

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

**February 8, 2016**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 8, 2016 at City Hall at 6:00 p.m. The invocation was given by Reverend Jack Hinnen of Trinity United Methodist Church, after which the pledge of allegiance was given.

With the consent of the council for Mr. Moody to act as chairman, the meeting was called to order. Upon Roll Call, the following were present: Michael Hallman, Fred Hawkins, Vance Moody, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt and Rich Laws. Absent: Britt Thames, Peter Wright and Bruce Limbaugh. Also present were: Mike Kendrick, City Attorney; and Linda Cook, City Clerk.

At this time, Mr. Hallman moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of December 21, 2015 and approve them as distributed. Mr. McClusky seconded the motion.

Mr. Moody 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.

Mr. Moody asked if the Council had any recommendations or appointments to be made regarding board vacancies. There was no response from the Council.

At this time, Mr. Moody amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 09.02.16 – Request for consideration of an appropriation of monies from the West Homewood Project Budget to add/replace bushes, plants and irrigation that were lost due to the new sidewalks at Patriot Park – Fred Hawkins/Berkley Squires/General Services Director – Finance Committee.

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

Mr. Moody 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**

**03.11.15** Consideration to address the growing coyote problem within the city limits of Homewood – **Elaine Snow/Patrick McClusky**

**Action Taken: The Public Safety Committee met on February 1, 2016 and voted 5-0 to recommend dropping this Item.**

**21.01.16** Request for consideration of change order for the West Homewood Project – **Fred Hawkins/Vance Moody**

**Action Taken: The Finance Committee met on February 1, 2016 and voted 5-0 to recommend dropping this Item.**

Mr. Jones moved to approve the Consent Agenda as amended. Mr. Hallman seconded the motion.

Mr. Moody 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**

The first item on the Agenda under Old Business was Item No. 08.12.15 – Continued Public Hearing for consideration of variances 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 (Public Hearing opened at the January 11, 2016 Council Meeting).

At this time, Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council and stated that the applicant was still not ready with the final plans and asked that the Item be continued again.

Mr. Moody stated that the Public Hearing would be continued to the February 22, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 10.01.16 – Public Hearing February 8, 2016 at 6:00 p.m. for consideration of a variance to the Sign Ordinance at 1922 29<sup>th</sup> Avenue South – Ryan Carlson/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on February 1, 2016).

Mr. Moody declared the Public Hearing opened.

Mr. Hawkins stated that the Special Issues Committee met on February 1, 2016 and voted 5-0 to refer this Item back to the full Council without a recommendation pending the Public Hearing tonight.

Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council, presented renderings and stated that the request was for an additional sign which was a blade style, attached sign for the corner to be read from two streets. Mr. Cobb further stated that the other sign was within their limitations and needed no variance.

Ms. Jennifer Mims, owner of Real and Rosemary addressed the Council and stated that she wanted to add a blade sign for more visibility on the street so people could see it as they drove by. Ms. Mims further stated that the restaurant would be opened soon so she wanted really good signage so people could find it.

Mr. Moody 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.

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

Mr. Moody asked if the Council had any questions or comments regarding this Item.

Mr. Hawkins asked Ms. Mims if she would like to come forward and tell the Council about her business.

Ms. Mims again addressed the Council and stated that Real and Rosemary would be a fast casual restaurant with soups, salads, sandwiches, lean proteins and vegetables in a family friendly atmosphere. Ms. Mims further stated that she looked forward to being opened by the end of the month. Ms. Mims added that Homewood had been great to work with and she really appreciated their support of a new business getting started here because they made it really easy and she appreciated it very much.

Mr. Wright asked if the murals on the walls would be new.

Ms. Mims replied that they would be new and stated that they were putting up the ones on front and the first one on the side but they were not doing the ones on the back right now.

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

**Resolution No. 16-21**

**(A Resolution approving a variance to the Sign Ordinance at 1922 29<sup>th</sup> Avenue South)**

Mrs. Smith moved for the adoption and enrollment of Resolution No. 16-21. Mr. Hallman seconded the motion.

Mr. Moody 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. 15.01.16 – Request to set a Public Hearing for February 22, 2016 at 6:00 p.m. for consideration of a variance to the Sign Ordinance at 4100 Old Montgomery Highway – David Brandt/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on February 1, 2016).

Mr. Hallman moved to set a Public Hearing for February 22, 2016 at 6:00 p.m. for consideration of a variance to the Sign Ordinance at 4100 Old Montgomery Highway. Mr. McClusky seconded the motion.

Mr. Moody 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. 12.01.16 – Request for consideration of installing a street light at or near 209 Clermont Drive – Katie Cornutt/Britt Thames/Michael Hallman (Reports – Public Safety Committee and Finance Committee Meetings held on February 1, 2016).

Mr. McClusky stated that the Public Safety Committee met on February 1, 2016 and voted 5-0 to recommend to the Finance Committee the installation of a street light at or near 209 Clermont Drive for public safety reasons due to the area being very dark.

Mr. Jones stated that the Finance Committee met and voted 5-0 to recommend appropriating the funds to install a street light at or near 209 Clermont Drive.

Mr. Moody asked if the Council had any questions or comments regarding the Public Safety and Finance Committees' recommendations. There was no response from the Council.

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

**Resolution No. 16-22**

**(A Resolution approving the installation of a street light at or near 209 Clermont Drive)**

Mr. McClusky then moved for the adoption and enrollment of Resolution No. 16-22.

Mr. Moody 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. 20.01.16 – Request for consideration of a 4-way Stop at the intersection of 28<sup>th</sup> Avenue South/Montessori Way/Woodfern Court – Randy Hambley/Traffic Maintenance Division/Police Department/Britt Thames (Report – Public Safety Committee Meeting held on February 1, 2016).

Mr. McClusky stated that the Public Safety Committee met on February 1, 2016 and voted 5-0 to recommend installing a 4-way Stop at the intersection of 28<sup>th</sup> Avenue South/Montessori Way/Woodfern Court based on reports from Chief Ross of the Police Department and Randy Hambley of Traffic Maintenance.

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

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

**Ordinance No.**

**(An Ordinance approving a 4-way Stop at the intersection of 28<sup>th</sup> Avenue South/Montessori Way/Woodfern Court)**

Mr. McClusky moved for unanimous consent of the proposed Ordinance as read. Mr. Hallman seconded the motion.

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

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Laws and Mr. Moody.

The motion for unanimous consent carried.

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

**Ordinance No. 2587**

**(An Ordinance approving a 4-way Stop at the intersection of 28<sup>th</sup> Avenue South/Montessori Way/Woodfern Court)**

Mr. McClusky moved for the adoption and enrollment and publication according to law of Ordinance No. 2587. Mr. Laws seconded the motion.

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

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Laws and Mr. Moody.

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 (Note: Resolution No. 16-06 adopted January 11, 2016 for partial appropriation of up to \$3,000.00 for fencing) (Report – Finance Committee Meeting held on February 1, 2016).

Mr. Jones stated that the Finance Committee met on February 1, 2016 and voted 5-0 to recommend appropriating up to \$8,000.00 for seating at the corner of Oak Grove Road and Raleigh Avenue contingent on additional funds being available after payment of invoices to Bulls Construction Group, Inc. Mr. Jones further stated that they were within that amount so it would be no problem.

Mr. Moody 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. 16-23**

**(A Resolution to use West Homewood Phase 1 monies to add fencing and seating at the corner of Oak Grove Road and Raleigh Avenue)**

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-23.

Mr. Moody 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

- 01.02.16** Request for a limited fiber optic franchise agreement for Windstream KDL, LLC to provide service to Samford University – City Attorney – **Finance Committee**
- 02.02.16** Request for consideration of the audit results for the Fiscal Year 2014-2015 from Carr Riggs and Ingram, CPA firm and for further consideration of fiscal year end transfers per fiscal policy – Melody Salter/Finance Director – **Finance Committee**
- 03.02.16** Request for consideration of street light on St. Charles Street between Stuart Street and Highland Road – Britt Thames – **Public Safety Committee**
- 04.02.16** Request for consideration of a front yard fence variance to the Fence Ordinance at the property located at 1732 Wellington Road (PID 28-00-18-2-010-040.001) – Vanessa McGrath – **Special Issues Committee (Public Hearing/February 22, 2016)**
- 09.02.16** Request for consideration of an appropriation of monies from the West Homewood Project budget to add/replace bushes, plants and irrigation that were lost due to the new sidewalks at Patriot Park – Fred Hawkins/Berkley Squires/General Services Director – **Finance Committee**

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

Mr. Moody 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 New Business was Item No. 04.02.16 – Request to set a Public Hearing for February 22, 2016 at 6:00 p.m. for consideration of a front yard fence variance to the Fence Ordinance at the property located at 1732 Wellington Road (PID 28-00-18-2-010-040.001) – Vanessa McGrath.

Mr. McClusky moved to set a Public Hearing for February 22, 2016 at 6:00 p.m. for consideration of a front yard fence variance to the Fence Ordinance at the property

located at 1732 Wellington Road (PID 28-00-18-2-010-040.001). Mr. Hallman seconded the motion.

Mr. Moody 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 New Business was Item No. 05.02.16 – Request for consideration of an ABC – 020 – Restaurant Retail Liquor application for Taco Mama Edgewood, LLC d/b/a Taco Mama Edgewood at 1014 and 1016 Oxmoor Road – Robert Rodriguez/Manager/William Haver, Jr. /President Taco Mama/City Clerk.

Mr. McClusky moved to having no objections to the issuance of an ABC – 020 – Restaurant Retail Liquor License for Taco Mama Edgewood, LLC d/b/a Taco Mama Edgewood at 1014 and 1016 Oxmoor Road based on letters received from both the Police and Fire Departments having no objections. Mr. Hallman seconded the motion.

Mr. Moody 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.

Mr. McClusky asked Mr. William Haver, Jr. of Taco Mama if he would like to come forward and tell Council about his business.

Mr. Haver addressed the Council and stated that he was excited about being in Edgewood and Homewood and really appreciated how easy Homewood was to work with. Mr. Haver further stated he was looking forward to opening and receiving the liquor license.

The next item on the Agenda under Other New Business was Item No. 06.02.16 – Request for consideration of a Resolution adopting the Jefferson County EMA Hazard Mitigation Plan – J.J. Bischoff/Chief of Staff.

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

**Resolution No. 16-24**

**(A Resolution adopting the Jefferson County EMA Hazard Mitigation Plan)**

Mr. Hallman moved for the adoption and enrollment of Resolution No. 16-24. Mrs. Smith seconded the motion.



Mr. Moody 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. 07.02.16 – Request for consideration to accept a Firehouse Subs Public Safety Foundation Grant in the amount of \$34,220.89 and for further consideration to amend the Grant Fund Budget – 2015/2016 and subsequent capital grant expenditures in the same amount as the grant – Fire Chief John Bresnan/Melody Salter/Finance Director.

Ms. Salter, Finance Director addressed the Council and stated that this was a grant received from Firehouse Subs in the amount of \$34,220.89 and Battalion Chief Anastasia said they would purchase some capital equipment that they were going to ask the Mayor for in next year's budget. Ms. Salter further stated that the check had been received but they needed the Council to approve and amend the Grants Fund Budget which would put the \$34,220.89 in Grant Revenue in Fund 2 and also would give \$34,220.89 in Fire Grant Capital Expenditures so that would amend the Grants Fund Budget for that revenue and expense.

Mr. Moody asked if the grant money was raised by money collected at Firehouse Subs when customers pay and the cashier ask if you want to round up to the next dollar value.

Chief John Bresnan of the Fire Department replied that the representative had not said where the money came from. Chief Bresnan stated that the representative of Firehouse Subs had been to the office because they were remodeling and moving to a new location and that while he was there had asked if they needed anything.

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

**Resolution No. 16-25**

**(A Resolution to accept a Firehouse Subs Public Safety Foundation Grant in the amount of \$34,220.89 and for further consideration to amend the Grant Fund Budget – 2015/2016 and subsequent capital grant expenditures in the same amount as the grant)**

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-25. Mrs. Smith seconded the motion.

Mr. Moody 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. 08.02.16 – Request for consideration of a Resolution authorizing payment of invoices for the period January 25, 2016 through February 5, 2016 – City Treasurer/Finance Committee.

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

**Resolution No. 16-26**

**(A Resolution authorizing payment of invoices for the period January 25, 2016 through February 5, 2016)**

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-26. Mr. McClusky seconded the motion.

Mr. Moody 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.

Mr. Hawkins stated that the Special Issues Committee would meet on February 22, 2016 at 5:00 p.m.

Mr. McClusky stated that the Public Safety Committee would meet on February 22, 2016 at 5:15 p.m.

Mr. Jones stated that the Finance Committee would meet on February 22, 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.