



MEETING AGENDA



District 1
Matthew Wilson

District 2
Raevan Howard
Alternate

District 3
Norman Crow

District 4
Lee Busby

District 5
Kip Tyner
Member

District 6
John Faile
Chairperson

District 7
Cassius Lanier
Vice Chairperson

Council Administration and Policy Committee Meeting Agenda

Tuesday, February 7, 2023 Daugherty Conference Room 4:00 p.m.

| TOPIC | PRESENTER | SUPPORTING MATERIAL |
|--|---|---------------------|
| Approval of Minutes | | |
| NEW BUSINESS | | |
| 1. City Council Legislative Agenda | Scott Holmes | 2-7 |
| 2. Ordinance amending Section 19-178 of the Code of Tuscaloosa | Chief Randy Smith | 8 |
| 3. Ordinance amending Section 21-27(a) of the Code of Tuscaloosa | Kay Day | 9 |
| 4. Create Development Review Manager job classification | Ashley Crites LaShonda Herbert | 10-14 |
| 5. Private event space licensing and permitting discussion | Chairperson Faile | |
| ADJOURN | | |

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SBH
Requested: Council Date: 02-07-23
Council Presentation: 02-14-2023
Suspension of Rules: No

RESOLUTION

RESOLUTION ESTABLISHING THE LEGISLATIVE AGENDA OF THE CITY OF TUSCALOOSA FOR THE
2022 SESSION OF THE ALABAMA LEGISLATURE
(A21-1621)

WHEREAS, the 2023 Legislative Session for the State of Alabama will soon begin; and

WHEREAS, as with many local governments throughout the State of Alabama, the City of Tuscaloosa has certain unique requirements and challenges which, due to the lack of Home Rule in the State of Alabama, can only be addressed through legislative action; and

WHEREAS, it is therefore the desire of the City of Tuscaloosa to provide an agenda to the Tuscaloosa County Legislative Delegation for their information, indicating the types and kinds of legislation that may be needed by the City of Tuscaloosa in order to effectively address certain important local governing issues and to inform the Delegation of other legislation it supports or opposes.

WHEREAS, it is the City of Tuscaloosa's desire to monitor and respond, as appropriate, should legislative items be introduced, or become necessary to protect the City's financial, self-governance, or other interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the City of Tuscaloosa considers the following to be legislative issues which are significant to the citizens of Tuscaloosa and therefore request support or opposition, as the case may be, of the Tuscaloosa County Legislative Delegation of such legislation during the upcoming 2023 session. Moreover, the Mayor, Council President, and City Attorney are authorized to take such additional positions on proposed legislation as necessary to protect the City's interest.

Legal Administration

1. Make Tort Liability Limits Clearly Applicable to "Individual Capacity" Suits against Municipal Employees

Unlike the State of Alabama, which has sovereign immunity from any tort claim for money damages, municipalities are liable for torts committed by their employees acting in the line and

scope of employment. Such claims against municipalities are limited by law to \$100,000 per person per occurrence and \$300,000 in the aggregate. It has long seemed well-settled that the Legislature expressly intended to include these same liability limits to claims against municipal employees as well.

However, recent lawsuits and court decisions have called into question the applicability of the statutory liability limits to claims against municipal employees in their “individual capacities.” This leaves individual municipal employees exposed to personal liability for judgments in excess of the liability caps. Compounding the problem, certain insurance companies, taking note of this legal trend, have begun including special endorsements in their municipal liability policies that limit the company’s exposure for “individual capacity” claims to the amount of the statutory caps. This means that even if the municipality purchases insurance with much higher coverage limits, the individual employees are only protected for the first \$100,000/\$300,000 of any court judgment. In order to allow public servants to perform their duties without risk to their private assets, it is imperative that the statutory caps be made clearly applicable to municipal employees in both their official and individual capacities for claims that arise out the line and scope of employment with the municipality.

2. Supports Amendment to Appeal Procedure for Zoning Board of Adjustment

The City supports amending Alabama Code §11-52-81 to clarify appeal procedures and to read as follows:

“Any party aggrieved by virtue of any final judgment or decision of such board of zoning adjustment may appeal therefrom by filing an appeal in circuit court in the county where the board convenes within 15 days of any such final judgment or decision of the board. In case of such appeal such board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken within 30 days of filing of the appeal, and the appeal shall be tried de novo.”

