

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

October 22, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 22, 2018 at City Hall at 6:00 p.m.

At this time, President Limbaugh asked Judge Jill Ganus to address the Council.

Ms. Beth Harris addressed the Council and spoke on behalf of Judge Jill Ganus, candidate for re-election, county-wide.

The invocation was given by Dan Weinrib, Homewood Resident, Tarrant City Clerk, and President of Temple Bethel, after which the Pledge of Allegiance was given by Cub Scout Pack 279 with All Saints Episcopal Church.

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

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Regular Council Meeting of September 24, 2018 and approve them as distributed. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Councilor Jones moved to dispense with the reading of the Minutes of the Regular Council Meeting of October 10, 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, President Limbaugh amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 27.10.18 – Request for consideration to authorize the Mayor to sign loan agreement with Bryant Bank – Robert W. Burgett, Finance Director – Finance Committee; Item No. 28.10.18 – Request to share expenses for improvements in the infrastructure in the city right-of-way – James Decker – Finance Committee; Item No. 29.10.18 – Request to address parking on 29th Avenue - Mayor McBrayer – Public Safety Committee

President Limbaugh then amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 25.10.18 – Request for consideration to release a weed lien at 1605 Berry Road (PID #29-00-26-1-008-003.000) (Resolution 07-01) – Robert W. Burgett, Acting City Clerk; Item No. 26.10.18 – Request for consideration to change the November City Council Meeting Dates due to the Veterans Day Holiday – Robert W. Burgett, Acting City Clerk; Item No. 30.10.18 – Request for consideration to endorse Downtown Master Plan – Britt Thames.

President Limbaugh then amended the published Council Agenda to move the following items from the Committee Referral Agenda to the Other New Business Agenda: Item No. 13.10.18 – Request for consideration to declare 2018 Chevrolet 1500 4x4 Pickup Truck (VIN: 3GCUKREC7JG346255) as surplus so it can be returned as Police Dept. is withdrawing from ADECA Task Force; Item No. 14.10.18 – Request for consideration for approval of the Telestaff Upgrade contract – Brandon Broadhead/Fire Department.

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

CONSENT AGENDA

10.08.18 Request for consideration of changes to minimum side building setbacks – **Andy Gwaltney/Britt Thames (Referred to Planning Commission Sub-Committee 8/20/18)**

Action Taken: The Planning and Development Committee met on October 15, 2018 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Wyatt.

- 11.08.18** Request for consideration of changes to structure ground coverage and permeable surfaces – **Andy Gwaltney/Britt Thames (Referred to Planning Commission Sub-Committee 8/20/18)**
- Action Taken: The Planning and Development Committee met on October 15, 2018 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Jones.**
- 02.01.18** Request for consideration for 2018 Christmas decorations and beautification – **Jennifer Andress/Melinda Underwood/Ward 5 Resident (Tabled 4/2/18)**
- Action Taken: Action Taken: The Planning and Development Committee met on October 15, 2018 and voted 5-0 to take this item off the table. The motion was made by Councilor Andress and seconded by Councilor Wyatt. The Committee then moved to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Wyatt.**
- 12.05.18** Request for BJCTA Update – **Britt Thames (Carried Over 10/1/18)**
- Action Taken: The Special Issues Committee met on October 15, 2018 and voted 4-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Higginbotham.**

Councilor Wyatt 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. 26.10.18 – Request for consideration to change the November City Council Meeting Dates due to the Veterans Day Holiday – Robert W. Burgett, Acting City Clerk.

Councilor Andress moved to change the dates of the November and December 2018 Council Meetings to November 5, November 19, December 3, and December 17, 2018 at 6:00 p.m. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

OLD BUSINESS AGENDA

The 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 Thames (Carried over 9/10/18).

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

Resolution No. 18-152

(A Resolution to contract with Volkert for a city-wide traffic study)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-152. Councilor Gwaltney seconded the motion.

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

Councilor Wright asked what additional paperwork would be needed.

Councilor Thames replied that the resolution would need to be adjusted and then they would just need to wait to hear back from ALDOT.

On a voice vote, the motion carried without dissent.

Mr. Kendrick stated that Mr. Cobb had sent him an ALDOT agreement for that project that they had never signed from August 17th and before it could go forward at some point they would we have to adopt a resolution to authorize the work.

