

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

**July 9, 2018**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 9, 2018 at City Hall at 6:00 p.m.

At this time, President Limbaugh asked Mr. Randy Haddock of the Cahaba River Society to address the Council.

Mr. Randy Haddock addressed the Council and thanked the Council for adopting the Storm Water Ordinances at the June 25, 2018 Council Meeting, provided the Council with information on the Cahaba River Society, and thanked the Homewood Environmental Commission for their help with the ordinances.

The invocation was given by Councilor Walter Jones, after which the Pledge of Allegiance was given by Scout Troop 97.

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

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

President Limbaugh stated that, without objections, the minutes from the June 25, 2018 Council Meeting would be carried over. There were no objections.

At this time, President Limbaugh amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 06.07.18 – Request to consider proposal from Captain D's to purchase City property at 431 Greensprings Highway – Mayor McBrayer.

President Limbaugh further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 07.07.18 – Request to approve the city attorney to enter into negotiations with Milo's Tea for Headquarter relocation – Bruce Limbaugh – Finance Committee; Item No. 08.07.18 – Request to address drainage issues behind 212 Malaga – Greg Cobb/Jennifer Andress – Public Works Committee.

Councilor Higginbotham 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**

**13.03.18** Request for consideration of paving an alleyway behind Devon Drive –  
**Joe Swaika/Barbara Nichols/Peter Wright and Jennifer Andress**

**Action Taken: The Public Works Committee met on July 2, 2018 and voted 4-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Wyatt.**

Councilor Thames moved for the approval of the Consent Agenda. 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.

### **OLD BUSINESS AGENDA**

The first 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. (Carried over 6/25/18).

Mr. Scott Cook addressed the Council and stated that the owners had been to the property with several crews doing a lot of work in between last week’s afternoon rains and they were now in compliance.

President Limbaugh continued the Public Hearing and 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 Council.

President Limbaugh declared the Public Hearing closed at 6:09 p.m.

Councilor Smith moved to drop this item. 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 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: 101 Ventura Avenue (28-00-07-4-004-006.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and voted 3-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:10 p.m.

Mr. Wyatt Pugh addressed the Council, presented the Council with a packet, and stated that this property had recently been sold and the new owners were currently getting bids for demolition. Mr. Pugh further stated that he did let the owners know that the property would probably be condemned but if they moved forward in a timely fashion with demolition he would not interfere with that.

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

Councilor Andress stated that she spoke to the new home owner today as well and she stated that they planned to get a permit from the city in the next two weeks once they figured out which company they would use but they were planning on demolishing the building.

Dr. David Geldmacher at 205 Bonita Drive addressed the Council and stated he strongly endorsed the need for demolition because he was a physician at UAB and he felt it presented a public health risk. Mr. Geldmacher further stated that he walked his dogs passed it on a daily basis and he was always concerned about vermin and predators that attack those and he felt that the property in its current state presented a risk.

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 6:13 p.m.

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

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

**Resolution No. 18-89**

**(A Resolution condemning a house at the following address: 101 Ventura Avenue (28-00-07-4-004-006.000))**

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-89. 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. 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 16<sup>th</sup> Place South (detached garage only) (29 00 12 4 014 022.001) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and voted 3-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:15 p.m.

Mr. Wyatt Pugh addressed the Council, presented photographs, and stated that a tree fell on the structure and created problems but he was contacted late Friday afternoon by the homeowner who was elderly and had some health problems and did not know that this was the case. Mr. Pugh further stated that she had not done anything because she was under the understanding the city had promised to fix the creek behind her house because erosion was what caused the tree to fall. Mr. Pugh added that he asked Mr. Greg Cobb to go to the site to see if he recalled any past promises to that effect and he did not.

Councilor Thames stated that he spoke to the homeowner and she relayed the same information to him and she said that she could confirm that this started in 1994.

Councilor Smith asked to verify that this item was just concerning the garage and not the home.

President Limbaugh replied yes.

Mr. Greg Cobb addressed the Council and stated that the water running behind the property was running in an open ditch and was heavily vegetated and was thick enough that he could not get to it but as long as he had been with the city they had not offered to work on that ditch. Mr. Cobb further stated that the upstream side of ditch had cinder block walls that were put in by Ms. Graffeo, not the city, and she also put a top on it but

the city had not done anything over there as long as he had been with the city but he did not know if someone had promised something prior to that.