3. Supports Authorization of Submission of Bids by Means of Secure Electronic Delivery

The City supports specific statutory authorization to allow for submission of public works contract bids and documentation by means of secure electronic delivery.

4. Supports Legislation Authorizing Satisfaction of State Publication Requirements by Electronic Means

The City supports legislation that will establish authorization for local governments to satisfy publication requirements by the use of websites maintained for that purpose.

Public Safety

1. Supports Legislation Modernizing Alcohol Licensing and Alabama Beverage Control Laws and Regulations

The City supports legislation creating a hybrid alcohol license classification to cover emerging business practices of combined restaurant/bar/lounges, revisions to types of licenses for retail establishments that serve alcohol as an ancillary business as well as modernizing Alabama Beverage Control Laws and Regulations regarding emergency orders to allow municipal regulations regarding age restrictions and geographic area restrictions.

2. Supports Authorization for Community Paramedicine and Allowing Mid-level Providers Ability to Bill for Services and Funding

The City supports legislation that authorizes community paramedicine programs and allows mid-level providers the ability to bill for services rendered as well as provide for funding through appropriate mechanisms.

3. Supports an Amendment to Act 2011-660

The City supports an amendment to Act 2011-660 to expand the definition of “indigent treatment” to allow more flexibility in the funding allocation especially for mental health services.

4. Supports requirements that local law enforcement be notified when a person on supervised release absconds

The City supports legislation that would require local law enforcement be notified when any person, including a juvenile, who is on electronic monitoring or other supervised release removes their monitoring device or otherwise absconds from supervision.

5. Supports legislation allowing the City to convert members of the Police and Fire Pension Plan to the Retirement Systems of Alabama

The City supports legislation to authorize the City of Tuscaloosa to join the Employees’ Retirement System of Alabama for its police and firefighter employees and transfer assets and liabilities of the existing Tuscaloosa Police and Firefighters Retirement Plan to the Employees’ Retirement System of Alabama as set forth in Chapter 27 of Title 36, Code of Alabama 1975.

Urban Development

1. Civil Enforcement Legislation

The City supports legislation authorizing minor infractions such as parking and code violations in the City of Tuscaloosa, Alabama, as a civil violations; providing certain procedures to be followed by the City Enforcement Officers; providing that the owner of the vehicle or property is presumptively liable for a civil violation and the payment of a civil fine, but providing procedure to contest liability; providing for jurisdiction in the Tuscaloosa Municipal Court over the civil violations and allowing appeals to the Tuscaloosa County Circuit Court; creating a cause of action for any person held responsible for payment of the civil fine against the person who was actually responsible for illegally parking the vehicle.

2. Supports Lake Tuscaloosa Extra Territorial Zoning

It is undeniable that Lake Tuscaloosa is Tuscaloosa County's greatest natural resource. Completed in 1970, the Lake consists of 5,885 acres with a full pool capacity of 400 billion gallons of water and a withdrawal capability of 200 million gallons per day. The Lake serves a critical role as the primary source of drinking water for the vast majority of the population of Tuscaloosa County. Ninety-four percent (94%) of the entire volume of drinking water in the County comes from Lake Tuscaloosa. In addition, the Lake also functions as a major public recreational center for many residents and visitors. Over the last several decades, there has been significant residential and commercial development in and around the Lake, most of it outside the corporate limits of the City. Studies indicate that development is impacting the water quality of Lake Tuscaloosa. Therefore, it is imperative that there be some land use regulation around the Lake in order to preserve and protect it from pollution and degradation.

It is anticipated that this would be a Class 4 municipal bill applying to any municipality owning a body of impounded water used primarily but not exclusively as a water supply with a surface area equal to or in excess of 200 acres. Any covered municipality should be allowed by ordinance adopted within ninety (90) days of the effective date to become a participating municipality. The bill would authorize a participating municipality to adopt zoning laws, ordinances, and regulations outside its corporate limits to extend up to 1,000 feet from the acquisition line of the reservoir.

Revenue and Fiscal Policy

1. Supports adequately funding the State General Fund budget ("Unfunded Mandates")

The City supports legislation requiring adequate funding by the State General Fund for criminal corrections, mental health systems, transportation, and maintenance, and the

Department of Forensic Sciences, and opposes legislation that would pass financial burdens to local governments without accompanying state funding.

