighters. If they do not get those hires, they will be possibly be cutting the firefighting staff. They have police officers that need to be hired. He just needs direction on that in terms of how they would allow him to exercise good judgement based on what their Department Heads have to say. They will always honor their requests. If they are continuing to amend, he thinks that they need to hear from the Police Chief and the Fire Chief. He stated that he does not want to create any problems for them down the road. They want to be methodical. He asked Mr. Smith to allow Chief Derzis and Chief Bentley to address any issues that they have. He stated that the amendments appears to limit the public safety and he does not want anything to limit him with his work with public safety.

Mr. Murphy stated that the root cause of them being present is upon health, safety and welfare. He thinks that it is an equal balance to understand that whenever they are approving a budget for first responders, it needs to be held where it is. In his opinion they need to honor that.

Chief Derzis stated that the Hoover Police Department currently has seven vacancies. A couple of weeks ago they had a Captain retire, right after 42 years with the City. Unfortunately, on Friday they had a Lieutenant pass away. He thinks that it is evident when they look at the type of job and the statistics of last year, they have done a great job of handling major crime in the City. That is because they have a plan. When they have a plan, which includes everybody having a job to do. The department is seven police officers short right now and he hopes that there can be some kind of consideration. The hiring process is a long process, even if they are hiring someone that is coming from a different agency. He understands that they are on unprecedented waters, but he does think that public safety is something that the citizens of Hoover expect and expect to be good. He thinks that they are there now and he hopes that they are able to get that consideration when they are hiring the personnel that have been approved. These are not new people, this is just to fill the vacancies that they have left.

Mr. Smith asked if there were any questions for Chief Derzis.

There were no questions from the Council.

Chief Bentley stated that they are in unchartered waters and he does not have the answers to everything. He stated that he would like to explain the Fire Department's situation over the next few months. They have six people that will retire over the next three months, three of those positions are in the Fire Marshall's Office. Those positions will be filled by ranking officers over the next couple of months. Those positions are critical for them and operations. He stated that he appreciates their flexibility and their consideration in this. A couple of years ago, they went through some hiring freezes and recognized early on that somewhere between six and seven personnel short would put them at a breakeven point where it was sometimes more economical for them to have full time personnel than it was to pay overtime. He does not have all the answers to that and he applauds them for wanting to get ahead of this. They, also, have a very critical capital project at Station 5, where they are doing some remodeling work that is required and that they are doing themselves. They are within budget and they need to continue that, because the fire fighters are sleeping in the quarters in the basement. Two of their main needs are to refill their current positions and to complete that project.

Mr. Smith asked Chief Bentley if the remediation of Station 5 is already underway.

Chief Bentley stated yes.

Mr. Smith asked if that is an existing project.

Chief Bentley stated yes. He just wanted to make sure that that was out there and that they understand that.

Mr. Lyda stated that the project at Station 5 is not impacted,

Dr. Middlebrooks asked if the workers that they received a grant for are working.

Chief Bentley stated yes, they are at Station 2.

Mr. Smith asked Chief Bentley how long he expects to make offers and if they still use the extra board.

Chief Bentley stated that they still use the part-time positions and there are no vacancies there, at this time. He stated that they make offers as soon as they can. They have people that are already interviewed for those positions. As people retire or put their intent to retire file their paperwork in 30 days, they try to get that process started so that they can put them to work as soon as those personnel retire.

Mr. Smith asked Chief Bentley how much money if they have remaining in their extra board budget.

Chief Bentley stated that they are within budget, but he does not know where they are at with that.

Mr. Smith asked if over a 30-day period they would be able to fill those spots with that.

Chief Bentley stated that it would help, but it would not be able to fill all the spots. Part-time personnel are required to work 24 hours a week and they can work up to 29 hours a week.

Mr. Smith asked if there were any questions for Chief Bentley.

Mr. Posey asked if he said that some offers have been made in some of those vacant positions.

Chief Bentley stated yes. No offers have been made in the new positions. He stated that they are in the process of filling a couple of vacancies now, but they have not made any offers to any of the new positions that have not retired yet.

Ms. Moore stated that they have six vacancies in the 911 Center. They had one employee that was unable to make it through the training program and two others left employment. They would be replacing those three with a new position from last year's budget, which makes a total of six. They have an Emergency Communications Manager that has a vacancy that they are interviewing. They have interviews set Wednesday to fill that internal promotion. After they make that promotion, they need to back field that position. She thinks that there was made mention of special circumstance and special revenue funds, considering that they do have 911 funding. It is a large portion of their budget, but she would like for that to be taken into consideration. They are implementing new technology to text 911.

Mr. Smith asked if this project has been contracted for.

Ms. Moore stated yes.

Mr. Smith stated that they are not hampered.

Ms. Moore stated yes. In terms of their personnel, they certainly do not want that to impact their high service level that they have come to expect out of their center and employees. They do not want them to incur additional over-time. The chair has got to be filled.

Mr. Smith stated that he knows that in her area there is a lot of over-time available. He asked if she made any offers on those positions.

Ms. Moore stated no. She stated that they did have the Communications Officer interview scheduled, but they cancelled those due to circumstances. They did not feel like it would be prudent to bring in people from the outside in an interview situation, given the situation.

Mr. Smith stated to Mr. Lewis that they heard about these three city services. He stated that he might have others that he can identify as vacant, soon to be vacant, and critical. He stated to Mr. Lyda that he is wondering if they should create a list for all of these positions and try to meet again in 72 hours, in order to look at those in a called meeting.

Mr. Lyda stated that he thinks that that is fair. He asked Ms. Moore how many of the three positions that they approved in October has she posted and began filling today.

Ms. Moore stated that they are all posted and they have applications and they were in the process of setting interviews.

