

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: March 16, 2009
TIME: 6 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Mr. John Greene, Council Member
Ms. Mari Morrison, Council Member
Mr. Brian Skelton, Council Member
Mr. Jack Wright, Council Member

ABSENT: Dr. Trey Lott, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
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. 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.

Mr. Wright led those present in the Pledge of Allegiance.

1. **REPORTS**

Council President Ivey wished City attorney Mark Boardman a Happy Birthday!

Mayor Petelos asked that the City attorney at this time read a Proclamation which declared April 16, 2009 as **National Healthcare Decisions Day** in the City of Hoover.

Mayor Petelos was joined at the front of the chambers by Dr. Lon Cullen, Chaplain, New Beacon Hospice. Mayor Petelos presented Dr. Cullen with a copy of this proclamation.

Dr. Cullen thanked the Mayor and City Council for their recognition. He stated many times this is a difficult but necessary process that we must deal with. Mayor Petelos thanked Dr. Cullen for the services they give to the public.

The attorney then read a Proclamation which proclaimed April, 2009 as **Child Abuse Prevention Month** in the City of Hoover.

Mayor Petelos stated he had presented a proclamation to Dr. Sonia Carrington at a reception at Rocky Ridge Elementary School. He stated Dr. Carrington is the Principal at Rocky Ridge Elementary and was selected as the Alabama's National Distinguished Principal. Mayor Petelos stated he wanted to publicly congratulate Dr. Carrington for receiving this honor.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the March 2, 2009 Council meeting as well as the work session held on March 12, 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. 4242-09 – AUTHORIZE MAYOR – EXECUTE LETTER OF AGREEMENT CONSTRUCTION ENGINEERING INSPECTION SERVICES – NEEL SCHAFFER - STADIUM TRACE PARKWAY SIDEWALK PROJECT**

The City attorney read Resolution No. 4242-09. This resolution authorizes the Mayor to execute a letter of agreement with Neel Schaffer for Construction Engineering Inspection services with regard to the Stadium Trace Parkway Sidewalk Project. .

Mr. Wright made a motion to approve **Resolution No. 4242-09**. 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. 4243-09 – AUTHORIZE MAYOR – EXECUTE LETTER OF AGREEMENT CONSTRUCTION MATERIALS TESTING INSPECTION SERVICES – GOODWYN, MILLS AND CAWOOD, INC., - STADIUM TRACE PARKWAY SIDEWALK PROJECT**

The City attorney read Resolution No. 4243-09. This resolution authorizes the Mayor to execute a letter of agreement with Goodwyn, Mills and Cawood, Inc., with regard to Construction Materials Testing Inspection services for the Stadium Trace Parkway Sidewalk Project.

Mr. Wright made a motion to approve **Resolution No. 4243-09**. 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.

5. **RESOLUTION NO. 4244-09 – AUTHORIZE MAYOR – EXECUTE AGREEMENT – GOODWYN, MILLS AND CAWOOD, INC., - HOOVER PARK AVENUE SIDEWALK PROJECT – PHASE I & II**

The City attorney read Resolution No. 4244-09. This resolution authorizes the Mayor to execute an agreement with Goodwyn, Mills and Cawood, Inc., for the Hoover Park Avenue Sidewalk Project – Phases I & II.

Mr. Wright made a motion to approve **Resolution No. 4244-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions.

Mr. Wright inquired if the completion date on this project is known at this time. Mr. Allen Pate stated he did not know but he would find this out and get back to Mr. Wright.

There being no further comments or questions on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4245-09 – DECLARE VEHICLE AS SURPLUS**

The City attorney read Resolution No. 4245-09 which would declare one (1) 2000 Ford Crown Victoria as surplus and provide for sale of this vehicle to the City of Aliceville, AL.

Mr. Wright made a motion to approve **Resolution No. 4245-09**. This motion was seconded by Mr. Skelton.

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

7. **RESOLUTION NO. 4246-09 – AUTHORIZE MAYOR TO EXECUTE TOWER LEASE AGREEMENT – PINNACLE TOWERS, LLC**

The City attorney read at length Resolution No. 4246-09 which would authorize the Mayor to execute a Government Entity Tower Lease Agreement with **Pinnacle Towers, LLC** for the tower located on Tyler Rd. It was noted this is a tower used by the Police Department and there are two antennas located on this tower.

Mr. Wright made a motion to approve **Resolution No. 4246-09**. 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.

8. **RESOLUTION NO. 4247-09 – APPOINTMENT OF CITY CLERK**

The City attorney read at length Resolution No. 4247-09 which noted that the current City Clerk, Linda Crump, will be retiring effective April 1, 2009.

