

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

February 11, 2019

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 11, 2019 at City Hall at 6:00 p.m.

The invocation was given by Captain Webb of the Homewood Fire Department, after which the pledge of allegiance was given.

The meeting was called to order by President Limbaugh at 6:03 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, 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; Melody Salter, City Clerk; and J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer. Absent: Walter Jones.

At this time, President Limbaugh stated that, without objections, the Minutes from the January 28, 2019 Council Meeting would be carried over. There were no objections.

Councilor Higginbotham opened the At-Large Homewood Environmental Commission application period with a closing date of March 11, 2019 at 4:30 p.m. to fill Mr. Johnathan Hunt's position who has moved outside of Homewood.

President Limbaugh re-opened the Ward 2 BZA position with a closing date of February 25, 2019 at 4:30 p.m.

President Limbaugh extended the application periods for the three At-Large and the Ward 2 positions of the Homewood Downtown Redevelopment Authority/Industrial Review Board for 30 days.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 11.02.19 – Request for consideration of declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN : 1FAFP23186G187712) assigned to the IT Department – Gordon Jaynes, Fleet Maintenance – Finance Committee; Item No. 12.02.19 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the fence ordinance at 1090 Sauter Road – Marcy Miller/Greg Cobb, BEZ Dept. – Special Issues Committee.

President Limbaugh then amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 10.02.19 – Request for

consideration of adoption of Resolution placing a lien on the property located at 28 Edgehill Road, Homewood, Parcel ID No. 28-00-18-1-010-028.000 for the cost of abatement in the amount of \$16,500 (Note: This property was declared a public nuisance on July 9, 2018 – Resolution 18-91 – Wyatt Pugh, BEZ/Melody Salter, City Clerk.

Councilor McClusky moved for the approval of the Council Agenda as amended. 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.

CONSENT AGENDA

17.06.17 Request to consider records retention policy – **Melody Salter/City Clerk (Tabled 8/7/17)**

Action Taken: The Finance Committee met on January 28, 2019 and voted 5-0 to remove this item from the table. The motion was made by Councilor Higginbotham and seconded by Councilor Wright. The Committee then voted 5-0 to drop this item. The motion was made by Councilor Higginbotham and seconded by Councilor Smith.

03.01.19 Request for consideration to address parking issues on Malaga/Bonita cul-de-sac – **John Burdeshaw/Jennifer Andress/Peter Wright (Carried Over 1/28/19)**

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

Councilor Thames moved for the approval of the amended Consent Agenda. 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 without dissent.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No.20.10.19 – Consideration to condemn house at 1627 Saulters Road (PID #28-00-18-3-001-021.000) – Wyatt Pugh (Carried over 1/28/19).

President Limbaugh stated that this item would be carried over until the February 25, 2019 Council Meeting.

The next item on the Agenda under Old Business was Item No. 08.01.19 – Public Hearing continued from 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 (Carried over 1/28/19).

President Limbaugh continued the Public Hearing at 6:12 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, presented photographs, and stated that this started as a fence that the neighbor that lived on Saulters Road started and it was a back yard to the house on Saulters Road so it looked like the home owner on Saulters Road had the situation cured. Mr. Cobb further stated that they had the discussion that on a corner lot it said that a fence had to be 15 feet inside the property line and in this case the property line was nine and a half feet behind the curb and this was another four foot ten behind the curb so that fence now was about 14 and a half feet from the back of the road. Mr. Cobb added that he measured today and from the road to the fence was 14 and a half feet.

Councilor Smith asked if she would have to get a variance.

Mr. Cobb replied that it was up to the Council but the way the road fell off there he did not see it as a sight distance problem and would ask the Council to entertain letting it go like it was. Mr. Cobb stated that the next post to the right was where it was going to go across and it would parallel to the road and the road moved over where the hillside was so it would probably get a little further away from the road as it moved and would end up 14 and half to 15 feet behind the street.

Councilor Gwaltney asked if when the fence turned headed back toward Saulters Road if that would be a front yard fence for a double sided lot.

Mr. Cobb replied no.

Councilor Gwaltney asked if corner lots had two front yards.

Mr. Cobb replied that they did but they handled that in the fence ordinance by the 15 foot offset.

Councilor Gwaltney asked to verify that the fence could run along that side.

Mr. Cobb replied yes.

