

**MINUTES**  
**Finance Committee Meeting**  
**August 3, 2020**  
**5:00 p.m.**

**Members Present:** Walter Jones (Chair), Britt Thames, Mike Higginbotham, Barry Smith, and John Hardin.

**5 Present/0 Absent – Quorum**

**Roll Call: 5:03 p.m.**

**Dispense with Reading and Approval of Minutes:** Finance Committee Meeting of July 20, 2020

**Action Taken:** The Finance Committee met and voted 5-0 to approve. The Motion to approve was made by Councilor Hardin and seconded by Councilor Smith.

**OLD BUSINESS:**

**02.05.20** Request to consider adopting a Donated Sick Leave Policy for City Employees—Mayor Scott McBrayer, Melody Salter, CPA (City Clerk/Assistant Finance Director), Robert Burgett (Finance Director/Assistant City Clerk) and the Employees Benefit Committee (Carried over 7/20/20)

**Action Taken:** The Committee met and voted 5-0 to recommend approval. The motion was made by Councilor Hardin and seconded by Councilor Smith. Councilor Hardin wanted to make sure City Clerk/Assistant Finance Director Melody Salter and Finance Director/Assistant City Clerk Robert Burgett were satisfied with the policy before he made the motion.

**NEW BUSINESS:**

**12.07.20** Request to consider Sims Garden Funding— Councilor Thames/Councilor Gwaltney/Amy Milam <sup>PW</sup>

**Action Taken:** The Committee met and heard a presentation from Amy Milam who discussed landscape needs for the Garden. Councilor Smith referenced an email the Council members received from Ms. Kimberly Sharkins voicing her objections. Councilor Smith further stated she would send emails to the City Clerk as an exhibit to these committee minutes regarding this item (See Exhibit A). Ms. Milam discussed the progress that had been made at the Sims Garden as well as the needed funding for the

**requested repairs. The Committee then heard from the following residents in support of Ms. Milam's work at the Sims Garden: Harold Hudson, Cliff Spencer, James Honeycutt, and Lynn Luckianow. The Committee then voted 5-0 to recommend funding not to exceed \$10,000.00 from Building Improvements (12-11-589150). The motion was made by Councilor Thames and seconded by Councilor Smith.**

**13.07.20 Request for the Mayor to enter into an agreement with Cardiac Solutions to supply Automatic Electronic Defibrillators (AED) in Police Vehicles and School Buildings – Mayor McBrayer**

**Action Taken: Carried over. The Committee met and, after hearing from John Sile with Cardiac Solutions, carried this item over for further research.**

**14.07.20 Request to authorize the Mayor to sign contract with Capital ATMs to install and service ATM at no cost to the City – John Morgan/Court Magistrate**

**Action Taken: Carried over.**

**Tabled Items:**

**04.12.18 Request for consideration for painting for SOHO Garage – Jennifer Andress (Tabled 12/2/19)**

**16.01.15 Update on past, present and future Sidewalk Projects – Greg Cobb/Building, Engineering and Zoning Department (Tabled 08/19/19)**

**25.04.17 Request for consideration of 18<sup>th</sup> Street Revitalization Project – Britt Thames (Tabled 5/4/20)**

**03.05.20 Request to consider revisions to the Employee Handbook– Mayor Scott McBrayer, Melody Salter, CPA (City Clerk/Assistant Finance Director), Robert Burgett (Finance Director/Assistant City Clerk) and the Employees Benefit Committee (Tabled 6/15/20)**

**08.06.20 Request for consideration to address a collapsed storm sewer pipe at 410 Morris– Councilors Smith and Wyatt <sup>FW</sup> (Tabled 6/15/20)**

**22.09.17 Request for update on Homewood Board of Education Bond Construction Project and Funding – Walter Jones and Melody Salter, City Clerk/Assistant Finance Director (Carried over 7/6/20)**

**Adjourned at 5:58 p.m.**

## Aimee Camper

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**From:** Melody Salter  
**Sent:** Wednesday, August 5, 2020 9:01 AM  
**To:** Aimee Camper  
**Subject:** FW: Sims Gardens proposed development

