

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

**January 28, 2019**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, January 28, 2019 at City Hall at 6:00 p.m.

The invocation was given by Councilor Walter Jones, after which the pledge of allegiance was given.

The meeting was called to order by President Limbaugh at 6:10 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, and Jennifer Andress, Peter Wright, and Bruce Limbaugh constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; Robert W. Burgett, Acting City Clerk; Melody Salter, and J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer.

At this time, Councilor Higginbotham moved to dispense with the reading of the Minutes of the Council Meeting of January 14, 2018 and approve them with one amendment that the Ward 4 application deadline to the Environmental Commission was extended until January 28, 2019. Councilor Smith seconded the motion.

President Limbaugh 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 a vote of 10-0-1. President Limbaugh abstained.

President Limbaugh stated that the At-Large Homewood Downtown Redevelopment Board/Industrial Development Board application period closed today.

Councilor Smith stated that the Ward 4 Homewood Environmental Commission application period closed today and they received one application and another application came in at 3:59 p.m. which did meet the deadline so they would need to schedule interviews for that position.

Councilor Andress stated that there were two applicants for the Ward 5 Historic Preservation Commission position that would close on February 25, 2019 and they were expecting a third applicant.

President Limbaugh stated that the Ward 2 Homewood Downtown Redevelopment Board/Industrial Development Board application period would be extended for another two weeks.

Councilor Higginbotham stated that the Ward 2 BZA application period would need to be extended until February 11, 2019.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Consent Agenda: Item No. 02.01.19 – Request for consideration to address water leaks on Yorkshire Road – Jennifer Andress/Peter Wright.

President Limbaugh then amended the published Council Agenda to add the following items to the Old Business Agenda: Item No. 20.12.18 – Request for consideration to contest the election results – Bruce Limbaugh; Item No. 04.01.19 – Request for consideration of budget amendments – Robert W. Burgett, Finance Director; Item No: 05.01.19 – Request for consideration of amending FY18/19 budget for prior year encumbrances – Robert W. Burgett, Finance Director; Item No. 06.01.19 – Request for consideration of declaring the following vehicle surplus: 2006 Ford 500 (VIN: 1FAFP23166G116721) – Lt. Didcoct/Chief Ross, Police Dept.; Item No. 13.12.18 – Request for consideration for the adoption of a City records retention policy – Robert W. Burgett, Finance Director; Item No. 13.01.19 – Public Hearing set for January 28, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1651 Independence Drive – Greg Cobb, BEZ.

President Limbaugh then amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 27.01.19 – Request for consideration to add stop signs at intersection of Woodbine Drive and Lakewood Dr. – Stephanie Holley/Barry Smith – Public Safety Committee.

President Limbaugh then amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 29.01.19 – Request to appoint Melody Salter as City Clerk – Bruce Limbaugh.

Councilor Andress moved for the approval of the Council Agenda as amended. Councilor Wyatt seconded the motion.

President Limbaugh 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

**02.01.19** Request for consideration to address water leak on Yorkshire Road –  
**Jennifer Andress/Peter Wright**

**Action Taken: The Public Works Committee met on January 28, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Wyatt and seconded by Councilor McClusky.**

Councilor Higginbotham moved for the approval of the amended Consent Agenda. Councilor Gwaltney seconded the motion.

President Limbaugh 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.

## OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 20.10.18 – Public Hearing continued from November 19, 2018 at 6:00 p.m. for consideration of condemning house at 1627 Saulter Road (PID #28-00-18-3-001-021.000) – Wyatt Pugh (Carried over 1/14/19).

President Limbaugh continued the Public Hearing at 6:20 p.m.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Mr. Wyatt Pugh addressed the Council and stated that he had previously provided them with a report of the Homewood Property Maintenance Code Violations and the list of unsafe conditions and they all centered on the carport addition to the house and if the carport addition was removed or the roof that was collapsing was rebuilt the nuisance would be abated.

President Limbaugh stated that his six year old granddaughter asked him why that same vehicle kept sitting there because she lived up the road so he was hoping they could get some movement on this.

Mr. Robert Pears addressed the Council and stated that he grew up in that house which belonged to his mother, Ms. Geraldine Rose Pears, and she and his dad bought the house in 1952. Mr. Pears further stated that he would like to avoid condemnation of the carport and he was prepared to move forward with that but he had been in touch with Mr. Pugh and Councilor Smith and he understood the sensitivity of the matter and had been doing his best to get things cleaned up and had made progress and had put fencing up

around the carport and had cleaned up the yard. Mr. Pears added that he was having to do the work by himself and his mother had been gravely ill and just passed away a couple of weeks ago but he was her caregiver and she had been in the hospital 18 times in the last year and a half and he lived in Huntsville so he had to bring her home with him because she was so sick and frail. Mr. Pears further added that his mom and dad had been there since 1952 and he lived there the first 25 years of his life and his mom would be horrified by the condition of the carport and was not something that was normal for them but he did some work when he was able to get down here but taking care of his mother affected his job and budget as well as time so the struggle was whether he should go from work to the hospital or come here and spend time on the house so it was a real challenge.

