

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

**June 10, 2019**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 10, 2019 at City Hall at 6:00 p.m.

The invocation was given by Apparatus Operator Evan Van Arsdale, after which the pledge of allegiance was given.

The meeting was called to order by President Limbaugh at 6:06 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, Jennifer Andress, Peter Wright, and Bruce Limbaugh constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer.

At this time, Councilor Wright moved to dispense with the reading of the Minutes of the Council Meeting of May 20, 2019 and approve them as distributed. 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.

At this time, President Limbaugh requested Board openings and nominations.

Councilor Smith stated that the Ward 3 Historic Preservation Commission application period would be re-opened until July 8, 2019 at 4:30 p.m.

Councilor Higginbotham stated that the Ward 2 Arts Advisory Council application period would be opened until July 8, 2019 at 4:30 p.m.

President Limbaugh stated that three HDRA At-Large and the Ward 2 application periods would be re-opened until July 8, 2019 at 4:30 p.m.

At this time, Mayor McBrayer presented a Proclamation to the Byers Family to declare June 10 as “Grayson Alexander Byers Day” in the City of Homewood, Alabama.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 19.06.19 – Request to send nomination to Jefferson County Personnel Board for appointment to County Board

of Equalization – Melody Salter, City Clerk/Bruce Limbaugh – Special Issues Committee; Item No. 21.06.19 – Request for permission to perform grading on edge of Fox Property – Brian Hatcher/Greg Cobb – Special Issues Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 18.06.19 – Request to authorize the Mayor to sign a contract with One Roof – Mike Higginbotham; Item No. 20.06.19 – Request for moratorium on new construction permits in West Homewood District for 120 days – Mike Higginbotham/Andrew Wolverton.

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

### **CONSENT AGENDA**

**21.01.19** Request for consideration to address traffic and speeding concerns at Hollywood Blvd/La Prado – **Dr. Blake Pearson/Councilor Jennifer Andress**

**Action Taken: The Public Safety Committee met on June 3, 2019 and voted 4-0 to recommend dropping this item as this could be handled in house. The motion was made by Councilor Andress and seconded by Councilor Wyatt**

**13.02.19** Request to consider downtown signage plan – **Councilors Britt Thames, Andy Gwaltney, and Jennifer Andress**

**Action Taken: The P&D Committee met on June 3, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Wolverton**

**03.10.17** Request for consideration of lighting for the Bonita Drive, La Prado, and Ventura Avenue area – **Councilor Jennifer Andress**

**Action Taken: The Public Safety Committee met on June 3, 2019 and voted 4-0 to recommend dropping this item as this could be handled in house. The motion was made by Councilor Andress and seconded by Councilor Wyatt**

**14.05.19**      **Public Hearing set for June 10, 2019 at 6:00 p.m.** for consideration of variance to the sign ordinance at 190 West Oxmoor Road – **Joe Tunnel/Greg Cobb, BEZ Dept.**

**Action Taken:** The Special Issues met on June 3, 2019 and voted 4-0 to recommend dropping this item as this property is in the West Homewood District and must be heard by the BZA. The motion was made by Councilor Andress and seconded by Councilor Higginbotham. The Public Hearing will be opened and then closed tonight.

**25.05.19**      Request for consideration to repair sidewalk at 229 Poinciana – **Janet Lusco/Councilor Jennifer Andress**

**Action Taken:** The Public Works Committee met on June 3, 2019 and voted 4-0 to recommend dropping this item as this item can be handled by property owner for their part and in house for City part. The motion was made by Councilor Wyatt and seconded by Councilor McClusky.

**26.05.19**      Request for consideration to reduce the number of unrelated persons to rent or lease residential property to two down from three persons – **Councilor Peter Wright**

**Action Taken:** The Special Issues met on June 3, 2019 and voted 4-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Higginbotham.

**33.05.19**      **Public Hearing set for June 24, 2019** for consideration of variance to the sign ordinance at 2800 18<sup>th</sup> Street South – **David Brandt/Greg Cobb, BEZ Dept. – Special Issues Committee**

**Action Taken:** The Special Issues met on June 3, 2019 and voted 4-0 to recommend dropping this item at request of applicant. The motion was made by Councilor Higginbotham and seconded by Councilor Andress. The Public Hearing scheduled for June 24, 2019 at 6:00 p.m. will be cancelled.

Councilor Thames moved for the approval of the Consent 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.

## **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 06.02.19 – Public Hearing set for June 24, 2019 at 6:00 p.m. for consideration of an ordinance limiting timeframe of hotel stays within the city limits of Homewood, AL – Councilor Patrick McClusky.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 24, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.04.19 – Bid Opening held on June 3, 2019 at 4:45 p.m. for Spring Tree Planting – Amy Milam, HEC/Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to recommend rejecting bids due to applicant not meeting bid specifications and to set another Bid Opening for July 15, 2019 at 4:45 p.m. with a 4:30 p.m. deadline for submissions.

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

President Limbaugh stated that Bid Opening would be set for July 15, 2019 at 4:45 p.m. with a deadline of 4:30 p.m. for submissions.

The next item on the Agenda under Old Business was Item No. 08.04.19 – Request for presentation of audit results for fiscal year ended September 30, 2018 by BMSS – Robert W. Burgett, Finance Director/Melody Salter, Assistant Finance Director.

