

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: May 3, 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
Mr. Gene Smith, Council Member
Mr. Jack Wright, Council President, Pro-Tempore

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Chief Nick Derzis, Police Chief
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, Park and Recreation
Mr. Allen Pate, Executive Director
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**

Mr. Gary Ivey asked **Ms. Binnie Myles** with the **Birmingham Water Works Board** to come forward with the Proclamation in support of National Drinking Water Week. The City Attorney then read the Proclamation supporting **National Drinking Water Week May 2-8, 2010**. Ms. Myles briefly addressed the Mayor and Council, thanking them for their support.

Mr. Ivey then announced that several candidates were present and he introduced **Judge Agnes Chappell**, candidate for **Jefferson County Circuit Court Judge, Place 20**. Judge Chappell introduced herself and stated she is running for Place No. 20 which is a divorce court. She said the reason she would like to serve as a divorce court judge is because she has a passion for helping people and protecting children. Judge Chappell spoke briefly concerning her career and

experience and said she would appreciate the Council and Mayor's support. Mr. Ivey thanked her for coming.

Mr. Ivey announced **Ms. Lynneice Washington**, candidate for **Jefferson County District Judge Place 10**. Ms. Washington introduced herself and thanked the Council and Mayor and residents of Hoover for allowing her to come before them at the meeting. She stated she wants to serve the public at the judicial level and asked for everyone's support in the November election. Mr. Gary Ivey thanked her for her comments.

Mr. Ivey announced **Judge Phillip Bahakel**, candidate for **Jefferson County Circuit Court Judge Place 20**. Speaking on behalf of Judge Phillip Bahakel was Mr. James R. Bosarge who explained that Judge Bahakel was unavailable due to a family medical emergency. Mr. Bosarge spoke of Judge Bahakel's career and experience and asked for the support of the Council and Mayor in the June 1st primary.

Mr. Ivey next requested Mr. Andrew Fort to come forward on behalf of the Beautification Board to recognize the **2010 Litter Awareness Week** poster contest winners. Mr. Fort stated the winning posters were chosen from hundreds of participants throughout Hoover City Schools and the top three winners would proceed to the State competition in Montgomery. He said the theme for the poster contest this year is how to make being green a way of life. Mr. Fort then announced the following poster contest winners:

First Place, Jake Berg, Gwin Elementary

Second Place, Chloe Hunley, Bluff Park Elementary

Third Place, Mattie Test, Bluff Park Elementary

Honorable Mention, Kennedy Baskin, Rocky Ridge Elementary

He presented the winners with a certificate and they each had their photograph made with Mayor Petelos. Mr. Fort said he appreciated the support from the City Council and Mayor. The Mayor congratulated the winners and recognized the hard work and tremendous effort the Beautification Board puts into this contest. He thanked them for the great job they do and said this helps our students understand the need for recycling.

Mr. Ivey then introduced Ms. Sara Perry of the Beautification Board. Ms. Perry came forward and presented a scrapbook to the Mayor. The Mayor thanked Ms. Perry and noted how the scrapbooks tell us a lot about the history of Hoover.

Mr. Ivey said the next item in the Reports section is to reschedule the Thursday, May 13, 2010 work session to Monday, May 17, 2010 at 5:45 right before the regular Council meeting. This is due to many activities next week that will be in conflict so the work session will be held about 15 minutes before the Council meeting on May 17, 2010.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the April 19, 2010 regular meeting and the April 29, 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. Skelton. On voice vote the motion carried unanimously.

3. **RESOLUTION NO. 4403-10 – REJECT BID NO. 06-10 AND AUTHORIZE MAYOR TO NEGOTIATE PRICE – TRAFFIC CONTROL MARKINGS & STRIPING**

The City Attorney read Resolution No. 4403-10. This would reject the only bid received on Bid No. 06-10, Traffic Control Markings & Striping, and authorize the Mayor to negotiate with Highway Management Systems, Inc. for the purchase of said equipment at a price not to exceed their quote.

