

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: November 2, 2009
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Mr. Jack Wright, Council President, Pro-Tempore
Mr. John Greene, Council Member
Ms. Mari Morrison, Council Member
Mr. Gene Smith, Council Member

ABSENT: Dr. Trey Lott, Council Member
Mr. Brian Skelton, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Ms. Patricia Guarino, Library
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
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 requested the concurrence of the Council on his appointment of Mr. Matthew Lemak to the Planning and Zoning Commission. Mr. Lemak has been a resident of Hoover for many years and has expressed the desire to serve on this Board. Mr. Wright made a motion to concur the Mayor's appointment of **Matthew Lemak** to the **Planning and Zoning Commission**. This motion was seconded by Ms. Morrison. On voice vote the motion carried unanimously.

Mayor Petelos asked middle school teacher, **Dilhani Uswatte**, to come and join him at the front of the chambers. The City Attorney read a **Proclamation** congratulating Ms. Uswatte on receiving the **2009 National Milken Educator Award**. Ms. Uswatte received a standing ovation from those present in the chambers. Mayor Petelos said he was present at Berry Middle School when this very special award was presented to Ms. Uswatte, who was taken completely by surprise that day. Mayor Petelos stated this is a national award that recognizes

the outstanding commitment teachers make to their students and is a great honor for the Hoover School System.

Ms. Uswatte expressed appreciation to the Mayor and Council for this great honor. She said it brings her great joy to know she will represent this great city, state, and country when she travels to California for a special dinner in honor of the recipients. She is very proud to be an educator and looks forward to continuing to make education a great opportunity for our students.

The City Attorney read a **Proclamation** congratulating **Somerby at St. Vincent's One Nineteen** on their **Grand Opening** to be held on Tuesday, November 3, 2009. Mr. Al Worthington was present to receive this proclamation. He thanked the Mayor and Council for their support and encouragement toward this project.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the October 19, 2009 regular meeting and the October 29, 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. Smith.

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

3. **RESOLUTION NO. 4335-09 – WEEDS/GRASS NUISANCE – 2300 SAVOY STREET – MOTION TO WITHDRAW**

Mr. Ivey stated it was his understanding based on information from the City Attorney that a motion to withdraw was in order at this time. He called for comments or discussion.

Mr. Smith asked the City Attorney if the property is in compliance with city regulations at this point.

The City Attorney stated they have made what he believes the court would determine to be good faith efforts at complying. In his opinion, they have met the requirements of the law so that the City would not be able to take action regarding assessment of the property.

There being no further discussion, Mr. Wright made a motion to **withdraw** Resolution No. 4335-09. This motion was seconded by Ms. Morrison.

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

4. **ABC SPECIAL EVENTS RETAIL APPLICATION – MOSS ROCK FESTIVAL – 4334 VILLAGE GREEN CIRCLE**

Mr. Ivey stated this item was not on the agenda at the work session on Thursday. Therefore, a motion for unanimous consent was in order to consider the approval of an ABC Special Events Retail Application for Yarbrough Festival Food Service, Inc., d/b/a Moss Rock Festival for their special event to be held November 7-8, 2009, at 4334 Village Green Circle.

Mr. Wright made a motion for unanimous consent to consider this item. This motion was seconded by Ms. Morrison. On voice vote the motion carried unanimously.

Mr. Wright then made a motion to approve the **ABC Special Events Retail Application** for **Yarbrough Festival Food Service, Inc., d/b/a Moss Rock Festival**. This motion was seconded by Ms. Morrison. On voice vote the motion carried unanimously.

5. **PUBLIC HEARING – CONSIDER ADOPTION BY REFERENCE - 2009 INTERNATIONAL CODES AND 2008 NATIONAL ELECTRIC CODE, WITH AMENDMENTS**

Mr. Ivey stated this is the public hearing to consider the adoption of the 2009 International Building Code, Plumbing Code, Fuel Gas Code, Mechanical Code, Residential Code, Fire Code, Energy Conservation Code, and the 2008 National Electric Code; and amendments thereto.

Mr. Ivey called for discussion from the Council. There being none, he called for comments from the audience.