President Limbaugh stated that he suggested they wait until the State gives their approval but at this point they were just approving the contract with Volkert.

Councilor Thames stated that hopefully this would trigger a response from the State.

The next item on the Agenda under Old Business was Item No. 15.09.18 – Request to set a Public Hearing for consideration of a variance to the sign ordinance at 201 Vulcan Road – Robert Norris/Greg Cobb, BEZ (Carried over 10/8/18).

Mr. Greg Cobb addressed the Council and stated that Mr. Norris had not come back to him with an alternate plan.

Councilor Smith stated that she did not see any reason to set a Public Hearing since they had not heard back from him with a plan yet.

Councilor Thames asked if Mr. Cobb had been on the roof.

Mr. Cobb replied that he had not been on the roof but there was a view of the roof where the roof was peeled back and he had asked Mr. Norris to send him a copy current copy of that because the one he had was not up to date on Google Earth.

President Limbaugh stated that, without objection, this item would be referred back to the Special Issues Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 16.09.18 – Request to work in the right-of-way at 1024 Sauter Road to install a drainage channel and/or curb to connect with the City’s curb – Ken Cain, Homeowner/Wyatt Pugh, BEZ (Carried over 10/8/18).

Mr. Greg Cobb addressed the Council and stated that he met on site a week ago with Mr. Ken Cain and his neighbor Mr. Brian Platt who was building a house next door and they reached an agreement on how to handle the water and they were going to saw cut the pavement where it was and Mr. Platt was going to build a new driveway on his side of the property line and with the curb up and then Mr. Cain would allow the water coming off the swell from his property to continue on to the street. Mr. Cobb stated that this could be handled without any further Council action as this would be a standard driveway that they would build.

Councilor Smith moved to drop this item. Councilor Wright seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 01.10.18 – Request for fiscal year end budget amendments – Robert W. Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on October 15, 2018 and voted 3-0 to recommend approval but there were two items that they needed to update. Councilor Jones further stated that one was for drills and training to the Fire Account and there was a \$19.00 difference in what was presented to them and then from Equipment and Repair to the Street Account there was a difference of \$182.46. Mr. Jones added that what was sent out on Friday for this Resolution was correct but he wanted to make the Council aware of those two changes.

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

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

Resolution No. 18-153

(A Resolution amending fiscal year end budget)

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-153. 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 Old Business was Item No. 02.10.18 – Request for consideration to declare items surplus (See Exhibit A) – Gordon Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met on October 15, 2018 and voted 3-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:26 p.m.:

Ordinance No.

(An Ordinance to declare items surplus)

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

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2716

(An Ordinance to declare items surplus)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2716. Councilor Jones seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.10.18 – Request for consideration of zoning ordinance changes – Britt Thames.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 19, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Old Business was Item No. 13.09.18 – Request for consideration to work in the city Right-of-Way to install a parking pad (approximately 18 feet by 20 feet deep) at the end of a 12 foot wide concrete driveway and to also attach an approximately 10 foot by 10 foot parking pad (for turnaround) to said 12 foot driveway in the Right-of-Way at 1622 Ridge Road – Trey Henderson/Phil Turkett, BEZ Dept.

Mr. Greg Cobb addressed the Council, presented photographs, and stated that to the right of the red line was what was actually on the city property, which was an unapproved street right-of-way. Mr. Cobb further stated that the other view was from the top of the hill down and if they looked down from the hill it was a terribly steep driveway and all the white concrete was new and the other was the old part of the driveway. Mr. Cobb added that at the time they discovered this it was just dirt and none of the concrete was there and there was a big storm on the way so he met with Mr. Henderson asked him to cover it up before the mud ended up at the bottom of the hill so he needed to pave it or cover it in something because it was covered in red mud. Mr. Cobb further added that Mr. Henderson elected to go ahead and take the chance on those two corners and got the concrete on the ground the day before the storm hit but the two corners were in question which were in the city right-of-way and the grade was about 20 percent and had never been developed and most people did not know it was there because

it was an unused street right-of-way that by their ordinance they would not put a road there because it was too steep.

Mr. Cobb stated that the ordinance would only allow streets built at 15 percent and his understanding and the Fire Department would like to see nothing more than 10 percent because if they made that into a street he did not think many cars could climb it if it was wet. Mr. Cobb further stated that if they looked at a street like 16th Street it was a very steep hill and that was just less than 15 percent but he knew that if someone stopped on that hill when it was wet in a vehicle that did not have front wheel drive there would be a problem.

