

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

July 23, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 23, 2018 at City Hall at 6:00 p.m.

At this time, President Limbaugh asked Mr. Mike Anderton to address the Council.

Mr. Anderton addressed the Council stated that he was a candidate for District Attorney, Birmingham Division of Jefferson County, and provided information on his platform.

The invocation was given by Pastor Marty Crawford of Covenant Presbyterian Church, after which the Pledge of Allegiance was given.

The meeting was called to order by President Bruce Limbaugh at 6:08 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, Jennifer Andress, 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: Andrew Wolverton.

At this time, Councilor Thames moved to dispense with the reading of the Minutes of the Regular Council Meeting of June 25, 2018 and approve them as distributed. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Regular Council Meeting of July 9, 2018 and approve them as distributed. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Andress moved to reopen the Ward 5 Library Board position until August 27, 2018.

Mr. Burgett stated that the Ward 3 BZA Interviews were tentatively scheduled for Thursday.

At this time, President Limbaugh amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 18.07.18 – Request for consideration of crosswalk across University Park Place at the south intersection with South Lakeshore Drive – Chief Ross; Item No. 20.07.18 – Request to authorize the Mayor to execute a contract with Jefferson County for the Rosedale Sidewalk Improvements (Phase 6) – Greg Cobb, BEZ.

President Limbaugh further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 19.07.18 – Request for consideration of Pop-Vendor Ordinances – Patrick McClusky – Public Safety Committee.

President Limbaugh further amended the published Council Agenda to add the following items to the Old Business Agenda: Item No. 07.06.18 – Request to approve the city attorney to enter into negotiations with Milo's Tea for Headquarter location – Bruce Limbaugh.

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

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

06.02.17 Request for consideration to work in the city right-of-way at 1769 South Lakeshore Drive – **John Gray/Greg Cobb/Building, Engineering and Zoning Department (Tabled 8/21/17)**

Action Taken: The Finance Committee met on July 16, 2018 and voted 4-0 to take this item off the table. The motion was made by Councilor Higginbotham and seconded by Councilor Wright. The Committee then voted 4-0 to drop this item. The motion was made by Councilor Higginbotham and seconded by Councilor Wright.

01.07.17 Request to authorize Mayor to sign the Compact of Mayors climate change letter–**Jeanne Merchant and Barry Smith (Tabled 8/7/17)**

Action taken: The Special Issues Committee met on July 16, 2018 and voted 4-0 to take this item off the table. The motions was made by Councilor Gwaltney and seconded by Councilor Andress. The Committee then voted 3-1 to drop this item. The motion was made by Councilor Gwaltney and seconded by Andress. Councilor Higginbotham voted no.

18.01.18 Request for consideration of presentation on exercise equipment previously presented to the Park and Rec Board for outdoor spaces including Lakeshore Trail – Nick Michael/UAB Basketball – **Jennifer Andress (Tabled 2/5/18)**

Action taken: The Special Issues Committee met on July 16, 2018 and voted 4-0 to take this item off the table. The motions was made by Councilor Andress and seconded by Councilor Higginbotham. The Committee then voted 4-0 to drop this item. The motion was made by Councilor Andress and seconded by Higginbotham.

04.01.18 Request to hear presentation from Scott Hofer of the Health Department on new municipal storm water management regulations and effect on Homewood – Barry Smith/Liz Ellaby (**Tabled 5/7/18**)

Action taken: The Special Issues Committee met July 16, 2018 and voted 4-0 to take this item off the table. The motions was made by Councilor Higginbotham and seconded by Councilor Gwaltney. The Committee then voted 4-0 to drop this item. The motion was made by Councilor Higginbotham and seconded by Gwaltney.

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

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 11.06.18 – Public Hearing carried over from 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 continued the Public Hearing at 6:16 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. Pugh addressed the Council and stated that Ms. O'Bannon gave her reasoning for why the condition of the structure was as it was, which was that she felt the city had promised her at some point in the past that the creek behind her house was going to be walled and she had been waiting for many years for that to happen. Mr. Pugh further stated that he asked Mr. Greg Cobb, who served the city in the capacity of engineering for many years, and to his recollection there had never been any project scheduled to provide walls in the creek and, in fact on the map that creek was not shown as an official part of the city storm water system, but was simply a natural low spot that did not flow all the time but was just a wet weather drain off. Mr. Pugh added that since that was the case he had no alternative on his end but to recommend going forward with declaring it a public nuisance because it was in a dangerous state of disrepair.

Councilor Thames asked how far away from the structure was the drainage ditch.

Mr. Pugh replied it was probably about 10-15 feet but it was difficult to get back there with a tape measurer.

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 reply from the audience.

President Limbaugh declared the Public Hearing closed at 6:18.

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

Councilor Smith asked if this would be like other condemnations even though it was just a garage where she would have thirty days to make some changes during that time period.

Mr. Pugh stated that if it went forward tonight and it got declared a public nuisance she would have thirty days to appeal that with the Circuit Court at which time they would be delayed until that case was heard. Mr. Pugh further stated that they would

work with her if she came forward with a legitimate plan and a timetable that was reasonable.

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

Resolution No. 18-101

(A Resolution condemning a house at the following address: 2900 16th Place South (detached garage only) (29 00 12 4 014 022.001))

Councilor Wright moved for the adoption and enrollment of Resolution No. 18-101. 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 Sauter 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 since there were so many people here to speak and they wanted to hear from everyone, he asked everyone to limit comments to two minutes each and asked that each speaker sign in.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and, after hearing from applicants and residents regarding the development plan, 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 open at 6:23 p.m.

Mr. Jason Kessler addressed the Council and stated that at this point everyone had heard a lot about the proposed development but this was currently five lots and they were trying to rezone it and resurvey it into twelve lots with one of the homes staying in as part of the development. Mr. Kessler further stated that they had made a lot of proffers during the process of working through this with the Planning Commission and they changed

their plans multiple times and offered to change covenants so that accessory structures in the gated community could never be allowed and changed their lot sizes and cut lot density from 15 to 12 and changed side setbacks to meet NPD requirements, their height restrictions of homes were changes to meet NPD requirements, so they felt they had done their due diligence required including meeting with City Council members, the school Super Intendant, the neighbors, trying to make sure they were doing this by the book and work with everyone in good faith. Mr. Kessler further stated that given all the feedback they had received this was unlikely to be approved tonight and the public hearing might be limited with the understanding that it would not get approved but the one question he wanted to ask was because they had done everything they could and had even heard from at least one or two city officials that as far as just the plan itself their PRD1 Plan was a better plan overall than what they could under the current NPD zoning guidelines so he wanted to ask what the biggest concern was because they were looking for some feedback thinking that they had a good plan but wanted to know their concerns that the City Council had.

President Limbaugh stated that he wanted to hear the concerns from the citizens before they answered that question, which was the purpose of a Public Hearing, but he would say that the Council members and himself had received a substantial out pouring from the community in the area and he expected the response they would hear tonight would be similar to the texts and emails they had received. President Limbaugh stated that if he had any formal requests he could ask them but other than that they could move forward.

