

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

**June 11, 2018**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 11, 2018 at City Hall at 6:00 p.m.

The invocation was given by Dr. Bill Johnston of Dawson Memorial Baptist Church, after which the Pledge of Allegiance was given.

The meeting was called to order by President Pro Tempore Peter Wright at 6:05 p.m.

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Special Called Council Meeting of May 23, 2018 and approve them as distributed. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Pro Tempore Wright stated that the Arts Council At-Large application period would be opened for 30 days.

President Pro Tempore Wright stated that the Board of Adjustment and Appeals application period for seven vacant positions would be opened for 30 days.

At this time, President Pro Tempore Wright amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 20.06.18 – Request to amend FY 17/18 Insurance Fund Budget (Fund 14) – Robert Burgett; Item No. 21.06.18 – Request to authorize the Mayor to sign a contract for the Patriot Park connector project with Kelly Landscape – Mike Higginbotham.

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

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

On a voice vote, the motion carried without dissent.

### **CONSENT AGENDA**

**None.**

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 06.04.18 – Request for consideration for permission to work in the City Right-of-Way at 1012, 1014 and 1018 Grace Street – Mike Morrow/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on May 7, 2018 and voted 5-0 to refer this item back to the full Council without a recommendation pending a meeting regarding the retaining wall.

Mr. Greg Cobb addressed the Council and stated that he and Mr. Morrow met with representatives from the school because at the time they were concerned that the footer of the retaining wall would be on school property but he had since had a new survey completed that showed the right-of-way to be thirty feet wide as opposed to twenty feet wide so there was no longer an issue about getting onto the school board property. Mr. Cobb further stated that they would be pushing the road forward to build the next few houses on the street and it was required by the Fire Department to have access so they could have room to bring the trucks in to serve the houses.

President Pro Tempore Wright asked Mr. Cobb if he was satisfied with the new survey and plan.

Mr. Cobb replied yes.

Councilor Gwaltney asked if the road needed to have the ability for the fire engines to turn around.

Mr. Cobb replied no and stated that there was a certain depth that they could drive in before they would turn around.

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

#### **Resolution No. 18-75**

**(A Resolution to approve work in the City Right-of-Way at 1012, 1014 and 1018 Grace Street)**

Councilor Thames then moved for the adoption and enrollment of Resolution No. 18-75. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 14.05.18 – Public Hearing set for June 11, 2018 at 6:00 p.m. for consideration for a variance to the sign ordinance at 2821 Central Avenue – Joshua Gentry/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on May 23, 2018 and voted 5-0 to send out without recommendation pending the Public Hearing.

President Pro Tempore Wright opened the Public Hearing.

Mr. Greg Cobb addressed the Council and stated that this was a size variance for Little Donkey for the sign that was on the roof of the building, which was 80 square feet and there would be three signs total with the pole sign being refaced and the other sign was smaller than the existing sign by seven square feet.

President Pro Tempore Wright asked if the variance was the number of signs.

Mr. Cobb replied that the variance was the number of signs, size, and for being above the roof line, because the one on the roof was hiding the AC units.

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

President Pro Tempore Wright declared the Public Hearing closed.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Item.

Councilor Smith stated that the new signs were because Little Donkey was rebranding so this was for the new logos.

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

**Resolution No. 18-76**

**(A Resolution to approve a variance to the sign ordinance at 2821 Central Avenue)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-76. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.05.18 – Public Hearing set for June 11, 2018 at 6:00 p.m. to consider declaring the property located at 1117 Hardwick Ln., PID# 29-00-22-4-013-009.000 a public nuisance due to violation of Ordinances 1910 and 1750 “Excessive Growth” – Scott Cook, Code Enforcement/Police Department.

Mr. Scott Cook addressed the Council and stated that the property owner was Nicole Johnson, certified letters were mailed out, and the property was posted on April 12, 2018 informing the owner of the excessive growth violation and giving until April 24, 2018 to abate or be subject to a public hearing. Mr. Cook further stated that Ms. Johnson failed to make the April 24, 2018 deadline, therefore the Public Hearing was scheduled for tonight and another certified letter was mailed to Ms. Johnson on May 20, 2018 informing her of the date and time of Public Hearing and of the two certified letters mailed out both were returned undelivered so it appeared Ms. Johnson was not residing at this address. Mr. Cook added that last week Ms. Johnson called Mr. Wyatt Pugh and told him that someone called her and let her know that the yellow sign was posted in her yard and he passed along the information about the notice so as of today that the excessive growth violation was no longer an issue.

