

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: July 6, 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. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Bob House, House Consultants
Mr. Phil Hutcheson, Attorney
Mr. Richard Johnson, Director, Inspection Services
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director Revenue and Taxation
Mr. Craig Moss, Director, Park and Recreation
Mr. Allen Pate, Executive Director
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**

Mr. Greene commended the Hoover Public Library on being honored as the runner up for the Library Journal's 2009 Library of the Year Award, a national recognition of libraries that most profoundly demonstrate service to the community as well as creativity, innovation, and leadership in developing programs that can be emulated by other libraries across the nation. The only library to surpass the Hoover Library in this prestigious national evaluation was The Queens Public Library System in New York City. He stated the citizens of Hoover were fortunate to have a library whose director has both the vision and the drive to lead her staff in creating a nationally recognized library which serves the needs and wishes of our citizens so well. On behalf of Mayor Petelos and the Hoover City Council, Mr. Greene thanked Linda

Andrews and her dedicated staff for the friendly and welcoming environment and level of service they have developed for Hoover's citizens and for the honor brought to this city through their hard work.

Mr. Greene stated the Hoover Library Theatre opens its eighteenth season with Grammy award winners Shelby Lynne and Kathy Mattea. Each month during the theatre season nationally acclaimed performers take the Hoover Library Theatre stage to provide some of the best entertainment available anywhere. He encouraged everyone to take advantage of one of Hoover's best entertainment opportunities. The tickets go on sale Friday, August 21st. He again congratulated the Hoover Library Director and Staff.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the June 15, 2009 Council meeting.

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

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

3. **RESOLUTION NO. 4286-09 – REJECT BID NO. 10-09 FOR DRUG TESTING LAB AND AUTHORIZE MAYOR TO NEGOTIATE PURCHASE**

The attorney read Resolution No. 4286-09, which would reject the bid of **Drug Testing Program Management**; theirs being the only bid received on Bid No. 10-09 regarding the purchase of a drug testing lab for the Court Referral Program. This resolution would also authorize the Mayor to negotiate with said company for the purchase of the lab at a price not to exceed the bid amount.

Mr. Wright made a motion to approve **Resolution No. 4286-09**. 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. 4287-09 – REJECT BID NO. 11-09 FOR ATHLETIC FIELD GROOMER AND AUTHORIZE MAYOR TO NEGOTIATE PURCHASE**

The attorney read Resolution No. 4287-09, which would reject the bid of **Jerry Pate Turf and Irrigation, Inc.**; theirs being the only bid received on Bid No. 11-09 regarding the purchase of an athletic field groomer. This resolution would also authorize the Mayor to negotiate with said company for the purchase of said equipment at a price not to exceed the bid amount.

Mr. Wright made a motion to approve **Resolution No. 4287-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the votes were as follows: Mr. Ivey, Mr. Greene, Dr. Lott, Ms. Morrison, Mr. Skelton, Mr. Wright, "Yea"; Mr. Smith, "Nay". The motion carried.

5. **RESOLUTION NO. 4288-09 – REJECT BID NO. 12-09 FOR TURF TRUCKSTER AND AUTHORIZE MAYOR TO NEGOTIATE PURCHASE**

The attorney read Resolution No. 4288-09, which would reject the bid of **Jerry Pate Turf and Irrigation, Inc.**; theirs being the only bid received on Bid No. 12-09 regarding the purchase of a turf truckster. This resolution would also authorize the Mayor to negotiate with said company for the purchase of said equipment at a price not to exceed the bid amount.

Mr. Wright made a motion to approve **Resolution No. 4288-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions; there being none, on voice vote the votes were as follows: Mr. Ivey, Mr. Greene, Dr. Lott, Ms. Morrison, Mr. Skelton, Mr. Wright, “Yea”; Mr. Smith, “Nay”. The motion carried.

6. **RESOLUTION NO. 4289-09 – REJECT BID NO. 13-09 FOR REEL MOWER AND AUTHORIZE MAYOR TO NEGOTIATE PURCHASE**

The attorney read Resolution No. 4289-09, which would reject the bid of **Jerry Pate Turf and Irrigation, Inc.**; theirs being the only bid received on Bid No. 13-09 regarding the purchase of a reel mower. This resolution would also authorize the Mayor to negotiate with said company for the purchase of said equipment at a price not to exceed the bid amount.

Mr. Wright made a motion to approve **Resolution No. 4289-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions. Mr. Smith asked would this be considered an emergency purchase if it is replacing equipment that has been used up. Mr. Pate, Executive Director of the City of Hoover, stated this was not an emergency purchase.

