

**City of Vestavia Hills Parks & Recreation
1973 Merryvale Road
Vestavia Hills, AL 35216
205.978.0166**

Memorandum

March 5, 2020

TO: Park Board Members

FROM: Jason Burnett
Superintendent

RE: Park Board Meeting

Please find the packet for the Park Board Meeting scheduled for Tuesday, March 17, 2020 at 7:00 a.m. at the Vestavia Hills City Hall executive conference room (1032 Montgomery Hwy).

The packet includes the following:

- Agenda for regular meeting on 3/17/2020
- Minutes from regular meeting on 1/21/2020
- Minutes from work session on 2/21/2020
- Miscellaneous Reports

Please let BJ know if you won't be in attendance.

CC: Parks and Recreation Staff Members



CITY OF VESTAVIA HILLS
PARKS AND RECREATION BOARD MEETING
March 17, 2020

ASHLEY CURRY
MAYOR

JASON BURNETT
SUPERINTENDENT

1. Call to order
2. Invocation & Pledge of Allegiance
3. Approval of January 21, 2020 regular meeting minutes
4. Approval of February 21, 2020 work session minutes
5. Recreation Superintendent’s Report – Jason Burnett
6. Seniors & Programming Superintendent’s Report – Sandi Wilson
7. Mayor’s Report – Ashley Curry
8. Public Services Director’s Report – Brian Davis
9. Old Business – None
10. New Business – Pool Naming Recommendation to City Council
City and School Employee Rates
Bennie Watson Memorial
11. VHPR Foundation Report – Leigh Belcher
12. Concession Report – Frank Hernandez

13. League Reports

Baseball – Efrain Horta	Lacrosse – Kirk Abernathy
Basketball (Boys) – Neil Gilbert	Soccer – Rocky Harmon
Basketball (Girls) – Dave Stricklin	Softball – Chad Gay
Cheerleading – Elise Hollinhead	Swimming – Rebecca Hartsough
Football (Flag) – Jason Oleinick	Volleyball – Aarin Mitchell
Football (Tackle) – Scott Hughen	

14. Citizen Comments

15. Upcoming meetings –

- a. Next work session will be on _____ @ 11:30 a.m. at _____.
- b. Next regular meeting will be Tuesday, May 19, 2020 at 7:00 a.m.

16. Motion for Adjournment



**CITY OF VESTAVIA HILLS
PARKS AND RECREATION DEPARTMENT**

ASHLEY C. CURRY
MAYOR

BRIAN C. DAVIS
DIRECTOR

**PARKS AND RECREATION BOARD
MINUTES**

CHRISTOPHER BRADY
ASSISTANT DIRECTOR

January 21, 2020

CALL TO ORDER

On Tuesday, January 21st, President Kirk McCulley called the Vestavia Park Board meeting to order at 7:00 a.m.

Park Board Members present were:

Kirk McCulley, President
Mitch Bevill, Vice President
Lyles Box
Earl Lawson
Danny Marshall

Park Board Members absent were:

Earl Lawson
David Myers

Mayor Ashley Curry

Present

Council Representative Paul Head

Present

Parks and Recreation Staff Members:

Brian C. Davis, Director of Public Services
Jason Burnett, Parks & Rec Superintendent
Sandi Wilson, Programming Superintendent
Jeff Corley, Pool Superintendent
B. J. Dubose, Administrative Supervisor

INVOCATION & PLEDGE OF ALLEGIANCE Mitch Bevill

INTRODUCTION OF NEW PARK BOARD MEMBER

President Bevill introduced the newest park board member, Danny Marshall.

NOMINATION AND APPROVAL OF 2020 PARK BOARD PRESIDENT AND VICE PRESIDENT

President McCulley asked for a nomination for park board president and vice president. Earl Lawson nominated Mitch Bevill for president and Lyles Box for vice president. The vote was unanimous.

Outgoing president Kirk McCulley turned the meeting over to President Mitch Bevill.

APPROVAL OF NOVEMBER 19TH REGULAR MEETING MINUTES

President McCulley asked for a motion to approve the November 19th regular meeting minutes. Earl Lawson made a motion to approve. Lyles Box seconded the motion. The minutes were approved by unanimous vote.

APPROVAL OF DECEMBER 16TH WORK SESSION MEETING MINUTES

President McCulley asked for a motion to approve the December 16th work session minutes. Earl Lawson made a motion to approve. Lyles Box seconded the motion. The minutes were approved by unanimous vote.