Resolution 4247-09 will appoint **Mrs. Margie Handley** as City Clerk effective April 1, 2009. Mr. Wright made a motion to approve **Resolution No. 4247-09**. This motion was seconded by Mr. Skelton.

Mr. Smith stated Mrs. Handley was present at this meeting. He noted that during the 40 years history of the City there has only been two City Clerks. Mrs. Handley will be the third. The first City Clerk being Mrs. Anita Steiner.

Mr. Ivey congratulated Mrs. Crump on her retirement and noted that she will be greatly missed.

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

9. **RESOLUTION NO. 4248-09 – AUTHORIZE SIGNATURE CARDS**

The City attorney read Resolution No. 4248-09 which would authorize Margie Handley to execute any and all signature cards necessary related to City of Hoover accounts.

Mr. Wright made a motion to approve Resolution No. 4248-09. 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.

10. **1ST READING ORDINANCE NO. 09-2177 – ANNUAL TAX LEVY**

The City attorney had the first reading of Ordinance No. 09-2177 which is the annual tax levy for the City of Hoover. This ordinance provides for the collection of this tax by Jefferson and Shelby Counties and provides for the payment for these services.

Mr. Ivey stated this ordinance would have its second reading and be considered for adoption at the Monday, April 2, 2009 meeting.

11. **APPROVAL OF CONTRACT SUMMARY MODIFICATION (CHANGE ORDER #1) – RIVERCHASE WASTEWATER TREATMENT PLANT EXPANSION PROJECT**

Mr. Ivey stated the Council has been presented with the Contract Summary Modification (Change order #1) for the Riverchase Wastewater Treatment Plant Expansion Project. This project has been completed and this is a reduction in the total project of \$2,533.00.

Mr. Wright made a motion to approve this change order. 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. **PUBLIC HEARING – AMEND CONDITIONAL USE SITE PLAN – RIVERCHASE UNITED METHODIST CHURCH – INCLUDE SOCCER FIELD WITH LIGHTS**

Mr. Ivey stated a public hearing had been set and continued to this meeting to consider the conditional use request of Mr. Stuart Garrette, representing the

Riverchase United Methodist Church, to amend their previously approved site plan to include a soccer field with lights. This property is located at 1953 Old Montgomery Highway and it is owned by the Riverchase United Methodist Church. This property is zoned R-1 (Single Family Residential District).

Mr. Ivey stated a motion was in order for the purpose of discussion.

Mr. Smith stated for the purpose of discussion he would make a motion. For clarification purposes this motion was to approve this request. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments from anyone present.

Mrs. Denise Knight, 801 Sweetgum Court, addressed those present. She stated she lives 2/10 miles from the church. She noted that every Sunday for the past three years there has been a gathering of at least 150 people at this church. Their activities include cooking out on a four ft. barrel grill, the adults play soccer, which includes cheering supporters, whistles of the referees, and most recently have added music and a public address system. She stated this goes on from early afternoon until dark on Sundays.

Mrs. Knight stated she appreciates the outreach of the church to the Hispanic community and she stated she applauds their efforts. She stated the nature of their community changes drastically while this is going on. The noise level is so high, even without the music and public address system that it is hard to do anything outside. She noted that one of her neighbors took her children to the library in order to complete some of their homework due to the distraction of the noise.

Mrs. Knight felt that she and the neighbors had been very tolerate as this was only on Sunday afternoon in the warmer months and that it would end at dark. The church is now asking for lights to be installed and have permission to use these lights every night until 8 PM Sunday through Thursday and 9 PM on Friday and Saturday. She felt if these lights are allowed to be installed she felt the ambiance of the neighborhood would every night making it difficult for them to fully enjoy their homes. She felt that this would also lower their property values and could make it harder for them to sell if they should ever need to do so. She discussed the city owned soccer fields, some of which are lighted that are currently available through reservations through the Hoover Park and Recreation Department. She asked the Council to consider how they would like to have these lights and activities this close to their personal homes. Mrs. Knight stated there were 13 residents present at the Planning and Zoning meeting. She stated many of them are not here due to the spring break vacation.

Mr. Smith inquired if the applicant was present.

Mr. Stuart Garrette stated he is the spokesman for the church and he is also a resident of Riverchase. He stated his address is 2000 Lake Moor Dr., Hoover, AL.

