

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: March 2, 2009
TIME: 6 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Mr. John Greene, Council Member
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

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Tommy Daniel, Director Public Works & Park Maint.
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director Municipal Court
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director Inspection Services
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director Revenue and Taxation
Mr. Craig Moss, Director Hoover Parks & Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Director Support Services
Chief Chuck Wingate, Fire Chief
Mr. Robert Yeager, Finance Director

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

The City Clerk then gave the invocation.

The Boy Scout Troop #23 from the Discovery United Methodist Church led those present in the Pledge of Allegiance. Mr. Andy Saab is their scout leader.

1. **REPORTS**

Mayor Petelos asked that the City attorney at this time read a Proclamation which declared the Month of March as **Developmental Disabilities Awareness Month** in the City of Hoover.

Mayor Petelos was joined at the front of the chambers by Mr. Mark McClellan and several of his friends. The Mayor presented Mark with a copy of the proclamation for Development Disabilities Awareness Month.

Mr. McClellan thanked the Mayor and City Council for their recognition in this area. He thanked the City for those programs and facilities that were available for those

with these type disabilities. He noted they are active citizens and they want to be a part of the community and participate in activities of this type. He thanked the Mayor again this recognition.

The attorney then read a Proclamation which proclaimed May 1, 2009 as **Silver Star Banner Day** in the City of Hoover.

Mayor Petelos stated there would be more discussed on this matter as the City would hold its celebration at Veterans Park.

Mayor Petelos stated the City had participated in Arbor Day events at Aldridge Gardens this past Saturday. He reported that, as usual, there were great activities and participation from the public. At this time the City attorney read the Proclamation which proclaimed February 28, 2009 as **ARBOR DAY** in the City of Hoover. Mayor Petelos asked that the members of the Beautification Board stand at this time and be recognized for the excellent job they do for the City.

Mr. Steve Zarichnak, Hoover Beautification Board, addressed those present. He stated this was the 11th consecutive year to celebrate Arbor Day and the 10th year that Hoover has earned a Tree City USA Award. He stated the Beautification Board had sponsored an essay writing contest and there were 220 essays submitted from seven different elementary schools. He thanked the Council members for their attendance at Arbor Day. He reported that an American Yellowwood tree had been donated by Landscape Workshop and planted at Aldridge Gardens. He thanked them for this contribution. He stated a photo newsletter would be put together and sent to the Mayor, Council and all the schools.

Councilman Smith stated he, Ms. Morrison and Mr. Greene had attended the activities at Aldridge Garden and thanked Mr. Zarichnak for hosting such a successful event.

Mayor Petelos stated he had participated in some of the Arbor Day activities at Bluff Park Elementary School. Some of the Beautification Board members were also there. He complimented them on the programs they have in the schools with regard to Arbor Day.

Mayor Petelos stated he is proud of the fact that over the last four years the City has secured an additional 400 acres that will always stay green space for this city.

Council President Ivey stated there is a school board appointment that will be made in April. He stated applications, which are available online, must be submitted in person by the applicant, to the City Clerk's office. He stated a valid I.D. will be required when turning in the application. Mr. Ivey stated these applications will be accepted until the end of the month. The interview process will be announced at a later date depending on the number of applicants. They will make this appointment during the month of April.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the February 16, 2009 Council meeting as well as the work session held on February 26, 2009.

Mr. Wright made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 4228-09 – AWARD BID #01-09 – ALFORD AVENUE ENHANCEMENT PROJECT**

The City attorney read Resolution No. 4228-09. This would award the bid for the Alford Avenue Enhancement Project to **Forestry Environmental Services**, in the amount of **\$229,514.85**. This resolution also authorizes the Mayor to execute a contract with Forestry Environmental Services for the performance of this work..

Mr. Wright made a motion to approve **Resolution No. 4228-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 4229-09 – APPROVAL OF BONDS PURSUANT TO NOLAND HEALTH SERVICES, INC.**

Mr. Ivey stated the applicant requesting this resolution has asked that this matter be withdrawn.

5. **RESOLUTION NO. 4234-09 - ACCEPT PUBLIC IMPROVEMENTS – ROSS BRIDGE COMMERCIAL PHASE I – ROSS BRIDGE APARTMENTS**

The City attorney read Resolution No.4234-09 which would accept the public improvements in the Ross Bridge Commercial Phase I development. This is the Ross Bridge Apartments.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4235-09 – ACCEPT PUBLIC IMPROVEMENTS – LAKEVIEW HOMES PARADISE LAKE 6TH SECTOR**

The City attorney read Resolution No.4235-09 which would accept the public improvements in the Lakeview Homes Paradise Lake 6th Sector subdivision.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 4236-09 – ACCEPT PUBLIC IMPROVEMENTS - ROSS BRIDGE VILLAGE CENTER PHASE I SECTOR II**

The City attorney read Resolution No.4236-09 which would accept the public improvements in the Ross Bridge Village Center Phase I, Sector II development.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 4237-09 – ACCEPT PUBLIC IMPROVEMENS – VARIOUS SUBDIVISIONS**

The City attorney read Resolution No.4237-09 which would accept the public improvements in the City of Hoover as listed on Exhibit “A” to this resolution.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 4238-09 – AUTHORIZE MAYOR TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE AGREEMENT – ELEMENTARY SCHOOL SUMMER PROGRAM**

The City attorney read Resolution No. 4238-09 which authorized the Mayor to execute a Community Development Block Grant Public Service Agreement with the Hoover Board of Education regarding their 2009 Elementary School Summer Program.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 4239-09 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT – ADVANCED DISPOSAL SERVICES, INC.**

The City attorney read Resolution No. 4239-09 which would authorize the Mayor to execute the Second Amendment to the contract with **Advanced Disposal Service** concerning the garbage and trash collection for the City of Hoover.