Councilor Jones stated that the Finance Committee met June 3, 2019 and, after presentation from BMSS, voted 5-0 to recommend accepting the audit report.

President Limbaugh asked if the Council had any questions regarding the Finance Committee's 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. 20.04.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of possible vacation of alley on 18<sup>th</sup> Street – President Limbaugh.

Councilor Wright stated that the Public Works Committee met on June 3, 2019 and voted 4-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:21 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. Darren Hamrick of Sain Associates addressed the Council and stated that he was here in support of this project and could answer any questions the Council may have.

Councilor Smith asked to verify that this item was regarding the hotel project.

President Limbaugh replied yes.

Councilor Smith asked if there were any drawings.

Mr. Kendrick replied yes and stated that the drawings were attached to the Resolution.

President Limbaugh declared the Public Hearing closed at 6:23 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. 19-78**

**(A Resolution for vacation of alley on 18<sup>th</sup> Street)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-78. 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.

The next item on the Agenda under Old Business was Item No. 10.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of variance to the fence ordinance at 3 Ventura Drive – Chris Tucker/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on June 3, 2019 and voted 4-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:24 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, provided handout, and stated that this was a corner lot and corner lots had two fronts and for a fence on the roadside the ordinance called for a 15 foot setback from the property line. Mr. Cobb further stated that at the top of the handout was Independence Drive and the heavy line below it was the property line and Mr. Tucker was requesting to follow the property line because if it was offset by 15 feet it would go through the house. Mr. Cobb added that the two variances requested were one for a 15 foot offset and one would be for a front yard fence, which would be eight feet tall due to safety issues for children getting out of the car as well as a noise barrier as it was 24 feet from Highway 31.

Councilor Jones asked to verify that there was no issue with the ALDOT right-of-way.

Mr. Cobb replied no and stated that he was off of the right-of-way and on to his private property.

Councilor Jones asked what it meant on the handout that said that the right-of-way varied.

Mr. Cobb replied that the heavy line that ran horizontal was the property line and they could see that the fence was just inside the property line and was 24 feet and four inches. Mr. Cobb stated that the tax map stated that the property line varied because as it went up and down Highway 31 it changed through there but his property was pretty consistent at 24 feet.

Councilor Smith stated that in the Committee Meeting they had a lot of discussion about this because they were hesitant and reluctant to grant variances for front yard fences but they did typically consider hardships for safety purposes although in this particular case she felt that the hardship was created by the person themselves because he built a house on a lot that was right next to Highway 31 so she was hesitant to grant it because it would set a precedent that they might not want.

Councilor Jones stated that they discussed being able to allow the fence to go up to the front building line and would not need any action.

Mr. Cobb stated that it would still need a side setback variance.

Councilor Wolverton asked to verify that there was tree line currently where the fence would end.

Mr. Cobb replied yes and stated that there were some trees there.

Councilor Wolverton stated that they had asked for some pictures to clarify that.

Mr. Chris Tucker addressed the Council, presented pictures, and stated that he knew this was not a precedent they wanted to set and he understood that; however, there was only three houses on Highway 31 so it was kind of a different situation.

President Limbaugh stated that he agreed with Councilor Smith that he chose to build there.

Mr. Chris Tucker stated that the State of Alabama took half of that lot back in the 1960's so it used to be a lot bigger. Mr. Tucker further stated that it was very far off the road where it stopped as it was 73.5 feet off the property line in the front and about 85 feet off of Ventura Avenue if they drew a straight line down the Ventura right-of-way so it was very far and didn't come up as far as the neighbor's fence. Mr. Tucker added that they would not be able to see the fence from Ventura because there would be trees blocking the fence.

Councilor Wolverton stated that it might help if he proffered to replant mature trees along the fence line.

Mr. Tucker asked if ALDOT would be okay with that.

Councilor Wolverton asked to verify that the fence was not in the ALDOT right-of-way.

Mr. Tucker replied that the fence was not in the right-of-way but if they planted trees in front of the fence that would be in the right-of-way.

Councilor Wolverton stated that he was suggesting he plant trees instead of putting in the fence in the front.

Mr. Tucker replied that trees would not be planted altogether because they had to grow and then they would have gaps where kids could go through.

Councilor Andress asked if Mr. Tucker had spoken to the neighbors.

Mr. Tucker replied that when he showed her his plan she seemed to be okay and even glad because when cars turned right at TCBY there was a lot of sound and this would cut down on noise and lights at their house and his house and would be safer for whoever bought it.

Mr. Stan Huner at 5 Ventura Avenue addressed the Council and stated that when they first found out about this he and his wife were not necessarily opposed and were not going to object to the fence extending but they talked about it a little more and they were now more of the mindset that he should, just like everyone else on their street, use a

hedgerow or trees to separate the front yards which worked well. Mr. Huner further stated that he understood there was a safety concern but he was pretty sure Mr. Tucker knew what those concerns were going to be when he built the house and he thought he could accomplish what he needed with a landscape screen which would help them and him with noise and light.

Councilor Jones asked to verify that Mr. Huner was okay with the fence going up to the front building line but he was for planting something as a buffer where the fence was indicated.

