

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

June 25, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 25, 2018 at City Hall at 6:00 p.m.

At this time, Mayor McBrayer presented Chief Anastasia with a proclamation in honor of his retirement and his 36 years of service to the City of Homewood.

Chief Anastasia addressed the Council and stated that it was an honor and a blessing to serve the City of Homewood.

The invocation was given by Mr. Robert W. Burgett, Acting City Clerk, after which the Pledge of Allegiance was given.

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

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

At this time, Councilor Thames moved to dispense with the reading of the Minutes of the Regular Council Meeting of June 11, 2018 and approve them as distributed. 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 on a 9-0-1 vote. President Limbaugh abstained.

President Limbaugh asked that interviews be set for the BEZ vacancy after the July 4th Holiday.

Councilor Gwaltney nominated Ms. Rosa Hill for the Ward 1 Library Board position. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 33.06.18 – Request for consideration of Central Avenue Crosswalks – Britt Thames – Public Safety Committee; Item No. 34.06.18 – Request for consideration of Historic Preservation Commission issues – Brittany Creehan/Barry Smith – Planning and Development Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 35.06.18 – Request for consideration to work in the City Right-of-Way at Homewood Preserve for proposed Eagle Scout Project – Wyatt Pugh.

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

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 29.05.18 – Request 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.

Mr. Greg Cobb stated that the question that came up during the last meeting was that the land fell down off Oxmoor Road so it was a matter of being able to see the sign whether it was on the ground versus in the wagon. Mr. Cobb further stated that the Buddy Wade sign was also called into question.

Councilor Smith stated that the Buddy Wade sign was taking up his ability to put a sign on the building itself.

Mr. Cobb stated he was asked if there was a permit on file for the Buddy Wade Building sign and they did not have one but he would address that with Mrs. Wade.

Councilor Smith asked that now that they knew there was not a permit for the Buddy Wade Building sign that was on the building would that be an option if that was to be removed.

Mr. Cobb replied that he spoke to Mrs. Wade and she said that she would like to leave the sign on the building but they would need to measure it to see if it would need a variance but she wanted to leave it there to honor Mr. Wade.

President Limbaugh asked if they had enough facts at this time to make a decision.

Mr. Cobb stated that if he put the sign in the wagon he would need a variance for size and height, but sitting on the ground, he could locate it anywhere on the property and would not need any type of variance.

President Limbaugh stated that they would treat the Buddy Wade sign as a separate issue and he would look forward to a report from Mr. Cobb

Mr. Cobb stated that if the sign was not in their size limitations then all she would need was a permit, but if it was bigger than that, then she would need a variance but this was separate than this issue because they were allowed one sign on the building and one on the ground without a variance, but if he put the sign in the wagon he would need a variance.

Councilor Wolverton stated that to clarify, putting the sign on the wagon would count as a height and width variance.

Mr. Frank Ippolito addressed the Council and stated that the sign being in the wagon would give him more exposure above the ground and was a great landmark as well as being a more affordable option than installing the sign.

Councilor Jones asked what the variance would be for if the sign stayed sitting on the ground.

Mr. Cobb replied that there would be no variance needed as long as the bottom was fixed so it was solid on the ground.

Councilor Jones asked if he could keep it as it was.

Mr. Cobb replied no, he could not keep it as it was now because it created a pole sign which was not allowed so the question tonight was if he could keep the sign in the wagon or put it on the ground.

Councilor Jones stated that his preference would be to keep it out of the wagon but he was hoping for an alternate solution.

Councilor Gwaltney moved to approve the sign ordinance variance to allow the sign in the wagon. Councilor Thames seconded the motion.

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

On a voice vote, the motion failed on a vote of 0 to 10.

The next item on the Agenda under Old Business was Item No. 08.04.18 – Public Hearing set for June 25, 2018 at 6:00 p.m. for consideration of reduction of speed humps on Berry Road – Patrick McClusky.

Councilor Jones stated that the Public Safety Committee met on June 4, 2018 and voted 3-0 to recommend using law enforcement to reduce speed.

