

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: May 17, 2010
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mr. Gary Ivey, Council President
Mr. Jack Wright, Council Member
Mr. Gene Smith, Council Member
Dr. Trey Lott, Council Member
Ms. Mari Morrison, Council Member
Mr. Brian Skelton, Council Member

ABSENT: Mayor Tony Petelos
Mr. John Greene, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Ms. Karen Higgins, Director, Human Resources
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
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. Wright led those present in the Pledge of Allegiance.

1. **REPORTS**

Mr. Ivey announced there were several proclamations on the agenda and he asked the Hoover High School Boys Track Team to come forward along with the Coaches and staff. The City Attorney read the **Proclamation** recognizing the **Hoover High School Boys Outdoor Track Team's 2010 Class 6A State Championship** which was their 2nd consecutive championship and their 3rd overall. As the Mayor was not present, Councilman Brian Skelton presented Coach Hind with the Proclamation and congratulated the entire team on behalf of the City Council and all the people of Hoover. Photographs of the team and their Coaches were made at this time.

Mr. Ivey called the Hoover High School Girls Track Team to come forward for the next Proclamation. The City Attorney then read the **Proclamation** recognizing the **Hoover High**

School Girls Outdoor Track Team's 2010 Class 6A State Championship which was their 3rd 6A state championship overall. The team was presented with their Proclamation and photographs of the team and their Coaches were made.

Mr. Ivey next announced a **Proclamation** for the Spain Park High School Girls Soccer Team. The City Attorney read the Proclamation recognizing the **Spain Park High School Girls Soccer Team's 2010 Alabama Class 6A Girls State Soccer Championship** which was their 2nd consecutive state championship. The team was presented with their Proclamation and photographed with the coaching staff.

Mr. Ivey called the Spain Park High School Boys Golf team forward to receive their **Proclamation**. The City Attorney read the Proclamation recognizing the **Spain Park High School Boy's Golf Team** as the **2010 Alabama Class 6A Boys Golf State Championship** which was their 3rd consecutive state championship. The team and Coaches were presented with their Proclamation and photographs were made.

Mr. Ivey announced a Proclamation for Mental Health Awareness Month and Ms. Susan Baty-Pierce of the **National Alliance on Mental Illness (NAMI)-Birmingham** came forward to receive it. The City Attorney read the **Proclamation** proclaiming the month of May 2010 as **Mental Health Awareness Month** in the City of Hoover. Councilman Brian Skelton presented Ms. Pierce with the Proclamation and thanked her for the organization's important contributions. Ms. Pierce thanked the Council and announced the **NAMI** organization is having their walk to represent Veterans' families next week-end. She said Mr. Gene Smith will be present on Sunday. She thanked the Mayor and Council for allowing them to use Veterans Park for their walk event.

Mr. Ivey stated no one was present to receive the final Proclamation. The City Attorney announced the **Proclamation** recognizing the **Hoover Gun Cellar's** thirty years in business.

Mr. Ivey continued with the reports section and introduced **Ms. Margie Varner**, candidate for **State Board of Education, District 4**. Ms. Varner thanked the Council for allowing her the opportunity to come before them. Ms. Varner briefly described her career and experience and asked for everyone's vote on June 1st. Mr. Ivey thanked Ms. Varner for coming.

Mr. Ivey announced **Ms. Dorothea Batiste**, candidate for **Circuit Court Judge, Place 23** but she was not present at the meeting. Mr. Ivey then announced **Ms. Patricia Stephens**, candidate for **Circuit Court Judge Place 14**. Ms. Stephens introduced herself and spoke regarding her career experience and her family. She asked for everyone's support and vote on June 1st. Mr. Ivey thanked her for coming.

