

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

August 27, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, August 27, 2018 at City Hall at 6:00 p.m.

The invocation was given by Associate Pastor Amy DeWitte of Trinity United Methodist Church, after which the Pledge of Allegiance was given by Boy Scout Troop 79 of All Saints Episcopal Church.

The meeting was called to order by President Bruce Limbaugh at 6:00 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 Address, 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: Peter Wright.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Special Called Council Meeting of August 6, 2018 and approve them as distributed. 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.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Regular Council Meeting of August 13, 2018 and approve them as distributed. 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.

Councilor McClusky moved to appoint Mr. Ty Cole to the Ward 3 BZA position. 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.

Councilor Smith stated that the Ward 4 and 5 nomination periods of the Housing and Abatement Board were opened and would be closed on September 24, 2018 at 4:30 p.m.

At this time, President Limbaugh amended the published Council Agenda to move the following item from the Committee Referral Agenda to the Other New Business Agenda: Item No. 21.08.18 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for April Perez d/b/a Maya Mexican Restaurant located at 308 Oxmoor Road Suite 104 – Robert Burgett, Acting City Clerk.

President Limbaugh further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 28.08.18 – Request for consideration of a modified tree and landscaping ordinance – Britt Thames/Andy Gwaltney – Special Issues Committee; and Item No. 29.08.18 – Request for ADA accessibility and crosswalk on West Valley Avenue – Andrew Wolverton – Public Safety Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 27.08.18 – Request for consideration to authorize the Mayor to execute the property sale adjacent to 431 Green Springs Highway – Mayor McBrayer

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

CONSENT AGENDA

02.07.18 Request to address parking issues – **Mayor McBrayer/Allan Chappelle (Carried Over 8/6/18)**

Action Taken: The Public Safety Committee met on August 20, 2018 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Thames and seconded by Councilor Wyatt.

03.06.18 Request for consideration to vacate the right-of-way of 2nd Avenue West – **Piyanka Ghosal, Alabama Power/Greg Cobb, BEZ (Carried over 8/6/18)**

Action Taken: The Public Works Committee met on August 20, 2018 and voted 5-0 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 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 first item considered, taken out of order, from the Other New Business Agenda was Item No. 24.08.18 – Request for consideration of street closing for Brookwood Live! Event on September 13th, 20th, 27th, 2018 – Jennifer Gowers/GoPro Event Solutions/President Bruce Limbaugh.

Ms. Denise Koch of Go Pro Solutions addressed the Council and stated the request was for street closures on September 13th, 20th, 27th, 2018 starting at 1:00 p.m. and opened back up at 10:00 p.m. for the event that would host the bands Mac Carroll and the Browncoats, The M-80's, and The Lava Lamp Band. Ms. Koch further stated that they would have the Homewood Police Department assisting with securing the site and would have parking attendants in place so guests of the property and event would be accommodated easily and they would also be controlling the sound levels as they had done in the past so they took care of the good neighbors who were located near the site.

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

Resolution No. 18-111

(A Resolution approving street closing for Brookwood Live! Event on September 13th, 20th, 27th, 2018)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-111. 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.

OLD BUSINESS AGENDA

The next item on the Agenda under Old Business was Item No. 03.07.18 – Request for consideration of a sign variance at 828 Green Springs Highway – Meighan Ellis/Greg Cobb, BEZ (Carried over 8/13/18).

Mr. Greg Cobb addressed the Council and stated that he spoke to Ms. Ellis this afternoon and they had elected to drop the request and would leave the signs as they were and would only change the plastic on two of them without changing any cabinets.

Councilor Jones then 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. 05.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. for consideration for a variance to the fence ordinance at 300 Mecca Ave – Paul Treusdell/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on August 27, 2018 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened 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. Greg Cobb addressed the Council and stated that he had received no further contact from Mr. Treusdell.

President Limbaugh declared the Public Hearing closed at 6:17 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 moved for approval. 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 failed on a vote of 0-10.

The next item on the Agenda under Old Business was Item No. 06.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. for consideration for a variance to the sign ordinance at 201 Green Springs Highway – Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on August 27, 2018 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:18 p.m.

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

Mr. Greg Cobb addressed the Council and stated this request was for a multi-sign variance and also an over-sized sign variance. Mr. Cobb further stated that he had attempted to reach the applicant by email and by phone and had not been able to speak to him but this request came to him a month ago on July 27, 2018 and he had no further communication with the applicant. Mr. Cobb added that there were two signs and both signs were oversized and only one sign was allowed by the ordinance.

President Limbaugh asked what the size was for the variance.

Mr. Cobb replied that one sign was 53.92 feet and the other was 84.16 feet and the allowed area was 50.

President Limbaugh stated the variance would be approving an additional 88 square feet.

President Limbaugh declared the Public Hearing closed at 6:19 p.m.

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

Councilor McClusky asked Mr. Cobb to verify that he had try to contact both the owner and the sign company and had received no responses from anyone.