Councilor Thames stated that the Committee wanted to have a conversation with law enforcement on how many speed humps to remove, which ones to remove, and requesting targeted enforcement in the meantime to monitor results regarding number of warnings, tickets, and current speeds so they would have a base line of how fast people were going and what they could expect them to do with the reduction of speed humps.

President Limbaugh declared the Public Hearing open at 6:25 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. Ted Knight at 1220 Forest Brook Circle, addressed the Council and stated he had lived there for over 50 years and recently they had resurfaced Berry Road and he would ask that they not reinstall the speed humps.

Ms. Tiffaney Sides at 1604 Shades Glen Circle, addressed the Council and stated that she recommended that they remove all the speed humps. She further stated that she and her husband had lived there several years and her husband was a life-long resident of Forest Brook and the speed humps were annoying and it had been great since they resurfaced Berry Road with just the two speed humps and it had been very nice so it would be wonderful as a resident of Forest Brook to get rid of them totally.

Ms. Laurel Bassett at 1400 Berry Road, addressed the Council and stated that she thought the speed humps were annoying too until they took them out. Ms. Bassett further stated that she lived at the very end and once people passed the stop sign they started flying and they had little kids and visitors who all felt like it was dangerous to even pull into their driveway because people were tailing them so closely, let alone pull out of the driveway. Ms. Bassett added that she saw a motorcycle pass four cars on her end of the road because once they got by the stop sign they thought they were home free so she was

sorry they were annoying but it was dangerous to not have them because it was such a cut through.

President Limbaugh asked Ms. Bassett if the two speed humps helped at all.

Ms. Bassett replied that she did not believe they helped her end and, in fact, they made it worse because people slowed down and they were annoyed that they had to slow down and then they flew on her end of the road so if they were more evenly distributed it might help since there had not been any on her end of the road and since she had not seen targeted enforcement it had been extremely dangerous.

Mr. David Crawford at 1617 Forest Ridge Road, addressed the Council and stated that he hated the speed humps and he was okay when they took them all away and he understood that people were concerned about speed and he was okay with keeping the two that were there now but they damaged vehicles and he knew a lot of cut through roads around town but none of them with speed humps. Mr. Crawford further stated that he did not want to take all the speed humps away and have a bunch of cops there ready to give \$130.00 ticket if he went over the speed limit. Mr. Crawford added that he was in favor of keeping the speed humps as they were or reducing them but not adding more.

Mr. Ken Sobaski at 1561 Berry Road, addressed the Council and stated that he wanted the speed humps put back the way they were and he presented a letter from February 1999 written by the City Engineer and Zoning Administrator recommending that value had been obtained from the speed humps and a study had been conducting to demonstrate that the speed was reduced and the number of accidents were reduced and it improved safety on that road and he did not know what had changed about that other than the quality of cars and suspensions to allow people to go over bumps and not have it damage their cars as much as it may have done in 1999 but since 1994 this was the third or fourth time that the city had this conversation and this was the only document that existed where a member of the city government recommended that the speed humps be left in place with data compelling for why it should be because it did reduce accidents and speeds so his recommendation would be to put the speed humps back in place.

Mr. Angel Torres at 1547 Berry Road, addressed the Council and stated that he had a clear window view of the street and when they repaved the road they could see that the speeds increased significantly and he had seen cars that had been going at least 60 miles per hour. Mr. Torres further stated that he was not a big fan of the speed humps and he had lived there for 10 years and he had not had to replace his shock absorbers yet but he believed the benefits of reducing the speeds outweighed the inconvenience. Mr. Torres added that it was a narrow road with a lot of curves and it was hard to pull out of the driveway now with cars flying by and they also had a lot of people that rode bikes on that

road and people who jogged and walked and they did not have any sidewalks so his recommendation would be to put the speed humps back

Ms. Kristin Torres at 1547 Berry Road, addressed the Council and stated that this was a conversation about inconvenience versus safety and she asked that the Council considered safety first. Ms. Torres further stated that the speed humps were inconvenient for her family as well but they were okay with a few bumps along the road because they had a healthy child. Ms. Torres added that they spent a lot of time outside and hosted a lot of groups from their church and they had a lot of people in and out and, lately they recommended for nobody to back out of the driveway because they could not see what was around the corner either way and their neighbor across the street had replaced four mailboxes prior to the speed humps.

