

**CITY OF HOOVER
CITY COUNCIL
WORK SESSION
MINUTES
MAY 2, 2019**

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

Members Present:

Gene Smith, Council President
John Greene, Council Pro-Tem
John Lyda, Council Member
Casey Middlebrooks, Council Member
Derick Murphy, Council Member
Curt Posey, Council Member
Mike Shaw, Council Member

Other Officials Present:

Mayor Frank V. Brocato
Phillip Corley, City Attorney
April Danielson, City Attorney
Jehad Al-Dakka, Executive Officer, Police Department
Clay Bentley, Fire Chief
Amanda Borden, Library Director
Jason Cope, Technology Director
Tommy Daniel, Public Works Director
Nick Derzis, Police Chief
Wendy Dickerson, City Clerk
Greg Knighton, Economic Development Director
Mike Lewis, Human Resources Director
Frank Lopez, Revenue and Taxation Director
Melinda Lopez, PhD, Chief Financial & Information Officer
Rod Long, City Engineer
Mac Martin, City Planner
Dustin Moore, Fleet Manager
Linda Moore, 911 Director
Craig Moss, Parks and Recreation Director
Brent Parrott, Court Operations Coordinator
Ben Powell, Purchasing Director
Melanie Posey, Public Information Officer
Allan Rice, City Administrator
Tim Westhoven, Chief Operations Officer

Ellen Williams, Executive Assistant to Mayor Brocato
Jim Wyatt, Building Inspections Director
Robert Yeager, City Treasurer

Mr. Smith reviewed the agenda for the Monday, May 6, 2019, City Council Meeting with the City staff.

The following items were reviewed at the work session:

1. Resolution Number 5981-19 – A Resolution Amending The Budget For The Fiscal Year Ending September 30, 2019

Dr. Lopez explained Resolution Number 5981-19. Discussion ensued on the budget amendments. Dr. Lopez explained that there is an exhibit A and B and there are six items as follows:

Item 1: Is a final settlement invoice for an Alabama Department of Transportation (ALDOT) project for \$10,000 which is for the sidewalks and this will close this project out.

Item 2: Is the funding for a change order regarding the south access road out near the met complex which is \$183,000.

Item 3: Is 240,000 related to a subsequent agreement on the agenda, Item 20 with Shelby County which is the Hoover portion for Hugh Daniel Drive and County Road 41. Item 2 and 3 will be coming out of gas tax funds.

Item 4: Will be approving positions for Aldridge Gardens and also a contract worker.

Mr. Smith asked if those positions are going to be identified.

Dr. Lopez told him to look at Exhibit B which lists the positions. \$138,000 represents our estimate for the balance of this fiscal year.

Item 5: Approves 4 intern positions basically 12 weeks at \$10.00 an hour and 40 hours a week for various departments to utilize in the amount of \$22,000.

Item 6: Basically budgets some revenue received in excess of the budget on one particular line that will cover the general fund expenses.

Mr. Smith asked if the \$160,000 would offset the other and what project will the \$160,000 come off from.

Dr. Lopez said it came off of the public utility licenses that came in over budget.

Mr. Smith asked about Exhibit B.

Dr. Lopez indicated Exhibit B details Aldridge Gardens.

Mr. Smith asked if all the existing positions are within their current organizational chart.

Mr. Rice indicated that there were in their current organizational chart. Mr. Rice said this just creates equivalent positions of the city's organizational chart to absorb existing personnel from Aldridge, no additions.

Dr. Middlebrooks asked if these matched up to the recently original salary schedule.

Mr. Rice answered yes and that Mr. Lewis placed these based on the new schedule and he did his own job test analysis to make sure these positions were put into the correct classifications.

- 2. Resolution Number 5982-19** – A Resolution Approving An Alcohol License For India Heritage, Inc. D/B/A/ India Heritage; Sane Snehal, Executive

Mr. Smith asked was all the paperwork in for this license.

Mrs. Dickerson indicated everything was in and she had received the letter of approval from Chief Derzis.

- 3. Resolution Number 5983-19** – A Resolution Appointing A Member To The BZA

Mr. Greene explained that there are two members that asked to be reappointed to the board and they will be reappointed Monday night.

- 4. Resolution Number 5984-19** – A Resolution Appointing A Member To The BZA

Mr. Greene explained that there two members that asked to be reappointed to the board and they will be reappointed Monday night.