Mr. Ivey next announced **Mr. Jim Stephens**, candidate for **Jefferson County Commission District 3**. Mr. Stephens introduced himself and described his qualifications and experience. He said the voters need to be more discriminating about who they place in office. He stated the next four years will determine the course for the next four years beyond that and with everyone's support he believes he can get the County back on track. He said he would be happy to answer any questions. Mr. Gene Smith commented that he believed this election would create what the environment is going to be like for the next fifty years in Jefferson County. Mr. Smith said he had heard a statement on the news by Senator Lincoln of

Arkansas commenting on Jefferson County as a case study that demonstrates the need for reform. Mr. Stephens responded that it was indeed a sad situation and he would need everyone's help to give back to the County and bring it out of its current problems. Mr. Ivey thanked Mr. Stephens for coming.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the May 3, 2010 regular meeting and the May 4, 2010 special meeting.

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. 4417-10 – AWARD BID NO. 08-10 – TRAFFIC SIGNAL EQUIPMENT (VIDEO DETECTION)**

Mr. Ivey asked for a motion to continue Resolution No. 4417-10 to the June 7, 2010 meeting.

Mr. Wright made a motion to continue **Resolution No. 4417-10** to the June 7, 2010 meeting. This motion was seconded by Mr. Skelton.

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

4. **RESOLUTION NO. 4418-10 -STREET NAME CHANGES – MUNICIPAL LANE/MUNICIPAL DRIVE**

The City Attorney read Resolution No. 4418-10. This would rename portions of existing Municipal Drive to Municipal Lane and portions of New Municipal Drive to Municipal Drive.

Mr. Wright made a motion to approve **Resolution No. 4418-10**. 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. 4419-10 – AUTHORIZE INSTALLATION OF FIRE HYDRANTS – CHACE LAKE PHASE 3**

The City Attorney read Resolution No. 4419-10. This would authorize the installation of fire hydrants in certain locations within Chace Lake Phase 3 subdivision.

Mr. Wright made a motion to approve **Resolution No. 4419-10**. 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. 4420-10 – AUTHORIZE ACCEPTANCE OF PUBLIC IMPROVEMENTS-GROVE BOULEVARD & PRESERVE PARKWAY**

The City Attorney read Resolution No. 4420-10. This would accept maintenance of public improvements for Preserve Parkway and for Lots 1A-10 The Grove.

Mr. Wright made a motion to approve **Resolution No. 4420-10**. 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. 4421-10 – AUTHORIZE THE MAYOR TO EXECUTE INTERJURISDICTIONAL AGREEMENT WITH JEFFERSON COUNTY FOR STORMWATER MANAGEMENT**

The City Attorney read Resolution No. 4421-10. This would authorize the Mayor to execute an interjurisdictional agreement with Jefferson County for stormwater management.

Mr. Wright made a motion to approve **Resolution No. 4421-10**. 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. 4422-10 – DECLARE PROPERTY LOCATED AT 2300 SAVOY STREET TO BE A PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS**

The City Attorney read Resolution No. 4422-10. This would declare the property at 2300 Savoy Street to be a public nuisance due to an over abundance of weeds and/or grass on the property.

Mr. Wright made a motion to approve **Resolution No. 4422-10**. This motion was seconded by Mr. Skelton.

Mr. Robert Macke, Zoning Inspector with the City of Hoover Building Inspections Department came forward at this time with a presentation of photographs regarding the property at 2300 Savoy Street. The City Attorney asked Mr. Macke if the photos accurately represent the condition of the premises at 2300 Savoy Street. Mr. Macke replied that they do. The City Attorney asked if the grass at that height is creating a hazard as noted in the resolution in relation to the general health, safety and welfare to the citizens of the City of Hoover. Mr. Macke replied affirmatively. The City Attorney stated he had no further comments.

Mr. Ivey called for discussion. Mr. Skelton asked the City Attorney if this situation had been presented to the Council before. Mr. Boardman replied that it had and the matter has been tied up in an estate that was in Probate Court in Bessemer and has now been removed to Circuit Court in Jefferson County. Mr. Boardman stated it was an ongoing problem and will definitely be back again. Ms. Morrison asked if the resolution passes will the City's action be limited to only cutting the grass. Mr. Boardman replied that it would but the City first has to give 21 days notice which means it will skip the next meeting and be brought back to the Council again for authority to actually cut the grass. He said that unfortunately it would be another month before the City gets out there but that is all Alabama law allows. Ms.