Mr. Pears stated that he did come here when he could and did work, moved the truck, put the fencing up, cleaned the yard, and cleaned up the carport though it was not enough and more had to be done and now that his mother had passed away he was prepared to work here. Mr. Pears further stated that they wanted to get the roof removed from the carport and get the rest of the carport cleaned up and the patio cleaned up as well and he could get that done in the next 30 days. Mr. Pears added that he had a gentleman who was helping him and would be helping him with the next step and would rather not have to address a condemnation as a legal matter days after his mother's passing and would like to put his energy into the work that needed to be done. Mr. Pears further added that regarding the red jeep, it was operable and was not a junk car but was a 1992 red jeep that he planned to keep but he did move the truck but he planned to restore the jeep and it was now parked under the carport but he respected his neighbors and understood they wanted him to get something done, too, and every time he was there someone came over and thanked him for everything he was doing and said they understood his situation.

Mr. Pears stated that the Pears family had been there since 1952 and his neighbors were young people who had moved in with their young families but they had been very nice. Mr. Pears further stated that he did recognize the seriousness of the situation and was prepared to get everything done and asked that they allow him to do that. Mr. Pears added that he had a small amount of funds that he would be able to use for this project that would be helpful so he was ready to move forward and was happy to work with Mr. Pugh and Councilor Smith.

President Limbaugh stated that he was sorry for his loss and stated that they could either continue to leave the item on the Agenda or they could ask the Ward 2 Councilors to continue to monitor the situation and he had every faith that this was a commitment to this Council and this City.

Mr. Pears stated that the Pears family had been committed to the City for a very long time and his mother owned Homewood Nursery and Daycare for 40 years on

Crescent Avenue and in 1975 she was appointed President of the Homewood Chamber of Commerce during Homewood's 50<sup>th</sup> Anniversary and she oversaw that celebration and she was President of the organization at a time when women were not President of civic organizations so she was a real pioneer and she did love the city and she would be the first to fuss at him if he did not get this fixed.

President Limbaugh declared the Public Hearing closed at 6:30 p.m.

President Limbaugh asked if the Council had any questions or comments regarding this item.

Councilor Smith stated that she had been working with Mr. Pugh and Mr. Pears on this since November and he had been in communication with them the entire time and having just gone through losing her mom, she knew what he was going through and he didn't want to leave an ailing mother to go clean out a garage. Councilor Smith further stated that she thought he was honest when said he would this done and she would take the responsibility to seeing the process through.

President Limbaugh stated that, without objections, this item would be carried over until February 25, 2019. There were no objections.

The next item on the Agenda under Old Business was Item No. 19.12.18 – Public Hearing set for January 28, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 1511 Ridge Road – Josh Willens/Greg Cobb, BEZ.

President Limbaugh opened the Public Hearing at 6:32 p.m.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Mr. Greg Cobb addressed the Council and stated that this was a front yard fence variance.

Councilor Smith asked if there was another issue with a fence down by Wellington, too.

Mr. Cobb replied yes and stated that on the backside was Wellington View Road and when approaching a road they were supposed to be 15 feet back from the property line and that was where Wellington View Road dead ended into the backside of the property so the property line was maybe five or 10 feet behind the roadway.

Councilor Smith asked if this was two variances, one for a front yard fence and one for the setback.

Ms. Laura McWane at 1511 Ridge Road addressed the Council and stated that originally they were going to build a fence in the front where there was a retaining wall along a driveway where it was about five or six feet tall but they ended up putting a holly hedge there because there was not supposed to be a fence in front of the house and in the back it was just the property line fence for security.

Councilor Smith asked to verify that she was no longer requesting the variance for the front yard fence.

Ms. McWane replied yes.

Councilor Wolverton asked if bushes had come up in the past as being considered fences.

Councilor Smith stated that the shrubbery was already there.

Ms. McWane stated that they just replaced some that were dead.

Councilor Smith asked if those would be considered a front yard fence.

Mr. Cobb replied no.

Councilor Smith asked if the fence was going to connect to the house.

Ms. McWane replied that there was no connection to the house but they were just putting the property line fences in just for security because her neighbor had some trouble.

Councilor Andress asked why this would be considered a variance.

Councilor Smith replied that it was because of the step back from the road.

President Limbaugh asked for further clarification of the variance.

Mr. Cobb replied that the ordinance read that anytime there was a fence along a roadway it had to be 15 feet back from the property line and he believed that to be in the cases of corner lots but she was not on a corner lot but on a corner lot if there was a fence all the way to the property line depending on which way someone was facing it might block the view of traffic and there was also the issue of because the way the houses were set it could turn out to be a front yard to a neighbor.

Councilor Smith asked since this was a dead end if that would keep it from being a problem.

Mr. Cobb replied that he had been out there and would not be a problem.

President Limbaugh asked what type of fence this would be.

Ms. McWane replied that on the wooden area that led to the road would be a black chain link fence because it would be planted up and they would not be able to see it and facing the road, they would put a shadow box wooden fence so it would look nice.

Councilor Wright asked what the hardship was.

Ms. McWane replied that her neighbor had been struggling with people coming into her backyard and she had no fence at the moment and there was a utility drive there that was easy to drive into and a building where she kept her tools and her neighbor had her grandfather's tools and things stolen so the fence would hide it from the road and help with privacy and security.

Councilor Higginbotham asked why this couldn't conform to what the setbacks were.

Mr. Cobb replied that the yard went from Ridge over the hill to Wellington View on the other side and when someone was at the other side they could see inside her property and along the roadway was 15 feet back.

