

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Tuesday, January 22, 2019
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Frank V. Brocato
Mr. Gene Smith, Council President
Mr. John Greene, Council President Pro-Tempore
Mr. John Lyda, Council Member
Dr. Casey Middlebrooks, Council Member (Arrived 6:08 p.m.)
Mr. Derrick Murphy, Council Member (Arrived 6:19 p.m.)
Mr. Curt Posey, Council Member
Mr. Mike Shaw, Council Member

ALSO PRESENT: Ms. April Danielson, City Attorney, Wallace, Jordan, Ratliff & Brandt, LLC
Mr. Rod Evans, Wallace, Jordan, Ratliff & Brandt, LLC
Mr. Jehad Al-Dakka, Executive Officer, Police Department
Ms. Amanda Borden, Library Director
Mr. Tommy Daniel, Director, Public Works
Mr. Greg Knighton, Economic Developer
Mr. Mike Lewis, Director, Human Resources
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Mac Martin, City Planner
Mr. Craig Moss, Director, Parks and Recreation
Chief Duane Prater, Fire Department
Mr. Ben Powell, Purchasing Director
Mr. Allan Rice, City Administrator
Mr. Tim Westhoven, Chief Operations Officer
Mr. Jim Wyatt, Director, Building Inspections
Mr. Robert Yeager, Treasurer

The meeting was called to order by Council President Gene Smith.

The clerk had roll call and a quorum was present.

Mayor Brocato announced the sad news of the death of former Mayor Gary Ivey and asked everyone to remember his family and friends in their prayers.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Posey.

1. APPROVAL OF MINUTES

Mr. Lyda made a motion to approve the minutes of the January 7, 2019 regular meeting and the January 17, 2019 work session as presented and to dispense with the reading. This motion was seconded by Mr. Greene. Mr. Smith called for questions or comments from the Council. There being none, on voice vote the motion carried unanimously.

2. REPORTS

Mr. Lyda joined the Mayor at the podium and invited all those involved with Hoover Helps to join them at the front of the chambers. Mr. Lyda read a **Proclamation** recognizing and congratulating **Hoover Helps** in their partnering with **Neighborhood Bridges** to further the mission of mobilizing and empowering the community to help meet the basic needs of the children of Hoover. He introduced Greg and Donna Bishop, founding partners of Hoover Helps. Others present were Mr. David Bannister, Janet Turner, Steve McClinton, Jason Gaston, Marly Stephens, David Cowen, Debbie Mar and April Stone. Mr. Bannister spoke briefly about the success of this city wide initiative and expressed appreciation to Mayor Brocato and Mr. Lyda. Neighborhood Bridges will launch on February 4 (February is the month of kindness). Mayor Brocato and Mr. Lyda presented the proclamation to the group.

Mr. Darryl Fuhrman, Executive Director, Letterman of the USA, spoke about this organization and extended an invitation to the upcoming **One Yard at a Time Gala** event to be held on February 8, 2019 at the Grand Bohemian Hotel in Mountain Brook to support veterans, wounded veterans, former athletes facing hardships, and the homeless.

Mayor Brocato recognized the following employees: **Vanessa Bradstreet** on her 25 years of service (accompanied by her husband, Ron); and **Connery Davis** on his 20 years of service. The Mayor then introduced a new employee, **Melanie Posey, Public Information Officer**.

Mayor Brocato requested to move item h., Resolution No. 5931-19, on the consent agenda to the regular agenda to allow discussion.

Mr. Smith noted that the term of Mr. Joe Flemming, **Educational Building Authority**, had expired and he questioned whether there was a need to reappoint this member. The authority was incorporated many years ago in relation to the construction of Prince of Peace Catholic School and no meetings had been held in recent years. A motion was made by Dr. Middlebrooks and seconded by Mr. Greene to absolve the authority. After discussion, the motion was amended by Dr. Middlebrooks to let it remain dormant and should the need arise in the future it could be reconstituted at that time. Mr. Greene and Mr. Shaw seconded the amended motion. On voice vote the motion carried unanimously.

Mr. Lyda made a motion to **appoint Mr. John Baird** as the Council appointee to the **Personnel Review Board** to replace Mr. Otis Bibb. Mr. Greene seconded the motion. On voice vote the motion carried unanimously. Mr. Lyda expressed appreciation for Mr. Bibb's years of service and thanked Mr. Baird for his willingness to serve. Mr. Baird was present in the audience and was recognized at this time.