Mr. Jake Culotta at 1543 Berry Rd, addressed the Council and stated that he called Councilor McClusky and he stated that the Council would discuss the possibility of reducing the speed humps and he hated that it was a situation where it was Forest Brook residents against Berry Road residents but that was the way it had been for quite a while but basically he had lived on Berry Road prior to the speed humps and they had a speed issue and they tried very hard to do something about it and at some point it got so bad they made a decision to push hard to figure out what they could do to slow traffic down so they started meeting with Council members and the police department and eventually what they did was do a traffic study that was paid for by the neighborhood and after all the evidence was presented they convinced the Council to pass an ordinance to install the speed humps and the only opposition was that they were a nuisance but nothing tangible.

Ms. Lesley Tighe at 1564 Berry Road, addressed the Council and stated that she had heard that history of why the speed humps were installed but no facts as to why they would want to remove the speed humps, which would effectively raise the speed limits.

President Limbaugh asked if as a resident of Berry Road if she felt the speeds had increased since the speed humps had been removed.

Ms. Tighe replied yes and stated that she walked her dog every evening and the cars come so close to her and, because there are not sidewalks, there were some places where there was no place for her to jump out of the way so it was difficult but if the data said it made sense to allow people to drive faster on that road she would find another place to walk but the speed had increased and now that more people were texting while driving she felt that people were paying a little more attention to that part of the road where they knew the speed humps were.

Ms. Kerri Culotta at 1543 Berry Road, addressed the Council and stated that the first time they tried to get the speed humps they went door to door right after her son was almost killed and they had neighbors who were there when it happened and she heard the screaming and she did not know what had happened but their dog had pulled him out into the road and a car was going about 65 miles per hour but they did not get it passed that time but they tried again. Ms. Culotta further stated that the second time it was approved but it was after another child was hit who was chasing a ball and he looked both ways but the cars were coming so fast he was hit and his arm was broken and he had kidney damage but he lived and recovered. Ms. Culotta added that it was a very dangerous road right now and if anyone wanted to park in her driveway they were welcome to and they could see the speed of the cars and could see what they were talking about so they would really appreciate having the speed humps put back down.

Ms. Kerry Blevins at 1577 Berry Road, addressed the Council and stated that it was quite clear when there was a problem on I-65 because traffic got off on Alford Avenue and flew down Berry Road to Columbiana and then hit Greensprings. Ms. Blevins further stated that the volume of traffic and speed greatly increased when there was a traffic issue on I-65.

Mr. Jerry Feld at 928 Shades Glen Drive addressed the Council and stated that he sympathized with the residents on Berry Road but before someone bought a house they should look at where it was. Mr. Feld further stated that his son had taken out a mail box before when he was 16 on Berry Road and he understood the road but it would be great if they could address the whole road and not just put speed humps on it. Mr. Feld added that if they needed a sidewalk, give them a sidewalk but had mixed feeling because going up and down the road it was so smooth and the speed humps that were on the road were bad because cars had to stop to keep from the tires from leaving the road at anything above 15 miles per hour. Mr. Feld further added that it would be great to have less speed humps and get the same results.

Ms. Kerri Culotta stated that she recommended if they took up the speed humps to replace them with eight stop signs. Ms. Culotto further stated that they currently did not have any speed limit signs on their street.

President Limbaugh asked to verify if this was correct about the speed limit signs.

Councilor Smith stated that she emailed Mr. Randy Hambley to check on this in case they were taken down during the repaving and had not been put back up yet but that was something they could take care of in house.

President Limbaugh asked if there was anyone else in the audience who wished to speak in favor or opposition to this item. There was no response from the audience. President Limbaugh declared the Public Hearing closed at 6:58 p.m.

