

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** Monday, August 2, 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  
Dr. Trey Lott, Council Member  
Ms. Mari Morrison, Council Member  
Mr. Gene Smith, Council Member

**ABSENT:** Mr. John Greene, Council Member  
Mr. Brian Skelton, Council Member

**ALSO PRESENT:** Mr. Mark Boardman, City Attorney  
Captain Kip Cole, Police Department  
Ms. Susan Fuqua, Director, Municipal Court  
Mr. Bob House, House Consultants  
Mr. Rod Long, City Engineer  
Mr. Lance Weems, Park and Recreation Department  
Mr. Allen Pate, Executive Director  
Mr. Ben Powell, Director Support Services  
Mr. Tim Westhoven, Asst. Executive Director  
Chief Chuck Wingate, Fire Department  
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**

**Mayor Petelos** stated he attended the **funeral** today of 25 year old **Army Specialist Andrew Lee Hand**, killed in Afghanistan on July 24<sup>th</sup>. His father is a coach at Spain Park High School. He asked those present to remember the Hand family in their prayers during this difficult time.

**Mayor Petelos** then announced the death of Rebecca Olvey, a 17 year employee of the Hoover Library who passed away on Sunday, July 18<sup>th</sup> after a long battle with cancer. He asked that her family be remembered in prayer during this time as well.

2. **APPROVAL OF MINUTES**

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

3. **RESCHEDULE SEPTEMBER 6, 2010 MEETING TO SEPTEMBER 7, 2010**

Mr. Ivey stated a motion was in order to reschedule the Monday, September 6, 2010 meeting to Tuesday, September 7, 2010 at 6 p.m. due to the Labor Day holiday.

Mr. Wright made a motion to reschedule the meeting. 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. 4444-10 – AWARD BID 15-10 – ELECTRICAL SERVICES CONTRACT**

The City Attorney read Resolution No. 4444-10. This would award Bid No. 15-10 for Electrical Services Contract to Monroe Electric Company, Inc. in the amount of \$100 (total hourly rate); theirs being the lowest responsible bid meeting all specifications and requirements.

Mr. Wright made a motion to approve **Resolution No. 4444-10**. This motion was seconded by Dr. Lott. Mr. Ivey called for any discussion. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 4445-10 – AMEND BUDGET FYE 9/30/10**

The City Attorney read Resolution No. 4445-10. 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. 4445-10**. This motion was seconded by Dr. Lott. Mr. Ivey called for any discussion. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 4446-10 – AUTHORIZE ACCEPTANCE OF PUBLIC IMPROVEMENTS – PRESERVE PHASE VIII**

The City Attorney read Resolution No. 4446-10. This would authorize the acceptance of public improvements in the Preserve Phase VIII subdivision.

Mr. Wright made a motion to approve **Resolution No. 4446-10**. This motion was seconded by Dr. Lott. Mr. Ivey called for any discussion. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 4447-10 – DECLARE ITEMS AS SURPLUS AND SET DATE FOR PUBLIC AUCTION**

The City Attorney read Resolution No. 4447-10. This would declare city owned items as surplus and set the date for a public auction to be held on Friday, August 27, 2010, at 10:07 a.m. at the Hoover Public Safety Center, 2020 Valleydale Road.

Mr. Wright made a motion to approve **Resolution No. 4447-10**. This motion was seconded by Dr. Lott. Mr. Ivey called for any discussion. There being none, on voice vote the motion carried unanimously.

8. **RESOLUTIONS DECLARING PROPERTIES TO BE PUBLIC NUISANCES DUE TO WEEDS AND DEBRIS**

Mr. Ivey recognized the City Attorney regarding the following resolutions declaring properties to be public nuisances due to weeds and debris:

**Resolution No. 4448-10** – Property located at 2205 South Sanders Circle.

**Resolution No. 4449-10** – Property located at 2240 Rockcreek Trail.

The City Attorney requested these resolutions be continued to allow time for further investigation to ensure that certain improvements made to the property are sufficient to meet the City's requirements.

Mr. Wright made a motion to **continue** Resolutions 4448-10 and 4449-10 to the **September 7, 2010** meeting. This motion was seconded by Dr. Lott.

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

9. **RESOLUTION NO. 4450-10 – AMEND 2009 CDBG ACTION PLAN AND APPROVE 2010 CDBG ACTION PLAN**

The City Attorney read Resolution No. 4450-10. This would amend the 2009 Community Development Block Grant Action Plan and approve the 2010 Community Development Block Grant Action Plan.

