

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

October 24, 2016

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 24, 2016 at City Hall at 6:00 p.m. The invocation was given by Dr. Bill Johnston of Dawson Memorial Baptist Church.

Prior to opening the meeting, President Limbaugh presented the following Resolutions to the out-going Council Members:

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

Resolution No. 16-162

(A Resolution of appreciation of Council Member Michael Hallman's service to the City of Homewood)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-162. Mr. McClusky seconded the motion.

Mr. 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. Limbaugh presented the following Resolution for the Council's consideration:

Resolution No. 16-163

(A Resolution of appreciation of Council Member Fred Hawkins' service to the City of Homewood)

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-163. Mr. Thames seconded the motion.

Mr. 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. Limbaugh presented the following Resolution for the Council's consideration:

Resolution No. 16-164

(A Resolution of appreciation of Council Member Vance Moody's service to the City of Homewood)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-164. Mr. Hawkins seconded the motion.

Mr. 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. Limbaugh presented the following Resolution for the Council's consideration:

Resolution No. 16-165

(A Resolution of appreciation of Council Member Rich Laws' service to the City of Homewood)

Mrs. Smith moved for the adoption and enrollment of Resolution No. 16-165. Mr. Wyatt seconded the motion.

Mr. 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 meeting was called to order by Council President Bruce Limbaugh.

Upon Roll Call, the following were present: Britt Thames, Fred Hawkins, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, Peter Wright, and Bruce Limbaugh. Absent: Michael Hallman, Vance Moody, and Rich Laws. Also present were: Mike Kendrick, City Attorney; and Melody Salter, City Clerk.

At this time, Mr. Wright moved to dispense with the reading of the Minutes of the Regular Meeting of the City Council of October 10, 2016 and approve them as distributed. Mrs. Smith seconded the motion.

Mr. 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. Limbaugh amended the published Agenda to add the following item to the Committee Referral Agenda: Item No. 22.10.16 – Request for consideration for reimbursement of cost of fencing along Griffin Creek at 703 and 705 Broadway – Matt Colvert/Greg Cobb/Building, Engineering and Zoning Department – Finance

Committee; Item No. 23.10.16 – Request for consideration of a variance to the sign ordinance at 2819 Central Avenue –Scott Laslo/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee; Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department – Finance Committee.

Mr. McClusky moved to approve the Council Agenda as amended. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

06.05.15 Request for consideration of sign regulations for the SOHO shopping area – **Vance Moody (Tabled – 06/01/15)**

Action Taken: The [Special Issues](#) Committee met and voted 5-0 to take this Item off the Table. The motion was made by Mr. Thames and seconded by Mr. Wright. The Committee then voted 5-0 to recommend dropping this Item. The motion was made by Mr. Thames and seconded by Mr. Wright.

01.08.15 Request for consideration to address reported concerns received from property owners and property management regarding trees located in the City right - of - way on 18th Street – **Chip Watts/Watts Realty Co. / Jim Wyatt / BEZ Department (Tabled 09/21/15)**

Action Taken: The [Special Issues](#) Committee met and voted 5-0 to take this Item off the Table. The motion was made by Mr. Thames and seconded by Mr. Wright. The Committee then voted 5-0 to recommend dropping this Item. The motion was made by Mr. Thames and seconded by Mr. Wright.

04.04.16 Request for consideration of placement of a pedestrian crossing at the end of Devon Drive over Lakeshore Drive/Shades Creek Parkway - **Marenda Swaika/504 Devon Drive/Peter Wright (Tabled – 04/25/16)**

Action Taken: The [Public Safety](#) Committee met and voted 5-0 to take this Item off the Table. The motion was made by Mrs. Smith and seconded by Mr. Thames. The Committee then voted 5-0 to recommend dropping this Item. The motion was made by Mrs. Smith and seconded by Mr. Thames.

