

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: June 21, 2010
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Dr. Trey Lott, Council Member
Mr. John Greene, Council Member
Ms. Mari Morrison, Council Member
Mr. Brian Skelton, Council Member
Mr. Gene Smith, Council Member

ABSENT: Mr. Jack Wright, Council President Pro-Tempore

ALSO PRESENT: Mr. Phil Hutcheson, City Attorney
Mr. Allen Pate, Executive Director
Chief Nick Derzis, Police Chief
Mr. Bob House, House Consultants
Mr. Richard Johnson, Director, Inspection Services
Mr. Rod Long, City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Ben Powell, Director Support Services
Mr. Tim Westhoven, Asst. Executive Director
Chief Frank Brocato, Fire Marshal
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.

The Boy Scouts Troop 226 led those present in the Pledge of Allegiance.

1. **REPORTS**

Mr. Ivey stated it would be necessary to reschedule the Monday, July 5, 2010 regular meeting to Tuesday, July 6, 2010, at 6 p.m. due to the Fourth of July holiday.

Mr. Ivey then recognized Capt. Ken York of the Hoover Police Department.

Captain York addressed the Council regarding the **Edward Byrne Memorial Justice Assistance Grant**. He stated this is the second opportunity they had to apply for this grant and they were told they were eligible for \$17,000 and the funds could be applied to any project they were working on. He said the project they are working on right now is the **eCITATION** project to get each of the patrol cars an **eCITATION** scanner and the software to go with it. He explained this is an electronic form of documenting traffic citations and it is very efficient, very clear and neat and allows the officers to spend a shorter time on the side of the road with violators because of the software. He said the units would cost about

\$890.00 per automobile according to the developer of the project, the University of Alabama, who was contracted out by the Department of Public Safety. He said they would do some comparison shopping and try to cut the amount down a little bit. He stated right now they have \$17,000 to be awarded toward the eCITATION project and they have 80 cars they would like to outfit.

Mr. Ivey asked if there were any questions for Captain York. Mr. Smith asked Captain York about Mr. Byrne's background. Captain York responded he was a New York City Police Officer who was killed in the line of duty. Mr. Smith thanked the Captain for his report. Mr. Ivey asked if there were any other questions, there were none and Mr. Ivey thanked Captain York for his presentation.

2. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the June 7, 2010 regular meeting and the June 17, 2010 work session.

Mr. Brian 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. 4426-10 – AWARD BID NO. 07-10 – FIRE SUPPRESSION SYSTEMS MAINTENANCE**

The City Attorney read Resolution No. 4426-10. This would award Bid No. 07 -10 for Fire Suppressions System Maintenance Part I to Standard Fire Equipment in the amount of \$2,068.65; Part II to International Fire Protection in the amount of \$8,400.00; Part III there was no award and Part IV awarded to Cole Equipment in the amount of \$13,290; these being the lowest responsible bidders meeting all specifications and requirements.

Mr. Skelton made a motion to approve **Resolution No. 4426-10**. This motion was seconded by Dr. Lott.

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

4. **RESOLUTION NO. 4427-10 – VACATION OF EASEMENT – LOT 34, 2ND ADDITION TO RIVERCHASE WEST – 1934 LEMON MINT DRIVE (P&Z CASE #S-0610-19)**

The City Attorney read Resolution No. 4427-10. This would vacate 6' of an existing 20' easement on the property at 1934 Lemon Mint Drive.

Mr. Skelton made a motion to approve **Resolution No. 4427-10**. 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. 4428-10 – DECLARE PROPERTY LOCATED AT 1128 REGENT DRIVE TO BE A PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS**

Mr. Ivey stated he had been notified by the City Attorney that the grass has been cut and the property is in compliance. He asked the City Attorney if that was correct. The City Attorney replied it was correct. Mr. Ivey stated he needed a motion to withdraw the Resolution.

Mr. Skelton made a motion to **withdraw Resolution No. 4428-10**. 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. 4429-10 – DECLARE PROPERTY LOCATED AT 1770 DEO DARA DRIVE TO BE A PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS**

Mr. Ivey stated this was for property that has also been cleaned up. He asked if the property is now in compliance. The City Attorney replied that is correct. Mr. Ivey said he needed a motion to withdraw the resolution.

Mr. Skelton made a motion to **withdraw Resolution No. 4429-10**. 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. 4430-10 – AUTHORIZE TRAVEL EXPENSE ADVANCE FOR NEIL BYRD**

The City Attorney read resolution No. 4430-10 authorizing a travel expense advance for Lt. Neil Byrd to attend the FBI Academy in Quantico, VA on July 11-17, 2010.

Mr. Skelton then made a motion to approve **Resolution No. 4430-10**. This motion was seconded by Dr. Lott.

Mr. Ivey called for discussion. There being none, on voice vote the motion carried unanimously. Mr. Skelton asked Chief Derzis to convey their congratulations to Lt. Neil Byrd.

8. **RESOLUTION NO. 4431-10 – AUTHORIZE MAYOR TO EXECUTE A CONSTRUCTION ENGINEERING AND INSPECTION SERVICES AGREEMENT WITH GONZALEZ STRENGTH & ASSOCIATES FOR LANDSCAPE IMPROVEMENTS AT I-65 AND US HIGHWAY 31.**

The City Attorney read Resolution No. 4431-10 that would authorize the Mayor to execute a construction engineering and inspection services agreement with Gonzalez Strength & Associates. The project is 100% reimbursable by the Alabama Department of Transportation.