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

Councilor Andress asked Mr. Kendrick if the existing ordinance called for seven speed humps.

Mr. Kendrick replied yes and stated that the existing ordinance was adopted in 1998. Mr. Kendrick further stated that the city of Homewood did not have control of that road up until a certain point because it had been a Jefferson County road so they got permission from Jefferson County to install speed humps and the ordinance required a study six months after the installation of the speed humps to give a report so that was nothing unusual as part of the process whenever they install speed humps. Mr. Kendrick added that the ordinance specified the addresses where the speed humps were located so if they wanted to change that they would have to modify the ordinance.

Councilor Smith stated that the Public Safety Committee stated that there needed to be more research so they were not making a decision based on opinion rather than fact and asked if they could delay the vote so a new study could be done that might be more relevant than the one done in 1999.

President Limbaugh asked Mr. Bischoff if they could contact Mr. Skipper to see how quickly they could get a study because he thought they needed a third party to help in that process and if he could contact Chief Ross to request aggressive enforcement.

Councilor Wyatt asked if they could also set up a speed trailer that would show drivers their speed on that road.

Councilor Wright asked if they could study alternatives such as roundabouts and sidewalks.

Councilor Higginbotham stated that he lived in Forest Brook but this item was not just about speed humps being annoying and he believed in traffic calming measures and he thought they should take them very seriously and he felt there were targeted areas in the city that could benefit from them but he did not feel that speed humps were the right alternative for traffic calming. Mr. Higginbotham further stated that he respected that others did not agree but to him the speed humps were ways to artificially create an environment on a road that seemed to him that they went through a lot of trouble paying people to pave so he did not feel pot holes were a solution to get people to slow down and

he did not believe speed humps were a solution to get people to slow down so he thought they needed to take time to look at other traffic calming measures.

Councilor Jones stated that he was on the Council in 1998 and it was a long process and there were a lot of hoops to go through but he thought they needed to review the study and look at it and if they moved forward to put them up perhaps there could be fewer. Councilor Jones further stated that he just forwarded an email from Councilor McClusky to Mr. Burgett for the record stating that he brought the item forth because it was an opportunity to review and they did review sidewalks but there was not enough room for sidewalks so he would like to send this back to Public Safety to review the traffic study when it comes back so that they could work on it together.

President Limbaugh stated that without objections, this item will be referred back to the Public Safety Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 07.06.18 – Public Hearing set for June 25, 2018 at 6:00 p.m. for consideration of a sign variance at 76 Green Springs Highway – Elliott DeVore/Greg Cobb, BEZ.

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

President Limbaugh declared the Public Hearing opened at 7:00 p.m.

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

Mr. Greg Cobb addressed the Council and stated that the request had been withdrawn.

President Limbaugh declared the Public Hearing closed at 7:12 p.m.

Councilor Higginbotham moved to drop this item. 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. 08.06.18 – Public Hearing set for July 23, 2018 at 6:00 p.m. 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 Sautler 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 Limbaugh stated that this item would be carried over pending the Public Hearing set for July 23, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.06.18 – Public Hearing set for July 23, 2018 at 6:00 p.m. 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 Limbaugh stated that this item would be carried over pending the Public Hearing set for July 23, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 10.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 2900 16th Place South (detached garage only) (29 00 12 4 014 022.001) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over pending the Public Hearing set for July 9, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 2900 16th Place South (detached garage only) (29 00 12 4 014 022.001) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over pending the Public Hearing set for July 9, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 12.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 1602 Ridge Road (29 13 4 007 023.000-RR-00) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over pending the Public Hearing set for July 9, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 13.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 28 Edgehill Road (28 00 18 1 010 028.000)– Wyatt Pugh.

President Limbaugh stated that this item would be carried over pending the Public Hearing set for July 9, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 15.06.18 – Public Hearing set for June 25, 2018 at 6:00 p.m. 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.