Mr. Cobb replied that he did not know who the owner of the business was but he emailed and also called the phone number they supplied and he had not heard from anyone.

Councilor Gwaltney moved for approval. 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 failed on a vote of 0-10.

The next item on the Agenda under Old Business was Item No. 07.08.18 - Public Hearing set for August 27, 2018 at 6:00 p.m. for consideration for a variance to the sign ordinance at 215 Green Springs Highway – Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on August 27, 2018 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:21 p.m.

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

Mr. Greg Cobb addressed the Council and stated that he had received some new art work and they had downsized their request and removed the large sign off the back of the building and on the bottom right they had discussed wrapping it to make it look like a monument sign and the other option was to put rose bushes or whatever plants the Council desired between the two poles.

President Limbaugh asked for the facts on the variance.

Mr. Cobb replied that the variance was for the oversized sign for Mavis Discount Tire, which was oversized just like Tire Engineers and the bottom left Tire Engineers sign was going away and the top Tire Engineers sign was just changing to Mavis Discount Tire so the variance request was oversized. Mr. Cobb further stated that the signs that said “Brakes,” “Tires,” and “Alignment,” and “Oil Change” would be a multiple sign variance but all of those were within the size limits.

President Limbaugh stated that what was there before was 140 square feet and now they were down to 136 square feet so it was actually a reduction in size.

Mr. Cobb stated that this was correct.

Councilor Smith stated that they had changed the whole sign out front.

President Limbaugh stated that this had been changed to a monument sign and from his prospective a monument sign was more desirable.

Mr. John Davis with Express Oil Change/Tire Engineers/Mavis Discount Tire addressed the Council and stated that about three years ago they added the new signage for Tire Engineers and they received a variance to have the signage and during that process they took down a pole sign and put back the current sign that shrunk down significantly and with this change they would either be wrapping it or putting some landscaping in it. Mr. Davis further added that they also got the variance approved three

years ago to include the sized signs that they currently had on the building so what they were requesting now was to change from Tire Engineers to Mavis Discount Tire. Mr. Davis added that Express Oil Change/Tire Engineers merged with Mavis Discount Tire earlier this year and the Tire Engineers portion was going to Mavis so that was why they were changing the signage.

Councilor Wolverton asked to clarify if they were going to get rid of the sign on the backside of the building facing Columbiana.

Mr. Davis replied yes, and stated they were getting rid of it.

Councilor Higginbotham stated that he appreciated the improvements they were making and he was glad the sign was coming off the back of the building and was glad they would be doing a pedestal sign. Councilor Higginbotham asked what the hardship was that required them to have the additional square footage on the sign.

Mr. Davis replied that nothing was changing and just because they were changing the logo and the name of the business they should not be penalized when it was still under the same ownership group.

Councilor Higginbotham asked how that was a hardship.

Mr. Davis replied that because if they kept it as Tire Engineers they would continue be allowed to have the same sized sign they always had and right now they were reducing it from what they currently had.

Councilor Jones stated that he thought Councilor Higginbotham was looking for the answer that they needed as much visibility for their customers who were driving by on Green Springs Highway.

Mr. Davis replied that Mr. Jones was correct.

Councilor Higginbotham stated that he understood they were changing it and they could leave it like it was and have as big as a sign as they had now but if they were changing it anyway why not bring it into compliance with the ordinance. Mr. Higginbotham further stated that he heard Mr. Davis explain that he wanted to keep the sign the same size that it was.

Mr. Davis stated that it was a very large building and if they took away the signage when the name changed, they wanted to continue that customer base, so by reducing the sign he did not want to take away their customers, but they wanted to make it known that they were still there.

Councilor Wolverton asked Mr. Cobb what the square footage of monument sign was.

Mr. Cobb replied that it was 64 square feet.

President Limbaugh stated that it was significantly less than the existing one was.

Mr. Cobb stated that the monument sign was just getting a new face and they had the option of whether they wanted landscaping underneath it or having it wrapped.

President Limbaugh stated that they were discussing a monument sign earlier in the Committee Meeting and asked Councilor Thames for his thoughts on that.

Councilor Thames replied that he asked if they would be willing to proffer converting that sign into a monument sign, and so he appreciated their efforts to improve that sign.

Councilor Wyatt asked if Mr. Davis was asking the Council to choose between the two options.

Mr. Davis replied that they would prefer the landscaped option to dress it up more but the wrap would be more in line with a monument sign though from their standpoint they would rather have the rose bushes.

President Limbaugh declared the Public Hearing closed at 6:29 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. 18-112

(A Resolution for a sign variance at 215 Green Springs Highway)

Councilor Andress then moved for the adoption and enrollment of Resolution No. 18-112. 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 on an 8-2 vote. Councilors Gwaltney and Higginbotham voted no.

The next item on the Agenda under Old Business was Item No. 08.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. for consideration for a variance to the sign ordinance at 308 Oxmoor Road – Marco Perez/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on August 27, 2018 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:30 p.m.