Ms. McWane stated that there was an existing building there and mature hardwood trees and the topography went down where the utility drive was and then up again and it looked like the best fence line to not lose a lot of trees and tie in and make it look nice and tidy was to go closer to the road than 15 feet back.

Councilor Wolverton asked if this was the property line for the home and they were talking about extending it closer to the roadway.

Mr. Cobb replied that they were talking about putting it down the property line but the ordinance read that it was supposed to be 15 feet from the property line but in his experience it had always been to keep someone from putting a front yard fence on another house or to not block sight distance of a vehicle traveling down the road.

Mr. Cobb asked Mr. Kendrick if this was correct.

Mr. Kendrick replied that he was correct.

Mr. Cobb stated that he looked at these cases to see that it would not block traffic or in some cases there might be a corner lot and a neighbor might have a driveway and if a fence went up the neighbor could not see to get out of the driveway but this was not the case with this request because there were no issues there because it was coming down to the dead end of Wellington View so it would have no effect on the neighbors.

Councilor Wolverton asked if it had been surveyed.

Mr. Cobb replied yes and stated that he saw the survey corner.

President Limbaugh declared the Public Hearing closed at 6:44 p.m.

President Limbaugh asked if the Council had any questions or comments There was no response from the Council.

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

**Resolution No. 19-06**

**(A Resolution for a variance to the fence ordinance at 1511 Ridge Road)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-06. Councilor Wyatt seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion.

Councilor Wolverton asked for clarification on front yard hedges being considered a fence.

Councilor Smith replied that this variance did not have anything to do with that issue because she removed her request for a variance for a front yard fence because they just replaced the shrubs that were already there but the variance she was here for was the variance for the set back fence. Councilor Smith stated that they could argue whether replacing the shrubs was a front yard fence but that was another issue.

Councilor Wolverton stated that he felt like other people had come before them and said that they had already done work and asked for a variance so he wanted to clarify if this was a front yard fence and needed a variance as well.

President Limbaugh stated that there was no question that this Council was adamantly opposed to front yard fences.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 29.01.19 – Request to re-appoint Melody Salter as City Clerk – Bruce Limbaugh.

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

**Resolution No. 19-07**

**(A Resolution to re-appoint Melody Salter as City Clerk)**



Councilor Jones moved for the adoption and enrollment of Resolution No. 19-07. Councilor McClusky seconded the motion.

President Limbaugh 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. 08.01.19 – Public Hearing set for January 28, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 210 Raymond Drive – Ben Green/Greg Cobb, BEZ.

President Limbaugh opened the Public Hearing at 6:48 p.m.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Mr. Greg Cobb addressed the Council and stated that this was for a front yard fence to Dr. Green but was a back yard fence to the house next door. Mr. Cobb stated that Dr. Green faced Raymond and the other was Saulter Road so if the homeowner on Saulter wanted this fence it would be no problem except they had to be eight feet back from the property line on the street side but with Dr. Green asking for it, it was a front yard fence to him.

Councilor Wyatt asked if the fence he was proposing met the set back.

Mr. Cobb replied that if it stopped eight feet back from the property line on the road side it would but they would need to ask him that tonight but if the person on Saulter made the request it would be no problem.

Councilor Smith asked for clarification that because this homeowner was building it and not his neighbor that was why the variance was needed.

Mr. Cobb replied yes and stated that eight feet back from the property line on the road side was a backyard fence to the property on Saulter but it was a front yard fence on the property of Raymond.

Mr. Kendrick stated that the issue was due to which homeowner was building it.

Mr. Cobb stated that if the Saulter Road homeowner made the request and stayed eight feet back then he would issue the permit but since it was on the other side of the line it became a front yard.

President Limbaugh asked if there were other situations where they had double fencing.

Mr. Cobb replied yes.

President Limbaugh asked what they had done in the past on that.

Mr. Cobb replied that it was really between the homeowners.

President Limbaugh asked what happened if the homeowners could not agree, which they had heard was the case with this item.

Mr. Cobb replied that when he moved into the house he lived in now there were two fences two feet apart and it was difficult to clean between.

Councilor Gwaltney asked if there would be two fences there.

Mr. Cobb replied that further up there was part of fence.

Councilor Gwaltney asked to verify that, for the portion of property where the variance request was for, that there was not an existing fence there of any kind.

Mr. Cobb replied no.

Councilor McClusky asked what the orange stake in the photograph presented represented.

Mr. Cobb replied that it was the property corner so they had to go eight feet back in that direction because of the ordinance.

Councilor Thames asked if there was a pile of garbage sitting in the city right-of-way.

Mr. Cobb replied no.

President Limbaugh stated that they were also struggling with the neighbor's compost.

Mr. Cobb stated that it was on the property of the house on Saulter Road.

Councilor Smith asked how much distance was between the orange stake and the compost bin so the fence might not totally cover it.

Mr. Cobb stated that he and Mr. Wyatt Pugh had discussed the compost bin and it was not really a structure because if it was a structure it would have to be five feet over but it looked like four shipping pallets stuck together and it did not qualify anything that they controlled in the Building Department.

President Limbaugh stated that it could be something disconcerting to the Council.