Mr. Scott Cook addressed the Council and stated that this was the current Roadway Inn property which was vacant and owned by ADMA, Inc. Mr. Cook further stated that the property was posted and certified letters were mailed on May 11, 2018 for violations of excessive growth and litter and the excessive growth had a date of May 22, 2018 to come into compliance and the litter violation had a date of May 28, 2018 to come into compliance. Mr. Cook added that on May 14, 2018 Mr. Patel emailed him and informed him that he had seen the sign posted on the property and would take care of the grass when the landscaper got back in town the following week and he responded that not only did the grass need cutting but also the shrubbery needed attention and that he mailed him a letter informing him of the violations. Mr. Cook further added that within the next week the grass was cut but nothing else had been done to address the shrubbery and several weeks passed with nothing done and in the meantime the grass had grown back to being in violation so he had no choice but to ask the Council to set a Public Hearing and as of this afternoon the litter had been cleaned up, the grass had been cut and some shrubbery issues were getting addressed but they were not yet fully in compliance.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that he recommended going forward with the Public Hearing first.

President Limbaugh declared the Public Hearing opened at 7:16 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. Mike Patel addressed the Council and stated that they did get the grass cut and got it cut again today and got the litter picked up and he never received anything in the mail from Mr. Cook but he emailed him the letter last Thursday and his landscaper was supposed to come to the property last Monday but his truck broke down and they

already paid for his services which he completed today. Mr. Patel further stated that they addressed all the bushes, the litter, the grass, the weeds, and everything.

President Limbaugh stated that all they were interested in was that the landscaping being maintained and he thought part of the challenge might be that they might have one definition of what being maintained meant and the Council might have another. President Limbaugh further stated that he and Mr. Cook had not had a conversation about this but he had observed the property. President Limbaugh asked Mr. Patel if his landscaper had a commitment from him on a regular maintenance plan.

Mr. Patel replied yes.

President Limbaugh asked what the plan was.

Mr. Patel replied that the maintenance plan was by the month and every month he came to the property and cut the grass and weeds and maintained the property.

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

Councilor Jones asked if the shrubs had been taken care of.

Mr. Cook replied no and stated that the weeds had grown up through the shrubs and had now exceeded the height of the shrubbery.

Councilor Jones asked why that had not been taken care of.

Mr. Patel replied that in the email Mr. Cook sent him he said it needed attention but he was not specific to what he would like to have done but if he would meet him at the property and take the time to show him what he was looking for he could get it done but the email just said it needed attention and he needed more specific details of what he needed but as far as he was concerned from today he maintained the bushes from trimming them to the sides but he could continue to do more but he needed to tell him exactly what he would like to get done.

Councilor Smith stated that the sign should be visible so whatever was surrounding that sign needed to come down, and the trees growing through the shrubbery line should be cut and when he does cut them down he needs to pick up the debris so the cuttings would not be left within the shrubs.

President Limbaugh asked Mr. Patel if he understood Councilor Smith's explanation of the Council's expectation.

Mr. Patel replied yes.

Councilor Wolverton asked Mr. Cook if when he noticed the property if the owners were given some sort of objective data for what the ordinance stated and what was required for them to do.

Mr. Cook replied yes but they did not get into specifics such as which things to cut but when the hotel was opened the shrubs never were an issue so they should be maintained just as they were when the hotel was running.

Councilor Wolverton stated that this time of year he was not sure that a monthly manicure was enough to adequately keep things within regulation and as a resident of West Homewood he would like to see everything stay within code.

President Limbaugh stated that he agreed with Councilor Wolverton and that he grew up in a household where his grandfather owned a landscaping company for 34 years so he knew a good bit about that and he would say that once a month in May through September was not going to be effective.

Mr. Patel stated that in the winter it did not need as much work.

President Limbaugh stated that he agreed that once a month in the winter was more than it needed but every other week in his best judgment would be a need in the spring and summer.

Councilor Wyatt asked if there was a shrub growing out of the parking lot.

Mr. Cook replied that it was tree growing out of the parking lot.

Mr. Patel stated that it was taken care of today but all the random rain showers had slowed them down as well because today they had to stop work for a while when it rained but they were addressing the problem.