Mr. Huner replied yes and stated that he understood that there would be gaps if he were to plant but they could tier landscaping however he needed to in order to fill in those gaps until the plants matured such as stepping back a few feet and putting in a lower shrub to fill those. Mr. Huner further stated that he did not have a problem with him coming to the front of the house, which was what he and his wife did, but they did a continuation of the barrier with landscaping and not fence because if they put a fence up to the street or further up it would adversely affect other people.

Councilor Wright asked Mr. Huner if he would like to see a landscape plan beforehand.

Mr. Huner replied that it was the Council's decision as to whether or not they let a fence happen one way or the other but he felt that the Council needed all that information to make that decision.

President Limbaugh declared the Public Hearing closed at 6:38 p.m.

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

Councilor Wright stated that it sounded like a potential solution was to go up to the front of the house with landscaping barrier of some type.

Councilor Andress asked if they could carry this over pending approval of a landscaping plan.

President Limbaugh stated that, without objections, this item would be referred back to the Special Issues Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 11.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of variance to the driveway ordinance at 416 Devon Drive – David Champion/Greg Cobb, BEZ Dept.



Councilor Smith stated that the Special Issues Committee met on June 3, 2019 and voted 4-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:40 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 request for a secondary driveway and the terrain was quite steep and there was a set of stairs that came up to the right off the driveway and for the residents to get into the house, the sidewalk curved around and they had a wheelchair ramp to get onto the porch and then from the porch into the house. Mr. Cobb further stated that this secondary driveway would allow them to drive straight up to the sidewalk in the front of the house and then they would be able to get into the house without having to go through the stairs. Mr. Cobb added that the issue was that the resident was in a wheelchair and there was no way to get into the house without the stairs because the driveway was five steps below the sidewalk.

Ms. Mary Anne Loggins at 416 Devon Drive addressed the Council and stated that Mr. Champion was in a wheelchair and had two surgeries last year and the only way they could get him out of the house was to go down the stairs so they were at the point that they did not go anywhere with him but to doctor appointments. Ms. Loggins further stated that they checked into getting a chair lift to come up from the garage and into the house but the stairs were not wide enough to handle that chair.

Councilor Smith asked Mr. Cobb if the black lines on the drawing he presented indicated where the driveway would be and asked if there would be ramp.

Mr. Cobb replied no and stated that this would be driveway where they could pull the car up to the sidewalk so they would not need the ramp there.

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

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

Councilor Thames asked Mr. Cobb if he felt that this was the best solution to help them.

Mr. Cobb replied that the way the lot split that it was about the best they could do with it. Mr. Cobb stated that they would have a lot of concrete and not much yard left but due to the elevation change this was the best way they could do it unless they took out all the shrubs.

Councilor Wolverton stated that they would still be getting out of the vehicle on the slope.

Mr. Cobb stated that it was a slope but it was not that bad the way they could pull a car in there with the passenger door at the sidewalk. Mr. Cobb further stated that the chair lift would not work from below and then they had the stairs which were hard to negotiate.

Councilor Andress asked if they could consider that if they sold the house they would have to break up the driveway.

President Limbaugh stated that it could be part of the motion.

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

**Resolution No. 19-79**

**(A Resolution for a variance to the driveway ordinance at 416 Devon Drive)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 19-79 with the condition that this variance would only apply for as long as they lived there and then would go back to the original configuration. 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 was Item No. 12.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of variance to the sign ordinance at 251 Lakeshore Parkway, Suite 101 – Diane Foley/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met on June 3, 2019 and voted 4-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:47 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 variance request for multiple signs and in the Wildwood District they were allowed two signs not to exceed 20 percent of the front of a one story building. Mr. Cobb further stated that the

main sign was in the center of the building and there were four more signs that said “Appliance,” “Electronics,” “Furniture,” and “Mattresses.” Mr. Cobb added that the signs did not exceed the allowed area but it was the number of signs that required a variance because he was asking for a total of five signs. Mr. Cobb further added that these signs were similar to the ones on Wal-Mart and Hobby Lobby.

Mr. Matt McBride, representative of the sign company, addressed the Council and stated that Conn’s was new to the area so not everyone knew what products they had so to be able to add the additional signs it would allow the residents of Homewood to know what they would be able to purchase at this store. Mr. McBride further stated that these signs would be similar to what Wal-Mart and Hobby Lobby had and would also be similar to what Sears had on the building before.

Councilor Jones asked if the signs were backlit.

Mr. McBride replied that the “Conn’s” sign was backlit but everything else were done with unlit letters.

Councilor Jones asked what color lettering they would have.

Mr. McBride replied that they had a white finish.

Councilor Jones asked to verify if it would be too busy.

Mr. McBride replied no and stated that the white on top of the beige would not be extremely noticeable.

President Limbaugh declared the Public Hearing closed at 6:49 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. 19-80**

**(A Resolution for a variance to the sign ordinance at 251 Lakeshore Parkway, Suite 101)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-80. 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 roll call vote, the votes were: Yeas: Councilors Thames, Jones, Smith, Wyatt, Address, Wright, and Limbaugh. Nays: Councilors Gwaltney, Higginbotham, Wolverton, and McClusky.

The motion carried on a vote of 7-4.

