

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: August 17, 2009
TIME: 6:00 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
Mr. Brian Skelton, Council Member
Mr. Gene Smith, Council Member
Mr. Jack Wright, Council Member

ABSENT: Ms. Mari Morrison, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Ms. Linda Andrews, Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Bob House, House Consultants
Officer Jehad Al-Dakka, Police Department
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**

Dr. Lott made a motion to reappoint **Bill Sanford, Randy Lott, and Don Slatton** to the **Park and Recreation Board**. This motion was seconded by Mr. Wright. On voice vote the motion carried unanimously.

Ms. Linda Andrews, Library Director, and Amanda Bonner, Assistant Library Director, were present to recognize twenty **teen volunteers** who did many tasks to assist in making the annual summer reading program successful. These volunteers worked in the children's, fiction and nonfiction departments and did everything from shelve movies to award prizes to

summer readers. Ms. Bonner stated the Library greatly appreciated the service demonstrated by the following individuals:

Alex Agnew, Francisco Canales, Marcos Duarte, Amaris Hart, Cassie Jian, Katie Kersh, Smirti Krishnan, Laura Mayhall, Michelle Mayhall, Susmita Murphy, Briana Patrick, Saniya Rashid, Lauren Riley, David Shepherd, Chelsea Shin, Catherine Stakes, Allyson Terry, Neha Udayakumar, Herman Wang, and Cena Woodall.

Ms. Bonner presented certificates of appreciation to the volunteers who were present. They also had their pictures made with Mayor Petelos and Councilman John Greene.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the July 30, 2009 special meeting, August 3, 2009 regular meeting, and the August 13, 2009 work session.

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. 4297-09 – SET PUBLIC HEARING – CONSIDER ADOPTION OF 2009 INTERNATIONAL CODES, AND 2008 NATIONAL ELECTRICAL CODES**

The City Attorney read Resolution No. 4297-09, which would set a public hearing for Tuesday, September 8, 2009, at 6:00 p.m., to consider an ordinance that would adopt by reference the 2009 International Building Code, Plumbing Code, Fuel Gas Code, Mechanical Code, Residential Code, Fire Code, Energy Conservation Code, and the 2008 National Electrical Code.

Mr. Wright made a motion to approve **Resolution No. 4297-09**. This motion was seconded by Mr. Skelton.

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

4. **RESOLUTION NO. 4298-09 – DECLARE SEIZED VEHICLES AS SURPLUS**

The City Attorney read Resolution No. 4298-09, which would declare seized vehicles as surplus to be auctioned via the Jefferson County Sheriff's Department EBay account.

Mr. Wright made a motion to approve **Resolution No. 4298-09**. This motion was seconded by Mr. Skelton.

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

5. **RESOLUTION NO. 4300-09 – VACATE SMALL PORTION OF MINERAL TRACE RIGHT OF WAY**

The City Attorney read Resolution No. 4300-09, which would vacate a small portion of the Mineral Trace right of way to assist in the realignment and extension of Mineral Trace to Fleming Parkway.

Mr. Wright made a motion to approve **Resolution No. 4300-09**. This motion was seconded by Mr. Skelton.

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

6. **RESOLUTIONS 4301-09, 4302-09, 4303-09, 4304-09 – AUTHORIZE MAYOR TO EXECUTE PUBLIC HEALTH AND HUMAN SERVICES CONTRACTS**

The City Attorney read the following resolutions, which would authorize the Mayor to execute Health and Human Services contracts as follows:

Resolution No. 4301-09 – Authorize contract with the Birmingham Zoo.

Resolution No. 4302-09 – Authorize contract with The Exceptional Foundation.

Resolution No. 4303-09 – Authorize contract with the Glenwood Autism and Behavioral Health Center.

Resolution No. 4304-09 – Authorize contract with the Hoover Track Foundation.