President Pro Tempore Wright declared the Public Hearing opened.

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

President Pro Tempore Wright declared the Public Hearing closed.

Councilor McClusky moved to drop this item. Mr. Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 29.05.18 – Public Hearing set for June 11, 2018 at 6:00 p.m. for consideration of a variance to the sign ordinance at 285 Palisades Blvd – Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on June 4, 2018 and voted 4-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened

Mr. Greg Cobb stated that this was for a sign to sit in the old wagon at the Buddy Wade Building.

Mr. Frank Ippolito addressed the Council and stated that he just placed the sign on the ground to show the lack of exposure it got while it was on the ground so being raised up on the wagon was good for business and drove business into his office and being a new agent, he needed all the new business he could get.

Mr. Cobb stated that if the sign stayed in the wagon the variance would be a height and an area variance because right now it met the ordinance but when it was put in the wagon, because of the way they measured signs, it was too tall and too wide.

Mr. Ippolito stated that placing the sign in the wagon gave great exposure to the building and people could drive by and see it on the road, which gave exposure from both sides whether coming from Palisades or going toward Green Springs. Mr. Ippolito further stated that the wagon was a great landmark because he could tell people to look for the sign inside the wagon and they know exactly where he was.

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

President Pro Tempore Wright declared the Public Hearing closed.

President Pro Tempore Wright asked if the Council had any questions or comments.

Councilor Higginbotham asked to verify that this was 30 feet back from the street.

Mr. Ippolito replied that it was 31 feet from the street.

Councilor Higginbotham asked how close the sign could be to the street if it was just on the ground to be within the ordinance.

Mr. Cobb replied that there was not a set number for that but he would have to go out and look at the sight distance but since that was a divided highway it should not be a sight distance issue.

Councilor Higginbotham asked to verify that the sign could be closer to the street than the 31 feet.

Mr. Cobb replied yes but stated that the land fell off from the road and fell down, so the closer they got to the road the less visibility they would get.

Councilor McClusky asked if there were any other signs like that one either on the building or facing the road that went between him and the cleaners.

Mr. Ippolito replied no and stated that there was no sign on Columbiana Road.

Councilor Jones stated that the current sign did not look permanent as if the wind would knock it over so what they were trying to look for was more permanent structures such as monument signs which would be within their sign ordinance. Councilor Jones further stated that if there was some way they could put the sign on the building he would have great exposure.

Mr. Ippolito replied that he would love to put a sign on the building but due to opening up a brand new business he was stretched for money so putting it on the wagon was the cheapest way to gain exposure at that corner.

Councilor Smith asked if he the sign was placed on the corner would it need to be placed in the ground.

Mr. Cobb replied yes and stated that it would have to be permanently attached to the ground so the wind would not blow it over. Mr. Cobb further stated that if he placed a sign on the building he would need a variance for an additional sign because the "Buddy Wade Building" was a sign.

Councilor McClusky asked if placing a sign in the wagon could be considered a permanent sign since it was a moveable structure.

Mr. Cobb replied that the wagon was anchored down.

Councilor Jones asked if the Buddy Wade Building was in compliance.

Mr. Cobb replied that he did not know the exact dimensions of that sign yet and he did not have permits on that.

Councilor Jones asked if more research could be done.

Mr. Cobb stated that if the Buddy Wade Building sign was taken down and Mr. Ippolito's sign was placed on the building it would be in compliance.

Mr. Jones stated that perhaps there was a way to work with Mrs. Wade about this so it would look professional because that was where he would have the most visibility.

President Pro Tempore Wright stated that there may need to be more research so they could be clear on all the sign on the property first.

Mr. Cobb asked where they would like his sign to be while the item was continued.

Councilor Smith replied that she would prefer the sign to be kept on the ground.

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

The next item on the Agenda under Old Business was Item No. 08.04.18 – Public Hearing set for June 25, 2018 for consideration of reduction of speed humps on Berry Road – Patrick McClusky.