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

Ms. Bonnie O'Bannon at 2900 16<sup>th</sup> Place South addressed the Council and stated that in 1994 she spoke with Councilor Sherry Traywick about the creek erosion because the creek was about eight feet wide at that time and it looked like it was about twenty feet wide now and it had taken the granite blocks from her patio and had taken all five of her dogwood trees that used to be at the very tail end of the Homewood Dogwood Trail that was here years ago. Ms. O'Bannon further stated that she had planted bamboo and monkey grass and asked the city if she could put rip-rap down to stabilize the creek but she was told that she could not do that but the city would. Ms. O'Bannon added that for about twelve years she asked that something be done to the creek and kept being promised that it was tied into other projects like the Bellview Circle Project and the last time she talked to the prior Mayor he said it was tied to a project in West Homewood but that project was delayed by a type of snail so she told him that if the creek eroded her garage she would call them to fix it. Ms. O'Bannon further added that she had not heard back from the city yet and she had been patiently waiting but now she did not know what to do.

Ms. O'Bannon stated that she had other neighbors who had worked with the city because of the erosion in the creek and one neighbor's kitchen was flooding and the city did repair that and another got an attorney involved to do some work on the other side of the street from the creek. Ms. O'Bannon further stated that she spoke to Mr. Henry Hughes, the arborist, and he was talking about water erosion at the Botanical Gardens a couple of months ago and he said that if one end of an area was closed up then the remaining area took the brunt of the pressure from that closed in area and blew it out more and that could have caused more problems with the creek and somebody had closed the other side of the creek. Ms. O'Bannon added that she spoke to Mr. Thames or Mr. Pugh recently who said it was private property on the other side of the street but she had always been told it was city property on her side of the street and she was not allowed to do anything to it.

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.

Councilor Thames asked if the creek was on her property.

Mr. Greg Cobb addressed the Council and stated that the tax map showed a 10 foot paper alley that ran where the creek should be but whether or not the creek was in

those bounds he was not sure because it meandered but the tax map did show a 10 foot paper alley that went behind her property and turned, but because it was so grown up, he had no idea if the ditch was in the right-of-way or not.

President Limbaugh asked if there was a way to determine that.

Mr. Cobb replied that they would need to get a surveyor to stake it for them but because it was a natural ditch it would probably never stay within its bounds especially if it turned. Mr. Cobb stated that across the street from this property some people had put pipes in and some places it was open.

Councilor Thames stated that they had this conversation before when people had come to them and wanted the city to turn creeks on their property to culverts, but this drainage wasn't put in by the city originally and this person across the street elected to cover it themselves about a year and half or two years ago.

Mr. Cobb stated that this was correct that the homeowner put the lid on it herself and that she asked the city to do it but he had concerns about that but she went ahead and covered it herself.

Mr. Thames asked Mr. Pugh, regardless of how they arrived here, what his opinion of the structure was.

Mr. Pugh replied that the structure itself really needed a contractor to evaluate what kind of structural members needed to be replaced but with the tree having fallen on it, it was hard to tell but obviously the roof system was broken but other than that it was hard to say. Mr. Pugh stated that it was locked up tight so there was no danger of any person wandering into it but obviously water and pests could enter through the roof.

Councilor Gwaltney asked if there was any potential for the tree falling or was it resting on the structure itself.

Mr. Pugh replied that the tree had been removed so there was no tree actually laying on the structure at the moment.

Councilor Gwaltney stated that he was concerned because there were a lot of kids in that area.

President Limbaugh asked Ms. O'Bannon what her intentions were for repairing the detached garage.

Ms. O'Bannon replied that she would love to repair it and use it again.

President Limbaugh asked if there was a hold up in proceeding with repairs.

Ms. O'Bannon replied that if the creek came any closer in it would just take the garage down again because the creek had widened so much. Ms. O'Bannon stated that she used to have a beautiful garden behind the garage and she won't even go back there anymore. Ms. O'Bannon added that the city some years ago put a chain link fence on both sides of the creek but it had even washed away.