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

Mr. Greg Cobb addressed the Council and stated this was the old Los Compadres restaurant and where it said “Maya” now, it used to say “Los Compadres” and the “Restaurante Mexicano” signage was not changing and had always been there so all they were changing was the actual name of it. Mr. Cobb further stated that because the two signs went together it exceeded the sign ordinance so the variance was for one oversized sign. Mr. Cobb added that the word “Maya” did not exceed it by itself but was a combination of “Restaurante Mexicano” and “Mayo” together because of the way it was measured so the variance was for one oversized attached sign.

President Limbaugh asked how much the variance was for.

Councilor Smith stated that when this was discussed in Committee meetings there used to be two sombreros on either side of the name of the restaurant which were now gone so they were replacing the name and they measured based on the full signage even though that was not all changing.

Councilor Wolverton stated that he drove by there today and there was a flag sign in the green space between the parking space and the road which, according to the ordinance, was not allowed.

Ms. Doan Nguyen addressed the Council and stated that she was there in behalf of April and Marco Perez. Ms. Nguyen further stated that the size of the new sign was 24 by 99.5.

Mr. Cobb stated that it would be 16.58 square feet for the “Maya” sign but he did not have the dimensions for the “Restaurante Mexicano” sign.

Mr. Kendrick asked Ms. Nguyen if Mr. Perez had found out who cut down the Crepe Myrtles.

Ms. Nguyen replied that he was trying to find out about that and that that Ms. Amy Martinez, the landlord, would know who would have been cutting those trees and she could provide her information.

President Limbaugh stated that those were the City's Crepe Myrtles.

Ms. Nguyen stated that Amy Martinez was the landlord.

Councilor Jones stated that they needed to resolve that issue.

President Limbaugh asked if that should be a condition of the variance.

Councilor Smith stated that the owners of this restaurant did not cut the trees but offered to find out who did.

President Limbaugh declared the Public Hearing closed at 6:34 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. 18-113

(A Resolution for a sign variance at 308 Oxmoor Road)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-113. Councilor Andress seconded the motion.

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

Councilor Higginbotham stated that he tried to be consistent on the sign ordinance items but he did think in this case they were dealing with a technicality because of the sign that was already there as opposed to putting up a new sign that did not meet the ordinance but he would abstain because there was a gray area here and he wanted to make clear that he was not trying to pick on anyone but he thought that people should try to stay within the ordinance and he thought a good faith effort had been made here and was just a technicality because of the existing signage.

Councilor Wolverton asked to verify the size of the "Maya" sign.

Mr. Cobb replied 16.58 and stated that what they were putting up was much smaller than what was there but they counted everything as a big rectangle. Mr. Cobb further stated that when he first looked at it he agreed with Councilor Higginbotham that

there was a gray area because they were shrinking down and leaving something that had been there for years so when things fell into a gray area he brought them before the Council.

Councilor Gwaltney stated that he understood that this was the way the sign had been for a number of years; however, with the changes they were going to see on Green Springs over the next five years, if they did not start making a concerted effort to bring signs into compliance they would have the same issues going forth and they would never get it fixed and they would have a redone Green Springs Highway with signage that was not what they would like it to be.

On a voice vote, the motion carried on a vote of 8-1-1. Councilor Gwaltney voted no. Councilor Higginbotham abstained.

The next item on the Agenda under Old Business was Item No. 09.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. for consideration for a variance to the sign ordinance at 428 Green Springs Highway – Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on August 27, 2018 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

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

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

Mr. Greg Cobb addressed the Council and stated that this request was for a multiple sign variance for Smoothie King. Mr. Cobb further stated that the drawing looked like it was all one sign but it was really not because the “Smoothie King” sign was sitting on the awning and the Crown sign was on the building. Mr. Cobb added that the Crown sign was 32 square feet and up until last week he thought it was all one sign because it was not three dimensional on the drawing but there were multiple signs and they had a monument sign out front that was in compliance but because the Crown was part of their logo, although it was art, it still was considered a sign.

Councilor Smith asked to verify that this was not a size variance, but was strictly based on the number of signs.

Mr. Cobb replied yes and stated that one attached sign was allowed and one monument sign was allowed so they had the monument, and the “Smoothie King” and Crown were actually two signs.

President Limbaugh stated that the Crown was actually a second painted attachment and asked how big it was.

Mr. Alex Grush of Smoothie King addressed the Council and stated that it was 632.5 square feet but it was more of a logo.

President Limbaugh stated that according to the ordinance it was still a sign.

Councilor Higginbotham asked Mr. Grush how he would describe his hardship as to why they would need two signs as opposed to a single sign that had both items on it.

Mr. Grush replied that they were a corporation and that was their design concept corporate wide so that was what they put on all of the buildings all over the world. Mr. Grush further stated that the design was catchy and drove people in.

President Limbaugh asked to verify that this design was totally consistent with other signage for Smoothie King around the country.

Mr. Grush replied yes.