President Pro Tempore Wright stated that this item would be carried over pending the Public Hearing set for June 25, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 14.01.18 – Request for consideration of lighting for the 500 block of Windsor Drive – Arpan Patel/Jennifer Andress.

Councilor Jones stated that the Finance Committee met on June 4, 2018 and voted 5-0 to recommend funding of \$10,805.00 for wood poles with an annual expense of \$585.12.

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

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

**Resolution No. 18-77**

**(A Resolution to fund lighting for the 500 block of Windsor Drive)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-77. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 28.05.18 – Request for consideration to become an “Official Fan Guide Sponsor” for the December 22, 2018 Annual Birmingham Bowl – Mark Meadows/Barry Smith.

Councilor Jones stated that the Finance Committee met on June 4, 2018 and voted 5-0 to recommend funding of \$1,000.00 from the Advertising line item.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Finance Committee’s recommendation. There was no response from the Council.

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

**Resolution No. 18-78**

**(A Resolution to become an “Official Fan Guide Sponsor” for the December 22, 2018 Annual Birmingham Bowl)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-78. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 11.05.18 – Request for consideration of approval of Supplement #2 on the Oxmoor Road project – Greg Cobb, BEZ.

Councilor Jones stated that the Finance Committee met on June 4, 2018 and voted 5-0 to recommend funding of \$32,749.00 from the Capital Projects Fund.

Mr. Greg Cobb stated that this was for additional work required by the DOT to redo some of the environmental documents due to the time elapsed on the project and they sent their man hours and rates and DOT adjusted to what they accepted.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Finance Committee’s recommendation. There was no response from the Council.



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

**Resolution No. 18-79**

**(A Resolution to approve Supplement #2 on the Oxmoor Road project)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-79. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.04.18 – Request for consideration to complete crosswalks at Poinciana and Bonita – Kelly Winslett/Jennifer Andress.

Councilor Thames stated that the Public Safety Committee met on June 4, 2018 and voted 3-0 to recommend approval.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Public Safety Committee's recommendation.

Councilor Andress stated that the crosswalks were just going across Poinciana but would not cross Bonita so they would just do the South part of Poinciana.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:38 p.m.:

**Ordinance No.**

**(An Ordinance to complete crosswalks at Poinciana and Bonita)**

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

President Pro Tempore Wright 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, Andress, and Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2700**

**(An Ordinance to complete crosswalks at Poinciana and Bonita)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2700. Councilor Address seconded the motion.

President Pro Tempore Wright 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, and Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.05.18 – Request for consideration of stop sign on Woodfern Drive at 16<sup>th</sup> Terrace – Britt Thames.

Councilor Thames stated that the Public Safety Committee met on June 4, 2018 and voted 3-0 to recommend approval of three-way stop signs.

President Pro Tempore Wright 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 6:42 p.m.:

**Ordinance No.**

**(An Ordinance for three-way stop signs at Woodfern Drive at 16<sup>th</sup> Terrace)**

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

President Pro Tempore Wright 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, and Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2701**

**(An Ordinance for three-way stop signs at Woodfern Drive at 16<sup>th</sup> Terrace)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2701. Councilor Thames seconded the motion.

President Pro Tempore Wright 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, Andress, and Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 04.05.18 – Request for consideration of making Seminole Drive between Manhattan Street and Oxmoor Road a permanent one way street – Andy Gwaltney.

Councilor Thames stated that the Public Safety Committee met on June 4, 2018 and, after considering traffic study from Randy Hambley, voted 3-0 to recommend a one-way heading south toward Oxmoor with no parking on the west side.

President Pro Tempore Wright 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 6:45 p.m.:

**Ordinance No.**

**(An Ordinance to make Seminole Drive between Manhattan Street and Oxmoor Road a permanent one way street)**

Councilor Andress moved for the unanimous consent of the proposed Ordinance as read. Councilor Smith seconded the motion.

President Pro Tempore Wright 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, Andress, and Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2702**

**(An Ordinance for three-way stop signs at Woodfern Drive at 16<sup>th</sup> Terrace)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2702. Councilor Thames seconded the motion.