Councilor Smith asked Mr. Cobb for his recommendation.

Mr. Cobb replied that his recommendation was to let her finish the fence and then the compost bin would be out of sight behind the six foot privacy fence and it would not be a traffic hazard and it should stop at the drive way and would not go beyond the front of the house.

Councilor Wright asked to verify that the recommendation was to let her finish the fence with the needed variance to do that.

Councilor Smith replied that there would be no variance to do that.

Ms. Marcy Miller at 1090 Saulter Road addressed the Council and stated that she apologized because she had no idea she had to get a permit to build a fence and she was doing it herself but she would go get a permit and she called the office today.

Councilor Thames asked what type of variance she would need.

Mr. Cobb replied that it was 14 and half feet from the road now and asked Mr. Kendrick if she would need to formally request a variance for the six inch difference.

Mr. Kendrick replied yes and stated that there would need to be variance request and a Public Hearing.

Mr. Cobb asked Mr. Ben Green if he was okay to drop this item if she continued with her fence.

Mr. Green replied yes.

President Limbaugh closed the Public Hearing at 6:18 p.m.

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

Councilor Smith moved to drop this item. 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 voice vote, the motion carried without dissent.

President Limbaugh then amended the published Council Agenda to add the following item to the Committee Referral Agenda and the Other New Business Agenda: Item No. 12.02.19 – Request to set a Public Hearing on February 25, 2019 at 6:00 p.m. and referral to the Special Issues Committee for consideration of a variance to the fence ordinance at 1090 Saulter Road – Marcy Miller/Greg Cobb, BEZ Dept.

Councilor Smith 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.

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 – Planning and Development Committee (Carried over 1/28/19).

Councilor Thames stated that the Planning Commission heard this case and the gentleman owned both parcels and wanted to subdivide into a single parcel which would need common zoning but the subdivision was contingent upon the rezoning.

President Limbaugh opened the Public Hearing at 6:22 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, presented drawings, and stated that the little triangle in red was the parcel in question that he wanted to move in with the parcel to the north. Mr. Cobb further stated that they could see lines running at an angle across there and the yellow lines were very faint but they could see the right away for Dover road which did not exist and most likely never would. Mr. Cobb added that the two parallel lines were the water mains that came from the treatment plant on Highway 280 and were installed in the 1890's and were very fragile but it looked like the red triangle and the property to the left was all one piece at one time and it was bisected by the water lines in the 1890's and that left the triangle by itself and the orange line that ran across

the page was actually a section line between the southwest of section 8 and the northwest of section 17 below it so the property owner to the north just wanted to combine that in and build a retaining wall there and make his parking lot a little bit larger but a question came up in the Planning Commission if there was ever going to be a road built there in the Dover Road right-of-way which could never happen without permission of the Council and he did not think they really wanted to build a road across those water lines that had been there for over 100 years so the applicant had no right to get in the right-of-way without permission of the Council. Mr. Cobb further added that it was just the little piece that attached to the north and whoever owned it before the Water Works bisected it evidently just had no use for it because they just could not get to it other than to walk to it but they could not get a road in there.

President Limbaugh asked if he knew the size of the triangle.

Mr. Cobb replied that it was on a tax map but it was so small he could not read it but he knew that it was a very tiny piece.

President Limbaugh asked that if the Council elected to not approve this could they still build the high rise without the triangle.

Mr. Cobb replied yes and stated that the piece of property where the hotel was located was only two and half acres so they could imagine what the tiny piece there was.

Councilor Andress asked if they would be able to maintain a buffer to the left.

Mr. Cobb replied that the whole thing was wooded so the triangle would become part of the buffer so they would have a ten foot buffer.

Councilor Andress stated that she thought he wanted to build a retaining wall onto that triangle and therefore would be cutting into that buffer.

Mr. Cobb stated that he could not cross that line but he would still have room for his buffer.

Councilor Wright stated that it looked like it was behind the principle buffer.

Mr. Cobb stated that a lot of he was seeing was shadow because he walked right to it when he posted it.

Councilor Wright asked if they knew what the property was going to be used for.

Mr. Cobb replied that it would be used for a hotel.

Councilor Wright asked what this section would be used for.

Mr. Cobb replied that he said he would put a buffer and wall there and part of his parking lot and would give him a little more room in the corner. Mr. Cobb asked Councilor Thames if that was what he understood.