3. CONSENT AGENDA.

Mr. Smith stated that all of the items in the consent agenda were discussed at work session. Item h., Resolution No. 5931-19 - Police Department Compensation, was moved to the regular agenda at the request of the Mayor.

The City Attorney read the following items:

- a. **Resolution No. 5924-19** – Amend Budget FYE 9/30/19.

- b. **Resolution No. 5925-19** – Authorize Mayor to execute an annual Service Agreement with the Hoover Chamber of Commerce.
- c. **Resolution No. 5926-19**– Authorize Mayor to execute a claims service agreement with Brentwood Services Administrators, Inc. regarding Workers Compensation claims.
- d. **Resolution No. 5927-19** – Authorize establishment of checking account with Regions Bank for Workers Compensation Claims payments; and authorize signors on said account.
- e. **Resolution No. 5928-19** - Authorize Mayor to execute an Asset Recovery Agreement with Anthony M. Minotti, LLC.
- f. **Resolution No. 5929-19** – Authorize Mayor to execute a Human Capital Management Services Agreement with ADP.
- g. **Resolution No. 5930-19** – Consider condemnation proceedings for repair to secure a house located at 2272 Vanessa Drive to abate an attractive nuisance complaint.
- i. **Resolution No. 5932-19** – Authorize Mayor to execute agreement with AT&T regarding FirstNet telecommunications services.
- j. Approval of **ABC Application** for **CLERE, LLC** to allow 040 Retail Beer (On or Off Premises) and 060 Retail Table Wine (On or Off Premises) at **The Neighborhood Brew**, 5184 Caldwell Mill Road, Suite 206. This is due to a change in ownership.

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

4. **REGULAR AGENDA.**

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

RESOLUTION NO. 5931-19 – POLICE DEPARTMENT COMPENSATION

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

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

Mayor Brocato noted that in 2000 former Mayor Skelton placed the police department on a forty-three hour, seven day pay period. Mayor Brocato has determined that it would be most beneficial to non-exempt police department employees for the police department's work week for overtime purposes to be based upon a forty hour, seven day pay period with time and one half overtime being paid by the city for any hours worked over forty hours. The cost could

range from \$300,000 to \$500,000. There has been talk that this has some relationship to RSA based retirement figures and one officer has filed a notice of intent to sue. Mayor Brocato informed the Council of intense discussions with RSA in which RSA has given the city the correct way to report compensation and that issue has been resolved. He emphasized that these are two separate issues. After discussion, the City Attorney responded that they are two separate issues. One deals with the Retirement Systems of Alabama and the other deals with the Fair Labor Standards Act.

A question was asked and Mayor Brocato concurred that his intent in bringing this forward is that while it is within his purview to change it he wanted to bring it to the Council in the form of a resolution so that the Council would have some input should a future change come.

After further discussion, Mr. Lyda made a **motion to TABLE the original motion**. Mr. Shaw seconded the motion. Mr. Smith asked for a roll call vote. On roll call vote the votes of the Council were as follows: Mr. Greene, "Nay"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Nay"; Mr. Murphy, "Yea"; Mr. Posey, "Nay"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried.

Mr. Lyda made a **motion to Continue to the Call of the Chair**. This motion was seconded by Mr. Shaw.

After further discussion on the matter of a 43 hour work week versus a 40 hour work week and any effect this could have on retirement figures, **Sgt. David Wright, Hoover Police Department**, expressed his opposition to the proposed changes insisting that retirement figures would be affected.

After further discussion, Mr. Smith stated that a motion had been made and seconded to Continue to the Call of the Chair, which he determined to be the next regular meeting. Following closing comments by Mayor Brocato, Mr. Smith asked the clerk to call the roll. On roll call vote the votes of the Council were as follows: Mr. Greene, "Nay"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Nay"; Mr. Murphy, "Yea"; Mr. Posey, "Nay"; Mr. Shaw, "Yea"; and Mr. Smith, "Yea". The motion carried.

5. **2ND READING ORDINANCE NO. 19-2418 – AMEND MUNICIPAL CODE AND GRANT FRANCHISE AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICE CORP. d/b/a VERIZON**

The City Attorney had the second reading of Ordinance No. 19-2418. This would amend the Municipal Code, Appendix IV, and grant a non-exclusive franchise to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services to construct, maintain and operate a fiber based communications system in, over, under, across and through the public rights-of-way in the City of Hoover and any future additions thereto.