2. Opposes Drug Sales Exemption from Gross Receipts for Determination of Business Licenses

In the event a bill is re-introduced this session to exempt gross receipts of drug sales from the amount of gross receipts used to determine a pharmacy's business license, the City wishes to express its concern and opposition to such efforts. Pharmacy sales of prescription medication is currently exempt from sales taxes, as it should be, and therefore exemption of drug sales from business licensing would undermine the City's revenues and regulatory authority in an unwarranted manner.

3. Supports Revisions to the Simplified Sellers Use Tax

The City supports revisions to the Simplified Sellers Use Tax to equitably collect and allocate internet tax revenues.

4. Supports regulation of retail store tax valuations

The City supports legislation that would dissuade or prohibit stores like Lowe's and other Big Box retail stores from valuing their property on its current use rather than its value on the open market.

5. Supports Relief from Municipal Sales Tax on Grocery Items

The City supports legislation that would allow municipalities to voluntarily determine if municipal sales taxes should be collected on grocery items.

Infrastructure

1. Opposes Legislation Adverse to the City's Water and Sewer Operations

The City produces over eight (8) billion gallons of water a year serving over 45,000 households and other customer units. The City also provides water to eight (8) rural water systems in the County. Yet, the City's water rates are the lowest of any of the thirteen (13) suppliers in the County. The City also has an extensive sanitary sewer system consisting of over 500 miles of mains and a wastewater plant that treats an average of 18 million gallons of wastewater a day. The viability of the City's water and sewer system is critical to the welfare of the City of Tuscaloosa.

It is therefore imperative that we be vigilant regarding any legislation that could adversely impact the City's ability to continue to provide these vital services.

2. Opposes Legislation that Bans Biosolid Application as Fertilizer/Soil Amendments

The City opposes any legislation that would ban treated sewage biosolids being applied as fertilizer or soil amendments.

3. Support Legislation to Require the Alabama Department of Transportations to Update Signage on State and Federal Highways When a Street is Renamed for a Fallen Hero.

The City supports legislation that would require the Alabama Department of Transportation to update highway signage when a municipality renames a street in honor of a police officer or member of the armed services killed in the line of duty.

Council Requested

1. Support Legislation to move the City of Tuscaloosa's Municipal Election Date to the Third Tuesday of May beginning in May of 2025.

The City supports legislation that would move the City of Tuscaloosa's municipal election from the first Tuesday in March to the third Tuesday in May beginning with the election scheduled to take place in 2025.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION
Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW/rd

Requested: Admin Comte Date: xx/xx/2022

Council Presentation on: xx/xx/2022

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 19-178
OF THE CODE OF TUSCALOOSA
(A22-1456)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That Section 19-178 of the Code of Tuscaloosa be and is hereby amended to **add** subsection (f) to read as follows:

“Sec. 19-178. Injury or illness on the job.

- (f) Tuscaloosa fire rescue training. Firefighters who are participating in off-duty training approved pursuant to department policy shall receive worker’s compensation benefits the same as an on-duty employee for any injury that occurs during the department approved training.”**

FUNDING REQUIRED: Yes No

By: _____

Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW/rd

Requested: Admin. Comt Date: 00/00/2023

Council Presentation on: 00/00/2023

Suspension of Rules: No

ORDINANCE NO. _____
AN ORDINANCE AMENDING SECTION 21-27(a)
OF THE CODE OF TUSCALOOSA
(OCA-23-0020)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Section 21-27 of the Code of Tuscaloosa entitled "Special event permit" subsection (a) "Definitions", be amended to replace the definition of "Director" falling in the correct alphabetical order and reading as follows:

"Sec. 21-27. - Special event permit.

- (a) Definitions. [For the purpose of this section, the following terms shall have the meanings ascribed to them unless the context clearly indicates otherwise:]

Director. The **arts and entertainment** director or his/her designee."

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

DEVELOPMENT REVIEW MANAGER

SUMMARY

The purpose of this classification is to perform specialized work functions associated with planning, directing, managing, and overseeing the activities and operations of development and permitting within the Office of Urban Development. Employee(s) in this class participate as a member of an analytical team supporting the efforts of a customer service oriented organization and work in a collaborative manner to foster teamwork, coordination, and support across the department and city organization, focusing on coordinating the private development permitting review and public improvement plan review processes.

ESSENTIAL FUNCTIONS

The following duties are normal for this classification. The omission of specific duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned. Specific duties listed may not be required for all positions within this classification, but are determined by the normal requirements for the particular position.