**From:** Kimberly Sharkins <KSharkins@outlook.com>  
**Date:** August 3, 2020 at 10:50:57 AM CDT  
**To:** "andy@andygwaltney.com" <andy@andygwaltney.com>, "pwright@sirote.com" <pwright@sirote.com>, "bthames1@gmail.com" <bthames1@gmail.com>, "mike.higginbotham@homewoodal.net" <mike.higginbotham@homewoodal.net>, "andrew.wolverton@homewoodal.net" <andrew.wolverton@homewoodal.net>, "mccluskycc@yahoo.com" <mccluskycc@yahoo.com>, "walter.jones@homewoodal.net" <walter.jones@homewoodal.net>, "barryandkyle1@charter.net" <barryandkyle1@charter.net>, "awyattcc@gmail.com" <awyattcc@gmail.com>, "andressk@bellsouth.net" <andressk@bellsouth.net>  
**Subject:** Sims Gardens proposed development

Greetings President Wright and fellow Homewood City Council Members,  
My name is Kimberly Sharkins. Catherine Sims and I initially met in 1993, and what started as weekend "gardening" developed into a friendship and ultimately, we considered each other family. From 1993 until her death in 2006 we spent many hours discussing her dreams for her gardens.

As the one whom Catherine loved as a daughter and trusted to oversee her estate funds, upon her death I became the administrator of the Catherine Sims Advisory Fund, housed within the "Greater Birmingham Community Foundation." In that capacity I recommend where the funds remaining in Catherine's estate should be distributed.

Since 2007 my attempts to work with the Mayor have been met with disregard and sometimes, hostility. I have watched the tenuous efforts of Sims Gardens volunteers over the years. Many faithful and consistent Sims Gardens lovers have tried their best to improve the Gardens since 2008, in the hopes that it remains a Garden, as Catherine desired when she donated the property to the City of Homewood.

I have been increasingly disappointed in the management arrangements for the Gardens, having dispersed @\$150,000 on its' behalf over the years. Over the years Sims Gardens has sustained continued damage, neglect, over-cutting, encroachment, and home over build that has damaged the Gardens with water run-off since 2017.

In Spring 2018, the contract for management was due to be renewed and the Friends of Sims desired a new management contract that had more accountability and city oversight. The Director of the SEC had said he would resign. The group desired the city to consider a new managing partnership and a contract more conducive to the care of Sims Gardens. Harold Hudson and I attempted to meet with Mayor Scott McBrayer, again, unsuccessfully. Instead, the Director of SEC retained an extension of the existing management contract, and hired a new caretaker to live on the property, against the wishes of the Friends of Sims advisory board. There has never been any discussion of this contract, or the intent of the management arrangement. Although the

**new management has made it clear that I will have no input, I have continually been asked for funds. Again, last week I received a surprise email asking me for funds to carry out yet another landscape plan. I desire that a new management contract be considered with a managing partnership that honors Catherine Sims wishes and her investment in Homewood.**

**The current plan that is proposed for consideration goes against everything that Catherine would have wanted. There is no green house, and multiple trees, including her beloved fig trees will be destroyed. There is also a proposed road running through the middle of the garden! Catherine's desire was to propagate historical, native plants and to share the love and beauty of the plants with all residents of Homewood. I am not in support of this plan and have no intension to recommend support of it with funds from her Community Foundation Advised Fund.**

**Catherine Sims had a plan for her Garden. June Mays was a good friend, Master Gardener, and Landscape Architect who detailed a plan to continue Catherine's vision for her Garden. As administrator of the Catherine Sims Advisory Fund, I desire that Sims Gardens remain a Garden, with June Mays' plan implemented fully.**

**I am requesting that you read my letter out loud to those in attendance at the Council meetings and that it is noted in the minutes. I am also requesting that the current plan for Sims Gardens be tabled. I think it is reasonable to ask for an extensive review of the plan created by June Mays so that you will have a better idea of what Catherine desired for her garden.**