Mr. Mike Reddington, a resident of Hoover as well as a registered engineer with a design firm, spoke as an advocate for including sprinklers in residential construction. He said statistics point to the ability of sprinklers in residential facilities and all facilities to save lives and protect construction. He stated the cost of installation runs between 1% to 1 ¼ % of new construction. He disagreed with leaving it up to the individual homeowner to make the decision as he did not feel the individual homeowner would be educated enough on the issue to advocate that. He would look to the leadership of those who know to be able to determine whether it would be in the best interest of Hoover. He addressed the concern of sprinklers going off prematurely. He stated statistically that was not true. He said it takes one to two sprinklers to put out a fire before reaching other areas of the home. Therefore the water damage is not that significant. The damage is greater in a non-sprinkled fire. He wanted to dispel the myth that all sprinklers go off automatically when there is a fire. He suggested visiting the National Fire Sprinkler Association website to learn more information.

Mr. Wright asked Mr. Reddington if he had sprinklers in his home. Mr. Reddington answered no because his home was built in 1989. He said it is extremely expensive to install sprinklers in an existing structure. He is an advocate of installing sprinklers in new construction.

Mr. Smith stated the Council has been provided a lot of information and he would be prepared to ask questions at the next work session.

Mr. Arnold Singer, 613 Riverhaven Place, spoke in favor of including sprinklers in new residential construction.

Mr. Bart Fletcher, Executive Vice-President of the Greater Birmingham Association of Homebuilders addressed the Council. Mr. Fletcher resides at 132 Oakmont Road, Birmingham, Shelby County. He thanked the Council for the opportunity to speak about this issue and answer questions on behalf of the homebuilders. Members have made comments at prior meetings and have submitted comments in writing.

Mr. Smith asked if he would be available at the next work session. Mr. Fletcher said he would be available.

Mayor Petelos stated it was reported in the newspaper last week that he was opposed to the sprinkler systems in new residential construction. He clarified that the reason he went ahead and made public comment on this issue is the fact the housing industry is hurting right now and he did not believe this was the right time to put more cost on new residences. An individual who is building a new house has the choice to have a sprinkler system installed. He stated this issue could be revisited in the future when the housing market turns around.

Mr. Ivey called for further questions or comments. There being none, he stated the next item on the agenda is the first reading of Ordinance No. 09-2181 regarding the adoption of said codes.

6. **1st READING ORDINANCE NO. 09-2181 - CONSIDER ADOPTION BY REFERENCE - 2009 INTERNATIONAL CODES AND 2008 NATIONAL ELECTRIC CODE, WITH AMENDMENTS**

The City Attorney had the **first reading of Ordinance No. 09-2181**, an ordinance of the City of Hoover (1) to adopt by reference and amend the (i) 2009 editions of the International Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Fire Code, and International Energy Conservation Code, and (ii) 2008 edition of the National Electrical Code; (2) to amend the 2003 edition of the International Property Maintenance Code; (3) to modify Chapter 11, Article III of the Municipal Code of the City of Hoover, Alabama; (4) to establish the Hoover Code Appeals Board; (5) to modify Chapter 6, Article I of the Municipal Code of the City of Hoover, Alabama and (6) to repeal related ordinances of the City of Hoover and all other ordinances and parts of the ordinances in conflict therewith.

The second reading and consideration for adoption will be on Monday, November 16, 2009, at 6:00 p.m.

Mr. Mike Wood, Wood and Hastings, asked for clarification on the adoption of the 2009 Energy Code as there were some issues with regard to interpretation of this code. He thought the 2006 Energy Code was being considered for adoption.

Mr. Richard Johnson, Director of Inspection Services, clarified that the ordinance would amend the section of the International Residential Code with regard to the 2006 Energy Code. The 2009 Energy Code would be for commercial purposes only.

7. **SET PUBLIC HEARING FOR MONDAY, NOVEMBER 16, 2009, AT 6 P.M. – CONDITIONAL USE - LOCH HAVEN PARK SITE PLAN – CITY OF HOOVER**

Mr. Ivey stated a public hearing is hereby set for Monday, November 16, 2009, at 6 p.m. to consider the request of the City of Hoover for **Conditional use** approval of a site plan for **Loch Haven Park**, located on Loch Haven Drive. This property is owned by the City of Hoover and is zoned R-1 Single Family District.

8. **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. Smith.

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

Mr. Ivey called for other comments or questions.

Mayor Petelos stated he and the City Council Members were having **dinner with the School Board** after this meeting. He noted there was no agenda. This was just an opportunity for everyone to come together as has been discussed for some time now.

Mr. Greene commended the Mayor and staff on the **Hoover Hayride and Family Night** that was held last Friday evening at Veterans Park. He said it was a great event. He has received a lot of positive feedback from citizens and he hoped to make this an annual event.

There being no further discussion, the meeting was adjourned.

Margie Handley
City Clerk