

MINUTES OF MEETING

DATE: February 4, 2008
TIME: 6 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Dr. Trey Lott, Council Member
Ms. Mari Morrison, Council Member
Mr. Brian Skelton, Council Member
Mr. Gene Smith, Council Member
Mr. Jack Wright, Council Member

ABSENT: Mr. Mike Natter, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Chief Tom Bradley, Fire Chief
Mrs. Karen Higgins, Director Human Resources
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director, Inspection Services
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director Revenue & Taxation
Mr. Craig Moss, Director, Park and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Director of Support Services
Mr. Robert Yeager, Finance Director
Mr. Tim Westhoven, Asst., Executive Director

The meeting was called to order by the Council President Ivey. The clerk had roll call and a quorum was present.

The clerk gave the invocation and Mr. Wright led those present in the Pledge of Allegiance.

1. **REPORTS**

Mr. Ivey recognized the Mayor. Mayor Petelos announced that the City of Hoover remains under **Stage II Drought** conditions.

Mr. Ivey at this time recognized Councilman Smith.

Mr. Smith stated it is time to begin the selection process for the next school board appointment which will be made in April. He announced beginning in the morning, Tuesday, February 5, 2008, there will be a new application process on the Hoover website. This is a seven page application each applicant will have to complete and submit. These will be received until **5 p.m., Tuesday, February 19, 2008**. From that point all information on the applications will be verified the information. He noted these applications will also be available in the office of the City Clerk.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the January 22, 2008, meeting, the special meeting held on January 31, 2008, and the work session held on January 31, 2008.

Mr. Wright made a motion to dispense with the reading of these minutes and approve them as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there were none. On voice vote the motion carried unanimously.

3. **RESOLUTION NO. 4024-08 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH ENGINEERING DESIGN TECHNOLOGIES – HACKBERRY LANE SIDEWALK EXTENSION PROJECT**

The City attorney read Resolution No. 4024-08 which would authorize the Mayor to execute an agreement with Engineering Design Technologies for consultant work on the Hackberry Lane Sidewalk Extension Project.

Mr. Wright made a motion to approve Resolution No. 4024-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

4. **RESOLUTION NO. 4025-08 – AUTHORIZE MAYOR TO EXECUTE RIGHT-OF-WAY DEED – SANITARY SEWER EASEMENT – MUNICIPAL DRIVE RELOCATION PROJECT**

The City attorney read Resolution No. 4025-08 which would authorize the Mayor to execute a right-of-way deed for a sanitary sewer easement associated with the Municipal Drive Relocation Project.

Mr. Wright made a motion to approve Resolution No. 4025-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

5. **RESOLUTION NO. 4026-08 – AUTHORIZE MAYOR TO EXECUTE ADDENDUM TO CLAIMS SERVICE AGREEMENT – HILL ADMINISTRATIVE SERVICES, INC.**

The City attorney read Resolution No. 4026-08 which would authorize the Mayor to execute an addendum to the Claims Service Agreement with **Hill Administrative Services, Inc.**

Mr. Wright made a motion to approve Resolution No. 4026-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4027-08 – AUTHORIZE RED MOUNTAIN ASSOCIATES AS AGENT FOR CITY**

The City attorney read Resolution No. 4027-08 which would authorize **Red Mountain Associates** to act as an agent of the City regarding the purchase of materials to be used in the construction of the Greystone Legacy Fire Station No. 10 Project.

Mr. Wright made a motion to approve Resolution No. 4027-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

7. **RESOLUTION NO. 4028-08 – ACCEPTANCE OF PUBLIC IMPROVEMENTS – SOUTH SANDERS SUBDIVISION RESURVEY LOT 1**

The City attorney read Resolution No. 4028-08 which would accept the public improvements in the South Sanders - Subdivision Resurvey of Lot 1.

Mr. Wright made a motion to approve Resolution No. 4028-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

8. **RESOLUTION NO. 4029-08 – AUTHORIZEMAYOR TO EXECUTE EASEMENT AGREEMENT – ALABAMA POWER CO. – MUNICIPAL DR. RELOCATION PROJECT**

The City attorney read Resolution No. 4029-08 which would authorize the Mayor to execute an easement agreement with **Alabama Power Company** regarding the relocation of power lines for the Municipal Dr. Relocation Project.

Mr. Wright made a motion to approve Resolution No. 4029-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

9. **RESOLUTION NO. 4030-08 – AUTHORIZE MAYOR TO EXECUTE UTILITY AGREEMENT WITH AL DOT – MUNICIPAL DR. RELOCATION PROJECT**

Mr. Ivey stated this item was not on the agenda at work session and would need unanimous consent of the Council to be considered at this meeting.