09.03.15 Request for consideration of traffic calming measures on East Edgewood Drive - **Raegan Bellenger/118 E. Edgewood Drive – Barry Smith/Heather Reid (Tabled 08/17/15)**

Action Taken: The [Public Safety](#) Committee met and voted 5-0 to take this Item off the Table. The motion was made by Mrs. Smith and seconded by Mr. Thames. The Committee then voted 5-0 to recommend dropping this Item. The motion was made by Mrs. Smith and seconded by Mr. Thames.

17.03.15 Request for consideration of traffic calming measures on Lancaster Road – **Amanda Dabbs/Barry Smith/Heather Reid (Tabled 08/17/15)**

Action Taken: The [Public Safety](#) Committee met and voted 5-0 to take this Item off the Table. The motion was made by Mrs. Smith and seconded by Mr. Laws. The Committee then voted 5-0 to recommend dropping this Item. The motion was made by Mrs. Smith and seconded by Mr. Laws.

Mr. McClusky moved to approve the Consent Agenda as published. Mr. Thames seconded the motion.

Mr. 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

The first item considered under Old Business, taken out of order, was Item No. 22.09.16 – Request to consider proposal to purchase property at 165 Oxmoor Road – Mayor McBrayer/City Attorney (Report – Finance Committee Meeting held on October 17, 2016).

Mr. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to recommend approving the proposal to purchase the property.

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

Resolution No. 16-166

(A Resolution accepting proposal to purchase property at 165 Oxmoor Road)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-166.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business, taken out of order, was Item No. 07.10.16 – Public Hearing October 24, 2016 at 6:00 p.m. for consideration of School Board and Park Board's request for additional funding – Bill Cleveland/Berkley Squires (Report – Finance Committee Meeting held on October 17, 2016).

Mr. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing set for October 24, 2016 at 6:00 p.m.

Mr. Limbaugh declared the Public Hearing opened.

Mr. Limbaugh asked if there was anyone in the audience who wished to speak in favor of or, in opposition to, this Item. [He further stated that he would limit each person's comments to three minutes and for everyone addressing Council to please sign in with their name and address for the record.](#)

Mr. Berkley Squires, Public Services Director, addressed the Council and stated that over the last several years the city had seen a lot of growth and thanked the Council for their consideration as they looked to expand and renew some properties to take on the growing needs.

Dr. Bill Cleveland, Homewood Board of Education, addressed the Council and stated that though he hoped to be able to make a presentation during this request, they were not there yet, but they did know that the 30 percent growth in students that they had since 2000 that they did not have any more classrooms available at any of the elementary schools and pretty soon they would be in a similar situation in the middle school and down the road they would be in a similar situation in the high school unless they addressed it now. Dr. Cleveland further stated that they still had some work and studies to do but the elementary schools needed to be dealt with immediately and thanks to their strategic planning process which was currently under way that would happen, and if approved, he anticipated that this summer dirt would be moved to deal with this immediate concern. Dr. Cleveland added that there would be some more due diligence that would soon allow them to address the issues and by their actions they would allow them to keep from having a major problem a few years down the road. Dr. Cleveland further added that this was yet another example of this city and the city leaders valuing what the community valued, which was the students and education.

Mr. Jason Strauss of 307 English Circle addressed the Council and stated that he had been a citizen of Homewood for 25 years and his wife grew up in west Homewood and went through the Homewood school system. Mr. Strauss further stated that he had spent a tremendous amount of time doing research, read policies and procedures, ordinances, the school board's policies, and looked at the last three years of financial statements with a lot of diligence, had come to the conclusion that there was not enough information to make an informed opinion because not enough due diligence had occurred to determine the need to take out \$110 million dollars of debt. Mr. Strauss added that the issue could turn in to whether or not the high school should be in West Homewood or stay in the center of Homewood but he wanted them to go through the process and his concern was the lack of process that had occurred and his understanding was that there was no RFP for the free feasibility study that was done, which he believed violated the school board's policies and procedures and sent out a poor message around how this was being approached. Mr. Straus asked if an urban planner had been hired, and asked Mr. Dunn if June of next year what the volatility of the rates were going to be as an expert in the industry and how much potential money were they costing or saving by doing something in a rushed manner, had an analysis of the economic impact of the one percent sales tax been performed by an external party, had a tax attorney been hired to look at other ways besides sales tax. Mr. Strauss further added that his proposal would be to refinance the current bonds and perform an economic impact analysis of the sales tax, perform a detailed demographic study, hire a tax attorney, do a RFP for a comprehensive feasibility study, give Dr. Cleveland and the school board until spring to update their strategic plan and then wait until June of next year to do this.