The next item on the Agenda under Old Business was Item No. 13.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of variance to the sign ordinance at 3500 Independence Drive – Kyle Davis/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met on June 3, 2019 and voted 4-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:51 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 variance request was for a secondary sign variance and what was allowed was one attached sign of 50 square feet. Mr. Cobb further stated that their attached sign was 40 square feet and the secondary sign was a little sign on the back which was 3.3 square feet so the total was 43.3 square feet of signage. Mr. Cobb added that the way the building sat on the lot they had to go in the back to come in so they had they big sign that faced the road and this one would show how to get into the building. Mr. Cobb further added that the two signs combined did not meet the 50 square feet that was allowed and the building was big enough to support 50 square feet of sign.

Councilor McClusky asked to verify that there were two entrances.

Mr. Cobb replied no and stated that there was only one entrance but the way the building faced the road, they had to go around back to get into the building.

President Limbaugh stated that there were two fascias because the back was actual a fascia.

Councilor Smith asked if the parking was in the front.

Mr. Cobb replied no and stated that the parking was in the back.

Councilor Wolverton asked if the frontage was facing the road but parking and access was all in the back of the building.

Mr. Cobb replied yes and stated that it was much like they had on 18<sup>th</sup> Street where the Ordinance allowed signs in the rear to be 30 percent smaller than the one in the front but because they parked in the back with the street in the front, so they needed to indicate which store they were at.

Mr. Kyle Davis, business owner at 3500 Independence Drive, addressed the Council and stated that when the drove around back there was actually two entrances so this was to denote the main entrance.

Councilor Wolverton asked if there were two entrances from the rear.

Mr. Davis replied yes and stated that the space was built out so it was a second floor of a two story building and they occupied the whole second floor and it was actually built out originally for two tenets so there were two separate doors so they wanted to denote the main entrance.

President Limbaugh declared the Public Hearing closed at 6:54 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. 19-81**

**(A Resolution for a variance to the sign ordinance at 3500 Independence Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-81. 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 on a vote of 10-0-1. Councilor Thames abstained.

The next item on the Agenda under Old Business was Item No. 14.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of variance to the sign ordinance at 190 West Oxmoor Road – Joe Tunnel/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met on June 3, 2019 at 6:00 p.m. and voted 4-0 to recommend dropping this item.

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.

President Limbaugh declared the Public Hearing opened at 6:55 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. There was no response from the audience.

President Limbaugh declared the Public Hearing closed at 6:55 p.m.

Councilor Smith stated that this item was already on the Consent Agenda for items to be dropped.

The next item on the Agenda under Old Business was Item No. 18.05.19 – Request for mid-year review – Robert W. Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met, and after hearing report from Robert Burgett, voted 5-0 to recommend accepting the report and transferring \$232,612.00 from General Fund to Cash Reserve for Economic Uncertainty.

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. 19-82**

**(A Resolution to transfer \$232,612.00 from General Fund to Raymond James Cash Reserve for Economic Uncertainty)**

President Limbaugh asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 23.05.19 – Request to contract Volkert Engineering for Central Avenue Apple Study – Councilors Andy Gwaltney and Britt Thames.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to send this item back to the full Council without recommendation pending verification of budget.

Councilor Thames stated that the net was \$12,000.00 so Mr. Burgett, Finance Director, recommended using the Capital Projects Carry Over Fund Balance to create a line item for \$60,000.00 and then create a line item for Grants Revenue Fund for \$48,000.00 for a net of \$12,000.00.

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

**Resolution No. 19-83**

**(A Resolution to contract with Regional Planning Commission/ Volkert Engineering for Central Avenue Apple Study)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-83. Councilor Gwaltney seconded the motion.

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

Mr. Kendrick stated that this was a contract with the Birmingham Regional Planning Commission.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 28.05.19 – Request for consideration of declaring the following vehicle surplus: 1991 Chevrolet Van (Old Police Evidence Van (VIN 2GCEG25K2M4122830) – Gordon Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met on June 3, 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 first reading of the proposed Ordinance for the Council's consideration at 6:59 p.m.:

**Ordinance No.**

**(An Ordinance to surplus a 1991 Chevrolet Van (Old Police Evidence Van (VIN 2GCEG25K2M4122830))**

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, 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. 2747**

**(An Ordinance to surplus a 1991 Chevrolet Van (Old Police Evidence Van (VIN 2GCEG25K2M4122830))**

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2747. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 29.05.19 – Request for consideration of declaring the following seized vehicles surplus:

1986 Cadi Fleetwood 1G6DW69Y7G9705401  
1986 Cadi Fleetwood 1G6DW69Y6G9729205  
1996 Cadi Fleetwood 1G6DW52P9TR706314  
1993 Cadi Deville 1G6CD53B4P4312324  
1973 Cadi Deville 6D47R3Q167138  
1995 Chevy Caprice IG1BL52P5SR153794  
2006 Volks Jetta 3VWCT71K76M853933

– **Chief Tim Ross/Captain Ben Sutton, Police Dept.**

Councilor Jones stated that the Finance Committee met on June 3, 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 first reading of the proposed Ordinance for the Council's consideration at 7:02 p.m.:

**Ordinance No.**

**(An Ordinance to surplus the following vehicles:1986 Cadi Fleetwood G6DW69Y7G9705401; 1986 Cadi Fleetwood 1G6DW69Y6G9729205; 1996 Cadi Fleetwood 1G6DW52P9TR706314;1993 Cadi Deville 1G6CD53B4P4312324; 1973 Cadi Deville 6D47R3Q167138; 1995 Chevy Caprice IG1BL52P5SR153794; 2006 Volks Jetta 3VWCT71K76M853933)**

Councilor Higginbotham 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.

