

**REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF HOMEWOOD, ALABAMA**

January 11, 2016

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, January 11, 2016 at City Hall at 6:00 p.m. The invocation was given by Associate Pastor Bill Johnston of Dawson Memorial Baptist Church, after which the pledge of allegiance was given.

The meeting was called to order by Council President Pro Tempore, Peter Wright.

Upon Roll Call, the following were present: Michael Hallman, Britt Thames, Fred Hawkins, Vance Moody, Patrick McClusky, Barry Smith, Alex Wyatt, Rich Laws, and Peter Wright. Absent: Walter Jones and Bruce Limbaugh. Also present were: Mike Kendrick, City Attorney; and Linda Cook, City Clerk.

At this time, Mr. Thames moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of November 16, 2015 and approve them as distributed. Mrs. Smith seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

At this time, Mr. Wright amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 10.01.16 – Request for consideration of a variance to the Sign Ordinance at 1922 29th Avenue South – Ryan Carlson/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee; Item No. 11.01.16 – Request for consideration to purchase an ad in support of The 2016 Homewood Magazine – Patrick McClusky/Barry Smith – Finance Committee.

Mr. McClusky moved to approve the Council Agenda as amended. Mrs. Smith seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

No items.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 04.12.15 – Public Hearing January 11, 2016 for consideration of a variance to the Sign Ordinance at 801 Green Springs Highway – Pam Schiehl/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on January 4, 2016)

Mr. Wright declared the Public Hearing opened.

Mr. Wyatt stated that the Special Issues Committee met on January 4, 2016 and voted 3-0 to refer this Item back to the full Council without a recommendation pending the Public Hearing tonight.

Mr. Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to this Item.

Mr. Ryan Evers from Shrimp Basket Restaurants at 801 Green Springs Highway addressed the Council and presented revised sign plans. Mr. Evers stated that last week the Council asked him to bring a couple of sign options and, in the interest of expediency, the Shrimp Basket would go by whatever decision the Council made.

Mr. McClusky stated that he preferred the signage that the company was using at their other locations.

Mr. Wright stated that, to clarify, they were discussing the signs on the side awnings either having the names of the items they were serving or all of the awnings just having Shrimp Basket on them.

Mrs. Smith stated that it looked like they had taken a lot of the words out so it was not quite as many words on the sign as was previously submitted.

Mr. Wright asked Mr. Evers if they were okay with either option.

Mr. Evers replied that was correct.

Mrs. Smith asked if the restaurant name “Shrimp Basket” would be on the awning facing Green Springs Highway.

Mr. Evers replied yes.

Mr. Wright asked if there was anyone else in the audience who wished to speak in favor of, or in opposition to this Item. There was no response from the audience.

There being no further response from the audience, Mr. Wright declared the Public Hearing closed.

Mr. Wright asked if the Council had any questions or comments regarding this item.

Mr. McClusky stated that he was in favor of the signage with the menu item wording on the side awnings.

Mr. Wright stated that, to be clear, Mr. McClusky was in favor of the "Shrimp Basket" wording on the awning that faced Green Springs and the menu item wording would be on the side awnings.

Mr. Wright asked Mr. Greg Cobb of the Building, Engineering and Zoning Department to restate the variance.

Mr. Cobb replied that the variance for additional attached signs were not outside of the area limitations but were just additional attached signs.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-01

(A Resolution to approve a variance to the Sign Ordinance at 801 Green Springs Highway)

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-01. Mr. Hawkins seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried on an 8-1 vote. Mr. Hallman voted no.

The next item on the Agenda under Old Business was Item No. 08.12.15 – Public Hearing for consideration of a variance to the Sign Ordinance for businesses located at 800, 804 and 808 Green Springs Highway as recommended by the Council's Special Issues Committee – Monica Carroll/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on December 14, 2015).

Mr. Wright declared the Public Hearing opened.

Mr. Wyatt stated that the Special Issues Committee met on December 14, 2015 and voted 5-0 to refer this Item back to the full Council without a recommendation pending the Public Hearing and other options to be presented.

At this time, Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council and stated that he had not received any further communication from the applicant but what they presented was a monument sign very similar to what was there years ago. Mr. Cobb further stated that what was allowed was 22.5 feet tall and what was requested was 24 feet tall and the copy area allowed was 225 feet and what they requested was 336 feet but he had not heard back from their representatives, who he expected to be present tonight.

Mr. Wright asked if there had been some discussion of landscaping as well.

Mr. Cobb replied yes and that landscaping was required around the base of those monument signs.

Mr. Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to this Item. There was no response from the audience.