President Limbaugh stated that this was only an issue of whether or not to condemn the structure.

Ms. O'Bannon stated that it was a concrete block structure and several years ago she had a steel beam put across the top and a metal roof put across the top so it was basically a stable building except for where the tree from the creek came down and took a section of one wall out and caved part of the ceiling in so it was not usable right now.

President Limbaugh asked if her intention was to make it usable again at this point.

Ms. O'Bannon replied that she would love to make it usable again but she was afraid to until the creek got stabilized.

Councilor Gwaltney asked Mr. Cobb how far the garage was from the creek because he was looking at a street view picture of it and it appeared to be heavily wooded on her side of the creek but the house on the other side was relatively close.

Mr. Cobb replied that he went out there today but he really did not pay attention to the distance but he said it was probably fifteen feet.

Ms. O'Bannon stated it was only two and half feet from the creek.

Mr. Cobb asked if it was closer on the far corner.

Ms. O'Bannon replied that if he would make an appointment where she could meet him out there she would be glad to show him.

Mr. Cobb stated that he would be glad to go back out and look at the property tomorrow.

President Limbaugh stated that the Public Hearing would be carried over to give Mr. Cobb a chance to go back out there and provide some more information but they really would have to deal with the item which was her intent for the garage.

Councilor Jones stated that this a was public nuisance with the overgrowth that had not been maintained and the structure that was not sound but she was telling them she was not going to do anything until the creek was taken care of but that was not going to

happen anytime soon so they were not going to be anywhere any different in two weeks in his opinion so he felt they should move forward with demolition.

President Limbaugh stated that Mr. Pugh did say that he did not think the structure held any danger at this point.

Mr. Jones stated that Mr. Pugh's report noted unsafe conditions such as framing deteriorating, showing signs of fatigue and failure, flooring component of substructure deteriorated and experiencing failure under fatigue.

Mr. Pugh stated that the report meant that the structure was not safe to occupy or use in any manner but it was locked up and secure and there were no opened windows or doors so he was not concerned since it was masonry and metal building that it was in danger of falling down.

President Limbaugh stated that he would like time to get some measurements of the creek.

Councilor Gwaltney asked if it was correct that the creek was not the city's responsibility to maintain and stated that he passed that creek all the time going to and from his office and he never saw it overflow its banks even two weeks ago when there was flooding he did not notice that creek flooding. Mr. Gwaltney further stated that the property had been a nuisance for a significant period of time and it needed care and attention and the neighbors across the street continuously got in touch with him about this property so it needed attention.

President Limbaugh stated that the Public Hearing would be carried over until the July 23, 2018 Council Meeting.

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.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and voted 3-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:31 p.m.

Mr. Pugh addressed the Council, presented a code violation report and photographs, and stated that taking pictures of this property was easier said than done because it was being occupied; however, occupancy was not approved and was in violation of the property maintenance code. Mr. Pugh further stated that there was a larger rotted out area above the rear doors that was wide opened to pests and the elements

and there was no working plumbing, no power, and there were numerous openings, and also the exterior deck was dangerous and rotten. Mr. Pugh added that there were some decks that went around the back and sides that he would not get on.

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

Councilor Smith stated that Councilor Wyatt and she had been dealing with this property for a long time and Mr. Cook could confirm that they had posted the property for overgrowth and had the property cleaned up four times and they had lots of problems and had lots of complaints and it was an ongoing issue, which was not safe.

Mr. Jim Dobbs at 1602 Ridge Road addressed the Council and stated he lived at the house and occupied the house mainly for storage and every once in a while he stayed there and slept there. Mr. Dobbs further stated that the house was not unsafe and the roof was good and everything was fine but Spire had been in the street in front of his house for over two months which made it very difficult to maintain the yard but he was looking at a couple of potential buyers and was trying to make that happen as quickly as possible.

Councilor Wyatt asked how long the house had been without running water.

Mr. Dobbs replied that in 2009 he was visiting family in North Carolina and was hit by a car on the side of the road and ended up with injuries that took a long time to heal from and in the meantime his business went under and he was not here to make payments of utilities so it had been since 2012 or 2013.