Councilor Gwaltney stated that if it was solely this sign he would understand but in the renderings they saw last week the right side of the building was entirely glass and there was a large sign in there that would be visible from the highway so, while according to the ordinance, that was not a sign, but it really was because it was visible from the road but was just a technicality that it was not.

President Limbaugh asked Mr. Kendrick if it was true that the ordinance would not consider that a sign.

Mr. Kendrick replied yes.

Councilor Andress asked if that meant that the inside painting was not a sign.

President Limbaugh replied that the inside painting behind the glass on the inside of the building, by law, was a non-issue.

Councilor Wolverton asked how big the "Smoothie King" sign lettering was.

Mr. Cobb replied 23.4 square feet.

Councilor Wolverton asked how big the Crown sign was.

Mr. Cobb replied 32 square feet and stated that the two of the signs separately added up to the 50 feet but because the way they measured as two signs it would not meet the ordinance.

Councilor Wolverton asked if the signs were measured from the roofline up to the top of the Crown.

Mr. Cobb replied that a box was drawn around the crown the way they measured them to make them into a rectangle to get the total height by total width.

Councilor Wolverton stated that he was struggling as to why it be offset versus doing something like the logo on Mr. Grush's shirt where those images were connected.

Mr. Cobb stated that if they had a side view of the awning they could see that the awning was projecting away from the building and the Crown was on the building.

Councilor Wolverton asked why the Crown could not just be shifted to be in line with the rest of the "Smoothie King" sign.

Mr. Grush replied that this was the design concept from the architect and he was not saying that there could not be a scenario that could do that.

Councilor Wolverton asked if it would still be oversized.

Mr. Cobb replied yes.

Councilor Andress stated that she liked the art work and liked that it was offset.

President Limbaugh declared the Public Hearing closed at 6:45 p.m.

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

Councilor Andress stated that she thought it looked nice and it was corporate store and though technically it was two signs, it was offset to look artistic.

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

Resolution No. 18-114

(A Resolution for a sign variance at 428 Green Springs Highway)

Councilor Andress then moved for the adoption and enrollment of Resolution No. 18-114. Councilor Wyatt seconded the motion.

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

Councilor Higginbotham stated that he was very happy to have Smoothie King in Homewood and no matter what he may feel about the signs and sign ordinance he hoped they would be there for many years and would have great success in that location.

On a voice vote, the motion carried on an 8-2 vote. Councilors Higginbotham and Wolverton voted no.

President Limbaugh stated that he wanted to welcome Smoothie King to Homewood and thank them for making that property look so much better than it did previously.

The next item on the Agenda under Old Business was Item No. 12.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. to consider declaring the property located at 1575 Valley View Cir, PID# 29-00-12-4-007-012.000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

Mr. Scott Cook addressed the Council and stated that this property was owned by Series D out of Vestavia and appeared to be a rental home. Mr. Cook further stated that they had issues with the backyard about a year ago but it was under a different owner at the time. Mr. Cook added that the front yard looked good but the back yard was really bad. Mr. Cook further added that he had sent notices and one came back undeliverable to the owner, and he had received no contact from the occupants or the owner.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that his recommendation would be to declare the property a public nuisance and send crews to clean it up.

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

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

Mr. Mark Waits at 1517 Valley View Circle addressed the Council and stated that his house was located about four houses west of this property and it was his view that this property was a nuisance to all the residents of the circle and the neighborhood. Mr. Waits further stated that what he had witnessed over several years was a repeated behavior of failure to maintain the property properly. Mr. Waits added that he asked the Council for their careful consideration and support to declare it as a nuisance. Mr. Waits further added that this property was a repeat offender and the weeds were back and the storms in June caused three trees to fall and he believed that there was a connection between the lack of maintenance in the back where the trees fell that caused a crisis so he asked the Council to declare it a nuisance.

Ms. Margie Hunt at 1515 Valley View Circle addressed the Council and stated that she was a long time resident of that area and since it had been a rental house it had been a problem because nobody took responsibility for the backyard and it was at the entrance to their neighborhood. Ms. Hunt further stated that it was an eyesore and right now the weeds were probably head-high and since it was so dry it looked like a desert with cacti and the rest of it was just a mess. Ms. Hunt added that it was unsightly all the time so they would appreciate it if they could have it cleaned up because it was the entrance to their neighborhood and those who tried to make it a nice place to live were frustrated by it and would appreciate the Council's help.

President Limbaugh declared the Public Hearing closed at 6:50 p.m.

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

Councilor Gwaltney stated that in addition to Mr. Waits and Ms. Hunt he had about six to ten emails from about six residents on this property over the last two years and it had been a consistent issue and needed to be taken care of.