Mr. Kessler stated that he was happy to address concerns from the Public Hearing.

President Limbaugh asked if the Council had any questions for Mr. Kessler while he was at the podium.

Councilor Andress asked that if he was going to meet all of the requirements of the NPD requirements why he was pushing forward for the rezone.

Mr. Kessler replied that they could not meet all of them but they met with the city staff and they were the ones who looked at the piece of property and said that PRD1 would be a good option. Mr. Kessler stated that the biggest issues that they would have would be the square footage of the lots. Mr. Kessler further stated that there were two different NPD calculations that they were working with and one was for Carr and one was for Saulter and they were separate and they had to make it all fit together like a puzzle and the square footages of the lots was the biggest issue they ran into. Mr. Kessler added that they could offer as much as they could and they tried again with the height

restrictions, side setbacks, front and rear became hard to do and they could not meet 25 and 20 so they did 20 and 15 but they could not quite make it fit under NPD.

Councilor Jones asked if there was any type of traffic study done as part of the plan.

Mr. Kessler replied that with the application that they turned in a few months ago there was a simple traffic study done by someone in their office but that was the only traffic study that was done.

Councilor Jones stated that he had not seen that.

Mr. Kessler stated that he did not know if that passed through from the Planning Commission to the Council or not but it was turned in with their original packet.

President Limbaugh asked Councilor Thames if had seen a traffic study.

Councilor Thames replied that he did not recall but he had not seen one performed by the city.

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

Mr. Charles Minderhout at 101 Oglesby Avenue addressed the Council and stated that he was there before and shared a couple concerns which was the noise and the water but he and his wife had been talking about it and they had been studying it and they moved to Homewood back in 1979 and they moved here for three reasons: all the trees, beautiful quiet neighborhoods, and the schools. Mr. Minderhout further stated that what they wanted to do with the rezoning would mess up the neighborhood.

Mr. Charles Amos Thompson at 706 Carr Avenue addressed the Council and stated that he was a 72 year old attorney and his father built a house at 706 Carr Avenue which was completed in 1948 and he is a co-owner and landlord of 706 and 708 Carr Avenue. Mr. Thompson further stated that the area where this was proposed had restaurants nearby such as Gianmarco's and they had a major parking problem there and the area had heavy traffic when the restaurants were open which would increase with this development. Mr. Thompson added that Short Sauter Road used to be two-way but because of lack of parking it was made a one-way and after working hours parking was maxed out. Mr. Thompson further added that water drainage would increase with new construction of houses and driveways, and vehicle traffic in front of his property would increase.

Mr. John Sashy at 836 Acton Avenue addressed the Council and asked if anyone had seen an official survey by a surveyor that showed that this was, in fact, two acres.

Councilor Thames replied that a survey should have been submitted in the rezone packet.

Mr. Greg Cobb replied that it was submitted.

Mr. Sashy stated that he was against the rezone due to the fact that it added on to congestion of their neighborhood. Mr. Sashy further stated that he thought it was important for City Council members to ask people who came up to speak if they would make any financial gain by this development and he thought they would find that the vast majority of people who were against it did not have a financial gain. Mr. Sashy added that he thought it was telling that Mr. Kessler was moving back to Homewood but he didn't buy a house in his own development and he wondered why, perhaps because it would be so congested. Mr. Sashy further added that they supported a forty person petition against the rezone and they were not 100 percent against redevelopment, but they were united against this rezone and they did not want it or like it as neighbors.

Mr. Sashy stated that they were told the zoning would not be voted on today and asked if that was accurate.

President Limbaugh replied no.

Mr. Sashy stated that he received a text message from Councilor Jones that stated that KADCO had withdrawn their request to rezone.

Councilor Jones stated that this was the information he had received from Mr. Greg Cobb.

President Limbaugh stated that the individual Council members had received conflicting reports.

Mr. Sashy requested that this item not be voted on tonight because if the Councilors were telling people it was not going to be voted on, there were people who did not show up tonight because they were told that it was not going to be voted on.

Councilor Jones stated that he was trying to pass along information as he received it.

Mr. Sashy stated that they needed to understand how they felt as neighbors after they were told that it was not going to be voted on and all of a sudden it was being voted on because he felt he was getting the wool pulled over his eyes.

President Limbaugh stated that this was a fair statement but there was conflicting information.

Mr. Greg Cobb stated that last Wednesday Mr. Kessler came into his office and stated that he had another plan that worked with the NPD calculations and they discussed that plan, which looked like a good plan, and he told him then that he was going to drop his rezone request and go with the new plan. Mr. Cobb further stated that today Mr. Kessler called him back and stated that his other plan was not working out and he wanted to move forward with where they were with tonight's planned meeting.

Mr. Sashy stated that it was a bait and switch.

President Limbaugh stated that they would listen to every individual tonight who wanted to speak.

Ms. Nicki Jovaras at 108 Acton Avenue addressed the Council and stated that she had lived there since 1965 and when she first moved there she visited all her neighbors and asked them what was the biggest investment they had made and they said their homes, so she told them they should all take care of their houses, clean them up, and so they did and that effort moved over to Oglesby Street as well. Ms. Jovaras further stated that KADCO bought the property and could build five homes there but if they voted for them to rezone they would open a can of worms that would spread all over the city. Ms. Jovaras added that there would be more problems than anything else so she asked them to please reconsider and not rezone.

Ms. Lisa Grupe at 807 Acton Avenue addressed the Council and stated that she lived at one of the abutting properties and she supported the current Edgewood Master Plan and its NPD zoning. Ms. Grupe further stated that they did not have water problems now such as leaks or floods and when they bought their property they were informed that they were on a high water table and took some care in the building so that they would not have problems, and they didn't, but when this situation came up and KADCO hosted a neighborhood party in the mud and pouring rain she did go out and speak directly to Mr. Kessler, Senior and expressed her lack of support for such a big subdivision on these five lots because she felt it would negatively affect her property and they always say that nobody ever said anything negative but she was there and she did say something negative. Ms. Grupe added that she was concerned about the traffic study and, though KADCO had one done themselves, she would like a real one to be done by someone who had an impartial relationship to the project because she did have some concerns about Short Saulters because it was a difficult situation with it being one-way. Ms. Grupe further added that when there was an NPD plan on the table there were a lot of driveways onto Carr which might happen so she wanted to see a traffic study and there may need to be a four-way stop put at Acton and Carr so someone needed to look at that.

Ms. Grupe stated that she was also concerned about these covenants and words like "never" that were being used because they were going to have an HOA and they

were going to have covenants and restrictions, but since this started out as a gated community, and now there was going to be an HOA that Mr. Kessler was going to keep while it was under construction and after construction it would go back to the neighborhood and then as an HOA they would have whatever power was written into their HOA so she thought it created an imbalance of power with the HOA and the things they might decide to do in the future, so while he was using words like “never,” he was not going to control it the whole time. Ms. Grupe further stated that she did not have any compelling interest to support PRD1 and she felt like she had a lot of interest in maintaining NPD, the lot sizes, the restrictions, but also the preservation that she supported and she would like the others that would redevelop in that area to follow those guidelines and to mind those rules.