Mr. Kendrick asked if the house had been foreclosed.

Mr. Dobbs replied no but that was an obvious problem with failure to record deeds by the bank.

Mr. Kendrick stated that it had been reported that someone else owned the house through a tax sale.

Councilor Smith stated that Turner Farms owned the tax lien.

Mr. Kendrick stated that they were terribly sorry about his misfortune but this house had been a nuisance and a hazard to the public health for five to seven years.

Mr. Dobbs stated that he was only recently back to start trying to do something.

Mr. Kendrick stated that someone had been living there without power.

Mr. Dobbs stated that he had been trying to affect a sale for almost two years.

Mr. Kendrick stated that he could sell that house in that location if he chose to do so because real estate was very valuable there and people had told him that they had been trying to buy it from him but the problem was that he had to either fix the house or they had to demolish it because it was a nuisance to the neighborhood.

Mr. Dobbs stated that he was trying to get it sold.

Mr. Kendrick stated that unfortunately this had gone on for over five years.

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 6:39.

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

Councilor Smith stated that they had received complaints on the property for several years from the neighbors, some of whom were there, and there were children nearby and it was a dangerous and disgusting situation.

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

**Resolution No. 18-90**

**(A Resolution condemning a house at the following address: 1602 Ridge Road (29 13 4 007 023.000-RR-00))**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-90. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and voted 3-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:40 p.m.

Mr. Pugh addressed the Council, presented photographs, and stated that the interior pictures were obtained by Mr. Scott Cook from a fireman. Mr. Pugh further stated that this house had been sitting in this same condition for quite a while and other than being unsafe, he got reports on a regular basis that the front door was open. Mr. Pugh added that it did not have a doorknob on it so it looked like the door could probably be wedged shut but could easily be kicked open and he thought that was probably what was happening. Mr. Pugh further added that all of the windows on the inside were painted from the inside so not only was there probably years of mold in there but no light could get in to help disinfect that but despite the fact that it was a pretty stately looking brick house in the picture it was not as stable a structure as it looked because there were a lot of cracks and a lot of leaning brick and evidence that there was structural trouble so the house was not salvageable.

Mr. Pugh stated that a neighbor, Ms. Barret, had to look at the back of the house all the time and there was a window that had fallen out that she recently reported. Mr. Pugh further stated that he was contacted by a woman living out of state and she claimed to be the daughter in-law of the former owner and he sent her a letter letting her know there would be a public hearing but she never responded.

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

Ms. Vicki Barrett at 113 Yorkshire Drive addressed the Council and stated that her backyard was caddy corner to this property and she had been at this address for eight years and when she purchased her home those windows were painted shut and there were a lot of coming and going in the middle of the night and it was disturbing to most of the neighbors but Mr. Peebles was elderly and in poor health so they did not complain but he had been deceased for two years this month and the property was getting even worse with trees falling in the backyard that couldn't even be seen because of the foliage growing over them. Ms. Barrett further stated that she had a mosquito treatment plan but they could still not control it even coming out twice a month and it was because it was so overwhelming. Ms. Barrett added that she had seen one of the big windows in the back fall out, frame and all, so anything the Council could do to provide relief would be great.

Councilor Wright asked if she had any communication with the family or had seen any of the family over there.

Ms. Barrett replied no and stated that she did not know the family and had only met the owner a few times.

Mayor McBrayer stated that he did not think he had any family.

Mr. Chad Slaughter at 29 Edgehill Road addressed the Council and stated that he lived on the front side of the property and he had been in his house for eighteen years and the day he bought his house he thought this house was condemned because it had three holes in the roof the size of basketballs and it was that way for eight years, the front door would not stay shut and he had tried to nail it shut, but the wood was so rotted it pulled it out. Mr. Slaughter further stated that his biggest concern was the rodents and mold and ten years ago he called and the city gave him a large list of items he had to repair and the roof was done and floor jacks were put in but it was falling apart then and it was falling apart now. Mr. Slaughter added that his biggest concern was that they had grade school age boys in the neighborhood who were adventurous and the door kicked open and it was a rite of passage as to who was going to go through Dr. Johnny's house. Mr. Slaughter's further added that he would love to see the house removed because it could not be salvaged but in the meantime they needed to get a door on there as soon as possible before a little boy got in that house.