**Thank you in advance for your time. I look forward to hearing back from each of you regarding your support for type of garden that Catherine Sims desired.**

**Sincerely,**

***Kimberly Sharkins***

## Aimee Camper

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**From:** Melody Salter  
**Sent:** Wednesday, August 5, 2020 9:02 AM  
**To:** Aimee Camper  
**Subject:** Public Record

**From:** Amy Milam <[amym426@gmail.com](mailto:amym426@gmail.com)>  
**Date:** August 4, 2020 at 4:09:16 AM CDT  
**To:** Barry Smith <[barryandkyle1@charter.net](mailto:barryandkyle1@charter.net)>  
**Subject:** Rebuttal to Kim Sharkin's Email Sent 8/3 to Finance Committee

Councilor Smith,

Please enter my rebuttal as written below into record along with Kim Sharkin's email written to the Finance Committee on 8/3. Please replace this with the in-line responses I sent you previously.

I would like to point out that firstly that Miss Sharkin's seems to be misinformed about what the agenda items referring to Sim's Garden tonight is all about. Her email refers to a proposed plan when in fact the design rendering that the Sim's Garden Advisory Board and I have been working on since October 2018 has already been approved by the Board, Southern Environmental Center -who is under an agreement with the City of Homewood to manage and develop plans for Sim's Garden- and by the City itself last year. That design rendering highlights a plan that we will be fundraising for intensively. My request to the Finance Committee is specifically for urgent funds to remediate against the landscaping work that is occurring in what used to be a paper alley adjacent to the garden that the City recently allowed the neighbors to vacate so that the neighbors could correct the stormwater issues that were plaguing them as well. The landscaping work was approved by the City and is going to reap benefits for the garden but because the only access to complete this work was through the garden, there are some necessary remediation needs once that work is complete. Rather than simply replant with grass and clover (as was there before), I proposed that we go ahead and implement Phase 1 of the plan that covers the area impacted which would also include part or all of the ADA compliant path that has been lacking in the garden since its dedication to the city.

Furthermore Miss Sharkin's email contained several false statements that I will respond to.

In Miss Sim's will which is also public record, she indicates the house at 908 Highland and all five lots of her property be left to the City of Homewood to be managed as a botanical park without definition for what she meant and without a plan to follow. She mentions she hoped to have a plan before her death but sadly that did not come to fruition. The will also established Kim as the advisor to a fund Miss Sims had set up with the Community Foundation of Greater Birmingham before her death. There was no stipulation as to how those funds should be used, and no obligation or encouragement even to use those funds to help maintain the home or garden. Further to the point, in a conversation I had with June Mays last week -a person Miss Sharkin's references in here email as a friend of Miss Sims- June stated that despite her own attempts to convince Catherine to leave money for the City to manage the gardens Catherine was opposed to that idea and stated to June that she would only be leaving the property and house at

908 to the City, no money. I have also obtained statements from the Community Foundation, as well as exhibits attached to the original agreement with the Southern Environmental Center (SEC) that prove this separation of her estate.

As the executor of Miss Sim's will, Miss Sharkins carried out her wishes to the letter, including handing over the property to the City of Homewood in 2009 which absolved Miss Sharkins of any responsibility, fiduciary or otherwise. There was no other recognition or appointment of Miss Sharkin's to have any decision making authority over how the City chose to manage the property as a botanical park. Nevertheless, Miss Sharkins chose to make a grant to the Southern Environmental Center in 2011 from the fund that Miss Sims set up to help clean up the property and develop it into a botanical park. Those funds were dolled out over five years; gracious and generous show of support to be sure.