Dr. Ben Green at 210 Raymond Drive addressed the Council and stated that the garbage pile was further than eight feet off of the road and he measured it a couple of months ago and found it to be about 12 feet off the road so the fence he was asking for would cover that. Dr. Green further stated that his hardship was that his two year old son had an anaphylactic bee allergy that they discovered because he got stung by a bee in the vicinity of that garbage that was there. Dr. Green added that he understood that a privacy fence might not protect fully against bees stinging him and they were very vigilant about keeping him away from that area but he thought it was a good step for them and he thought he was appropriately concerned about his family's well-being. Dr. Green further added that he also did not want a pile of garbage on the front of his house on the property line either so given the fact that it was a place that could potentially have a fence and they would move it back so that it was fully on their property, hooking up with a current fence they already had, they would appreciate the Council looking into this matter.

Councilor McClusky asked if it would be eight feet away from the road or the corner.

Dr. Green replied that he thought that was the measurement from the road but did not know the exact measurement from that corner but from looking at it he would be shocked if it was closer than eight feet from that property marker.

Councilor Smith stated that the question was that if the measurement was not eight feet then the fence would not do what he needed it to do because it might not cover that entire compost pile to begin with.

Greg Cobb stated that if he said eight feet he was incorrect because it should be 15 feet.

Councilor Smith stated that she was not sure a fence would offer the protection the homeowner was looking for from bees.

President Limbaugh stated that he had 15 grandchildren from age 12 to 4 months and he was very sensitive to his situation with his son and they were tasked with a way to say yes on one side but on the other side there were ordinances that dictated how they did these sort of things and once they started making exceptions in certain areas the question would come as to why they didn't do it for one person when they did for another.

Dr. Green stated that he understood and had tried to take care of this on his own without bringing it in front of the Council.

President Limbaugh stated that he understood the seriousness of the situation of a two year old with allergies.

Mr. Cobb stated that the measurement of eight came from the property line and 15 was from the road.

Councilor Smith stated that the fence could come to 15 feet from the roadway and had to set back from the corner.

Councilor Wolverton stated that he was concerned that they passed the last variance which may not have been proper.

Mr. Cobb stated that their property line was 10-12 feet off the road on the back side of Wellington.

Councilor Wolverton asked if the fence ordinance was the way it was, if having this fence 8-12 feet from the roadway any kind of violation.

Councilor Smith replied that this was not they were dealing with because they were dealing with his request for a fence variance right now.

Dr. Green stated that all he wanted to do was cover the compost pile with a fence so if the variance could include allowing him to cover that, going past the eight or 15 feet past the property line, he would ask for that to be a back/front yard fence and he would be willing to remove the fence when he left the property or if his neighbor moved the garbage he would also be willing to move this but only wanted to protect his family.

Councilor Andress stated that she thought that was fair.

Councilor Gwaltney stated that considering that proffer, they would not let them build a fence that did not meet the guideline, since they would be issuing the permit, he thought it was okay to approve without the specifics Mr. Cobb was looking for tonight.

Councilor Thames asked if they could carry this over to allow Mr. Scott Cook to visit this site and see if the compost site was in violation of any of their ordinances.

Dr. Green stated that Mr. Cook had been to his property about five to six times about this and his neighbor called Mr. Cook when he was building some landscaping work before and came out to inspect it then and then and when the compost heap was built he called him and Mr. Cobb to try to get this figured out because he wanted it moved off the property line and Mr. Cook said that while it was not the prettiest thing, it was not against any codes because it was not a structure.

Mr. Cobb stated that they struggled in the office as to how to control it and could not come up with anything concrete because it was so small.

Councilor Wyatt asked if they could figure out where the compost was, set back from the road.

President Limbaugh stated that, without objections, the Public Hearing would be continued and the item would be carried over. There were no objections.

The next item on the Agenda under Old Business was Item No. 09.01.19 – Public Hearing set for January 28, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1712 28<sup>th</sup> Avenue South – Bob Tedrow/Greg Cobb, BEZ.

President Limbaugh opened the Public Hearing at 7:05 p.m.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Mr. Greg Cobb addressed the Council and stated that this was a simple request for a secondary attached sign that was not oversized and met the ordinance other than it was a secondary sign.

Mr. Bob Tedrow at 1712 28<sup>th</sup> Avenue South addressed the Council and stated that he would like to have permission to put up a secondary sign so that people could see his business from both sides from 28<sup>th</sup> Avenue South.

Councilor Smith asked to verify that it did meet the size ordinance.

Mr. Cobb replied yes and stated that when he got the first permit he checked it and it was fine.

President Limbaugh declared the Public Hearing closed at 7:07 p.m.

President Limbaugh asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

**Resolution No. 19-08**

**(A Resolution for variance to the sign ordinance at 1712 28<sup>th</sup> Avenue South)**

Councilor McClusky moved for the adoption and enrollment of Resolution No. 19-08. Councilor Smith seconded the motion.

President Limbaugh 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 a vote of 10-1. Councilor Higginbotham voted no.

The next item on the Agenda under Old Business was Item No. 10.01.19 – Public Hearing set for February 11, 2019 at 6:00 p.m. for consideration to rezone property at 510 Tamworth Lane (PID #28-00-17-2-002-015.000) from an NPD (Neighborhood Preservation District) to a C-4b (High Rise Office/Commercial District):  
Applicant/Owner: AUM Homewood, LLC for the purpose to incorporate a small portion of property into an adjacent larger parcel under the same ownership for the use in conjunction with the planned development of a new hotel (The Planning Commission had a unanimous vote of 7-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Limbaugh stated that this item would be continued for the Public Hearing set for February 11, 2019 at 6:00 p.m.