Mr. Lyda stated that he thinks that they are seeing the Resolution act as they intended it for it to do. They are having a dialogue as a Council to make an informed, fiscally sound decision on the needs of the City moving forward. He stated that this is exactly what he hoped it would be. If in 72 hours, not to put it off for another 2 weeks, he thinks that that is very sage advice. Perhaps they can look at that list and continue this conversation and dialogue that they have.

Mr. Smith asked the Mayor if he thinks that he and his staff could get a list together for them so that the Council could meet Thursday at 5:00 P.M.

The Mayor stated yes. He asked if the Council wants to make a decision on which public safety position gets approved, or would they like for him to come with his recommendation.

Mr. Lyda stated for him to come with recommendations.

The Mayor stated that they can do that.

Mr. Murphy stated that Mr. Powell could possibly help answer his question. He asked if all capital expenditures and projects come before the City Council for approval. He asked if they approve competitive bid in Public Works.

Mr. Smith stated that he thinks that it is also the Finance Committees leadership opinion that they send a message to the community that they are going to revisit everything that is not currently underway. Future purchases and projects will be tabled for the time being.

Mr. Murphy stated that he can support this if number 2 and 4 are modified. Anytime they have an impactful economy, the construction industry is impacted by it. This means that when they bid, they will have lower rates. It is a long and lengthy process. He knows that bid law requires that anything under \$15,000 or any purchase would have to be advertised and bid. Anything above \$50,000 from a Public Works standpoint would have to be publicly advertised. He asked if that could be explained.

Mr. Powell stated with regard to the capital construction projects. They have circumstances where, perhaps, the Alabama Department of Public Transportation is bidding a project on behalf of the City, for example. It would not be a City bid that would be awarded.

Mr. Murphy asked if that would be better and would they reimburse that money.

Mr. Powell stated that it depends on the nature of the contract. Depending on the contract, the Council would have to approve any type of caution related to a project like that.

Mr. Murphy stated that anything that ALDOT does, regardless of if they get refunded back, the Council has to see to that agreement.

Mr. Powell stated that that is correct.

Mr. Murphy asked if they would have to see how that works. It takes a while because they have to deal with so many entities. He asked if they are required to get a clearance of \$15,000, as far as competitive bid and material purchases.

Mr. Powell stated that that is correct. The Bid Law does require bidding of a purchase of materials of \$15,000 or more; however, there are exceptions, in particular, the City is allowed to make those purchase through purchasing cooperatives. He stated that the City participates in a number of purchasing cooperatives.

Mr. Murphy asked if that still has to come before them for approval.

Mr. Powell stated that it is not typical. Those would be typically purchased in the way that a purchase order would be issued without coming back to the Council, once it has been budgeted and the budget has been approved.

Mr. Murphy stated that he is doing it 10% of the time. He stated that his concern is that he would rather follow this guideline because he does not want to halt advertising. It takes advertising 2-5 weeks, having a pre-bid, a bid opening, and evaluating bids is a 2-4 month process. It still has to come before the Council for final approval. He thinks that there are so many controls in place for that piece. That is why that can be modified. If it comes back to them for approval, he can support that portion, but it is in place already.

Mr. Smith stated that any ALDOT projects that have already been approved are still in play. This does not take any of those off of the table. As far as doing the design work and these things prior

to calling for a bid, if State has spent any funds and the City backs out, then the City is responsible to reimburse the State for any money spent. He asked Mr. Powell if that was correct.

Mr. Powell stated he thinks that that would depend on the specific terms and agreement between the City and the Alabama Department of Transportation. He stated that it can vary based on the program it is under.

Mr. Smith stated that the point that he is trying to make is that if the City cannot afford the project, even at a wonderful price, the Council need to make those decisions at the time the staff brings them forward. They, also, need to send a message to the community that they are being very stringent with the tax dollars that they provide them.

Mr. Murphy stated that he agrees with Mr. Smith. Lastly, on number four, which may be for Dr. Lopez, he asked if all amendments come back before this Council for approval. He does believe that the Council has a fiscal responsibility. Two and Four have so many controls in place that they can edit those. The Bid Law requires them to do so many different things. It comes back before the Council anyway and the Council can vote no on that. It won't cost them anything unless they enter into a contract with ALDOT, because ALDOT has to approve a contract before it is validated. There are so many controls. He believes that he can support that. He asked if in an interview phase, modifications can be considered. Most organizations are going to phone interviews, they are not bringing people into their establishment anymore. Advertising can take about four weeks or so. He asked if they should approve of the personnel report so that they do not get in the way of the process. Let the process work out and then the Council can decide if they will vote on the end result. He stated that he does not think that the City will lose anything by allowing the processes to work.

Mr. Posey stated that something that has not been mentioned is that they met at 4:00 with the Mayor and Mr. Rice and agreed that this is not an Ordinance, this is a Resolution and it can be amended. It may need to be modified. The Council is willing to modify, based on conversations with the Mayor this afternoon.

Dr. Middlebrooks stated that during the times of national uncertainty, the public looks to its leaders in a time of crisis. The Council needs to take a common measure of response that provides flexibility and reassurance to their citizens and their employees. While he sees the Mayor being fiscally cautious, he is also hearing a lot of uncertainty and various amendments to this. He feels like they, the Council and the Mayor's Office, needs to do a better job as working as a team. He would recommend that Councilman Murphy and Councilman Lyda work more closely with the Mayor's Office in drafting a better version of this and bring it back to the Council. He stated that for him, this is a little rushed. For those reasons, at this time, he cannot support that course of action.