- 5. Resolution Number 5985-19** – A Resolution Authorizing The Mayor To Enter Into An Agreement With Think Big Partners, LLC

Mr. Knighton explained that if you look at the economic development as a three legged stool, you recruit industry and retain industry and have programs underway to recruit and retain industry. Mr. Knighton explained there has been a lot of conversation about how to grow our own curve and that we would like to take a look at the ecosystem and what exists within our community and the surrounding area and find ways to foster that into growth. Mr. Knighton said there have been conversations with various stakeholders about it and Leadership Hoover took this on as a project last year and identified a vendor, Think Big Partners and did extensive research on them. Think Big Partners will come in and look at the entire footprint of the community and they put together a plan and look at an overall funding model and other areas. Mr. Knighton said this is a budgeted item from last year and \$25,000 was budgeted for the study.

Mr. Smith asked if this company was going to do this in connection with looking at the comprehensive plan or will they not need the plan.

Mr. Knighton indicated they don't need the plan but will look at everything that the City does from a development standpoint.

Mr. Greene asked about the budgeted amount because he saw \$21,000.

Mr. Knighton said \$21,000 plus their travel expenses which they do not anticipate to exceed \$2500 in travel expenses. Mr. Knighton said this company is based out of Kansas City, Missouri.

Mr. Shaw suggests tightening up on the travel expenses a little more because that is a little vague and needs to be defined a little more.

6. Resolution Number 5986-19 – A Resolution Authorizing The Mayor To Enter Into An Agreement With Alabama Power Company

Mr. Westhoven explained that this is just a standard ALDOT easement and the project is a little behind. Mr. Westhoven explained that this wraps around the power feed to the new restrooms out at the arc that Shelby County just constructed for the city and it is five feet either side of the existing power lines.

7. Resolution Number 5987-19 – A Resolution Authorizing The Police Chief To Enter An Agreement With The Commission On Accreditation For Law Enforcement Agencies, LLC

Chief Derzis explained that they have been talking with CALEA for two years. Chief Derzis said they will enter into an agreement to go for the advanced standard which is a price of 450 night standards. Chief Derzis said this week is the national conference week for CALEA. Chief Derzis said this will start immediately upon approval and will take approximately two years to complete and once completed, the policy and procedures will be at that standard.

Mr. Smith asked if there is any need for additional funding for this fiscal year.

Chief Derzis said yes and that it will be around a \$16,000 fee to get started and once onsite visits start, around \$5,000 and then \$700 to be involved.

8. Resolution Number 5988-19 – A Resolution Authorizing The Police Chief To Enter An Agreement With The Commission On Accreditation For Law Enforcement Agencies, LLC For Publications And Subscription Access

Chief Derzis explained that this is to be able to review and have access to their documentation from the agreement.

9. Resolution Number 5989-19 – A Resolution Authorizing The Mayor To Enter An Agreement With The Alabama Department Of Transportation

Mr. Long explained that this is for a signal permit modification at US Highway 31 at Southland Drive.

10. Resolution Number 5990-19 – A Resolution Authorizing The Mayor To Enter An Agreement With Southlake Capital, LLC

Mr. Ben Powell explained this is another copier replacement for the Police in the Police Administration area. Mr. Powell said the City is proposing 36-month lease for the copier equipment and with this one the City will be actually reducing cost mostly by \$80 a month.

Mr. Greene asked if the amount was \$281.00.

Mr. Shaw asked if this copier agreement was part of a bigger overall agreement.

Mr. Powell said the copiers themselves that the City is acquiring is through a purchasing association of central Alabama through a purchasing cooperative contract and the lease is, also, through the Purchasing Association of Central Alabama for leasing.

11. Resolution Number 5991-19 – A Resolution Authorizing The Mayor To Enter An Agreement With The Alabama Department of Transportation

Mr. Long explained this is for the lighting project from Patton Chapel Road to I-65. Mr. Long said this is the construction agreement with ALDOT. This will be replacing the lights with LED lights which are a cost savings.

Mr. Smith asked if Mr. Long knew how much this would save in costs.

Mr. Long said approximately 70 to 80% power savings.

