

**HOOVER CITY COUNCIL
MINUTES OF MEETING**

DATE: Monday, July 19, 2010
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Tony Petelos
Mr. Gary Ivey, Council President
Mr. Jack Wright, Council President Pro-Tempore
Mr. John Greene, Council Member
Dr. Trey Lott, Council Member
Ms. Mari Morrison, Council Member
Mr. Gene Smith, Council Member
Mr. Brian Skelton, Council Member

ALSO PRESENT: Mr. Mark Boardman, City Attorney
Chief Nick Derzis, Police Department
Ms. Susan Fuqua, Director, Municipal Court
Mr. Tommy Daniel, Director, Public Works
Mr. Bob House, House Consultants
Chief Chuck Wingate, Fire Department
Mr. Richard Johnson, Director, Inspection Services
Mr. Chris Reeves, Assistant City Engineer
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Craig Moss, Director, Park 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.

The City Clerk then gave the invocation.

Mr. Greene led those present in the Pledge of Allegiance.

1. **APPROVAL OF MINUTES**

Mr. Ivey stated each member of the Council had previously received a copy of the minutes of the July 6, 2010 regular meeting and the July 15, 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.

2. **RESOLUTION NO. 4439-10 – AUTHORIZE ADDING AND REMOVING SIGNATURES FROM PRISONER ESCROW ACCOUNT.**

The City Attorney read Resolution No. 4439-10. This would authorize adding and removing signatures from the prisoner escrow account.

Mr. Wright made a motion to approve **Resolution No. 4439-10**. This motion was seconded by Mr. Skelton.

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

3. **RESOLUTION NO. 4440-10 – AMEND BUDGET FYE 9/30/10**

The City Attorney read Resolution No. 4440-10. This would amend the Budget for Fiscal Year Ending September 30, 2010 as shown on the Exhibit “A” attached to the resolution.

Mr. Wright made a motion to approve **Resolution No. 4440-10**. 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. 4441-10 – AUTHORIZE THE MAYOR TO EXECUTE COURT REFERRAL OFFICER CONTRACT**

The City Attorney read Resolution No. 4441-10. This would authorize the Mayor to execute a contract for the Court Referral Officer.

Mr. Wright made a motion to approve **Resolution No. 4441-10**. This motion was seconded by Mr. Skelton.

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

5. **RESOLUTION NO. 4442-10 –ACCEPT MAINTENANCE OF DRAINAGE IMPROVEMENTS IN THE CHESTNUT RIDGE AT BROCK’S GAP 1ST SECTOR SUBDIVISION**

The City Attorney read Resolution No. 4442-10. This would authorize the acceptance of public improvements in the Chestnut Ridge At Brock’s Gap 1st Sector subdivision located in Trace Crossings.

Mr. Wright made a motion to approve **Resolution No. 4442-10**. This motion was seconded by Mr. Skelton.

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

6. **RESOLUTION NO. 4443-10 – AUTHORIZE THE MAYOR TO EXECUTE RENEWAL CONTRACT WITH JEFFERSON COUNTY, OFFICE OF SENIOR CITIZENS SERVICES**

The City Attorney read Resolution No. 4443-10. This would authorize the Mayor to execute a renewal contract with the Jefferson County Office of Senior Citizens Services.

Mr. Wright made a motion to approve **Resolution No. 4443-10**. This motion was seconded by Mr. Skelton.

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

7. **ABC APPLICATION – ON/OFF PREMISE BEER AND WINE – BELLA CUCINA, INC., D/B/A/ BELLA CUCINA – 611 DOUG BAKER BLVD., SUITE 103 (RE-ISSUANCE OF AN EXPIRED ABC LICENSE)**

Mr. Ivey stated a motion was in order to approve the ABC Application for Bella Cucina, Inc., located at 611 Doug Baker Blvd., Ste. 103 for the on and off premise sale of beer and wine. This is a re-issuance of an expired ABC license.

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

8. **1ST READING ORDINANCE NO. 10-2195 – AMEND MUNICIPAL CODE REGARDING AMBULANCE SERVICES**

The City Attorney had the first reading of Ordinance No. 10-2195. This would amend Sections 8-231 through 8-280 of the Hoover Municipal Code.

Mr. Ivey stated this ordinance will have its second reading and consideration for adoption on Monday, August 2, 2010.