Councilor Thames replied yes and stated that he said he was thinking of possibly using a portion of it for the corner of the retaining wall but at the Planning Commission level he was not certain one way or the other.

Mr. Cobb stated that it would give him better turning radius coming around the end of the parking lot. Mr. Cobb further stated that it was a hill and fell down from there to the property below.

Councilor Thames stated that it was tough to know, not knowing the dimensions of the little piece. Councilor Thames asked if that would remain all buffer or would that retaining wall encroach on the ten foot buffer he had to have. Councilor Thames asked if this would allow him to creep the retaining wall a little closer while still maintaining the buffer or would the retaining wall land on this piece.

Mr. Cobb replied that he thought the retaining wall would follow the bottom two property lines because the property was falling away from the parking lot.

Mr. Brock Tompkins at 702 Belmont Road addressed the Council and stated that he was at the original zoning hearing when Mr. Patel indicated that this parcel in question was in fact part of the Mountain Brook Inn. Mr. Tompkins further stated that he owned a title company in Homewood called Members Title so he did a little leg work and found that the parcel in question was actually acquired after Mr. Patel bought the Mountain Brook Inn property so his intent to build the hotel could not be in question so what he was trying to do was use the little sliver of land to get him more parking if he could get it rezoned into Commercial coming from Neighborhood Preservation District. Mr. Tompkins added that he thought it was a slippery slope because there was a lot of property in question behind there and whether it was usable or not was not his call but he did live on Belmont Road which was very close to this property and it was a slippery slope to go in and add parking and he did purchase the property after he did buy the Mountain Brook Inn and it was in fact never a part of the Mountain Brook Inn and he felt it was very important for the Council to know that so this was him trying to get a couple of extra parking spaces for his hotel after the fact.

President Limbaugh asked Mr. Tompkins if he was for or against this.

Mr. Tompkins replied that he was against it.

Ms. Pamela Moore at 710 Belmont Road addressed the Council and stated that she was very much opposed to any commercial property encroaching into the residential

area. Ms. Moore further stated that they were so close to the commercial property as it was and they all understood that but as it eased into the residential area it was really unnecessary and in the overheads they showed there were a lot of trees and shrubbery that appeared in the aerials that were not there anymore and that was a really good buffer for the residential area because Tamworth certainly faced that. Ms. Moore added that they had a lot of concerns that if this became zoned Commercial the other parcels that were adjacent to that would be as well. Ms. Moore further added that they had a lot of concerns about Dover Road in the future being opened again and she knew there had been a lot of conversation about it crossing the Water Works but the potential was still there and there was a way around without going over the Water Works and that would open up traffic from that Commercial area and Highway 280 right onto Tamworth and into their neighborhood so there were a lot of concerns just going forward even though this was a small parcel, there was a lot of other parcels adjacent to that which could be opened up later if this became Commercial so they would like to see this remain Residential and a good buffer to the good Commercial areas and that was the strong feelings from Tamworth, Windsor, Belmont, and any of the streets that were adjacent to this.

Councilor Thames asked Mr. Cobb to verify that there were no parking variances needed for him to build the hotel.

Mr. Cobb replied that he believed he did receive a variance off the parking.

Councilor Thames asked if he went to the BZA and got a variance on the parking.

Mr. Cobb replied that it would have been through the BZA.

Councilor Thames stated that the reason he asked was because he did not understand if he was already approved with the original amount of parking why more was needed if it was not preventing him from pulling his permit and building his project.

Mr. Cobb replied no and stated that he did have a current variance in place.

Ms. Carol Medders at 507 Windsor Drive addressed the Council and stated that she sent an email about a week ago stating her concerns. Ms. Medders further stated that her first involvement with zoning issues was for a property that was directly behind her mother's property on Manchester Lane and that was when she found out there was a Neighborhood Preservation District so as she found out this information from the Homewood Star that stated that this had been approved unanimously by the Planning Commission where nothing was said about what was going to be done with the property and then Councilor Andress sent out some information saying it was a small parcel of property and provided more information about the use of the property but she became passionate about the issue so she sent a letter to all the residents on Tamworth and

Belmont. Ms. Medders added that was the issue about the property being bought for the hotel as-is and they could not find any information posted online about when the property was bought and what the asking price was so it appeared to be either sealed or something was not public about it which was of concern to her and it also appeared that the other property was bought and the Tamworth Lane property was bought to add to it after the fact. Ms. Medders further added that this was Neighborhood Preservation District and regardless of the size of the property it was a part of Tamworth Lane and was not a part of Highway 280 and the Mountain Brook Inn so she asked for their consideration in voting no on this proposal.