Councilor Wolverton left the Council Chambers at 7:03 p.m.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, McClusky, Jones, 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. 2748**

**(An Ordinance to surplus the following vehicles:1986 Cadi Fleetwood G6DW69Y7G9705401; 1986 Cadi Fleetwood 1G6DW69Y6G9729205; 1996 Cadi Fleetwood 1G6DW52P9TR706314;1993 Cadi Deville 1G6CD53B4P4312324; 1973 Cadi Deville 6D47R3Q167138; 1995 Chevy Caprice IG1BL52P5SR153794; 2006 Volks Jetta 3VWCT71K76M853933)**

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2748. 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, McClusky, Jones, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 30.05.19 – Request for consideration to renew copier contract with Ameritek – James Yates, IT Dept.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to recommend approval of present vendor Ameritek, which had a contract on the Jefferson County PACA bid list and is also budgeted.

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

**Resolution No. 19-84**

**(A Resolution to renew copier contract with Ameritek)**

President Limbaugh asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 31.05.19 – Request for consideration to release property lien of \$1,089.36 (Res. No. 19-14) for property located at 1801 Kensington Road, Homewood AL 35209 Parcel ID No. 28-00-18-2-010-008.000 – Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to recommend approval of release of lien.

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

**Resolution No. 19-85**

**(A Resolution to release property lien of \$1,089.36 (Res. No. 19-14) for property located at 1801 Kensington Road, Homewood AL 35209 Parcel ID No. 28-00-18-2-010-008.000)**

President Limbaugh asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 32.05.19 – Request for consideration to purchase Homewood Access Control System and amend FY 18-19 budget for this purchase – James Yates, IT Dept.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to recommend approval of purchase and budget amendment of \$14,998.35 to account 25-12-583100 Miscellaneous Equipment in the Inspection Technology Fund.

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

**Resolution No. 19-86**

**(A Resolution to purchase Homewood Access Control System and amend FY 18-19 budget for this purchase)**

President Limbaugh asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 33.05.19 – Public Hearing set for June 24, 2019 at 6:00 p.m. for consideration of variance to the sign ordinance at 2800 18<sup>th</sup> Street South – David Brandt/Greg Cobb, BEZ Dept.

President Limbaugh stated that, without objections, the Public Hearing would be cancelled as per the applicant's request. There were no objections.

The next item on the Agenda under Old Business was Item No. 35.05.19 – Request for consideration to amend Resolution No. 19-64 for correction of Volkert contract amount for City-wide traffic study – Melody Salter, City Clerk/Wyatt Pugh, BEZ.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending verification of the amount.

Councilor Thames stated that Mr. Cobb spoke to Volkert and clarified information.

Mr. Cobb stated that this information had been cleared up. Mr. Cobb further stated that the confusion happened due to what they did for Reese Street and what they did for Reese Street was not a traffic study but was a design on how to put in the sidewalks and lighting so the numbers were good as they were.

Councilor Jones 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.

The next item on the Agenda under Old Business was Item No. 36.05.19 – Request for consideration to authorize the Mayor to sign annual maintenance service agreement with Motorola for radio and E911 – Brandon Broadhead and Chief John Bresnan, Fire Dept.

Councilor Jones stated that the Finance Committee met on June 3, 2019 and voted 5-0 to recommend approval.

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

**Resolution No. 19-87**

**(A Resolution to authorize the Mayor to sign annual maintenance service agreement with Motorola for radio and E911)**

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

On a voice vote, the motion carried without dissent.

**COMMITTEE REFERRAL AGENDA**

- 01.06.19** Request for discussion of unrelated people in rental property in the City of Homewood – **Councilor Barry Smith – Special Issues Committee**
- 02.06.19** Request to authorize the Mayor to sign the Historic Commission grant application for Union Baptist Church in Rosedale– **Councilor Barry Smith – Special Issues Committee**
- 03.06.19** Request for consideration for Alabama Power to remove 4 street lights and poles at the corner of 18<sup>th</sup> St and 28<sup>th</sup> Ave for the new Valley Hotel project– **Randy Hambley, Traffic Department/Chris Skinner Project Manager with Robins and Morton – Public Safety Committee**
- 04.06.19** Request to address traffic concerns on Brookwood Boulevard and potential crosswalk at Alabama Allergy– **Councilor Jennifer Andress– Public Safety Committee**
- 05.06.19** Request to add a flashing yellow light at the new crosswalk on Central Avenue – **Randy Hambley, Traffic Dept/Greg Cobb, BEZ – Public Safety Committee**
- 06.06.19** Request to consider adding a stop sign at the intersection of Roseland Drive and West Linwood – **Mayor Scott McBrayer and Josh Young– Public Safety Committee**