9. **1ST READING ORDINANCE NO. 10-2196 – AMEND MUNICIPAL CODE REGARDING FIRE DUES FOR ESTABLISHMENTS OUTSIDE THE HOOVER CITY LIMITS**

The City Attorney had the first reading of Ordinance No. 10-2196. This would amend Section 7-2 of the Hoover Municipal Code.

Mr. Ivey stated this ordinance will have its second reading and consideration for adoption on Monday, August 2, 2010.

10. **PUBLIC HEARING - CONDITIONAL USE – OFF PREMISE BEER AND WINE – WALGREENS – 2505 HIGHWAY 150**

Mr. Ivey stated this is the public hearing to consider the request of Walgreen Co. for Conditional Use approval to allow the sale of off premise retail beer and table wine at Walgreens, located at 2505 Highway 150. This property is owned by RKM Stadium Trace, LLC, and is zoned PC Planned Commercial.

Ms. Morrison made a motion to approve the **conditional use**. This motion was seconded by Dr. Lott.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

Ms. Morrison made a motion to approve the **ABC Application for Walgreen Co.** This motion was seconded by Dr. Lott.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

11. **PUBLIC HEARING - CONDITIONAL USE – OFF PREMISE BEER AND WINE – WALGREENS – 4700 HIGHWAY 280, STE. 1**

Mr. Ivey stated this is the public hearing to consider the request of Walgreen Co. for Conditional Use approval to allow the sale of off premise retail beer and table wine at Walgreens, located at 4700 Highway 280, Ste. 1. This property is owned by Mandala Project LLC, and is zoned PC Planned Commercial.

Ms. Morrison made a motion to approve the **conditional use**. This motion was seconded by Dr. Lott.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

Ms. Morrison made a motion to approve the **ABC Application for Walgreen Co.** This motion was seconded by Dr. Lott.

Mr. Ivey called for any comments or questions; there being none, on voice vote the motion carried unanimously.

12. **PUBLIC HEARING – CONSIDER REQUEST FOR APPROVAL OF AN AMENDMENT TO THE DEVELOPMENT CRITERIA OF THE PLANNED COMMERCIAL DISTRICT OF THE PRESERVE PLANNED UNIT DEVELOPMENT (THE PRESERVE TOWN CENTER) TO REVISE THE DEFINITION OF LIVE/WORK UNITS FOR THE EXISTING BUILDING AT 616 PRESERVE PARKWAY**

Mr. Ivey asked the City Attorney to present the next request. The City Attorney stated this is a public hearing to consider the request submitted by Billy Silver, representing USS Real Estate, for approval of an Amendment to the Development Criteria of 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 and is P&Z Case #Z-0610-04.

Dr. Lott made a motion to deny the request. Mr. Ivey explained that with a public hearing any discussion should take place first. Mr. Ivey asked if anyone was present to represent the request.

Mr. Billy Silver came forward at this time to address those present. He stated that presently in The Preserve they have the 9 unit condominium described as a live/work building. Per the original specifications you can only have commercial uses on the first floor and all the commercial uses are outlined in the original PUD so the uses do not change as approved originally. He said that the live/work has residential on the second floor and also the first floor so technically the residential could occupy the first and second floor and only commercial on the first floor. The request is to allow commercial uses on the first and second floor and restrict the residential where it cannot occupy the storefront space on the Parkway. So residential would only be on the top floor and in the rear of the building where it has already been constructed. But commercial uses would be allowed on the first and second floor.

Mr. Ivey asked if there were any questions for Mr. Silver. Ms. Morrison asked if currently they can have residential on the top floor on the back and on the lower floor. Mr. Silver stated that was correct so that the entire upstairs and downstairs under the present live-work definition can be residential but they will remove that restriction where it can only be commercial on the store front first floor. Ms. Morrison asked if they wanted to keep commercial on the bottom front. Mr. Silver said that was correct. Ms. Morrison clarified that currently it was set up so that there can be residential on the bottom front and residential upstairs. Mr. Silver replied that was correct but there could be no commercial upstairs currently. Mr. Ivey then stated that his concern in creating additional commercial is with the parking situation in the middle of a residential district. Mr. Silver replied that the units are restricted in size as regards the number of occupants and he said he believed they already have some additional parking on the part they have already constructed. He said additional parking can be added as the Town Center is built. He said there is adequate parking presently to accommodate the one building that is there. Mr. Ivey asked if there were any other questions.