President Limbaugh stated that his understanding was that the owner had already done the work and he had done it with a recommendation from Mr. Cobb.

Mr. Cobb replied that his recommendation was that he cover the dirt up somehow because he did not want the red dirt sitting there with a storm coming so he did not put red mud down on Melrose Place.

President Limbaugh stated that it was frustrating to have projects done before asking the Council for permission.

Mr. Cobb stated that the owner did not know that he was off the right-of way because nobody knew the right-of-way was there because it just looked like two properties coming together. Mr. Cobb further stated that the way they found it was that Mr. Scott Cook went over to look at something and found a stake on the other side of a pick-up truck off in the bushes and that was how he was able to line up and find the corner being off in those two places. Mr. Cobb added that Mr. Henderson was well aware that he was rolling the dice on this but even if he left the corners off, he had to do something with the red mud prior to the storm getting there because as steep as the hill was he did not think he would have been able to have contained it.

Councilor Gwaltney asked what Mr. Henderson was going to be able to do to control the amount of water coming down that hill because all he saw was a sea of concrete.

Mr. Cobb replied that the rest of it would be vegetated down below and the way the hillside was sloped it was just heavy vegetation down below there and on the downhill side of that he did go in and hay all the ground and he had silk fence up down below him but it was just going to have to be vegetation. Mr. Cobb stated that it had always been like that because that old concrete driveway had always been there so what he did was make room to turn a car around to access the garage under the house because they would need to go up the hill forward not in reverse.

Councilor Higginbotham asked if when they permitted this kind of work did they require a survey before they did the work.

Mr. Cobb replied yes, and stated that there should have been a survey on the house.

Councilor Higginbotham asked if Mr. Henderson indicated last week in the Committee Meeting that no survey had been done before the work was done.

Mr. Cobb replied that he did not recall that.

Councilor Higginbotham stated that this was his understanding of what he said and he was struggling with this because he felt like a survey should have been done before hand and he knew it was just a little piece and was not anything they would ever use but for him it was the idea that they had a process that people should follow and if he had followed the process and had needed those corners and had come to them before he did he felt like they may have unanimously voted for it.

Mr. Cobb replied that he may have but the reason he did not was that he had concrete set up and he told him he could roll the dice and take the chance to get approved or not but it was important to him that he got the dirt covered up with a storm coming.

Councilor Higginbotham stated that he understood that and controlling the dirt in the event was his responsibility.

Councilor Andress stated that the Special Issues Committee met and voted 4-0 to recommend approval pending indemnification agreement.

President Limbaugh asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation.

Councilor Gwaltney asked to verify if permit applications had to come with a final grading plan.

Mr. Kendrick replied that this was the case before they changed the zoning ordinance but they changed that. Mr. Kendrick further stated that typically the height of the building was measured from the median grade and a grading plan was required at that point but they changed the zoning ordinance.

Mr. Wyatt Pugh replied that this was correct.

Councilor Gwaltney stated that he thought they had issued a memorandum under the BEZ Department that stated that all permits were required to have a final grading plan based on the St. Charles issue they had.

Mr. Pugh replied that he was correct and he did issue a memorandum to that affect but on this one he did not believe they got one.

Mr. Cobb stated that this was an existing house and all they did was a new driveway and a deck on the back but they did not change the house other than deck work on the back and some interior modifications.

Mr. Kendrick stated that height would not have been an issue.

Mr. Cobb replied that was correct.

President Limbaugh stated that there was then no benefit to getting a final grading plan after the fact.

Councilor Gwaltney stated that his concern was that looking at the street view that they were just going to dump all that water onto Melrose Place.

President Limbaugh asked how they could address that.

Councilor Gwaltney asked to verify that renovations did not trigger the requirement for a final grading plan.

Mr. Pugh replied that he was correct.

Councilor Wyatt stated that he did not disagree with Councilor Gwaltney's point about water control in general but he was not sure that this was what they were here about tonight with regard to those two little corners because he did not know that those would substantially change the water but his issue was something that they may need to address was probably not part of this issue.

Councilor Gwaltney stated that it was a symptom of the issue since there was so much concrete put in place.

Councilor Wyatt stated that he did not disagree but this issue was not about the amount of concrete but was about the corners.