Acts on behalf of the Executive Director of Urban Development as directed; plans, coordinates, and oversees daily operations and activities; supervises and evaluates assigned personnel as directed; processes employee concerns and problems, directs work, counsels, recommends disciplinary action to the executive director and completes employee performance appraisals.

Manages the workflow in the electronic and non-digital plan review system for review by various departments. Reviews digital and non-digital submittals for compliance and accuracy. Communicates with and assists the public in submittal requirements for review of all developments and redevelopments.

Manages and tracks the status of projects under review and keeps involved parties updated on progress and relevant issues.

Offers assistance to developers, engineers, architects, and other parties in successfully conforming to land use, subdivision, and zoning ordinances and regulations and directs permitting processes related to Urban Development.

Works with developers, engineers, surveyors, contractors, architects, and property or business owners to successfully understand and comply with related codes and regulations and to successfully and efficiently obtain permits through Urban Development as required.

Assists Executive Director and division heads with development of operational budget.

Provides direction, guidance, and assistance regarding city ordinance to the public, attorneys, land surveyors, engineers, developers, etc., troubleshooting problem situations by researching issues in applicable ordinances as needed and initiating any actions necessary to correct deviations or violations; coordinates on development and redevelopment issues to aid in the understanding of code requirements and permitting and licensing policies.

Working in coordination with other city departments and divisions, expedites the release of permits, licenses, etc. by technical and/or professional city staff members; convenes multi-department meetings to discuss and/or resolve development and/or redevelopment issues.

Conducts meetings with architects, engineers, contractors, builders, property owners, and the public as needed. Conducts research and analysis on policy issues, master plans, methods, service levels, and productivity measures as requested; performs or develops, system analysis, organizational analysis, and administrative processes; may perform and assist implementation; researches and prepares reports on the impact of federal, state, and local legislation on services.

Recommends policies and procedures that guide and support the provision of quality services by the department and individual divisions.

Coordinates and assists the public and city staff with service fee processes.

Communicates with executive director, employees, other departments, city officials, inspectors, property owners, contractors, architects, engineers, attorneys, utility companies, public health officials, local/state/federal agencies, vendors/suppliers, the public, outside agencies, and other individuals as needed to coordinate work activities, review status of work, exchange information, or resolve problems

Manages and conducts site inspections of buildings and properties (including construction work, remodeling work, building systems, and premises) for compliance with applicable codes, specifications, and approved construction plans, coordinating field inspections with staff and other city departments.

Coordinates with and assists various city divisions and departments with information and planning to ensure city services are maintained pursuant to the addition of annexed property, subdivision development, and planned growth; develops, coordinates, and oversees programs and strategies to foster growth and economic development within the city.

Coordinates and oversees the development of an inventory list of available sites/locations for business location/expansion decisions.

Manages assigned projects by performing research and analysis, directing the relevant activities and assignments of staff within and outside the department or to specific divisions, developing implementation plans, monitoring ongoing implementation efforts and making adjustments as needed, and reporting on results and outcomes.

Maintains a high level of professionalism, integrity, and communication with other staff members and with the public; provides excellent service to internal and external customers; listens to questions and concerns, evaluating issues and possible solutions, fixing the problem as appropriate, working with managers to address systemic problems; recognizes the needs of team members and is direct, specific, and courteous in communication and behaviors; uses feedback from others to continue to develop and improve.

Serves as a liaison between city officials, city departments, department personnel, and other related agencies, boards, businesses, commissions, or groups regarding administrative matters for urban development; provides technical expertise.

Develops and prepares materials and data for City Council, Advisory Boards, and other large projects; oversees logistical and administrative coordination for public meetings, events and processes.

Creates and maintains positive public relations with the general public; responds to calls from the public concerning problems, complaints, or emergency situations; directs questions/problems to appropriate division; resolves complaints as required.

Acts as representative to other city departments, elected officials, outside agencies, and the general public; explains,

justifies, and defends department programs, policies, and activities; and negotiates and resolves sensitive, significant, and controversial issues.

Attends city council meetings; attends departmental meetings; and serves on committees as required.

Maintains a comprehensive, current knowledge and awareness of applicable laws/regulations and new standards in technology; reads professional literature; attends professional training and development; and maintains professional affiliations.

Maintains a high degree of professionalism and discretion in all interactions. Demonstrates a clear understanding and awareness of confidential information and keeps it confidential.