Mr. Wright made a motion to approve **Resolutions 4301-09, 4302-09, 4303-09, and 4304-09**. This motion was seconded by Mr. Skelton.

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

7. **RESOLUTIONS 4305-09 and 4306-09 – AUTHORIZE MAYOR TO EXECUTE AMENDED PUBLIC HEALTH AND HUMAN SERVICES CONTRACTS**

The City Attorney read the following resolutions, which would authorize the Mayor to execute amended Health and Human Services contracts as follows:

Resolution No. 4305-09 – Authorize amended contract with the Alabama Wildlife and Rescue Service.

Resolution No. 4306-09 – Authorize amended contract with the Jefferson County Council on Aging/Meals on Wheels.

Mr. Wright made a motion to approve **Resolutions 4305-09 and 4306-09**. This motion was seconded by Mr. Skelton.

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

8. **RESOLUTION NO. 4307-09 – AUTHORIZE GRANT APPLICATION FOR PARK AND RECREATION DEPARTMENT – DOG PARK**

The City Attorney read Resolution No. 4307-09, which would authorize the Mayor to execute grant documents for the Park and Recreation Department.

Mr. Wright made a motion to approve **Resolutions 4307-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for comments or discussion.

Dr. Lott stated it was his understanding that this grant would be used to develop a dog park. He inquired as to the City's liability with such a park.

Mayor Petelos stated that many cities across the nation are developing dog parks. These cities have posted signs outside the fences listing certain criteria and releasing the city of any liability. The parks are developed with two fenced areas to separate the large dogs from the small dogs. In reviewing the information available on the websites of these parks, liability does not appear to be a problem.

Mr. Smith stated he had visited a few dog parks in Phoenix, Arizona. He noted that Phoenix has about a dozen of these parks, called "bark parks", and they all have good signage and good separation of the different size dogs. He stated the parks are very well patronized.

Mr. Wright inquired as to how the dog "by-products" would be handled. Mr. Smith stated there are bags available for that purpose, as well as containers to dispose of the bags.

The City Attorney stated the signage would be similar to the one used at the Park and Recreation weight room. The City would have no more liability with a dog park than with any other activity or park.

Dr. Lott stated he did not have a problem with the dog park as long as the City has no liability issue.

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

9. **RESOLUTION NO. 4308-09 – AUTHORIZE GRANT APPLICATION FOR LIBRARY**

The City Attorney read Resolution No. 4308-09, which would authorize the Mayor to execute grant documents for the Library.

Mr. Wright made a motion to approve **Resolution 4308-09**. This motion was seconded by Mr. Skelton.

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

10. **RESOLUTION NO. 4309-09 – AUTHORIZE MAYOR TO EXECUTE CONTRACT FOR COURT REFERRAL OFFICER**

The City Attorney read Resolution No. 4309-09, which would authorize the Mayor to execute a contract with the Administrative Director of Courts Judicial Branch, State of Alabama, regarding Court Referral Officers.

Mr. Wright made a motion to approve **Resolution 4309-09**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for comments or discussion.

Mr. Wright inquired as to how the \$64,000 would be used. Mr. Brent Parrott, Hoover Municipal Court, stated it would be used for drug testing and monitoring of defendants that are required to have drug screens.

There being no further discussion, on voice vote the motion carried unanimously.

11. **PUBLIC HEARING – CONDITIONAL USE – ON/OFF PREMISE RESTAURANT RETAIL LIQUOR – FRONTERA MEXICAN GRILL – 5651 GROVE BOULEVARD**

Mr. Ivey stated this is a public hearing to consider the request of Ann & Artemio Gancayco for **Conditional Use** approval to allow the sale of on/off premise restaurant retail liquor at Frontera Mexican Grill located at **5651 Grove Boulevard**. This property is owned by KD Hoover, LLC and is zoned PC Planned Commercial.

Mr. Skelton made a motion to approve the **conditional use**. This motion was seconded by Dr. Lott.

