

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** November 16, 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  
Ms. Mari Morrison, Council Member  
Mr. Brian Skelton, Council Member

**ABSENT:** Mr. Gene Smith, Council Member  
Mr. Jack Wright, Council President, Pro-Tempore

**ALSO PRESENT:** Mr. Mark Boardman, City Attorney  
Officer Jehad Al-Dakka, Police Department  
Mr. Tommy Daniel, Director, Public Works  
Ms. Susan Fuqua, Director, Municipal Court  
Ms. Linda Andrews, Library Director  
Mr. Bob House, House Consultants  
Mr. Richard Johnson, Director, Inspection Services  
Mr. Rod Long, City Engineer  
Mr. Frank Lopez, Director, Revenue and Taxation  
Mr. Craig Moss, Director, Parks 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**

**Representative Jack Williams**, on behalf of the State of Alabama, presented to the Mayor and the City of Hoover a **check** in the amount of **\$8,000** to be used for improvements at **Loch Haven Park** located on Loch Haven Drive.

Mayor Petelos stated the funds will be used to construct a parking lot at the park. He expressed appreciation to Representative Williams. He stated the City of Hoover is fortunate to have legislators like Jack Williams.

Mayor Petelos recognized **Admiral Jack Natter** to present awards and recognitions associated with the **Veterans Week** festivities.

Admiral Natter asked the members of the **Veterans Committee** to stand and be recognized at this time. He thanked them for their outstanding service.

Admiral Natter then recognized participants who made Veterans Week in Hoover the premier Veterans Week in the State of Alabama. Participants included those who submitted artist's renderings, Hoover School Board poster contestants, girl scouts, boy scouts, brownies, cub scouts, and the Civil Air Patrol. He thanked them all for going out of their way to do something special for our veterans. He stated members of the Hoover Library staff were present to award these participants with certificates signed by Admiral Natter and Mayor Petelos. Each group would then have their picture taken with Admiral Natter and Mayor Petelos.

Ms. Linda Andrews, Director, Hoover Public Library, stated Ms. Sally Sizemore would present certificates to those who participated in the Flag Lowering Ceremonies and Ms. Katie Jane Morris, Outreach Group, would present awards to the Thank-A-Vet poster contestants.

The following were present to receive certificates from Ms. Sizemore for their participation in the **Flag Lowering Ceremonies** held throughout the week:

Civil Air Patrol - Leader: Forrest Shaffer. Patrol Unit: Timothy Blake and Corey Stewart.

Boy Scout Troop 23 (Discovery United Methodist Church) – Cody Holt, Christopher Stanton, Jonathan Selby, and Joshua Evans.

Cub Scout Pack 393 - Craig Lindsey, Jacob Lindsey, and Gabriel Wickersham..

Girl Scout Troop 532 (Trace Crossings Elementary School) – Leaders: Sylvia Calvano and Lauria June. Troop: Avery Perry, Grace Heglas, MacKenzie June, Kaitlyn Gurosky, Kristen Gurosky, Ellie Robinson, Madison Calvano, Ayanna Robinson, Wynne Avery, Hanna Collums, and Brayden Williams.

Boy Scout Troop 21 (Bluff Park United Methodist Church) – Scoutmaster Richard Griffith, and Boy Scout Chris Griffith.

Cub Scout Pack 321 (Bluff Park United Methodist Church) – Cub Scouts Tyler Looney and Ethan Estes.

Ms. Katie Jane Morris recognized the **Thank-A-Vet poster contestants**. Eight schools participated in this contest. Each participant was awarded a certificate as well as a \$50 gift card to Barnes and Noble provided by the Friends of the Hoover Library. She noted that the posters displayed in the back of the chambers were displayed in the library during the week. These individuals were not present but were recognized as follows:

Bluff Park Elementary School - 5<sup>th</sup> Grader, Chameya Brihm

Deer Valley Elementary School - 1<sup>st</sup> Grader, Abby Glynn

Green Valley Elementary School - 4<sup>th</sup> Grader, Anna Chhabra

Gwin Elementary School - 5<sup>th</sup> Grader, Jolie Imbraglio

Riverchase Elementary School - 5<sup>th</sup> Grader, Madison Cobb

Rocky Ridge Elementary School - 2<sup>nd</sup> Grader, Eli Mefford

Shades Mountain Elementary School - 4<sup>th</sup> Grader, Jarrod Kennington

Spain Park High School - 12<sup>th</sup> Grader, Amina Williams

Ms. Morris then read the names of the **artists** whose renderings were accepted for display and will remain on display through the end of November:

Wayne Champion, James Connor, Phil Hou, Kelly Kohns, Miriam McLone, Libby Wright, and Lowel Vance.