The Mayor stated that they have a great group of Department Heads. Most of them were present in 2008. They know what needs to be done. They have a difficult job as well, because of the things that will be bought before them. He stated that they will work with them. There is some confusion about the public safety aspect of it. He appreciates them for allowing them to come back with a plan. He thanked them for allowing the Chief of Police, Fire Chief, and the Director

of 911 to speak because they are critical to the public safety. When they talk about personnel, they do not need to be limited in any way, shape form or fashion. They are dealing with an unprecedented event in the country. They have had many health emergencies, not quite to this extent, they have also had some financial emergencies. This is the first time that he can recall that they have had both of them combined. They will continue to work as a team to get through this. He stated that they will come out better on the other side.

Mr. Smith asked if there were any other questions from the Council or audience. There being none, Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – no	Mr. Lyda – yes
Dr. Middlebrooks – no	Mr. Murphy – no
Mr. Posey – yes	Mr. Shaw – yes
Mr. Smith – yes	Motion carried.

MINUTES

The minutes of the February 27, 2020, work session and March 2, 2020 regular meeting was presented for approval.

MOTION: Motion to dispense with the reading of the minutes of the February 27, 2020 (Work Session) and March 2, 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 February 27, 2020 (Work Session) and March 2, 2020 (Meeting).

Consent Agenda

Mr. Smith asked if Mr. Posey wanted Item 11 removed from the Consent Agenda.

Mr. Posey stated that he wanted to remove Item 11 from the Consent Agenda.

Mr. Smith stated that they would move Item 11 to the Regular Agenda.

PAYMENT OF BILLS

RESOLUTION NUMBER 6215-20

A RESOLUTION APPROVING AN ALCOHOL LICENSE, ELLIS FUEL AND FOOD, INC. D/B/A GALLERIA SHELL, MICHAEL WARREN ELLIS, EXECUTIVE(S).

Mr. Corley read a summary of the Resolution.

RESOLUTION NUMBER 6214-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILLO PRODUCTS COMPANY, INC.

Mr. Corley read a summary of the Resolution.

RESOLUTION NUMBER 6219-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT AGREEMENT FOR THE HOOVER-RANDLE HOME AND GARDENS WITH EDMOND H. RANDLE, JR. AND BARBARA G. RANDLE.

Mr. Corley read a summary of the Resolution.

RESOLUTION NUMBER 6222-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INVESTMENT GRADE AUDIT FOR ENERGY SERVICES AGREEMENT WITH ALABAMA POWER.

Mr. Corley read a summary of the Resolution.

MOTION Motion to approve the Consent Agenda was made by Mr. Lyda and seconded by Mr. Greene.

Mr. Smith called for the question with a voice vote on all Consent Agenda Items and the motion carried adopting all the consent items.

Regular Agenda

ORDINANCE NUMBER 20-2475

PUBLIC HEARING - AN ORDINANCE TO REZONE PROPERTY LOCATED AT 2429 SAVOY STREET, 2441 SAVOY STREET, AND 648 KLEINS DRIVE FROM HOOVER R-1 TO HOOVER R-1 WITH CONDITIONS, 621 KLEINS DRIVE FROM HOOVER A-1 TO HOOVER E-2 WITH CONDITIONS, 631 KLEINS DRIVE FROM HOOVER E-2 TO HOOVER E-2 WITH CONDITIONS AND 644 KLEINS DRIVE FROM HOOVER A-1 TO HOOVER R-1 WITH CONDITIONS, CK ENTERPRISES, LLC (LANCE KITCHENS), REPRESENTING.

Mr. Corley read the summary of the Ordinance.

MOTION Motion to approve Ordinance Number 20-2475 was made by Mr. Shaw and seconded by Mr. Greene.

Mr. Smith opened asked Mr. Martin if there was anything new.

Mr. Martin stated that he did go back and look at some of the scenarios that were presented, and also discussed the matter with the legal team. He thinks that there are two numbers that they need to focus on. They have a scenario where the property is rezoned, leading them to a maximum of 48 units across the entire property. If the Council decides not to rezone this property, there are a variety of different scenarios that can play out with how the property develops. One particular scenario that has been presented is that a connection be made to South Sherrlyn, and that the property develops at an R-1 intensity on the north end of the track and the southern 2/3 of the track for the two parcels, resulting in approximately 43 potential parcels or units. It is not the City's responsibility to undertake the burden of doing research and to find out if the property owner has a right to have the access. It will be the Developer's responsibility to discover if he has the legal pathway to do that. In consulting with the legal staff, they have found that it is a plausible outcome. It appears to him that 43 units is on the high end but is plausible if there is no rezoning. If they take that connection out, there are a variety of different outcomes that could come of that. The number that he would be focused in on, from a Planning standpoint, would be the maximum of 43 with a new rezoning scenario. There are a variety of things that can lessen that number over time.

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

Mr. Shaw asked what were the prospects of a park that would be part of this agreement.

Mr. Martin stated that on Thursday they asked if 9,000 square feet was enough for a playground. He thinks that it is. They went through a scenario on looking at the size of the meeting room as 3,000 square feet, so they can imagine a space 3 times the size of the room. The measurements that were added to the concepts appear to be industry standards for concepts for the playground equipment. The staff have concerns about the parking at the facility and site distance on Savoy. They would not recommend street parking on Savoy. They recommend that all parking, in conjunction to the playground, be on the new side street entering into the new subdivision. There is no industrial standard for the number of parking spaces per square foot or for the fixture at a playground. Some municipalities had it as low as one parking space for a facility this size. He thinks that they need to have an accessible space, and that sidewalks are limited in this vicinity. He thinks having three on-street parking spaces on the side street would be logical for a facility this size. The area is considered as a low speed residential street, so they do not feel that a guard rail would be warranted; however, the facility should be fenced or gated to keep the occupants on site. Any sidewalk access should be incorporated into the sidewalks required for the subdivision.

