

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: June 15, 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
Chief Nick Derzis, Police Chief
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director, Inspection Services
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director Revenue and Taxation
Mr. Ben Powell, Director Support Services
Mr. Tim Westhoven, Asst. Executive Director
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. Greene led those present in the Pledge of Allegiance.

1. **REPORTS**

Mayor Petelos commended the **Beautification Board** on the great work they do for the City of Hoover. He noted this Board is always there to help when called on. He stated there is a vacancy on the Board and he would like to appoint **Karen Virciglio** to fill that vacancy. Ms. Virciglio joined Mayor Petelos at the podium. Mayor Petelos thanked her for her willingness to serve.

Mayor Petelos asked Coach Devon Hind to join him at the podium at this time. The City Attorney read a **Proclamation** congratulating Coach Hind and the **Hoover High Boys' Track and Field Team** on winning the **2009 6A Boys' Track and Field State Championship**. Coach Hind, Myra Miles (Athletic Director), and Carol Barber (Assistant Superintendent) accepted the proclamation. Coach Hind noted that this team set the state record for the most points ever scored in a 6A Boys' State Championship Meet with 152 points.

Mayor Petelos stated that two years ago the Hoover Chamber of Commerce began sponsoring the Miss Hoover Pageant. Last year, Jessica Headley (former Miss Hoover) won fourth runner up in the Miss Alabama Pageant. This year, Liz Cochran (former Miss Hoover) won the Miss Alabama 2009. He spoke highly of Liz Cochran and felt she did a wonderful job representing Hoover in the Miss Alabama Pageant.

At this time the City Attorney read a **Proclamation** congratulating **Liz Cochran, Miss Alabama 2009**, and wishing her the best of luck and continued success in her pursuit of the title of Miss America.

Miss Cochran expressed her appreciation to the Mayor and City Council for their continued support of the Miss Hoover and Miss Alabama pageants. She said she was so proud to have had the opportunity to represent Hoover in such a great way.

The City Attorney read a **Proclamation** declaring June 15, 2009 as **Elder Abuse Awareness Day** in the City of Hoover, and encouraging all Hoover citizens to recognize and celebrate the value of Hoover's seniors and disabled adults and their right to live safely in their community.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the June 1, 2009 Council meeting as well as the work session held on June 11, 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. 4268-09 – AMENDMENT TO DEVELOPMENT AGREEMENT WITH APPLE DEVELOPMENT COMPANY, LLC – THE GROVE (Continued from 5/18/09 meeting)**

The City Attorney read Resolution No. 4268-09 which would authorize an amendment to the development agreement with Apple Development Company, LLC regarding The Grove development.

Mr. Wright made a motion to **continue** Resolution No. 4268-09 to the August 3, 2009 City Council meeting. 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. 4281-09 – AUTHORIZE MAYOR TO EXECUTE EASEMENT PERMIT WITH ALABAMA POWER**

The City Attorney read Resolution No. 4281-09, which would authorize the Mayor to execute an easement permit with Alabama Power to allow electrical service along a property line between the City of Hoover and USX located east of Stadium Trace and west of the Cahaba River.

Mr. Wright made a motion to approve **Resolution No. 4281-09**. 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. 4282-09 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH NEEL SCHAFFER – CONSTRUCTION & ENGINEERING INSPECTION SERVICES – HOOVER TOPICS VII – LORNA RD. SIGNALIZATION IMPROVEMENTS**

The City Attorney read Resolution No. 4282-09, which would authorize the Mayor to execute an agreement with Neel Schaffer for Construction and Engineering Inspection Services regarding Hoover Topics VII, Lorna Road Signalization Improvements.

Mr. Wright made a motion to approve **Resolution No. 4282-09**. 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.

6. **RESOLUTION NO. 4283-09 – DECLARE CONFISCATED VEHICLE SURPLUS**

The City Attorney read Resolution No. 4283-09, which would declare a confiscated vehicle (2001 Ford Mustang) as surplus to be auctioned jointly with the Jefferson County Sheriff's Department Ebay account.

Mr. Wright made a motion to approve **Resolution No. 4283-09**. 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.

7. **RESOLUTION NO. 4284-09 – DECLARE TAX FREE HOLIDAY**

The City Attorney read Resolution No. 4284-09, which would declare all covered items as set forth in Act No. 2006-574 as exempted from payment of municipal sales and use tax during the period from 12:01 a.m., on the first Friday in August, 2009 and ending at twelve midnight the following Sunday of August, 2009.

Mr. Wright made a motion to approve **Resolution No. 4284-09**. 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. 4285-09 – AUTHORIZE MAYOR TO APPLY FOR AND RECEIVE FUNDING – AMERICAN RECOVERY & REINVESTMENT ACT OF 2009**

The City Attorney read **Resolution No. 4285-09**, which would authorize the Mayor to apply for and receive funding under the American Recovery and Reinvestment Act of 2009.

Mr. Wright made a motion to approve **Resolution No. 4285-09**. 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.