Mr. Wright asked Mr. Silver if there were plans to build any more of these buildings. Mr. Silver stated that is unknown right now as far as construction of buildings in the future portion of the Town Center; it could be all commercial or live/work. Mr. Silver stated that none of the constraints would change as far as what was approved in the original PUD. Mr. Greene asked for an example of what type commercial businesses they have in mind for this building. Mr. Silver stated the market shows typically an office type of use. He said they have a law office that is interested and typically mostly retail, restaurants, clothing stores and that type use would probably serve the first floor the best.

Mr. Gene Smith asked Mr. Bob House if he could verify there is appropriate parking if both levels are commercial. Mr. House replied that there is not currently if both levels were commercial then the building center plan would have to be modified to provide more parking. Mr. Smith asked if they would have available space to create that parking. Mr. House stated if they lose buildings, then yes. Mr. Smith asked if any of the second floor is presently occupied. Mr. Silver replied yes, that three of the units are presently occupied as residential. Mr. Silver stated there are two parking spaces per unit in the rear for the upstairs, dedicated just to the upstairs. Mr. Ivey asked if the units sell or are they rentals. Mr. Silver replied the units are leased.

Ms. Morrison said she believed that at the work session Mr. Silver had stated all the units have elevators. Mr. Silver said no, there are no elevators. Ms. Morrison said she was thinking about handicap accessibility if the upstairs is commercial and they would have to have the elevators or some access. Mr. Silver said that his understanding now is that the elevator would not be required. Ms. Morrison asked about designated handicap parking spaces currently or would they have to be incorporated in the parking scheme that Mr. House is talking about. Mr. Silver said there is no designated handicap parking that's already been constructed whereas the ramps are in place with the curb cuts. Ms. Morrison asked if it is turned into commercial does there have to be designated handicap parking. Mr. House replied yes. Ms. Morrison asked if they had made plans for that. Mr. Silver replied that they

have the commercial already built downstairs so everything was already built according to the approval process. Mr. Silver said there are spaces that could be easily identified as handicapped parking so that will not be a problem. Ms. Morrison said she thinks there is a certain formula for the size of the unit and the number of handicap spaces that are required, there's a little bit more to it than just changing some spaces to handicap. She asked about the price of the residential units upstairs. Mr. Silver replied that all units are over \$400,000. Ms. Morrison stated then it is considered a unit upstairs and a unit downstairs. Mr. Silver replied that is correct. Ms. Morris said if someone bought it they would be over \$800,000. Mr. Silver said yes, if they bought the top and bottom.

Mr. Gene Smith then asked Mr. House what the ADA requirements are for citizens with special needs as far as access to the second level if it is commercial. Mr. House stated he would refer Mr. Smith to Mr. Richard Johnson the Building Official. Mr. Johnson stated that previously the primary use of the property was residential in nature so it did not require access. He said if it is converted to commercial then handicap parking would have to be required. Mr. Smith asked about access to the second level. Mr. Johnson replied that an elevator would not be required to the second floor as there is enough space in the rear of these units to allow any mandatory space functions of the commercial businesses to operate on the main level entry. Mr. Smith asked about the second level entry. Mr. Johnson replied that to create access an elevator would be required.

Mr. Ivey asked if there were any other questions from the council and there were none at this time. He stated that they may have more questions later but they first want to hear from the public. Mr. Ivey asked if anyone was present to speak regarding this request. There was no one present that wished to speak. Mr. Ivey then asked for additional comments or questions from the Council. Mr. Smith asked Mr. Silver why, at this point, do they want to adjust to allow commercial when in the original PUD it was going to be residential only. Mr. Silver replied it was mainly because of marketability. He said that purchasing the units was very restrictive so it seems it may be a better use to allow office and commercial type uses instead of the residential. He said there is a similar development in Mt. Laurel that originally was a live/work type setup and now is all office, all commercial. Mr. Smith asked if Mt. Laurel was used as the example when this was brought forward to the City. Mr. Silver said he was not sure if it was used as an example originally but he believes it was constructed prior to the Preserve's building being constructed. Mr. Smith asked if Mt. Laurel was constructed as a residential/commercial as currently zoned in The Preserve. Mr. Silver replied yes.

Mr. Greene asked about the residents who currently live there now in the back. He said he has not personally heard from them and asked if Mr. Silver had talked to them. Mr. Silver stated he had not talked directly to them. Mr. Silver said that one of the residents is actually building a house in The Preserve right now so it is temporary for one of the three.