SUPERINTENDENTS REPORT

- We have a new city intern Scott Neuberger from UAB. He will be with Parks and Rec for January and then go to city hall February thru April to work with the other city departments.
- Working on two Eagle Scout projects at the trails behind the Library (mile marker posts, replace benches, clean up trail paths, bird boxes, and bat houses).
- Working with Hoover East on having use of baseball fields for our baseball season. Their registration ends Jan 25, so will have a better idea of what fields they have available.
- Access to Old Berry stadium and softball diamond set for first week in March. Baseball diamond set for first week in April.
- Working to implement new recreation software program called Rec Desk and will have it ready sometime this spring.
- We are working with the Vestavia Country Club to have a contingency plan in place should there be a delay in our pool opening this summer.
- We have hire a new Athletic Program Coordinator, Jeff Corley. His primary focus will be on pool operations. First day is 1/27.
- Julie Harper retired December 30 after 30+ years of service to the city. We will be working to filling her position sometime in the near future.
- Sandi Wilson has filled our newly created position of Superintendent I in charge of senior services and programming.

MAYORS REPORT

The mayor told the board that if you have citizens asking questions about the Wald Park delay due to unsafe wiring, a statement has been posted on the city website.

He asked the board to think about the city's 70 year birthday theme. He spoke to the Vestavia Hills Garden Club founded in 1948. It is the longest serving group of volunteers. They have been asked to come up with an event.

PUBLIC SERVICES REPORT

Brian thanked the city council for approving the new positions for parks and recreation.

Next week is the council's strategic planning discussion. A lot of it will be regarding parks and recreation.

The Community Building looks to open summer of 2021.

He met last week with leadership regarding the Coach Safety Act. We'd be the pilot in the state.

OLD BUSINESS

No old business.

NEW BUSINESS

Pool Membership Fees

Jason stated at the work session the membership fee will be \$75 per person for the pool season, \$300 is the cap rate, \$10 guest fee.

President Bevill asked for a motion to approve the pool fees as presented. Kirk McCulley made a motion to pass the pool fees. Earl Lawson seconded the motion. The vote was unanimous.

PARK FOUNDATION REPORT

Jason presented an email from Leigh Belcher asked each sport to consider giving toward the Miracle League Field.

CONCESSIONS REPORT

Brian stated the council has approved Frank Hernandez as the concessionaire. In the agreement he will pay \$800 in rent monthly regardless of sales. He can also, add facilities. Concessions report included.

LEAGUE REPORTS

Baseball

Chad Long said they completed registration on Sunday, which included a fundraiser for the Miracle League Field, as part of registration. They have around 950 at present and are waiting to hear from Hoover East about the possibility of field usage.

Boys' Basketball

No representative. No report.

Girls Basketball

No representative. No report.

Cheerleading

No representative. No report.

Flag Football

No representative. Report included.

Tackle Football

No representative. No report.

Lacrosse

No representative. No report.

Seniors

As the new Seniors and Programming Superintendent, Sandi updated the board on how she plans to proceed.

- Install new contracts for programs
- She has developed a 20/20 Vision plan for events and programming for this year, with the first event being held 2/20. It will be a meet and greet about where we're headed.
- She wants to put a coalition together with an advisory board of seniors who meet.
- She is meeting with library director, Tanisha Young-Tucker to discuss their programs that include seniors.
- The last Friday in February she's planning an event at New Merkel where the participating seniors will be asked to bring a friend for a Mardi Gras celebration.
- The United Way will sponsor a bowl a thon to raise funds for Meals on Wheels. New Merkel packs out 9 meals a day to go out into the community.

Soccer

Rocky reported the girls tied two, lot one at Disney.

Softball

Per Chad Gay, registration is till Sunday the 25th. Presently 106 players are registered.

Swimming

No representative. No report.

Volleyball

No representative. Report included.

Wrestling

No representative. No report.

COMMENTS

None.

ANNOUNCEMENTS

The next work session will be on Friday, February 21st at 11:30 in the city hall Executive Conference Room.

The next regular meeting will be Tuesday, March 17th, 7:00 a.m. in the city hall Executive Conference Room.

ADJOURNMENT

The meeting adjourned at 7:39 a.m.