12. Resolution Number 5992-19 - A Resolution Authorizing The Mayor To Enter Into An Agreement With Shelby County For Work Commencing At Hugh Daniel Drive And County Road 41

Mr. Westhoven explained that this is part of the budget amendment discussed earlier. Mr. Westhoven said they are asking the Council to authorize the city to perform a joint project with Shelby County to improve the intersection of Hugh Daniel Drive and County Road 41 adding turn lanes and a traffic signal. The total cost is expected to be \$600,000 and there will be a 60/40 split with Shelby County and the city will be maxing out their match of \$240,000. Discussion ensued on Greystone Cove and the possibility of resurfacing. Mr. Westhoven said a great amount of patchwork was done in Greystone Cove and they are part of the research survey each year.

Mr. Shaw said some of the residents were concerned about a long term plan in this area but were pleased with the resurfacing work that had been done.

13. Resolution Number 5993-19 - A Resolution Declaring A Weed And Other Vegetation Nuisance And Directing The Abatement Of Said Nuisance Pursuant To Alabama Law

Mr. Wyatt explained that there are 7 properties to declare nuisances.

Mr. Smith asked City Attorney Phillip Corley about getting an update before a vote on if people have complied with the violation with them being on the consent agenda. Mr. Smith said consent agenda does not allow for discussion should these items remain on the consent agenda.

Mr. Corley said to Mr. Smith that he could get a report from Mr. Macke before the meeting and if there have been any changes they could take the item off the consent agenda and make it the next item and vote on that item separately and if there have not been any changes the item can be left on the consent agenda.

Mr. Posey asked about repeat offenders.

Mr. Wyatt said yes there are some repeat offenders and several liens have been placed on some of the properties in the past.

14. Resolution Number 5994-19 – A Resolution Authorizing The Mayor To Enter Into An Agreement With Aldridge Gardens

Mr. Rice explained that after much research the city is ready to propose a new management agreement between the board of Aldridge Gardens and the City and this will incorporate the operation of Aldridge into the City structure. Mr. Rice said the City owns the property but it has been managed by the Board as a 501c3; they had all the employees and operating expenses. Mr. Rice said this will incorporate the employees which is part of the previous budget and also the day to day operations of Aldridge Gardens. Mr. Rice said the City continues to contribute \$350,000 in each annual budget and this would put the City at a net additional amount of about \$52,000 per year. The net all end will be about \$402,000. The City would assume employees and will gain some excess capacity such as an additional landscape architect and, also, will pick up Ms. Tynette Lynch and she will establish a new program for the city in tourism and hospitality development.

Mr. Smith asked about the administrative fee of \$50,000 and if it was still in it.

Mr. Rice said a minor adjustment was made of \$48,000 for them to get their own director's liability policy.

Mr. Smith asked about the money that was raised by the foundation and will it go strictly for education.

Mr. Rice answered that the money will be restricted funds for restricted purposes and much of it is for educational purposes and some is for physical improvements that additional donors want to see at the gardens.

Mr. Smith asked if there was any value in giving them a two-year approval so they can go ahead and get started since the foundation will be looking at things in a different way.

Mr. Rice said this was not a bad idea and would be an economic decision of the Council.

Ms. Lynch explained that the numbers can look good on paper as if they are doing fine but some of the numbers are forecasted numbers and this takes the burden of everyday operations financially and the board can do what it needs to do to raise funds for the 501c3.

Mr. Greene said they can always continue with the current plan and revisit it later if it becomes a problem.

Ms. Lynch explained most funds received are restricted and they are currently building a classroom paid for by a donor and those funds were restricted. Ms. Lynch said they have some concerns over most money received being restricted and being able to meet other goals.

Mr. Greene asked if it has been a problem meeting goals.

Ms. Lynch said they have been in a bind at year end budget and operations have been a problem for them

15. Resolution Number 5995-19 – A Resolution Authorizing The Mayor To Enter Into An Agreement With Charter Communications, LLC For The Purpose Of Internet And TV Services For The 2019 SEC Baseball Tournament

Mr. Cope explained that this is the one time event contract the city does for services for the SEC Tournament just to meet all the different needs at this event.

Mr. Smith asked about the cost.

Mr. Cope said less than \$600.00.

16. Resolution Number 5997-19 – A Resolution Accepting A Change Order Contract For The Hoover Met Complex South Access Road BID #17-039

Mr. Westhoven explained that this is the closeout change order for the South access road project. The road is built and complete and is a connector road between Hoover High School and Bumpus Middle School. The amount of the change order is a little over \$182,000 and is part of the budget amendment discussed earlier. The change order is based on a change in utilities as far as the water line and that cost a little over \$108,000 and the other resulted from a change in the road being higher. There is \$47,473 of unused contingency funds in there that are coming back. There was a site layout modification that cost about \$1,300 and there were some potholes filled and some additional overlay done which cost about \$20,000.