The next item on the considered under Old Business was Item No. 20.12.18 – Request for consideration to contest the election results – Bruce Limbaugh.

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

**Resolution No. 19-09**

**(A Resolution to authorize Barry Ragsdale to contest election results)**

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 19-09. Councilor Andress seconded the motion.

President Limbaugh 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 a vote of 8-0-3. Councilors Wright, Smith, and Higginbotham abstained.

The next item considered under Old Business was Item No. 04.01.19 – Request for consideration of budget amendments – Robert W. Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval.

President Limbaugh 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. 19-10**

**(A Resolution to approve budget amendments)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 19-10.

President Limbaugh 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 considered under Old Business was Item No. 05.01.19 – Request for consideration of amending FY 18/19 budget prior year encumbrances – Robert W. Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval.

President Limbaugh 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. 19-11**

**(A Resolution to approve amending FY 18/19 budget for prior year encumbrances)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 19-11.

President Limbaugh 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 considered under Old Business was Item No. 06.01.19 – Request for consideration of declaring the following vehicle surplus: 2006 Ford 500 (VIN: 1FAFP23166G116721) – Lt. Didcoct/Chief Tim Ross, Police Dept.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval.

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

Councilor Wolverton left the Council Chambers at 7:10 p.m.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:11 p.m.:

**Ordinance No.**

**(An Ordinance to declare surplus: 2006 Ford 500 (VIN: 1FAFP23166G116721))**

Councilor Gwaltney moved for the unanimous consent of the proposed Ordinance as read. Councilor McClusky seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, McClusky, Jones, Smith, Wyatt, and Andress, Wright, and Limbaugh.

The motion for unanimous consent carried.

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

**Ordinance No. 2729**

**(An Ordinance to declare surplus: 2006 Ford 500 (VIN: 1FAFP23166G116721))**

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2729. Councilor Gwaltney seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, McClusky, Jones, Smith, Wyatt, and Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 13.12.18 – Request for consideration for the adoption of City records retention policy – Robert Burgett, Finance Director (Carried over 01/14/19).



Councilor Smith state that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval.

President Limbaugh 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. 19-12**

**(A Resolution to approve adopting a City records retention policy)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 19-12.

President Limbaugh 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 considered under Old Business was Item No. 13.01.19 – Public Hearing set for January 28, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1651 Independence Drive – Greg Cobb, BEZ.

President Limbaugh opened the Public Hearing at 7:14 p.m.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Mr. Greg Cobb addressed the Council and stated that this was a multi-tenant building with several tenants wanting their names on the building on an attached sign. Mr. Cobb further stated that what was allowed in that district was an attached sign or a monument sign of a maximum of six foot in height and maximum of 50 square feet per side. Mr. Cobb added that Mr. Brandt provided some examples of how the signs might lay out as a two story building and they had the floor plan of the bottom floor, which was chopped into individual suites so each tenant would be given a dimension and not knowing who the tenants might be, Mr. Brandt laid out a Master Sign Plan for the building. Mr. Cobb added that the intent was that if the Council approved the Master Sign Plan then rather than coming back every time a tenant changed, they would know that these were the allowable signs and the allowable sizes.

President Limbaugh asked to verify that it would be for multiple signs but always within the same sizes.

Mr. Cobb replied yes, and stated that the idea was that rather than coming to the Council four times and every time a tenant changed, this plan would come to an agreement of what could be done without coming back before the Council. Mr. Cobb further stated that they were allowed one attached sign per building and also a monument sign and in this particular district, Sign District 1, the height was 6 feet and they got 30 square feet plus an extra foot for every 1,000 square foot of lot area so when they went through all the calculations, this property was almost two acres, so they would max out at 50 square feet but this district the monument signs were only six feet high so they would be six by nine feet.

Mr. David Brandt of Fravert Services addressed the Council and stated that this would be a set of rules and guidelines regarding number of signs and placement and would be a way to simplify the rules for signage in a multi-tenant building. Mr. Brandt further stated that there were only two tenants in the building now but they would all eventually want a sign on the building so they idea was to create this one time exercise and the City of Homewood would be the stewards of this document and Mr. Cobb and his office would be the ones to cross reference tenants and sign applications with the Master Plan and say yes that it conforms and simplify the permitting process and handle it that way. Mr. Brandt added that the multi-tenant sign was not in existence now but that would be another way to supplement the proposed building signage for the tenants for this building and if there were any change to this configuration then he would have to come back before Council to get it amended.

President Limbaugh asked if there was a cap or maximum number of tenants for this building.

Mr. Brandt replied that it looked like there could be potential for more but the ownership would not make him go through all this if they had plans to change this any time soon and he did not think there would be any change to the number of tenants.

President Limbaugh asked how many tenants they had now.

Mr. Brandt replied five.

Councilor McClusky stated that they talked about this two weeks ago for another property and were told that there was no more possible build out and they had it come up.

Mr. Brandt stated that it was a fair concern and he could not predict the future which was why he was leaving it on the table that if there was a change then he would come back and ask to change it but one of the big differences between that case and this one was the large sign in the front of the building at 1 Lakeshore and certainly made it hard to look at anything beyond that but this was more of a clean slate situation.

President Limbaugh stated that if they moved in this direction they could always cap the number of signs that it could be.