Mr. Wright made a motion to approve **Resolution No. 4403-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 4404-10 – TEFRA PUBLIC HEARING TO REQUEST THE CONSENT AND APPROVAL OF THE CITY COUNCIL FOR THE PROPOSED ISSUANCE OF REVENUE BONDS BY THE MEDICAL CLINIC BOARD OF THE CITY OF HOOVER CONCERNING THE FINANCING FOR THE ACQUISITION OF RIVERCHASE VILLAGE SENIOR LIVING COMMUNITY LOCATED AT 1851 DATA DRIVE**

Mr. Ivey next introduced Mr. David Bradley of the Medical Clinic Board. Mr. Bradley came forward and stated that the Medical Clinic Board had met recently and with the help of the City of Hoover's legal staff they were bringing forward this resolution. Mr. Bradley then introduced Mr. Chris Brogdon and he pointed out this was Mr. Brogdon's second project in the City of Hoover.

Mr. Brogdon then explained that the project is for the acquisition of the Riverchase Village on Data Drive. It is an assisted living facility with 108 units and currently is owned by a bank in Oklahoma and has been for the past couple of years. Mr. Brogdon then spoke briefly regarding the facility and their plans to upgrade the units and achieve 100% occupancy. Mr. Ivey asked if anyone had any questions for Mr. Brogdon. No one did and he asked the City Attorney to read Resolution No. 4404-10.

Mr. Wright made a motion to approve **Resolution No. 4404-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 4405-10 – AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR CERTAIN IMPROVEMENTS TO I-65 NORTHBOUND AND SOUTHBOUND LANE RECONSTRUCTION FROM I-459 TO US-31**

The City Attorney read Resolution No. 4405-10 regarding improvements to I-65 Northbound and Southbound Lane Reconstruction from I-459 to US-31.

Mr. Wright made a motion to approve **Resolution No. 4405-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4406-10 – AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND/OR MAINTENANCE OF TRAFFIC CONTROL SIGNALS AND /OR STREET LIGHTING**

The City Attorney read Resolution No. 4406-10 authorizing the Mayor to execute an agreement with the Alabama Department of Transportation for the installation and/or maintenance of traffic control signals and/or street lighting for I-65 Northbound and Southbound lanes reconstruction from I-459 to US-31.

Mr. Wright made a motion to approve **Resolution No. 4406-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 4407-10 – AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR THE HACKBERRY LANE SIDEWALK EXTENSION**

The City Attorney read Resolution No. 4407-10 authorizing the Mayor to execute an agreement with the Alabama Department of Transportation for the Hackberry Lane Sidewalk Extension.

Mr. Wright made a motion to approve **Resolution No. 4407-10**. 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. 4408-10 – ACCEPT PUBLIC IMPROVEMENTS IN CALDWELL CROSSINGS FOURTH SECTOR, PHASE ONE AND CALDWELL CROSSINGS FOURTH SECTOR, PHASE TWO SUBDIVISIONS**

The City Attorney read Resolution No. 4408-10. This would accept public improvements within the Caldwell Crossings Fourth Sector Phase One and Caldwell Crossings Fourth Sector Phase Two subdivisions.

Mr. Wright made a motion to approve **Resolution No. 4408-10**. 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. 4409-10 – ACCEPT PUBLIC IMPROVEMENTS IN ROSS BRIDGE VILLAGE CENTER, PHASE 2, SECTOR 1, SECTOR 5 AND SECTOR 6 SUBDIVISIONS**

The City Attorney read Resolution No. 4409-10. This would accept public improvements within the Ross Bridge Village Center Phase 2, Sector 1, Sector 5 and Sector 6 subdivisions.

Mr. Wright made a motion to approve **Resolution No. 4409-10**. 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. 4410-10 – MUNICIPAL WATER POLLUTION PREVENTION (MWPP) – INVERNESS WASTEWATER SYSTEM**

The City Attorney read Resolution No. 4410-10, which would inform the Alabama Department of Environmental Management of the actions taken by the Hoover City Council regarding the Municipal Water Pollution Prevention (MWPP) Program for the Inverness Wastewater System.

