

Gardendale City Council Meeting
Monday March 5, 2018 7:00pm

The Gardendale City council met in pre-council work session at 5:30 p.m. on March 5, 2018 at City Hall located at 925 Main Street to discuss general business relating to City operations and to review agenda items for tonight's regularly scheduled council meeting.

Members present were as follows:

Allen Jerkins	Adam Berendt	Will Hardman
Alvin Currington	Greg Colvert	

Also attending: Mayor Stan Hogeland City Attorney Ken Thompson

Council President Currington presided over the meeting and Melissa Honeycutt acted as recording secretary.

New Higgins suit is asking for monetary damages, not injunctive release like Harrison suit that is for authorized settlement tonight.

Councilor Currington stated the Mayor received notice of resignation from Virginia Jones from the Planning and Zoning Board he would like to put forth Bill Casaday as a replacement.

Mayor Hogeland asked that the council approve sewer pump replacement as an additional bill list or prepay item by midweek for Reliable Septic Tank for \$4000.00. Motion was made by councilor Hardman to pay Reliable Septic if all needed documentation and licenses are on file with administration. The motion was seconded by councilor Jerkins and upon a voice vote all approved.

Mayor has a meeting with Mr. Pouncey and Mr. Dixon to discuss county schools to discuss wording of tax ordinances and other items as it relates to school taxation. Councilor Hardman asked what is the legal means to appropriate money into the schools and if not reworded can we distribute funds. Attorney Thompson stated the voted mills have to be used for public school purposes, which we are comfortable with. The concern is that the county does not want it to be earmarked for educational purposes as to what effect it may have on the county 8.8 mills tax. This is the portion that will have to be ruled on by the Judge in the filed lawsuit. The county is working toward a renewal of the 8.8mils that the city was dropped from before, but final determination of whether it would be city vote or county wide vote. Councilor Jerkins asked if the council mills could be used toward the county today. Ken responded that the county wants 10 mills to be unearmarked. Councilor Hardman asked when is it decided on how it can be used. Mr. Thompson stated possibly through the current lawsuit, which could be minimum 60-90 days and would be determined by what the judge states and his order and could then be appealed. Councilor Jerkins asked if the other referendum was done would it affect the lawsuit. Mr. Thompson stated no as it wouldn't be retroactive. Think that the referendum vote can't be distributed until the case is decided. The council can change wording

of council levied tax at any meeting. Mayor theoretically we could release the council voted mills. Councilor Colvert asked if wording was changed now, would it keep any new funds from being attached in the lawsuit. Councilor Hardman asked what the balances are currently. City clerk stated referendum balance is over 1 million and council voted balance is 3 million. Councilor Currington stated that there are other costs that would need to be paid including the BOE wind-down expenses, legal fees, and LDF legal fees if they file motion for payment since the city was ruled against. The judge has to rule if the city pays the LDF legal fees under Civil Rights motion. Attorney Thompson stated there are some conversations currently occurring between all parties to the suit. Councilor Hardman stated the council voted 5 mills currently has to be spent on education but if re-appropriated tonight to remove the educational wording we could. Yes responded councilor Currington. Councilor Colvert stated we need to do something to protect that money from future suits, we need to be able to move forward with helping the schools and if rewording the 5mills would free it up for use as a budgetary appropriation out of general fund. The uncertainty is how we view the wording versus how Jefferson County wording occurs and/or if the judge orders refund of collected tax. Attorney Thompson states that could reword the council voted mills could be reworded retroactively. Councilor Currington asked for clarification that the amount already collect could be unearmarked and spent as general municipal tax as it was not special district tax. Same could be done with the 1% tax. We could do this but it also doesn't keep us from being challenged. Councilor Colvert stated we need a plan before we go into court and what are intent is currently and in the future. Councilor Hardman agrees but thinks that distribution should wait until there is a resolution to the case with Jefferson County. Councilor Currington stated that the judge doesn't have jurisdiction over the City of Gardendale she only has jurisdiction over Jefferson County. Would think that we would like to also here from constituents. Mayor stated it is going to be hard to have a plan without knowing the legalities. Councilor Colvert stated we need to have a plan regardless. Councilor Jerkins stated think we could go in with a plan on how the city would like to help the schools annually. Mayor Hogeland gave a brief overview of how the City of Clay works with Jefferson County through budget appropriations. Council stated before a public hearing occurs for any changes, need to discuss and get agreement with Jefferson county about needs in school and how the city can help make it happen and make sure there is some sort of oversight or liaison/advisory board to Jefferson County. Mayor Hogeland state the money would have to be controlled by city clerk/treasurer not just handed over to the county. Mayor Hogeland stated we can't get all the answers or resolution in one or two weeks on a case that has been ongoing for 6 years. There is a school board meeting tomorrow night at 6pm. Councilor Colvert asked what is the remaining members of the BOE working on. Councilor Currington stated the should be able to find out tomorrow night.

Councilor Berendt asked if the Cahaba Capital contract changes are made in tonight's contract. Attorney Thompson stated they are.

Please remember to RSVP to Chamber luncheon on Thursday. Planning and Zoning also meets Thursday night at 6:30pm.

Adjourn work session until 7pm meeting.

Mr. Michael Williams was in attendance to listen to the meeting regarding possible contingencies for the current audit period.