Councilor Jones stated that they wrote the ordinance like they did for a reason because they wanted one sign on the building to identify the building and one monument sign to identify who was in the building and when he traveled around the country and he saw professional office buildings that was the way the configuration was. Councilor Jones further stated that this did not look professional to him.

Mr. Brandt stated that he thought there was a little inconsistency with how the ordinance was written because a multi-tenant shopping center was one building and all those businesses were having signs on their store fronts and it seemed like there were some similarities there so he asked what the differences were.

Councilor Gwaltney stated that he appreciated the hard work he put into this package and the monument sign did look very good which was what they were looking for but he did not see the signs on the building being the directional finding signs for someone to pull in there. Councilor Gwaltney asked that according to the ordinance, if they could put on the glass by the door their signage and hours, so he thought they should pass the monument sign and the attached sign should go away and be replaced with signs on the glass.

Mr. Brandt stated that there was a tenant who currently had their sign on the building and they were the one and only tenant who was going to have a sign on the building and he wondered how it would go when the other tenants were told that they could not have their signs on the building as well because as a commercial business they would want a sign.

Councilor McClusky stated that he thought the property owner would be the one to make that decision based off of the drop down like with the law firms that only had one name on them because they were the biggest and most important and everyone else had their name on the directory so it was not up to him whose sign stayed on the big part of the building, it was up to the property owner.

Mr. Brandt stated that this document would be a sales tool for the property owner.

Councilor Thames stated that lease negotiations involved signage and it sounded like this property owner may have already given away his one sign to a current tenant and had found himself boxed in with future tenants but that was what monument signs were for. Councilor Thames further stated that he had not seen the building since D1 had moved out and he did not know who the current tenant was who had the current sign.

Mr. Brandt stated that it was a dermatology group.

Councilor Thames stated that if the landlord had put more forethought into this he might be in this position because as much as they did not enjoy listening to sign variances, it was not the end of the world for a property owner to come back as each lease was signed.

President Limbaugh stated that he agreed with Councilor Jones that the quality had a lot to do with this and the only way they could validate their feelings was to look at them one at a time.

Mayor McBrayer addressed the Council and stated that he went to Renew Dermatology the other day and it was hard to see and he drove around forever so the monument sign might look great but there was a huge retaining wall as they went up around it.

President Limbaugh asked if the Mayor thought there were extenuating circumstances.

Mayor McBrayer replied that he did not know but it was not like it was on 18<sup>th</sup> Street because when someone pulled up there it was just a long building of doors.

Councilor Jones stated that in that case, that was what the property owner needed to come up with, like a plan to direct people there with a directional sign by the street or some type of plan as opposed to putting up signs all over the building.

Mayor McBrayer stated that they mainly needed something to get people into the property.

Mr. Brandt stated that their definition of plan and his definition of plan were similar in some ways and different in others and this was a plan and was a sign Master Plan that he modeled off of what the City of Birmingham design reviewers did and with a multi-tenant building such as this they wanted him to roll out a plan such as this so it occurred to him that why not introduce that here as a way to ultimately save time and create consistency and create a set of rules but he would come back every time if they would rather do that but this was a way to try to create a situation that they could all anticipate on the front end and not have to have another company ask for a variance every time someone moved into the building. Mr. Brandt further stated that what he didn't put in the ordinance but would if they would like him to, was the square footage allowed by code for a building sign in Homewood was not to exceed 50 square feet and looking at his drawing they could see the rectangles on the building and the reality was that none of those were actually 50 square feet and in fact to put a sign that was a five by ten on a building like this would be overpowering but if there was some way that he could revisit this with something more specific as to not just the location of the sign and the number of signs but maybe some sort of consistent construction from location to location so instead

of saying 50 by 50 feet maybe they could get a little more specific with those dimensions like something more understating. Mr. Brandt added that they would not see these signs from Highway 31 so if the point of this sign was to welcome people to the business and direct people to the entrance maybe there was a way to develop to sign plan where each sign was a little more understated than a big set of channel letters on a raceway sign like with retail on a strip mall so perhaps they could do a panel for businesses with a consistent color scheme that would be approved by Council.

President Limbaugh stated that they could vote on this tonight or they could keep the Public Hearing opened so he could go back and do further design work.

Councilor Wolverton returned to the Council Chambers at 7:31 p.m.

Councilor McClusky asked if there was a monument sign located where the star was in his presentation now.

Mr. Brandt replied no and stated that nothing was there now.

Councilor McClusky stated that it would have curbed the question of how to get in there if when they pulled around the retaining wall there was a monument sign that told where things were.

Mr. Brandt stated that he would like to try to work on the design again and come back.

President Limbaugh stated that, without objections, this Public Hearing will be continued for two weeks. There were no objections.