- 07.06.19** Request to authorize the Mayor to sign a one-year contract with radio provider Tango Tango to add a push to talk police radio to their cell phone– **Corporal John Self, Police Dept– Finance Committee**
- 08.06.19** Request for consideration to add a City Planner Position and amend FY 18-19 budget for this position– **Mayor Scott McBrayer and JJ Bischoff, Chief of Staff– Finance Committee**
- 09.06.19** Request for consideration to surplus a Parks & Rec 2006 Ford 500 (VIN # 1FAFP23126G187706) – **Berkley Squires, Public Works Director– Finance Committee**
- 10.06.19** Request for consideration to contribute to the Centennial Fireworks Display on July 4, 2019 – **Mayor Scott McBrayer and JJ Bischoff, Chief of Staff– Finance Committee**
- 11.06.19** Request to consider lot size requirements for parking pads– **Councilor Jennifer Andress and Betsy McGuire– P&D Committee**
- 12.06.19** Request to consider agreement between the City of Homewood and Samford University– **Councilor Alex Wyatt– P&D Committee**
- 19.06.19** Request to send nomination to Jefferson County Personnel Board for appointment to County Board of Equalization – Melody Salter, City Clerk/Bruce Limbaugh – **Special Issues Committee**
- 21.06.19** Request for permission to perform grading on edge of Fox Property – Brian Hatcher/Greg Cobb – **Special Issues Committee**

Councilor Smith moved for the approval of the Committee Referral Agenda as amended. 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**

The next item on the Agenda under Other New Business was Item No. 13.06.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for the purpose of determining whether any building, structure, or other improvements situated on 553 Edgecrest Drive, Homewood, AL 35203 (Parcel ID #29-00-22-1-001-011.000) is unsafe to the extent it creates a public nuisance and should be demolished – Wyatt Pugh, BEZ Dept.

President Limbaugh declared the Public Hearing opened at 7:11 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 this item was brought to the Council due to repeated complaints about the rear of the structure where there was an unfinished addition that was started on the house a number of years ago. Mr. Pugh further stated that there was a permit taken out but it was voided over a year ago due to inactivity. Mr. Pugh added that he had provided pictures that showed the state of the yard that had generated some of the complaints, some code violations including missing handrails and guards. Mr. Pugh further added that the main residence was not being considered as a part of this issue.

President Limbaugh asked when the pictures were taken.

Mr. Pugh replied that the pictures were taken Friday.

Councilor Jones asked if the home owner had responded.

Mr. Pugh replied that they responded today and he had provided the owner a timeline of notifications and he spoke with Ms. Baylon months before, back in 2018 and she did come to his office to ask for an extension but that was the last he heard from her.

Ms. Angela Baylon at 553 Edgecrest Drive addressed the Council and stated that she did had pictures of where they had been working for the past week and the back was cleared and they had begun putting siding up. Ms. Baylon further stated that they had been saving and were working toward that but the air conditioner and heating went out in the house so the money that was going toward the addition went toward those repairs. Ms. Baylon added that everything had been cleared up in the back and they were working on the issues with the handrails and her husband was working weekends and nights and tried to work around the rain. Ms. Baylon further added that they had put the money back together and had started putting the siding on.

President Limbaugh asked if they were to extend her two more weeks to work on this if she could alleviate all these needs.

Ms. Baylon replied that she was not exactly sure of what other than the siding that they needed to do because the things that were in the yard had all been cleared away.

President Limbaugh stated that the safety rails should be taken care of as well.

Ms. Baylon stated that the rails could be done within that timeframe.

President Limbaugh stated that the rails would have to have Mr. Pugh's approval.

Councilor Wolverton asked that since the permit they pulled was no longer active if they would need to pull an active permit to complete the work.

Mr. Pugh replied yes.

President Limbaugh stated that if they were to continue the Public Hearing, they would have to know that at some point all of these items would be completed.

Ms. Baylon stated that her husband had worked on it all weekend and he was going to be off this week to continue to work on it.

President Limbaugh stated that he was working without a permit right now which was problematic.

Mr. Pugh stated that he needed them to come back in and reapply for a permit because the old building permit that they had was voided due to inactivity.

Councilor Wolverton asked if Mr. Pugh could describe what else needed to be done besides the handrails.

Mr. Pugh replied that he could not speak to the condition of the roof of the house so he did not know if it had any leaks or anything but the interior of the addition was entirely unfinished so it was not approved for occupancy.

Councilor McClusky asked if this would be an addition interior or a screened in porch.

Ms. Baylon replied that it was a screened in porch.

Councilor Jones asked if they could be clear on what would need to happen within the next two weeks if they carried this over and continue the Public Hearing.

Mr. Pugh provided a handout that summarized the code violations and stated that he would be glad to go to the property and walk the project with her and point out specifics.

Councilor Wright asked if it could all be done in two weeks.

Mr. Pugh replied that he could not say that it would be finished in two weeks but they could clear up the violation situation in that timeline.

Mr. Mike Windham at 545 Edgecrest Drive addressed the Council and stated that the screened in porch had been there for about nine years and was not something that they had just built and he had sent complaints about this to the previous Ward 2 administration and the issue had been going on forever and they had abandoned cars at front. Mr.