Mr. Shaw stated that through the Comprehensive Planning process, he remembers that there was a need for a small neighborhood park like this, specifically in the Bluff Park area. He asked Mr. Martin to elaborate on that.

Mr. Martin stated that they have had a lot of discussion on this city wide about facilities in the Bluff Park area. There is a community park that is not owned by the City, yet, they maintain it.

There have been comments made about the lack of other park facilities in this vicinity. He thinks that a facility like this would be good for the residents that currently live there. As long as they plan ahead, it would be a positive feature.

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

There were no further questions from the Council.

Mr. Smith asked Mr. Kitchens if he had anything new to add from the 1st reading and the presentation that was made.

Mr. Kitchens stated no.

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

Mr. Greene stated that he does not think that the Developer's request to rezone this property is unreasonable; however, as a City Councilman, his job is to represent the citizens of Hoover. Unless what they ask for is immoral, illegal, or detrimental to the City, his first obligation is to those citizens, and his duty is to support their requests. The messages that he has received from the citizens in Bluff Park is opposition to the rezoning, and for that reason, he intends to vote against this Ordinance.

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

Mr. Jim Butler, Bonnie Brook, stated that there were some questions asked at the last couple of meetings. There were mentions of traffic studies, speed limits, how far they had to be to be able to see things, and education. The two biggest ones were the speed limits that are based on congestion and how far they could see or not see if they added additional traffic to that area. There is another development up there that is approximately the same size as this one is. The two of them together is about 100 homes. His biggest concerns are the increased traffic that he has been able to see from just standing in his front yard, and the additional load that it is going to put on the school system. The last meeting that he came to, he was told that he could not say anything at the door.

Mr. Smith asked if that was at a Planning and Zoning Commission meeting or at the 1st reading. Generally, they do not take comments or questions at the 1st reading.

Mr. Shaw stated that it was at the second Planning and Zoning meeting, at which, they basically voted to restate the motion. The Chairman decided to keep all comments to a minimum so that there was no change to the motion.

Mr. Butler stated that they were told when they came to the door, rather than someone saying that they could not make any comments beforehand. From what he understands, the traffic study was done over a holiday weekend and the numbers did not come up very well. He wants to know what they can expect from the standpoint as citizens that are living in there, whether it is going to stay like it is now, from a standpoint of congestion. It is congested, even though the traffic study that

was quoted did not really show it. The other thing is the school. The school is just about at max. If they add in the numbers that they are talking to about those two developments that are up there, they are well over max. He does not know anything about what is going to happen beyond that and how someone plans to take care of the additional houses that are being built. He stated that he thinks that the property can be built with 36 homes.

Mr. Smith stated that he believes that Mr. Martin had just stated 43.

Mr. Martin stated 43.

Mr. Butler asked if it is without anyone's approval on anything that they can build 43.

Mr. Smith stated yes, according to the City Planner.

Mr. Butler stated that he was just wondering where the numbers came from. The last he heard was that it was 36.

Mr. Ellis, Bonnie Brook Dr., stated that he has been living in Bluff Park for about 35 years. His property is adjacent to Lot 5 in the map. Everyone in their subdivision has 1 acre lots. His request is that it be consistent with their subdivision on the section right behind Lot 5. His other concern is regarding the entrance and exits, in regard to the Fire Department and emergency personnel getting in and getting out. If they put that many houses in there with one street, it is going to be difficult to get onto Savoy and turn.

Mr. Smith stated that he could go out on South Sherrlyn as well.

Mr. Ellis stated that that would help. From what he thinks he heard him say, they would not be changing Agricultural to R-1 or E-2 but putting in a road. He asked if that was correct.

Mr. Martin stated that part of the rezoning application is to take two parcels that are currently zoned Agricultural and rezoning one of them to R-1 with the conditions. With the other two, E-2, with the conditions. E-2 would be on the far east of the property. Location of roads, connectivity, and design comes at the phase where they were looking at the preliminary plat with the site civil drawings.

Mr. Smith asked if that helped in answering his question.

Mr. Ellis, Bonnie Brook, stated that the properties around the development have one acre lots. He would like to see something comparable. He, also, stated that he understands that the Agricultural zoned lot would be a road.

Mr. Martin stated that the location of the road would be with a preliminary plat.

Dr. Middlebrooks stated that according to the school systems, the numbers come from January 16th, Bluff Park Elementary School was at a 96.5% operational capacity. He stated that it is

important to know that the court systems have considered 95% capacity as 100%. According to the court, Bluff Park Elementary School is above operational capacity at this point.

Mr. Smith stated that the school system is going to be adding two more wings and has been in the plan before any of these notices. It is mainly because of the generational turnover within Bluff Park.

Dr. Middlebrooks stated that Simmons Middle School's current operational capacity is at 82.35%, so they do have room to grow. He stated that those are facts, not opinions.

Mr. Ellis stated that that is his concern, because it is at or above capacity 100% now. If they use what the Planning Staff used to add whatever the number per household is, they are going to add a significant number with 100 homes going in that area.

Dr. Middlebrooks stated currently the estimate is one child per 2 ½ homes. Even though that may still be a fairly low number, it would have a significant impact to Bluff Park Elementary.

Mr. Butler stated that his question along with that is if they add the other area that they are talking about getting in and out of there, what can be done about being able to see where they are going to be able to pull out where they say the entrance is going to be.

Mr. Smith asked Mr. Martin about the site distance requirements.

Mr. Martin stated that their City staff, including the Engineering Department with every subdivision that comes in, reviews site distance and proposed intersections. This would be no exception. Even to the point of where the entrance of this subdivision may shift, based on site distance. What is being provided in the concept that goes along with this rezoning application is not set in stone. Their Engineering Department would have to approve the location of that intersection.