Mr. Wright made a motion for unanimous consent in order for the Council to consider Resolution No. 4030-08. This motion was seconded by Mr. Skelton. Mr. Ivey called for a roll call vote. On roll call the votes of the Council were as follows: Mr. Ivey, "Yea", Dr. Lott, "Yea", Ms. Morrison, "Yea", Mr. Skelton, "Yea", Mr. Smith, "Yea", and Mr. Wright, "Yea". The motion carried unanimously.

The City attorney then read Resolution No. 4030-08 which would authorize the Mayor to execute a utility agreement with the Alabama Department of Transportation regarding the Municipal Dr. Relocation Project.

Mr. Wright made a motion to approve Resolution No. 4030-08. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any discussion from the Council or anyone present; there was none.

On voice vote the motion carried unanimously.

10. PUBLIC HEARING – CONDITIONAL USE REQUEST TO ALLOW A PET GROOMING FACILITY – 3145 LORNA RD. – NATHAN BURDETTE

Mr. Ivey stated a public hearing had been set for this date to consider the conditional use request of Nathan Burdette to allow a pet grooming facility to be located at 3145 Lorna Rd. This property is owned by Charles T. Turner and is zoned C-1 (Neighborhood Shopping District). This item comes forward from the Hoover Zoning Board December 10, 2007 meeting with no recommendation due to a tie vote.

Mr. Ivey stated the City attorney had been asked if it was appropriate for this item to be on the agenda as it was neither a positive or negative vote.

Attorney Boardman stated, given the circumstances of this request, it is appropriate for this case to be heard at this public hearing.

Mr. Ivey called for a motion on the request.

Ms. Morrison made a motion to deny this conditional use request. Mr. Smith seconded this motion.

Mr. Ivey called for any comments from the Council and there were none. He then called for comments from anyone present.

Mrs. Mary Gifford, 2112 Whiting Rd. addressed the Council stating she lives directly behind this property and is opposed to this because of the noise and odor which would be there seven days a week, 24 hours a day. She was concerned about the waste that would come from these animals. She stated her next door neighbor, Jim Hicks, has cancer and was not able to be here tonight but noted he has written a letter but is also opposed to this request. She urged the Council to deny this request.

Mr. Loren Stiffler, 3204 Berkley Lane, addressed the Council. He stated his company owns the building next door to this facility, 3141 Lorna Rd. This is 12,000 sq. ft. office building. He stated there are currently five tenants with a total of 44 employees. One of these tenants is a doctor's office. He felt this business would hurt him renting these suites in the future. He discussed the City noise ordinance noting that his building is exactly 50 feet away from the proposed facility. He felt the noise from 66 kennels would be a great distraction and make it hard to keep tenants. He felt that a pet grooming facility and 66 kennels are not one and the same. He stated he has put a great deal of money in refurbishing his property. He stated he is against this project and asked that the Council deny this request.

Mr. Smith asked if the applicant, Mr. Burdett is present. Mr. Burdette was not present.

Mr. Ivey called for any further comments; there being none, he called for a vote on the motion to deny. On voice vote the motion carried unanimously. The request was denied.

11. PAYMENT OF BILLS

Mr. Ivey stated each member of the Council had received a copy of the bills as submitted for payment.

Mr. Wright stated the bills had been reviewed and he made a motion to approve them as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments and there were none. On voice vote the motion carried unanimously.

Mr. Ivey called for any comments from the Council on any matter.

Councilman Smith stated he has had ongoing conversations with Mr. Ben Powell, Director of Support Services for the City of Hoover, about the current state of the Charter Communications franchise and some advertisements that have come out about rate increases. He felt since these increases are due the first of March, Mr. Powell could give a brief update on how things stand.

Mr. Powell stated he had received a notice from Charter Communications about a proposed rate increase effective March 1, 2008, and had gathered information about whether or not the proposed rate increase falls within the Federal guidelines for basic rates increases. He noted that only the rate for basic service is the only rate regulated by the City of Hoover. All other rates are completely deregulated. He noted that no federal, state, or local agencies are allowed to regulate the rates for other services such as digital or expanded. He stated he is evaluating this information, will continue to get additional information and evaluate it and provide updates to the Council in the future.

Mr. Ivey called for any further comments.