President Pro Tempore Wright 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, Andress, and Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 22.05.18 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for Menu Box 3 LLC d/b/a Oxmoor Bar and Grill located at 162 West Oxmoor Road – Melody Salter, City Clerk.

Councilor Thames stated that the Public Safety Committee met on June 4, 2018 and voted 3-0 to recommend having no objections to the issuance of the ABC license.

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

Councilor Thames then moved to having no objection to the issuance of the ABC license. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.05.18 – Request for permission to work in the right-of-way and adjacent property for grading at 908 Highland Road – Chuck Vann/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on June 4, 2018 and after hearing from the contractors last week, voted 4-0 to recommend approval pending proper indemnification agreements.

M. Greg Cobb stated that they had looked at the property again and they had come up with an alternative which he did not have a problem with if the Council agreed.

Mr. Jason Hale addressed the Council and stated that what they proposed was to touch up the property on the side of their property which was the city owned Sims property and it turned into concerns about water that would get on the Sims property so they went out there this week and it looked like all the water that they saw was coming from a property that was behind them from an unimproved alley so the house that was behind there had their water piped into the alley and was not directed onto their property but funneled straight to the Sims property so they were proposing to help that situation by connecting the pipe across that alley, trench it in the ground, and they would take into down to the their property line to help get the water problem on the Sims property solved. Mr. Hale further stated that with landscaping they had decreased water problems on the Sims property just by virtue of what they were doing anyway so they proposed to not need to get on the Sims property but to cross the city right-of-way and the unimproved alley to put a pipe in the ground and take the water beside the house that was under construction and it would come out at the curve before it crossed the right-of-way at the front of the property.

President Pro Tempore Wright asked Mr. Cobb if he was okay with proceeding with that proposal.

Mr. Cobb replied yes and stated that in the original request they would be working on the Sims property which was what brought them before the Council and they asked them to try to take some water that was not coming from them but was coming from the property above them, but to try to help the city while they working there, so he had agreed to put this in at his cost in the city right-of-way and though it may not make it perfect, it would take a lot of water off the Sims property.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation.

Councilor Smith asked to verify that they were still permitting work in the right-of-way but it was a different right-of-way than they were discussing previously so now they were allowing them to work in the right-of-way in the alley as opposed to on the Sims property.

Councilor Thames stated that he wanted to make sure Mr. Hale worked with Mr. Cobb to ensure that the appropriate sized pipe was used to handle the volume of water and that they worked together as to where it would “daylight.”

Councilor Andress asked if they would have to install an inlet to connect the pipe.

Mr. Cobb replied no and stated that all of that currently went down to the street and ran to the curb line down toward the east to St. Charles Street.

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

**Resolution No. 18-80**

**(A Resolution to approve work in the right-of-way and adjacent property for grading at 908 Highland Road)**

Councilor Thames then moved for the adoption and enrollment of Resolution No. 18-80. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

**COMMITTEE REFERRAL AGENDA**

- 01.01.18** Request for update on Hollywood Boulevard Bridge by Mike Kaczorowski of the Regional Planning Commission – **Jennifer Andress – Finance Committee\*P&D**
- 01.06.18** Request to authorize the Mayor to sign contract with DataVentures for scanning court documents – John Morgan/Court Department – **Finance Committee**
- 02.06.18** Request for consideration to replace Administration position with Revenue Examiner Position Grade 18/Step 10 – Robert Burgett/Mayor McBrayer – **Finance Committee**
- 03.06.18** Request for consideration to vacate the right-of-way of 2<sup>nd</sup> Avenue West – Piyanka Ghosal, Alabama Power/Greg Cobb, BEZ – **Public Works Committee**
- 04.06.18** Request for consideration to adopt Storm Water Management Ordinances – Greg Cobb, BEZ – **Public Works Committee**