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

Resolution No. 18-115

(A Resolution declaring the property located at 1575 Valley View Cir, PID# 29-00-12-4-007-012.000 a public nuisance due to a violation of Ordinances 1910 & 1750 "Excessive Growth")

Councilor McClusky then moved for the adoption and enrollment of Resolution No. 18-115. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. to consider declaring the property located at 218 Summit Pkwy., PID# 29-00-15-4-006-007.002 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 6:52 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. Scott Cook addressed the Council and stated that he sent notices out and posted the property and the owner cleaned up a good portion of it but never called him about it. Mr. Cook further stated that they still had some issues so they set the Public Hearing after which the owner called him and wanted to know what else he needed to do so they met last Friday and he started having the landscaper come in and spruce up the natural areas over the weekend. Mr. Cook added that he was not quite finished and came to the meeting tonight but had some other issues he had to attend to and he asked that they please carry this over. Mr. Cook further added that the owner was making a lot of progress so he would recommend carrying it over and it would be taken care of by the next Council Meeting.

President Limbaugh stated that the owner also reached out to him by phone and his reason for not staying tonight was due to some respiratory issues that did not allow him to stay. President Limbaugh further stated that he was reaching out to them and making an effort.

President Limbaugh declared the Public Hearing closed at 6:53 p.m.

President Limbaugh stated that, without objection, this item would be carried over. There were no objections.

The next item on the Agenda under Old Business was Item No. 14.08.18 – Public Hearing set for August 27, 2018 at 6:00 p.m. to consider declaring the property located at 1117 Hardwick Ln., PID# 29-00-22-4-013-009-000 a public nuisance due to a violation of Ordinances 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh declared the Public Hearing opened at 6:54 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. Scott Cook addressed the Council and stated that this property was owned by Ms. Nicole Johnson and appeared to be non-occupied and the yard had been an ongoing problem and had become before the Council before about the litter and open storage and was declared a public nuisance and they had crews go in and abate that. Mr. Cook further stated that it had come up before to declare the excessive growth a public nuisance but the day before the hearing someone cleaned it up so it was dropped and since then it had grown back up and they were here all over again.

President Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that his recommendation was to declare the property a public nuisance.

Ms. Elizabeth Stullenbarger at 1108 Hardwick Lane addressed the Council and stated that she lived across the street from this property and the property was a corner lot so there were two fronts. Ms. Stullenbarger further stated that she spoke in favor of the declaring the property a public nuisance because the property had been abandoned and nobody had lived there since October of last year and the grass was 33 inches tall.

President Limbaugh declared the Public Hearing closed at 6:56 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. 18-116

(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 Ordinances 1910 & 1750 "Excessive Growth")

Councilor Higginbotham then moved for the adoption and enrollment of Resolution No. 18-116. Councilor Smith seconded the motion.

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

Councilor Smith asked if they had ever had any contact with Ms. Johnson.

Mr. Kendrick stated that there had been at least three lawsuits with her and she had reportedly moved to Alaska.

Councilor Thames asked if there were additional steps that the city could take for repeat offenders by the same owner.

Mr. Kendrick replied that with a history of violation they could file a Circuit Court law suit and ask the Court to declare it a nuisance but it would be difficult to find her because the last three lawsuits had been dismissed

Councilor Smith asked if they could put this property on their list of properties to be abated since it was abandoned.

Councilor Thames replied that unless it was a safety hazard, probably not. Councilor Thames asked what happened if the Circuit Court declared the property a nuisance.

Mr. Kendrick replied that essentially they would just impose another lien on the property.

Councilor Wolverton asked if it was possible to inspect the premises closer to see if there were any openings into the home or safety issues.

Mr. Cobb replied yes.

Councilor Andress asked if they knew who tended to the property in October.

President Limbaugh stated that they could investigate who paid for the work that was done.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 34.06.18 – Request for consideration of Historic Preservation Commission issues – Brittany Creehan/Barry Smith.

Councilor Jones stated that the Finance Committee met on August 20, 2018 at 6:00 p.m. and accepted the report from Ms. Brittany Creehan.

Councilor Jones then moved to accept the report.

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. 01.08.18 – Request for consideration of budget amendments – Chief Tim Ross/Berkley Squires/Robert W. Burgett/Finance Director.

Councilor Jones stated that the Finance Committee met and voted 5-0 to recommend approval.

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

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

Resolution No. 18-117

(A Resolution approving budget amendments)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-117.

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. 18.08.18 – Request for consideration to contract for city-wide traffic study – Andy Gwaltney/Britt Thames.

Councilor Jones stated that the Finance Committee met on August 20, 2018 and voted 5-0 to recommend contracting with Volkert under their current contract.

Mayor McBrayer stated that he thought they had already notified ALDOT that Skipper was going to be handling this and he did not know if that could be changed.

President Limbaugh stated that as he understood it they offered it to both Volkert and Skipper and Volkert was the lower price.

Councilor Jones stated that it was under the Volkert contract to handle it and they were waiting on Skipper.

Councilor Thames stated that they were discussing something else under the current Volkert contract but Councilor Gwaltney spoke to Mr. Wyatt Pugh about this.