President Limbaugh stated that he knew he didn't want to be there before the Council and they didn't want this to continue to be a problem so he asked that they agree that in the summer months that more frequent cutting was needed and it needed to be maintained as if the property was opened and they would not have to have these conversations again.

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

President Limbaugh declared the Public Hearing closed at 7:25 p.m.

President Limbaugh stated that, without objections, this item would be carried over to the July 9, 2018 Council Meeting to give the gentleman an opportunity to get the property to the condition that it needed to be and hopefully Mr. Cook reported positively.

Mr. Wolverton asked Mr. Cook if since this was a large property if it was safe to assume that he was not able to take pictures of everything that was out of compliance so he wanted to be clear to the property owners that this was just an example and did not include everything that needed to be cleaned up on the property.

Mr. Cook stated that he would suggest that now that they understand what needed to be done they should take care of it and then call him to come out to see if they were in compliance.

Mr. Patel asked if he could have Mr. Cook's cell phone number so they could call him and he asked if these regulations included everyone else that had a business in Homewood that was opened that also had high grass and litter because he wanted to make sure everyone was treated equal and fair so he wanted to know if this only applied to them or if this applied to everyone.

Mr. Kendrick replied that this applied to everyone.

President Limbaugh stated that he could assure him that this did apply to everyone and their intent was not to target or single out any individual but they did have a very large piece of property so what occurred on that property was therefore very noticeable and because it was closed it tended to attract more attention. President Limbaugh further stated that there was an opportunity, rather than to pass a resolution stating that they were out of compliance, but they were willing to be flexible until July 9, 2018.

Mr. Mila Patel stated that that though he said that everyone else complied, he had seen across from their hotel where they cut the grass today grass grown in other lots and they had not been given any notices so he felt they had been targeted but they did not mind complying and they had complied every time they had been notices.

Mr. Kendrick asked why the city had to repeatedly provide them with a notice to get them to comply.

Mr. Patel stated that they had only been noticed three times in four years so that was not repeated notice.

President Limbaugh stated that it had still been three times.

Mr. Mike Patel stated that he would comply and they had never had a Public Hearing in the four years since they had been closed so they would comply but he had a

binder where he took pictures of properties that were not in operation and some that were in operation that had grass, weeds, excessive growth, and litter and his neighbors had litter on the backside of their property and they had a Tundra with a flat tire with trash all behind it so he was concerned because they did not mind complying but they would like to see the others come into compliance as well.

Mr. Kendrick stated that he appreciated his interest in that but this process was complaint driven so if he had a complaint about a property he should make it to Mr. Cook and the City would absolutely address it.

President Limbaugh stated that he could not change their perspective but he could allow them to have this time to get into compliance and he could also say that if they had a complaint against another property to please offer that and they would respond. President Limbaugh further stated that he was a former property owner of an unimproved property and had complaints and he had to respond to that himself.

Mr. Patel stated that they would fully comply and would take care of the issues but from what his father stated they told Mr. Cook about the complaints and their neighbors next door had a piece of property by the ramp that their sign used to be on which was no longer there where grass and weeds were growing but it was not their property. Mr. Patel further stated that Mr. Cook told him that if saw the issue he would address it but it was still there. Mr. Patel added that he came by the property once or twice a week to observe and make sure everything was okay and he noticed that but he didn't live in Homewood so he did not want to complain about things but he would maintain his property and he would like to submit the pictures he had taken of his neighbors properties and email them to the Council.

President Limbaugh stated that the Council email addresses were on the City of Homewood website and he was welcomed to email them and he can assure him that Mr. Cook would give other properties every consideration.

President Limbaugh stated that, without objection, he would reopen the Public Hearing and continue it until July 9, 2018. There were no objections.

The next item on the Agenda under Old Business was Item No. 02.06.18 – Request for consideration to replace Administration position with Revenue Examiner Position Grade 18/Step 10 – Robert Burgett/Mayor McBrayer.