Ms. Morrison had a question about parking and asked if any of the land that is currently designated as a park or common area will have to be taken away. Mr. Silver stated he did not think so because in looking at the plan they have excess parking per the original town center plan so space is available for additional parking once the town center is built as a whole. Ms. Morrison clarified that nothing would be taken from the town center. Mr. Silver said he

would like to say they would not be building that additional structure and run into that parking issue with an additional building.

Mr. Ivey asked for any other questions by the Council or any other comments by the audience. There were none and Mr. Ivey opened up the floor for a motion. Dr. Lott made a motion to **deny** the request. This motion was seconded by Mr. Skelton. On voice vote the motion carried unanimously.

14. **PUBLIC HEARING – ORDINANCE NO. 10-2193 - CONSIDER REQUEST TO REZONE APPROXIMATELY 25 ACRES LOCATED ON THE NORTH SIDE OF HWY 150 BETWEEN THE GROVE DEVELOPMENT AND CREST LAKE AT 2415 JOHN HAWKINS PARKWAY FROM NZ (NOT ZONED) TO C-2 COMMUNITY BUSINESS DISTRICT**

The City Attorney read the request of Billy Silver, representing United States Steel Corporation, 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.

Mr. Mike Robertson of US Steel Real Estate came forward to address those present. He presented an illustration of the subject property shown in red and its juxtaposition to surrounding properties and their zonings. He said the property contains 25.26 acres and is adjoined on the East by The Grove shopping center, fronts Highway 150 for about 1300 feet and adjoins on the South side of Highway 150 industrial properties and on the West it adjoins the Lake Crest community and the lake. He stated the illustration also reflects the required setbacks for C2 zoning. Mr. Robertson pointed out this is a conceptual site plan that reflects their current thinking about the land uses on the site that include hotel, restaurant and office uses. He said that the required buffers for C2 zoning are also shown on the plan and he outlined the 100' buffer that is required for the zoning. Mr. Robertson went over the proposed access to the site, the location of the office buildings, the hotel's location, a restaurant and an out parcel that could be a small restaurant or a shop. He said the map also reflects the proposed buffer between the commercial and the adjoining Lake Crest neighborhood and he noted that the buffer varies in width from 100 feet to over 200 feet. He continued to discuss the buffer and further reviewed the proposed plan. He said the information provided illustrates the quality of the buffer. He then went over the drainage on the site using the illustrations.

Mr. Smith asked about the identified tree save area and if any of it was going to be completely undisturbed or will part of it have to be replanted. Mr. Robertson stated it would be completely undisturbed. Mr. Smith asked if US Steel intends to build out the project itself. Mr. Robertson said that is not 100% known today but they will be involved although he cannot guarantee they will develop the site partially or fully at this point in time. Mr. Smith stated he was concerned that with this being conceptual in nature and if provided with the zoning requested there are many things that can occur and once it is rezoned the City will

have limited control. He said that without really knowing what is going to go there and who is going to build it he has an issue with it.

Mr. Robertson stated that certainly the C-2 zoning allows a range of uses but they think the best use for the site is what they have presented and it would be in their interest to see that it takes place whether or not they do it themselves. Mr. Smith then stated if they have trouble with it and someone else comes along with another idea they could sell it to them. Mr. Robertson said he would think at that point they are still going to have to present a plan to the City that would have to be approved, a development plan, plat, etc. Mr. Smith asked Mr. House if the zoning is approved as C-2 then as long as they comply with C-2 whether the City likes it or not then there is little recourse to have input. Mr. House replied that is correct unless they restrict it to certain uses as far as the zoning conditions.

Mr. Ivey then stated that he has a real concern based on the A & B drawings. He is OK with the plan for run-off from the hotel but he thinks there is a real potential for jeopardizing the lake with run-off from the proposed offices right on the crest. He said there have been issues in the City before with Paradise Lake and it is not a question of a bond it is when the lake is disrupted it is years before it is ever put back in its natural state. It is not a question of the money being there to put it back it is a matter of how long it takes to be put back in its natural state. By the drawings it looks very questionable whether there is going to be a real run-off problem on the proposed office. Mr. Robertson and Mr. Ivey continued to discuss the potential run-off situation while referencing the drawings.