Mr. Butler stated that the entrance and exit was at the top of that hill where vision is limited.

Mr. Smith stated that as Mr. Martin stated they cannot determine truly where that entrance or exit is going to be until the plats are determined. That has yet to be decided, if it passes, or if he builds if it does not pass.

Mr. Butler stated that he guesses that the neighborhood's concern is that by the time all of the decisions are made, it will be hard to rebuild what was there and what the landscape is. He stated that he understands that they have already started clear cutting. Once they get a clear cut, they cannot go back and fix it. If that makes it where the entrance and exit is, it would be a blind entrance and exit. He knows that because he watches the school buses stop there every day. He is concerned that someone may hit one of the school buses because they cannot see over the hill.

Mr. Smith stated that the Developer cannot determine that. It must be done with City approval. It is not something that would be determined at this meeting. It would be discussed at a future Planning and Zoning meeting. He does not know if the plats come to the Council.

Mr. Martin stated that that is a Planning Commission authority, by State Code. They are the ones that approve all subdivisions within municipalities in Alabama. The preliminary plat phase is when the intersection will be evaluated and finally located.

Mr. Smith stated that whatever happens tonight is to be determined by the Planning Commission.

Mr. Butler stated that from what he understands, once they approve it or disapprove it, whatever else happens to it will come from the Planning Commission.

Mr. Smith stated that it is as determined with the assistance of City Staff.

Mr. Ellis stated that on the map, Lot 5 says A-1 to E-2. All of these are 1 acre lots. He asked if Lot 5 is going to remain Agricultural.

Mr. Smith stated that that will be determined after all the comments are made and they vote. He asked if there were any further questions from the audience or the Council.

Mr. Kitchens stated that Lot 5 and Mr. Ellis's property are zoned E-2. They asking to be E-2. He stated that he recognizes a lot of tensions and that he knows Mr. Greene had a lot of emails and often it is from those that want to gripe. Give and take are needed in a lot of things. Like Mr. Martin proposed, there is a way for them to do 43 units. They originally came in asking for everything to be R-1, which they had 50. They negotiated and modified their request to have E-2 on the right side, which matches the E-2 of the Bonnie Brook residences, Lot 7 stayed as R-1, and they reduced their request to 47. They are willing to go to 45 if that will help.

Mr. Smith stated that that is the Council's understanding from Thursday and the 1st reading.

Mr. Kitchens stated that he does not think that that came up in the 1st reading. They had 47 new homes, plus the existing one to make 48, which is the same Resolution before them. They are willing to modify that Resolution to go to 45 new homes, plus the existing home, for a total of 46.

Mr. Smith asked if that was new tonight.

Mr. Kitchens stated yes.

Mr. Smith asked Mr. Corley if this change is enough to go back to Planning and Zoning.

Mr. Corley stated that he thinks that it would be a material change to the Ordinance, requiring a new 1st reading. As for re-advertising requirements for Planning and Zoning, he would refer to Mr. Martin.

Mr. Kitchens stated that he thought that as long as they were reducing the number, it would be less impactful.

Mr. Smith stated that he is just trying to keep everything legal.

Mr. Martin stated that since the Planning Commission is a recommending body, he does not believe that they would have to go back to that step. He believes that since they are considering altering the conditions and putting a cap of 46, that does require re-advertising with a new 1st and 2nd reading.

Mr. Smith asked Mr. Corley if the Council has to accept his change.

Mr. Corley stated no.

Mr. Posey asked Mr. Corley if the Council can amend the cap.

Mr. Corley stated that they cannot do it without a new 1st reading.

Mrs. Dickerson stated that any amendment would have to come back through for a 1st or 2nd reading.

Mr. Corley stated that they cannot modify it even if it were a lesser number or lower impact.

Mr. Smith stated that they can either modify what was originally presented in the 1st reading or they can start over at the Council level. He asked Mr. Corley if he was correct.

Mr. Corley stated yes.

Mr. Schultz, Albemarle Drive, stated that they have been through this since December. Mr. Kitchens had three opportunities to bring it down. At the last minute, he decided to bring it down to 46. The original amount was 36. They ask that after all these meetings, changes, time, and emails received from the community, that the council votes on it as is tonight.

Mr. Smith stated that if it is the will of the Body, he thinks that someone should call for the question. He asked if the decision was otherwise if he would ask to withdraw or amend it.

Mrs. Dickerson stated that he would ask to amend it.

Mr. Smith stated that that itself would trigger a new 1st reading.

Mrs. Dickerson stated that that is correct.

MOTION Motion to amend Ordinance Number 20-2475 to include the cap of 46 parcels across all the affected parcels was made by Mr. Shaw and seconded by Mr. Greene.

Mrs. Dickerson stated that that would amend the cap to 46 homes and would require first reading.

Mr. Shaw asked if that covers all the affected parcels.

Mrs. Dickerson stated yes.

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

Mr. Kitchens stated that the other option would be for them to leave it just as it is worded right now.

Mr. Smith stated yes, if he wants a vote tonight, but he made a request, and they now have a motion and a second.

Mr. Kitchens stated that he did not know the length of time it would take. He asked if they pull that off the table and vote on it as is, the plat that they submit will not have more than 46 total lots.

Mr. Smith asked Mr. Martin if that is how it is represented in the Ordinance.

Mrs. Dickerson stated that the Ordinance is 48.

Mr. Kitchens stated that yes the Ordinance is 48, but when they turn it in, they will have no more than 46.

Mr. Smith stated that if it is approved for 48, but he chooses to build 46, then there really are no issues before the Council.

Mr. Posey stated that it would depend on the plats. He asked if the plat comes back as 44 would they go with 44 or are they promising 46.