Councilor Smith stated that the Finance Committee met on June 18, 2018 and voted 4-0 to recommend approval.

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

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

Resolution No. 18-86

(A Resolution to replace Administration position with Revenue Examiner Position Grade 18/Step 10)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-86.

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. 14.06.18 – Request to set a Public Hearing for consideration to adopt changes to the Zoning Ordinances – Homewood Planning Commission – Greg Cobb, BEZ.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and voted 3-0 to revert to the old way of calculating set backs on corner lots.

President Limbaugh stated that, without objections, the Public Hearing would be set for August 13, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Old Business was Item No. 03.05.18 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for Magic City Sweet Italian Ice, LLC d/b/a Magic City Sweet Ice located at 715 Oak Grove Road – Melody Salter, City Clerk.

Councilor Thames stated that the Public Safety Committee voted 4-0 to recommend having no objections to the issuance of the ABC license pending letters of no objections from the Fire and Police Departments.

President Limbaugh asked if the letters of no objections had been received.

Councilor Thames replied that those had not been received.

President Limbaugh 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. 21.05.18 – Request for consideration for crosswalks and/or safety striping at the three-way intersection of Edgeland Place and Forest Drive – Patrick McClusky.

Councilor Thames stated that the Public Safety Committee met and voted 4-0 to recommend approval.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:39 p.m.:

Ordinance No.

(An Ordinance for crosswalks at the three-way intersection of Edgeland Place and Forest Drive)

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

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, 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. 2703

(An Ordinance for crosswalks at the three-way intersection of Edgeland Place and Forest Drive)

Councilor Jones moved for the enrollment and adoption and publication according to law of Ordinance No. 2703. Councilor Smith seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.06.18 – Request to consider creation of a social media policy for the City of Homewood – Mike Higginbotham.

Councilor Smith stated that the Special Issues Committee met on June 18, 2018 and voted 4-0 to recommend approval of creating a social media policy and forming a subcommittee.

Councilor Higginbotham stated that this was something that ultimately needed to be handled through the Mayor's office and an internal committee would be formed that would include parties who might include Mr. Bischoff, Mr. Kendrick, Mr. Yates from IT, and Mr. Wallace who handled the website as well as Council representation.

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

The next item on the Agenda under Old Business was Item No. 04.06.18 – Request for consideration to adopt Storm Water Management Ordinances – Greg Cobb, BEZ.

Councilor Wright stated that the Public Works Committee met on June 18, 2018 and voted 5-0 to recommend approval with one change.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:44 p.m.:

Ordinance No.

(An Ordinance for Storm Water Management – Erosion and Sediment Control)

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

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, 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. 2704

(An Ordinance for Storm Water Management – Erosion and Sediment Control)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2704. Councilor Jones 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, Jones, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:47 p.m.:

Ordinance No.

(An Ordinance for Storm Water Management – Discharge)

Councilor Address moved for the unanimous consent of the proposed Ordinance as read. Councilor Wyatt seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, 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. 2705

(An Ordinance for Storm Water Management – Discharge)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2705. Councilor Smith seconded the motion.

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

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

The motion carried without dissent.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:49 p.m.:

Ordinance No.

(An Ordinance for Storm Water Management – Post Construction)

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

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, 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. 2706

(An Ordinance for Storm Water Management – Post Construction)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2706. Councilor Wyatt seconded the motion.

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

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

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 22.06.18** Request to authorize the Mayor to sign 12 month contract with Cintas for Fleet Maintenance Uniform Services – Gordon Jaynes – **Finance Committee**
- 23.06.18** Request for consideration to retire Police K9 (Shiloh) and declare surplus due to health concerns – Chief Tim Ross – **Finance Committee**
- 24.06.18** Request to amend the FY 17/18 Budget for Park and Public Works line item transfers – Berkley Squires – **Finance Committee**
- 25.06.18** Request to amend the FY 17/18 Library Budget for repairs to drains – Andy Gwaltney – **Finance Committee**
- 26.06.18** Request to address flooding issues at 212 Bonita Drive – Robert Robertson – **Public Works Committee**
- 27.06.18** Request for consideration to relocate approved sign for Service First on Rosedale Blvd – Ty Cole/Greg Cobb, BEZ – **Special Issues Committee**
- 33.06.18** Request for consideration of Central Avenue Crosswalks – Britt Thanos – **Public Safety Committee**
- 34.06.18** Request for consideration of Historic Preservation Commission issues – Brittany Creehan/Barry Smith – **Planning and Development Committee**