Mr. Skelton made a motion to approve **Resolution No. 4431-10**. This motion was seconded by Dr. Lott.

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

9. **RESOLUTION NO. 4432-10 – DECLARE SALES TAX HOLIDAY 2010**

The City Attorney read Resolution No. 4432-10 that would declare a sales tax holiday for 2010 beginning at 12:01 a.m. on Friday, August 6th and end at 12:00 Midnight on Sunday, August 8th, 2010.

Mr. Skelton made a motion to approve **Resolution No. 4432-10**. This motion was seconded by Dr. Lott.

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

10. **ACCEPTANCE OF DEEDS FOR STORM WATER DRAINAGE EASEMENT**

RESOLUTION NO. 4433-10 – GRANTOR – KOREAN CATHOLIC CHURCH (BISHOP OF BIRMINGHAM)

The City Attorney read Resolution No. 4433-10 that would authorize Mayor Tony Petelos to accept the deed for an easement. This easement is located on property belonging to the Birmingham Diocese (Korean Catholic Church) at 759 Valley Street.

Mr. Skelton made a motion to approve **Resolution No. 4433-10**. This motion was seconded by Dr. Lott.

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

RESOLUTION NO. 4434-10 – GRANTOR – BLUFF PARK UNITED METHODIST CHURCH

Mr. Ivey continued with Resolution No. 4434-10 under the same item number that would authorize the Mayor to accept the deed for an easement. This easement is located on property belonging to the Bluff Park United Methodist Church at 733 Valley Street.

Mr. Skelton made a motion to approve **Resolution No. 4434-10**. This motion was seconded by Dr. Lott.

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

11. **RESOLUTION NO. 4435-10 – BUDGET AMENDMENT FYE 9/30/10**

The City Attorney read Resolution No. 4435-10. This would amend the Budget for Fiscal Year Ending 9/30/10 as shown on the Exhibit "A" attached to the resolution.

Mr. Skelton made a motion to approve **Resolution No. 4435-10**. This motion was seconded by Dr. Lott.

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

12. **SET PUBLIC HEARINGS FOR MONDAY, JULY 19, 2010 AT 6 P.M. FOR ITEMS APPROVED AT 6/14/10 PLANNING AND ZONING MEETING:**

Mr. Ivey stated public hearings are hereby set for Monday, July 19, 2010 at 6 p.m. to consider the following requests which were approved at the June 14, 2010 Planning and Zoning Commission:

- a. Walgreen Company is requesting **Conditional Use** approval to allow the off premises only sale of beer and wine at **Walgreens** located at **2505 Highway 150**. This property is owned by RKM Stadium Trace, LLC, and is zoned PC Planned Commercial (*P&Z Case #C-0610-09*).
- b. Walgreen Co. is requesting **Conditional Use** approval to allow the off premises only sale of beer and wine at **Walgreens** located at **4700 Highway 280, Suite 1**. This property is owned by The Mandala Project, LLC, and is zoned PC Planned Commercial (*P&Z Case #C-0610-10*).
- c. Billy Silver, representing USS Real Estate, is requesting approval of an Amendment to the Development Criteria for the Planned Commercial District of The Preserve Planned Unit Development (The Preserve Town Center) to revise the Definition of Live/Work Units with regard to the existing live/work building. This property is located at **616 Preserve Parkway**, owned by USS Real Estate, and is zoned PC Planned Commercial. (*P&Z Case #Z-0610-04*)
- d. Billy Silver, representing United States Steel Corporation, is requesting to **rezone** approximately 25 acres located on the north side of Hwy 150 between The Grove development and Crest Lake (**2415 John Hawkins Parkway**), owned by US Steel Corporation, from NZ (not zoned) to C-2 Community Business District (*P&Z Case #Z-0510-02*)

The City Attorney had the **first reading of Ordinance No. 10-2193**.

- e. David L. Smith, 2435 Savoy Street, is requesting to **rezone** approximately 4.26 acres of property located at **2435 Savoy Street** from A-1 (Agriculture District) to R-1 (Single Family District). This property is owned by H & S Realty Company, Inc. (*P&Z Case #Z-0610-03*)

The City Attorney had the **first reading of Ordinance No. 10-2194**.

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 asked for any comments from the Council. Mr. John Greene stated that a Hoover citizen, Mr. Arnold Singer, has presented a request to the Hoover School Board asking that board

members use a public address system during their meetings so that all the citizens in attendance can hear what is being discussed. Mr. Green said he would like to thank Mr. Singer for bringing this concern to light and encourage the Hoover School Board to begin utilizing such a system as soon as possible. Mr. Ivey thanked Mr. Greene for his comments.

Mr. Skelton then stated he would like to thank Mayor Petelos for his initiative on the sales tax holiday. He said several people had been asking about it and he appreciates the Mayor's support on that. He stated our visitors and citizens look forward to the sales tax holiday.

Mr. Ivey asked for any other comments from the Council or any other comments or questions from the audience. There being none Mr. Ivey adjourned the meeting.

Lisa Lindsey
Assistant City Clerk