Mr. Tom Moulton of 605 Forest Drive addressed the Council and stated that he had been in Homewood for 16 years and was here the last time they voted on a one percent sales tax increase and the one thing that frustrated him then and frustrated him now was that when they were setting goals for what they wanted to accomplish for this it seemed like there should be a set dollar amount that was needed and the frustrating thing last time was that it was a "forever tax" rather than a set amount needed to accomplish goals. Mr. Moulton further stated that if they did one percent for ten or twelve years it could then go away so he understood if they were looking at a new school there would be maintenance charges that might require a quarter of a percent to deal with it as an ongoing charge but the forever part of the tax was what frustrated him because they were going to get new soccer fields, new ball parks, so for the most part that should be a set amount and then once that goal was accomplished it went away so he asked if they considered doing a short term tax for eight or ten years.

Mrs. Lindsey Chitwood of 309 English Circle addressed the Council and stated that Dr. Cleveland asked for \$110 million dollars without a plan and every time people made a budget they got the budget and then they filled it up so if he got a certain dollar

amount no matter what other options might be just as viable, he had this huge number that he could take all of. Mrs. Chitwood further stated that she also did not like that it was done by regressive taxing and ten percent on milk, bread, and eggs would have a huge impact. Mrs. Chitwood added that they had the lid law, but no one was putting any effort into repealing that and tax property instead of using regressive taxing which taxed people who were trying to feed their children.

Mrs. Jo Echols of 308 English Circle addressed the Council and stated that she wanted to reiterate support for what Mr. Strauss and Mrs. Chitwood stated about having a plan before voting on \$110 million dollars and really went through all the studies, looked at reducing tax on groceries, looked at the lid bill, and did a little more homework before voting and giving a black check to someone. Mrs. Echols further stated that she thought it was a bad decision and would appreciate the Council not voting for it.

Mr. Bob Echols of 308 English Circle addressed the Council and stated that he asked the Council that as guardians of the City and their money that they waited and made sure there was a good plan in place before they upped the sales tax. Mr. Echols stated that ten percent was a big number so he asked if it would hurt to delay implementing a tax until concerns were addressed.

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

Mr. Limbaugh declared the Public Hearing closed.

Mr. Limbaugh asked if the Council had any further questions or comments regarding this Item. There was no response from the Council.

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

Ordinance No.

(An Ordinance levying an additional privilege, license or excise tax)

Mr. Jones stated that to address some concerns, they had been meeting for almost two years and had looked at every angle possible and this was not anything that they were going into lightly and Dr. Cleveland had really tried to help push for exemptions to the "Lid Bill" for Homewood which was in the State Legislature but was not being pushed for by the State so a lot of the things that he was going to mention were things that were out of their control. Mr. Jones further stated that they had looked at all other types of funding including ad valorem but the lid bill did not allow for that so they looked at other items but they had not been able to do those effectively so to answer the question about how much could be lost was that it was a considerable amount if they did not move