GUESTS IN ATTENDANCE

Scott Neuberger/Intern
Rocky Harmon/Vestavia Hills Soccer
Chad Long/VHYB
Chad Gay/VHYGS

Vestavia Hills Parks and Recreation Board

Work Session Agenda

2-21-20, 11:30am, City Hall (1032 Montgomery Hwy)

Attendance: Mitch Bevill, Earl Lawson, Lyles Box, Paul Head, Jason Burnett, Brian Davis, Sandi Wilson, Jeff Corley

1. BSL
2. Wake Aquatics
3. Basketball parent issue
4. Sports Financials
5. Wrestling

**City of Vestavia Hills Parks & Recreation
1973 Merryvale Road
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205.978.0166**

Memorandum

March 5, 2020

TO: Park Board Members

FROM: Jason Burnett
P & R Superintendent

RE: Pool Naming Recommendation to City Council

From our generated discussion at our previous work session of 2-21-20, it is recommended to the City Council that the new Wald Park pool facility be named the Vestavia Hills Aquatic Complex.

This item will be under new business for your 3-17-20 Park Board meeting.

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

March 12, 2020

By Electronic Mail

Mr. Mitch Bevill
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Fees for Park and Recreation to Non-Residents Employed by the City and Board

Dear Mr. Bevill:

I. FACTS

On February 28, 2020, you sent to me via electronic mail a request for a legal opinion regarding whether or not the Vestavia Hills Park and Recreation Board may charge resident rates to non-resident employees of the City of Vestavia Hills, Alabama ("City") and the Board of Education of the City of Vestavia Hills ("Board") for park and recreation activities. The purpose of this letter is to comply with your request.

II. LEGAL ISSUE

Will it violate the Alabama Ethic Law if the Vestavia Hills Park and Recreation Board provides resident rates to non-resident employees of the City and Board for park and recreation activities?

III. LEGAL OPINION

It is my legal opinion that charging resident rates to non-resident employees of the City and Board will not be a violation of the Alabama Ethics Law.

IV. BASIS FOR LEGAL OPINION

A. NEW ALABAMA ETHICS LAW: In December 2010, the Legislature enacted a package of ethics statutes regulating the conduct of public officials and public employees. References to that legislation are set forth below.

<u>Act Number</u>	<u>Alabama Code Section</u>
2010-759	Budget Accountability Act 41-19A-1, et seq.
2010-760	36-27-1 and 16-25-1
2010-761	17-17-5
2010-762	Added 36-25-1.5
2010-763	36-25-3, 36-25-4, 36-25-27
2010-764	36-25-1, 36-25-7, 36-25-5.5
2010-765	17-5-17, 17-5-15

Pertinent laws applicable to the instant question are the following statutes:

1. Definition of Public Employee: Title 36-25-1(26), *Code of Alabama, 1975*, defines a public employee as:

“(26) **PUBLIC EMPLOYEE.** Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county, or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income.”

2. Prohibited Acts:

(a) Use of Position for Personal Gain: Title 36-25-5(a), *Code of Alabama, 1975*, states:

“(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any

business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.”

(b) **Solicitation or Receipt of Thing of Value:** Title 36-25-7(a)(b)(c) and (e), *Code of Alabama, 1975*, state:

“(a) No person shall offer or give to a public official or public employee or a member of the household of a public employee or a member of the household of the public official and none of the aforementioned shall solicit or receive anything for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value.

(b) No public official or public employee shall solicit or receive anything for himself or herself or for a family member of the public employee or family member of the public official for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value.

(c) No person shall offer or give a family member of the public official or family member of the public employee anything for the purpose of corruptly influencing official action, regardless of whether or not the thing offered or given is a thing value....

(e) For purposes of this section, to act ‘corruptly’ means to act voluntarily, deliberately, and dishonestly to either accomplish an unlawful end or result or to use an unlawful method or means to accomplish an otherwise lawful end or result.”

3. **Thing of Value:** Title 36-25-1(34), *Code of Alabama, 1975*, defines “thing of value” as:

“(34) THING OF VALUE.

a. Any gift benefit, favor, service, gratuity, tickets or passes to an entertainment social or sporting event, unsecured loan, other than those loans and forbearances made in the ordinary course of business, reward, promise of future employment, or honoraria or other item of monetary value.

b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

1. A contribution reported under Chapter 5 of Title 17 or a contribution to an inaugural or transition committee.

2. Anything given by a family member of the recipient under circumstances which make it clear that it is motivated by a family relationship.

3. Anything given by a friend of the recipient under circumstances which make it clear that it is motivated by a friendship and not given because of the recipient’s official position. Relevant factors include whether the friendship preexisted the recipient’s status as a public employee, public official, or candidate and whether gifts have been previously exchanged between them.