Councilor Higginbotham moved for the approval of the Committee Referral Agenda. Councilor Smith 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 28.06.18 – Request for consideration to set a public hearing to consider declaring the property located at 507 Tamworth Ln., PID# 28-00-17-2-005-005.000 a public nuisance due to violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh 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. 29.06.18 – Request for consideration to set a public hearing to consider declaring the property located at 1801 Kensington Rd. , PID# 28-00-18-2-010-008.000 a public nuisance due to violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh 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. 30.06.18 – Request for consideration to set a public hearing to consider declaring the property located at 1649 28th Ave So. , PID# 29-00-12-4-014-004.000 a public nuisance due to violation of Ordinance #1098 “Litter”, & Ordinance #1310 “Open and Unenclosed Storage” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh 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. 31.06.18 – Request for consideration to set a public hearing 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 Ordinance #1098 “Litter”, & Ordinance #1310 “Open and Unenclosed Storage” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh 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. 32.06.18 – Request for consideration of approval of vouchers for period of June 11, 2018 through June 24, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-87

(A Resolution to approve vouchers for period of June 11- June 24, 2018)

Councilor Higginbotham then moved for the adoption and enrollment of Resolution No. 18-87. Councilor Jones 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. 35.06.18 – Request for consideration to work in the City Right-of-Way at Homewood Preserve for proposed Eagle Scout Project – Wyatt Pugh.

Mr. Greg Cobb addressed the Council and stated where the trail begins at South Lakeshore by the High School there was a side ditch and this would be a project to build a bridge over the side ditch and would not be more than three feet high but would have some length to it. Mr. Cobb further stated that this would be an Eagle Scout Project which they would pay for when they built it but it would be in the city right-of-way. Mr. Cobb added that he went out to look at the site and it looked like a worthwhile project and would let people go up the trail without having to go up through the ditch. Mr. Cobb further added that they did not have the designs drawn yet but they would need some structural detail on it to make sure it would be structurally sound.

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

Resolution No. 18-88

(A Resolution to approve a bridge built by Eagle Scout Project in City Right-of-Way)

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-88 pending approval of drawings. 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.

Councilor Gwaltney stated he wanted to thank Councilor Thames, Mr. Bischoff, the Mayor, and representatives of the Police Department for coming out and meeting with the neighbors and helping solve some issues.

Councilor Thames stated that the Planning and Development Committee would meet on July 2, 2018 at 5:30 p.m.

Councilor Higginbotham stated that he wanted to thank everyone who came to the Public Hearing to express their opinion regardless of what it was because the point of a Public Hearing was to allow the public to express their views on things and he was happy people took the matter seriously enough to come out and talk with the Council.

Councilor Wolverton stated the Farmers Markets were every Tuesday evening from 5:00-8:00 p.m. Councilor Wolverton further stated that the former Homewood Diner had now opened as Oxmoor Bar and Grill.

Councilor Jones stated that the Finance Committee would meet on July 2, 2018 at 5:00 p.m. Councilor Jones further stated that he wanted to wish Councilors Thames and Smith Happy Birthdays.

Councilor Smith stated that the Public Safety Committee would meet on July 2, 2018 at 5:45 p.m. and Special Issues would meet at 6:00 p.m.

Councilor Andress stated that she wanted to thank the new Beautification Board and Councilor Gwaltney and Mayor McBrayer for attending the meeting.

Councilor Wright stated that the Public Works Committee would meet on July 2, 2018 at 6:15 p.m.

President Limbaugh stated that he wanted to thank Councilor Wright for chairing the last Council meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:04 p.m.