Windham further stated that everything they had cleaned up was sitting waiting on the City to pick up. Mr. Windham added that the screened in porch just got siding placed on it in the last two or three years, it was bigger than the house, and did not fit into any part of the neighborhood. Mr. Windham further added that the pallets, old broken mirrors, and everything was still there and had not been cleaned up and he moved the cars about five feet just to prove that he moved it so he kept getting more extensions but this had gone on for years so he asked that this come to an end.

Councilor Wright stated that if everything was cleared up in two weeks they would be pleased with that but if it didn't not get completed within two weeks they would address it.

Mr. Windham stated that he understood there were certain procedures and if they did what was asked of them about that that was one thing but this was not something that had just happened as this had gone on for nine to ten years.

Councilor Wright stated that this was important but if they wanted to be serious and get it addressed in two weeks but Council would respond in two weeks.

President Limbaugh asked Mr. Pugh if it was typical for an addendum to a home to be taller than the existing structure.

Mr. Pugh replied no and stated that it was an unusual situation.

Councilor Wolverton asked if the addition had been built to code specifications and was legally allowed.

Mr. Pugh replied that it would need careful inspection but looked suspicious the way the two roofs came together because it looked like it created a water runoff crisis but he would have to see where the water went when it hit that valley between the two houses.

President Limbaugh asked Mr. Pugh to inspect closely to see if the core structure violated any building code and if that was the case then it would be an easy decision to make in two weeks.

Councilor Wolver asked Mr. Pugh to verify that he was not able to inspect the interior to assess safety issues.

Mr. Pugh replied yes and stated that he was correct.

Councilor McClusky asked if this property had been brought before the Council regarding a public nuisance complaint.



Mr. Scott Cook addressed the Council and stated that he had addressed it two years ago but recently the other part time Code Enforcement Officer had been handling it but two years ago he had it cleaned up but it never did come before the Council.

Mr. Pugh stated that the condemnation process focused on unsafe conditions specifically but if there were other code violations, he could address those separately.

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

The next item on the Agenda under Other New Business was Item No. 14.06.19 – Request to place a lien in the amount of \$9,794.34 on the property located at 307 West Glenwood Dr., Homewood, AL 35209 (Parcel ID #29-00-13-1-020-006.000). This property was declared a public nuisance at the October 8, 2018 Council Meeting (Resolution #18-149) – Scott Cook, Sanitation Ordinance Inspector.

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

**Resolution No. 19-88**

**(A Resolution to place a lien in the amount of \$9,794.34 on the property located at 307 West Glenwood Dr., Homewood, AL 35209 (Parcel ID #29-00-13-1-020-006.000))**

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-88. 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.

Councilor Wolverton left the Council Chambers at 7:26 p.m.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 15.06.19 – Request to place a lien in the amount of \$1,614.24 on the property located at 151 Wildwood Parkway, Homewood, AL 35209 (Parcel ID #29-00-23-3-001-001.014). This property was declared a public nuisance at the January 14, 2019 Council Meeting (Resolution #19-02) – Scott Cook, Sanitation Ordinance Inspector.

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

**Resolution No. 19-89**

**(A Resolution to place a lien in the amount of \$1,614.24 on the property located at 151 Wildwood Parkway, Homewood, AL 35209 (Parcel ID #29-00-23-3-001-001.014))**

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-89. 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. 16.06.19 – Request for consideration to set a public hearing to consider declaring the property located at 1117 Hardwick Ln., Homewood, AL 35209 (Parcel ID# 29-00-22-4-013-009.000 A public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Sanitation Ordinance Inspector.

President Limbaugh stated that the Public Hearing would be set for July 8, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 17.06.19 – Request for consideration of approval of vouchers for period of May 21, 2019 through June 10, 2019 – City Treasurer/Finance Committee.

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

**Resolution No. 19-90**

**(A Resolution for approval of vouchers for period of May 21, 2019 through June 10, 2019)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-90. 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 considered under Other New Business was Item No. 18.06.19 – Request to authorize the Mayor to sign a contract with One Roof – Mike Higginbotham.

Councilor Higginbotham stated that

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

**Resolution No. 19-91**

**(A Resolution authorizing the Mayor to sign a contract with One Roof)**

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-91. 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 considered under Other New Business was Item No. 20.06.19 – Request for moratorium on new construction permits in West Homewood for 120 days- Mike Higginbotham/Andrew Wolverton.

Councilor Higginbotham stated that the reason for this request was because they had an item come up several weeks ago and there was an almost universal disappointment by members of the community about how the project developed and the kind of project that went into the West Homewood District so the Planning and Development Committee was looking at the Ordinance and trying to find ways to redraw the district that made better sense so they could limit some of the things that neighbors found objectionable. Councilor Higginbotham further stated that he and Councilor Wolverton felt it would make sense to have a moratorium in place to make sure that no other development of that kind would be able to proceed until they had an opportunity to address this as a Council. Councilor Higginbotham added that they needed to take a look at the West Homewood District to make sure it was achieving the goals that they wanted it to achieve and that what they had in the District was acceptable to the residents of the surrounding neighborhood. Councilor Higginbotham further added that they were requesting a moratorium for 120 days and they were only talking about the West Homewood District, which was a very limited number of properties.