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

Resolution No. 18-154

(A Resolution for approval to work in the city Right-of-Way to install a parking pad (approximately 18 feet by 20 feet deep) at the end of a 12 foot wide concrete driveway and to also attach an approximately 10 foot by 10 foot parking pad (for turnaround) to said 12 foot driveway in the Right-of-Way at 1622 Ridge Road)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-154.

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

Councilor Thames asked if there would be legal issues if the city approved work in the right-of-way that in turn had a detrimental effect to adjacent property owner.

Mr. Kendrick replied that he did not believe they would have any liability based on this particular situation because he did not think the variance that was requested was substantial enough to cause water to pour one way or another.

On a roll call vote, the votes were: Yeas: Councilors Thames, Jones, Smith, Wyatt, Address, Wright and Limbaugh. Nays: Councilors Gwaltney, Higginbotham, and Wolverton. The motion carried on a vote of 7-3.

The next item on the Agenda under Old Business was Item No. 03.10.18 – Request to enclose within a construction fence for the duration of a project for a sidewalk along Oxmoor and Seminole and the parallel parking spaces on Seminole at Trinity United Methodist Church's entrance – James Decker, Brasfield & Gorrie / Wyatt Pugh, BEZ.

Mr. Mark Limbaugh, Chair of Trinity Building Committee, addressed the Council and stated that a couple of years ago they found some moisture damage in their facility in the courtyard when looking from Oxmoor it was the courtyard on the right and they found that water was invading the stone and was getting in behind the stone and was forming mold and unfortunately this was in the Elementary School area so they had to close those classrooms for the last couple of years. Mr. Limbaugh further stated that they had a study done to determine what it would take to fix that and it was over \$1 million to remediate that moisture damage so they decided that if they were going to spend that kind of money they wanted to look at the rest of the campus to see if there were other things they might need to do so they formed a Master Planning Committee in January of 2017 and the Plan was completed and approved by the church in September of last year. Mr. Limbaugh added that the Building Committee was formed the next month and they chose Williams Blackstock and Brasfield and Gorrie to partner with them on this project because they felt like they were the two best qualified in town for that and earlier this year they held a Capital Fundraising Campaign and had pledges totaling \$7.8 million, which they were very pleased about. Mr. Limbaugh further added that the church gave its final approval on moving forward with the project a couple of months ago.

Mr. Limbaugh stated that they were going to build an infield building in the courtyard and in the street level would be a new contemporary worship space and the

floor just below that would be a lot of new classrooms and assembly areas for the Elementary School age children because they did not really have any space for them right now except for three classrooms that they were all crammed into right now. Mr. Limbaugh further stated that they had some HVAC problems that had been postponed and deferred over the years and had added up and had to be fixed too. Mr. Limbaugh added that the last line item over was for the Trinity West Homewood campus where they would do some sprucing up with some paint, carpet, ceiling tiles, and some other moisture problems there that they were going to fix. Mr. Limbaugh further added that the total project was \$12.8 million which was a little more than the \$7.8 million that they had pledged for but the church realized that once they completed the first three year campaign there would be another request for a campaign so they could pay this off in six years.

Mr. Limbaugh stated that on the southeast corner was where the primary amount of construction would occur which was where they needed space. Mr. Limbaugh further stated that they were basically building a new building in that courtyard, which would connect to the three sides of the courtyard but the existing building would not prop up, structurally, the new building so they would have to build a new building in the courtyard which was not an easy thing to do but they felt that it would serve the church well. Mr. Limbaugh further stated that once they filled in the courtyard they were out of room and would have nowhere else to build anything so this was likely the last project that the church would ever undertake at this site. Mr. Limbaugh added that once construction started in that courtyard that there was very little space between that south face of that new building and Oxmoor Road so they needed as much space as they could get for construction equipment. Mr. Limbaugh further added that they would have a new welcome center across the street from their parking lot, the north exit would get a facelift, renovations be done on all three floors of the campus including carpet, paint, and ceiling tiles.

Mr. Limbaugh stated that their goal was not to make that new addition stand out but they wanted people to think it had been there for seventy years. Mr. Limbaugh further stated that they would be pulling construction equipment in and out and would be having flagmen directing traffic to make that as safe as possible and they would have a pedestrian gate where workers would come in through the current church offices. Mr. Limbaugh added that they were asking to close the sidewalk temporally simply because they needed the space. Mr. Limbaugh further added that the west edge of the construction area only went to Wesley Hall so the big sanctuary and that entrance was not affected at all by this but there was one handicap ramp, curb cut right off of Oxmoor but it was right in front of the main sanctuary so they were not impacting that and were trying to be as least impactful as they could but they just needed the space during the construction period.