9. **ABC LICENSE TRANSFER – ON TAP SPORTS CAFÉ – 3440 GALLERIA CIRCLE**

Mr. Ivey asked the clerk if the items on the agenda regarding ABC Licenses had gone through the appropriate approval process. The clerk answered yes.

Mr. Ivey stated this agenda item is regarding a request for an ABC License Transfer for On Tap Summit LLC, doing business as On Tap Sports Café, located at 3440 Galleria Circle (formerly Ted's Montana Grill) for the on premise sale of restaurant retail liquor.

Ms. Morrison made a motion to approve the **ABC License Transfer for On Tap Summit, LLC**. This motion was seconded by Dr. Lott.

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

10. **PUBLIC HEARING – CONDITIONAL USE – HOMEWOOD SUITES – 121 RIVERCHASE PKWY EAST – SERVE COMPLIMENTARY BEER/WINE**

Mr. Ivey stated a public hearing had been set for this date to consider the request of Niral Thakor for **Conditional Use** approval to allow **Homewood Suites**, located at **121 Riverchase Parkway East**, to serve complimentary beer and wine as a part of their room package. This property is owned by Niral Thakor and is zoned PC Planned Commercial.

Ms. Morrison made a motion to approve the **conditional use for Homewood Suites**. This motion was seconded by Dr. Lott.

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

Ms. Morrison made a motion to approve the **ABC License for Valleydale Hospitality, LLC**. This motion was seconded by Dr. Lott.

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

11. **PUBLIC HEARING – CONDITIONAL USE – MT. FUJI JAPANESE SEAFOOD STEAKHOUSE – 120 DOUG BAKER BLVD, STE. 100 – ON PREMISE RESTAURANT RETAIL LIQUOR**

Mr. Ivey stated a public hearing had been set for this date to consider the request of Sai Fang Lin for **Conditional Use** approval to allow the sale of restaurant retail liquor at **Mt. Fuji Japanese Seafood Steakhouse**, located at **120 Doug Baker Blvd, Ste 100**. This property is owned by Ronald C. Norris and is zoned C-2 (Community Business District).

Ms. Morrison made a motion to approve the **conditional use for Mt. Fuji Japanese Seafood Steakhouse**. This motion was seconded by Dr. Lott.

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

Ms. Morrison made a motion to approve the **ABC License Transfer for Sai Fang Lin**. This motion was seconded by Dr. Lott.

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

12. **SET PUBLIC HEARINGS FOR MONDAY, JULY 6, 2009, 6 P.M. FOR ITEMS APPROVED AT 6/8/09 PLANNING AND ZONING MEETING**

Mr. Ivey stated public hearings are hereby set for Monday, July 6, 2009, at 6 p.m., to consider the following requests which were approved at the June 8, 2009 Planning and Zoning Commission meeting:

- a. Wu Lung Chen is requesting **Conditional Use** approval to allow the sale of on or off premise beer at Mr. Chen's Authentic Chinese Cooking located at **1917 Hoover Court**. This property is owned by Murer, LLC and is zoned C-2 (Community Business District). (*P&Z Item #4 – C-0609-05*)
- b. Riad Awwad is requesting **Conditional Use** approval to allow the sale of on or off premise beer at Wing Plus to be located at **755 Shades Mountain Plaza**. This property is owned by John Lemak and is zoned C-2 (Community Business District). (*P&Z Item #5 – C-0609-06*)
- c. Kris Keown is requesting the **Second Amendment to the Chace Lake PUD** to amend the front setback for dwellings in this development located near Chace Drive. This property is owned by Chace Lake Residential, LLC and is zoned PR-1 (Planned Single Family). (*P&Z Item #7 –Z-0609-02*)
- d. The City of Hoover is requesting approval of a proposed amendment to the Municipal Code, Appendix I. Zoning, regarding residential setbacks in PRD (Planned Residential Development District) and PR-1 (Planned Single Family) zoning districts. (*P&Z Item #6*)

The City Attorney had the **first reading of Ordinance No. 09-2179**.

13. **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. On voice vote the motion carried unanimously.

Mr. Ivey called for any comments or questions from the Council.

Mr. Greene commended our outstanding **Hoover Library** staff on the successful kickoff of the Library Summer Reading Program. The Hoover Library had 2,836 children, 661 teens and 849 adults for a total of 4,346 people sign up during the first two weeks of the program. In addition, book circulation increased 14 percent over last May proving once again that the Hoover Public Library continues to be a vital hub in our community.

Mr. Smith recognized **Rep. Paul DeMarco** who was present in the audience.

Mr. Skelton thanked the **City Clerk** for **providing the invocation** at the City Council meetings. He stated he could not imagine having a formal City Council meeting in the City of Hoover without having a prayer or invocation. He wanted to express his gratitude as he felt that at times it is taken for granted.

Mr. Smith concurred. He stated he preferred having a prayer over a moment of silence.

Mr. Wright and Mr. Ivey concurred.

Mr. Ivey called for any further comments from the Council or the audience. There being none, the meeting was adjourned.

Margie Handley
City Clerk