

**CITY OF HOOVER  
CITY COUNCIL  
MINUTES  
FEBRUARY 3, 2020**

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

**Members Present:**

Gene Smith, Council President  
John Greene, Council Pro-Tem  
John Lyda, Council Member  
Casey Middlebrooks, Council Member  
Derick Murphy, Council Member \*Arrived at 6:17 p.m.  
Curt Posey, Council Member  
Mike Shaw, Council Member

**Other Officials Present:**

Mayor Frank V. Brocato  
Phillip Corley, City Attorney  
April Danielson, Assistant City Attorney  
Jehad Al-Dakka, Executive Officer, Police Department  
Clay Bentley, Fire Chief  
Amanda Borden, Library Director  
Erin Colbaugh, Events Manager  
Jason Cope, Technology Director  
Tommy Daniel, Public Works Director  
Nick Derzis, Police Chief  
Wendy Dickerson, City Clerk  
Susan Fuqua, Municipal Court Director  
Mike Lewis, Human Resources Director  
Frank Lopez, Revenue and Taxation Director  
Melinda Lopez, Chief Financial Officer  
Ellen Madden-Williams, Executive Assistant to the Mayor  
Mac Martin, City Planner  
Dustin Moore, Fleet Director  
Linda Moore, 911 Director  
Craig Moss, Parks and Recreation Director  
Ben Powell, City Treasurer  
Melanie Posey, Public Information Officer  
Allan Rice, City Administrator

Jim Wyatt, Building Inspections Director  
Mindy Wyatt, Applications Systems Specialist  
Tina Bolt, Finance Director  
Marty Gilbert, Active Building Inspections Director

Ms. Dickerson led the invocation.

Mr. Posey led the Pledge of Allegiance.

## **MINUTES**

The minutes of the following meetings were presented for approval: January 16, 2020 (Work Session), January 16, 2020 (Special Called Meeting), and January 21, 2020 (Regular Meeting).

**MOTION:** Motion to dispense with the reading of the minutes of the January 16, 2020 (Work Session), January 16, 2020 (Special Called Meeting), and January 21, 2020 (Regular Meeting) and approve them as presented was by Mr. Lyda and second by Mr. Greene. Mr. Smith called for a voice vote and the motion carried approving the minutes of the January 16, 2020 (Work Session), January 16, 2020 (Special Called Meeting), and January 21, 2020 (Regular Meeting).

## **ANNOUNCEMENTS AND GUEST RECOGNITION**

- The Mayor recognized Ms. Rebecca White to be appointed to the Planning and Zoning Board for a six-year term. She is replacing Mr. Sammy Harris. The Mayor stated that they actually advertised for individuals in the City to apply to the Planning and Zoning. They had a nice group of applicants and Ms. White was chosen particular because of her background in traffic. We are excited to add her to our Planning and Zoning.
- Mr. Smith asked if there were any comments or questions from the Council.
- Mr. Lyda stated that they had a couple of guests that are candidates for office and he would like to include them in the reports section.

Mr. Smith invited them to speak.

Mr. Allan Miller stated that he is running for District Court Judge in Shelby County. He stated that he wanted to take this opportunity to share a little bit about himself and why he is running. For the last 16 years, he has served in the District Attorney's Office in Shelby County. During that time, he served in every role in the District Attorney's Office. He had the opportunity to serve as Chief Assistant to the District Attorney, tried many of