Mr. Slaughter stated that as far as the owner having family, he did not believe he did but there was a moving van at the property today pulling out stuff and he met a gentleman over there a couple of months ago who said his niece was the heir but they were moving furniture out today.

Mr. Brian Lindsey at 32 Edgehill Road addressed the Council and stated that he lived next door to the house and he heard that the owner had a cousin who lived in Hoover.

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 6:46.

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

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

**Resolution No. 18-91**

**(A Resolution condemning a house at the following address: 28 Edgehill Road (28 00 18 1 010 028.000)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 18-91. 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. 28.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. 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 a violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh declared the Public Hearing opened at 6:47 p.m.

Mr. Scott Cook addressed the Council and stated that this property was owned by Ms. Geraldine Cartledge and he sent her two notices regarding the Public Hearing and posted the property and since that time the front yard had been somewhat cut but there was still a lot to be done in the front, side, and rear of the yard.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that he recommended declaring it a public nuisance and taking care of the property themselves.

Councilor Smith asked if the car in the driveway was being used.

Mr. Cook replied that he believed so and the last notice he sent looked like it was signed for by a David Cartledge so he felt like the car was being used and someone was living there.

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

President Limbaugh declared the Public Hearing closed at 6:49.

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

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

**Resolution No. 18-92**

**(A Resolution declaring the property located at 507 Tamworth Ln., PID# 28-00-17-2-005-005.000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth”)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 18-92. Councilor Wright seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 29.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. 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 a violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh declared the Public Hearing opened at 6:49 p.m.

Mr. Scott Cook addressed the Council and stated that this property was owned by Ms. Barbara Statum and the house was vacant and had been vacant for a number of years and they had declared it a public nuisance once before and cleaned it up and placed a lien on the property. Mr. Cook further stated that he also had an abandoned car towed from the driveway two years ago and it had grown up again.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that he recommended to declare it a public nuisance so the city could go back on the property and clean it up.

Councilor Jones asked if there was any recourse for repeat violators.

Mr. Kendrick replied that the city could sue the property owners and ask the court to declare it to be a nuisance but it would be about the same thing as what they were doing within Council.

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

President Limbaugh declared the Public Hearing closed at 6:51.

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

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

**Resolution No. 18-93**

**(A Resolution declaring the property located at 1801 Kensington Rd., PID# 28-00-18-2-010-008.000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth”)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-93. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 30.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. for consideration to set a public hearing to consider declaring the property located at 1649 28<sup>th</sup> Ave So. , PID# 29-00-12-4-014-004.000 a public nuisance due to a violation of Ordinance #1098 “Litter”, & Ordinance #1310 “Open and Unenclosed Storage” –Scott Cook, Code Enforcement, Police Dept.

President Limbaugh declared the Public Hearing opened at 6:51 p.m.

Mr. Scott Cook addressed the Council and stated that this property was owned by Mr. Richard Hyde and he had no contact with Mr. Hyde although he had posted the property and sent notices and had left notices on the door. Mr. Cook presented photographs and stated that Mr. Hyde had done a lot of work and had towed off three vehicles from the back of the property and he had done an amazing job in the short time that he was given.

President Limbaugh asked if someone was residing there now.

Mr. Cook replied that it was his understanding that he was residing there on and off while he was building a house in Florida but he had been back here doing a lot of work.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that he recommended dropping this item.

Councilor Thames stated, not to discount any of the work he had done because this was incredible, and asked what shape the house itself was in.

Mr. Cook replied that the tar paper had been on the house ever since he had been with the city and that was going on twelve years and he had scaffolding on the right hand side of the house and vinyl siding ready to be put up but never put in place. Mr. Cook stated that the scaffolding and siding was gone and it looked like he was trying to clean up to come into compliance and when he got his house built in Florida he would sell this one.

President Limbaugh asked if there was an ordinance that restricted how long someone could have a tarp on a roof.

Mr. Cook replied that there was a property maintenance code that covered things like that.