Ms. Becky Laurent at 345 Lucerne Boulevard addressed the Council and stated that she was about two miles away from the proposed development but she traveled down Carr all the time going to Publix. Ms. Laurent further stated that when the development of the Broadway triangle went before the Board of Zoning Adjustments to get some relief and be able to put more houses there the developer seemed like a great guy and a lot of neighbors were in favor, and the plan looked pretty good on paper, but now that they saw the houses they had really overwhelmed that area and in retrospect she thought it was a mistake to have those variances granted and now they had another high density proposal for the very same neighborhood. Ms. Laurent added that the other concern that she had was that where she lived a lot of the home owners had three or four vehicles so if they had four extra homes in that development if their cars did not all fit in the driveways where would they sit. Ms. Laurent further added that the crowd in the room was amazed that there was a unanimous recommendation in favor of rezoning so she was asking the Council to vote against it.

Mr. Thames stated that to clarify, there was not a unanimous recommendation to recommend rezoning from the Planning Commission but it was instead a 3-3 vote.

Ms. Laurent asked if it was the development that received the favorable vote.

Mr. Thames replied yes and stated that the Development Plan was an attachment to the rezone request.

Ms. Liz Ellaby at 612 Cobb Street addressed the Council and asked if the Council or the Planning Commission would consider coming up with a statement or a policy of the kinds of zoning projects that they preferred and would welcome as opposed to the types of projects like this that would create a lot of furor and upheaval where they were taking an island out of a preservation district and zoning it down. Ms. Ellaby further stated that it seemed to her that there would be some rules of thumb that they could call on and publish along with the literature of the packet that went to the developers so that

they knew going in that this was what Homewood was all about and these were the rezonings that were welcome and these were the ones that they would take a hard look at.

Ms. Megann Bates Cain at 210 Acton Avenue addressed the Council and stated that they built a new house a couple of years ago and one of the best compliments she had received was that people would say that they loved the renovation because they tried really hard to look like the rest of the neighborhood which was made of small, charming homes. Ms. Cain further stated that she was all for development but she was not for twelve houses on those lots because that was a lot of houses and houses they were not sure what they would look like, but if they were not going to go by NPD they would probably not have the charm that they were looking for. Ms. Cain added that there was currently a home that was beautifully done that would be a part of that development and she would love to see four or five more homes that looked like that one but she would not like to see twelve homes on two acres and she was not in favor of the rezoning either.

Ms. Martha Ann Cooper at 306 Gran Avenue addressed the Council and stated that she was not there to talk them into anything or talk them out of anything but she thought each Council member got into their position by being voted in and there was a lot of misinformation and one person understood something one way and another person understood it a another way and somehow she felt that the facts were getting lost. Ms. Cooper further stated that she felt it was up to them to decide what was really best for Homewood and they could all stand up there and say what they thought was best but ultimately it was going to be their decision so she would ask what they really thought was best for Homewood.

Mr. Gary Johnson at 220 Oglesby Avenue addressed the Council and stated that he had lived there for 17 years and came tonight to voice his disapproval for the change in ordinance because he did support the NPD. Mr. Johnson further stated that he understood that he was disappointed that there was a switch in the plan and he looked at his Council representatives, Councilors Jones and McClusky who had echoed their support for their community and he certainly hoped that they would continue to honor the NPD plans and hoped that they continued to honor the Master Plan. Mr. Johnson added that they had someone on television this week talking about the Homewood Master Plan and the importance of it and the desire to continue to make their neighborhood a better place and this change would not do this because there was no reason he as a tax payer who loved this community would not be allowed these same changes in the zoning ordinance, so why should a builder be able to do that. Mr. Johnson further added that to correct the woman who just spoke, there really was not a lot of misinformation or confusion but there was a choice, either a NPD plan or not, so the confusion was not there, they wanted the NPD plan and they did not want the zoning change or the twelve homes put into that small space and if they took into account that change and the Pink

House and what they understood they could do there, they would be adding 16-17 homes in the two small spaces so he asked that they please make the right decision for Homewood.

Ms. Jennifer Giles at 100 Venetian Way addressed the Council and stated that up until a year ago she was living at the end of Mountain Ridge so many of the people speaking tonight were her neighbors for her first six years in Homewood. Ms. Giles further stated that she was not against redevelopment and she loved Homewood and she came from a big city and she loved the charm here but she also recognized that they had older homes in their neighborhoods and their homes needed to be renovated and upgraded to meet needs so she thought the Neighborhood Preservation District was wonderful in that plan for giving them a guideline that they could all as individuals do fairly. Ms. Giles added that when they started taking their property and allowing developers to gobble up pieces of it to chunk together two acres and then rezone in to PRD and then plop twelve houses on it, they had taken the power and ability of individual residents to maintain their environment and their community the way they want and they had given it to developers because now their value was not in their individual home but if a developer could come in and gobble up and sit on some land and then get enough to plop twelve house on it. Ms. Giles further added that she lived on the corner of Oak Grove and Venetian Way and there were three homes right across the street from her that were older homes that sat on massive lots and she acknowledge that at some point the older residents who lived in those homes who would probably sell those houses and they would probably see those lots resurveyed and would see more houses across from their street but she hoped and prayed that they did not set a precedent tonight that what she would see across her street was not four or five nicely homes that fit their current NPD plan but 30 or 40 houses because of the size of the property because we set a precedent here that said developers could come in and take over and add unwanted density to our community.

Ms. Giles stated that she wanted to thank Councilor Andress for her communication back to her and when she reached out to her Council members but she had emailed Mr. Higginbotham two to three times on this item to try to get information including as recently last week and it was very disappointing for someone as Ward 2 trying to get information and she did not get a return email so she hoped they could all continue to be response to their residents.

Mr. Higginbotham replied that the reason he did not respond was because he did not comment on zoning cases prior to them coming before Council and that had been his policy on every zoning case that had come before the Council and would continue to be his policy but he did apologize for not sending her something an email that explained that to her.

Ms. Heather Brewer at 1513 Valley Place addressed the Council and stated that she had no vested interest specifically in this development but she did have an interest in preserving the charm of Homewood and quite some time back when they went through what the height requirements were going to be she was interested in that conversation and maybe at the end she did not get what she thought was reasonable but they did end up with something so she thought they should stick with the guidelines that everyone had fought so hard to get in place and though not everyone was happy with them but everyone was comfortable. Ms. Brewer further stated that she felt that everyone should be stuck with the same guidelines that she personally would be stuck with in her own development and so she would request that they not vote for the rezoning.