Mr. Smith asked if there is currently a public address system for this field. Mr. Garrette stated there was not. He stated he had talked with the Hispanic minister there had been one set up with speakers. He does not know how many times this has happened. Mr. Garrette stated a part of the agreement with P&Z is that there will be

restrictions on all that will be using this field that there will not be any amplification or music from the field.

Mr. Smith asked if they are still using the PA system. Mr. Garrette stated they may have used a portable system.

Mr. Smith inquired of Richard Johnson, Director of Inspection Services, if the sound was reaching the homes from the field, would this not be in violation of the city's noise ordinance. Mr. Johnson stated they could be.

Mr. Ivey called for any further comments.

Mr. Skelton asked Mr. Garrette if this is youth or adult soccer.

Mr. Garrette stated those using this field on Sunday afternoon is a mix. There are kids up through 30's and 40's. He noted this is a small field, a modified recreation field. He stated the Youth minister is talking about trying to have an Upward Soccer Program. This programs starts with young children. This program would be Tuesday, Wednesday and Thursday nights. He stated the main reason the lights are there is for the times when they need to schedule events. Currently six months it is not dark until after 8 p.m. This would be a practice field for Upward Soccer.

Mr. Wright noted that it would be a problem if he had to take his children to the Library so that they can do their studying. Mr. Garrette agreed and stated this is not their desire.

Mr. Garrette stated this would be a practice field on these nights of the week.

Mr. Ivey called for any further comments.

Mrs. Larua Fay Anderson Davis, Sweetgum Dr., addressed those present. She noted that she is less than one block away from this field. She noted that last summer the noise was really bad and the noise carries over the hills. She stated she is proud of the church for their programs. She felt this is late and they tend to hang out in the parking lot after they finish playing.

Mr. Ivey called for any other comments and there were none.

Mr. Ivey stated there is a motion to approve this request. He asked the Clerk for a roll call vote. On roll call the votes of the Council were as follows: Mr. Ivey, "Nay", Ms. Morrison, "Abstained", Mr. Skelton, "Nay", Mr. Smith, "Nay", and Mr. Wright, "Nay".

Mr. Ivey stated the request was denied.

13. **MOTION TO APPROVE ABC APPLICATION – CHUCKS FISH BIRMINGHAM LLC – D/B/A CHUCKS FISH**

Mr. Ivey stated the Council has been asked to consider the approval of a transfer of the ABC application for Chucks Fish Birmingham LLC, doing business as Chucks Fish. This will be located at 5426 Hwy. 280 E, Suites 1, 2 and 3. This is the former location of the Prairie Fire Grill.

Mr. Ivey stated he had been informed by the Clerk the necessary information has not been received from the state in order the Council to consider this request at this

meeting. He then called for a motion to continue this request to the April 6, 2009 meeting.

Mr. Wright made a motion this request for approval of the transfer of the ABC application for Chucks Fish be continued to the April 6, 2009 meeting. This motion was seconded by Ms. Morrison

On voice vote the motion carried unanimously.

14. **PAYMENT OF BILLS**

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

Mr. Wright stated the bills had been reviewed and he made a motion they be paid 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.

Mr. Ivey recognized Mayor Petelos.

Mayor Petelos stated as mentioned earlier in the meeting Mrs. Crump is retiring and this is her last City Council meeting. He noted she will be here until April 1st at which time Margie Handley will assume duties as Clerk.

Mayor Petelos stated as Mayor for the last four and one half years he has found that Hoover has great employees. He stated this makes the job of being Mayor much easier. He stated he felt Mrs. Crump has done an outstanding job and he wanted to say how much he appreciated the hard work she has given the City of Hoover over the years. He noted that he wanted to wish her well on her retirement and stated she will be missed.

Mayor Petelos stated again this is only the third City Clerk.

Mr. Smith stated the City Clerk is actually the only employee appointed by the City Council. He stated he felt the previous administrations had made a good choice and he felt they had as well.

Ms. Morrison stated she noticed that Charles Crump was also present. She noted that she had attended some conferences with Linda and Charles Crump. She stated with some of the events they have experienced in the last year years she felt they would enjoy this time. She stated it has been a great opportunity to work with Linda and to know both she and Charles. She noted it has been a pleasure to work with her.

Mr. Ivey called for any other comments.

Ms. Teresa White addressed the Council. She stated she is with the Coffeology which is located in the Library Plaza. She wanted to take this opportunity to invite everyone to visit them. She stated they have operated in the Florence Public Library for the last six years. She noted that they are very happy to be in the Hoover Library. She noted they have received many positive remarks.

Mr. Ivey called for any comments or questions from anyone present.

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

Linda Crump
City Clerk