This would extend the contract for another three years commencing October1, 2009.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 4240-09 – AMEND BUDGET**

The City attorney read Resolution No. 4240-09 which would continue the September 30, 2008 as described on Exhibit “A” attached to this resolution.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

12. **RESOLUTION NO. 4241-09 – EXTEND FRANCHISE AGREEMENT – MARCUS CABLE OF ALABAMA, INC. – D/B/A CHARTER COMMUNICATIONS**

The City attorney read Resolution No. 4241-09 which would extend the franchise agreement with Marcus Cable of Alabama, Inc., doing business as Charter Communications until March , 2 2010.

Mr. Wright made a motion to approve this resolution as presented. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

13. **CHANGE ORDER #1 – BLUE RIDGE BLVD. SIDEWALK PROJECT**

Mr. Ivey stated the Council has been presented with Change Order #1 for the Blue Ridge Blvd. Sidewalk Project. This will add an additional \$ 3,325.00 to the contract. The new total for this contract will be \$ 47,825.00.

Mr. Wright made a motion to approve Charge Order #1 for the Blue Ridge Blvd. Project in the amount of \$3, 325.00. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

14. **CHANGE ORDER #1 – SULPHUR SPRINGS BY-PASS PROJECT**

Mr. Ivey stated the Council has been presented with Change Order #1 for the Sulphur Springs by-pass project.

Mr. Wright made a motion to approve Charge Order #1 for the Sulphur Springs by-las project. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

15. **CHANGE ORDER #1 – RIVERCHASE SANITARY SEWER MANHOLE HEIGHT ADJUSTMENT PROJECT**

Mr. Ivey stated the Council has been presented with Change Order #1 for the Riverchase Sanitary Sewer Manhole Height Adjustment Project. This will be a reduction of \$ 26,330.00 to the contract. The new total for this contract will be \$ 245,160.00.

Mr. Wright made a motion to approve Charge Order #1 for the Riverchase Sanitary Sewer Manhole Height Adjustment Project. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

16. **2ND READING ORDINANCE NO. 09-2176 – ASSENTING TO VACATION OF PORTION OF RIGHT-OF-WAY AND AUTHORIZING SALE OF UNNEEDED MUNICIPAL PROPERTY**

The City attorney had the second reading of Ordinance No. 09-2176. This would assent to the vacation of a portion of right-of-way on Village Green Way as well as authorize the sale of this portion of property to adjoining property owners Michael T. and Kathy L. Thorsen.

Mr. Wright made a motion to adopt **Ordinance No. 09-2176**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions on this matter; there being none, he then called for a roll call vote on the motion to adopt.

On roll call the votes of the Council were as follows: Mr. Ivey, “Yea”, Mr. Greene, “Yea”, Dr. Lott, “Yea”, Ms. Morrison, “Yea”, Mr. Skelton, “Yea”, Mr. Smith, “Yea”, and Mr. Wright, “Yea”. The motion carried unanimously.

17. **PUBLIC HEARING – AMEND PC PORTION OF THE GROVE PUD**

Mr. Ivey stated a public hearing had been set for this date to amend the PC portion of the Grove PUD located at the northwest corner of Highway 150 and I-459 with regard to off street parking, signs and other related matters. This property is owned by KD Hoover, LLC.

Ms. Morrison made a motion this request be approved subject to the following:

1. Define the reforestation plan along the I-459 right-of-way, the intersection of Sulphur Springs and Grove Boulevard and along the boundary of the Pinewood Subdivision.
2. Permit redistribution of landscaping required along property lines within the shopping center parcel.
3. Reduce off-street parking requirements for restaurants from 15 spaces per 1,000 square feet of floor area to 12 spaces per 1,000 square feet of floor area. (Same as required elsewhere in the City).
4. Define the number, location and maximum size of shopping center locator signs. Four interior signs may be a maximum of 23 feet in height and 200 square feet. The sign at the intersection of Highway 150 and the sign along the I-459 right-of-way may be a maximum of 32 feet in height and 400 square feet.
5. Allow stores with more than 45,000 square feet to have one building wall sign not to exceed 450 square feet in lieu of two signs at 300 square feet each.

This motion was seconded by Dr. Lott.

Mr. Ivey called for any comments or questions on this matter; there being none he called for a vote on the motion to approve. On voice vote the motion carried unanimously.

18. PAYMENT OF BILLS

Mr. Ivey stated the Council had reviewed the bills as submitted for payment.

Mr. Wright stated the bills had been reviewed and he made a motion to approve them as submitted for payment. Mr. Skelton seconded the motion.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

Mr. Ivey called for any comments or questions from the Council and there were none.

Mr. Ivey called for any comments or questions from those present; there were none.

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

Linda Crump
City Clerk