

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: December 21, 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
Dr. Trey Lott, Council Member
Ms. Mari Morrison, Council Member
Mr. Brian Skelton, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Phil Hutcheson, City Attorney
Mr. Tommy Daniel, Director, Public Works
Ms. Karen Higgins, Director, Human Resources
Chief Nick Derzis, Police Chief
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director, Inspection Services
Mr. Rod Long, City Engineer
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**

Ms. Morrison introduced the new **Director of Aldridge Gardens, Mr. George “Rip” Weaver, Jr.** She stated Mr. Weaver comes to Aldridge Gardens with excellent credentials and she believed he would do a wonderful job. Mr. Weaver was present with his wife and son.

Mr. Weaver stated it was a privilege to be associated with the City of Hoover and Aldridge Gardens. He invited everyone to come out and visit the gardens.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the December 7, 2009 regular meeting and the December 17, 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. On voice vote the motion carried unanimously.

3. **RESCHEDULE 12/31/09 WORK SESSION TO 1/4/10 AT 5:45 P.M.**

Mr. Ivey stated a motion was in order to reschedule the Thursday, December 31, 2009 work session to Monday, January 4, 2010, at 5:45 p.m., prior to the regular meeting.

Mr. Wright made a motion to reschedule the work session as stated. This motion was seconded by Mr. Skelton.

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

4. **RESOLUTION 4351-09 – AWARD BID #23-09 – HVAC FULL SERVICE CONTRACT**

The City Attorney read Resolution No. 4351-09. This would award Bid Number 23-09 for the HVAC Full Service Contract to Johnson Controls, Inc., theirs being the lowest responsible bid meeting all specifications and requirements; and authorize the Mayor to execute a contract with Johnson Controls, Inc. for said service.

Mr. Wright made a motion to approve **Resolution No. 4351-09**. This motion was seconded by Mr. Skelton.

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

5. **RESOLUTION 4352-09 – AWARD BID #24-09 – UPGRADE SURVEILLANCE VEHICLE EQUIPMENT**

The City Attorney read Resolution No. 4352-09. This would award Bid Number 24-09 for Upgrade to Surveillance Vehicle Equipment to Sirchie Finger Print Labs, theirs being the lowest responsible bid meeting all specifications and requirements.

Mr. Wright made a motion to approve **Resolution No. 4352-09**. This motion was seconded by Mr. Skelton.

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

6. **RESOLUTION 4353-09 – AWARD BID #25-09 – INTERSTATE STREET LIGHT MAINTENANCE**

The City Attorney read Resolution No. 4353-09. This would award Bid Number 25-09 for Interstate Street Light Maintenance to Utility Lines Construction Services, Inc., theirs being the lowest responsible bid meeting all specifications and requirements; and authorize the Mayor to execute a contract with Utility Lines Construction Services, Inc. for the work to be performed.

Mr. Wright made a motion to approve **Resolution No. 4353-09**. This motion was seconded by Mr. Skelton.

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

7. **RESOLUTION 4354-09 – AWARD BID #26-09 – TRAFFIC SIGNAL MAINTENANCE**

The City Attorney read Resolution No. 4354-09. This would award Bid Number 26-09 for Traffic Signal Maintenance to Stone & Sons Electrical Contractors, Inc., theirs being the lowest responsible bid meeting all specifications and requirements; and authorize the Mayor to execute a contract with Stone & Sons Electrical Contractors, Inc. for the work to be performed.

Mr. Wright made a motion to approve **Resolution No. 4354-09**. This motion was seconded by Mr. Skelton.

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

8. **RESOLUTION NO. 4348-09 – ACCEPT PUBLIC DEDICATION OF ALL STORM SEWERS, LINES, PIPES, DRAINS AND CONDUITS CONSTRUCTED OR INSTALLED ON ANY PORTION OF GREYSTONE LEGACY (Continued from 12/7/09 meeting)**

The City Attorney read Resolution No. 4348-09. This would authorized the City to accept the public dedication and maintenance of storm sewers, lines, pipes, drains and conduits constructed or installed within The Legacy portion of the Greystone residential community, subject to certain conditions.

Mr. Wright made a motion to approve **Resolution No. 4348-09**. This motion was seconded by Mr. Skelton.

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

9. **RESOLUTION NO. 4355-09 – FINAL BUDGET AMENDMENT FYE 9/30/09**

The City Attorney read Resolution No. 4355-09. This would authorize the final amendment to the Budget for Fiscal Year Ending September 30, 2009, as shown on the attached Exhibit “A” to the resolution.

Mr. Wright made a motion to approve **Resolution No. 4355-09**. This motion was seconded by Mr. Skelton.