Mr. Ivey called for further questions or comments. There being none, on voice vote the votes were as follows: Mr. Ivey, Mr. Greene, Dr. Lott, Ms. Morrison, Mr. Skelton, Mr. Wright, “Yea”; Mr. Smith, “Nay”. The motion carried.

7. **RESOLUTION NO. 4290-09 – AWARD BID NO. 15-09 – FIRE HOSE**

The attorney read Resolution No. 4290-09, which would award Bid No. 15-09 regarding the purchase of fire hose to **Heritage Fire Equipment** in the amount of \$648.93 per 100 foot section; theirs being the lowest responsible bid meeting all specifications.

Mr. Wright made a motion to approve **Resolution No. 4290-09**. 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. 4291-09 – TIGER GRANT APPLICATION – ENGINEERING DEPT. – FOUR LANE ROADWAY CONSTRUCTION FROM HWY. 52 TO SOUTH SHADES CREST ROAD**

The attorney read Resolution 4291-09, which would authorize the Engineering Department to apply for a TIGER Grant to be submitted to the Federal Highway Administration in the amount of \$25,000,000 with \$0 matching funds for the design, acquisition of right-of-way,

relocation of utilities, and construction of approximately four miles of four-lane roadway from Highway 52 to South Shades Crest Road.

Mr. Wright made a motion to approve **Resolution No. 4291-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions. Mr. Smith inquired as to the location of the proposed roadway and the traffic issues that would be alleviated should this grant be approved.

Mayor Petelos stated the roadway would begin at Highway 52 and end at South Shades Crest Road and would line up with the proposed interchange at I-459. This would reduce traffic on South Shades Crest Road, as well as the new Stadium Trace extension once it is open.

Mr. Ivey called for further questions or comments. There being none, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 4292-09 – GRANT APPLICATION – FLEET SERVICES & PARK AND RECREATION DEPARTMENT – PURCHASE VAN WITH WHEELCHAIR LIFT**

The attorney read Resolution 4292-09, which would authorize Dave Lindon, Fleet Services Department, to apply for a grant with the Alabama Department of Transportation for aid in the financing of a Section 5310 transportation assistance project. This would allow the Park and Recreation Department to replace a fourteen year old modified van with wheelchair lift.

Mr. Wright made a motion to approve **Resolution No. 4292-09**. 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. **RESOLUTION NO. 4293-09 – DECLARE FOUR LOCATIONS TO BE PUBLIC NUISANCES – WEEDS AND/OR GRASS**

The attorney read Resolution 4293-09, which would declare the following four locations in the City of Hoover to be public nuisances due to weeds and/or grass:

141 Caliente Drive	1036 Alford Avenue
2144 Roslyn Drive	1032 Alford Avenue

The attorney noted that this resolution originally named six locations to be declared public nuisances. However, two of these locations were resolved over the weekend.

Mr. Ivey called for a motion for the purpose of discussion.

Mr. Wright made a motion to approve **Resolution No. 4293-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for comments or questions from the Council. Dr. Lott inquired as to the process once these are declared public nuisances.

The attorney stated a 21 day notice is required before coming back to the Council for a public hearing. If there is no objection or if evidence is presented and the property is still

considered a public nuisance the City would then cut the grass and place a lien on the property.

Ms. Morrison asked if the public nuisance issues were regarding weeds and/or grass only. The attorney answered yes.

The attorney stated that Mr. Robert Macke, Inspection Services, was present and prepared to testify with regard to pictures taken of the properties if necessary.

Mr. Ivey called for further questions from the Council or comments from the audience. There being none, on voice vote the motion carried unanimously.

11. **CHANGE ORDER NO. 1 – MODIFICATIONS TO RIVERCHASE PUMPING STATION NO. 1**

Mr. Ivey stated a motion was in order regarding approval of Change Order No. 1 to the Modifications to Riverchase Pumping Station No. 1 project.

Mr. Greene made a motion to approve **Change Order No. 1**. This motion was seconded by Mr. Skelton.

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

12. **CONTINUE PUBLIC HEARINGS TO MONDAY, JULY 20, 2009 AT 6 P.M.**

Mr. Ivey stated a motion was in order to continue the following public hearings to Monday, July 20, 2009 at 6 p.m.:

- 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*) **2nd reading of Ordinance No. 09-2179.**

Ms. Morrison made a motion to **continue the public hearings for items a, b, c, and d** in their entirety to **Monday, July 20, 2009 at 6 p.m.** This motion was seconded by Dr. Lott.

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

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 or the audience. There being none, the meeting was adjourned.

Margie Handley
City Clerk