Mr. Craig Boyette at 100 Acton Avenue addressed the Council and stated that he was totally against the rezoning and they had received a lot of information and misinformation on how many houses and he thought they definitely needed a traffic study and they needed a parking study done at night when Gianmarco's and Jo Jo's were busy because they had issues with rescue vehicles not being able to come down Carr because of the parking at night. Mr. Boyette further stated that if they threw twelve more house into the mix and driveways on Carr with a lot of people parking they were not in favor of it so though development was reasonable, twelve houses was no reasonable. Mr. Boyette added that they acknowledged there were vacant lots and older homes that they had probably already purchased and though new house looks better than an old house but he would ask everyone to think about it and vote this down and come up with something that reflects Homewood.

Mr. Chris Whaley at 804 Acton Avenue addressed the Council and stated that he was against the development largely because it was not fitting of the feel and the theme of Homewood and he thought the Neighborhood Preservation District was the way to go and set a nice standard for what homes and the neighborhood should feel like in this area. Mr. Whaley further stated that Homewood was a developing city and there was plenty of development going on within the city itself and none of them were really against that development but development for development sake was when they got worried. Mr. Whaley further stated that there was no doubt in his mind that these properties would get built on and that nice homes fitting within the theme that they liked to enjoy would be built there so that was not a concern of anyone here but it was the overdevelopment that they were concerned about. Mr. Whaley added that he was glad a lot of their neighbors were there and it was nice to know that though there was difficulty in communication about what was going on in this meeting and whether or not there was going to be a vote so if they relayed information that there was not going to be a vote and they learned otherwise it probably was wise to communicate with the people they told that there was going to be a vote so they could make adjustments even if they could not reach everybody.

Ms. Elizabeth Jolene Lewis at 821 Acton Avenue addressed the Council and stated she was opposed to the rezoning and wanted to ask that a traffic study be done and would like information about how this would affect the flood plain. Ms. Lewis further stated that as a resident she had met with Mr. Greg Cobb on many occasions as she had made many improvements to her home and had spent thousands of dollars since she had bought her house because she lived in the flood plain so she wanted to know what affect this would have on her property. Ms. Lewis added that she lived on the lowest part of that street so she was most affected by the flood waters as flood had occurred several times since she had lived there so she was asking for that information to be given to them so they could make a determination as to how this would affect them. Ms. Lewis further added that when they had less dirt and ground available for rain to fall to it had to go somewhere so where was it going to go and would they be able to handle that.

Ms. Paige Willcutt at 114 Oglesby Avenue addressed the Council and stated that she was against the PRD1 rezoning for all the same reasons the other speakers mentioned but she asked that regardless of it was twelve or six houses that they please do a traffic study. Ms. Willcutt further stated that had a fifteen year old and they pulled out and there were cars parked on both sides of the road and Gianmarco's was bringing in traffic. Ms. Willcutt added that the route to Publix was like a speedway so regardless of how many more houses were going to be built there needed to be a traffic study because it was dangerous pulling out at that intersection and Oglesby became the valet parking area with cars zipping down it and going around the circle to Gianmarco's so there needed to at least be that consideration.

President Limbaugh asked if the three-way stop helped with the traffic.

Ms. Willcutt replied that it helped at the one-way on Short Saulter would back up on Carr during heavy traffic times and if they put more driveways on Carr she did not see how that would flow because Oglesby and Acton would be backed up.

President Limbaugh stated that he agreed and he also agreed that if they were going to do a study it should be done in the evening when the traffic was there.

Ms. Willcutt stated that anytime within 3:00 p.m. until after dark would be good times for the study.

Ms. Amanda Flavin at 113 Oglesby Avenue addressed the Council and stated that she would implore the Council to deny the rezone. Ms. Flavin further stated that KADCO bought this property knowing that it was zoned NPD and the city had gone through great links to set the rules associated with NPD to then allow an outside developer to come in and buy up property and rezone that property to circumvent those rules was absurd. Ms. Flavin added that it set a terrible precedent so what would stop other developers from

following suit. Ms. Flavin further added that KADCO had argued that this was a unique situation expect that it was not a unique situation because there was property for sale all over Homewood right now such as on the corner of Forest and Cliff Place and if a developer were to buy up all that property who knew how many homes they could put there.

Ms. Flavin stated that she also believed that this development would only exacerbate the traffic situation on Carr and Broadway because she turned left out of Oglesby every single day to get to work and if anybody was turning left from Short Saulter and they whipped out she had to be very careful so she felt this development would make that worse. Ms. Flavin further stated that she also thought that the schools were already overcrowded currently and this would only cause more overcrowding and the precedent it sets will cause further issues down the road for the schools. Ms. Flavin added that the drainage issues would also be worsened so she asked that the Council please enforce the current zoning restriction of properties in questions and protect their beloved community.

Mr. Ben McCullars at 800 Saulter Road addressed the Council and stated that the only people who were for this development were getting a financial gain so he was coming in defense of himself because though he had not talked numbers with anyone but he had heard several people mention “the charm of Homewood” but did that mean. Mr. McCullars further stated that the charm of Homewood used to be the people not the houses because people were talking about the triangle and he had met his new neighbors and he hated to hear people talk bad about their houses because beauty was in the eye of the beholder and they were not here to defend themselves but his problem was that he had people who were blaming him and he had people come into his yard when he was playing with his son and pointing their finger in his face and saying that this was all his fault. Mr. McCullars added that this what he was dealing with and what this had turned into and it was really the people that used to be great about Homewood not the four walls and he did not know how they were going to vote but when he had people walking up the sidewalk that would not look at him in the eye and would not even say good morning that was a problem and that was what this had turned into so the charm of Homewood was also that the precedent was set so that the squeaky wheel got the oil because the more people argued it was the people who were being polite who were the ones being blames and mistreated because they did not deserve it. Mr. McCullars further added that the precedent was also that he did not want Homewood to down a road to give into the mob mentality.

President Limbaugh asked if there was anyone else 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 7:08 p.m.

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

Councilor Smith stated that she hated that this had become an us against them situation in a neighborhood that was full of great people but she did want to say that this was not about her giving into a mob mentality but was very much about protecting the things that she thought were very special about Homewood and she did use that intersection frequently and she was concerned about the traffic that would be added if they added twelve houses to an already very congested area and she was also concerned about the density of the development. Councilor Smith further stated that she knew that Mr. Kessler asked what their concerns were and hers were the affect it would have on traffic and a traffic study by someone in his office was not really sufficient so they needed an expert that was not involved in the project who would be an objective person who could give a more clinical and professional expert answer as to how the traffic would be affected. Councilor Smith added that she did think the density of the development was a concern for her and she did not endorse anyone walking onto anyone's property and blaming them for anything that certainly was beyond their control and not their fault but she did think that there were concerns that were valid that had been expressed here tonight and she did share some of those concerns.