Mr. Limbaugh stated that after talking with Brasfield and Gorrie, they felt like this was the safest way to handle this period of time during the 14 month construction period but they wanted to keep the construction zone as pedestrian free as they could. Mr. Limbaugh further stated that they felt by closing the sidewalk it would give them room but would keep people away from the construction zone. Mr. Limbaugh added that this was a temporary request and as soon as they were finished they would repair whatever damage was done to the sidewalks and it would be opened back up. Mr. Limbaugh further added that they felt like this was a project that benefited everyone and they wanted to improve how their church could serve Homewood residents and others.

Councilor Jones asked if they were moving the Scout room.

Mr. Limbaugh replied yes and stated that the Scout room would move to the third floor and they coordinated that closely with the Scout representatives who were very happy with the new location.

Councilor Jones asked if there was a crosswalk at the intersection at Seminole so that when people needed to cross to the other side of Oxmoor to walk down the sidewalk.

President Limbaugh replied no.

Councilor Jones stated that they would need to look at that.

President Limbaugh stated that there was a sidewalk on the Dawson side to the east across Oxmoor but only on one side, not on both sides.

Councilor Smith stated that it would be a good idea to add one.

President Limbaugh stated that he thought it was an excellent idea and he thought it was something that could be handled soon.

Councilor Wyatt asked if there was anything about the construction that would prevent someone from walking down to Manhattan.

Mr. Limbaugh replied no and stated that people could still walk to Manhattan and go around.

Councilor Wyatt asked if this would affect all the sidewalk.

Mr. Limbaugh replied no and stated that it was just the eastern half of it.

Councilor Wyatt asked if it would affect the entire width of the sidewalk.

Mr. Limbaugh replied yes and stated that they wanted to go all the way to the edge of the curb.

Councilor Wyatt asked if the 14 months was for the whole construction or just for the construction part that where they would need the sidewalk.

Mr. Limbaugh replied that it was for the entire length of the construction schedule but the infield building was the piece of the project that would take that entire period and the other pieces would take place during the 14 months at different stages but the building would take 14 months.

Councilor Wyatt asked if at the construction entrance off of Oxmoor, they could time the entries and exits so that they would not occur during peak traffic times.

Mr. Limbaugh replied yes and stated that a lot of that traffic would come very early in the morning and would be in their best interest not to be scheduled at 7:30-8:00 a.m.

Councilor Andress stated that the Special Issues Committee met on October 15, 2018 and voted 3-1 to recommend approval as presented to enclose the sidewalk.

President Limbaugh asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation.

Councilor Smith stated that having been an employee at Trinity for over 10 years she thought it would be a mistake at any point during the construction process to allow that sidewalk to be open because she thought that was opening up the chances for something bad to happen because one never knew what they could encounter on construction sites. Councilor Smith further stated that she felt that keeping people off the construction site for the duration of the projection was probably the best option. Councilor Smith added that she thought Councilor Jones had a good point regarding the crosswalk to allow easier flow from East Hawthorn over to the church.

Councilor Higginbotham stated that one of the concerns Councilmembers expressed at the Committee Meeting was that the people who were walking on the sidewalk directly across the street from the church might try to cross at the middle of the block, which would create a dangerous situation so he recommended that the church could come up with a sign to put on the sidewalk during services to ask people not to cross at the middle of the block.

Councilor Gwaltney stated that he agreed with Councilor Smith because he looked at this as a safety issue as well but there was also a sidewalk on the other side of the street that could be used plus he saw more people walking the sidewalks on Manhattan than he did on the sidewalk in front of the church. Councilor Gwaltney further stated that he came through there multiple times a day and there was rarely anyone on that sidewalk in front of the church that was not a church employee walking through

there so he thought this was a good direction to keep pedestrians off of it and away from construction.

Councilor Wolverton asked what the recourse was for not abiding by certain delivery and heavy equipment times and not being a good neighbor or could they set certain hours when they could park in the road.