Mr. Kitchens stated 46 or less. He asked that the amendment be rescinded and that the Council votes on what is there. He stated he is giving them their word that they will not turn in a plat with more than 46 or less slots.

Mr. Shaw stated that before he withdraws that, he does not think that they can do business that way. It either must be in the motion or not. It is not a handshake type of situation. It is unfortunate that they are in this numbers game. Most of the time it would just be a Zoning question. He can withdraw it, but he does not think that they can have a side cap on the record.

Mr. Smith stated that that would just be a verbal promise between him and the community.

Mr. Martin stated that if the item is not amended and voted on and defeated, then the application is defeated and there would have to be a new application.

Mr. Butler stated that he called an hour before this meeting, and he is a little concerned because there is not much representation from the neighborhood present. He stated that he was told that this meeting was cancelled.

Mr. Smith stated that the meeting was never cancelled.

Mr. Kitchens stated that he now understands the timeline of it going back to Planning and Zoning. He asked that they leave the amendment as is, meaning that they will have to have another 1st reading through City Council.

Mr. Smith asked if he wanted to go to a cap of 46.

Mr. Kitchens stated yes.

Mr. Smith asked if there were any further comments or questions from the Council. There being none, Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – no	Mr. Lyda – yes
Dr, Middlebrooks – no	Mr. Murphy – yes
Mr. Posey – no	Mr. Shaw – yes
Mr. Smith – no	Motion did not carry.

Mr. Smith asked if there were any comments or questions from the Council on the original Ordinance with no amendment.

Mr. Shaw stated that they are in this unfortunate numbers game and that he has never seen it quite like this. Most of the time it is a number associated with the per acre questions, but this has boiled down to what a plat would do. It is very hard to predict the impact to the schools and traffic. Those are all things that they consider in these questions. In some degree, it has turned into the question on if the developer is a good guy or not and if the park is a trick. There are only two things that they are voting on. They either vote no and keep it at a theoretical maximum of 43, or they can vote yes for 48 and a park. The comprehensive place calls for a park in the area. In the political aspect, they have a lot of people that they represent who either do not like this or are confused about it. They vote against this; they are literally voting against 5 theoretical maximum houses and a park. He has a hard time voting against the park. If this were 0 houses at 48, this would be a whole different story, but it is 43 and 48 and a park.

Dr. Middlebrooks asked who is responsible for building the park.

Mr. Smith stated that the City would have to build the park.

Dr. Middlebrooks asked if he would be giving them the land and the City would build the park.

Mr. Smith stated that from what he understands, he is responsible for giving them buildable land. He would have to fill in the retention to a level where a park could be built.

Dr. Middlebrooks asked if they would also be responsible for providing the parking for the park.

Mr. Smith stated yes.

Mr. Shaw stated that he wanted to amend what he said. They are not getting a park; they are getting land for a park. Many of their parks have land that could be used for other things, that is

why they make it a park. He thinks that it is consistent with the need for a park in the Bluff Park area. He stated that they are voting against land to be used for the City up there.

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

Mr. Schultz stated that Mr. Shaw stated that this is about voting for the park, this is not about voting for the park, it is about rezoning two parcels of land from A-1 to R-1 or E-2. He is giving 9,000 square feet, at the last minute, for a park. As Dr. Middlebrooks stated, the City will have to furnish and equip it. This is not about a park, it is about rezoning two parcels of land. He asked what these two parcels mean. They are not just two small parcels in Bluff Park. He stated that he did a study of the A-1 parcels in the City of Hoover. There are a lot of A-1 parcels in the City of Hoover. There is one just South of Shades Crest, of Shades Mountain School that is 19 acres and is unfinished right now. There is 122 acres right next to Ross Bridge. There are 20 acres that this Council said could not be developed. There is 122 acres in Trace Crossings He stated that this is about setting precedents for the future to take other A-1 parcels and convert them to R-1. He stated that they should not let the park fool them.

Mr. Shaw stated that part of this deal is that if they vote yes on this, Mr. Kitchens will donate the land. He asked if that is part of this motion.

Mr. Smith stated yes.

Mr. Shaw stated that that is part of the motion and part of the vote.

Mr. Schultz stated that this was initially about rezoning two parts.

Mr. Shaw stated that the vote tonight includes land for the park.

Mrs. Dickerson stated that the park is not included in the Ordinance.

Mr. Schultz stated that it was a last-minute thing at the 1st reading.

Mr. Smith stated that if they accept the 9,000 square feet, they incur another 1st reading.

Mrs. Dickerson stated yes, if they amend it to include the park.

Dr. Middlebrooks called for the question.

Mr. Smith called for the question with a roll call vote, as follows:

Mr. Greene – no	Mr. Lyda – no
Dr, Middlebrooks – no	Mr. Murphy – no
Mr. Posey – no	Mr. Shaw – no
Mr. Smith – no	Motion did not carry.

RESOLUTION NUMBER 6219-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT AGREEMENT FOR THE HOOVER-RANDLE HOME AND GARDENS WITH EDMOND H. RANDLE, JR. AND BARBARA G. RANDLE.

Mr. Corley read the summary of the Resolution.

MOTION Motion to approve Resolution Number 6219-20 was made by Mr. Lyda seconded by Mr. Greene.

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

There being none, He called for the question with a voice vote and the motion carried adopting Resolution Number 6219-20.

RESOLUTION NUMBER 6217-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE AGREEMENTS WITH LIVE DESIGN GROUP AND THEATREDNA. MOTION.

Mr. Corley read the summary of the Ordinance.

Mr. Smith made a call of the Chair.

MOTION Motion to continue Resolution Number 6217-20 was made by Mr. Posey.

Mr. Smith asked if this is to a specific date. He thinks that they talked about 30 days.