Morrison asked about the building that looks somewhat like a garage. Mr. Boardman replied that condemnation proceedings had been initiated on that and there is also a bread truck that appears to be inoperable and if it is inoperable it is supposed to be in a location where you can't see it from the street so that is part of the condemnation process. He said unfortunately that requires 45 days notice and then there is a 30 day right to appeal to the Council so it will be a much longer process. Ms. Morrison clarified that the sooner we get started the better off we are. Mr. Boardman agreed. She asked if the condemnation process is successful would it be to tear down the building. Mr. Boardman said the residence would probably not be torn down because the Council has the authority to order it improved. But the building that has been under construction for five years will probably be determined unsafe by Building Inspections officials and will have to be torn down. Ms. Morrison asked about the automobile. Mr. Boardman said it would have to be removed because it is in violation of the ordinance unless they can get the attorneys of the estate to come in and do something. Ms. Morrison asked if the estate being tied up in court renders a stay on all of this similar to being held up by bankruptcy. Mr. Boardman said that is not necessarily so because it is already in Probate Court the City has a ready avenue to follow so hopefully we would get much quicker action. Ms. Morrison asked about the filing of a lien in the Probate process; would we be able to regain what we spend on this. Mr. Boardman said yes and stated he doesn't believe this property has a mortgage on it so Hoover should be able to get every dime back. Ms. Morrison thanked him and said she had no more questions.

Mr. Ivey asked for any further discussion or comments from the audience. There being none, on voice vote the motion carried unanimously.

9. **2ND READING ORDINANCE NO. 10-2192 – ANNUAL TAX LEVY**

The City Attorney had the second reading of Ordinance No. 10-2192. This ordinance would provide for the annual levying of municipal taxes.

Mr. Wright made a motion to adopt **Ordinance No. 10-2192**. This motion was seconded by Mr. Skelton.

Mr. Ivey called for any comments or questions. Mr. Gene Smith asked to clarify that the City is not adjusting anything they are just passing what has already been in place. Mr. Robert Yeager, Finance Director said that is correct. Mr. Ivey called for any other questions or comments from the audience there being none, he then called for a roll call vote on the motion to adopt.

On roll call the votes of the Council were as follows: Mr. Ivey, "Yea", Dr. Lott, "Yea", Ms. Morrison, "Yea", Mr. Skelton, "Yea", Mr. Smith, "Yea", and Mr. Wright, "Yea". The motion carried.

10. **PUBLIC HEARING - CONDITIONAL USE – SALE OF OFF PREMISE ONLY
BEER AND RETAIL WINE – INDIA HERITAGE – 3137 LORNA RD., STE. 7**

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 June 7, 2010 City Council meeting. This motion was seconded by Dr. Lott.

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

11. **SET PUBLIC HEARINGS FOR MONDAY, JUNE 7, 2010 AT 6 P.M. TO CONSIDER THE FOLLOWING:**

- a. Evan Terry, representing Aldersgate United Methodist Church, is requesting **Conditional Use** approval for the property located at **901 Ross Bridge Parkway** to be used for the new site of **Aldersgate United Methodist Church**. The property is owned by United States Steel Corporation and is zoned PR-1 Planned Single Family. (*P&Z Case #C-0510-07*)
- b. Stuart A. Garrett, representing **Riverchase United Methodist Church**, is requesting **Conditional Use** approval for additions to be built on the property located at **1953 Old Highway 31**. The property is owned by Riverchase United Methodist Church and is zoned R-1 Single Family District. (*P&Z Case #C-0510-08*)

12. **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 called for additional comments or questions. There being none, the meeting was adjourned.

Margie Handley
City Clerk