Councilor McClusky stated that he wanted to clarify a couple of issues such as that someone commented that Short Sauter had become a one-way due to all the parking problems but Short Sauter was actually a one-way before they added parking on it. Councilor McClusky further stated that there was a question about the additional driveways on Carr and that would be under the NPD plan that might or might not come back to Council but was not under the PRD1 plan. Councilor McClusky added that the Council members had many discussions with residents and developers and he and Councilor Jones met with him two weeks ago and expressed their concerns regarding the zoning. Councilor McClusky further added that there was a meeting that was actually scheduled with some residents that he missed but they expressed their same concerns with the rezoning.

Councilor McClusky stated that he thought the precedent was the biggest issue and he was personally not for the rezoning but the charm for Homewood for him, and he agreed with Mr. McCullar, was the people so they volunteered and ran for election knowing that there were going to be disagreements for four years between them and between residents and he would take blame for anything that was an issue with a resident but they did the best they could with the information that was given but that was what they signed up when they volunteered was to deal with the good and the bad from the residents and the businesses but what had happened recently with all the development and the attitudes from neighbors to neighbors had been disappointing and not been just

this situation and had been happening throughout the city. Councilor McClusky further stated that he hoped they could all get past this and though there were things they were going to disagree on they should bring it to the Council and the Mayor and his staff and not bring it to neighbors.

Mr. Kessler addressed the Council and stated that he wanted to defend Mr. Greg Cobb because what he said was true. Mr. Kessler stated that he met with Mr. Cobb last week to come up with an alternative version of a plan that they could see through and he did say that if they could make it work they would be pulling this off the agenda and Councilor Jones probably heard something similar but they never did pull it. Mr. Kessler further stated that he was also talking to Ms. Donna Bridges last week when he was dropping off the building permit application and he told her that they were still struggling with what to do and this had been a struggle with trying to figure out how they wanted to go forward with this but there was no bait and switch. Mr. Kessler added that they started out the process trying to meet with as many people as they could such as city officials and neighbors and he put his name and number out to anyone who would listen and talked to people on nights and weekends trying to answer any questions that he could about this development so if he was planning on a bait and switch he would not have done all that to begin with and he would not have started the hearing tonight by saying that they were coming in with the understanding that they were looking at a denial. Mr. Kessler further added that he tried to keep personal and professional issues separate but since it was brought up a lot of things came up in deciding where a family was going to live and a lot of that decision was not his alone and his wife had more say than he did and the timing had a lot to do with this and they knew that this property would have to go through this process whereas where they were going to build their home would work a lot better and his wife had a lot of family and their kids were in walking in distance of them so there were a lot of personal reasons.

Mr. Kessler stated that regarding the concerns brought up by the public, drainage was one that was brought up a few times, and as they had said, if this plan had gone forward they would have been building a storm sewer system that was only going to help improve the drainage system as opposed to making it worse. Mr. Kessler further stated that as far as the traffic study was concerned by no means was that turned in as some sort of be all end all report but with any city if they asked for a traffic study they did it the same way as a base line which came in with the application nothing more, nothing less but they did not think it was going to be an expansive traffic study but as far as the traffic was concerned part of the problem with that area was if someone tried to turn left off Short Sautler to go by Oglesby they did have people trying to go both ways and it did not intersect but with their new road they thought it would help with their road intersecting with Oglesby they could just go straight across from either direction so people coming in from Edgewood Manor could straight across or they could go straight across Oglesby to

go down Broadway. Mr. Kessler added that with their plan they would not be adding any new driveways to Carr Avenue but the other plan under NPD would add more driveways and in his opinion would make the traffic issues worse. Mr. Kessler further added that he had heard concerns about the park but they were planning to scratch that anyway.

Mr. Kessler stated that someone mentioned that it started out as a gated community but that was misinformation as it was never going to be a gated community and it was never turned in that way and all they did was say that they would covenant it against ever being gated. Mr. Kessler further stated that someone asked about the HOA but if they put in their covenants they couldn't simply just come back in and change that later. Mr. Kessler added that charm and density were two things that had been brought up a lot but whether it was NPD or PRD1 they were going to be building this out and they were going to be building a certain style but the buyers were going to dictate the style of the homes more than anyone else so they were going to build what people wanted and it was not going to matter what zoning that was going to be in. Mr. Kessler further added that concerning density the PRD1 zoning only allowed them to cover 25 percent maximum of the area coverage and NPD allowed for 50 percent so if this went forward with NPD more than likely these would be bigger homes than what we would be building if they had PRD1 because under PRD1 they had a certain number that they had to stick to as far as the biggest homes that they could build and once they got to their allowance they could not make them any bigger but with NPD as big as these lots were going to be now they could build ten times bigger than what they could build under PRD 1 but their average lot size was bigger than the contiguous lots around it thought there were bigger lots around theirs and smaller lots as well but as far as it not fitting they did not feel that was true because their average lot size was bigger than the rest contiguous to their piece of property.

Mr. Kessler stated that the residents' concerns were very important with any City Council and they had made the point tonight that a lot of people had spoken and a lot of it was about PRD1 zoning and in his opinion they tried to follow the steps as they were lined up for them and they met with city staff and it was brought to them that PRD1 zoning might fit so he thought it would be beneficial to the city to consider taking the PRD1 zoning off of the zoning book all together because people were very concerned about people buying two acres and there being a precedent set. Mr. Kessler further stated that they brought a plan that city officials had said was a better plan than the NPD plan and it was still going to get turned down because it could set a dangerous precedent so he thought it should just be pulled all together so that this did not happen to another developer.

Councilor Jones moved to approve the preliminary development plan. 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 failed on a vote of 0-10.

The next item on the Agenda 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.

Councilor Thames stated that the Planning and Development Committee met on June 18, 2018 and, after hearing report from Planning Commission of the 3-3 vote, 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 open at 7:22 p.m.

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

Mr. John Sashy at 836 Acton Avenue addressed the Council and stated that he was against the rezone for the same reasons he was against the last item on the agenda and he did not think it fit into the charm of Homewood and he did of the 19 people who spoke he only heard one person who was for this with the other 18 speaking against it. Mr. Sashy further stated that there were many, many more people who were against this who did not show up tonight because of the misinformation.

President Limbaugh stated that the Council was aware of that given the email and texts that they received.

Mr. Sashy stated that if he gotten the new information yesterday they could have texted or emailed the residents to let them know it was back on.

President Limbaugh stated that they did not know.

Councilor Jones stated that he, just like the residents, when he entered the Council Chamber, learned that it was not on the table and if he had known anytime today he would have communicated it but he thought he was doing the right thing to pass information along to constituents as he received it. Councilor Jones further stated that he

apologized that he, like him, found out that it was still on the table tonight. Councilor Jones asked Mr. Sashy if that addressed his concerns.

Mr. Sashy replied that he accepted his apology and thanked him for apology.

President Limbaugh stated that to address his concerns, at 5:30 p.m., he, the President of the Council, did not know which direction the developer wanted to go, so if he had said anything to residents in an email there was a strong probability it would have been incorrect because he did not know.

Mr. Sashy asked if he heard someone say that they found out yesterday that it was back on.

Councilor Limbaugh replied no and stated that nobody knew definitively at 5:30 p.m. that this was back on.

Mr. Charles Amos Thompson at 706 Carr Avenue addressed the Council and stated as he stated before he was against the rezoning.

Ms. Jennifer Giles at 100 Venetian Way addressed the Council and stated that she was also against the rezoning. Ms. Giles further stated that she wanted to ask the Council to consider that if the next step if the rezone request was turned down was that this would be resurveyed and they would continue to split up the lots and, not specific to this request, but in general, she followed a lot of conversations about what was going on in rezoning and she would really encourage the Council to take up quickly some of the items that were on the Agenda in talking about ways to address some of the concerns around lot sizes because she thought that when they did a resurvey request she understood that the requirement was that it could be resurveyed and split up so that it could be 85 percent of the impact area and at one point that used to be 100 percent but she would really encourage them to take it back up to 100 percent so that they could reduce the continual dividing and subdividing. Ms. Giles added that when they did that similar to something that was recently done on a development that was back behind Edgewood near the middle school she would consider removing homes that had variances or lots that had variances from an impact area calculation. Ms. Giles further added that she understood that a house got built where it was not supposed to be built and they allowed the developer and the builder to go forward which was probably a fair compromise, but the decision was that they were not going to allow that mistake to set a precedent on the rest of the house and if they heard some of the people who were talking tonight they would hear that the fear was that if they continued in this path and allowed the variances that were allowed on the triangle lots to set a precedent for resurveying for that piece of land so she urged them to continue to look for ways to get their NPD zoning

back to the state it was before and consider not having the impact area consider things with variances.

Ms. Giles stated that regarding the charm of Homewood she loved what was going on here but understood it was painful for some of the citizens but there were neighbors who were connecting and having a real debate about things that were important to them such as their community, density, and schools, and yes, it got heated but the important part and the charm of Homewood was that when they were done they could all then still shake hands and smile and hug and go to church and go to Oxmoor Bar and Grill together. Ms. Giles further added that the charm of Homewood to her was the ability to have a civil, heated debate about the issues that were important to them and still going back and being the neighbors that they always had been.

Ms. Lisa Grupe at 807 Acton Avenue addressed the Council and stated that she agreed with Ms. Giles and she did not support any zoning change.

Ms. Amanda Flavin at 113 Oglesby Avenue addressed the Council and stated that she wanted to reiterate that she was against the rezoning and she asked that the Council deny it.

Councilor Thames stated that to address Ms. Giles concerns, at the Planning Commission level in the Zoning Book Subcommittee there were changes being considered right now along the lines of what she was requesting. Councilor Thames further stated that because he was on both the Planning Commission and the City Council, he wanted to say that the Planning Commission took their duties extremely serious when it came to addressing all issues but especially controversial issues, and though someone made the comment that they could not believe the proposed preliminary development plan had been approved 7-0 but the Planning Commission absolutely separated the two items so they were looking at a preliminary development plan and whether or not it would work and it did, but the zoning vote was very different with a 3-3 vote tie. Councilor Thames added that it was very difficult and they did have to judge based on the rules they had on the books, and the rules may not be perfect but they were constantly trying to update and improve those and they had a BZA for variance requests and he knew some of their Planning Commission members and the BZA members had been there tonight so he asked that they kept that in mind. Councilor Thames further added that having been at all levels of this discussion the vast majority of everyone involved had been extremely articulate and polite but there had been a few outliers so he wanted to say thank you for that because once everyone was face to face most everyone realized they were all neighbors and tomorrow they would go back to being just that, neighbors and in the end he knew that everyone understood that they all had jobs to do and sometimes those were tough jobs but they still had to do them.

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 7:28 p.m.

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

Councilor McClusky moved to approval of the rezoning. 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 failed on a vote of 0-10.

The next item on the Agenda 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 for the Public Hearing set for August 13, 2018 at 6:00 p.m.

The next item on the Agenda was Item No. 03.07.18 – Public Hearing set for August 13, 2018 at 6:00 p.m. for consideration of a sign variance at 828 Green Springs Highway – Meighan Ellis/Greg Cobb, BEZ.

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

The next item on the Agenda was Item No. 13.12.17 – Request for consideration of Regional Planning Commission Heart of Homewood update – Jennifer Andress

Councilor Thames stated the Planning and Development Committee met on July 16, 2018 and after hearing a presentation from the RPC of their draft presentation of the Heart of Homewood plan which was an update to their Master Plan in the Downtown area, voted 3-0 to recommend and send this item back to the full Council to then refer to the Planning Commission for consideration and adoption.

President Limbaugh stated that he was awed by the presentation.

Councilor Thames then moved to accept the presentation.

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 Old Business was Item No. 07.06.18 – Request to approve the city attorney to enter into negotiations with Milos Tea Headquarter relocation – Bruce Limbaugh.

President Limbaugh stated that this item had been carried over in the Finance Committee but he had agreed to allow representatives from Milo's Tea to address the Council.

Mr. Trey Hill, Economic Development lawyer with Bradly and was there in behalf of his client, Milo's Tea Co., Inc. addressed the Council and stated that he was there tonight with Ms. Christy Thomas who was Milo's Tea's CFO. Mr. Hill further stated that he wanted to take a few minutes talking about the company and the project that they were here to discuss this evening and to apologize to the Council and Mayor because the timing of the project dictated them coming back before the full Council instead of going through committee in the ordinary course. Mr. Hill added that they had negotiated a revised abatement request over the weekend with Mr. Kendrick and where they were now requesting a five year property tax abatement in connection with this potential headquarters relocation instead of the original ten year abatement request that they had sent in back in June. Mr. Hill further added that Milo's Tea was founded back in 1946 and it was one of the most recognizable tea manufacturing companies in the United States and they had experiences tremendous growth over the years to the point that they had run out of space in the existing facility in Bessemer.

Mr. Hill stated that they had undertaken a site selection process to house their headquarters operations and would ideally like it located it on 26,000 square feet of space in the Lakeshore Park Plaza Building, which was the black mirror faced building in the southwest intersection of Lakeshore and Highway 31. Mr. Hill further stated that Milo's Tea and the landlord would spend about 1.8 million dollars to equip and renovate the 26,000 square feet of space and Milo's Tea would move 49 of their corporate headquarter operations employees from Bessemer to Homewood and then would grow the headcount by 36 jobs over five years. Mr. Hill added that these jobs were very high paying jobs and all totaled the payroll would be 10.5 million dollars so with the high payroll came a high business license tax that the city would stand to generate. Mr. Hill further added that he provided a tax revenue forecast for the Council's consideration attached to the letter that he sent to Council Thames back in June which estimated an expected direct and indirect property tax sales and use tax business license tax generation for the City of Homewood of over a million dollars over the ten years.