Mr. Posey stated that they did talk about 30 days, because he thinks that that would give them time to get past this scenario and conduct the study. He thinks that it would be silly to enter the agreement and not have the ability to conduct.

Dr. Middlebrooks asked if with the uncertainty of how long this may last; would it be better to just do the call of the chair.

Mr. Posey stated yes.

Mr. Smith asked if that was his motion.

Mr. Posey stated yes.

MOTION Motion to continue Resolution Number 6217-20 to the call of the chair was made by Mr. Posey and seconded by Mr. Greene.

Mr. Smith stated that the motion is to the call of the chair.

Mr. Smith called for the question with a voice vote and the motion carried continuing Resolution Number 6217-20 to the call of the chair.

RESOLUTION NUMBER 6218-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH COST+PLUS. *MOTION.*

Mr. Corley read the summary of the Resolution.

MOTION Motion to continue Resolution Number 6218-20 to the call of the chair was made by Mr. Posey seconded by Mr. Greene.

Mr. Smith called for the question with a voice vote and the motion carried to continue Resolution Number 6218-20 to the call of the chair.

RESOLUTION NUMBER 6216-20

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

Mr. Corley read the summary of the Resolution.

Mr. Lyda asked if based on the Resolution that they made regarding the budget, he thinks that the intent of the Resolution with this amendment would be to adopt the changes from Special Revenue Funds Only, and not those from Capital or General Funds.

Mr. Smith asked about the ones that are revenue neutral, such as Item 7.

Mr. Lyda asked if that is about the Police Officer Reserve Positions.

Mr. Smith stated yes, it is Revenue Neutral. He stated that Item three comes from the special funds.

Mr. Lyda stated yes, that will need to remain.

Mr. Smith stated that Item 2 looks to be Revenue Neutral.

Mr. Posey stated that it is.

Dr. Middlebrooks stated that Item 2 is for a temporary Library Page to change to a temporary Library Assistant. It is Revenue Neutral, but it has not been hired, yet. He asked if the list of employees spoken about on Thursday needs to be added to that.

Mr. Smith stated that it depends on the Mayor's wishes. He asked Mr. Davis if he knows when they might fill this position.

Mr. Davis stated that they usually post the position in mid-April and then hire around May 1.

Mr. Lyda stated that it appears that Items 8 and 9 are Revenue Neutral.

Dr. Lopez stated that Item 4 is basically funded by the Drug Fund, which is a Special Revenue Fund. There is a transfer from the Risk Fund because it is replacing a red vehicle, which may fit what the Council is talking about.

Mr. Smith stated that he thinks that that will be revenue neutral as well, because of the money coming from.

Dr. Lopez stated that Item 10 is reducing the existing Capital project for another Capital project.

Mr. Smith stated that they also talked about whether they wanted to include Item 10 with the Alabama Power Agreement.

Dr. Lopez stated that Item 11 is revenue neutral because of the additional Storm Water Funds is funding the additional fees.

Dr. Middlebrooks stated that it is Special Revenue, also.

Dr. Lopez stated that she thinks that that would exclude Items 1, 5, 6, and 10.

MOTION Motion to approve Resolution Number 6216-20 with the removal of Items 1, 5, 6, and 10 was made by Mr. Lyda seconded by Mr. Greene.

Dr. Lopez stated that she thinks that as a result, the revenue to balance will go away automatically.

Dr. Middlebrooks asked if the additional for the Library generator, \$2,500, is already in the process.

Dr. Lopez stated that it is really already complete, and they need to add the \$2,500.

Dr. Middlebrooks asked if it was anything new.

Dr. Lopez stated no, it is to cancel out that project.

Mr. Smith asked Mr. Powell if the vendor has been paid.

Mr. Powell stated not yet.

Mr. Lyda stated that they can certainly add that back in.

MOTION Motion to approve Resolution Number 6216-20 with the removal of Items 1, 6, and 10 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked for any 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 6216-20 with the removal 1, 6 and 10.

ORDINANCE NUMBER 20-2476

AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY OF THE CITY OF HOOVER, AL FOR PUBLIC PURPOSES TO THE PARK AND RECREATION BOARD OF THE CITY OF HOOVER. ROLL CALL VOTE. MOTION

Mr. Corley read the summary of the Ordinance.

Mr. Smith stated that this takes all their passive parks and puts them in the responsibility of the Park and Recreation Board.

MOTION Motion to approve Ordinance Number 20-2476 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked for any questions from the Council or audience.

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Ordinance Number 20-2476.

RESOLUTION NUMBER 6196-20

PUBLIC HEARING - A RESOLUTION GRANTING CONDITIONAL USE APPROVAL FOR ADDITION TO EXISTING SHOPPING CENTER FOR THE PROPERTY LOCATED AT 2142-2146 TYLER ROAD, HOOVER, ALABAMA. MOTION.

Mr. Corley read the summary of the Resolution.

Mr. Smith opened the floor for a public hearing. He asked if there were any questions from the Council or the audience.

There being none, he closed the floor for the public hearing.

MOTION Motion to approve Resolution Number 6196-20 was made by Mr. Shaw seconded by Mr. Greene.

Mr. Smith asked if there were any further 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. Murphy – yes
Mr. Posey – yes	Mr. Shaw – yes
Mr. Smith – yes	Motion carried.

COMMENTS/QUESTIONS

Mr. Smith made an announcement that a Special Called meeting would be held on the following Thursday at 6 p.m. regarding the receiving and filling of vacant positions. He mentioned that Kadence Agreement is up to the Chair and he wants that on the first meeting agenda in April.

Mr. Smith asked if there was anything else from the Council.

Mr. Murphy stated that they do have interviews. He asked if the interview for the School Board close on March 20th.