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forward now with the bond rates at a twenty year low and if they looked at refinancing the 2007 Warrants, just in the past month, the amount lost from the percentage increase that had occurred in the last four to six weeks was around \$750,000.00 that they were losing because they were not able to finance then so if they waited until next year they were talking about another set of circumstances with the rates, so there was no better time. Mr. Jones added that they had done a lot of analysis with the Board of Education and he felt like it was refreshing that they all came together, including the City, the Park and Recreation Board, and the Board of Education to come up with the priorities and they felt like a lot of that work was done and there would be more work accomplished and a lot of due diligence had been done and was not being entered into lightly but it was something that they needed to do for the Board and over the years they had continued to support the Board and it was very important that going back to 1997 when they dedicated a penny of sales tax to the Board of Education and then ad valorem to the Board of Education in 2001 so the commitment was so important in Homewood to continue that and support them in the things that were important to them so it was clear to him that the entire Board that represents Homewood was very much supportive of this. Mr. Jones further added that he agreed that it was a regressive tax but the way the State Constitution was written they were very limited in how they could have money provided for education so all of the ways that funding was structured in Alabama penalized systems like Homewood such as the equity funding law suit that cost over a million dollars to Homewood Board of Education so everything that had occurred had been held in a negative light because of the way they funded education so there was not another way until they could have the lid bill removed so it was frustrating on their part but they were committed to help and this was a joint effort and they should always have this partnership with other areas of the City, specifically the Board of Education.

Mr. Wright stated that there was the risk of not acting now being harmful by millions of dollars and the needs over the last two years had been clearly established both from the Parks and by the Schools, so the needs were there and the overcrowding was there already so time was of the essence for a number of reasons. Mr. Wright further stated that this was not the ideal position to be in for the School Board, or the City Council, or a resident but the risk of harm outweighed the risk of going forward and acting now, particularly with the volatile nature that they had with the bond rates and the election coming up. Mr. Wright added that it was a regressive tax but they had the "Lid Bill" but if they could properly fund their schools in a proper manner with property taxes which was how they should be done, he would stand up and vote to repeal the sales tax for the benefit of a proper property tax to replace it if that occurred. Mr. Wright further added that he felt the needs had been established and the needs would be further demonstrated and though he wished they had more time, they would take the time to make sure the plans were sent out to the public and make good expenditure plans in how they would apply these funds to the schools and city projects as well so the need was

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there and the risk of not acting outweighed the risk of acting so he felt the Council needed to support this.

Mr. Limbaugh stated that he had spoken to Representative Faulkner extensively about the “[Lid Bill](#)” as well as Senator Waggoner and Senator Smitherman and he thought there were opportunities for citizens to reach out to them and perpetuate these conversations.

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Mr. Wright moved for unanimous consent of the proposed Ordinance as read. Mr. Thames seconded the motion.

Mr. 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: Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Wright, and Mr. Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2635

(An Ordinance levying an additional privilege, license or excise tax)

Mr. Wright moved for the enrollment and adoption and publication according to law of Ordinance No. 2635. Mrs. Smith seconded the motion.

Mr. 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: Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Wright, and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 33.07.16 – Request to reconsider the Home Energy Section of the International Building Code – Jeremy Strickland/City Clerk (Carried over from 10/10/16 Council Meeting).

Mr. Kendrick stated that the Inspections Department was still working through the State ADECA Agency that regulated the Energy Code and they were going to make suggestions and would have them drafted soon.

Mr. Limbaugh stated that this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 03.09.16 – Request for consideration of a franchise agreement with Level 3 Communications – Katherine Rinehart/Melody Salter/City Clerk (Carried over from 10/10/16 Council Meeting).

Mr. Kendrick stated that he had sent them a draft Ordinance and they were still running it through their legal department but they had not reported back that they were in agreement with the draft, so he would ask that it be carried over.

Mr. Limbaugh stated that this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 16.09.16 – Public Hearing November 14, 2016 at 6:00 p.m. for consideration for one-way traffic on Ardsley Road – Britt Thames.