Dr. Middlebrooks asked what percentage was this over.

Mr. Westhoven said on the change order form itself the percentage is a line item 5.97%.

17. Payment of Bills

18. Public hearing to consider the request of Mr. Bart Styes is requesting **Conditional Use** approval for hosting ticketed and private events, such as receptions, live entertainment, and such, to be held at their new coffee shop, Wild Roast Café, located at 585 Shades Crest Road. Mr. Noel Allen is the property owner and the property is zoned C-2 (Community Business District).

Mr. Martin explained the Conditional Use. The Planning and Zoning Commission met in April and they did request that one condition be considered for the application and that is the live entertainment to be limited from 6:00 p.m. to 11:00 p.m. The applicants are agreeable to the condition. This is to make sure there are not too many overlapping problems with parking that is available on the site. Don't want the live entertainment to interfere with parking of other businesses.

Mr. Greene was concerned about the parking during the daytime and would this be a problem.

Mr. Martin said the conditional use allows the City to address the parking.

19. **Ordinance No. 19-2425- -Z-0419-11-** Mr. John Whitson, representing RealtyLink Investments, LLC, is requesting property located at *4273 South Shades Crest Road* be pre-zoned from Jefferson County A-1 (Agriculture) to Hoover C-2 (Community Business District) for a proposed retail shopping center with a grocery store as the anchor, pursuant to Alabama Code Section 11-52-85.

Mr. Martin explained that the developer is putting together multiple properties and right now 10 acres are already in the City limits and is zoned C 2 and they are looking to acquire an additional 5 acres that is in unincorporated Jefferson County and they want the property pre-zoned.

Mr. Smith inquired about incentives.

Mr. Rice stated that there are no incentives.

20. **Ordinance No. 19-2426 -- Z-0419-10 –** Ms. Virginia M. Bonds, Executrix of the Evelyn N. Mayor Estate, is requesting property located at *2016 Shannon Road* be pre-zoned from Jefferson County R-6 to Hoover C-1 (Neighborhood Shopping District) for a proposed commercial development, pursuant to Alabama Code Section 11-52-85.

Mr. Martin explained Ordinance Number 19-2426. Discussion ensued about surrounding properties, development plans, and architectural theme/overlay district. Mr. Martin said the property owner seeks to annex into the City with commercial zoning and the annexation petition is pending.

Dr. Middlebrooks asked if there are any current development plans.

Mr. Martin said not at this time.

Dr. Middlebrooks also asked about the surrounding property owners goals to do the same.

Mr. Martin said his understanding is that there is interest.

Mr. Greene asked if this area has a certain theme like Ross Bridge associated with the area and if there are certain restrictions.

Mr. Martin said under the base zoning regulations there are no architectural standards.

21. **Ordinance No. 19-2427-- Z-0419-09** – The City of Hoover is requesting to rezone recently annexed property located at *2253 Chapel Hill Road* from Jefferson County R-1 to Hoover R-1 (Single Family District).

Mr. Smith explained this is simply rezoning of annexed property

22. **Ordinance No.19-2428 -- Z-0419-08** –The City of Hoover is requesting to rezone the property located at *2384 Farley Road* that was annexed into the City of Hoover from Jefferson County R-1 to Hoover R-1 (Single Family District).

Mr. Smith explained this is simply rezoning of annexed property.

23. **Ordinance No. 19-2429 -- Z-0419-07** – Mr. Michael Clay is requesting to rezone property at *4764 Wineridge Lane* from Hoover E-2 (Single Family Estate District) to proposed Hoover R-1 (Single Family District).

Mr. Smith asked how much property is involved.

Mr. Martin said one acre. This property is across from a state residential with 50 foot setbacks which made it difficult to develop the house he wanted.

24. **Ordinance No. 19-2430-- Z-0419-06** – The City of Hoover is requesting to rezone the property at *853 Willow Oak Drive*, (formerly Riverchase Middle School), that was previously annexed into the City of Hoover, from Shelby County E-1 District to Hoover R-1 (Single Family Residential District). Ord. # 18-2416.