#### **COMMITTEE REFERRAL AGENDA**

- 15.01.19** Request for consideration to transfer \$200,000.00 to Highway Public Road Cooperative District – **Jennifer Andress/Peter Wright – Finance Committee**
- 16.01.19** Request for consideration to authorize the Mayor to sign contracts with Siarum Communications, LLC for network at 123 Oxmoor Road to replace network at 120 Oxmoor Road – **James Yates – Finance Committee**
- 17.01.19** Request for consideration to add sidewalks on Wellington Road– **Michelle Hyde/Barry Smith – Public Works Committee**
- 18.01.19** Request for consideration for a Resolution in support of ALDOT agreement for Lakeshore crosswalk at Marriott – **Jennifer Andress – Public Safety Committee**

- 19.01.19** Request for consideration for a crosswalk across Oxmoor Road at Seminole at Trinity United Methodist Church – **Jennifer Andress/Britt Thames/Andy Gwaltney – Public Safety Committee**
- 20.01.19** Request for consideration for a crosswalk across Reese Street at Central Avenue – **Jennifer Andress/Britt Thames/Andy Gwaltney – Public Safety Committee**
- 21.01.19** Request for consideration to address traffic and speeding concerns at Hollywood Blvd/La Prado – **Dr. Blake Pearson/Jennifer Andress – Public Safety Committee**
- 27.01.19** Request for consideration to add stop signs at intersection of Woodbine Drive and Murray Hill Road – Stephanie Holley/Barry Smith – **Public Safety Committee**

Councilor Andress moved to amend the published agenda to move Item No. 18.01.19 from the Committee Referral Agenda to the Other New Business Agenda. Councilor McClusky seconded the motion.

President Limbaugh 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.

Councilor Higginbotham moved for the approval of the amended Committee Referral Agenda. Councilor McClusky seconded the motion.

President Limbaugh 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 AGENDA**

The next item on the Agenda under Other New Business was Item No. 18.01.19 – Request for consideration for a Resolution in support of ALDOT agreement for Lakeshore crosswalk at Marriott – Jennifer Address.

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

### **Resolution No. 19-13**

**(A Resolution in support of ALDOT agreement for Lakeshore crosswalk at Marriott)**

Councilor Address moved for the adoption and enrollment of Resolution No. 19-13. Councilor McClusky seconded the motion.

President Limbaugh 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. 22.01.19 – Request for consideration of adoption of Resolution placing a lien on the property located at 1801 Kensington Road, Parcel ID No. 28-00-18-2-010-008.000 for the cost of abatement in the amount of \$1,089.36 (Note: This property declared public nuisance on April 9, 2018 – Resolution No. 18-93) – Scott Cook, BEZ/Robert W. Burgett, City Clerk.

Councilor Wyatt asked if they had been doing that with the other condemned properties.

Mr. Kendrick replied that they should be doing this because they have to assess the property in order to collect the lien.

Councilor Smith stated that there were nuisance charges before there was a condemnation.

Mr. Kendrick stated that they had a report from Building Inspections and that's what their assessment should be based on.

Councilor Wolverton stated that it appeared that the property was in foreclosure.

Mr. Kendrick stated that in order to collect on the lien they had to record the lien.

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

### **Resolution No. 19-14**

**(A Resolution placing a lien on the property located at 1801 Kensington Road, Parcel ID No. 28-00-18-2-010-008.000 for the cost of abatement in the amount of \$1,089.36)**

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 19-14. Councilor Smith seconded the motion.

President Limbaugh 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. 23.01.19 – Request for consideration of adoption of Resolution placing a lien on the property located at 1117 Hardwick Lane, Parcel ID No. 29-00-22-4-013-009.000 for the cost of abatement in the amount of \$1,724.32 (Note: This property declared public nuisance on August 27, 2018 – Resolution No. 18-94) – Scott Cook, BEZ/Robert W. Burgett, City Clerk.

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

**Resolution No. 19-15**

**(A Resolution placing a lien on the property located at 1117 Hardwick Lane, Parcel ID No. 29-00-22-4-013-009.000 for the cost of abatement in the amount of \$1,724.32)**

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-15. Councilor Wolverton seconded the motion.

President Limbaugh 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. 24.01.19 – Request for consideration to authorize the Mayor to sign an agreement with Alabama Historical Commission to establish Homewood as a certified local government – Historic Preservation Commission/Barry Smith.

Councilor Smith stated that they were up against a February 1, 2019 deadline so they wanted to come to Council to explain this to address concerns and answer questions about the process.

Ms. Brittany Foley addressed the Council and stated that she was representing the Homewood Historic Commission and they were requesting to participate in the certified local government program which was a Federal Grant Program facilitated by the National Parks Service who gave parks to the State's Historic Preservation Office which was the



Alabama Historical Commission. Ms. Foley further stated that they had a certain percentage of their operating budget which they gave to commission that they certified and what those funds covered was to allow historic commissions to have funds to look at urban surveys, allowed funds for training, preservation planned developments, predevelopment services such as rehabilitation plans, specifications, structure reports, and feasibility reports for properties, education, school programs or public education exhibits, and any professional staffing support services. Ms. Foley added that the way the grants worked was that they operated on a 40/60 match so if they put up their operating budget for the year, then they would match that at 60 percent as long as they followed their guidelines and did not misuse their funds, and used them for eligible project categories. Ms. Foley further added that these were more modest grants and were usually only about \$10,000.00 and if it was any more than that there would have to be a very special circumstance, and they would have to come to Council and ask for that to be approved for those resources so what they were asking for today was just approval to apply to participate in this program and they did not have a grant application in the works but were just trying to become a certified local government.

Councilor Smith asked what the allocation was for last year.

Ms. Foley replied that last year their allocation was \$5,000.00 and they did not use \$5,000.00 from the year before hand but they had some services that they were working with a communications company for about \$5,000.00 but part of this was that the State would have to give them technical assistance so that would alleviate some specialty consultant fees that they would have to have if they wanted to go to a church in Rosedale that was in an underserved community but significant to the community and they could help them create a structural assessment and work with the State and they could go out and use that and get that service but they could be a resource to them.