4. Greeting cards, and other items, services with little intrinsic value which are intended solely for presentation, such as plaques, certificates, and trophies, promotional items commonly distributed to the general public, and items of service of de minimis value.

5. Loans from banks and other financial institutions on terms generally available to the public.

6. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees.

7. Rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public.

8. Anything that is paid for by a governmental entity or an entity created by a governmental entity to support the governmental entity or secured by a governmental entity under contract, except for tickets to a sporting event offered by an educational institution to anyone other than faculty, staff, or administration of the institution.

9. Anything for which the recipient pays full value.

10. Compensation and other benefits earned from a non-government employer, vendor, client, prospective employer, or other business relationship in the ordinary course of employment or non-governmental business activities under circumstances which make it clear that the thing is provided for reasons unrelated to the recipient's public service as a public official or public employee.

11. Any assistance provided or rendered in connection with a safety or a health emergency.

12. Payment of or reimbursement for actual and necessary transportation and lodging expenses, as well as waiver of registration fees and similar costs, to facilitate the attendance of a public official or public employee, and the spouse of a public official or public employee, at an educational function or widely attended event of which the person is a primary sponsor. This exclusion applies only if the public official or public employee meaningfully participates in the event as a speaker or a panel participant, by presenting information related to his or her agency or matters pending before his or

her agency, or by performing a ceremonial function appropriate to his or her official position; or if the public official's or public employee's attendance at the event is appropriate to the performance of his or her official duties or representative function.

13. Payment of or reimbursement for actual and necessary transportation and lodging expenses to facilitate a public official's or public employee's participation in an economic development function.

14. Hospitality, meals, and other food and beverages provided to a public official or public employee, and the spouse of the public official or public employee, as an integral part of an educational function, economic development function, work session, or widely attended event, such as a luncheon, banquet, or reception hosted by a civic club, chamber of commerce, charitable or educational organization, or trade or professional association.

15. Any function or activity pre-certified by the Director of the Ethics Commission as a function that meets any of the above criteria.

16. Meals and other food and beverages provided to a public official or public employee in a setting other than any of the above functions not to exceed for a lobbyist twenty-five dollars (\$25) per meal with a limit of one hundred fifty dollars (\$150) per year; and not to exceed for a principal fifty dollars (\$50) per meal with a limit of two hundred fifty dollars (\$250) per year. Notwithstanding the lobbyist's limits herein shall not count against the principal's limits and likewise, the principal's limits shall not count against the lobbyist's limits.

17. Anything either (i) provided by an association or organization to which the state or, in the case of a local government official or employee, the local government pays annual dues as a membership requirement or (ii) provided by an association or organization to a public official who is

a member of the association or organization, is deemed to be a public official. Further included in this exception is payment of reasonable compensation by a professional or local government association or corporation to a public official who is also an elected officer or director of the professional or local government association or corporation for services actually provided to the association or corporation in his or her capacity as an officer or director.

18. Any benefit received as a discount on accommodations, when the discount is given to the public official because the public official is a member of an organization or association whose entire membership receives the discount.

c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public official or public employee.

35. **VALUE.** The fair market price of a like item if purchased by a private citizen. In the case of tickets to social and sporting events and associated passes, the value is the face value printed on the ticket.

36. **WIDELY ATTENDED EVENT.** A gathering, dinner, reception, or other event of mutual interest to a number of parties at which it is reasonably expected that more than 12 individuals will attend and that individuals with a diversity of views or interest will be present.”

B. Basis for Legal Opinion: I base my legal opinion upon Title 36-25-1(34)(b)(6) and Title 36-25-1(34)(b)(18), *Code of Alabama, 1975*, which read as follows:

“b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

6. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees.”

”18. Any benefit received as a discount on accommodations, when the discount is given to the public official because the public official is a member of an organization or association whose entire membership receives the discount.”