Mr. James Decker stated that that they could commit to the idea that they cared about the neighborhood and would make every effort to schedule things like concrete pours where they might have ten or twelve trucks that they could schedule in the wee hours in the morning and be out of the way and big trucks with steel coming in could be scheduled where they could get off the road quickly so would not slow down traffic any more than someone turning right.

Mr. Limbaugh stated that they wished there was a different way to do this but they had no other space to build this building and their Master Planner came in and said they had one opportunity to put a building in that courtyard and that was the last chance for them to do anything facility wise on this site.

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

Resolution No. 18-155

(A Resolution to approve enclosure within a construction fence for the duration of a project for a sidewalk along Oxmoor and Seminole and the parallel parking spaces on Seminole at Trinity United Methodist Church's entrance)

Councilor Andress then moved for the adoption and enrollment of Resolution No. 18-155.

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. 04.10.18 – Request for consideration of painting the Shades Cahaba tunnel – Jennifer Andress.

Councilor Andress stated that the Special Issues Committee met and voted 4-0 to recommend approval per State approval.

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

Councilor Jones asked what they wanted to paint in the tunnel.

Councilor Andress replied that they did not have anything specific planned yet but she asked if it was a project the art students would be interested in participating in and they were very interested. Councilor Andress stated that they were open to recommendations.

Councilor Thames asked that the BEZ Department look at the tunnel first to make sure there was no paving needed or electrical work needed so they did not tear up any work the students did after the fact.

Councilor Andress stated that they might be able to smooth the grates over and she would get with Mr. Squires about that before painting started.

President Limbaugh stated that there was also some heavy duty cracks in the walls in a few places as well that may need additional concrete work as well.

Councilor Andress stated that she would reach out to Mr. Squires about that as well.

Councilor Andress then moved for approval.

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 without dissent.

The next item considered, taken out of order, was Item No. 30.10.18 – Request for consideration to endorse the Downtown Master Plan – Britt Thames.

Councilor Thames stated that Ms. Lindsay Puckett was hear from the Regional Planning Commission if there were additional questions. Councilor Thames further stated that this had already been approved by the Planning Commission so all that was needed at the Council level was simply an endorsement.

Councilor Jones asked if a PDF copy could be sent out to the Council.

Ms. Puckett replied yes and stated that the next steps would be for Zoning Updates for the Downtown Area. Ms. Puckett further stated that they had a third party consultant called Place Makers who was a nationally well-known firm that specialized in zoning updates and they would be there on November 28, 2018 and part of 29th so they would have an education session with city staff and planning commissioners and decide which way to go with zoning changes so that was the next part of the process which was an implementation tool and then the Council would be adopting those zoning changes so the first part was the Master Plan and the second part was Zoning.

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

Resolution No. 18-156

(A Resolution to approve the Downtown Master Plan)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-156. Councilor Andress seconded the motion.

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

Councilor Jones asked if they could make note of things that were already in process such as lighting in the parking deck.

Councilor Thames stated that the painting in the tunnel that they just talked about was another project that came out of this and the 18th Street Project was ongoing.

On a voice vote, the motion without dissent.

Councilor Thames stated that he would send out the date and time when the consultants would be here so if any Councilors wanted to participate.

The next item considered, taken out of order, was Item No. 13.10.18 – Request for consideration to declare 2018 Chevrolet 1500 4x4 Pickup Truck (VIN: 3GCUKREC7JG346255) as surplus so it can be returned as Police Dept. is withdrawing from ADECA Task Force – Capt. Ben Sutton/Police Dept.

Captain Ben Sutton addressed the Council and stated that in 2017 they were part of an ADECA Task Force and with grant money they purchased this truck and then they were reimbursed by the grant but the city owned the truck but they were now withdrawing from the Task Force because they changed the parameters and wanted them to go from part-time to full-time in the Task Force, which was something they did not want to do and none of the other Over The Mountain Cities participated and they were not willing to go full time. Captain Sutton further stated that since they would be officially withdrawing from the Task Force they would have to give the truck back to them.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:12 p.m.:

Ordinance No.

(An Ordinance to declare 2018 Chevrolet 1500 4x4 Pickup Truck (VIN: 3GCUKREC7JG346255) as surplus so it can be returned as Police Dept. is withdrawing from ADECA Task Force)

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. 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, Wolverton, Jones, Smith, Wyatt, Address, Wright and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2717

(An Ordinance to declare 2018 Chevrolet 1500 4x4 Pickup Truck (VIN: 3GCUKREC7JG346255) as surplus so it can be returned as Police Dept. is withdrawing from ADECA Task Force)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2717. Councilor Thames seconded the motion.