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

10. **RESOLUTION NO. 4356-09 – EXTEND BUDGET FOR FYE 9/30/09 TO 1/31/2010**

The City Attorney read Resolution No. 4356-09. This would authorize the extension of the Budge for Fiscal Year Ending September 30, 2009 to January 31, 2010, with regard to employee salaries, benefits and other essential expenditures.

Mr. Wright made a motion to approve **Resolution No. 4356-09**. This motion was seconded by Mr. Skelton.

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

11. **RESOLUTION NO. 4357-09 – AUTHORIZE MAYOR TO APPOINT REPRESENTATIVE REGARDING CITY’S COMPLIANCE WITH MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007**

The City Attorney read Resolution No. 4357-09. This would authorize the Mayor to appoint a representative to administer the city’s compliance with the Medicare, Medicaid, and SCHIP Extension Act of 2007.

Mr. Wright made a motion to approve **Resolution No. 4357-09**. This motion was seconded by Mr. Skelton.

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

12. **RESOLUTION NO. 4358-09 – AUTHORIZE PARTIAL VACATION OF EASEMENT – LOT 15 HIGHLAND MEADOWS (802 HIGHLAND MANOR COURT)**

The City Attorney read Resolution No. 4358-09. This would authorize the partial vacation of an easement on Lot 15 Highland Meadows subdivision. This property is located at 802 Highland Manor Court.

Mr. Wright made a motion to approve **Resolution No. 4358-09**. This motion was seconded by Mr. Skelton.

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

13. **RESOLUTION NO. 4359-09 – AUTHORIZE VACATION OF EASEMENT – PART OF LOT 2148 TRACE CROSSINGS 21ST SECTOR (Villa Trace)**

The City Attorney read Resolution No. 4359-09. This would authorize the vacation of an easement on Part of Lot 2148 Trace Crossings 21st Sector. This property is located on Villa Trace.

Mr. Wright made a motion to approve **Resolution No. 4359-09**. This motion was seconded by Mr. Skelton.

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

14. **RESOLUTION NO. 4360-09 – DECLARE SEIZED VEHICLES AS SURPLUS**

The City Attorney read Resolution No. 4360-09. This would declare two seized vehicles (1999 Dodge Caravan and 2002 Ford Windstar Van) as surplus to be auctioned via the Jefferson County Sheriff’s Department eBay account.

Mr. Wright made a motion to approve **Resolution No. 4360-09**. This motion was seconded by Mr. Skelton.

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

15. **RESOLUTION NO. 4361-09 – AUTHORIZE MAYOR TO EXECUTE CONTRACT WITH SHELBY CO. FOR MAPPING SERVICES**

The City Attorney read Resolution No. 4361-09. This would authorize the Mayor to execute an agreement with Shelby County for mapping services to provide Supplemental LiDAR (Light Detecting and Ranging) Terrain Data.

Mr. Wright made a motion to approve **Resolution No. 4361-09**. This motion was seconded by Mr. Skelton.

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

16. **2ND READING ORDINANCE NO. 09-2182 – AMEND MUNICIPAL CODE – ALABAMA GAS CORPORATION FRANCHISE**

The City Attorney had the second reading of Ordinance No. 09-2182. This ordinance would amend Appendix IV, Article II of the Municipal Code granting a franchise to Alabama Gas Corporation; and repeal Ordinance No. 08-2174.

Mr. Wright made a motion to approve **Ordinance no. 09-2182**. This motion was seconded by Mr. Skelton.

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”, Mr. Smith, “Yea”, Mr. Wright, “Yea”. The motion carried unanimously.

17. **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 for conditional use and approval of the ABC Application to the February 1, 2010 meeting.

Ms. Morrison made a motion to **continue** to the **February 1, 2010** 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.

18. **PUBLIC HEARING - CONDITIONAL USE – OFF PREMISE SALE OF BEER AND WINE – CVS PHARMACY 4889 – LOCATED AT 1881 CHACE DRIVE**

Mr. Ivey stated this is the public hearing to consider the request of Alabama CVS Pharmacy, LLC, for Conditional Use approval to allow the sale of off-premise only retail beer and retail table wine at CVS, located at 1881 Chace Drive. This property is owned by Alabama CVS Pharmacy, LLC, and is zoned PC Planned Commercial.

Mr. Ivey asked the clerk if the necessary paperwork had been received regarding this request. The clerk answered yes.

Ms. Morrison 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.

Ms. Morrison then made a motion to approve the **ABC Application for Alabama CVS Pharmacy LLC**. This motion was seconded by Dr. Lott.

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

19. **PUBLIC HEARING - CONDITIONAL USE – ON PREMISE SALE OF RESTAURANT RETAIL LIQUOR – BEEF O’BRADY’S – 5519 GROVE BLVD.**

Mr. Ivey stated a motion was in order to continue this public hearing for conditional use to the January 4, 2010 City Council meeting.

Ms. Morrison made a motion to **continue the conditional use to the January 4, 2010 meeting**. This motion was seconded by Dr. Lott.

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

Ms. Morrison then made a motion to **continue the ABC Application to the January 4, 2010 meeting**. This motion was seconded by Dr. Lott.

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

20. **PUBLIC HEARING – CONSIDER ADOPTION OF ORDINANCES TO REGULATE, PROHIBIT AND ELIMINATE ILLICIT DISCHARGES TO THE CITY’S MS4; AND THE MODIFICATION OF THE CITY’S FLOOD ORDINANCE AND EROSION AND SEDIMENTATION CONTROL ORDINANCE**

Mr. Ivey stated this is the public hearing to consider (1) adoption of ordinance to regulate, prohibit and eliminate illicit discharges to the City’s MS4; and (2) modification of the City’s existing flood ordinance and erosion and sedimentation control ordinance.

The City Attorney had the **first readings** of the following ordinances:

Ordinance No. 10-2184 – An ordinance to adopt an Illicit Discharge Detection and Elimination Ordinance.

Ordinance No. 10-2185 – An ordinance to modify Chapter 12, Article III Flood Damage Prevention and to repeal all ordinances and parts of the ordinances of the City of Hoover in conflict therewith.

Ordinance No. 10-2186 An ordinance to Amend Chapter 12, Article IV Erosion and Sedimentation Control.

Mr. Ivey called for comments or questions regarding these three ordinances. There being none, he stated these ordinances will have their second readings and consideration for adoption on Monday, January 4, 2010.

21. **SET PUBLIC HEARING FOR TUESDAY, 1/19/2010 – CONDITIONAL USE – GARDEN CENTER AND SALE OF FRUIT AND VEGETABLES – 124 MARS HILL ROAD – ANDY BURRIS**

Mr. Ivey stated a public hearing is hereby set for Tuesday, January 19, 2010, to consider the request of Andy Burris for Conditional Use approval to allow a garden center and sale of fruit and vegetables at 124 Mars Hill Road. This property is owned by 124 Mars Hill, LLC, and is zoned C-2 Community Business District.

22. **SET PUBLIC HEARING FOR TUESDAY, 1/19/2010 – APPEAL NEGATIVE DECISION OF PLANNING AND ZONING COMMISSION – LIVE ENTERTAINMENT – LASPAD BISTRO – 4524 SOUTHLAKE PKWY, SUITE #7 - MR. RICHIE VINES**

Mr. Ivey stated a public hearing is hereby set for Tuesday, January 19, 2010, at 6 p.m., to consider the request of Mr. Richie Vines to appeal the negative decision of the Planning and Zoning Commission at their December 14, 2009 meeting regarding the following request:

Conditional Use to allow live entertainment consisting of a live band with no more than four (4) members, or an acoustic solo/duo, optional karaoke and D.J., on Tuesday – Saturday starting no earlier than 7:00 P.M. and ending no later than 1:00 A.M. at **LaSpada Bistro** located at **4524 Southlake Parkway, Suite #7**. This property is owned by Fairway Investments, LLC, and is zoned PC (Planned Commercial). (*P&Z denied 12/14/09 – Case #C-1209-23*)

Mr. Wright asked had it been six months since the City Council revoked the original conditional use request for live entertainment. The clerk answered yes.

23. **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 wished everyone a Merry Christmas. He then called for other comments or questions from the Council or the audience.

Mr. Pate stated the **Employee Christmas Party** will be held on Wednesday, December 23rd beginning at 11:30 a.m. at the Public Safety Center.

Mr. Arnold Singer, 613 Riverhaven Place, strongly recommended increasing the Board of Education members from five to seven. He attends the Board of Education meetings and is concerned that there are currently no committees on this Board. He felt that one of the reasons for this is because it is only a five member board.

Mr. Singer then thanked Fire Chief Wingate, Police Chief Derzis, and Tim Westhoven for their presentations at the Friends of Hoover meeting. He stated he looks forward to the Mayor's state of the city address.

Mr. Smith said to Mr. Singer that he recalled at one time looking into the matter of increasing the number of members on the Board of Education. It is his understanding that there are issues with the State Code that would allow such to occur. If that is so, it would require a constitutional amendment.

Mr. Wright agreed. He stated this issue had been looked into several times in the last fifteen years and there are some major legislative hurdles. There is a difference between elected and appointed school boards and whether or not a city is in districts plays a part as well. The City of Hoover is not in districts.

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

Margie Handley
City Clerk