Mr. Limbaugh stated that the Public Hearing was set for November 14, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 01.10.16 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) for Triple Dynasty LLC d/b/a Black Pearl Asian Cuisine located at 180 State Farm Parkway – City Clerk (Report – Public Safety Committee Meeting held on October 17, 2016).

Mr. McClusky stated that the Public Safety Committee met on October 17, 2016 and voted 5-0 to send this Item back to the full Council without recommendation pending the report from the Fire Department. Mr. McClusky further stated that the Fire Department had objections pending correction of violations.

Mr. Limbaugh stated that this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 02.10.16 – Request for consideration of an ABC 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) for Freds Store of Tennessee Inc d/b/a Freds Store located at 234 Greensprings Hwy – City Clerk (Report – Public Safety Committee Meeting held on October 17, 2016).

Mr. McClusky stated that the Public Safety Committee met on October 17, 2016 and voted 5-0 to send this Item back to the full Council without recommendation pending background check from the Police Department. Mr. McClusky further stated that the background checks were since found to be clear.

Mr. McClusky then moved to having no objections to the issuance of the ABC 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only)

for Freds Store of Tennessee Inc d/b/a Freds Store located at 234 Greensprings Hwy. Mr. Thames seconded the motion.

Mr. 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. 03.10.16 – Request for consideration to authorize the Mayor to close loan for FY 16-17 Capital Purchases in an amount not to exceed \$710,000.00 – Melody Salter/Finance Director (Report – Finance Committee Meeting held on October 17, 2016).

Mr. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to recommend authorizing the Mayor to close loan for FY 16-17 Capital Purchases in an amount not to exceed \$710,000.00.

Mr. 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. 16-167

(A Resolution authorizing the Mayor to close loan for FY 16-17 Capital Purchases in an amount not to exceed \$710,000.00)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-167.

Mr. 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. 05.10.16 – Proposal to consider redemption of City's 2007 and a portion of 2012 General Obligation Warrants – City Attorney (Report – Finance Committee Meeting held on October 17, 2016).

Mr. Jones stated for record that there was potential savings of over \$8 million on the 2007 warrants by refunding and possibly a half million from refunding part of the 2012 warrants. He then moved to amend the Item to include 2016 Warrants. Mr. McClusky seconded the motion.

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Mr. 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. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to recommend the redemption of City's 2007 and a portion of 2012 General Obligation Warrants.

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

Ordinance No.

(An Ordinance for redemption of City's 2007 and a portion of 2012 General Obligation Warrants and 2016 Warrants)

Mrs. Smith moved for unanimous consent of the proposed Ordinance as read. Mr. Wyatt seconded the motion.

Mr. 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: Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Wright, and Mr. Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2636

(An Ordinance for redemption of City's 2007 and a portion of 2012 General Obligation Warrants and 2016 Warrants)

Mr. Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2636. Mrs. Smith seconded the motion.

Mr. 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: Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Wright, and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.10.15 – Request for consideration of noise and odor problems from Buffalo Rock and Mayfield/Barbers – West Homewood area residents/Fred Hawkins/Walter Jones (Report – Special Issues Committee Meeting held on October 17, 2016).

Mr. Hawkins stated that the Special Issues Committee met on October 17, 2016 and after reviewing proposal from Volatile Analysis, voted 5-0 to recommend [authorizing Mayor to sign](#) a contract for Phase 3.

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

[On a voice vote, the motion carried without dissent.](#)

The next item on the Agenda under Old Business was Item No. 10.10.16 – Request to consider future funding of Odor Consultant for odor problems from Buffalo Rock and Mayfield/Barbers – Fred Hawkins/Walter Jones (Report – Finance Committee Meeting held on October 17, 2016).

Mr. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to recommend approving funding of Phase 3 of the Volatile Analysis study for \$14,760.00 from Contractual Services General Fund (01-11-520400).

Mr. 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. 16-168

(A Resolution authorizing the Mayor to sign a contract with Volatile Analysis for Phase 3 Study)

Mr. [Jones](#) then moved for the adoption and enrollment of Resolution No. 16-168.