- 05.06.18** Request to consider creation of a social media policy for the City of Homewood – Mike Higginbotham – **Special Issues Committee**
- 06.06.18** Request to address City Gateways – Walter Jones – **Special Issues and Finance Committees**
- 07.06.18** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 76 Green Springs Highway – Elliott DeVore/Greg Cobb, BEZ – **Special Issues Committee**
- 08.06.18** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of the preliminary development plan submitted by Applicant Charles Kessler/KADCO, LLC for Owner Charles Kessler, Ben and Ashley McCullars and Albert Evans for 800-808 Saulter Road and 809 Carr Avenue/Parcel ID Nos. 29-00-23-1-001-065.000, 29-00-23-1-001-066.000, 29-00-23-1-001-067.000, 29-00-23-1-001-067.001, 29-00-23-1-001-068.000 to develop a 12 lot subdivision (Note: This request was considered by the Homewood Planning Commission at its meeting of June 5, 2018 resulting in a favorable recommendation by a vote of 7-0) – **Planning Commission//Wyatt Pugh**
- 09.06.18** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of the rezoning application of Charles Kessler/KADCO, LLC, to rezone 800-808 Saulter Road and 809 Carr Avenue /Parcel ID Nos. 29-00-23-1-001-065.000, 29-00-23-1-001-066.000, 29-00-23-1-001-067.000, 29-00-23-1-001-067.001, 29-00-23-1-001-068.000 from NPD (Neighborhood Preservation District) to PRD-1 (Planned Residential District) to develop a 12 lot subdivision (Note: This request was considered by the Homewood Planning Commission at its meeting of June 5, 2018 resulting in a vote of 3-3) – **Planning Commission//Wyatt Pugh**
- 10.06.18** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of condemning a house at the following address: 101 Ventura Avenue (28-00-07-4-004-006.000) – Wyatt Pugh – **Planning and Development Committee**
- 11.06.18** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of condemning a house at the following address: 2900 16<sup>th</sup> Place South (detached garage only) (29 00 12 4 014 022.001) – Wyatt Pugh – **Planning and Development Committee**

- 12.06.18 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of condemning a house at the following address: 1602 Ridge Road (29 13 4 007 023.000-RR-00) – Wyatt Pugh – **Planning and Development Committee**
- 13.06.18 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of condemning a house at the following address: 28 Edgehill Road (28 00 18 1 010 028.000) – Wyatt Pugh – **Planning and Development Committee**
- 14.06.18 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to adopt changes to the Zoning Ordinances – Homewood Planning Commission – **Planning and Development Committee/Greg Cobb, BEZ**

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

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion.

Mr. Higginbotham asked if the Council could get a copy of the storm water management documents.

Mr. Kendrick replied that he could send them a copy on Wednesday.

Mr. Higginbotham asked if there was a way that a copy of the proposed ordinance could be posted on the website so the public could provide input on the changes.

Mr. Cobb replied that he sent Mr. Kendrick a copy of what Vestavia Hill's adopted and other cities were following the Vestavia ordinance also so there were just slight changes made but the whole idea was that they didn't want all the cities to have ten different storm ordinances for the builders to follow but it needed to be adopted by the end of the month so as far as input, it would need to be quick and would need to give time for the Council and Mr. Kendrick to review it.

Mr. Higginbotham stated that he understood the time constraint but this was also why he wanted to go ahead and post it so people could make meaningful comments.

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. 07.06.18 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a sign variance at 76 Green Springs Highway – Elliott DeVore/Greg Cobb, BEZ – Special Issues Committee.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for June 25, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 08.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of the preliminary development plan submitted by Applicant Charles Kessler/KADCO, LLC for Owner Charles Kessler, Ben and Ashley McCullars and Albert Evans for 800-808 Saulter Road and 809 Carr Avenue/Parcel ID Nos. 29-00-23-1-001-065.000, 29-00-23-1-001-066.000, 29-00-23-1-001-067.000, 29-00-23-1-001-067.001, 29-00-23-1-001-068.000 to develop a 12 lot subdivision (Note: This request was considered by the Homewood Planning Commission at its meeting of June 5, 2018 resulting in a favorable recommendation by a vote of 7-0) – Planning Commission//Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 23, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 09.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of the rezoning application of Charles Kessler/KADCO, LLC, to rezone 800-808 Saulter Road and 809 Carr Avenue /Parcel ID Nos. 29-00-23-1-001-065.000, 29-00-23-1-001-066.000, 29-00-23-1-001-067.000, 29-00-23-1-001-067.001, 29-00-23-1-001-068.000 from NPD (Neighborhood Preservation District) to PRD-1 (Planned Residential District) to develop a 12 lot subdivision (Note: This request was considered by the Homewood Planning Commission at its meeting of June 5, 2018 resulting in a vote of 3-3) – Planning Commission//Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 23, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was item No. 10.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning a house at the following address: 101 Ventura Avenue (28-00-07-4-004-006.000) – Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 9, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was item No. 11.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning a house at the following address: 2900 16<sup>th</sup> Place South (detached garage only) (29 00 12 4 014 022.001) – Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 9, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was item No. 12.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning a house at the following address: 1602 Ridge Road (29 13 4 007 023.000-RR-00) – Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 9, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was item No. 13.06.18 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning a house at the following address: 28 Edgehill Road (28 00 18 1 010 028.000) – Wyatt Pugh.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for July 9, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 14.06.18 – Request to set a Public Hearing and referral to the Planning and Zoning Ordinances – Homewood Planning Commission/Greg Cobb, BEZ.