Ms. Krystal Drummond at 705 Belmont Road addressed the Council and stated that while her house did not back up to this property it was very close in proximity and they almost see her house from these photos so she just had a concern for preserving the historic nature of their neighborhood, which was the reason they all moved and invested in their homes so she asked that they vote to continue to preserve this as a piece of their neighborhood.

Mr. Chris Williams at 705 Belmont Road addressed the Council and stated that he was against this because this was one of the most historic neighborhoods in Homewood and he would hate to see the corporate areas get closer and closer to it and eat away at the charm of their neighborhood.

Ms. Annalisa Beavers at 707 Warwick Road addressed the Council and stated that she walked on Tamworth all the time and even with the buffer she could still see straight to Bricktops and could see everything from there so if they added this they would be taking a lot from the buffer so she was very much against this proposal.

Mr. Rakish Patel of AUM Homewood LLC addressed the Council and stated that they did not acquire this property when they purchased the rest of the property but it came about in a quit claim deed after the fact because the property was pretty much in no man's land and there was a water line going through it and they didn't want the responsibility of those so they said they would take on the responsibility so would like to incorporate it into their adjacent development and make it all zoned the same. Mr. Patel further stated that it was so small that the idea was that maybe they needed to use it as a turning radius of that retaining wall in case they needed it. Mr. Patel added that technically they could not build on it and nobody wanted to take the liability of it but there was a property on the other side that was owned by Graham but that was landlocked property that they had no use for. Mr. Patel further added that the development would continue to go on with or without it but it would just make it easy to deal with it in the future if they needed to use it for a retaining wall.

President Limbaugh asked to verify if the topography of the wall was no different than the other property.

Mr. Patel replied no and stated that it dropped off pretty severely so they would need to retaining wall to get up the hill to turn that radius but they did not need additional parking spaces and already had plenty. Mr. Patel further stated that this was just to make it easier for trucks to turn that radius but now they could not get on it to push dirt against it the way the zoning was.

Councilor Wyatt asked if he could build the retaining wall if the zoning was not changed.

Mr. Cobb replied that he could not put a parking lot on it because it would be NPD zoning but he did not think he could build the retaining wall either.

Mr. Kendrick stated that he could not build the retaining wall.

Mr. Cobb stated that basically the piece of property was landlocked and they could not put a house on it or anything because it would not fit.

Councilor Wright asked to verify that right now he was not sure he needed to do anything with the property.

Mr. Patel replied that right now the design could be done with or without but it would make it easier if they had to put in a retaining wall to make that a bigger space for trucks that needed to get up the hill but would not know the exact need until he got further into the project.

Councilor Wright asked if it was possible that he might not need it.

Mr. Patel replied that he was not going to use it for anything more than a retaining wall.

Councilor Wright stated that he understood that but that it was possible that he may not even need that.

Mr. Patel replied that he would make it easier for the civil engineers to design better if they had that little gap.

Councilor Wright stated that it was still possible that they may not need it.

Mr. Patel stated that right now the design did not need it.

Councilor Wright asked if the quit claim deed property came up after his Planning Commission Meeting.

Mr. Patel replied yes and stated the previous owner did not want to take responsibility and asked if he wanted it so he said he would take responsibility.

Mr. Kendrick stated that the property was owned by Graham.

Mr. Patel stated that Graham had to acquire it to get the water lines through to Bricktops.

Councilor Wright asked to verify that Graham did not want any potential liability so they offered it to him.

Mr. Patel replied yes and stated that Graham still had potential liability with the water lines.

Councilor Wright asked if there was some vegetation and trees on the property now.

Mr. Patel replied yes and stated that it was a severe slope.

Councilor Wright stated that he understood that but if he did take the property he would have to get rid of some of the trees if he was going to have to use it.

Mr. Patel stated that they would see a lot of trees already taken out but this property was small and maybe only had a couple of trees on it and only a retaining wall would need to get onto it to help with the turning radius.