Councilor Gwaltney stated that when it came time for discussion they were unsure of the status of the traffic study so he reached out to Mr. Pugh and he said that they had submitted Skipper's name to ALDOT but he stated that if they wanted to go in a different direction with Volkert which was what they discussed in the committee then they could go that route so that was why it changed from Skipper to Volkert. Councilor Gwaltney further stated that they had a discussion with Volkert about the things that they could put into the traffic study and the creativity they could take and some of the ordinances they could craft to help with traffic calming and pedestrian/bike paths so they felt like that was a better option for them to pursue for the city.

President Limbaugh asked if the Skipper organization thought they had committed to something that they had not committed to.

Mayor McBrayer stated that he thought that they probably did think that.

Councilor Thames asked if Skipper thought they were handling this why had they not started on the project because this was six or eight months ago.

Mr. Greg Cobb addressed the Council and stated that they made the selection through DOT for Skipper last winter and they fully expected to have this contract but they had not signed the contract so they had not moved forward with the work. Mr. Cobb

further stated that a couple of weeks ago they talked about that and he thought they had signed a contract in the spring and they had not signed it but DOT told him they sent it to him in the spring so that was the reason they did not have it in hand but he believed today it came in because Mr. Pugh asked them to send another copy as nobody had receipt of a contract from DOT sent in the spring so he did not believe it was ever received. Mr. Cobb added the city firewall would block large documents so that could have been what happened. Mr. Cobb further added that they had already made the selection through DOT for Skipper and turned in the man hours to DOT to be reviewed and DOT had now provided them with a contract.

Mr. Wyatt Pugh addressed the Council and stated that the agreement that he received from ALDOT was the funding agreement and he did reach out to ALDOT and asked them what it would look like if the Council decided right now to change because they did talk to Skipper earlier in the process and even sent a selection letter to ALDOT letting them know that Skipper would be their consultant. Mr. Pugh further stated that Skipper prepared a full mandate proposal and they submitted that to ALDOT and they had not begun reviewing that yet and would not begin reviewing that until they got a funding agreement from the city. Mr. Pugh added that per his conversation with ALDOT if they were to change consultants right now it would not upset the process but would just be a matter of paperwork. Mr. Pugh further added that he did believe that Skipper was under the impression that the job was theirs.

President Limbaugh stated that it would be a failure on their part to move more aggressively than they needed to because they needed the traffic study but they also needed to speak with one voice on this so he asked if they could wait two weeks to straighten this out so there would not be any misunderstandings or miscommunications going forward.

Mayor McBrayer stated that though it was the Council's prerogative to choose who they wanted on the project but if they went a different route he thought he needed to give Skipper a call.

Mr. Kendrick stated that Mr. Pugh provided him with a funding agreement with ALDOT so at some point the Council would also need to approve the Mayor to sign that agreement as well regardless of who they used as a consultant.

Councilor Higginbotham asked if they went with Volkert if they would include in that some sort of traffic calming recommendations.

Councilor Gwaltney replied yes.

President Limbaugh stated that, without objection, this item would be carried over. There were no objections.

The next item on the Agenda under Old Business was 19.08.18 – Request for quarterly update from Homewood Chamber of Commerce – Meredith Drennen/Alex Wyatt.

Councilor Jones stated that the Finance Committee met on August 20, 2018 and accepted the report.

Councilor Jones then moved to accept the report.

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. 02.08.18 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) for Poke Fresh 2 LLC d/b/a The Ono Poke located at 934 Oxmoor Road – Robert Burgett, Acting City Clerk.

Councilor McClusky stated that the Public Safety Committee met on August 20, 2018 and voted 5-0 to recommend having no objections to the issuance of the ABC license pending letter of no objections from Fire Department.

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 for having no objections to the issuance of the ABC license pending letter of no objection from the Fire Department. 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. 04.08.18 – Request for consideration to work on city property to create an orienteering course on the Homewood Forest Preserve Hiking Trail – Wyatt Pugh, BEZ/Aidan Wright, Life Scout, Homewood Troop 97.

Councilor Smith stated that the Special Issues Committee met on August 20, 2018 and voted 5-0 to recommend approval.

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

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

Resolution No. 18-118

(A Resolution approving work on city property to create an orienteering course on the Homewood Forest Preserve Hiking Trail)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-118.

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

- 15.07.18** Request for consideration of Reese Street Improvements – **Britt Thames– Finance Committee (Referred from P & D on 8/20/18)**
- 20.08.18** Request for consideration for declaring items as surplus (See Exhibits) – Chief Bresnan/Gordon Jaynes – **Finance Committee**
- 22.08.18** Request for presentation from The Homewood Greenspace Initiative regarding Pop-Up Park Date – Jennifer Andress – **Planning and Development Committee**
- 28.08.18** Request for consideration of a modified tree and landscaping ordinance – Britt Thames/Andy Gwaltney – **Special Issues Committee**
- 29.08.18** Request for ADA accessibility and crosswalk on West Valley Avenue – Andrew Wolverton – **Public Safety Committee**

Councilor McClusky moved for the approval of the amended Committee Referral Agenda. Councilor Gwaltney 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 considered under Other New Business was Item No. 21.08.18 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for April Perez d/b/a Maya Mexican Restaurant located at 308 Oxmoor Road Suite 104 – Robert Burgett, Acting City Clerk.