Mr. Ivey asked for any further comments or questions. Mr. Jack Wright asked if the whole site plan is totally hypothetical. Mr. Robertson stated that is correct and there are presently no discussions with a hotel or any offices. Mr. Brian Skelton asked about proposed access to Alabama State Highway 150 and if that has been approved by ALDOT. Mr. Robertson told him there has been no ALDOT approval. Mr. Skelton asked what their next step would be if ALDOT would not approve the needed access. Mr. Robertson said that their thought is that they can work out a plan with ALDOT. They have a site that has adequate site distance according to the numbers they have with no major problems created by the traffic from the site. It is just a matter of getting in there and engineering it and they didn't want to start that process until they knew they would have their zoning. He said that certainly it would have to be addressed immediately before they are back with a plan. Mr. Smith then stated that traffic in and out of the site is not necessarily the issue rather if they have to traverse 4 lanes of traffic to go the other way. He said he believed that Mr. House said Thursday evening that there may be some site distance issues. Mr. Ivey asked Mr. House if the situation would require a signal. Mr. House stated that Mr. Chris Reeves of the city's engineering department may be able to answer that question. Mr. Reeves replied that would totally be up to ALDOT but depending on the layout it could possibly warrant a traffic signal but that is out of the City's hands and completely up to ALDOT. Mr. Ivey clarified that it is a possibility and Mr. Reeves replied yes.

Ms. Morrison then asked if US Steel is going to go in and do the engineering, grading and the layout or is that to be done by the buyer. Mr. Robertson replied that US Steel would do at least the initial work and the primary engineering on the site and work on the turnout right

there on Hwy. 150, preliminary grading, etc. He said they may end up developing the lots and selling them to, for instance, a hotel or an office use end user. He stated that is one likely scenario but he cannot guarantee it. Ms. Morrison stated she was asking because they said it definitely would have to be graded so it flows the other way and if US Steel is not doing the grading how do they control it. She said that what they are representing here tonight may not be the fact of what someone else who buys it wants to come in and do. She then asked if the area is rock. Mr. Robertson said there is a lot of rock. Ms. Morrison asked what is going to keep that buffer from sliding down when they are in the process of trying to grade and install sewer. She said that is a lot of blasting and asked how they are going to secure that side of the lake. Mr. Robertson said that it is easily done with proper planning. He said that obviously some rock has to be removed that will require some blasting but as little as they have to do. It's all in good site engineering, the hill is stable, and they may have to lower it 5 to 10 feet but it won't affect the stability of the hill. Mr. Ivey thanked him for his comments and stated the public would now have an opportunity to speak.

Mr. Rick Franks of 675 Lake Crest Drive came forward to speak and stated he has been a resident for 10 or 15 years and he also spoke at the Planning & Zoning meeting. He is the current President of the homeowner's association. He said they have over 600 homes in the development and he then asked for all Lake Crest residents in the chamber to raise their hands (the seating in the Council Chambers was filled to capacity with the majority of those present being Lake Crest residents). He stated to the Council that as they could see there is a great interest here. He said he would cover some of the same issues that were presented to the Planning & Zoning Commission regarding this particular proposal. He said that first, they all as residents oppose the rezoning as C2. It was mentioned that if this particular proposal does not go through they could have a strip mall or it could be anything like that at all. He said they are very, very concerned that any types of buildings on that particular site would decrease the value of their homes. He said they are proud of their Lake Crest community and they do not want to see a decrease in the value of their property but rather an increase in the value of their property. He said they are one of the few residential communities that have the close access to the Interstate system. He said they have already gone through the process with The Grove a few years ago as many of the present homeowners lived there at that time and they felt the blasts. Even though the State and the City of Hoover had requirements as far as distances everyone that lives in that neighborhood knows there is a lot of rock and is almost solid rock across the mountain top. He said that regarding the concerns that were addressed a few minutes ago with the silt run-off, even with the Grove development being on the far East side of that bluff, they had a lot of meetings with the developer and for that particular project they even posted a bond because they had some major concerns with silt run-off. He stated the real concern they have with the lake is blasting because there is an urban dam there and what could that do to the integrity of that dam. He next mentioned the traffic and he asked at the last meeting if there has been any type of traffic study made. He stated The Grove is in its infancy stage and eventually there is going to be more and more traffic going into that location. He said if you drive down on I-459 and drop off on Hwy. 150 going in either direction East or West you are already going to see rush hour traffic backed up now to I-459. If the State would even allow them to put a traffic light up there they are probably going to be within 500 feet or less of the light at The Grove. He said it was presented at the last meeting that the proposal is to remove the