V. **CONCLUSION**

For the reasons cited above, it is my legal opinion that it is not a violation of the Alabama Ethics Law if the Vestavia Hills Park and Recreation Board provides resident rates to non-resident employees of the City and Board for park and recreation activities

Please call me if you have any questions regarding anything set forth in this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeffrey Downes (by e-mail)
City Clerk Rebecca Leavings (by e-mail)
Director Brian C. Davis (by e-mail)

VHPR Concessions

Report for the month of January 2020

Concession		Sales	# Events	Number of events	1
	SHAC	\$4,722.00	1	Total Income for the month	\$4,722.00
	Soccer			% bracket	\$755.52
	Softball			Concession Rent	\$800.00
	Baseball			Total Due to VH Park and Rec	\$1,555.52



Vestavia Hills Park and Recreation

Liberty Park and SHAC Complex

Operate by: FH Concessions Group



Notes

- Eliminate Soft Drinks
- Replace all coolers
- Replace coffee machines
- Repair ice machines
- Clean-up efforts
- Pass Health Dept. Inspections
- New Equipment
- Redistribution
- Removed old equipment
- Paint SHAC and Baseball floors
- Remove equipment – Baseball concession

Overall Operation

- 14 days
 - Open for events
- Lacrosse HS Tournament
- VIT
- Soccer HS
- Baseball Season Opener
- Lacrosse
- Soccer
- Baseball

Sales Distribution

January and February

Gross Sales \$17,705

Cash 73%

Credit 27%

Units sold: 7,536

24% Baseball

Window: 3,959

20% Baseball

- Lacrosse

- \$4K

- Baseball

- \$4K

SOLD OUT event

- VIT

- \$5K

Top Products

- Top Sellers

- CFA
- Candy
- Hot Chocolate
- Water
- Taziki's

- Details

- Blue Gatorade
- Water
- Dr. Pepper

- Doritos

- Snickers
- Extremes

Concession Menu

- Food Items
 - CFA
 - Taziki's
 - Jimmy John's
 - Burger/Cheeseburgers
 - Hot Dogs

- Martin's BBQ
- Pizza
- Bruster's Ice Cream



Vestavia Hills Youth Flag Football

- Registration for the 2020 Fall League Season will begin on April 15th (teams are selected and practices will begin in late August – with league games beginning in early September)
- Registration information for Players and Coaches will be posted on the league website (www.vhff.net) by March 15th.
- Board Positions and Age Group Director Roles are available for those that are interested (inquiries can be submitted via the league website (www.vhff.net)). VHYFF President for the 2020 season is Jason Oleinick.



VESTAVIA HILLS SOCCER CLUB

*HOME OF THE ATTACK
HOME OF THE STEAMERS*

1973 Merryvale Road
Vestavia Hills, AL 35216
www.vestaviasoccer.com

Tel: 205-978-0182
Fax: 205-824-5018
E-mail: yhsoccer@bellsouth.net

Soccer Club Report for Parks and Recreation Board March 2020

We are just getting into our spring season. Recreational registration is holding at 718 registered players (our target was 700), to go along with another 36 competitive teams for this spring. Everything is running smoothly, and the fields are really really green (if a bit wet!).

Our annual Mayor's Cup in April 18th.

We are excited to honor the 20- plus high school seniors going on to play college soccer next fall. Our TopSoccer Program starts April 19th.

Let me know if you have any questions or concerns.

Respectfully submitted by:

Rocky Harmon

Executive Director

Vestavia Hills Girls Volleyball

Future Plans

- Spring Clinics
 - 4/9 and 4/23, 6-7pm 4th-5th grades and 7-8pm 6th-8th grades at Cahaba Heights
 - High School team will help with clinics
- Registration
 - Flyers to go out at the end of school year
 - More signs
 - Registration start June 1st and End July 26th
 - NO LATE SIGN-UPS
 - Option to buy a ball with registration
 - Leagues 4-5th, 6-7th, possibly different leagues for each grade if we have enough players
 - If there is any interest 8-12th to play Hoover teams (They have a league with those ages)
 - Add question about playing experience to registration
 - Increase registration fee
- Uniforms
 - Instead of different color jerseys possibly give each team different socks
 - Coaches Shirts
- Equipment
 - Ball Carts
 - More Balls
 - Light Balls for younger kids, use these at the first few practices for them to develop skill
- Sponsors
 - Free registration for any sponsors
 - Recruit a local restaurant to sponsor us and have an event to pass out uniforms like basketball does
- Next Season
 - Dates
 - 2 Evaluation Days -July 19th-Elementary and 26th-Middle School, but they can attend either day
 - Make teams the week of Aug. 3rd

- 1st Practice-Week of Aug. 9th (2 weeks of practice before 1st games)
- 1st game-Aug. 29th
- Holiday Weekends play games on a weeknight or double-headers
 - Labor Day- Sept. 7th
 - Holiday Weekend-Oct. 9th-13th
- End of Season Tournament Oct. 24th