Regarding events in 2018, I applied to the job when the caretaker at the time was resigning and asked me if I knew anyone who was interested. I applied, was interviewed and hired. The drama that Kim and the Friends of Sims created during the application process with Roald and the City of Homewood was beyond the pale then, as this latest attempt to block progress is now. The Friends of Sims were a self-formed volunteer group, not an advisory board except in their founder's own self-proclamation of such. In the 5 years they existed, they never asked for official recognition from the city or SEC; they never set themselves up as a 501c3; they never orchestrated or implemented a comprehensive plan; nor engaged in serious fundraising. The Friends of Sims decided to disband after I was appointed even though in my first meeting with the Friends of Sims in March 2018, I made clear to Kim and the FOS members that I welcomed their continued involvement. However months later, I was told by the founder of the Friends of Sims, Mary Ellen Snell, that she had told Kim Sharkins not to give any more money to the gardens. At another point, Mary Ellen told me "we are happy you are here". I absolutely will acknowledge that the volunteer work the FOS did alongside the SEC in their years of service made progress toward developing the property into a botanical park. Credit should also be given to the former caretakers, countless other volunteers from colleges, youth groups, corporations like Brassfield and Gorrie and many, many others who have helped make Sims Gardens what it is today.

Regarding Miss Sharkins comments on the current design rendering which has already been approved. I have already stated that Miss Sims did not have a written plan for her garden and left little to go on besides a "botanical park". Miss Sharkins mentions June Mays as being a good friend of Miss Sims, and I have consulted June Mays about her old drawing aka plan. Her response which she gave me permission to quote was this, "some time after the SEC began managing the property, I was contracted by Roald with SEC to draw a design which she did, but this was done years after Miss Sims death and was not informed by Miss Sims." Her plan only had handicapped parking and did not take into account full ADA compliance or Stormwater (which was an issue even before development but has increasingly gotten worse with new developments). The Friends of Sims and Kim with SEC had 5 years to implement June May's plan but only did so in part. They also paid for plans to be developed by two other landscape companies that were never fully implemented either: Father Nature and Stone Shovel. Furthermore, June Mays plan no longer exists, it was tossed when the advisory board decided not to consider past plans that were never implemented and move on. This was also the advice of Roald Hazelhoff, SEC and Rip Weaver, the Executive Director of Aldridge Gardens who led our design process as an unbiased expert in garden design and a locally renowned landscape architect with expertise in stormwater management. I spoke with June again today (8/3) and she gave me permission to quote her as saying "you are lucky to be working with Jane Ross, she was also a friend of Miss Sims and she is a landscape architect; I am not. Her plan

improves on mine and is wonderful." June was in the process of moving house and did not have time to attend the meeting or send an email, she really didn't want to get dragged into this.

Kim's interpretation of the new design rendering is incorrect. The new design we have developed is the result of intense planning with several experts and the appointed advisory board. There is not a road, but an accessible path going through the garden and there are four figs on property only one of which may be moved if possible, but it was already cut back in 2015 when the drought took a toll on many trees and plants in the garden and everywhere else. We have no intention of taking down any trees unless it is absolutely necessary to install the accessible path, which by our reckoning may amount to 2-3 - volunteer trees of low biological, ecological or ornamental value (and were not intentionally planted). The city has already planted 8 new trees on the property and we will continue to manage the tree stock and canopy here as should be done. There will be a greenhouse, it is shown as a pavilion but it was shown as a greenhouse before and we had waffled because of the expense of heating and cooling it, however there needs to be somewhere to store equipment and propagate plants so we have to have a greenhouse with a pavilion-esque outer area.

I hope this and the other public records related to Miss Sims gift to the City of Homewood clears up the narrative that is being spun by Miss Sharkins and certain former Friends of Sims members on Facebook. Not once in the two years since I was appointed have I heard from her or has she visited the garden to make her own informed opinion about the state of things. She does not live in Homewood and so perhaps that is out of the way for her. Her email is in response to recent attempts last week by supportive former Friends of Sims members, one of whom is on the advisory board. They both extended an invitation to her to attend the meeting and re-engage with us. That email was her ultimate response. That was the first time anyone of us had reached out to her. Perhaps we should have sooner, but it was clear to us then as it is now that she had no interest in working with us.

Thank you for allowing my rebuttal Councilor Smith.