Mr. Martin explained that this case and the following conditional use case are cleanup items that already exist on the site

25. Public hearing to consider the request of - **C-0419-06** – The City of Hoover is requesting *Conditional Use* approval for a Hoover Technical/Career Center to be located at *853 Willow Oak Drive*. The City of Hoover Board of Education is the property owner and the property is proposed to be zoned R-1 (Single Family Residential District).

Mr. Martin explained the Conditional Use previously.

Mr. Shaw asked how long it will be before there is an Institutional type zoning.

Mr. Martin said it depends on if you want to consider that as part of a smaller amendment to the Zoning Ordinance or the overall Zoning Ordinance.

- 26. Ordinance No. 19-2431-- Z-0419-05** – The City of Hoover is requesting to rezone a .25 acre parcel located at *4909 Coshatt Drive* that was annexed into the City of Hoover from Jefferson County A-1 zoning district to Hoover E-2 (Single Family Estate District).

Mr. Smith explained Ordinance Number 19-2431.

- 27. Resolution Number 5996-19** – A Resolution Accepting A Bid For City Hall Elevator Repairs For The City Of Hoover, Alabama.

Mr. Westhoven explained that the City is having continued elevator problems. This is part of the 3rd floor renovations but this part was pulled out to accelerate the process of getting the elevator fixed. The bids will be opened tomorrow. Mr. Westhoven said what will actually be replaced is the control panel part of the elevator and it is very difficult to find parts.

An announcement was made that the public hearing would be set at the City Council Meeting for the following:

- 28. Ordinance Number 19-2432** – An Ordinance Amending Of The City Of Hoover, Alabama Amending The Municipal Code Of The City Of Hoover, Alabama To Regulate Smoking In Public Places And Workplaces And Electronic Smoking Devices.

Mr. Smith stated that the final draft was sent this afternoon. Mr. Smith asked Mrs. Danielson for a red line version to see the changes.

COMMENTS/QUESTIONS

The following was addressed:

- **Pelham Fleet Management**

Mr. Murphy asked Mr. Rice about the agreement with Pelham and how well it was doing.

Mr. Rice said Dustin was very pleased with the two individuals he was able to add to staff and the maintenance they are receiving for their vehicles.

Mr. Moore said everything was going better than he expected. He thought they would have a lag because of the condition of their vehicles and they may have a slightly higher invoice this year but he sees this coming down.

- **Employee Health Clinic**

Mr. Rice said the clinic is exceeding expectations. Mr. Rice said he received feedback from employees and everyone is thrilled with the service.

- **Professionalism of both the Fire and Police Department**

Mr. Murphy commented on the Fire and Police Department. Mr. Murphy said he did a ride along with Police and got to see things that go on throughout the city. Mr. Murphy wanted to commend the Police Department on things they have to deal with in the city.

- **Cricket Capital of the World**

Mr. Shaw said starting Saturday from 8:00 a.m. to 6:00 p.m. Hoover starts its Cricket Capital of the World and will have its first cricket tournament.

- **SEC Tournament**

Mr. Posey asked about the extension.

Mr. Rice said the agreement was for three years with two additional optional one year extensions and they notified the Alabama Sports Council that they had decided to grant those extensions. Mr. Rice said this will be a great year with all the youth tournaments.

Dr. Middlebrooks said sometimes there are complaints about darkness.

Mr. Rice said some additional lighting units are on order.

- **Hazardous Waste Day**

Mr. Smith said this was another great success. Mr. Smith asked Mr. Rice how much does this cost.

Mr. Rice said around \$70,000.

Mr. Smith said some residents asked if the City would consider doing this twice a year.

Mr. Rice said he will get with contractors to see the cost and possibly put this into the budget.

The attorneys have requested that the Council go into executive session to discuss current litigation.

MOTION Motion to move into executive session to discuss current litigation was made by Mr. Lyda, seconded by Mr. Greene.

Mr. Corley declared this session would be permissible under an exception of the Alabama Open Meetings Act and found in The Code of Alabama 1975 Section 36-25A-7.a(3) as it is being called to discuss legal options for pending or threatened litigation. He stated, as an attorney, licensed to practice law in the State of Alabama, that he certifies that this exception is applicable to the plan of discussion.

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.

There being no further business, the meeting was moved to executive session at 6:12 p.m. Mr. Smith announced that the meeting will not reconvene after the executive session and will be adjourned.

Gene Smith
Council President

Frank V. Brocato
Mayor

ATTESTED BY:

Wendy Dickerson
City Clerk