Councilor Thames stated that they had the ball rolling and perhaps they should continue to press because it was not appropriate for him to have no siding on the home so he felt they should stay on him though he commended the owner for the work he had done.

Mr. Cook stated that he was a repeat offender although he had always taken care of the work himself before the city had to take care of it. Mr. Cook further stated that he would get with Mr. Pugh regarding the other issues with the house.

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

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

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

Councilor Jones moved to drop this item. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 31.06.18 – Public Hearing set for July 9, 2018 at 6:00 p.m. 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 a violation of Ordinance #1098 “Litter,” & Ordinance #1310 “Open and Unenclosed Storage” – Scott Cook, Code Enforcement, Police Dept.

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

Mr. Scott Cook addressed the Council and stated that this property was owned by Ms. Nicole Johnson and they had been receiving quite a few complaints on this property and they did post the property about excessive growth and at the last minute she did come and cut the yard and it was probably getting close to having to address that again. Mr. Cook further stated that there was leftover building material and debris scattered throughout the yard as well as tires that needed to be addressed tonight.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that he recommended declaring the property a public nuisance and have the city clean up the property and put a lien on the property.

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

President Limbaugh declared the Public Hearing closed at 6:57.

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

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

**Resolution No. 18-94**

**(A Resolution declaring the property located at 1117 Hardwick Ln., PID# 29-00-22-4-013-009-000 a public nuisance due to a violation of Ordinance #1098 "Litter," & Ordinance #1310 "Open and Unenclosed Storage")**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 18-94. Councilor Wolverton 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 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 Limbaugh stated that this item would be carried over the Public Hearing set on 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 the Public Hearing set on July 23, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 14.06.18 – Public Hearing set for August 13, 2018 at 6:00 p.m. for consideration to adopt changes to the Zoning Ordinances – Homewood Planning Commission – Greg Cobb, BEZ.

President Limbaugh stated that this item would be carried over the Public Hearing set on August 13, 2018 at 6:00 p.m.

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 (Carried over 6/25/18).

Councilor McClusky stated that the Public Safety Committee met on June 18, 2018 and voted 4-0 to recommend having no objections pending letters of no objections from the Fire and Police Departments.

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.

Councilor McClusky then moved to having no objections pending letters of no objections from the Fire and Police Departments.

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. 01.01.18 – Request for update on Hollywood Boulevard Bridge by Mike Kaczorowski of the Regional Planning Commission – Jennifer Andress.

Councilor Jones stated that the Finance Committee met on July 2, 2018 and voted 4-0 to recommend matching Mountain Brook's funding of \$200,000.00 and requesting the Mayor to add this item to the Capital Funding Budget.

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

Councilor Jones then moved to budget the funding of \$200,000.00.

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. 01.06.18 – Request to authorize the Mayor to sign contract with DataVentures for scanning court documents – John Morgan/Court Department.

Councilor Jones stated that the Finance Committee met on July 2, 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. 18-95**

**(A Resolution to authorize the Mayor to sign contract with DataVentures for scanning court documents)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-95.

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. 22.06.18 – Request to authorize the Mayor to sign 12 month contract with Cintas for Fleet Maintenance Uniform Services – Gordon Jaynes.

Councilor Jones stated that the Finance Committee met on July 2, 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. 18-96**

**(A Resolution to authorize the Mayor to sign 12 month contract with Cintas for Fleet Maintenance Uniform Services)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-96.

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

On a voice vote, the motion carried on a vote of 10-0-1. Councilor Wyatt abstained.

The next item on the Agenda under Old Business was Item No. 23.06.18 – Request for consideration to retire Police K9 (Shiloh) and declare surplus due to health concerns – Chief Tim Ross.

Councilor Jones stated that the Finance Committee met on July 2, 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 first reading of the proposed Ordinance for the Council's consideration at 7:03 p.m.:

**Ordinance No.**

**(An Ordinance to retire Police K9 (Shiloh) and declare surplus due to health concerns)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2707**

**(An Ordinance to retire Police K9 (Shiloh) and declare surplus due to health concerns)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2707. Councilor McClusky seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No.24.06.18 – Request to amend the FY 17/18 Budget for Park and Public Works line item transfers – Berkley Squires.