Mrs. Susan Freeman, 1214 Lake Forest Circle addressed the Council. She introduced Mr. Lonnie Williams, representing the Alabama Disabilities Advocacy Program. It was noted this organization is a protection and advocacy agency for persons with disabilities in Alabama. Mr. Williams stated this is associated with the University of Alabama. He stated he is here to discuss the Therapeutic Program at the Hoover Rec. Center. He stated he has four children which have autism. He would like to discuss the decisions made by the Rec. Center which resulted in the changing of the times for these therapeutic programs, more specifically the ALIVE Program. He stated this has caused a hardship for the participants and their families. He stated there were 12 participants in this program before the change and now there are only three, which resulted in the decrease in the quality of the program for those that remain. He stated that ADAP encourages the City to do what it can to restore this program to these participants and their families.

Mrs. Freeman discussed the hardships and struggles associated with the rearing of a child with special needs. She stated as her child entered school he was in special education. She stated she had a wonderful experience in the Hoover School system but social activities and sports were lacking. She stated in 1992 the Hoover Rec. Center opened and they had a Therapeutic Program which was run by Ms. Dee Bragan Nance. She stated there was a swim program as well as a swim team which competed. There were other activities such as volleyball,

basketball and softball. She stated this was the first time that parents of these special needs children were able to watch their kids compete the same as “normal” kids. She stated her son graduated from Hoover High School in 2003. In the fall of 2003 the ALIVE Program was started on Mondays and Wednesdays from 1-5 p.m. with activities, sports and swim. Swim was from 5:30 to 7:00 p.m. in the evening. In 2005 the times for the night swim team were eliminated. They moved the swim team to 1-5 P.M., cutting the program by one and one-half hours. The reason for this is because the regular swim team needed more lanes. She stated, in addition, her child and others in this program were required to join the recreation center and pay an hourly fee for every activity while the regular swim team did not have to pay. Mrs. Freeman stated she felt this could be a violation of the American with Disabilities Act but she was so grateful to have the program they let this matter go. They were happy with what they had.

Mrs. Freeman stated they were notified in July, 2007, the times would change on Monday and Wednesday to 10 a.m. to 2:30 p.m. These times were unworkable for most of the participants and their parents. These participants are now adults with part time jobs either in the morning or afternoon. These new hours cut into both morning and afternoon. She stated most of the parents also work and would not be able to bring their kids to the center noting that none of these kids drive. Many of the parents talked with the staff individually and explained why this is not a workable plan. The staff stated the new schedule would remain. They talked with Craig Moss, Park & Rec. Director, and asked for a parent meeting, which did not happen. They then went to the Park Board, contacting two members of the Board asking for a parent meeting. She stated they did meet with two members of the Board, and Mr. Moss. She stated they discussed the reasons they were given for changing of the times for the programs and were told by the board members they felt they could work this out. The board members were to meet with the staff the next week. The parents stated they got a compromised vote for the parents. They voted and the times that the parents selected were Monday 1-5 p.m. and one Friday a month from 1-5 p.m. This would cut the program by three days a month. She stated this was the only 1-5 option they were given. On August 23rd the vote was announced and those participants were to sign up. She noted that three families left the program because of the way this meeting was handled.

Mrs. Freeman stated on October 5, 2007, less than four weeks into the program, a memo was written to the parents stating the times would be changed back to 10 am to 2 pm beginning in January, 2008. This took place with no parent input. She stated that on November 4, 2007, a group of parents along with Mr. Lonnie Williams met with Mayor Petelos. Mayor Petelos stated the Park Board answered to the Council and he would be glad to talk with some of those involved in making this decision and get back to them, which he did. Mayor Petelos stated he would have to defer to the decisions of those in charge. In January, 2008, the times were changed. She stated there are three females signed up for the entire program. One of these attends sporadically because of transportation issues. She stated her son swims only but cannot do the rest of the program due to his job conflicts. This is down from 13 full time participants from last year.

Mrs. Freeman stated this was a viable program for adults with special needs. They were all very grateful for this program and felt there was an excellent staff working with their children. The program is now lost due to these changes. The quality of the program is no longer there. There are no team sports and the cohesive group has been broken because the majority of the

participants cannot come because of the time. The children have been upset and saddened by these events. She felt that their children may be limited in many ways but do many admirable things. They work, pay taxes, most pay for their own recreation and they vote and she felt they deserve better. They are asking the City Council to intervene and help to get these times changed back to the previous times as well as instructing the Therapeutic staff to work with the parents on any change issues.

Councilman Skelton asked what the reason was for this change. Mrs. Freeman read from the memo the parents received from the Rec. staff which stated, "ALIVE did not have consistent support staff last year. This schedule will allow for consistent staff to best serve the ALIVE Program". Mrs. Freeman stated a new full time recreation therapist had been hired so there was more staff than ever before. The memo further said, "Many times we had to share gym and facility space. There will not be any problem with the new schedule". Mrs. Freeman stated they had always shared space.