Mr. Wright made a motion to approve **Resolution No. 4410-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

11. **RESOLUTION NO. 4411-10 – MUNICIPAL WATER POLLUTION PREVENTION (MWPP) – RIVERCHASE WASTEWATER SYSTEM**

The City Attorney read Resolution No. 4411-10, which would inform the Alabama Department of Environmental Management of the actions taken by the Hoover City Council regarding the Municipal Water Pollution Prevention (MWPP) Program for the Riverchase Wastewater System.

Mr. Wright made a motion to approve **Resolution No. 4411-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

12. **RESOLUTION NO. 4412-10 – AMENDMENT NO. 2 – WASTEWATER TREATMENT OPERATIONS AGREEMENT**

The City Attorney read Resolution No. 4412-10. This would approve amendment No. 2 to the Wastewater Treatment Operations Agreement, dated January 1, 2008, with Clearwater Solutions, LLC.

Mr. Wright made a motion to approve **Resolution No. 4412-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

13. **RESOLUTION NO. 4413-10 – BUDGET AMENDMENT FYE 9/30/10**

The City Attorney read Resolution No. 4413-10. 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. 4413-10**. 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. 4414-10 – AUTHORIZE CROSS PARKING AGREEMENT**

The City Attorney read Resolution No. 4414-10. This would authorize the Mayor to execute a cross parking agreement with Sunny King of Birmingham d/b/a/ King Acura regarding adjoining parking lots located on Bailey Drive.

Mr. Wright made a motion to approve **Resolution No. 4414-10**. 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. 4415-10 –DECLARE CONFISCATED VEHICLES AS SURPLUS**

The City Attorney read Resolution No. 4415-10. This would declare drug confiscated vehicles awarded to the City of Hoover Police Department as surplus to be auctioned via the Jefferson County Sheriff's Department EBAY account.

Mr. Wright made a motion to approve **Resolution No. 4415-10**. This motion was seconded by Mr. Skelton. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

16. **1ST READING ORDINANCE NO. 10-2192 – ANNUAL TAX LEVY**

The City Attorney had the first reading of Ordinance No. 10-2192. This would provide for the levying of municipal taxes for the City and for the assessment and collection of such taxes.

Mr. Ivey stated this ordinance will have its second reading and consideration for adoption on Monday, May 17, 2010.

17. **ABC APPLICATION – OFF PREMISE SALE OF BEER AND WINE – SEA BREEZE LLC d/b/a SHELL OF VALLEYDALE (PREVIOUSLY SUNNY FOOD STORE 21) LOCATED AT 100 RIVERCHASE PARKWAY EAST.**

Mr. Ivey asked the clerk if the background documents had been received on this applicant. The clerk answered yes.

Mr. Ivey stated a motion was in order to approve the ABC Application for Sea Breeze LLC d/b/a Shell of Valleydale (Previously Sunny Food Store 21) to allow the off premise sale of beer and wine at Shell of Valleydale located at 100 Riverchase Parkway East.

Dr. Lott made a motion to approve the ABC Application. This motion was seconded by Ms. Morrison. Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously.

18. **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 then called for any comments or questions from the Council. Mr. Gene Smith stated he would like to commend Erin Colbaugh, Events Coordinator for the City, the Mayor, City Staff and everybody that turned out for Celebrate Hoover Day.

Mr. Ivey asked for any additional comments and the Mayor stated that Celebrate Hoover Day was a great event and Erin did a great job and all the city employees involved did a very, very good job. He reminded everyone of the Prayer Breakfast at the Wynfrey the following day. The Mayor then said he was saddened to report that Marine Lance Corporal, Thomas Rivers was killed in Afghanistan last Wednesday. He said he visited with the family on Friday and they were great people. He told the family we would have them in our thoughts and prayers. He said it was a very sad situation but a very strong family. The Mayor thanked the City Clerk for remembering Lance Corporal Thomas Rivers in the invocation.

Mr. Ivey thanked the Mayor for his comments and then asked if there were any comments or questions from the audience. There being none the meeting was adjourned.

Margie Handley
City Clerk