Shelby County's most important cases, helped establish their Veteran's Court, and served as the initial Executive Director for Compact 2020, which is a drug prevention and intervention initiative that was Countywide and Hoover has been very supportive of particularly Hoover City Schools. He is also entering into his 30<sup>th</sup> year of his Marine Corps Reserve career. His PT scores are starting to plummet despite his best efforts, so it is probably time for him to hang that up. He stated that he did enlist right after high school in 1990. He attended Tulane University on a Navy ROTC scholarship. He was commissioned in 1995 and served from 1995-1999 with 3<sup>rd</sup> Battalion 7<sup>th</sup> Marines. He got off active duty and thought his military career was behind him. After 9/11, he got back into the Reserves as an Artillery Officer where he was fortunate to be assigned to a battery out of Chattanooga, Tennessee. He deployed with them in 2004 to Fallujah and again in 2008 to a small city called Rutbah out west. He shared all of that because he hopes that it shows that he is serious about his service and that he serves with excellence. It is excellence that he thinks is important to the people of Shelby County and of Hoover. He has travelled to a number of City Council Meetings and County Commission and everywhere he has gone he has seen people working together. They do not always agree, but they are working hard together to move their people forward to the best of their ability. That is the same kind of excellence and effort that he wants to bring to their District Court. He asked if there are any questions from the Council.

Mr. Smith stated that on behalf of everyone here that they are very appreciative of his time and service to the Country.

Mr. Miller stated thank you and it was his honor.

Mr. Bentley Patrick stated that he currently serves Place 7 in the District Court of Jefferson County and he will be on the ballot as well. He was appointed by Governor Ivey last April when Bobby Bynon retired. He has over 25 years of civil litigation experience. He has tried over 200 cases to a verdict in more than 25 Alabama counties. He has handled hundreds of cases in the District Court. He is a trained mediator and has settled over 100 cases in the Jefferson County District Court. He does not charge for his services, he is just trying to help people get their dispute resolved. He has been pleased to try over 100 cases taking the bench. The Legislature increased the court's jurisdiction. They now hear cases up to \$20,000, so they are seeing a lot of personal injuries cases as well as landlord and tenant collection cases and disputes between neighbors. As a result, their caseload has gone from about 6,000 cases per judge up to about 7,000 cases in the last 90 days. He is looking forward to applying his experience because he has trial experience as well. He was appointed in 2015 by the governor at that time, Governor Bentley, to serve as the Circuit Judge in Jefferson County, where he served for two years. The election did not turn out as he had hoped in 2016, but he is looking forward to the opportunity to serve. He has two daughters and he is married. He stated that he cannot say that he started in the Marine Corps, but he has 30 years of marriage and they recently celebrated their 30<sup>th</sup> Anniversary. He stated that he looks forward to serving and welcomed any questions.

Mr. Smith asked if there was any more reports or recognitions from the Council.

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

## **Consent Agenda**

The Consent Agenda is presented by the Council President at the beginning of a Council Meeting. Items presented on the Consent Agenda are considered routine and non-controversial. They are adopted by general consent without debate. Items may be removed from the Consent Agenda by the request of any one member. If an item is removed it may be considered either immediately after the Consent Agenda is approved or considered later on the agenda at the discretion of the Council President and City Council.

### **PAYMENT OF BILLS**

#### **RESOLUTION NUMBER 6183-20**

**A Resolution Approving An Alcohol License, 5250 Peridot Place, Radiant Investments, LLC d/b/a Big Whiskeys, Nizar Batada, Amaan Porbandarwalla, Zunaid Porbandarwalla, and Sajid Jalali, Executive(s).**

#### **RESOLUTION NUMBER 6184-20**

**A Resolution Authorizing The Mayor To Execute A Non-Disclosure Agreement For Economic Development Purposes.**

#### **RESOLUTION NUMBER 6185-20**

**A Resolution Authorizing The Mayor To Execute A Restatement Of Lease And Consent To Sublease With Shades Cliff Civic Club, Inc.**

Mr. Smith stated that he would like Resolution Number 6186-20 moved to the Regular Agenda.

Mr. Corley read the Resolutions with the exception of Resolution Number 6186-20.

**MOTION** Motion to approve all items on the consent agenda with the exception of Resolution Number 6186-20 was made by Mr. Lyda and seconded by Mr. Greene.

Mr. Smith asked if the Council or audience had any questions or comments. There being none, Mr. Smith called for the question with a voice vote on consent items with the exception of

Resolution 6186-20 and the motion carried adopting consent items with the exception of Resolution Number 6186-20.