Mr. Wright stated that, without objection, the Public Hearing would be continued to the January 25, 2016 Council Meeting. There was no objection from the Council.

The next item on the Agenda under Old Business was Item No. 04.11.15 – Results of Bid Opening held Monday, December 7, 2015 at 5:30 p.m. for Landfill Services – Berkley Squires/General Services Director (Carried over from the December 21, 2015 Council Meeting).

Mr. Wright asked if there was anyone in the audience who wished to speak about this Item.

Mayor McBrayer addressed the Council and requested that the Item be carried over while they were getting estimates from others.

Ms. Cheryl Gracinn with Santek Environmental addressed the Council and stated she was curious about the results of the bid opening.

Mr. Wright stated that he did not have the results in front of him but the item had been carried over and asked if the results were public yet.

Mayor McBrayer replied no and that the results had not been sent to him.

Ms. Gracinn asked if the Item had been re-bid or extended.

Mr. Wright replied no, but the bid opening was held and it would become public at the next Council Meeting.

Ms. Gracinn stated that she read in the Homewood Star that they were the low bidder so they were anticipating moving forward.

Mr. Wright stated that this Item would be carried over to the January 25, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 20.11.15 – Request for consideration of Resolution No. 15-01 as application to the City Council for the Council to authorize the filing of the Amended Certificate of Incorporation to increase the number of members of the Board of Directors of the Homewood Downtown Redevelopment Authority to 13 members – City Attorney (Report – Special Issues Committee Meeting held on January 4, 2016 – Alex Wyatt, Chaired Meeting).

Mr. Wyatt stated that the Special Issues Committee met on January 4, 2016 and voted 3-0 to recommend this Item.

Mr. Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-02

(A Resolution to accept Resolution No. 15-01 as application to the City Council for the Council to authorize the filing of the Amended Certificate of Incorporation to increase the number of members of the Board of Directors of the Homewood Downtown Redevelopment Authority to 13 members)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-02. Mr. Laws seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.12.15 – Request for consideration of Resolution No. 15-01 as application to the City Council for the Council to authorize the filing of the Amended Certificate of Incorporation to increase the number of members of the Board of Directors of the Industrial Development Board to 13 members – City Attorney (Report – Special Issues Committee Meeting held on January 4, 2016 – Alex Wyatt, Chaired Meeting)

Mr. Wyatt stated that the Special Issues Committee met on January 4, 2016 and voted 3-0 to recommend this Item.

Mr. Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-03

(A Resolution to accept Resolution No. 15-01 as application to the City Council for the Council to authorize the filing of the Amended Certificate of Incorporation to increase the number of members of the Board of Directors of the Industrial Development Board to 13 members)

Mr. Wyatt then moved for the adoption and enrollment of Resolution No. 16-03. Mr. Thames seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 09.12.15 – Request to set a Public Hearing for January 25, 2016 at 6:00 p.m. and refer back to the Special Issues Committee this Item for consideration of a variance to the Sign Ordinance at 2801 18th Street South – Janene Sink/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on January 4, 2016 – Alex Wyatt, Chaired Meeting).

Mr. Wyatt stated that the Special Issues Committee met on January 4, 2016 and voted 3-0 to recommend a Public Hearing for January 25, 2016 and that the committee further recommended that this Item be referred back to the Special Issues Committee for further consideration and discussion.

Mr. Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation. There was no response from the Council.

Mr. Wyatt then moved to set a Public Hearing for January 25, 2016. Mr. Hawkins seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.12.15 – Request for consideration of a variance to the Cell Tower Ordinance at 1019 Oxmoor Road – Melissa Kirby/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee held on January 4, 2016 – Alex Wyatt, Chaired Meeting).

Mr. Thames moved to drop this Item. Mr. McClusky seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 22.11.15 – Request for consideration of traffic issues at or near the intersection of West Oxmoor Road and Huntington Glen/Park – Vance Moody/Donna Perrault (Report – Public Safety Committee Meeting held on January 4, 2016 – Patrick McClusky, Chair).

Mr. McClusky stated that the Public Safety Committee met on January 4, 2016 and voted 3-0 to recommend to the Finance Committee the purchase of a solar panel speed monitor as recommended by Chief Ross of the Homewood Police Department.

Mr. Wright asked if the Council had any questions or comments regarding the Public Safety Committee's recommendation. There was no response from the Council.

Mr. McClusky then moved to refer this Item to the Finance Committee. Mr. Hawkins seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion.

Mr. Moody asked if the Finance Committee should send the Item back to the Public Safety Committee for a follow up.