Councilor Wright stated that the importance of the buffer could not be stressed enough so he would think a better approach would be that once he got further along with his project to find out if he really did need this property, and if he really did need it, to insure this neighborhood was protected, because this was an NPD area so no matter how small, was there for a reason. Councilor Wright further stated they took this seriously in all of their Wards and this one just happened to back up into that neighborhood and he was hesitant because they did not know where he was on it and he felt they were too early on the project and were too early with potential protections. Councilor Wright added that if he found that he did need it that perhaps there was something that could be put in place to enhance and comfort these neighbors to know that this was going to be okay. Councilor Wright further added that they were glad to have his development but this was a tough issue.

Councilor McClusky stated that if the Planning Commission had already approved the parking variance then he did not feel this was needed.

Ms. Anna Unkenholz at 509 Tamworth Lane addressed the Council and stated the pictures that were shown of the vegetation and the trees were beautiful but it no longer

looked like that and there was a stark contrast. Ms, Unkenholz further stated that they could see everything that happened at Bricktops and could hear the deliveries every morning and had flood lights shining into their house so a vegetation barrier had been promised but nothing was there yet so to encroach even more on their privacy was heartbreaking and she was adamantly opposed to the parking lot, the high rise, and everything else.

President Limbaugh asked Mr. Cobb if this was something they could address with Bricktops regarding the buffer.

Mr. Cobb replied yes and stated that they could address the buffer and the lights because the lights were supposed to be down lights and were not supposed to shine off the property.

Ms. Marcy Miller at 1090 Sauter Road addressed the Council and stated that in Edgewood one thing that upset a lot of the neighbors was the way that Taco Bell was redeveloped and they had the opportunity to push the parking lot all the way back to that line and put their huge dumpster right there and it was all legal.

Mr. Kendrick stated that the Taco Bell was in Birmingham.

Ms. Miller stated that the way that property was developed, that parking lot they were speaking of with this property could hold a huge dumpster and that was the property furthest away from the hotel and it would be a very convenient place for them to place that.

President Limbaugh 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.

President Limbaugh closed the Public Hearing at 6:50 p.m.

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

Councilor Andress stated that she heard from numerous residents who she stood with and learning from the residents the history of why the NPD was put into place, she like the trends that had been put into place since she had been on the Council like on Henna Street and making sure they maintain the buffers and protect NPD and the significance of it to their city and residents. Councilor Andress further stated that she was disappointed to hear that they had lights coming in from Bricktops because she had been out there with more when they planned on where the plantings would take place and she was disappointed to hear that this had not taken place yet so she was glad they would be taking a look at that. Councilor Andress added that they had heard repeatedly how small this triangle was but it was significant to take something as important as an NPD and

rezone it to Commercial for a High Rise because she felt that sent a terrible message and thought she was glad to have the development in Homewood, she did not think they needed to rezone this section of property.

Councilor Wright stated that he believed they should uphold the NPD and particularly in a situation like this they were very much uncertain if they even needed this property so he was hesitant and he knew they all wanted to safeguard the NPD and he felt they should very much protect the NPD when they were not even sure this property was even needed by the developer and they knew it was not needed for what was approved by the Planning Commission.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:53 p.m.:

Ordinance No.

(An Ordinance 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)

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Smith, Wyatt, 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. 2731

(An Ordinance 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)

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2731. 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: None. Nays: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion failed on a vote of 0-10.

The next item on the Agenda under Old Business was Item No. 13.01.19 – Public Hearing continued from January 28, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1651 Independence Drive – Greg Cobb, BEZ (Carried over 1/28/19).

Mr. Cobb addressed the Council and stated that Mr. Brandt asked that this item be carried over to the next Council meeting so he could further prepare drawings.

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. 24.01.19 – Request for consideration to authorize the Mayor to sign an agreement with the Alabama Historical Commission to establish Homewood as a certified local government – Historic Preservation Commission/Barry Smith (Carried over 1/28/19).

President Limbaugh stated that, without objections, this item would be referred to the Special Issues Committee.

The next item on the Agenda under Old Business was Item No. 22.09.18 – Request for consideration to transfer a portion of Lakeshore Pkwy for a portion of Greensprings Highway with ALDOT – Mayor Scott McBrayer/DeJarvis Leonard, ALDOT.