Councilor Wright asked to verify if they had a \$5,000 budget and they put it toward the grant program they would get matching and then some so that would increase the size of their budget and they were okay with carrying out their services in a manner that was consistent with the grant program.

Ms. Foley replied yes and stated that in certain circumstances if they had certain professionals on the commission such as an attorney if they said that she was devoting a certain amount of time to write an ordinance then they could put that towards their contribution because in was an in-kind service, not necessarily monetary funds.

Councilor Wright asked to verify that there were ways to increase the funds even more.

Ms. Foley replied that it was only 40/60 and they could not get any more than 60 percent but yes.

Councilor Wright asked if they needed to ask for more they would have to come back to the Council so this would not change the financial commitment on the part of the City.

Ms. Foley replied no and stated that it was not and it was Federal grant money which did not come out of any City tax base and then beyond their operating budget they would need to come before the Council if was a special circumstance.

Councilor Higginbotham stated that he commended the Commission for taking this step and he thought this was a great way for them to be able to leverage more funding and do more programs in the community and he would love to see more activity like this from their boards and commissions that produced positive results.

Councilor Thames stated that he was looking at the agreement this evening and it seemed a little more in depth and asked if the Council could have a little more time to review it because there were some aspects that he wanted to talk to the city attorney about and research a little more about what the City would be signing up for.

President Limbaugh stated that, without objections, this item would be carried over. There were no objections.

The next item on the Agenda under Other New Business was Item No. 25.01.19 – Request for consideration of approval of vouchers for period of January 14, 2019 through January 27, 2019 – City Treasurer/Finance Committee.

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

**Resolution No. 19-16**

**(A Resolution for approval of vouchers for period January 14, 2019-January 27, 2019)**

Councilor Wright moved for the adoption and enrollment of Resolution No. 19-16. Councilor Higginbotham seconded the motion.

President Limbaugh 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. 26.01.19 – Request for consideration to authorize the Mayor to sign a contract for Fiber Optics

Franchise with MCIMETRO Access Transmission Services Corp. d/b/a Verizon Access Transmission Services – Bruce Limbaugh.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:51 p.m.:

**Ordinance No.**

**(An Ordinance to authorize the Mayor to sign a contract for Fiber Optics Franchise with MCIMETRO Access Transmission Services Corp. d/b/a Verizon Access Transmission Services)**

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. Councilor McClusky seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, and Address, Wright, and Limbaugh.

The motion for unanimous consent carried.

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

**Ordinance No. 2730**

**(An Ordinance to authorize the Mayor to sign a contract for Fiber Optics Franchise with MCIMETRO Access Transmission Services Corp. d/b/a Verizon Access Transmission Services)**

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2730. Councilor Wright seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, and Address, Wright, and Limbaugh.

The motion carried without dissent.

Mayor McBrayer addressed the Council and asked to amend the published Council Agenda to add the following items to the Committee Referral Agenda: Item 30.01.19 – Request to consider renewing Charles Zanaty's contract and discussion of energy/insurance policies – Mayor McBrayer – Finance Committee.

Mayor McBrayer further stated that he would like to appoint Mr. Randall Minor to an At-Large position of the Historical Commission and re-appoint Mr. Jake Collins to an At-Large position.

Councilor Jones moved to approve the appointments. Councilor McClusky seconded the motion.

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

The motion carried without dissent.

Mayor McBrayer added that the Taste of Homewood would be Thursday from 5:30 to 8:00 p.m. at Rosewood Hall. Mayor McBrayer further added that, concerning the weather, they would have both the Fleet Maintenance and Street Department coming in at 10:00 p.m. and they would stay through the night and they would monitor to see what they needed to do.

Councilor Gwaltney stated that he wanted to commend Mr. Burgett for a job well done and welcomed Ms. Salter back. Councilor Gwaltney further stated that on April 13, 2019 at 8:00 a.m. would be the second Rosedale Day of Service.

Councilor Thames stated that the Planning and Development Committee would not meet on February 4, 2019. Councilor Thames further stated that he wanted to welcome Ms. Salter back.

Councilor Higginbotham stated that he wanted to also welcome Ms. Salter back home.

Councilor McClusky stated that the Public Safety Committee would meet on February 4, 2019 at 5:30 p.m.

Councilor Jones stated that the Finance Committee would meet on February 4, 2019 at 5:00 p.m. Councilor Jones further stated that he wanted to welcome Ms. Salter back.

Councilor Smith stated that the Special Issues Committee would meet on February 4, 2019 at 6:00 p.m. Councilor Smith stated that she also wanted to welcome Ms. Salter back.

Councilor Wyatt stated that he hoped everyone would be careful if it snowed tomorrow and welcomed Ms. Salter back.

Councilor Andress stated that she also wanted to welcome Ms. Salter back.

Councilor Wright stated that the Public Works would meet on February 4, 2019 at 6:15 p.m. Councilor Wright stated that he wanted to welcome back Ms. Salter and thank Mr. Burgett for his service. Councilor Wright added that the Homewood Show Choir went to Montgomery and the Middle School won with the Girls placing second, the Associate Show Choir placing first, and the Grand Champion Group, Network, won second.

President Limbaugh stated that he wanted to thank Councilor Wyatt for chairing the last Council Meeting and he wanted to thank Mr. Burgett for his service.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:03 p.m.