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

Dr. Lott made a motion to approve the **ABC Application** for **Frontera Grove LLC**. This motion was seconded by Mr. Skelton.

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

12. **PUBLIC HEARING – CONDITIONAL USE – ON/OFF PREMISE RETAIL TABLE WINE – MISS ROSEMARIE’S SPECIAL TEAS – 5299 VALLEYDALE ROAD**

Mr. Ivey stated this is a public hearing to consider the request of Rosemarie Kramer for **Conditional Use** approval to allow the sale of on or off premise retail table wine at Miss Rosemarie’s Special Teas located at **5299 Valleydale Road, Ste. 121**. This property is owned by Steed Investments LLC and is zoned PC Planned Commercial.

Dr. Lott made a motion to approve the **conditional use**. This motion was seconded by Mr. Skelton.

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

Dr. Lott made a motion to approve the **ABC Application** for **Miss Rosemarie’s Special Teas LLC**. This motion was seconded by Mr. Skelton.

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

13. **PUBLIC HEARING – CONDITIONAL USE – ON/OFF PREMISE BEER AND WINE – THE CAJUN CLEAVER – 2341 JOHN HAWKINGS PKWY., STE. 101**

Mr. Ivey stated this is a public hearing to consider the request of Jeremy Nicholas Morris for **Conditional Use** approval to allow the sale of on or off premise beer and wine at The Cajun Cleaver located at **2341 John Hawkins Parkway, Ste. 101**. This property is owned by Lakecrest Plaza LLC and is zoned C-2 Community Business District.

Dr. Lott made a motion to approve the **conditional use**. This motion was seconded by Mr. Skelton.

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

Dr. Lott made a motion to approve the **ABC Application** for **The Cajun Cleaver, Inc.** This motion was seconded by Mr. Skelton.

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

14. **SET PUBLIC HEARINGS FOR TUESDAY, SEPTEMBER 8, 2009, AT 6 PM**

Mr. Ivey stated public hearings are hereby set for Tuesday, September 8, 2009, at 6:00 p.m., to consider the following requests which were approved by the Planning and Zoning Commission at their August 10, 2009 meeting:

- a. Patricia Johnson is requesting **Conditional Use** approval to allow the sale of off premise retail beer and table wine at Target Stores, Inc. located at **5561 Grove Blvd.** This property is owned by Target Stores, Inc. and is zoned PC (Planned Commercial). Case #C-0809-11.
- b. John Michael Bodnar is requesting **Conditional Use** approval to allow the sale of restaurant retail liquor at **Baha Burger** located at **4745 Chace Circle, Ste. 125.** This property is owned by Chace Lake Commercial LLC and is zoned PC (Planned Commercial). Case #C-0809-12.

15. **PAYMENT OF BILLS**

Mr. Wright stated the bills had been reviewed. He made a motion to pay the bills in full as submitted. This motion was seconded by Mr. Skelton.

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

Mr. Ivey congratulated **Officer Jehad Al-Dakka, Police Department**, on his recent marriage.

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

Ms. Dorothy Harbst, 5668 Colony Lane, commented that she was concerned that the freedoms and liberties of American citizens were eroding. She spoke about the Founding Fathers of this Country and the many sacrifices they made to make sure those freedoms and liberties were in place. She talked about a past experience in another state where she believed her Bill of Rights had been violated. She expressed the importance of being united in defending the Bill of Rights. She also expressed concern about the current economics of this country. She thanked the City Council for allowing her to speak. She stated that when she came to Hoover in 2007 she knew very little about the Mayor and members of the City Council. She has since learned about each of them as she felt it was important to know the leaders of her local government. She thanked Mr. Greene for his participation in the Hoover Public Library. She emphasized the importance of teaching children reading and comprehension.

Mr. Ivey thanked Ms. Harbst for her comments.

There being no further comments or discussion, the meeting was adjourned.

Margie Handley
City Clerk