Councilor Jones stated that the Finance Committee met on July 2, 2018 and voted 4-0 to recommend approval including a Police transfer for \$11,000.00 from the Physical Fitness line item 01-14-531401 to the 01-14-532750 K9.

Mr. Kendrick stated that he also combined Item No. 25.06.18 line item for this Resolution.

Councilor Jones stated that the Finance Committee met on July 2, 2018 and voted 4-0 to recommend approval of funding up to \$17,500.00 from line item 12-09-499300 Carryover Fund Balance out of Capital.

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. 18-97**

**(A Resolution to amend the FY 17/18 Budget for Park, Public Works, Police and Library)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-97.

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. 33.06.18 – Request for Central Avenue Crosswalks – Britt Thames.

Councilor McClusky stated that the Public Safety Committee met on July 2, 2018 and voted 5-0 to recommend approval to replace sidewalks at South Reese Street and across Central as well as installing handicap ramp on Parkridge and crosswalk on 28<sup>th</sup> Court South.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:07 p.m.:

**Ordinance No.**

**(An Ordinance to approve crosswalks on Central Avenue)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2708**

**(An Ordinance to approve crosswalks on Central Avenue)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2708. Councilor Gwaltney seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 27.06.18 – Request for consideration to relocate approved sign for Servis First on Rosedale Blvd – Ty Cole/Greg Cobb, BEZ.

Councilor Andress stated that the Special Issues Committee met on July 2, 2018 and voted 3-0 to recommend approval pending indemnification agreements.

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

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

**Resolution No. 18-98**

**(A Resolution to relocate approved sign for Servis First on Rosedale Blvd)**

Councilor Andress then moved for the adoption and enrollment of Resolution No. 18-98.

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.

## COMMITTEE REFERRAL AGENDA

- 01.07.18** Request to address flooding issues on Lancaster and Huntington – Rett Grover/Wyatt Pugh/Peter Wright – **Public Works Committee**
- 02.07.18** Request to address parking issues – Mayor McBrayer/Allan Chappelle – **Public Safety Committee**
- 03.07.18** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 828 Green Springs Highway – Meighan Ellis/Greg Cobb, BEZ – **Special Issues Committee**
- 07.07.18** Request to approve the city attorney to enter into negotiations with Milo's Tea for Headquarter relocation – Bruce Limbaugh – **Finance Committee**
- 08.07.18** Request to address drainage issues behind 212 Malaga – Greg Cobb/Jennifer Andress – **Public Works Committee**

Councilor Higginbotham moved for the approval of the amended Committee Referral Agenda. Councilor Andress 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. 03.07.18 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a sign variance at 828 Green Springs Highway – Meighan Ellis/Greg Cobb, BEZ.

President Limbaugh stated that, without objection, the Public Hearing would be set for August 13, 2018. There were no objections.

The next item on the Agenda under Other New Business was item No. 04.07.18 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for West End Restaurants LLC d/b/a Bricktops located at 2800 Highway 280 – Robert Burgett, City Clerk.

Ms. Melinda Sellers of Bricktops addressed the Council and stated that she was supposed to hear back from the final inspection this week.

President Limbaugh stated that they could approve this contingent upon getting a positive response from Police and Fire Departments.

Councilor McClusky moved to having no objections to the issuance of the ABC license pending inspections and letters of no objections from the Fire and Police Departments. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 05.07.18 – Request for consideration of approval of vouchers for period of June 25, 2018 through July 10, 2018 – City Treasurer/Finance Committee.

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

**Resolution No. 18-99**

**(A Resolution to approve vouchers for period of June 25- July 10, 2018)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-99. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 06.07.18 – Request to consider proposal from Captain D's to purchase City property at 431 Greensprings Highway – Mayor McBayer.

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

**Resolution No. 18-100**

**(A Resolution to consider proposal from Captain D's to purchase City property at 431 Greensprings Highway)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-100. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Thames stated that the Planning and Development Committee would meet on July 16, 2018 at 5:30 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on July 16, 2018 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on July 16, 2018 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on July 16, 2018 at 6:30 p.m.

Councilor Wright stated that the Public Works Committee would meet on July 16, 2018 at 6:45 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:20 p.m.