President Pro Tempore Wright stated that, without objections, this item would be referred to the Planning and Development Committee.

The next item on the Agenda under Other New Business was Item No. 15.06.18 – Request for consideration to set a Public Hearing to consider declaring the property located at 260 Oxmoor Rd., PID# 29-00-14-3-004-008.000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth” and Ordinance No. 1098 Litter – Scott Cook/Code Enforcement/Police Dept.

President Pro Tempore Wright stated that, without objections, the Public Hearing would be set for June 25, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 16.06.18 – Request for consideration to set a Public Hearing to consider declaring the property located at 1849 South Lakeshore Dr., PID# 29-00-24-4-002-001.000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth” and Ordinance No. 1098 Litter – Scott Cook/Code Enforcement/Police Dept.

Councilor Smith moved to drop this item. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 17.06.18 – Request to authorize the Mayor to sign the annual service agreement for the Motorola radio consoles and System upgrade agreement II (SUAI) – Brandon Broadhead/Fire Department.

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

**Resolution No. 18-81**

**(A Resolution to authorize the Mayor to sign the annual service agreement for the Motorola radio consoles and System upgrade agreement II (SUAI))**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-81. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 18.06.18 – Request for consideration to replace Senior Planner Position Grade 26/Step 8 with Zoning Supervisor Position Grade 25/Step 4 – Wyatt Pugh/Mayor McBrayer.

President Pro Tempore Wright asked for clarification.

Mr. Pugh addressed the Council and stated that this request was to replace this position that was held by Ms. Vanessa McGrath who was Senior Planner and when looking at the job description, the Zoning Supervisor job description seemed to be more targeted to what she did and what they needed and it was a grade lower and was a lower budget item.

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

**Resolution No. 18-82**

**(A Resolution to replace Senior Planner Position Grade 26/Step 8 with Zoning Supervisor Position Grade 25/Step 4)**

Councilor McClusky then moved for the adoption and enrollment of Resolution No. 18-82. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 19.06.18 – Request for consideration of approval of vouchers for period of May 23, 2018 through June 10, 2018 – City Treasurer/Finance Committee.

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

**Resolution No. 18-83**

**((A Resolution to approve vouchers for period of May 23- June 10, 2018))**

Councilor Higginbotham then moved for the adoption and enrollment of Resolution No. 18-83. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 20.06.18 – Request to amend the FY 17/18 Insurance Fund Budget (Fund 14) – Robert Burgett.

Mr. Burgett stated that this was a request to purchase a new Police Tahoe before they received their insurance proceeds. Mr. Burgett further stated that they had requested a PO but they could not issue a PO because there was no money in the line item so they were transferring money from Insurance Proceeds to Police Property Damage and then when the proceeds came in they would replace the money in the Insurance Proceeds Fund.

President Pro Tempore Wright asked when the proceeds would be received.

Mr. Bischoff replied that he had spoken to Mr. Zanaty today and he stated that those proceeds should be in within the next week.

Mr. Burgett stated that the reason that they were trying to do this quickly was because there was already a Police Tahoe available at Donhoo Chevrolet that they could purchase now as opposed to having to order one and having to wait six to eight weeks for one to come in.

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

**Resolution No. 18-84**

**(A Resolution to amend the FY 17/18 Insurance Fund Budget)**

Councilor Wyatt then moved for the adoption and enrollment of Resolution No. 18-84. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 21.06.18 – Request to authorize the Mayor to sign a contract for the Patriot Park connector project with Kelly Landscape – Mike Higginbotham.