Excellent communication, strategic thinking and organizational skills; detail-oriented; follows-up on assignments; handles multiple projects simultaneously and uses judgment in prioritizing work assignments.

Implements data-driven processes to effectively manage and enhance services.

Incorporates continuous quality improvement principles in day-to-day activities.

Must accomplish the essential functions of the job, with or without reasonable accommodations, in a timely manner.

Must meet regular attendance requirements.

Must be able to maintain good interpersonal relationships with staff, co-workers, managers and citizens.

MARGINAL FUNCTIONS

Performs other related duties as required.

MINIMUM QUALIFICATIONS

Bachelor's degree in Environmental Studies, Urban Planning/Community Development, Public Administration, Architecture, or related field; five (5) years of increasingly responsible experience in customer service management, project coordination, comprehensive planning, dealing with zoning regulations and the ability to read plans, code interpretation, and/or a related field; or any combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for the job. Experience in computer-aided drafting, mapping, or GIS is desired. Must possess and maintain a valid driver's license.

MINIMUM REQUIREMENTS TO PERFORM ESSENTIAL JOB FUNCTIONS

The following requirements are normal for this classification. Specific requirements may not apply to all positions within this classification, but are determined by the normal requirements for the particular position.

PHYSICAL REQUIREMENTS: Must be able to operate a variety of office and computer equipment including a personal computer and printer, facsimile and copy machines, calculator, and telephone. Physical demand requirements are at levels of those for sedentary to light work, and could involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).

DATA COMPREHENSION: Requires the ability to compare and/or judge the readily observable functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people, or things which may include maps, blueprints, legal ordinances/documents, directories, procedural manuals, and operational manuals.

INTERPERSONAL COMMUNICATION: Requires the ability to speak with and/or signal people to convey or exchange legal, civil engineering, accounting, financial, and public relations information, including giving/receiving assignments and/or directions to/from co-workers, assistants, managers, or supervisors as well as communicating with the general public, regulatory agencies, the mayor, and city council.

LANGUAGE ABILITY: Requires ability to read a variety of legal, financial, public relations, and civil engineering documentation, directions, instructions, and methods and procedures. Requires the ability to write job related documentation and reports with proper format, punctuation, spelling and grammar, using all parts of speech. Requires the ability to speak with and before others with poise, voice control, and confidence using correct English and well-modulated voice such as in public speaking situations before the city council and community groups.

INTELLIGENCE: Requires the ability to learn and understand complex legal, financial, public relations, and civil engineering information, and operational principles and techniques, to understand departmental policies and procedures, to make independent judgments in absence of supervision, and to acquire and be able to expound on knowledge of topics related to primary occupation.

VERBAL APTITUDE: Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information. Requires the ability to record and deliver information, to explain procedures, and to follow verbal and written instructions

NUMERICAL APTITUDE: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations with fractions; may include ability to compute discount, interest, and ratios; may include ability to calculate surface areas, volumes, weights, and measures.

FORM/SPATIAL APTITUDE: Requires the ability to visually inspect items for proper length, width, and shape using job related equipment, which includes drafting instruments and standard measuring devices.

MOTOR COORDINATION: Requires the ability to coordinate hands and eyes in using job-related equipment and operating motor vehicles.

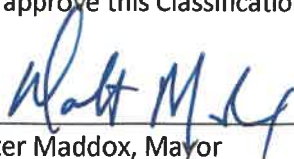
MANUAL DEXTERITY: Requires the ability to handle a variety of items, machinery, automated office equipment, control knobs, drafting instruments, switches, etc. Must have the ability to use one hand for twisting motion or turning motion while coordinating other hand with different activities. Must have average levels of eye/hand/foot coordination.

COLOR DISCRIMINATION: Requires the ability to differentiate colors and shades of color.

INTERPERSONAL TEMPERAMENT: Requires the ability to deal with people beyond giving and receiving instructions. Must be able to adapt to and perform under considerable stress when confronted with an emergency.

PHYSICAL COMMUNICATION: Requires the ability to talk, express, or exchange ideas by means of spoken words and/or hear and perceive nature of sounds by ear.

Pursuant to Tuscaloosa City Code, Chapter 19, Section 19-54 (b) (3) c. and Alabama Act 2006-233 Section 3 (c), I approve this Classification Specification.



Walter Maddox, Mayor

Date