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

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

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 05.10.18** Request to address Mecca storm water issue – **Britt Thames/Andy Gwaltney – Finance Committee (Referred from Public Works 10/15/18)**
- 15.10.18** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to the sign ordinance at 3055 Independence Drive – **John Nelson/Greg Cobb, BEZ – Special Issues Committee**
- 16.10.18** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to the sign ordinance at 201 Green Springs Highway – **Ameen Maqbool/Greg Cobb, BEZ – Special Issues Committee**

- 17.10.18 Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to the sign ordinance at 813 Green Springs Highway – **Riyad Shunnarah/Greg Cobb, BEZ – Special Issues Committee**
- 18.10.18 Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemning house at 1801 Kensington Road (PID #28-00-18-2-010 008.000) – **Wyatt Pugh – Public Safety Committee**
- 19.10.18 Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemning house at 1569 Valley View Circle (PID #29-00-12-4-007 013.000) – **Wyatt Pugh – Public Safety Committee**
- 20.10.18 Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemning house at 1627 Saulter Road (PID #28-00-18-3-001-021.000) – **Wyatt Pugh – Public Safety Committee**
- 21.10.18 Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemning house at 2827 16th Place South (PID #29-00-12-4-014-019.000) – **Wyatt Pugh – Public Safety Committee**

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

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

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS AGENDA

The next item on the Agenda under Other New Business was Item No. 15.10.18 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 3055 Independence Drive – John Nelson/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 5, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 16.10.18 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 201 Green Springs Highway – Ameen Maqbool/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 5, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 17.10.18 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 813 Green Springs Highway – Riyadh Shunnarah/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 5, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 18.10.18 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration of condemning house at 1801 Kensington Road (PID #28-00-18-2-010 008.000) – Wyatt Pugh.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 19, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 19.10.18 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration of condemning house at 1569 Valley View Circle (PID #29-00-12-4-007 013.000) – Wyatt Pugh.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 19, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 20.10.18 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration of condemning house at 1627 Saulter Road (PID #28-00-18-3-001-021.000) – Wyatt Pugh.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 19, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 21.10.18 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration of condemning house at 2827 16th Place South (PID #29-00-12-4-014-019.000) – Wyatt Pugh.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 19, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 22.10.18 – Request to set at Public Hearing for consideration of declaring the property located at 1509 Beckham Dr., PID# 29-00-12-4-009-011 public nuisance due to a violation of Ordinance #1098 “Litter”, and Ordinance #1310 “Open and Unenclosed Storage” and Ordinances #1750 & #1910 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Limbaugh stated that, without objections, the Public Hearing would be set for November 5, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 23.10.18 – Request for consideration to authorize the Mayor to sign the Community Grant Agreement for Homewood Park – J.J. Bischoff.

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

Resolution No. 18-157

(A Resolution to authorize the Mayor to sign the Community Grant Agreement for Homewood Park)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 18-157. 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 without dissent.

The next item on the Agenda considered under Other New Business was Item No. 14.10.18 – Request for consideration for approval of the Telestaff Upgrade contract – Brandon Broadhead/Fire Department.

Chief Bresnan addressed the Council and stated that this was for the staffing software and time management software that they used in the Fire Department which was going to a cloud based program so this was to upgrade the program the program that they currently had to go to the cloud based service.

Councilor Jones asked if there was still going to be a city wide solution for time management services.

Mr. Burgett replied that the city wide solution was for ExecuTime but nobody but Telestaff could handle the Fire Department schedules, with the one day on and two days

off rotations, but ExecuTime was working on that but they were a year or two away from implementing that.

Councilor Jones asked for the term of terminating the agreement.

Mr. Kendrick replied that it could be terminated with 60 days notice.

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

Resolution No. 18-158

(A Resolution to authorize the Mayor to sign Telestaff Upgrade contract)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-158. 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 without dissent.

The next item on the Agenda under Other New Business was Item No. 24.10.18 – Request for consideration of approval of vouchers for period of October 8, 2018 through October 21, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-159

(A Resolution for approval of vouchers for period October 8, 2018-October 21, 2018)

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-159. 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 considered under Other New Business was Item No. 25.10.18 – Request for consideration to release a weed lien at 1605 Berry Road (PID # 29-00-26-1-008-003.000) (Resolution 07-01) – Robert W. Burgett, Acting City Clerk.