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

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[On a voice vote, the motion carried without dissent.](#)

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Moved (insertion) [1]

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Moved up [1]: On a voice vote, the motion carried without dissent.¶
The next item on the Agenda under Old Business was Item No. 10.10.16 – Request to consider future funding of Odor Consultant for odor problems from Buffalo Rock and Mayfield/Barbers – Fred Hawkins/Walter Jones (Report – Finance Committee Meeting held on October 17, 2016).¶

Moved up [2]: Mr. Jones stated that the Finance Committee met on October 17, 2016 and voted 5-0 to recommend approving funding of Phase 3 of the Volatile Analysis study for \$14,760.00 from Contractual Services General Fund (01-11-520400).¶
On a voice vote, the motion carried without dissent.¶

Deleted: Mr. Limbaugh asked if the Council had any questions or comments regarding the Finance Committee’s recommendation. There was no response from the Council.

COMMITTEE REFERRAL AGENDA

- 11.10.16** Request for consideration to set a bid opening date for uniform contract – Chief Ross/Police Department – **Finance Committee**
- 12.10.16** Request for consideration to amend the FY 16-17 budgets – Melody Salter/Finance Director – **Finance Committee**
- 13.10.16** Request for consideration to review Investment Policy and earnings from the Cash Reserve for Economic Uncertainty per fiscal policy – Melody Salter/Finance Director – **Finance Committee**
- 14.10.16** Request for consideration of declaring the following surplus property:
1997 4900 4x2 International Refuse Truck VIN:
1HTSDAANOVH471798; 1995 4900 4x2 International Refuse Truck
VIN: 1HTSDAANXSH621170; 1993 2554 4x2 International Sewer Truck
VIN: 1HTGBN6R7PH481388; 2002 F-550 XL Super Duty Ford Truck
VIN: 1FDAW57F42ED26833; 47-B Giant Vac (2000-TM990JD with
Leaf Vacuum S/N: 121200001; Warren Slag Spreader #71A Model: AC-
2420A S/N: SC7590 – Berkley Squires/Public Services Director/Gordon
Jaynes/Fleet Maintenance Superintendent – **Finance Committee**
- 15.10.16** Request for consideration of display in City Hall for Bristlecone Project – Billie Gray/Ron Haas – **Special Issues Committee**
- 16.10.16** Request for consideration to add a street light at 897 Mountain Ridge Drive – Randy Hambley/Traffic Maintenance Division/Police Department – **Public Safety Committee**
- 22.10.16** Request for consideration for reimbursement of cost of fencing along Griffin Creek at 703 and 705 Broadway – Matt Colvert/Greg Cobb/Building, Engineering and Zoning Department – **Finance Committee**
- 23.10.16** Request for consideration of a variance to the sign ordinance at 2819 Central Avenue –Scott Laslo/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 16.01.15** Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department – **Finance Committee**

Mr. Wright moved to approve the Committee Referral Agenda as amended. Mr. McClusky seconded the motion.

Mr. 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

The next item on the Agenda under Other New Business was Item No. 17.10.16 – Request for consideration of proposals to manage, operate, and maintain Rosewood Hall – Melody Salter/Finance Director/Mayor McBrayer (Bid Opening held October 17, 2016 at 5:00 p.m.).

Mr. Jones moved to reject all bids and rebid this item due to procedural error. He reset Bid Opening for November 14, 2016 at 5:00 p.m. with the deadline for submitting bids set at 4:30 p.m. Mr. McClusky seconded the motion.

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Mr. 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. 18.10.16 – Request for consideration to authorize the Mayor to sign contract for Exceptional Foundation for FY 16-17 funding – Melody Salter/Finance Director/Mayor McBrayer.

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

Resolution No. 16-169

(A Resolution authorizing the Mayor to sign a contract for Exceptional Foundation for the FY 16-17 funding)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-169. Mrs. Smith seconded the motion.