Mr. Hill stated, to clarify what the current abatement request on the table was after discussing with Mr. Kendrick over the weekend, Milo's Tea was looking for a five

year property tax abatement instead of a ten year on any property purchased on or before October 1, 2019 which was next year's tax lien date and then a sales and use tax abatement during the construction period. Mr. Hill further stated that the timing was such where if this project were to move forward with the Council's approval, construction would begin almost immediately and furniture, fixture, and equipment purchases would be done very quickly and so that was why they were coming before the full Council tonight instead of going back with the new revised, reduced proposal through the committee. Mr. Hill added that based on the 1.8 million dollar capital investment that Milo's Tea was looking to incur, the property tax abatement over the five years, accounting for depreciation, was roughly \$28,000.00 and about half of that was attributed to the City of Homewood and the remainder would be to Jefferson County and the State. Mr. Hill further added that the total abated sales and use tax was about \$118,000.00 but just \$44,000.00 was for the City of Homewood so he thought if the Council were to approve the revised request on the table the deal would happen and Milo's Tea would move forward and Homewood would have a very attractive homegrown company that was looking to grow.

Councilor Jones asked if they were asking for a decision tonight.

Mr. Hill replied yes.

Councilor Jones asked what was wrong with sending it back through the normal process through the Finance Committee.

Mr. Hill replied that they did send it through the normal process but the original request was a ten year property tax abatement and so through committee Mr. Kendrick was authorized with Milo's Tea which they did Friday and over the weekend to reduce the property tax abatement in half so now they were asking for a five year instead of a ten year abatement and instead of going back before the committee on August 6, 2018 followed by the next regularly scheduled Council Meeting on August 13, 2018, they wanted to come back in full to the Council tonight.

Councilor Jones stated that the item was carried over in the Finance Committee.

Councilor Smith stated that it was carried so that Mr. Kendrick could negotiate and report back.

Ms. Christy Thomas addressed the Council and stated that she appreciated the Council allowing them speaking to them about this tonight and it was not a huge project for Homewood but it was a very large project for Milo's. Ms. Thomas further stated that they had grown tremendously and they were completely out of space in Bessemer and as they really started this project they wanted to find a city that would partner with them the way that they had. Ms. Thomas added that they had taken a 50,000 square foot plant that

was now 150,000 square feet and they went from three production people to now over 250 so they were growing and busting at the seams. Ms. Thomas further added that they needed to get their professional and administrative staff out of the production area and did not need to be taking up space with offices because they needed that space to produce tea.

Ms. Thomas stated that as a side note as to just how big they had gotten, there was Milo's Tea in 45 states now that said Alabama on it and that was something to be really proud of. Ms. Thomas further stated that they wanted a community that they could bring their professional staff into where they could live and work and raise their families all right there together as they had experienced in the past. Ms. Thomas added that this was a nice location for them and was very close to get back and forth to the plant so they could continue to be a partner with the operations personnel there. Ms. Thomas further added that she asked that the Council really considered this because she thought they could bring something to Homewood as much as they could partner with them.

Councilor Wright stated that he had not had sufficient time to see a proposal and he appreciated the information and appreciated the urgency of it but not to the extent of a vote tonight. Councilor Wright further stated that he would appreciate the opportunity to discuss this further in committee so that he could better formulate something as extraordinary as these tax incentives. Councilor Wright added that he had made himself know with some of the tax incentive issues in the past but he would appreciate the opportunity not for some elaborate delay but just so they could fully consider what they were doing with special consideration for this project. Councilor Wright further added that they had a lot of corporate citizens who did not get the tax incentives and certainly there were projects and reasons to provide them but with that he wanted to ask that this item be sent to the committee to review the proposal but stated that he could not tell them how excited all of them would be about the prospect of this wonderful company and their headquarters coming to the city but it was a matter of having time to consider and deliberate over it, particularly something as extraordinary as tax incentives that they did not provide most of their companies in their city.

Councilor Wright then moved to refer this item back to the Finance Committee. Councilor Higginbotham seconded the motion.

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

Councilor Gwaltney asked what the impact would be to Milo's Tea if there was a delay if they pushed this back to committee.

Mr. Hill replied that he had been instructed that the delay would be significant because they were looking to execute the lease and under their timeline in order to be operational by the end of October and a three week delay if they were to go back in the ordinary course through the committee would be very detrimental.

Councilor Jones stated that it was in the Finance Committee last week and they instructed Mr. Kendrick to negotiate and asked Mr. Kendrick if he was comfortable in the changes that had been made.

Mr. Kendrick replied that he sent them the resolution approving it and it was not an issue for him but the application stated that the improvements would be constructed to be for possession January 31, 2019 and asked the significance of October 2019.

Mr. Hill replied that the outside date by which the project would be placed in service they had estimated as being January 31, 2019 but he always instructed his clients in any event to add in a buffer to account for unforeseen construction delays and so that was what that was encompassing.

Mr. Kendrick stated that this was the application to Alabama Department of Revenue so he assumed that was correct.

Mr. Hill replied yes that it was a good faith estimate which was what the application required.

On a voice vote, the motion carried on a 9-0-1 vote. President Limbaugh abstained.

President Limbaugh asked if Councilor Jones would consider calling a Special Called Finance Committee Meeting.

Councilor Jones replied that the problem was that the next Council Meeting was not until August 13, 2018 so they would have to call a Special Called Council Meeting if they chose to do so.

Mr. Hill asked Councilor Jones if he would consider a Special Called Meeting on July 30, 2018.

President Limbaugh replied that they would discuss that and let him know.

COMMITTEE REFERRAL AGENDA

- 34.06.18** Request for consideration of Historic Preservation Commission issues – Brittany Creehan/Barry Smith – **Finance Committee (Referred from P&D 7/16/18)**
- 09.07.18** Request for consideration to form a Highway 280 Public Road Co-operative District – Jennifer Andress – **Finance Committee**
- 10.07.18** Request to work in city right-of-way to remove and replace a section of sidewalk to replace deteriorated water supply line in front of Trustmark National Bank (1808 29th Avenue South) Wyatt Pugh, BEZ/Cory Varden, Rives Construction Company – **Public Works Committee**
- 11.07.18** Request for consideration for repairs to the curb and sidewalk at 1914 28th Ave S. – Tommy Holcombe / Greg Cobb BEZ – **Public Works Committee**
- 12.07.18** Request to address speeding concerns on Devon Drive – Kyle Church/Jennifer Andress– **Public Safety Committee**
- 13.07.18** Request for consideration to add handicap parking space in front of Big Bad Breakfast at 1926 29th Avenue – Randy Hambley, Traffic Maintenance – **Public Safety Committee**
- 14.07.18** Request for consideration of an ABC 020 – Restaurant Retail Liquor for Ash Restaurant LLC d/b/a Ash Restaurant located at 703 and 705 Oak Grove Road – Robert Burgett, Acting City Clerk – **Public Safety Committee**
- 15.07.18** Request for consideration of Reese Street Improvements – Britt Thames – **Planning and Development Committee**
- 19.07.18** Request for consideration of Pop-Up Vendor Ordinances – Patrick McClusky – **Public Safety 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. 16.07.18 – Request to amend Fund 26 GOW 2016 to fund construction projects – Robert W. Burgett/Finance Director.