Mr. Ivey expressed appreciation to Admiral Natter for the tireless hours he has given to the City on this project. He commended him for the wonderful work he does on the Veterans Week events.

Mayor Petelos commended all involved in making the Veterans Week celebration so special. He said it was great having the children involved in the events throughout the week. He felt the Library had done a great job in displaying the uniforms, artist's renderings, and posters, and overseeing the flag lowering ceremonies. He stated it was a good week for the City of Hoover and he was proud that the Veterans Committee and City Council have made this a project in our community.

The City Attorney read a **Proclamation** declaring November, 2009 as **National American Indian Heritage Month** in the City of Hoover.

**Mari Morrison** announced she would be accepting applications to **fill a vacancy on the Board of Zoning Adjustment**. She asked those interested to submit a resume to the city clerk. She hoped to have the vacancy filled before the first of the year.

## 2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the November 2, 2009 regular meeting and the November 12, 2009 work session.

Mr. Skelton made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Dr. Lott. On voice vote the motion carried unanimously.

## 3. **RESOLUTION NO. 4329-09 – HONORING THE LIFE OF DR. MILTON “LUKE” FAULKNER WHITE**

Mr. Skelton asked Dr. White's family members and long time friend and partner, Dr. Michael Albert, to join the Mayor at the front of the chambers.

The City Attorney read at length Resolution No. 4329-09 celebrating the life of distinguished Hoover citizen, Dr. Milton “Luke” Faulkner White, and extending sympathy to his family, friends and colleagues.

Mr. Skelton made a motion to approve **Resolution No. 4329-09**. This motion was seconded by Dr. Lott.

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

Dr. White's family members along with Dr. Michael Albert remained at the front of the chambers for a picture with the Mayor.

4. **RESOLUTION 4336-09 – DECLARE SEIZED VEHICLE AS SURPLUS**

The City Attorney read Resolution No. 4336-09. This would declare a drug confiscated vehicle (1994 Cadillac Seville) as surplus to be sold on Jefferson County Sheriff's Department EBay.

Mr. Skelton made a motion to approve **Resolution No. 4336-09**. This motion was seconded by Dr. Lott.

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

5. **RESOLUTION NO. 4337-09 – AUTHORIZE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3 – MUNICIPAL DRIVE RELOCATION PROJECT**

The City Attorney read Resolution No. 4337-09. This would authorize the Mayor to execute Supplemental Agreement No. 3 for the Utility and Construction Program regarding the Municipal Drive Relocation Project.

Mr. Skelton made a motion to approve **Resolution No. 4337-09**. This motion was seconded by Dr. Lott.

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

6. **RESOLUTION NO. 4338-09 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH NEEL SCHAFFER, INC – CHAPEL LANE EXTENSION**

The City Attorney read Resolution No. 4338-09. This would authorize the Mayor to execute an agreement with Neel Schaffer, Inc. for utility construction engineering and inspection services regarding the Chapel Lane Extension project from Al Seier Road to Galleria Boulevard.

Mr. Skelton made a motion to approve **Resolution No. 4338-09**. This motion was seconded by Dr. Lott.

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

7. **RESOLUTION NO. 4339-09 – AUTHORIZE EXTENSION OF BUDGET FYE 9/30/09 TO DECEMBER 31, 2009**

The City Attorney read Resolution No. 4339-09. This would authorize the extension of the Budget for Fiscal Year Ending 9/30/09 to December 31, 2009, with regard to employee salaries, benefits and other essential expenditures.

Mr. Skelton made a motion to approve **Resolution No. 4339-09**. This motion was seconded by Dr. Lott.

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

7. **RESOLUTION NO. 4340-09 – AUTHORIZE MAYOR TO EXECUTE OFFICIAL HOST CITY SPONSORSHIP AGREEMENT WITH THE PROMOTION COMPANY – 2010 HOT ROD MAGAZINE POWER TOUR**

The City Attorney read Resolution No. 4340-09. This would authorize the Mayor to execute an Official Host City Sponsorship Agreement with The Promotion Company regarding the 2010 Hot Rod Magazine Power Tour.

Mr. Skelton made a motion to approve **Resolution No. 4340-09**. This motion was seconded by Dr. Lott.

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

8. **RESOLUTION NO. 4341-09 – DECLARE EMERGENCY AND AUTHORIZE REPAIR OF HOOVER SENIOR CENTER**

The City Attorney read Resolution No. 4341-09. This would declare an emergency due to the foundation damage to the Hoover Senior Center as the result of a slope failure adjacent to the building, and authorize the Mayor to execute the necessary contracts to repair the building and return it to operational use.