Councilor Smith stated that the Finance Committee met on February 4, 2019 and voted 5-0 to recommend approval of the Mayor to sign the updated agreement.

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. 19-17

(A Resolution to transfer a portion of Lakeshore Pkwy for a portion of Greensprings Highway with ALDOT)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 19-17.

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. 23.11.18 – Request to review city per diem meal account policy for city employees – Barry Smith.

Councilor Smith stated that the Finance Committee met on February 4, 2019 and voted 5-0 to recommend amendments to policy.

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. 19-18

(A Resolution to amend the city per diem meal account policy for city employees)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 19-18.

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. 15.01.19 – Request for consideration to transfer \$200,000.00 to Highway Public Road Cooperative District – Jennifer Andress/Peter Wright.

Councilor Smith stated that the Finance Committee met on February 4, 2019 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. 19-19

(A Resolution to approve a transfer of \$200,000.00 to Highway Public Road Cooperative District)

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

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. 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.

Councilor Smith stated that the Finance Committee met on February 4, 2019 and, after hearing report from Mr. James Yates, 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. 19-20

(A Resolution to authorize the Mayor to sign contracts with Siarum Communications, LLC for network at 123 Oxmoor Road to replace network at 120 Oxmoor Road)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 19-20.

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, 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.

Councilor McClusky stated that the Public Safety Committee met on February 4, 2019 and voted 5-0 to recommend approval of crosswalk at East Hawthorne and Seminole.

President Limbaugh 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 at 7:02 p.m.:

Ordinance No.

(An Ordinance for a crosswalk across Oxmoor Road at Seminole at Trinity United Methodist Church)

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. 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, Wolverton, McClusky, Smith, Wyatt, 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. 2731

(An Ordinance for a crosswalk across Oxmoor Road at Seminole at Trinity United Methodist Church)

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2731. Councilor Thames 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, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No, 20.01.19 – Request for consideration for a crosswalk across Reese Street at Central Avenue– Jennifer Andress/Britt Thames/Andy Gwaltney.

Councilor McClusky stated that the Public Safety Committee met on February 4, 2019 and voted 5-0 to recommend approval of crosswalk with the addition of appropriate lighting across Reese Street.

President Limbaugh 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 at 7:04 p.m.:

Ordinance No.

(An Ordinance for a crosswalk across Reese Street at Central Avenue with additional lighting across Reese Street)

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Smith, Wyatt, 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. 2732

(An Ordinance for a crosswalk across Reese Street at Central Avenue with additional lighting across Reese Street)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2732. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

01.02.19 Request to authorize the Mayor to sign annual contract renewal for uniforms with Cintas – **Gordon Jaynes/Fleet Maintenance – Finance Committee**

02.02.19 Request for consideration to purchase the alley adjacent to 405 Cliff Place – **Michael Thomason/Greg Cobb, BEZ – Finance Committee**

- 03.02.19** Request to authorize the Mayor to sign a purchase agreement with AT&T (to interface 911 phone controller with new phone system) – **Brandon Broadhead/Fire Dept. – Finance Committee**
- 04.02.19** Request for consideration to vacate the alley adjacent to 2560 18th Street South – **Jarred Lewis/Greg Cobb, BEZ – Public Works Committee**
- 05.02.19** Request for consideration of a presentation on municipal solar projects – **Robert Hanson/Barry Smith – Special Issues Committee**
- 06.02.19** Request for consideration of an ordinance limiting timeframe of hotel stays within the city limits of Homewood, AL – **Patrick McClusky – Special Issues Committee**
- 07.02.19** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to the fence ordinance at 2830 16th Place South – **Jonathan Kelly/Greg Cobb, BEZ – Special Issues Committee**
- 11.02.19** Request for consideration of declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN: 1FAFP23186G187712) assigned to the IT Department– Gordan Jaynes, Fleet Maintenance– **Finance Committee**
- 12.02.19** Request to set a Public Hearing for February 25, 2019 at 6:00 p.m. and referral to the Special Issues Committee for consideration of a variance to the fence ordinance at 1090 Saulter Road – **Marcy Miller/Greg Cobb, BEZ Dept. – Special Issues Committee**
- 24.01.19** Request for consideration to authorize the Mayor to sign an agreement with the Alabama Historical Commission to establish Homewood as a certified local government – **Historic Preservation Commission/Barry Smith – Special Issues Committee**

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

OTHER NEW BUSINESS AGENDA

The next item on the Agenda under Other New Business was Item No. 07.02.19 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the fence ordinance at 2830 16th Place South – Jonathan Kelly/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for February 25, 2019 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 08.02.19 – Request for consideration of approval of funding agreement for Highway 280 Cooperative District – Jennifer Andress/Peter Wright.