Mrs. Dickerson stated that that is correct.

Mr. Murphy asked if they could entertain phone interviews. A lot of organizations are going to that, versus face-to-face.

Mr. Smith asked how many applications have been received.

Mrs. Dickerson stated that she does not have any at this time.

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

Mr. James Smith, Waterford Place, stated that he met with the Mayor and Council in November regarding the Hoover Express. He stated that it is a valuable service for the visually impaired, like himself, on Monday and Wednesday mornings. He has been using the service from 2011 until November when Ms. Henson, at the Senior Center, stated that he would no longer be able to book transportation on Monday's and Friday's before 8 a.m. of the following week. He stated that he had been doing to for 8 years to go to Gold's gym. She stated that if he called and left a message, she would terminate his service. She further stated that they were going to cease taking him to mass at 8:30 a.m. at Prince of Peace Catholic Church. He stated that the Hoover Express had if service for him for 5 months from July until she called in November. She stated that it was too early, but they have other patrons that use the service that go earlier, and even use it before 8 a.m. The center opens at 7:30 a.m. He stated that he called the Mayor and asked him about it and after

speaking with Ms. Henson, he concurred with her. Four months ago, he asked if this was fair. He asked the Council, the Mayor, and Mr. Rice to answer that question. He stated that Mr. Rice and the Mayor stated that they would take his presentation under consideration and get back with him, did so. He asked if this is fair.

Mr. Smith stated that he does not know whether he can say that it is fair, but he does believe that he can say that it is unfortunate.

Mr. James Smith asked if he represents the Council in that statement.

Mr. Smith stated that he represents himself.

Dr. Middlebrooks stated that to him, this is an operational matter and is not under the purview of the Council. It is under the purview of the Mayor and his staff. He stated that he concurs with President Smith's statement, he cannot comment on whether it is fair, but it is unfortunate. He asked if he has reached out to anyone at the Prince of Peace Church that would consider giving him a ride.

Mr. James Smith stated sometimes they do, but sometimes they are not available. He stated that he wants to go to church and they have been providing church, but have blocked that now.

Dr. Middlebrooks stated that he does not think that it is under the purview of the Council, it is more under the Mayor's Office.

Mr. James Smith asked the Mayor if it was fair.

The Mayor stated that he is trying to totally recall the entire conversation from back in November. He just knows that after talking to Ms. Henson, she had very legitimate reasons for her policies and he agreed with that. He does not think that he can comment any further without going back and reviewing what she has told them.

Mr. James Smith asked why he did not change it.

The Mayor stated that it depended on what she recommended on the department that runs that operation. As he recalls, she had some very legitimate reasons, because they would do everything possible to accommodate him.

Mr. James Smith stated that they provided the service to other people and asked why not him.

The Mayor stated that he cannot argue with him over it right now. He just knows that Ms. Henson had that recommendation.

Mr. James Smith stated that he had four months to answer.

The Mayor stated that they have given him the answer multiple times. He stated that he is not going to debate it. It was his decision and he supports her. Unless she changes that recommendation, he intends to follow her policy.

Mr. Singer, Riverhaven Place, stated that he has the responsibility of reading the package that gets distributed. In reading the material that applies to the Art Center, he finds it very confusing and not meshed because the initial proposal was with the Birmingham Base Company and the California Base Consultants. Separately there is a Cost Consultant from the Florida Base. These do not mesh and certainly do not match to the \$19,500 that is in this budget amendment that was presented. They are really missing a lot. What is the vision for the Art Center? How many seats? What sort of entertainment would they be looking to attract? These are basic points that would be covered in the initial meetings. They do not know who the coordinator is going to be for the City. He does not think that they should be going into a project that could cost millions of dollars without having regard to the master plan. He sought input from the public and he thinks that they need that. One of the Cost Consultants says to get together and have meetings via the internet. They would have to pay for the transportation of the vendor from California. They have pricing based on 2019 prices, not from 2020. If they are not sure if they should go incur a lot more in the way of expenses. He thinks that there needs to be a thought of the public input led by the Arts Council to let them know what they are thinking, why, get the feedback, so that it can come to the Council. There are so many questions to answer and he thinks that they should use this time to start this procedure and not bring it back to the table until they have answers.

Mr. Posey stated that the Arts Council has had those meetings. He stated that they have reviewed the proposals and it was a positive. The way that that is going to work is if Live Design and TheaterDNA after meeting with Matina and the Mayor and some others are going to have those meetings with the public. All of these questions that he asked are going to be solved in these proposals by different groups. Live Design and TheaterDNA have been looking at the operation of this and how much that would cost. Getting them there gets these questions answered with focus groups.

Mr. Singer asked if he has any idea of how many seats they are looking for.

Mr. Posey stated that they have a range, and that range is in the proposal.

Mr. Singer stated 500-700.

Mr. Posey stated yes.

Mr. Singer stated the architect has no experience with anything over 500 seats.

Mr. Posey stated right. It can change depending on the conversations that they have.

Mr. Singer asked if they are talking about automated, movable seating.

Mr. Posey stated that that could change based on who would be using the building.

Mr. Singer stated that 70 years ago he made his debut with the Edison Arts Council. They are very into theatre and all types of performances. His concern is that they will be going into this spending too much money. He spoke, several months ago, about this whole thing, with regard to seating. They are talking significant money. If they talk Red Mountain Theater, they bought the land for \$5 million. They have a \$25 million project. They have had years of experience and a whole donor network. They still have not come up with a sponsor for the naming of the Finley Center or the Hoover MET.

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

There being no further business, the meeting was adjourned at 8:11 p.m.

Gene Smith
Council President

Frank V. Brocato
Mayor

ATTESTED BY:

Wendy Dickerson
City Clerk