

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: March 15, 2010
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mr. Gary Ivey, Council President
Mr. John Greene, Council Member
Ms. Mari Morrison, Council Member
Mr. Gene Smith, Council Member
Mr. Jack Wright, Council President, Pro-Tempore

ABSENT: Mayor Tony Petelos
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
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director, Inspection Services
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**

The City Attorney read a **Proclamation** declaring the month of April, 2010, as **Child Abuse Prevention Month** in the City of Hoover.

The City Attorney read a **Proclamation** declaring the month of March, 2010, as **Developmental Disabilities Awareness Month** in the City of Hoover. In the absence of Mayor Petelos, Allen Pate presented this proclamation to **Mr. Mark McClellan** and thanked him for all he does for this group. Mr. McClellan accepted the proclamation on behalf of People First and expressed appreciation to Mayor Petelos and the City Council for allowing him to be present to accept it on behalf of the thousands of people with disabilities. He also

expressed appreciation to the Hoover Recreation Center for allowing them to be the first to have their own group meet there on the second Tuesday of each month.

On behalf of Mayor Petelos, Ben Powell reminded everyone that **Census 2010** forms have been mailed out and encouraged everyone to fill out the form completely and send them in promptly. He noted that if the forms are not filled out completely the Census Bureau will be sending people door to door to answer any incomplete questions. He also encouraged everyone to ask for identification should someone present themselves to be a census worker in the City of Hoover. Authorized representatives of the Census Bureau will have ID cards and badges.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the March 1, 2010 regular meeting and the March 11, 2010 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. On voice vote the motion carried unanimously.

3. **CHANGE ORDER TO AECOM – MUNICIPAL DRIVE RELOCATION PROJECT**

Mr. Ivey stated this item is regarding a Change Order to AECOM for additional construction, engineering and inspection services for Municipal Drive Relocation Project STPBH-7284(600) in the amount of \$107,009.00 which is reimbursable by the Alabama Department of Transportation.

Mr. Wright made a motion to approve the change order. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 4378-10 – AMEND BUDGET FYE 9/30/10**

The City Attorney read Resolution No. 4378-10. This would amend the Budget for Fiscal Year Ending 9/30/10 as shown on the Exhibit "A" attached to the resolution.

Mr. Wright made a motion to approve **Resolution No. 4378-10**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 4383-10 – ACCEPT PUBLIC IMPROVEMENTS – BRIDGEWATER PARK**

The City Attorney read Resolution No. 4383-10. This would authorize the acceptance of public improvements in the Bridgewater Park subdivision.

Mr. Wright made a motion to approve **Resolution No. 4383-10**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4384-10 – AUTHORIZE AGREEMENT WITH ALDOT – SAFE ROUTES TO SCHOOL PROJECT**

The City Attorney read Resolution No. 4384-10. This would authorize the Mayor to execute an agreement with Alabama Department of Transportation relating to a Safe Routes to School project with total funding by the Federal Highway Administration.

Mr. Wright made a motion to approve **Resolution No. 4384-10**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion.

Mr. Smith stated it was his understanding that this is in addition to the money we have for CDBG. Mr. Westhoven stated that was correct. Mr. Smith asked who identified the schools that get these routes in place. Mr. Westhoven stated there is an application process followed by the performance of surveys to determine the greatest need. Mr. Smith stated he wanted to verify that the schools are not chosen by the city. Mr. Westhoven stated that is correct.

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

7. **RESOLUTION NO. 4385-10 – AUTHORIZE AGREEMENTS WITH STC FIVE LLC TO EXTEND GROUND LEASE– TOWER SITE NEAR FIRE STATION NO. 6**

The City Attorney read Resolution No. 4385-10. This would authorize the Mayor to execute agreements with STC Five LLC to extend the ground lease for the tower site near Fire Station No. 6.

Mr. Wright made a motion to approve **Resolution No. 4385-10**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 4386-10 – AUTHORIZE SUBMISSION OF RESPONSE TO GOOGLE, INC. – FIBER FOR COMMUNITIES PROGRAM**

The City Attorney read Resolution No. 4386-10. This would authorize the Mayor and/or Ben Powell to submit a response to Google, Inc.'s, Request for Information (RFI) pertaining to Google's recently-announced "Fiber for Communities" Program.

Mr. Wright made a motion to approve **Resolution No. 4386-10**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

9. **PUBLIC HEARING – AMEND MUNICIPAL CODE – ZONING – FENCES AND WALLS – ORDINANCE NO. 10-2189**

Mr. Ivey stated this is the public hearing to consider the request of the City of Hoover to amend the Municipal Code, Appendix I, Zoning, regarding fences and walls.

The City Attorney had the second reading of Ordinance No. 10-2189.

Mr. Wright made a motion to adopt **Ordinance No. 10-2189**. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion.

Mr. Smith asked Mr. House whether there had been any negative feedback regarding this proposed amendment.

Mr. House answered no. He stated it is seen as a positive move to make the regulation for fences and walls more flexible.

Mr. Ivey called for questions or comments from the audience. There being none he asked for a roll call vote.

On roll call vote of the Council the votes were as follows: Mr. Ivey, "Yea"; Mr. Greene, "Yea"; Ms. Morrison, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried unanimously.

10. **SET PUBLIC HEARING FOR MONDAY, APRIL 5, 2010 AT 6 P.M. –
CONDITIONAL USE – ON PREMISE SALE OF ALCOHOLIC BEVERAGES –
SOMERBY AT ST. VINCENT’S ONE NINETEEN**

Mr. Ivey stated a public hearing is hereby set for Monday, April 5, 2010, at 6:00 p.m. to consider the request of Allen Worthington, representing STV One Nineteen Senior Living, LLC, for approval of a conditional use to allow the on premise sale of alcoholic beverages (Type License: 160 Special Retail – More than 30 days) for **Somerby at St. Vincent’s One Nineteen**, located at 200 One Nineteen Blvd. This property is owned by STV One Nineteen Senior Living, LLC, and is zoned C-2 Community Business District.

11. **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 Ms. Morrison.

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.

Margie Handley
City Clerk