Mr. Higginbotham stated that Mr. Greg Cobb asked that this item be added to the agenda and the money had already been budgeted so this was just to authorize the Mayor to sign the contract.

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

**Resolution No. 18-85**

**(A Resolution to authorize the Mayor to sign a contract for the park connector project with Kelly Landscape)**

Councilor Higginbotham then moved for the adoption and enrollment of Resolution No. 18-85. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mayor McBrayer addressed the Council and stated that Councilor Andress had been asking him about the Homewood Beautification Board and the list of members who had been appointed were Laura Stansell, Kete Cannon, Roxanne Batson, Melinda Underwood, Nancy Walburn, Tiffaney Sides, Gloria White, Fonda Shaia, Meredith Wolfe, Captain Ben Sutton, Councilor Jennifer Andress, Barry Hill, and Meredith Drennen. Mayor McBrayer further stated that they had a lot of press regarding the four Over the Mountain Mayors last year who had created a Freedom from Addiction Coalition. Mayor McBrayer added that after talking about things that affected their cities that nobody wanted to talk about, this was the main issue that kept coming up because there were so many families who were affected by this particular issue so they all agreed to host a breakfast and Vestavia hosted the first one three months ago which was a huge success with hundreds of people in attendance. Mayor McBrayer further added that tomorrow's breakfast would be held at Canterbury United Methodist Church in Mountain Brook from 8:00-9:00 a.m. and was free to the public and Richard Simmons, III would be the speaker with breakfast at 7:30 a.m. and would be a way to offer help to the community and get people talking about what families could do to help those in need.

Councilor Gwaltney stated that he wanted to thank the Ward 2 representatives for the Patriot Park Street Fest, which was a great success.

Councilor Thames stated that the Planning and Development Committee would meet on June 18, 2018 at 5:30 p.m.

Councilor Higginbotham stated that the Street Fest was a fantastic evening and he wanted to applaud all those who organized that and supported the efforts with a lot of good food and music with local talent on display. Councilor Higginbotham further stated that the groundbreaking for the new Public Safety Center was exciting to be present for. Councilor Higginbotham added that the West Homewood Farmers Market would be held on June 12, 2018 from 5:00-8:00 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on June 18, 2018 at 6:00 p.m. Councilor McClusky further stated that the groundbreaking ceremony for the Public Safety Building had been a long time coming and they were all excited.

Councilor Jones stated that the Finance Committee would meet on June 18, 2018 at 5:00 p.m. Councilor Jones further stated that he was in Washington for the groundbreaking but it had been a long time since they first saw the rendering and he was so excited that they were at the point to see it come to fruition. Councilor Jones added that he had placed on the agenda to look at the Gateways within the City so if they looked

at the Gateway on Rosedale Drive going into 18<sup>th</sup> Street that was originally brought to the Council by the Beautification Board so that might be one of the first items of business for the Beautification Board now because he had a lot of ideas such as behind Publix to make that a Gateway to the Edgewood neighborhood so he wanted everyone on the Council to think about where in the City they could have a Gateway.

Councilor Smith stated that the Special Issues Committee would meet on June 18, 2018 at 6:30 p.m. Councilor Smith further stated that the groundbreaking was a lot of fun and she was so excited for the Police Department so they would have a place to all be together in such a fantastic facility.

Councilor Wyatt stated that he was happy to be back and appreciated everyone for filling in for him while he was out.

Councilor Address stated that Ms. Underwood of the Beautification Board asked if there was any direction the Council wanted to give to them and they were going to start with holiday decorations but the Gateway project would be a great project for them to begin with as well. Councilor Address further stated that the groundbreaking was great and she kept thinking about going on the tour of the current building and she could not believe the working conditions they had so she was glad they were getting the new facility.

President Pro Tempore Wright stated that the Public Works Committee would meet on June 18, 2018 at 6:45 p.m. President Pro Tempore Wright further stated that the groundbreaking was a big moment for the City and the Mayor and so many people needed to be commended for it and not only the newness and the ability for the Department to be together but also the new location and new life out there and new life where the old location was would be a great project.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:28 p.m.