Mr. 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. 19.10.16 – Request for consideration to authorize the Mayor to enter into a consulting agreement with BECC, Inc. for site testing at Mayfield Cleaners site – Mayor McBrayer.

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

Resolution No. 16-170

(A Resolution authorizing the Mayor to enter into a consulting agreement with BECC, Inc. for site testing at Mayfield Cleaners site)

Mr. Wright moved for the adoption and enrollment of Resolution No. 170. Mr. Hawkins seconded the motion.

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

Mrs. Smith asked if this was the group that Mayfield had already contracted with.

Mr. Kendrick replied no, and stated that they sued Mayfield and received \$100,000.00 settlement and they still had obligations per ADEM to comply with requirements to continue testing and monitoring and this was for the service to do that.

Mr. Limbaugh asked if the Council had any further 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. 20.10.16 – Request to consider declaration of drought warning – Mayor McBrayer.

Mr. Kendrick stated that this declaration had been signed by the Mayor and would be published in Birmingham News Wednesday, October 26, 2016.

The next item on the Agenda under Other New Business was Item No. 21.10.16 – Request for consideration of approval of vouchers for period of October 10, 2016 through October 23, 2016 – City Treasurer/Finance Committee.

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

Resolution No. 16-171

(A Resolution approving vouchers for period of October 10, 2016 through October 23, 2016)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-171. Mr. Jones seconded the motion.

Mr. 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'S COMMENTS

Mayor McBrayer addressed the Council and stated that he had watched over the last 21 months the Council discuss a very important project for the city and when you consider the children, the city, and the parks one of the challenges that came out in the public involvement meeting Dr. Cleveland and the School Board had was that the City of Homewood had experienced such tremendous growth and they had such an influx of children and young people come into the city so it was great challenge to have but when they had that it put a tremendous strain on the parks and schools. Mayor McBrayer further stated that what they had done tonight might appear quick to the public but one of the things he stated during the public involvement meeting was that they could not afford to let themselves get into a position three or four years down the road and end up with mobile classrooms and then people would ask why they let it get to this. Mayor McBrayer added that they couldn't be called city leaders unless they were actually leading and he thought that what they did tonight proved why they were in a position of leadership because they were trying to watch out for the future and trying to take care of issues before they became a major challenge. Mayor McBrayer further added that if they began with the end in mind it was a lot easier so tonight what they did helped with funding but the end result would be a lot of new and improved things for the city and he thought people in Homewood were very smart and the auditorium was almost full the night they had the public involvement meeting at the High School but tonight they only had about five people out of 25,000 come to speak on the issue but he had someone tell him last week that he thought people would be upset if they watched the city waste money but the city had surpluses every year so they believed they were watching their money so this was not something that was going to pay bills, but it truly was an investment in the city so in the next few years they would be extremely proud of what they were able to accomplish tonight and he did want to say publically that he appreciated what they did tonight and appreciated the School Board and the Park Board for their vision that they had in the city and asking for this.

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Mr. Thames thanked all outgoing Council members. Mr. Hawkins said it has been a great honor and pleasure to serve as Homewood's Council member and he will miss everyone. Mr. McClusky thanked all outgoing Council members. Mr. Jones said that Mr. Hawkins can be proud of what West Homewood has accomplished while we was on Council and also acknowledge him for being ALDOT liason; Ms. Smith spoke about the Arts Council's "Pickin' in the Park" and also thanked all outgoing Council members; Mr. Wyatt stated how helpful all outgoing Council members had been to him. Mr. Wright thanked his Ward 5 partner, Rich Laws and other outgoing Council members. President Limbaugh thanked Mr. Hawkins and all outgoing Council members and stated

he would meet with new incoming Council members tomorrow afternoon (October 25th 2016).

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Mr. Limbaugh stated that the Council would have a Special Called Organizational Meeting on November 7, 2016 at 6:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned.