

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** Tuesday, January 19, 2010  
**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:** Ms. Linda Andrews, Director, Library  
Mr. Mark Boardman, City Attorney  
Mr. Tommy Daniel, Director, Public Works  
Ms. Susan Fuqua, Director, Municipal Court  
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  
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.

Mr. Ivey recognized Boy Scout Sammy Kennemer, **Troop No. 13**, First Baptist Church, Lakeshore Drive, who was in attendance working toward his citizenship and community merit badge.

Mr. Ivey also recognized **Troop No. 367** and Scout Troop Leader Cal Alred from Riverchase United Methodist Church. He asked them to come forward at this time to lead those present in the Pledge of Allegiance after the invocation.

The City Clerk then gave the invocation.

Troop No. 367 led those present in the Pledge of Allegiance.

1. **REPORTS**

Ms. Morrison made a motion to appoint the following people to the **Board of Zoning Adjustment**: **Mr. Stephen Presley** to fill the unexpired term of Mr. Matthew Lemak, and

**Mr. Allan Rice** to fill the unexpired term of Mr. Tom Boone. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

Ms. Morrison recognized Mr. Allan Rice who was present in the audience. Mr. Ivey thanked him for his willingness to serve.

Mr. Ivey stated a motion was in order to reappoint **Mr. Otis Bibb** to the **Personnel Review Board**. The motion was made by Ms. Morrison and seconded by Dr. Lott. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

Mayor Petelos stated he attended the **Class 6A Championship** game at Bryant Denny Stadium in Tuscaloosa when the **Hoover Bucs** beat Prattville. He said it was a great game and the City is very proud of the football team for winning the state championship. He congratulated Coach Niblett, Myra Miles and all of the staff, players and parents who were involved in this process. At this time Head Coach Josh Niblett, Athletic Director Myra Miles, Principal Don Hulin, and players came to the front of the chambers to be recognized while the city attorney read a proclamation in their honor.

The City Attorney read a **Proclamation** congratulating the Hoover High School Football Team on winning the **2009 Class 6A Championship**.

**Coach Niblett** thanked everyone involved who has worked so hard to make this the most successful program in the nation. He then thanked the Mayor and City Council for their support and leadership. He said it has been a great year but it is all about the players and what they have done. He expressed how thankful and blessed he was to be a part of this city and this school.

Mayor Petelos congratulated the team again on a job well done.

Mayor Petelos spoke about the **tragic fire** this past weekend at the **Days Inn** which resulted in the death of four young girls. He stated the National ATF Response Team and many other investigators will be in the City of Hoover over the next few days to determine the cause of the fire. He stated the Hoover Fire Department, Police Department and dispatchers did an incredible job throughout this very tragic situation.

## 2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the January 4, 2010 work session and regular meeting, and the January 14, 2010 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. 4362-10 – AWARD BID NO. 27-09 TRAFFIC SIGNAL LED INSTALLATION**

The City Attorney read Resolution No. 4362-10. This would award Bid No. 27-09 Traffic Signal LED Installation to Stone & Sons Electric, Inc. in the amount of \$100,334.82; theirs

being the lowest responsible bid meeting all specifications and requirements. This would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Skelton made a motion to approve **Resolution No. 4362-10**. This motion was seconded by Dr. Lott. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 4363-10 – AUTHORIZE MAYOR TO EXECUTE DOCUMENTS REGARDING PURCHASE OF PARKING LOT – 2027 BAILEY DRIVE**

The City Attorney read Resolution No. 4363-10. This would authorize the Mayor to execute necessary documents regarding the purchase of property located at 2027 Bailey Drive, which contains a parking lot currently owned by Drakos Holding Corporation.

Mr. Skelton made a motion to approve **Resolution No. 4363-10**. 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. 4364-10 – DECLARE SEIZED VEHICLES AS SURPLUS**

The City Attorney read Resolution No. 4364-10. This would declare three seized vehicles as surplus to be auctioned via the Jefferson County Sheriff's Department eBay.

Mr. Skelton made a motion to approve **Resolution No. 4364-10**. 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. 4365-10 – AUTHORIZE SIGNATURES FOR THE HOOVER INVESTMENTS ACCOUNT AT FNBB**

The City Attorney read Resolution No. 4365-10. This would authorize the signatures for the Hoover Investments Account at First National Bankers Bank.

Mr. Skelton made a motion to approve **Resolution No. 4365-10**. 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. 4366-10 – AMEND CONTINUATION OF BUDGET FYE 9/30/09**

The City Attorney read Resolution No. 4366-10. This would amend the continuation of the Budget for Fiscal Year Ending September 30, 2009 as shown on the attached Exhibit "A" to the resolution.

Mr. Skelton made a motion to approve **Resolution No. 4366-10**. This motion was seconded by Dr. Lott.

Mr. Ivey called for discussion.

Mr. Greene asked the Mayor the status of the proposed budget for FYE 9/30/10. Mayor Petelos stated the budget has been submitted to the City Council for review. The next step will be for the Finance Chairman to set the time to consider the adoption of the budget.

Mr. Ivey stated it was his understanding that they are getting closer to resolving some matters and that is why he asked at the work session that the next item on the agenda to extend the Budget for FYE 9/30/09 be worded to extend to February 1 rather than the original proposal of February 28.

Mr. Greene stated he would like to recommend that any issues be resolved as quickly as possible so that the Council can pass the budget for this year.

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

8. **RESOLUTION NO. 4367-10 – EXTEND BUDGET FYE 9/30/09**

The City Attorney read Resolution No. 4367-10. This would extend the Budget for Fiscal Year Ending September 30, 2009 to February 1, 2010 with regard to employee salaries, benefits and other essential expenditures.

Mr. Skelton made a motion to approve **Resolution No. 4367-10**. This motion was seconded by Dr. Lott.

Mr. Ivey called for discussion. There being no further discussion, on voice vote the motion carried unanimously.

9. **CHANGE ORDER NO. 1 – ALFORD AVENUE ENHANCEMENT PROJECT**

Mr. Ivey stated a motion was in order to approve Change Order No. 1 to the Alford Avenue Enhancement Project, Bid No. 01-09, for a deduction in the amount of \$6,574.77.

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

Mr. Ivey called for discussion. There being no further discussion, on voice vote the motion carried unanimously.

10. **PUBLIC HEARING – CONDITIONAL USE – ON PREMISE RESTAURANT  
RETAIL LIQUOR – BEEF O’BRADY’S – 5519 GROVE BLVD., SUITES 101, 109,  
113 (Continued from 1/4/10 meeting)**

Mr. Ivey stated this is the public hearing to consider the request of Mr. Robert George McCluney, III, for **Conditional Use** approval to allow the sale of restaurant retail liquor at **Beef O’Brady’s**, to be located at **5519 Grove Blvd., Suites 101, 109 and 113**. This property is owned by KD Hoover, LLC, and Kimco Realty, and is zoned PC Planned Commercial.

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

Ms. Morrison made a motion to approve the **conditional use**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being no further discussion, on voice vote the motion carried unanimously.

Ms. Morrison then made a motion to approve the **ABC Application** for **GEMCO, LLC** d/b/a Beef O’Brady’s. This motion was seconded by Mr. Skelton. . Mr. Ivey called for discussion. There being no further discussion, on voice vote the motion carried unanimously.

11. **PUBLIC HEARING – CONDITIONAL USE – GARDEN CENTER AND SALE OF FRUITS AND VEGETABLES – ANDY’S – 124 MARS HILL ROAD**

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

Ms. Morrison made a motion to approve the **Conditional Use**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being no further discussion, on voice vote the motion carried unanimously.

12. **PUBLIC HEARING – APPEAL NEGATIVE DECISION OF PLANNING COMMISSION – CONDITIONAL USE – LIVE ENTERTAINMENT – LASPADA BISTRO – 4524 SOUTHLAKE PKWY, STE. 7 – RICHIE VINES**

Mr. Ivey stated the following public hearing has been **continued to the February 1, 2010 City Council meeting at the request of the applicant:** Mr. Richie Vines is requesting to appeal the negative decision of the Planning and Zoning Commission at their 12/14/09 meeting regarding his request for a 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).

13. **2<sup>ND</sup> READING ORDINANCE NO. 10-2187 - CALL FOR SPECIAL ELECTION (BOARD OF EDUCATION)**

Mr. Ivey stated the following item has been **withdrawn at the request of the Board of Education:** 2<sup>nd</sup> Reading Ordinance No. 10-2187 – Call for a special municipal election to be held on March 23, 2010, at the request of the Hoover City Board of Education, to determine whether the 24 mills of the ad valorem tax presently being levied by the City of Hoover (which 24 mills are for public school purposes) should continue to be levied each successive tax year of the City of Hoover commencing with the tax year for which municipal taxes will become payable on October 1, 2028, and continuing thereafter without limit as to time, the proceeds of which shall be used by the City Board of Education for public school purposes.

14. **SET PUBLIC HEARINGS FOR MONDAY, FEBRUARY 15, 2010, AT 6 P.M.**

Mr. Ivey stated public hearings are hereby set for Monday, February 15, 2010, at 6:00 p.m., to consider the following requests which were approved by the Planning and Zoning Commission at their 1/11/10 meeting:

- a. Keith T. Harrelson is requesting **Conditional Use** approval for live entertainment and/or commercial recreation amusement consisting of the presentation of live folk music in evening hours 7:00 P.M. – 11:00 P.M. at **585 Shades Crest Road**. This property is owned by Noel Allen and is zoned C-2 Community Business District. (*P&Z Case #C-1209-21*).

- b. Daniel Senior Living of Inverness I, LLC, is requesting **Conditional Use** approval for the on premise sale of alcoholic beverages (Type License: 160 Special Retail – More than 30 days) at **Danberry Village** located at **235 Inverness Center Drive**, Hoover, AL. This property is owned by Daniel Senior Living of Inverness I, LLC, and is zoned PO Planned Office. (*P&Z Case #C-0110-01*)
- c. Enaam Smadi, Smadi, LLC, is requesting **Conditional Use** approval for restaurant retail liquor at **Barristers Tavern** located at **1535 Montgomery Highway**. This property is owned by Mr. Kirit Parekh and is zoned C-2 Community Business District. (*P&Z Case #C-0110-02*).

15. **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 additional comments or questions. There being none, the meeting was adjourned.

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Margie Handley  
City Clerk