Mr. McClusky replied no, it could stay in Finance because Chief Ross and the Mayor could report to the Finance Committee and then it could come straight back to the full Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 14.12.15 – Request for consideration of an ABC – 020 – Restaurant Retail Liquor License Application for Real and Rosemary, LLC d/b/a Real and Rosemary located at 1922 29th Avenue South – Ryan Carlson/Real and Rosemary/City Clerk (Report – Public Safety Committee Meeting held on January 4, 2016 – Patrick McClusky, Chair).

Mr. McClusky stated that the Public Safety Committee met on January 4, 2016 and voted 3-0 to recommend having no objections to the issuance of an ABC – 020 – Restaurant Retail Liquor License Application for Real and Rosemary, LLC d/b/a Real and Rosemary located at 1922 29th Avenue South based on reports from the Police and Fire Departments.

Mr. Wright asked if the Council had any questions or comments regarding the Public Safety Committee's recommendation. There was no response from the Council.

Mr. McClusky then moved to having no objections to the issuance of an ABC – 020 – Restaurant Retail Liquor License Application for Real and Rosemary, LLC d/b/a Real and Rosemary located at 1922 29th Avenue South. Mr. Thames seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried on an 8-1 vote. Mr. Hallman voted no.

Ms. Jennifer Mims, owner of Real and Rosemary addressed the Council and stated that she was looking forward to opening sometime very soon and they would have clean proteins, a lot of vegetables, soups, salads and sandwiches.

The next item on the Agenda under Old Business was Item No. 11.12.15 – Request for consideration to increase the previously approved offer of \$240,000.00 to purchase the Fox property for the Greenway Trail Project to the appraised value of \$280,000.00, as required per the Right-of-Way Act Acquisition with Federal-Aid Construction Project guidelines – Keith Strickland/Goodwyn, Mills & Cawood, Inc./Jim Wyatt/Building, Engineering and Zoning Department (Report – Finance Committee Meeting held on January 4, 2016 – Walter Jones, Chair).

Mrs. Smith, reporting for Finance Chair, Walter Jones, stated that the Finance Committee met on January 4, 2016 and voted 3-0 to recommend the budget increase as requested per the Federal guidelines.

Mr. Wright asked Ms. Salter, Finance Director if a source of funding was identified.

Ms. Salter replied yes.

Mr. Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-04

(A Resolution to increase the previously approved offer of \$240,000.00 to purchase the Fox property for the Greenway Trail Project to the appraised value of \$280,000.00, as required per the Right-of-Way Act Acquisition with Federal-Aid Construction Project guidelines)

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-04. Mr. Hawkins seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.12.15 – Request to amend FY 15-16 budgets – Melody Salter /Finance Director (Report – Finance Committee Meeting held on January 4, 2016 – Walter Jones, Chair).

Mrs. Smith stated that the Finance Committee met on January 4, 2016 and voted 3-0 to recommend approving the budget amendments for FY 15-16.

Mr. Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-05

(A Resolution to amend FY 15-16 budgets)

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-05. Mr. Thames seconded the motion.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.12.15 – Request for consideration to use West Homewood Phase 1 monies to add fencing and seating at the corner of Oak Grove Road and Raleigh Avenue – Vance Moody/Fred Hawkins (Report – Finance Committee Meeting held on January 4, 2016 – Walter Jones, Chair).

Mrs. Smith stated that the Finance Committee met on January 4, 2016 and voted 3-0 to recommend spending up to \$3,000.00 to add fencing and seating on the corner of

Oak Grove Road and Raleigh Avenue contingent on additional funds being available after payment of invoice to Bulls Construction Group, Inc.

Mr. Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation.

Mr. Moody stated that the fencing came in at roughly \$2,800.00 which would pay for the fencing but the seating would be roughly about \$4,000.00 so to get fencing and seating it would not exceed \$7,500.00. Mr. Moody further stated that it was just for the corner at Oak Grove Road and Raleigh Avenue which was probably a twenty-five foot radius that would accommodate six tables and was roughly the same size seating area that was in front of La Bamba's in Edgewood.

Ms. Salter said she would not know what was left in that line item without new monies until they got the final invoice from Bulls Construction, Inc.

At this time, Mrs. Smith amended the recommendation to approve using West Homewood Phase 1 monies up to \$3,000.00 to add fencing and seating at the corner of Oak Grove Road and Raleigh Avenue and refer the additional financing back to the Finance Committee.

Mr. Wright asked if the Council had any questions or comments regarding the Finance Committee's amended recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-06

(A Resolution to use West Homewood Phase 1 monies up to \$3,000.00 to add fencing and seating at the corner of Oak Grove Road and Raleigh Avenue and refer the additional financing to the Finance Committee.)

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-06. Mr. Moody seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried on an 8-1 vote. Mr. Hallman voted no.