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

Resolution No. 19-21

(A Resolution approving funding agreement for Highway 280 Cooperative District)

Councilor Andress moved for the adoption and enrollment of Resolution No. 19-21. 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 voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 09.02.19 – Request for consideration of approval of vouchers for period of January 28, 2019 through February 10, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-22

(A Resolution for approval of vouchers for period January 28, 2019-February 10, 2019)

Councilor Wright moved for the adoption and enrollment of Resolution No. 19-22. 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 considered under Other New Business was Item No. 10.02.19 – Request for consideration of adoption of Resolution placing a lien on the property located at 28 Edgehill Road, Homewood, Parcel ID No. 28-00-18-1-010-028.000 for the cost of abatement in the amount of \$16,500 (Note: This property was declared a public nuisance on July 9, 2018 – Resolution 18-91 – Wyatt Pugh, BEZ/Melody Salter, City Clerk.

Mr. Wyatt Pugh addressed the Council and stated that he had provided a report to the Council along with this Item.

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

Resolution No. 19-23

(A Resolution placing a lien on the property located at 28 Edgehill Road, Homewood, Parcel ID No. 28-00-18-1-010-028.000 for the cost of abatement in the amount of \$16,500)

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-23. Councilor Andress seconded the motion.

Councilor Gwaltney left the Council Chambers at 7:09 p.m.

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 Thames stated that the Planning and Development Committee would not meet on February 25, 2019. Councilor Thames further stated that he wanted to thank the Mayor for his work on the Greensprings exchange. Councilor Thames added that TAP applications were due in May. Councilor Thames further stated that he wanted to thank Councilors Andress and Wright for their work on the Bridge Project.

Councilor Wolverton stated that the Taste of Homewood was a fantastic event and Ash Restaurant won the People's Choice Award. Councilor Wolverton further stated that he wanted to thank Chief Ross and the Police Department who handled a situation last week with a sex offender who was at a hotel.

Councilor McClusky stated that the Public Safety Committee would not meet on February 25, 2019.

Councilor Smith stated that the Finance Committee would meet on February 25, 2019 at 5:00 p.m. and the Special Issues Committee would meet on February 25, 2019 at 5:15 p.m.

Councilor Wyatt stated that Homewood Athletic Foundation would be holding Cornapalooza on Saint Patrick's Day, March 17, 2019, at Pizzeria GM and Patriot Park from 1:00 to 5:00 p.m.

Councilor Andress stated that the Treasurer for the Cooperative had opened a Money Market with the money that they had right now and they were earning \$500.00 a month toward their balance. Councilor Andress further stated that February 23, 2019 would be the Steeple to Steeple Run in West Homewood which would benefit the United Methodist Children's Home. Councilor Andress added that she wanted to congratulate the Girls and Boys Indoor Track Team for winning State Championships. Councilor Andress further added that Homewood Boys Tennis had their first match against Saint James out of Montgomery and they won 8-1 and that was the biggest win they had ever had.

Councilor Wright stated that the Public Works would not meet on February 25, 2019. Councilor Wright further stated that he wanted to congratulate the Basketball Team who would play in the Playoffs tomorrow night. Councilor Wright added the Show Choir won seconded play in Opelika.

Councilor Smith stated that the interviews for the Ward 4 Homewood Environmental Commission would be held tomorrow at 5:00 and 5:30 p.m.

President Limbaugh stated that it was always encouraging when thoughtful residents and citizens came out and talked with the Council as the Ward 5 residents did tonight. President Limbaugh further stated that when he heard that Bricktops was not doing what they were supposed to do, it bothered him tremendously because they did good things for them regarding incentives.

Mr. Kendrick stated that the issues were with the developer which was Graham because they developed the building and the buffer was the developer's issue more than it was a tenant issue.

Mayor McBrayer stated that he would talk to the developers about the issues.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:23 p.m.