The Gardendale City council met on March 5, 2018 at 7:00pm for a regularly scheduled council meeting at the City Hall located at 925 Main Street. Council president Currington presided over the meeting and Melissa Honeycutt acted as recording secretary.

Council president Currington called the meeting to order and councilor Jerkins led the pledge of allegiance. Mr. Bryan Knox delivered the invocation.

Melissa Honeycutt called roll and asked for a voice response from those in attendance. Results are recorded as follows:

Members present were as follows:

Alvin Currington	Allen Jerkins	Adam Berendt
Greg Colvert	Will Hardman	

Not Present:

Also attending: Mayor Hogeland City Attorney Ken Thompson

Council president Currington called for a motion to approve the minutes of the February 19, 2018 Council minutes and February 22, 2018 work session. Councilor Jerkins made a motion to approve the minutes which was seconded by Councilor Berendt and was approved by all.

Visitors:

Correspondence/Announcements:

Council president Currington called for a motion to approve the bill list. Councilor Berendt made a motion to approve the bill list as presented. Councilor Hardman seconded the motion and with a voice vote passed without opposition.

Council president Currington recognized the following for council reports:

Allen Jerkins, District 1: Please support Rockets Football team tonight by attending Spirit Night at Buffalo Wild Wings

Adam Berendt, District 2: No Report

Alvin Currington, District 3: Recognize Boy Scouts in attendance tonight, thank you for coming and am proud of you. Boy Scouts are a great organization. With the spring weather the last few weeks the Public works department has done a great job working around the city.

Greg Colvert, District 4: No Report

Will Hardman, District 5: thank you to all department heads and thank you to Bryan Knox for the devotional

Council president Currington recognized the following Department heads for reports.

Administration Dept., Melissa Honeycutt No report

Fire & Rescue Dept., Joe Thomas No Report

Police Dept., Mike Walker no report

Inspections Dept., Eddie Deason had no report

Public Works Dept., Jeff Holliyan stated April 2-6 is Spring Clean-up week and City-wide litter day is April 7. Please call for pickup

Parks & Rec. Dept., Dale Hyche announced stated spring schedule is up on Facebook.

Civic Center Dept., Keith Mosley annual spring arts and craft show is Friday and Saturday. High School wrestling banquet is week from tonight.

Library, Connie Smith stated the Fairy Tale ball was successful, working on a final amount to benefit Relay for Life.

Courts, Bree Dunn had no report

Chamber of Commerce, Anna Stokely announced Chamber luncheon is Thursday.

Old Business: None

New Business:

Council President Currington introduced the event application for the Magnolia Festival 5K run for approval. Councilor Jerkins made a motion to approve the event permit. Councilor Hardman seconded the motion and upon a voice vote all approved.

Council president Currington recognized the following ordinances:

None

Council president Currington recognized the following resolutions:

Resolution 2018-025 to authorize streetlight installation at Tarrant Road and New Castle intersection and a street light installation at St. Vincent's on Highway 31 was read by councilor Colvert who made a motion to approve resolution 2018-025. Councilor Jerkins seconded the motion and upon a voice vote the motion passed unanimously.

Resolution 2018-026 to approve a budget amendment was read by councilor Hardman who made a motion to approve resolution 2018-026. Councilor Colvert seconded the motion and upon a voice vote the motion passed unanimously.

Resolution 2018-027 to hire Candace Burgess as a crossing guard was read by councilor Colvert who made a motion to approve resolution 2018-027. Councilor Jerkins seconded the motion and upon a voice vote the motion passed unanimously. Ms. Burgess was in attendance and introduced to the council by Ms. Mary Tidwell.

Resolution 2018-028 to authorize the mayor to enter into a settlement agreement was read by councilor Hardman who made a motion to approve resolution 2018-028. Councilor Jerkins seconded the motion and upon a voice vote the motion passed unanimously. Mayor Hogeland thanked Ken Thompson for his work on this and also thanked Courts for their work on this as well. He asked if Courts were aware and able to meet stipulations, Ms. Dunn responded yes.

Resolution 2018-029 to authorize the mayor to enter into a real estate sales agreement with Cahaba Capital was read by councilor Berendt who made a motion to approve resolution 2018-029. Councilor Hardman seconded the motion and upon a voice vote the motion passed unanimously. Mr. Berendt provided a brief synopsis of the sales contract to Cahaba Capital for property behind UAB for 1.9 million. Mayor Hogeland stated it is for 13.8 acres. There are a few site overlays mostly retail and restaurants

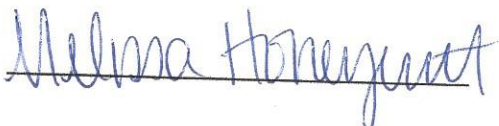
Council President recognized Mayor Hogeland for Mayor communications as follows: Visited with Brasfield and Gorrie at UAB project, is really taking shape. In a few days the city will be recognized for an award that will be announced at a later time. Thanks to all department heads, even with no reports at council we all meet each Wednesday to discuss concerns and talk about items pending.

Council president Currington opened the floor for Public Comments & Other Business as follows:

No comments from the public.

With no further business to discuss the meeting was adjourned.

Submitted:



Melissa Honeycutt

Accepted and Approved



Alvin Currington, Council President