Mr. Shaw made a motion to **adopt Ordinance No. 19-2418**. This motion was seconded by Mr. Greene. Mr. Smith called for comments or questions from the Council or the audience.

Mr. Arnold Singer, 613 Riverhaven Place, requested to table the ordinance to allow time for Verizon to provide more information.

Mr. Ben Powell, Purchasing Director, addressed questions from the Council.

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

6. **1ST READING ORDINANCE NO. 19-2419 – AMEND MUNICIPAL CODE REGARDING PARKING REGULATIONS**

The City Attorney had the first reading of Ordinance No. 19-2419. This would amend the Municipal Code, Chapter 9, Motor Vehicles and Traffic regarding parking regulations.

The second reading and consideration for adoption will be on Monday, February 4, 2019. This would be subject to a change that was given to the Council on Thursday that would strike Section 9-103a, Sub-section 16, that would have prohibited any parking on the area between any roadway and the sidewalk adjacent thereto.

7. **1ST READING ORDINANCE NO. 19-2420 – ANNEX 3269 MONTE D'ORO DRIVE AND 3236 PINEHURST DRIVE**

The City Attorney had the first reading of Ordinance No. 19-2420. This would annex 3269 Monte D'Oro Drive and 3236 Pinehurst Drive.

The second reading and consideration for adoption will be on Monday, February 4, 2019.

8. **SET PUBLIC HEARINGS FOR MONDAY, FEBRUARY 18, 2019 AT 6:00 PM**

Mr. Smith stated public hearings are hereby set for Monday, February 18, 2019 at 6:00 PM to consider the following requests which come forward with a positive recommendation from the 1/14/19 Planning and Zoning Commission meeting:

- a. Mr. Jon Rasmussen, Gonzalez-Strength & Associates, Inc., requests to amend the zoning conditions for the site located at 2311 John Hawkins Parkway to allow (1) a parapet wall to extend to 24 feet, (2) a blade or tower to extend to a height of 27 feet, and (3) a flat roof at 18 feet to accommodate roof mounted HVAC and other equipment. *PZ Case #Z-0119-01*
- b. Mr. Jon Rasmussen, Gonzalez-Strength & Associates, Inc., requests **Conditional Use** approval for a **Pet Suites Resort**. This request includes a revised site plan for a facility offering various services to pets, including grooming, nutrition, boarding, and other specialized services. *PZ Case #C-0119-01*
- c. Mr. Cole Williams, Goodwyn, Mills, & Cawood, Inc., is requesting to amend the site plan for the **Conditional Use** approval granted in February 2018 for The Crossings at Hoover, a Senior Living (Independent, Dependent, and Memory Care) Center to be located at 2171 Parkway Lake Drive on the corner of Montgomery Highway and Parkway Lake Drive. The property is owned by S&K Investments and is zoned PUD PI (Planned Light Industrial). *PZ Case #C-0119-02*

Mr. Charlie Beavers, Attorney for Pet Suites Resort, was present for items a. and b. and briefly reviewed the modifications made to the proposal to make it more acceptable to the neighborhood. He was prepared to give a power point presentation but agreed to email the presentation to the Council for their review. He informed the Council that he would be meeting with the neighborhood on Wednesday, January 30, in the Council Chambers.

9. **PAYMENT OF BILLS**

Mr. Lyda stated he had reviewed the bills and made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. Mr. Smith called for questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **COMMENTS/QUESTIONS**

Mr. Smith called for additional questions or comments.

Mr. Murphy requested an update on the completion date of the Highway 150 project between Shades Crest Road and Ross Bridge. He had received phone calls concerning confusion with the old and new striping lines in that area that are creating a dangerous situation. Tim Westhoven responded that he would communicate those concerns to the contractor and ALDOT. Because the cold weather currently does not allow them to put down the final wearing surface they have to make adjustments there.

11. **EXECUTIVE SESSION**

Mr. Smith stated the Council is about to go into **Executive Session** to discuss economic issues. The Open Meetings Act does allow executive session involving matters of trade or commerce on which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or other states.

The City Attorney concurred that this purpose meets state statute.

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

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

Margie Handley, City Clerk