## **Regular Agenda**

### **RESOLUTION NUMBER 6186-20**

#### **A Resolution Amending The Budget For The Fiscal Year Ending September 30, 2020**

Mr. Corley read the Resolution.

**MOTION** Motion to approve Resolution Number 6186-20 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked the members to review that there is \$284,000 in the budget amendment for the issuance of City-owned weapons to police officers. For those that were present on Thursday, there is an add-on called the Axon Side Arm Sensor that would be very useful in the deployment of any of the officer's weapons. He stated hopefully he could get a motion and a second to include that in this budget amendment.

**MOTION** Motion to approve amended Resolution Number 6186-20 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked for any comments or questions from the Council. There being none, he asked for any comments or questions from the audience.

Mr. Greene asked what the added amount was

Mr. Smith stated \$50,000

Mr. Greene stated that he understands the majority of that coming out the Police Drug Fund. He asked if that was correct.

Mr. Smith stated the \$284,000. He stated that it is either the Drug Fund or the Federal Prisoner Fund.

Mr. Greene asked Chief Derzis which one it was.

Chief Derzis stated that it is from the Drug Fund.

Mr. Smith asked for any comments or questions from the Council. There being none, he asked for any comments or questions from the audience.

There being none, Mr. Smith called for the question with a voice vote to amend the motion for Resolution Number 6186-20 and the motion carried approving to amend the motion for Resolution Number 6186-20.

Mr. Corley said now they need to vote of Resolution 6186-20 as amended.

Mr. Lyda had made the motion with a second by Mr. Greene.

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

There being none, Mr. Smith called for the question with a voice vote on the amended motion to approve Resolution Number 6186-20 and the motion carried approving the amended Resolution Number 6186-20.

### **RESOLUTION NUMBER 6187-20**

#### **A Resolution Authorizing The Mayor To Execute An Agreement With LogMeIn.**

Mr. Corley read the Resolution.

**MOTION** Motion to approve Resolution Number 6187-20 was made by Mr. Lyda seconded by Mr. Greene.

Mr. Smith asked Mr. Cope if this was to aid him in repairing other computer systems.

Mr. Cope stated that that is correct. It is a software support tool that their team uses to remote in, diagnose issues, and work on PCs without having to drive across the City to the facilities. It helps expedite their time.

Mr. Smith asked if this is a renewal.

Mr. Cope stated yes, it is a renewal. They have had it over the past several years. There was no price increase this year.

Mr. Smith asked what the dollar value is.

Mr. Cope stated \$8,400.

Mr. Smith asked if it is budgeted in.

Mr. Cope stated yes.

Mr. Smith asked for any comments or questions from the Council. There being none, he asked for any comments or questions from the audience.

There being none, Mr. Smith called for the question with a voice vote and the motion carried adopting Resolution Number 6187-20.

Mr. Murphy arrived at 6:17 p.m.

**1<sup>st</sup> Reading (*Items to be considered on February 17, 2020*)**

**ORDINANCE NUMBER 20-2472**

**An Ordinance Authorizing The Lease Of Unneeded Municipal Real Property Of The City Of Hoover, Alabama**

Mr. Corley read the Ordinance.

**1<sup>st</sup> Reading and Setting Public Hearings For February 17, 2020 (*No Action To Be Taken At This Meeting*)**

Set public hearings for **Monday, February 17, 2020, at 6:00 PM** to consider the following requests:

**RESOLUTION NUMBER 6181-20**

**A Resolution Granting Conditional Use Approval For The Patton Creek Art Festival For The Property Located At 4445 Creekside Avenue, Hoover, Alabama.**

**RESOLUTION NUMBER 6182-20**

**A Resolution Granting Conditional Use Approval For A Modular Building To Be Used For Sunday School Classes For The Property Located At 560 Lake Crest Drive, Hoover, Alabama.**

**ORDINANCE NUMBER 20-2471**

**An Ordinance Amending Various Sections Of The Zoning Ordinance Of Hoover, Alabama.**

Mr. Corley read the Resolutions and Ordinance.