existing road that leads to the AT&T tower and move it East toward the ridge about another 80 feet. He said that site is solid rock and he knew for a fact that the State did not do any blasting when they built that extension and the widened Hwy. 150. They used a chip and hammer type process and it took them a long time. He said there are residents in the audience tonight that have sustained some cracking of their foundation and some cracking in their tile work, etc. even when the blasting took place at The Grove. He then questioned why another hotel is being proposed on Hwy. 150 when there have been four built within the last two or three years. He said the background of the clientele staying in a hotel is unknown and expressed grave concern about the close proximity of the proposed hotel to their lake, walking trail, pool and neighborhood. He reiterated that Lake Crest has over 600 homeowners and they pay a lot of real estate taxes to the City of Hoover. He noted they have a lot of voters here too who would encourage the Council and US Steel to come to their next homeowner's meeting on August 2nd. At the time The Grove was being proposed the developer came to several of their meetings and discussed it and talked with them as regards their plans. He said that hasn't happened so far and they are open to that discussion. He then asked the Council if they lived in that neighborhood would they want that type of development in their back yard. He said even where he lives on Lake Crest Drive from the back of his deck he can see the top of that crest and even if they go in and cut off just the trees on the top of that crest it would drop the tree level down a minimum of probably 30, 40 or 50 feet. Any buildings constructed there will be seen in the summer with the trees as they are now and in the fall the leaves are going to be gone and you will see more and more of the buildings. He stated there are concerns even with lights at night and again with a traffic light. If office buildings are put in with 150 or 200 people per office building, along with a hotel, and if there is no traffic light there how are all these people going to get in and out of this location. He thanked the Council for hearing their concerns. In closing, he said they would certainly like to see the area preserved as it is now because the natural setting is the reason a lot of the homeowners located in Lake Crest. He stated the lake has been there a long time. It is a spring fed lake and it is stocked and they have a lot of interest in that location.

Mr. Gene Smith stated that he knows personally how he feels after what he's heard both Thursday and tonight but he doesn't know how the vote is going to go. He said it is hard to be able to say over the next 5, 10, 15 or 20 years that the property will never be developed unless you own it. So whatever happens tonight, if the residents obtain their wish that still does not mean that something won't be developed somewhere down the road and that is something that they need to think about as a neighborhood community....if not tonight then sometime.

Mr. Ivey asked if anyone else had any other comments, there were none and he asked for a motion. Dr. Lott made a motion to **deny Ordinance No. 10-2193**. Mr. Skelton seconded the motion. On roll call vote the votes were as follows; Mr. Ivey, aye; Mr. Green, aye; Dr. Lott, aye; Ms. Morrison, aye; Mr. Skelton, aye; Mr. Smith, aye; Mr. Wright, aye. The motion carried.

14. **PUBLIC HEARING – ORDINANCE NO. 10-2194 - CONSIDER REQUEST TO REZONE APPROXIMATELY 4.26 ACRES LOCATED AT 2435 SAVOY STREET FROM A-1 AGRICULTURE DISTRICT TO R-1 SINGLE FAMILY DISTRICT**

The City Attorney read the request of David L. Smith to rezone the property specified to R-1 Single Family District with attached legal description. Mr. Ivey stated that the request had been discussed at work session and he asked if anyone was present to represent the case. No one came forward to represent the case. Mr. Smith stated he wanted to have included in the minutes about the requirements in an R-1 to front a public street should Mr. Smith in fact want to develop additional dwellings on the property.

Mr. Ivey asked for any other comments from the council or anyone in the audience that would like to comment on this item. There were no further comments and Mr. Ivey stated he would entertain a motion. Mr. Smith made a motion to approve **Ordinance No. 10-2194**. Ms. Morrison seconded the motion. On roll call vote the votes were as follows: Mr. Ivey, aye; Mr. Green, aye; Dr. Lott, aye; Ms. Morrison, aye; Mr. Skelton, aye; Mr. Smith, aye; Mr. Wright, aye. The motion carried.

15. **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.

Mr. Smith stated he wanted to recognize and congratulate Mr. Hollis Hayes on winning the Freedom Award from the Chamber of Commerce. He stated he was not sure if the Mayor wanted to say anything about the Miss Hoover pageant but it was well attended and we have a new Miss Hoover.

Mr. Greene then stated that he wanted to say he is very pleased to see that Aldridge Gardens had received their remaining \$25,000.

There being no further comments or questions, the meeting was adjourned.

Margie Handley
City Clerk