Councilor McClusky stated that letters of no objections had been received from Police and Fire Departments.

Councilor McClusky then moved for having no objections to the issuance of the ABC license. Councilor Wyatt seconded the motion.

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

Councilor Wolverton asked if they could have reassurance if the flag signs would be removed.

President Limbaugh stated that Mr. Scott Cook would handle that.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 23.08.18 – Request for consideration of an ABC 140 – Special Events Retail for Red Clay Bar and Event Services LLC d/b/a Magic City Mac N Cheese Festival (Sept. 9, 2018) located at 780 Brookwood Village; Parking Lot – Dino Sarris/Robert Burgett, Acting City Clerk.

Councilor McClusky stated that letters of no objection had been received from the Police and Fire Departments.

Councilor McClusky moved for having no objections to the issuance of the ABC license. 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. 25.08.18 – Request for consideration of approval of vouchers for period of August 13, 2018 through August 26, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-119

(A Resolution for approval of vouchers for period August 13-August 26, 2018)

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-119. 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 on the Agenda under Other New Business was Item No. 26.08.18 – Presentation of Mayor’s Fiscal Year 2018-2019 proposed budgets for General, Capital, Debt Service and Special Revenue Funds – Mayor Scott McBrayer.

Mayor McBrayer addressed the Council and stated that Chairman Jones always discussed in the Finance Committee Meetings about having a really high level overview of the budget so this was what they were going to go over this evening with the full understanding that the Council would set some time to start going through the line items. Mayor McBrayer further stated that he wanted to thank Mr. Bischoff, his department heads, and Mr. Burgett for the amount of time that this took to put together. Mayor McBrayer added that he said every year that this was the most important thing that his office did was to present a budget to his neighbors on the Council mainly because it told the direction of where he would like to see their city go. Mayor McBrayer added that it was also very important and much easier now that in 2008 when he started this to give very accurate numbers so, while they may disagree with a project or what to prioritize, what he looked forward to was not having to disagree on the numbers. Mayor McBrayer further added if anything it would be too conservative of a budget but that sure made it nice at the end of the year.

Mayor McBrayer presented power point slides, stated that under the General Fund – Unassigned there was a little over \$13 million, in the Debt Service Fund there was almost \$11 million, and in Special Revenue Funds there was just under \$110 million for a total of \$153.7 million. Mayor McBrayer further stated that the Operating Results showed numbers all the way back to 2013 and numbers in green were the audited numbers that they ended the year with but the notes showed that what was not showing in green was that if the notes were added together they would show what they actually finished with so if they took note D which would include Bonuses and transfers of money into Capital it would show that they ended the year with a \$410,000.00 surplus but if they had they not given bonuses or transferred money to Capital they would have finished the year with a \$1.2 million surplus so taking that same scenario for 2015 it would have been a \$1.6 million surplus, 2016 would have been a \$1.4 million, and 2017 \$1.2 million so they

should be very proud of that fact. Mayor McBrayer added that he thought a lot of cities had pushed and a lot of cities had run way too close to the edge and they found themselves now in some difficult financial situations but they had been blessed not only with having a great economy in Homewood but he had been blessed as a Mayor of having them as a Council who understood budgets and understood living within their means so that was what he was going to ask them to do again and they had proven that was the way they did it and he did want to say publically the amount of work it took to do that because it was easy to just say yes to a lot of things that added up to a lot of money at the end of the year.

Mayor McBrayer stated that the Cash Balance On Hand as of June 2018 in General Fund Checking was \$7 million, General Public Funds Investment was \$9 million, Reserve for Economic Uncertainty was a little over \$11 million and that number helped him sleep at night and he thought it did the Council, too. Mayor McBrayer further stated that the other largest line item was Debt Service Fund at \$9.8 million for a total of a little over \$153 million. Mayor McBrayer added that Payroll was budgeted with a 2% COLA for employees with continued commitment on merits. Mayor McBrayer further added that there was a new required pension rate amounting to increased cost of approximately \$373,000.00 which was a 6% increase in Insurance and he was proposing that the City take up half of that and pass the other 3% of that along to the employees.

Mayor McBrayer stated that his budget again did not have money allocated for annual bonuses, although expecting and knowing that they would finish the year with a surplus, at the end of next year as he was getting to do this year, he would ask for their consideration to give employees another bonus to share in their profits, so although they would not see that request in this year's budget, he did want to make sure they knew that at the end of next year, with a surplus, he would come back again, and ask for that to happen. Mayor McBrayer further stated that due to the City reaching their goal on Employee Wellness Screens the City received the best rating of "preferred," which saved them a lot of money on insurance. Mayor McBrayer added that Total Budgeted Revenues was \$52.7 million, Total Expenditures was \$52.7 million and for the second year in a row they were balancing their budget without the use of a Carryover Fund Balance as a revenue source so, again, he thought that spoke very highly for them even though they had always used a Carryover Fund Balance to balance the Budget they had never one time used it, but it was nice now to be in a position where they could do this without having to use the Fund Balance. Mayor McBrayer further added that the Total Budgeted Revenues were \$6.4 million and Total Expenditures were \$8.2 million and Mr. Burgett had added a Note that stated that the "Carryover Fund Balance will not have to be utilized in this amount if the Council decides to delay the funding of projects that can be carried over until FY 19-20" and also Capital Purchases including their vehicles were budgeted to be paid for in cash during their FY 17-18 and not financed.