President Limbaugh stated that there was no question as it had been pointed out to him that the Planning Commission was going to expect some specific recommendations in order to move within that time period.

Councilor Higginbotham stated that he intended to bring some of his own recommendations next Monday night for the Planning and Development Meeting and he welcomed suggestions from other parties as well.

Councilor Jones asked when they made the modifications on reverse parking.

Mr. Kendrick replied that the BZA had issued some variances but Gianmarco's was the last one he remembered.

Councilor Jones asked how that was missed and asked if they had been just looking at large items that they wanted to correct because he thought that when they made those changes that it would be to the best interest.

Councilor Higginbotham stated that he agreed with the changes at the time as the Council did but the only way he knew to answer Councilor Jones was to say that those were problems that they saw at the time and they were able to address those problems at the time but he thought most of the changes they made were in a direct result of variances that had been requested because from the commentary from applicants were that some of the requirements did not seem to be realistic because the bar was set so high people could not achieve it. Councilor Higginbotham further stated that he agreed that they needed to take a hard look at it and he had been asked by the Chair of the Planning and Development Committee to have recommendations Monday night so he would bring them and he was open to ideas so they could achieve the goals they wanted.

Councilor Wolverton returned to the Council Chambers at 7:34 p.m.

Councilor Thames asked if the moratorium should center around new construction permitting or a certain percentage of development plans.

Councilor Thames stated that he felt the intensions were to delay complete new developments but they did not want to exclude someone wanting to do some remodeling or maybe building a small addition onto their existing facility which was why they needed to word the resolution to reflect that so they might need to follow the BZA's description as to what they considered new construction versus remodeling or additions.

President Limbaugh asked Councilor Higginbotham if that would fit with his request.

Councilor Higginbotham replied that if Councilor Wolverton was comfortable with that he was not uncomfortable as his major goal was to prevent people coming in and doing entirely new developments on property knowing full well that they were in the process of trying to change the West Homewood District.

Councilor Wolverton stated that according to what Mr. Kendrick read these request would not come before Council and asked if they would come before the Planning Commission.

Mr. Kendrick replied that the moratorium would prevent the issuance of any permits and they could not have any construction without a permit.

Councilor Wolverton stated that one of the changes they talked about was moving it up from July 1, 2019 but allowing for people to do remodeling.

Councilor Thames stated that he was fine with moving the time up if they were going to allow people to do renovations or remodeling of their existing facility.

President Limbaugh stated that by moving it up they were also limiting the dates at toward the end of moratorium to the middle of October and several Council members had made it very clear that they would not go over to the 121<sup>st</sup> day so what they needed was enough time to let Planning and Development as a committee but for the Planning Commission to look at this as well.

Councilor Thames stated that he wanted to look at the calendar because any changes had to begin with the Planning Commission and they would not meet again until July 2, 2019 and then they would not be able to pass anything at that meeting so the earliest that anything could be passed would be August 6, 2019 at which point it would come back to them so early September was the earliest the Council could enact any changes.

Councilor Wolverton asked if allowing current business owners if that would change anybody else mind who did not want to go past 120 days.

Councilor Thames stated that if it started on July 1, 2019 that would be more than enough time to enact some changes to at least stop some of the really undesirable projects.

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

**Resolution No. 19-92**

**(A Resolution for a moratorium on new construction permits in West Homewood for 120 days)**

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-92 and to define new construction as the BEZ Department did, include a distinction between remodeling and new construction, and that they allowed for remodeling but not construction within the District and had the moratorium for 120 days starting on June 14, 2019. Councilor Wolverton seconded the motion.

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

On a voice vote, the motion carried without dissent

Councilor Thames stated that the Planning and Development Committee would meet on June 17, 2019 at 5:30 p.m. Councilor Thames further stated that he and Councilor Gwaltney would be hosting a meeting at the Lee Center Thursday, June 20, 2019 at 6:00 p.m. where they would host a meeting with Mr. Jarred Lewis the developer that owned AVX to discuss the potential of his rezone request. Councilor Thames added

that also tonight they approved the final architectural and construction drawing of the Library.

Councilor Higginbotham stated that he wanted to thank his colleagues for supporting the moratorium.

Councilor Wolverton stated that they had a great StreetFest a couple of weeks ago so he wanted to thank all the sponsors and everyone who helped make that event happen. Councilor Wolverton further stated that he also wanted to thank everyone for supporting the moratorium so they could ensure the design that the neighborhood would like to see in the West Homewood District.

Councilor McClusky stated that the Public Safety Committee would meet on June 17, 2019 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on June 17, 2019 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on June 17, 2019 at 6:15 p.m.

Councilor Andress recognized her mother who was in the audience tonight. Councilor Andress stated that she wanted to ask for prayers for the runner who was hit in her neighborhood. Councilor Andress further stated that tomorrow they would be at Birmingham City Hall at 7:30 a.m. to ride the Magic City Connector to Homewood City Hall. Councilor Andress added that they had their deed for the last parcel of Phase 2 of the Greenway.

Councilor Wright stated that the Public Works Committee would meet on June 17, 2019 at 6:45 p.m. Councilor Wright further stated that he hoped the Transit Authority could be a vehicle for regional cooperation.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:52 p.m.