Mr. Burgett addressed the Council and stated that they allocated money for purchase orders for the three construction projects: the Public Safety Building, the Park Project, and the Board of Education. Mr. Burgett further stated that at this time the funds that they had allocated had all be exhausted by writing POs and they needed transfer money and do a line item budget so they could have funds to continue to issue POs for the projects. Mr. Burgett added that he received very detailed information from Harbert construction who was requesting \$2,500,000.00 to August 31, 2018 which should be sufficient funding for them and he received a request for \$6,750,000.00 for the Public Safety Building which was sufficient. Mr. Burgett further added that he did not get detailed information from Mr. Tommy Alfano concerning the Board of Education project but he requested \$28,000,000.00 and after speaking to a few people at this time they were requesting to only transfer \$14,000,000.00 to that account.

Councilor Jones stated that he thought they were going to send this out today for them to review.

Mr. Burgett replied that he apologized for not sending it out but he just received the information at 4:30 p.m.

Councilor Jones stated that he was not comfortable with this because the whole point of how they structured the Finance Committee Meetings as it related to all these projects was that they were going to get an ongoing update and they had a place holder for all these projects within Finance that they were going to get a heads-up in advance on projects that were coming before them that needed to be funded if they were running low on funds and needed approval. Councilor Jones further stated that he thought that was the whole point in structuring that way so they would not have a situation like tonight where he did not get the information and he knew he spoke to Mr. Burgett this morning and he was expecting to get that information immediately but he did not get it until the close of day and none of them got to even review that so he had not seen it either along with the withdrawal he thought was going to happen. Councilor Jones added that in any event, these just seemed like arbitrary numbers.

President Limbaugh stated that two were not, and that the Public Safety and the Parks projects were not arbitrary numbers.

Mr. Burgett stated that he had a detailed outlay of every dollar they were going to spend in the next six weeks but he did not with the Board of Education. Mr. Burgett further stated that he got an email from the Board of Education requesting

\$28,000,000.00 for funding through August 31, 2018 and that was all he got and he asked for a detailed listing.

President Limbaugh stated that an alternative could be to approve the Public Safety and Park project funding but not the Board of Education project.

Councilor Jones stated that this would make him more comfortable because they had not gotten any report from the Board of Education in the last month and they did not come to the last meeting so he would be comfortable approving the fund transfers for the Park and Public Safety Building.

Councilor Gwaltney asked if this was not the second or third time they had asked the Board of Education for a breakdown and they got basically nothing.

President Limbaugh replied yes.

Councilor Wright stated that he did not disagree that if Mr. Burgett asked for detailed information they should get this information and he would be glad to talk to the schools and give them a clear indication of what would be needed going forward because if their Finance Officer asked for that they should be able to get that like all the other projects.

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

Resolution No. 18-102

(A Resolution to amend Fund 26 GOW 2016 to fund Public Safety and Parks construction projects))

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-102. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 17.07.18 – Request for consideration of approval of vouchers for period of July 11, 2018 through July 22, 2018 – City Treasurer/Finance Committee

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

Resolution No. 18-103

(A Resolution for approval of vouchers for period July 11-July 22, 2018))

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-103. 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 considered under Other New Business was Item No. 18.07.18 – Request for consideration of crosswalk across University Park Place at the south intersection with South Lakeshore Drive – Chief Ross.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:57 p.m.:

Ordinance No.

(An Ordinance for crosswalk across University Park Place at the south intersection with South Lakeshore Drive)

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

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

Councilor Smith asked why this item did not go to the Public Safety Committee and what the urgency was.

Mr. Bischoff replied that it was because Dr. Maddox called and asked that they do it before school started on August 8, 2018 and they were going to prepare it this week. Mr. Bischoff further stated that Samford was going to let them use 70-80 parking spaces at the Soccer Field and they needed it for safety issues otherwise it would have gone to Public Safety.

Councilor McClusky stated Mr. Bischoff did discuss this with him as well.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, 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. 2709

(An Ordinance for crosswalk across University Park Place at the south intersection with South Lakeshore Drive)

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2709. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, McClusky, Jones, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 20.07.18 – Request to authorize the Mayor to sign a contract for Rosedale Sidewalk Economic Development Funds – Mayor McBrayer.

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

Resolution No. 18-104

(A Resolution authorize the Mayor to sign a contract for Rosedale Sidewalk Economic Development Funds)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-104. Councilor Gwaltney seconded the motion.

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

Councilor Higginbotham asked where the sidewalks were located for this phase.

Mayor McBrayer replied that recommendations were made as to where the sidewalks should go and they traditionally received about \$200,000.00 each year.

Mr. Kendrick stated that this came from the Community Services and Economic Development Department of Jefferson County funded this and provided the list of recommended sidewalks.

On a voice vote, the motion carried without dissent.

Councilor Wright stated that the Public Works Committee would meet on August 6, 2018 at 5:30 p.m.

Councilor Andress stated that she enjoyed the retirement party for Shiloh and Justice. Councilor Andress further stated that she wanted everyone to save the date of September 29, 2018 for the Birmingham Track Club and The Trak Shak's Run Social/Bridge Fundraiser at Over Easy. Ms. Andress added that she wanted to congratulate Sidney Cromwell of the Homewood Star for her first place award from the Alabama Press Association and their Better Newspaper Contest.

Councilor Wyatt stated that he wanted to thank Mr. Bischoff and Mr. Squires because a tree fell onto power lines and across Ridge Road early Saturday morning and they were helpful and he also wanted to thank the Fire Department for blocking the road. Councilor Wyatt further stated that the Homewood Football Team and the Youth Football Team would be having Jersey Night on August 17, 2018 and because of the construction at Waldrop Stadium it would be at Samford and Samford would be doing fireworks.

Councilor Smith stated that the Special Issues Committee would meet on August 6, 2018 at 5:45 p.m.

Councilor Jones stated that the Finance Committee would meet on August 6, 2018 at 5:00 p.m.

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

Councilor Higginbotham stated that he wanted to remind everyone of the Tuesday night West Homewood Farmers Market from 5:00-8:00 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on August 6, 2018 at 6:15 p.m. Councilor Thames further stated that someone in the Public Hearings said that they should have a published rule of thumb about what the city wanted when it came to rezoning and they did which was the Master Plan and he had yet to experience a rezone request that had not been controversial whether it was in the plan or not.

Councilor Gwaltney stated that last Wednesday Councilor Thames and he welcomed the new Sims Garden caretaker, Amy Milam, and they were really excited and they had a great turnout and he thanked Mr. Bischoff, the Mayor, and Mr. Squires for all their help there. Councilor Gwaltney further stated that he thought the discussion was very good barring a couple of odd comments but he felt like they had a good civil conversation with the community about a topic that was very heated and he felt like they came to a good resolution and he did hope that neighbors could be neighbors again and not have to feel awkward when they were in their yards and hopefully people would take comments made to heart and improve their community.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:11 p.m.