Mr. Ivey stated there seems to have been a misunderstanding and this Board sits independent of the Council. The Council does appoint the members of this board but they do not report to the Council. He stated they will be happy to try to intervene and to get involved. He noted that the City Council does fund the Park and Recreation department and they do have some influence but they, the Park Board, make the ultimate decision.

Mr. Lonnie Williams stated he appreciated the Council hearing their concerns and he felt this program is important to these participants.

Mr. Al Dabney, 3214 Heathrow Downs addressed those present. He asked who the Park Board reports to. Mr. Ivey stated this is an independent board. Mr. Dabney asked if this meant they could do whatever they wanted to do and everyone must live with it. Mr. Ivey stated again they are funded by the City; the members are appointed by the Council for a term. Mr. Dabney asked if they were then allowed to do as they please for a term with no input from the public or the Council. He compared this to a Supreme Court judge. Mr. Ivey stated again the City funds the Board and they have some input but cannot overturn their decisions. Mr. Dabney stated this needs to be changed. He did not feel that anyone should be appointed and have no one that they are not 100% accountable to. He noted the Council is accountable to the electorate. Mr. Ivey stated he felt they are accountable as the Council has control over the funds they receive. Mr. Dabney did not agree. He stated if there was no control over this, how could a member be removed. Ms. Morrison stated they are not removed. Mr. Dabney again compared this to the Supreme Court. There is no control over this board. He referred to the members receiving pay for their services and Mr. Skelton stated the Board members are not paid, they are volunteers. He asked who controls the employees of the Park Department. Mr. Ivey stated the governing body controls them. Mr. Dabney felt if his tax dollars are being used and a board is appointed and the board hires employees to be paid with his tax dollars, they should be accountable to someone and removable. Mr. Ivey stated they are accountable for the money. Mr. Dabney stated this made it seem if they did not steal there was nothing that could be done by the Council.

Councilman Lott stated this was not a rule of the City. Mr. Dabney asked who could change this rule. Mr. Ivey stated this is state law and it would take the legislature to change it. Mr. Pate stated there are other independent boards in the City as well. Mr. Ivey stated the recreation program could be totally de-funded if the Council chose to do so. Mr. Dabney felt

this was a ridiculous statement. Mr. Ivey stated all the park boards in the state are governed by state law. Mr. Dabney stated he is only interested in the Hoover Park Board as this is where he pays his taxes. Dr. Lott stated they are also concerned and felt that most of the time our Park Board does a wonderful job and the Council is going to try to work with the Board on this matter to come to a solution which will work for everyone. Dr. Lott stated again they do not control this board or any other board. They try to make good appointments and hear input. He asked that Mr. Dabney give the Council an opportunity to look into this. He felt he may come out with a happier solution.

Mr. Dabney stated he is now more concerned about the process than the program for his child. He was unaware that this board is totally unaccountable. He noted that the Council was not interested in what Mrs. Freeman had to say. Mr. Ivey stated that was not correct.

Councilman Smith stated, with the limited knowledge he has of this matter, he understood the program was still somewhat heavily attended.

Mr. Ivey asked the Park Board Director and board member to address them at this time.

Mr. Bill Sanford, Hoover Park Board member, addressed those present. He noted that he is offended by these remarks just made. He stated the Board may operate solely on their own but he wanted everyone to know that they act as they are held accountable by the City Council. They do not do just anything they want to. They spend a great deal of time meeting as well as with the managers. They feel the City has a great facility and the Council looks after the Board and they respect that fact. He stated they will always operate with the attitude they are accountable to the City Council.

Mr. Sanford stressed that he had lost a child and he has experienced pain as a parent. He stated he had worked as a Commissioner at the Shades Mtn. Park and made arrangements so that a special needs child was able to play on his team even though he was four years over the age limit. He stated he has a passion for children and tries in every area to work with them whether it is at the recreation center, at church or otherwise. He stated the Board has discussed this matter at length to come to a solution.

Mr. Sanford stated the Rec. Center has increased in membership by approximately 2000 over the last couple of years. He stated these parents were told that staffing was not a problem and it is not a problem. The issue is space. He stated Green Valley Elementary School is being renovated and they are trying to get the Board to save Berry Middle School so they will have some place to expand for all children. He stated he did not know anything else he could say about this matter. He stated they did not make a rash decision. He had discussed this matter no less than three times with Mr. Allen Pate, Executive Director of Operations, Councilmember Lott and the Mayor. He felt the Board has gone to great lengths to see that the best decision was made. It may not have been the best decision for this group and they regret this. He felt over time this program could be built up again.