## **COMMENTS/QUESTIONS**

Mr. Lyda stated that he wanted thank Coach Larry and his staff for opening up the theater for the Council this month.

Mr. Middlebrooks made a motion to approve the minutes because he believes they missed it at the beginning.

The Council confirmed that the minutes were approved at the beginning.

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

Mr. Shaw stated that they welcomed many people from all over the world to Hoover this week. He really appreciates everybody who took part in that. The Council Members, Mr. Smith, and the Mayor being there made a big impression on the the people of Japan and the people of Tajikistan. He stated that he thinks that they are finally getting some word out there, for what they are trying to do internationally. He appreciates their help and they could not do it without them.

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

Mr. Jody Patterson from Trace Court stated that his water and sewer bills have been outrageous for the last few years. For the last few months, it has been \$232, \$246.47, \$317.31, and \$252.33. When he moved into his home 25 years ago, he remembers some invoices at \$50, \$60, and \$70. He asked if he could blame any of this on usage. He stated no sir. He stated that two of his children are gone most of the time at the University of Alabama. He and his wife rent with two other couples. It is a three-bedroom home in Tuscaloosa. He stated that he could guarantee that the three young men in college use as much or more water than his family on the Birmingham Water System. He pays the water, sewer and garbage each month to the City of Tuscaloosa. \$75.82 is the highest bill that he has paid in the last 7 months. \$66, \$58 and a low of \$45.96. He asked why he is bringing this water and sewer issue to their attention. Approximately 70% of their constituents are on the Birmingham Water. Approximately 50% of their constituents are on the Jefferson County sewer system. He predicts that his personal water bill will continue to rise even more. The sewer portion of his invoice is always double the water bill portion. The Council are elected representatives for all residents of Hoover and are served by the Birmingham Water Works and Jefferson County Sewer Board. It is his opinion that Birmingham Water and Jefferson County Sewer bills are the highest in the state of Alabama. He stated that he could say with certainty that Birmingham Water is five times more than their water bill with the City of Tuscaloosa. A lot of this goes back to corrupt commissioners, recent Water Works Board member convicted, jail time for a couple. He has been told the outstanding sewer debt is \$1 billion debt. He stated that this is unbelievable. Unintended consequences is what this letter is really about. Water Works and the Sewer Board continue to raise their rates. They are trying to cover poor management and poor decision-making. Where does that leave Hoover residents? He stated that he wants to get off Birmingham Water and Jefferson County Sewer System. He stated that it is not going to happen

unless he moves. He does not want to move. He has been in Hoover 60 years and does not want to go anywhere else. He stated that he is sick and tired of those high bills. One of his friends wants to move. Unintended consequences. He had many people ask him what his water and sewer bill was. They were also complaining, sick, and tired of the bills. A friend of his that he went to high school with called him and told him that he has to get him off the Birmingham Water Works and the Jefferson County Sewer System and out of Jefferson County. Unintended consequences. The only thing that he could say is that he understands. He stated that those who knows where the sales tax money goes, they understand and know where Shelby County thrives with 1%. Jefferson County goes bankrupt by collecting 2%. He stated that the only thing that he could ask the Mayor and the Council to do is explain unintended consequences to the Birmingham Water Works and the Jefferson County Commission.

Mr. Smith asked if there were any further questions.

Mr. Murphy stated that he would be happy to speak with Mr. Patterson about that. It sounds like a leak bursting out with a \$300 water bill.

Mr. Patterson stated that he would be glad to speak with him as well.

Mr. Smith asked if there were any further questions.

There being no further business, the meeting adjourned at 6:27 p.m.

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Gene Smith  
Council President

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Frank V. Brocato  
Mayor

**ATTESTED BY:**

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Wendy Dickerson  
City Clerk