Mr. Skelton made a motion to approve **Resolution No. 4341-09**. This motion was seconded by Dr. Lott.

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

9. **2<sup>ND</sup> READING ORDINANCE NO. 09-2181 – ADOPTION BY REFERENCE - 2009 INTERNATIONAL CODES & 2008 NATIONAL ELECTRIC CODE, WITH AMENDMENTS**

The City Attorney had the second reading of Ordinance No. 09-2181. This would 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.

Mr. Skelton made a motion to approve **Ordinance No. 09-2181**. This motion was seconded by Dr. Lott.

Mr. Ivey called for comments or questions from the Council or the audience. There being none, on roll call vote of the Council the votes were as follows: Mr. Ivey, "Yea", Mr. Greene, "Yea", Dr. Lott, "Yea", Ms. Morrison, "Yea", Mr. Skelton, "Yea". The motion carried.

10. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RESTAURANT RETAIL LIQUOR – EMBASSY SUITES – 2960 JOHN HAWKINS PKWY – VLADIMIR PIPA**

Mr. Ivey stated a motion was in order to continue this public hearing to the next meeting.

Ms. Morrison made a motion to continue the public hearing to the December 7, 2009 City Council meeting. This motion was seconded by Mr. Skelton.

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

11. **PUBLIC HEARING – CONDITIONAL USE – APPROVAL OF SITE PLAN – LOCH HAVEN PARK – CITY OF HOOVER**

Mr. Ivey stated this is the public hearing 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.

Ms. Morrison made a motion to approve the conditional use. This motion was seconded by Mr. Skelton.

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

Mr. Drew Simpson, 1717 Wakefield Drive, Brookview Highlands, stated the neighborhood expressed opposition to the Planning and Zoning Commission to the location of the proposed dog park. They were not opposed to the concept of a dog park. It was approved by the Planning and Zoning Commission and he felt that it would move forward at this location. He asked to be allowed to have at least some input regarding the location and construction of the parking lot. He stated the proposed parking lot is in a bad area due to the dangerous curve there. He suggested an alternate location coming off of Wisteria Drive.

Dr. Lott asked if the City could look at that as an alternative.

Mr. Allen Pate stated the City could look at it, but he was not sure Mr. Simpson had seen the completed plan. He explained that there is a landscaped island between the road and the parking area. Also, the parking area will be one way in and out so traffic will not be backing out into the road. He stated it would be a good idea to review the plan with Mr. Simpson.

Mr. Ivey suggested Mr. Simpson contact Mr. Pate's office to view the plan.

Mr. Rayford Prater, 3425 Wisteria Drive, spoke in opposition to the location of the dog park. He was also concerned about Mr. Simpson's suggestion of moving the parking lot because it would place it even closer to his property. He was concerned about traffic and felt that the dogs would cause an unpleasant smell. The neighborhood does not want the dog park. He suggested putting it in the wooded area across Loch Haven Drive.

Ms. Maura Kennedy, 1724 Wakefield Drive, expressed her displeasure with how this had been handled. Twenty or more people met with the Park Board to express their opposition to turning their quiet neighborhood into a city dog park. She was concerned about the increase in traffic. She understood that it is good for Hoover but she wished the neighborhood had more input. She was not opposed to a dog park but felt that this was not the best location for that use.

Mr. Ivey asked were there others who wished to speak. There being none, he called for a vote. On voice vote the motion carried unanimously.

12. **SET PUBLIC HEARING FOR MONDAY, 12/7/09 AT 6 P.M. – CONDITIONAL USE – OFF PREMISE SALE OF LIQUOR- PACKAGE STORE – BEVERAGE CITY – 1851 MONTGOMERY HWY., STE 105**

Mr. Ivey stated a public hearing is hereby set for Monday, December 7, 2009, at 6:00 p.m., to consider the request of DKM Consulting LLC, Venkatesh Meesala, for **Conditional Use** approval to allow the off-premise sale of retail Liquor-Class II-(Package) for **Beverage City**, located at **1851 Montgomery Highway, Suite 105**. This property is owned by Folmar & Associates and is zoned PC (Planned Commercial). *P&Z 11/9/09 - Case #C-1109-17.*

13. **PAYMENT OF BILLS**

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

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

Mr. Ivey called for other comments or questions.

Dr. Lott asked to whom should citizens direct their complaints should the dog park become a nuisance. Mr. Ivey stated any complaints should be directed to the Mayor's office.

Dr. Lott stated that while the Council wants to do what is best for Hoover they also care about the neighborhood. He asked that the Council remain informed regarding this matter and look at it further if necessary.

Mr. Ivey called for additional comments or questions. There being none, the meeting was adjourned.

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Margie Handley  
City Clerk