Mr. Craig Moss, Park and Recreation Director, stated he would like to add that these parents would not be here about this program had the quality of the program not been excellent. He noted the Board wants to continue to offer that type quality program. Due to the changes in time they did not feel they could offer what they had offered in the past. They also have another program for the younger children and it has grown. The participants in the program discussed tonight are older. Mr. Moss stated the staff had to be offered to the younger group.

They adapted the ALIVE program. He stated they have been willing to keep these programs but they want to keep it at a quality level.

Mr. Moss stated they are running out of space. In order for the parents to have the programs they are used to their children being in, the staff had to be with them. They did not feel they should mix the two age groups.

Dr. Lott asked how many children were in the younger program. Mr. Moss stated there are 13 and there is also a waiting list. The older program at one time 14 and now has three. Mr. Ivey stated it appears that this is an issue of space and the program has not been dropped. Mr. Moss stated that was correct. He stated there is not adequate staff to offer the quality programs they are accustomed to having. The staff had to be split.

Councilman Smith asked what the age difference was between the two programs. Mrs. Dee Nance stated it is mostly middle school. The REACT program is high school and young adults up to about 18-19. The ALIVE program is 21 and up and at its peak had 12 participants. There are now 4-5 participants.

Councilwoman Morrison asked Mr. Moss how much the enrollment had grown at the Rec. Center during the last two to three years. Mr. Moss stated it has increased from 6200 members to almost 9000. She then asked how much the staff had been increased. Mr. Moss stated one staff member had been added that will fluctuate from therapeutics to the Senior Center.

Mr. Smith asked if this is more of a staff availability issue or a facility issue. Mr. Moss stated it would be both. Mr. Smith asked what facility needs would be required to get this program back to where it was a year ago. Mr. Moss stated in order to have it at the same time as before, there is the problem of programs for the other members such as gym space. They try to provide half of the gym space for members and the other half for the program. He did not know if this could be done if they were incorporated together with 26 – 30 kids.

Mr. Smith asked what programs would not require the use of the gym. He asked if there were other things that facility wise are a hindrance at this point due to the number of programs. Mr. Moss stated they also have arts and crafts that require meeting rooms which could be a problem.

Dr. Lott asked if there was any way they could meet all in the morning or all in the afternoon so that it would not interfere with their jobs. He stated he realized this was difficult. Mr. Ivey stated this splits the day and it harder for the parents.

Mr. Skelton stated this is something to be discussed. He thanked the Park Board and wanted to state they are quality people. They take very seriously the decisions they make and how they affect the citizens. They are willing to give their time and passion to serve the city. He stated the Board has studied this and the Council can study it further. He hoped they would be able to reach a resolution that would work for everyone. He thanked the parents for their comments as well.

Dr. Lott asked Mrs. Freeman if the swimming were removed, what other parts of the program would be at the “top of the list” activity wise. Mrs. Freeman stated they are not doing any sports at this time as there are not enough people involved. Dr. Lott asked if they are doing the arts and crafts. Mrs. Freeman stated her son is not participating due to his job. She noted that she had heard from other parents that they are primarily doing arts and crafts and

activities such as taking walks. The swim is the biggest drop. Her son picked to be on the swim team when that was available.

Mr. Ivey asked if a gym was made available for volleyball and basketball would that help. Mrs. Freeman stated the participants need to come back first so there would be enough to participate. She questioned what is most important, just having a program or the actual participants. She stated she had talked with many of the participants that have left and they are willing to come back if they can get the times changed back. Mr. Ivey felt it would be more difficult to work around the pool times than a gym. Mr. Moss agreed with this statement. Mr. Skelton stated there may be space available at some of the schools that could be utilized.

Dr. Lott again thanked Mrs. Freeman as well as the other parents for their comments and concern. Mrs. Freeman requested that should any of the Council meet to discuss this matter that these parents be allowed to meet with them. Ms. Morrison stated they do not meet outside of these public meetings. Mrs. Freeman stated they have never sat down as a group with everyone involved with this matter. Mr. Ivey stated they are all parents and are very compassionate about this and will work with them.

Dr. Lott again stressed that the City has a great Park Board. Mrs. Freeman responded that she and Mr. Sanford attend the same church and have had many conversations. She stated she did not want the Council to think they were implying that the Board was not doing their jobs to the best of their ability, rather they have a different view. She hoped they could come to an agreement for the sake of the children.

There being no further business to come before the Council, the meeting was adjourned.

Linda Crump
City Clerk