Mayor McBrayer stated that the Capital Projects highlights were continued funding for their I65 Diamond Interchange design which they were still on track with and they still had funds in to continue street paving for money approved to be transferred to Capital Projects Funds from Debt Service Fund in the amount of \$1 million, and continued funding of Greenway II construction, Engineering for 18th Street Beautification Project, and as request by the Council, funding for the Highway 280 Pedestrian Bridge. Mayor McBrayer presented the Budget Summary of All Accounts as well as a separate slide for the Board of Education Funding and stated that during the 2018-2019 budget the Board of Education received revenues from the City of Homewood as follows: Sales Tax Collections for the City in the amount of \$8.4 million and 14.2 mills of Property Tax, Personal Property Tax Collections in the amount of \$8.4 million for a total of almost \$17 million.

Mayor McBrayer stated that this concluded the Budget presentation and he appreciated and thanked the Council in advance for the work that they would do going through the numbers that they provided and hopefully it would be a quick process. Mayor McBrayer further stated that the binder they would hand out after the Council Meeting would include the Capital Plan/Fiscal Policy in a Power Point format. Mayor McBrayer added that Mr. Burgett added a note at the end of the presentation that “Coming together is a beginning. Keeping together is progress. Working together is success.” Mayor McBrayer further added that he looked forward to working with the Council as they went through the process and hopefully it would just get easier.

Councilor Jones stated that he would be sending out a schedule for Budget Hearings tomorrow after he polled the Committee for the best available times but he believed the best times were on Mondays so he would try to keep those in place before their regular scheduled Committee and Council Meetings as that seemed to work the last couple of years but he would like to poll the Committee first to make sure.

The next item on the Agenda under Other New Business was Item No. 27.08.18 - Request for consideration to authorize the Mayor to execute the property sale adjacent to 431 Green Springs Highway – Mayor McBrayer.

Councilor Jones moved to enter into Executive Session. 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.

Mr. Kendrick stated the Executive Session would be limited to the discussion of an Economic Development issue of which public discussion would influence the purchase price or sales price of the real estate.

The Council entered into Executive Session at 7:30 p.m.

The Council reconvened at 7:42 p.m.

Councilor Thames moved to reconvene into Regular Session. 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.

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

Resolution No. 18-120

(A Resolution authorize the Mayor to execute the property sale adjacent to 431 Green Springs Highway)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-120. 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.

Councilor Thames stated that the Planning and Development Committee would meet on September 10, 2018 at 5:00 p.m.

Councilor Higginbotham stated the Ward 2 Town Hall Meeting was moved and would be tomorrow night at 6:30 p.m. at Homewood Church of Christ due to the football schedule where they would be entertaining a presentation from Red Mountain Park which, though was not in the city limits of Homewood, they did have a lot of people in Homewood who frequented the park so they wanted to come out to talk to the residents. Councilor Higginbotham further stated that he wanted to congratulate the organizers of the Back to School Bash for the great event which had a great turnout and was very successful and he appreciated everyone who came out to support the event because it supported Homewood High School. Councilor Higginbotham added that he wanted to comment on the passing of Senator John McCain who was a gentleman who represented honor and love of country and although there were a number of issues where they did not

see eye to eye but it was easy to see that he was a decent, genuine patriot, who would be missed in the Senate the country's politics would be poorer in his absence.

Councilor Wolverton stated that he also wanted to say what a success the Back to School Bash was and his kids were very entertained and he looked forward to the next one in the spring.

Councilor McClusky stated that the Public Safety Committee would meet on September 10, 2018 at 5:15 p.m.

Councilor Jones stated that the Finance Committee would meet on September 10, 2018 at 4:00 p.m. for Budget Hearings would meet at 4:45 p.m. for the regular Finance Committee Meeting.

Councilor Smith stated that the Special Issues Committee would meet on September 10, 2018 at 5:30 p.m. Councilor Smith further stated that the football team won their first game of the season 18-7 versus Hueytown and would go to Vestavia Friday night.

Councilor Wyatt stated that the Public Works Committee would meet on September 10, 2018 at 5:45 p.m.

Councilor Andress stated that she wanted to congratulate Mr. Burgett on becoming a grandfather again and wanted to wish President Limbaugh a happy birthday.

President Limbaugh stated that he thought this was an amazingly efficient meeting considering the agenda and thanked everyone for their cooperation and hard work.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:50 p.m.