Mr. Burgett stated that this was a lien that from 2007 that was recorded at Probate Court and they received a request from a realtor that was selling the property that asked if

they satisfied the lien would we provide a release of the lien. Mr. Burgett further stated that the city had received the money to satisfy the lien.

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

Resolution No. 18-160

(A Resolution to release a weed lien at 1605 Berry Road (PID # 29-00-26-1-008-003.000 amending Resolution 07-01))

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-160. 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.

Mayor McBrayer addressed the Council and stated Senator Waggoner called this afternoon and wanted to deliver a check to the City of Homewood for his contribution within the Senate for the 280 Bridge Project coming from the Jefferson County Community Service Fund in the amount of \$15,000.00.

Councilor Gwaltney stated that he wanted to praise the Library for their continued excellence and they were the receipts of three grants recently. Councilor Gwaltney further stated that for the second year in a row they received a NASA Library Grant for \$1,500.00 which also included outside the grant money, money to train a librarian to go to Houston for the Telescope Program. Councilor Gwaltney added that they were also the recipient of the Rotary Grant for \$3,000.00 and **LSAD** grant for \$19,500.00 for laptops for coding classes and 12 microscopes for STEM classes.

Councilor Thames stated that the Planning and Development Committee would not need to meet on October 29, 2018. Councilor Thames further stated that the Witches Ride would be at 5:30 p.m. Sunday. Councilor Thames added that he and Councilor Gwaltney as well as Mr. Pugh and Mr. Cobb had a meeting this morning with GMC to look at the first concept drawing of 18th Street which was very exciting. Councilor Thames further added that Mr. Pugh was scheduling some meetings with the impacted business owners to take a look at it and they would have it back in Committee in about two weeks. Councilor Thames stated that the Ward 1 meeting would be held on October 30, 2018 at 5:30 at the Amphitheatre in Central Park.

Councilor Higginbotham stated that this Saturday would be the 84th Annual Hall Kent Fall Festival from 3-7:00 p.m.

Councilor Wolverton stated that his family was expecting their fourth child. Councilor Wolverton further stated that Raleigh Avenue Baptist Church was having their Trunk or Treat on Halloween. Councilor Wolverton added that he did a ride along with the Police Department on Friday night and Saturday morning and he wanted to thank them for all they did on a day to day basis.

Councilor Jones stated that the Finance Committee would meet on October 29, 2018 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on October 29, 2018 at 5:30 p.m. Councilor Smith further stated that she wanted to thank everyone for their kindness during a hard week after the loss in her family.

Councilor Wyatt stated that the Public Safety Committee would meet on October 29, 2018 at 5:45 p.m. Councilor Wyatt further stated that there was two weeks until the election so there was two weeks until the Lid Bill vote so he wanted to thank everyone for their support in helping to put information out on social media and asked that everyone please keep that up.

Councilor Andress stated that Homewood Middle School Girls won All Metro and the Boys were undefeated two years in a row. Councilor Andress further stated that the High School went to the Hewitt Trussville High School this weekend to the Huskie Invitational and Will Stone won for the Boys and Lainey Phelps won. Councilor Andress added that she wanted to thank Senator Waggoner and his leadership and Representative Faulkner, Representative Smitherman, as well as Senator Slade Blackwell, who gave \$150,000.00 to this project. Councilor Andress further added that she wanted to thank Mr. Kendrick and Mr. Cobb for accompanying her last week to the Birmingham City Council Meeting and they were almost to their goal and she wanted to thank Jefferson County Commissioner Steve Ammons for the work he had done.

Councilor Wright stated that the Public Works would meet on October 29, 2018 at 6:15 p.m. Councilor Wright further stated that there were two important weeks left on the Lid Bill campaign so he urged all the members of the Council to please spread the word and explain that it was about giving the local citizens the right to be able to make decisions about their property taxes, which was a right that they did not possess currently.

President Limbaugh stated that he wanted to thank Councilors Wright and Wyatt for their hard work on the Lid Bill and it would really come down to not just the votes within Homewood but the votes within the county outside of Homewood and he wanted to ask that they give Homewood citizens the right to self-determine.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:40 p.m.