Mr. Wright made a motion to approve **Resolution No. 4450-10**. This motion was seconded by Dr. Lott.

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

Mr. Smith stated he was pleased this would include funding for the City's fourth or fifth fully accessible playground.

10. **RESOLUTION NO. 4451-10 – ACCEPTANCE OF DRAINAGE EASEMENTS – 1108 COUNTRY CLUB CIRCLE AND 385 ROCKPORT LANE**

The City Attorney read Resolution No. 4451-10. This would authorize the acceptance of drainage easements on properties located at 1108 Country Club Circle (Riverchase) and 385 Rockport Lane (Inverness-Cobblestone).

Mr. Wright made a motion to approve **Resolution No. 4451-10**. This motion was seconded by Dr. Lott.

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

11. **2<sup>ND</sup> READING ORDINANCE NO. 10-2195 – AMEND MUNICIPAL CODE – AMBULANCE SERVICES**

Mr. Ivey stated a motion was in order to continue the second reading of this ordinance to allow time for additional review.

Mr. Smith made a motion to **continue** the second reading of Ordinance No. 10-2195 to the **August 16, 2010** meeting. This motion was seconded by Dr. Lott.

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

12. **2<sup>ND</sup> READING ORDINANCE N. 10-2196 – AMEND MUNICIPAL CODE – FIRE DUES**

The City Attorney had the second reading of Ordinance No. 10-2196. This ordinance would amend the Municipal Code, Chapter 7, Fire Prevention and Protection, Article I, Section 7-2, by repealing the current Section 7-2 in its entirety and replacing it with a new Section 7-2.

Mr. Smith made a motion to adopt **Ordinance No. 10-2196**. This motion was seconded by Mr. Wright. On roll call vote the votes of the Council were as follows: Mr. Ivey, “Aye”, Dr. Lott, “Aye”, Ms. Morrison, “Aye”, Mr. Smith, “Aye”, Mr. Wright, “Aye”. The motion carried unanimously.

13. **SET PUBLIC HEARING FOR MONDAY, AUGUST 16, 2010 AT 6 P.M. – CONDITIONAL USE – LIVE ENTERTAINMENT – BEEF O’BRADY’S – 5519 GROVE BLVD, SUITE 109 – GEORGE MCCLUNEY**

The City Attorney stated a public hearing is hereby set for Monday, August 16, 2010, at 6 p.m. to consider the request of George McCluney for conditional use approval at Beef O’Brady’s restaurant, 5519 Grove Blvd., Suite 109, to allow live entertainment in the dining room or on the fenced, outdoor patio and consisting of Acoustic Guitar/Vocalist, Jazz Trio, Karaoke (family friendly) and Sports Trivia during regular business hours Monday through Saturday, 11:00 a.m. until 11:00 p.m., and on Sundays 11:00 a.m. until 10:00 p.m. This property is owned by Kimco realty/KD Hoover and zoned PC Planned Commercial. *This case will be considered by the Planning and Zoning Commission at their August 9, 2010 meeting.*

14. **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 Dr. Lott.

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** congratulated **Mr. Wright on his son, John, coming home** from his deployment overseas.

Mr. Joe Rives, 3404 Wellford Circle, expressed his extreme displeasure at the travesty that is being put on the residents of the Patton Chapel Road corridor by Jefferson County as they have destroyed many old oak trees along the curve, mostly on the Douglas property, but also on the property across the road. He said it was scary to think of what this may lead to. He noted this is a Jefferson County project and he was surprised they were moving ahead with it being as the county is experiencing serious financial problems. The project involves increasing the radius of the curve (or straightening it out to some degree) which he believes will only allow people to

drive even faster than they do today. It is a very serious safety issue. He said there are large mature trees, mostly oak trees, along this road that are being torn down and is affecting the beauty of this area. He said any further widening of this road is going to put the road right up to the residents' front doors. He is very concerned about the decrease in property values in this area. He said it seems that most of this has been put on the residents of Hoover, most of which have lived there for many years. This is a residential area not a commercial area. He said he understands this is a county project but he was a little disappointed that the City of Hoover did not step in and put a halt on doing this to the residents of Hoover.

Mr. Wright asked how the City could do that. Mr. Rives said he did not know but he recalled it being stopped once before with communication from the Mayor to the County Commissioners. Mr. Rives said he would ask that the City do whatever it can to get on board to stop any further projects through this residential neighborhood to help promote safety, protect property values, and stop wasting tax payer money.

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

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Margie Handley  
City Clerk