The next item on the Agenda under Old Business was Item No. 18.12.15 – Request for consideration of a COLA (Cost of Living Adjustment) for judicial salaries per State Code and to further amend the 2015/2016 General Fund Budget on approval of

request – Melody Salter/Finance Director/John Morgan/Chief Court Magistrate (Report – Finance Committee Meeting held on January 4, 2016 – Walter Jones, Chair).

Mrs. Smith stated that the Finance Committee met on January 4, 2016 and voted 3-0 to recommend COLA (Cost of Living Adjustment) for judicial salaries per State Code and to further amend the 2015/2016 General Fund Budget.

Mr. Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-07

(A Resolution to approve a COLA (Cost of Living Adjustment) for judicial salaries per State Code and to further amend the 2015/2016 General Fund Budget)

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-07. Mr. Thames seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.01.16** Request for consideration of authorizing Mayor McBrayer to enter into an updated contract with Freedom Probation Services – John Morgan/Chief Court Magistrate – **Finance Committee**
- 02.01.16** Request for consideration of funding for a decorative street sign at East Hawthorne and Oxmoor Road – Chris Smith/Barry Smith – **Finance Committee**
- 03.01.16** Request for consideration of amending the FY 15-16 budget for mailer equipment lease for Finance Department and to further consider authorizing Mayor McBrayer to sign lease agreement – Melody Salter/Finance Director – **Finance Committee**
- 04.01.16** Request for consideration of a variance to the Fence Ordinance at 1527 Roseland Drive – Trey Goldstein/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**

- 05.01.16** Request for consideration of review of requirements for the city's communications – Peter Wright – **Special Issues Committee**
- 10.01.16** Request for consideration of a variance to the Sign Ordinance at 1922 29th Avenue South – Ryan Carlson/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 11.01.16** Request for consideration to purchase an ad in support of The 2016 Homewood Magazine – Patrick McClusky/Barry Smith – **Finance Committee**
- 17.12.15** Request for consideration to use West Homewood Phase 1 monies to add fencing and seating at the corner of Oak Grove Road and Raleigh Avenue – Vance Moody/Fred Hawkins – **Finance Committee**
- 22.11.15** Request for consideration of traffic issues at or near the intersection of West Oxmoor Road and Huntington Glen/Park – Vance Moody/Donna Perrault – **Finance Committee**

Mr. Moody moved to approve the Committee Referral Agenda as amended. Mr. McClusky seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 04.01.16 – Request to set a Public Hearing for January 25, 2016 at 6:00 p.m. for consideration of a variance to the Fence Ordinance at 1527 Roseland Drive – Trey Goldstein/Greg Cobb/Building, Engineering and Zoning Department.

Mrs. Smith moved to set a Public Hearing for January 25, 2016 at 6:00 p.m. for consideration of a variance to the Fence Ordinance at 1527 Roseland Drive. Mr. McClusky seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 07.01.16 – Request for consideration of approval of final payment of website work for Brian Wallace – Peter Wright.

Mr. Wright stated that this Issue would be included in the invoices that would be coming up for approval.

Mr. Thames moved to drop this Item. Mr. McClusky seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 08.01.16 – Request for consideration to authorize Mayor McBrayer to enter into a contract for police information services in the amount not to exceed the approved 2015/2016 Budget amount – Deputy Chief Bob Copus.

Mayor McBrayer addressed the Council and stated that this was for software used to reduce crime through predictive policing by pulling data from the Police Department's records management system and used a unique algorithm to determine where patrol units would need to be deployed in the future. Mayor McBrayer further stated that the software used 500 by 500 grids, updated every shift and would be a good predictive tool for police officers because it helped get police officers closer to the general area where they were needed, thereby reducing response time and hopefully stopping some crime before it happened if officers were seen in the area.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-08

(A Resolution to authorize Mayor McBrayer to enter into a contract for police information services in the amount not to exceed the approved 2015/2016 Budget amount)

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-08. Mr. Moody seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 09.01.16 – Request for consideration of a Resolution authorizing payment of invoices for the period December 21, 2015 through January 8, 2016 – City Treasurer/Finance Committee.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-09

(A Resolution authorizing payment of invoices for the period December 21, 2015 through January 8, 2016)

Mr. Moody moved for the adoption and enrollment of Resolution No. 16-09. Mr. Thames seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

Mrs. Smith stated that the Finance Committee would meet on January 25, 2016 at 4:30 p.m.

Mr. Hawkins stated that the Special Issues Committee would meet on January 25, 2016 at 5:00 p.m.

Mr. Wright stated that the Planning and Development Committee would meet on January 25, 2016 at 5:30 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned.