

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

November 4, 2019

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, November 4, 2019 at City Hall at 6:00 p.m.

At this time, Mayor McBrayer presented a Proclamation declaring the month of November 2019 as National Hospice and Palliative Care Month.

The invocation was given by Councilor Smith.

The meeting was called to order by President Wright at 6:07 p.m.

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

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of October 21, 2019 and approve them as distributed. Councilor Smith seconded the motion.

President Wright 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 Andress moved to appoint Mr. John Hardin to the City Council Ward 5 position. Councilor Wyatt seconded the motion.

President Wright 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, Judge Jim Hughey, III swore in Mr. Hardin to his Ward 5 City Council position.

At this time, President Wright requested Board openings and nominations.

Councilor Andress moved to appoint Warren Cade Wheeler and Allison Chang Roberts to the HDRA/IDB At-Large positions.

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

On a voice vote, the motion carried without dissent.

Councilor Thames moved to close the application period for the Educational Building Authority and re-appoint Ashley Page. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor McClusky moved to appoint Jennifer Chadha to the Ward 3 Park Board position. Councilor Jones seconded the motion.

President Wright 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.

President Wright stated that interviews for the Ward 5 Arts Advisory Council position would be set for October 25, 2019 at 5:00, 5:20, and 5:40 p.m.

President Wright stated that the application period for the Board of Adjustments and Appeals would be re-opened until February 24, 2020 at 4:30 p.m.

President Wright amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 10.11.19 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1649 28th Ave S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh – Planning and Development Committee; Item No. 11.11.19 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 618 Hambaugh Ave (PID # 29-00-14-4-011-024.00) – Wyatt Pugh – Planning and Development Committee; Item No. 12.11.19 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1612 Barry Ave (PID # 29-00-12-4-003-011.00) – Wyatt Pugh – Planning and Development Committee; Item No. 13.11.19 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1117 Hardwick Lane (PID # 29-00-22-4-013-009.000) – Wyatt Pugh – Planning and Development Committee; Item No. 15.11.19 – Request to address speeding concerns on Theda St – Walter Jones – Public Safety Committee; and moved from Other New Business Item No. 05.11.19 – Moving from Other New Business to Committee Referral Request to Authorize the Mayor to sign contract with the BJCTA – Robert Burgett - Finance Committee.

President Wright amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 10.11.19 – Request to set a Public

Hearing for consideration of condemning house at 1649 28th Ave S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh – Planning and Development Committee; Item No. 11.11.19 – Request to set a Public Hearing for consideration of condemning house at 618 Hambaugh Ave (PID # 29-00-14-4-011-024.00) – Wyatt Pugh – Planning and Development Committee; Item No. 12.11.19 – Request to set a Public Hearing for consideration of condemning house at 1612 Barry Ave (PID # 29-00-12-4-003-011.00) – Wyatt Pugh – Planning and Development Committee; Item No. 13.11.19 – Request to set a Public Hearing for consideration of condemning house at 1117 Hardwick Lane (PID # 29-00-22-4-013-009.000) – Wyatt Pugh – Planning and Development Committee; Item No. 14.11.19 – Request to authorize the Mayor to sign a Business Associate Agreement with American Fidelity to administer the employee benefits for the City of Homewood – Robert Burgett/Finance Director.

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

President Wright 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

None.

OLD BUSINESS AGENDA

The first item considered under Old Business, taken out of order, was Item No. 19.10.19 – Public Hearing held on October 21, 2019 at 6:00 p.m. to consider declaring the property located at 105 Hermosa Dr. PID# 28-00-07-4-002-006.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept. (Carried Over 10/21/19).

Mr. Scott Cook addressed the Council and stated that this had been a complaint driven violation and the responsible party for maintaining this was Ms. Kathy Tullis but since the last meeting he had spoken to her on the phone several times and they met at the property today and she was now in compliance.

President Wright asked Mr. Cook for his recommendation.

Mr. Cook replied that his recommendation was to drop the item.

Councilor Andress moved to drop this item. Councilor Higginbotham seconded the motion.

President Wright 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. 10.10.19 – Public Hearing set for November 4, 2019 at 6:00 p.m. for reconsideration of a variance to the Homewood Fence Ordinance to allow a front-yard fence at 1604 Roseland Drive– Caroline Hammonds/Councilor Barry Smith.

Councilor Smith stated that the Special Issues Committee met on October 28, 2019 and, after hearing from Caroline Hammonds, Lee Hammonds, Jackie Langlow, and Sara Nall, voted 5-0 to refer this item back to the full Council pending the Public Hearing.

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

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

Mr. Lee and Mrs. Caroline Hammonds at 1604 Roseland Drive addressed the Council and Mr. Hammonds stated that their son, Henry was 2 years and 3 months old and they learned a week before his second birthday that he had autism. Mr. Hammonds further stated they were trying to think of ways to create an environment for him that would allow him to reach his full potential and they decided they wanted to request a fence which they presented to the Council at a previous meeting where they approved a qualified fence going to 22 feet of either side of their home and they proffered that they would be willing to remove the fence if they vacated the property. Mr. Hammonds added that they would appreciate reconsideration of the previous approval.

President Wright asked Mr. Hammonds to provide a brief explanation of why the fence would be necessary for his son.

Mr. Hammonds replied that the first reason was for safety which had been addressed with the initial approval because there was an increased risk for elopement for children who had autism and secondarily it would create a more inclusive environment for him because his development would benefit from interactions with others. Mr. Hammonds stated that they felt they could provide opportunity to interact regularly with his neighbors and people passing by. Mr. Hammonds further stated that they were trying to create an environment where he could reach his full potential. Mr. Hammonds added that they had him enrolled in therapy at Mitchell's place and through the state and they would continue to explore ways in which they could create that environment for him and they felt the fence was one more way they could have him be a part of the community and ultimately improve his development.

Councilor Hardin asked how the removal of the fence would work if he sold the house.

Mr. Hammonds replied that he would give his word that he would do so and he shared with the Special Issues Committee that if they put the fence up and tomorrow his son was healed he would take it out himself so if they would allow him this they would take it down the second they sold the house if they ever left.

Ms. Sara Nall, Director of Mitchell's Place, a preschool and out-patient clinic for children with autism, addressed the Council and stated that elopement was an issue and socialization was an issue so having the fence there would allow him to have interaction because they had to make interactions intentional for children with autism. Ms. Nall further stated that the fence would help with natural environment training, he would not be isolated in the backyard but would be where people could see him as they walked by. Ms. Nall added that elopement was a huge issue because kids on the autism spectrum did not stop even when someone tells them to until they were taught so they had to be intentional in their teachings. Ms. Nall further added that this was a safety issue and a socialization issue for both children and parents and because autism was an invisible disability that often isolated parents as well because it was hard to go anywhere so until they were helped to decrease their barriers and had language to communicate, socialization was very important.

Ms. Becky Parham at 400 Poinciana addressed the Council and stated that she had known Caroline since she was little and she knew that they would take the fence down if they left. Ms. Parham further stated that her children went to Shades Cahaba back when they first started having special needs children there and she thought it was good for the community good for Henry, and good for the kids on the street. Ms. Parham added that the neighbors did not mind them having the fence so she asked the Council to set a precedent to include everyone in the community because the Hammonds would be an asset to the community so she wanted them to what they could for their child.

Ms. Michelle Cunningham at 3433 Sandner Court addressed the Council and stated that Henry was also non-verbal so when they told him to stop doing something he did not respond so they had been talking about the fence and the safety issues as well as the ability to be out front and interact with other kids. Ms. Cunningham further stated that Homewood had always been an inclusive community and always did was best to help community members so as a grandmother she would like to see them have the opportunity to have the fence for Henry.

Mr. Mitch Nelson at 1474 Kendall Court addressed the Council and stated that he knew the Hammonds and had watched them go through this difficult situation and he thought what they were asking for was very reasonable and was very tasteful. Mr. Nelson further stated that Homewood was a great place and as they had come together to support each other this was an opportunity to be proactive in protecting one of their children and was certainly very reasonable so he supported it.

Ms. Jackie Langlow at 2050 Lancaster Road addressed the Council and stated that it had been such a pleasure for her to meet the Hammonds who were fantastic young professional people coming into Homewood which was what they wanted for the City. Ms. Langlow further stated that they had already set a precedent for inclusion in Homewood because the Exceptional Foundation sat right in the middle of the city. Ms. Langlow added that she had a child with autism who was an adult now so she had walked in their shoes and knew what it was like. Ms. Langlow further added that last week at the committee meeting they talked a little about the Fence Ordinance and she did some further review and regarding Ordinance No. 2722, Section 5-16, Article C, Number 1

talked about all the things someone had to do in order to apply for a variance but the heart of the ordinance stated “The City Council shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions or variance to the terms of this section when such special exception or variance will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provision of this section will result in an unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done,” so this couple had come to them with a hardship and she hoped that substantial justice would be done.

Ms. Leigh Ellen Cowart at 845 Forrest Drive addressed the Council and stated she was a physical therapist at United Ability and worked with both adults and children with autism and she saw the kids that did get the social interaction and the community integration and those kids who got that grew up to have such a significantly better life than those that had not. Ms. Cowart further added that Homewood was such a front yard community and if Henry did not get that it could affect his long term growth. Ms. Cowart added that she felt it was so important for them to come together as a community and open up that avenue for him as well as for other children.

President Wright declared the Public Hearing closed at 6:35 p.m.

Councilor Smith stated that the first time the Hammonds came in front of them she thought they had a backyard that was fenced and safe so he could play in the backyard so she was so glad that they did act persistently and came back because last week after hearing from Ms. Nall and Ms. Langlow really helped her see how she was wrong. Councilor Smith further stated that one of the main things they figured out from the presentation last week was the result of a question from Councilor Wolverton who thought Henry was young to be diagnosed with Autism Spectrum Disorder and he was correct because Ms. Nall confirmed that the average age for diagnosis in the State of Alabama was four and half while Henry was just barely two when he was diagnosed so that was two and half years earlier than the average child who was diagnosed. Councilor Smith added that they were all familiar with the Exceptional Foundation and the Bell Center who was there to support early intervention so she thought early intervention for children with children was critical because the earlier they could start therapy, the better their development so in her opinion she felt this was a special circumstance that certainly met the criteria of a hardship so they would be allowing not just him to be playing in his front yard but to also experience his neighbors, his community, and his friends which would help his socialization and verbal skills. Councilor Smith further added that she felt they had more than proven their hardship in this case.

Councilor Jones stated that he apologized for missing the meeting last week and asked to verify that they had already approved the fence but the request was not just to move it out further.

President Wright replied that he was correct and stated that they had approved a fence of smaller dimensions than what was being proposed now because the request was to have it go out to the street.

Councilor Smith stated that it would be about ten feet from the street and when they did the first calculation for the size that they approved in the last meeting she did think they took the terrace that projected off the front of the house so when they took that into consideration it was about four to six feet so the distance between what they requested and what the Council approved was only about six feet. Councilor Smith further stated that to her it was just a small amount of space to consider.

Councilor Jones stated that when Mr. Hammonds was speaking he kept saying this was to help Henry reach his unique potential and he kept thinking of the mission of the Board of Education, which was to educate and empower all students to reach their unique potential. Councilor Jones further stated that they should all strive for that in Homewood so he had no issue with moving the fence out further.

Councilor Higginbotham stated that he tried to be very consistent on his position relative to variances which was if someone came to a meeting and could not demonstrate a legitimate hardship he would not vote for a variance whether it was a fence or a sign but for him it was the commentary from Ms. Nall that made the difference regarding how this would enrich Henry's life through socialization at the fence. Councilor Higginbotham further stated that he did not personally get the concept of hanging out in the front yard but he understood that it was huge thing in parts of Homewood and when he drove through everyone was in their front yard so he did understand how this was a socialization process and opportunity that existed on Roseland. Councilor Higginbotham added that the comments on socialization convinced him that they did have a hardship so he intended to vote for something more generous in terms of the size of the fence.

Councilor Wolverton stated that when the Hammonds came at first they spoke primarily on safety concerns so when they came to the Council they had a proposal that they brought to them in order to ensure safety and some people felt the modification was reasonable and they were asked last week why the request that they were currently requesting seen as reasonable. Councilor Wolverton further stated that this was an issue that was in his wheelhouse in terms of what he did day to day so he found it a little ironic that today he was in a clinic where they were working with assistive technology devices and two of the four kids they worked with had autism and it was interactive and showed the full gambit of them running in a large room, stretching the boundaries within the room so those devices helped encourage verbal skills as well. Councilor Wolverton added that as Henry grew and three and half foot fence would not always hold him back but the fence would help him with recognition of his name and to follow commands so hopefully by allowing the fence they were considering tonight would be a good barrier for him while allowing him to learn the skills to keep him safe.

President Wright stated that this had been a difficult issue due to the Council's concerns about setting a precedent and numerous variance requests that they received but in this case it was helpful to come back a second time to demonstrate the hardship and the exception that was present for this situation. Councilor Wright further stated that there was concerns that they would be the recipients of more such requests but they now

realized that if they received socialization requests for children with autism they would allow fences that needed to be in place.

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

Resolution No. 19-190

(A Resolution for reconsideration of a variance to the Homewood Fence Ordinance to allow a front-yard fence at 1604 Roseland Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-190. Councilor Gwaltney seconded the motion.

President Wright 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. 11.10.19 – Public Hearing set for November 4, 2019 at 6:00 p.m. for consideration to rezone property at 105 Vulcan Road (PID #29-00-14-3-004-012.000) from a C-3 (Community Shopping District) to a MXD (Mixed Use District): Applicant: Brad Castro/Owner: JP Berham for the purpose to permit the joint use of an existing building as a church and offices for both non-profit and for-profit organizations (The Planning Commission had a unanimous vote of 6-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on October 28, 2019 and, after hearing from Greg Cobb, Brad Castro of Omega Properties, and Pastor Jonathan Potter, voted 3-0 to refer this item back to the full Council pending the Public Hearing.

President Wright declared the Public Hearing opened at 6:48 p.m.

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

Mr. Greg Cobb addressed the Council and stated that they looked at what zoning would fit both the church and office space and realized that Mixed Use was probable the best fit so they could have office upstairs and could have retail, and the church.

Mr. Brad Castro, presented slides, addressed the Council and stated that the footprint of the building was not going to change but they would just be modifying the interior of the building for the church which would be approximately 11,000 square feet on the first floor and there would be an additional 39,000-40,000 square feet of office

space available outside of the church. Mr. Castro further stated that they had 242 parking spaces and they hoped to be able to have a church that could have office space that would be rented out the rest of the year and their mission was to have 100 percent of the profits go to fund Bible translations and this building would be what the area really needed.

President Wright asked to verify that they did not have plans for any further development in any other parts of the property.

Mr. Castro replied that this was correct.

President Wright asked how large the congregation would be.

Mr. Castro replied that the church currently had about 300 members.

President Wright asked how much they were planning to put into the property.

Mr. Castor replied that they would be putting in about two million dollars into the property.

Councilor Smith asked what the purpose was for the for-profit businesses that they would be leasing space to.

Mr. Castro replied that they had financial planners and a 3-D modeling company.

Councilor Smith asked to verify that they would be using the rental income for their church programs.

Mr. Castro replied that it would be for Bible translations.

Councilor Jones asked what the City Hall building was zoned as.

Mr. Cobb replied that it was zoned as C-3.

Councilor Jones stated that they had churches who met in City Hall.

Mr. Cobb stated that this building was MXD and the only places in Homewood that they could have churches and retail was in the GURD zoning in Greensprings but that didn't fit since that was only for Greensprings so Mixed Use was the best fit they could come up with because MXD also had a development plan requirement so if they ever wanted to do anything else with that building they would have to come back before the City Council with another development plan.

Councilor Wolverton asked to verify that the church was already there,

Mr. Castro replied yes.

Councilor Wolverton asked if the with the current zoning it could remain church and non-profit, but it was the for-profit component that was forcing the rezone.

Mr. Cobb replied yes and stated that churches that were non-profits also had other things they ran such as day cares.

Councilor Wolverton stated that most non-profits paid some sort of rent for their spaces so he wanted to clarify that they were trying to have some for-profits within the confines of the building but they wouldn't be the only ones there paying rent.

Mr. Castro stated that if they had just non-profits it would really limit who they could rent to.

Mr. Wesley Templeton addressed the Council and stated that he was a longtime resident in Homewood and owned a business in Homewood, Templeton Travel, and this used to be Fred Nunnley's building which was right across from the new Police building and was a college at one time. Mr. Templeton further stated that the building had been sitting vacant for two years and this group had made a big investment there and had the opportunity to move the church elsewhere but chose this area to be in that neighborhood because they have a huge humanitarian aspect to their methods so they chose to move next to Motel 6 for humanitarian reasons. Mr. Templeton added that he was there to support their mission and he had witnessed their love to homeless people recently. Mr. Templeton further added that they would be joining the Chamber of Commerce and would reach out to the West Homewood community and would be an asset to the community.

Pastor John Potter of Canvass Church addressed the Council and stated that they got their start in Homewood where they leased a portion of the Exceptional Foundation building for 18 months and had a great relationship there. Pastor Potter further stated that before he went into ministry he was in Corporate America for eleven years where he saw a discrepancy where most church buildings sit unused for 85 percent of the time and as with the ministry of Apostle Paul who went into the heart of where business and commerce was transacting so he saw this great need and had the heart to see the fusion of ministry and business together so he wanted to have a ministry center where they could have ministry, counseling, prayer, outreach for the community and to businesses. Pastor Potter added that the exit on I-65 and Oxmoor historically had been in the top ten for sex trafficking in America so with the Police Department being built there he would love to be the church of record when a battered wife issue came up or when a sex trafficking issue came up so they could love on the people in need and they wanted to set a precedent of what churches could look like in the heart of a business community.

Mr. Chris Lane addressed the Council and stated that his concern was if taxes would be paid from the for-profit businesses.

Mr. Kendrick replied yes and stated that there would be taxes from the commercial businesses and the businesses there would have to have business licenses.

Mr. Lane asked to verify that the businesses would be buying business licenses just like businesses in any multi-zoned building and the for-profit businesses would be paying sales taxes just like anyone else on 18th Street.

Councilor Higginbotham asked if they were meeting in the building now.

Pastor Potter replied yes.

Councilor Higginbotham asked how long they had been in the building.

Pastor Potter replied that they had been there close to three months.

Councilor Wolverton asked that when they were talking about the fusion between church and for-profit and non-profit would it be more sustainable to have both non-profit and for-profits in terms of helping to pay the rent and other expenses.

Pastor Potter replied that often those two worlds only came together on Sunday mornings but he had a vision and thought this was how they could meet people where they were and where they were hurting.

Councilor Smith stated that Mr. Castro stated that the profits would be to fund Bible translations and asked if those would be distributed to people at no costs.

Mr. Castro replied that only one percent of one percent of mission's dollars went to the unreached people groups of the world so when they gave a donation to missions 99 percent of those dollars went to a place where the gospel was already at so they wanted to get Bible translations to areas that had been unreached.

Councilor Thames asked if they were leasing the space from the building owner.

Mr. Castro replied yes.

Councilor Thames asked what the terms of the lease were and how long was the lease.

Mr. Castro replied that the lease was for ten years with the intention of the church owning the building eventually.

Councilor Thames stated that the reason for his question was that while he understood the current request with the current tenant but he might have some concerns

in the future if the church were to not be the tenant and an institutional use would not be taking up the first floor of the building but they would still have the MXD zoning.

Mr. Castro stated that they had zero intention of the church not being a tenant.

Councilor Thames asked to verify that the lease term was for ten years with the intention of the church leasing to own.

Mr. Castro replied yes.

Mr. Bill Slappey addressed the Council and stated that Canvass would be spending at least one million dollars on the building and the desire was for Canvass to own the building but if they didn't own the building they would be walking away from over a million dollar investment so the way they were structuring and putting the deal together, Canvass didn't have all the money they needed yet if they were going to buy the building so he was trying to help make that happen for the church to facilitate this transaction. Mr. Slappey further stated that what would happen was that Canvass was paying a small rent to be in the building and he and a group of investors would be buying the building and from that point the building would be given to the church over a period of time. Mr. Slappey added that Canvass spent \$20,000.00 in drawings and putting all that together so they were trying to make it a win-win situation. Mr. Slappey further added that the physical transaction of buying the building had not happened yet and it was also contingent on the results tonight because when Brown Mackie College was there it was not zoned for Institutional.

Mr. Kendrick stated that this was not true because Brown Mackie was a for-profit college. Mr. Kendrick stated that because the property was being invested in, bought, and developed by individuals it would not be exempt from taxes.

Mr. Slappey stated that the property was bought with the specific intent of taking all the profits to go toward Bible translations so they were trying to fill the building up. Mr. Slappey further stated that the building had been vacant for two years until Canvass came in and now other ministries as well as for-profits were wanting in the building.

Councilor Thames asked to verify that the reason MXD was necessary was because of the non-profit and for-profit mix.

Mr. Slappey replied that when they went to get a sign permit they were told that the church could not be there because it was not zoned for that so now they were trying to get in zoned so they could do both.

Councilor Thames asked if the applicant would be willing to proffer an Institutional Use for a portion of this building.

Mr. Slappey asked for clarification.

Councilor Thames replied that with the MXD zoning they could have sorts of mixes in there but the reason they were here tonight was because they wanted a portion of the building to be used as Institutional for a church. Councilor Thames asked if that was the main reason they were asking for the zoning would they be willing to proffer that this particular use would remain.

Mr. Slappey replied yes and stated that there would continue to be some type of faith based ministry in the building because that was where his heart was and was the whole purpose of what he did. Mr. Slappey further stated that the beautiful thing about Mixed Use was that Pastor Potter asked if they could have a place for missionaries to stay but it was not zoned for that but they were just trying to bring life back into the space, put people in it. Mr. Slappey added that all they really needed was the business and the ministries there and if they could go one step further they had a conference room that other businesses and other ministries could use that space during the week and let the church use the rooms for Sunday School classes on the weekends.

Councilor Hardin asked if they could mix zoning on a property.

Mr. Kendrick replied that it would all be zoned MXD but what he proffered was that the first floor would be limited to the church.

Ms. Jo Echols at 308 English Circle addressed the Council and asked if for the MXD Use they had to have it rezoned because right now it was a Community Shopping District so they had to rezone for Mixed Use but if they were just doing Institutional would they have to have it rezoned.

Mr. Kendrick replied yes.

Ms. Echols asked if they could have the church in there with the Mixed Use zoning.

Mr. Kendrick replied yes and stated that this was the only zoning classification that permitted Business and Institutional or Church Use.

Ms. Echols asked to verify that they were only asking to have it rezoned as Mixed Use so they could have both.

Mr. Kendrick replied yes.

President Wright declared the Public Hearing closed at 7:15 p.m.

Councilor Smith moved to approve the final development plan. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:18 p.m.:

Ordinance No.

(An Ordinance to rezone property at 105 Vulcan Road (PID #29-00-14-3-004-012.000) from a C-3 (Community Shopping District) to a MXD (Mixed Use District))

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

President Wright 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, McClusky, Jones, Smith, Wyatt, Address, Hardin, and Wright.

The motion for unanimous consent carried.

Mr. Kendrick asked to verify that the applicant has proffered that the first floor be used for church purposes only.

Mr. Castro replied that they were planning to have a day care on the first floor.

Mr. Kendrick stated that a day care would be permitted under that use for a church.

Councilor Thames stated that as he understood it the applicant was willing to proffer the first floor for Institutional Use only.

Mr. Castro stated that they would also be putting a nursery on the first floor.

Mr. Kendrick stated that this would be permitted under Institutional.

Mr. Castro stated that the building owner would have to answer that question and asked if that proffer would mean that no office use permitted on the first floor.

Mr. Kendrick stated that he thought that was what was proffered by Mr. Slappey.

Mr. Scott Florshein addressed the Council and stated that the building was under contract for sale contingent that they got their zoning but he thought he would still be able to lease spaces to offices or church.

Mr. Kendrick asked if he would own it or if they would own it.

Mr. Florshein replied that they would own it and was under contract.

Mr. Kendrick stated that once the Council approved the zoning then that would apply to the property whether they sell the building or not.

Mr. Florshein stated that he was okay accepting the Mixed Use zoning but he did not want to restrict the first floor.

Mr. Kendrick stated that the applicant who brought the zoning request had specifically offered to proffer to the city as the basis of rezoning to MXD that the bottom floor would be used for Institutional and without that he was not sure what the vote would be and he was trying to clarify that so it could be incorporated into the ordinance so the Council could know before they voted on it.

Councilor Andress asked if he was selling the property or not.

Mr. Florshein replied yes.

Councilor Andress stated that she did not understand his concern.

Mr. Florshein stated that they still had to close so if the defaulted he would be stuck with zoning that he was not willing to accept restrictions for.

Mr. Kendrick stated that then he would need to come back and have it rezoned to C-3.

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

Ordinance No. 2764

(An Ordinance to rezone property at 105 Vulcan Road (PID #29-00-14-3-004-012.000) from a C-3 (Community Shopping District) to a MXD (Mixed Use District))

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2764 with proffer for making first floor Institutional Use. Councilor Smith seconded the motion.

President Wright 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, McClusky, Jones, Smith, Wyatt, Andress, Hardin, and Wright.

The motion carried without dissent.

The next item, taken out of order, was Item No. 08.11.19 – Request to authorize the Mayor to execute contingency agreement with Riley & Jackson PC for Opioid Litigation – Mike Kendrick, City Attorney.

Councilor Wyatt stated that there was a good bit of opioid litigation going on in various courts and a number of cities had joined that litigation so he would recommend that they join as well. Councilor Wyatt further stated that they had received proposals from various law firms and Riley and Jackson was a Homewood Firm made up Homewood attorneys and offered them a contract that had the lowest contingency fee rate so it was his recommendation that they retain them as they were already representing a number of municipalities.

Mr. Kendrick stated that this was a contingency contract and the city would pay nothing if they did not recover and they would share in the percentage of 20 percent if they did recover so he recommended the contract.

Councilor Wolverton asked if they could elaborate on the litigation components.

Councilor Wyatt replied that there were a number of law suits in various courts but mostly in Multi-district Litigation which was where Federal Courts took cases from all over and put them together. Councilor Wyatt stated that there were a number of cases against manufacturers of opioids and they would just be joining them.

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

Resolution No. 19-191

(A Resolution to authorize the Mayor to execute contingency agreement with Riley & Jackson PC for Opioid Litigation)

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 19-191. Councilor McClusky seconded the motion.

President Wright 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. 12.10.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of Downtown District Zoning – Mike Kendrick, City Attorney.

President Wright stated that this item would be carried over for the Public Hearing set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 08.10.19 – Request for consideration for the city to vacate land between 904 Highland Road and 909 Irving Road – Holly Polk and Will Gardner/Wyatt Pugh/Greg Cobb, BEZ (Carried Over 10/21/19).

President Wright stated that this item would be referred back to the Special Issues Committee for further discussion.

The next item on the Agenda under Old Business was Item No. 32.10.19 – Public Hearing set for November 4, 2019 at 6:00 p.m. for consideration of a variance to the Homewood Fence Ordinance at 107 Lucerne Blvd – Chris and Amy Snow/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 28, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 7:31 p.m.

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

Mr. Greg Cobb addressed the Council and stated that the corner lot had two fronts so the backyard which was a back and a side yard as per the ordinance they had to be 15 feet back from the property line on the street side so they did not block sight distance of vehicles. Mr. Cobb further stated that this request was to come within five feet of the property line and it would not impede the vision of traffic.

Mr. Chris Snow addressed the Council and stated that children and a dog so they wanted to put a fence it but the backyard was a little awkward and they only had one neighbor between their house and Lakeshore and they did not have any neighbors across the street who could see the fence so the request was to give them a workable yard for the kids to get out and enjoy the yard.

Councilor Smith asked to verify that the reason for the request for five feet instead of 15 feet was because if he went 15 feet that would be right down the middle of the side yard.

Mr. Snow replied that this was correct.

President Wright declared the Public Hearing closed at 7:34 p.m.

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

Resolution No. 19-192

(A Resolution for a variance to the Homewood Fence Ordinance at 107 Lucerne Blvd)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 19-192. Councilor McClusky seconded the motion.

President Wright 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. 33.10.19 – Public Hearing set for November 4, 2019 at 6:00 p.m. for consideration of a variance to the Homewood Fence Ordinance to allow a front-yard fence at 832 Acton Avenue – Payton Joiner/Wyatt Pugh/Greg Cobb, BEZ.

Mr. Cobb stated the request had been withdrawn.

President Wright declared the Public Hearing opened at 7:36 p.m.

President Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item. There was no response from the Council.

President Wright declared the Public Hearing closed at 7: 36 p.m.

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

President Wright 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. 34.10.19 – Public Hearing set for November 4, 2019 at 6:0 p.m. for consideration of a variance to the Sign Ordinance at 2614 18th Street South – Jack Kidd/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 28, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 7:37 p.m.

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

Mr. Greg Cobb addressed the Council and stated that this was for the car wash on the corner where 280 intersected 18th Street and they wanted to re-open the car wash so he was requesting some signs none of which were oversized but they were multiple signs. Mr. Cobb further stated that the signs were for the standard entrance and exit and a big one that said "Car Wash" and two larger ones that said "Car Wash," one facing 18th Street and the other facing the station side.

President Wright asked how many sign there would be.

Mr. Cobb replied that there would be five signs.

President Wright asked how many signs were allowed.

Mr. Cobb replied one.

Mr. Alex Lott addressed the Council and stated that the entrance and exit signs were dropped but what they were now requesting were a large "Car Wash" sign on either side which would be vinyl signs, non-illuminated, with no electrical involved with either one. Mr. Lott further stated that they were also requesting along the sign strip with the new logo. Mr. Lott added that the sign that would be extended across the building was three feet wide all the way around the building and one section was 42 inches. Mr. Lott further added that they wanted to out the name of the Car Wash on the sign as well as the logo that he submitted to them today.

Councilor Thames asked to verify that the entrance and exit signs were not included because they were directional.

Mr. Cobb replied that he didn't think so and stated that the only thing they exempted was at a drive through they could have one that said "enter" but it could not have the logo on it.

Councilor Smith stated that someone in the committee meeting asked if the entrance and exit signs could be on the ground rather than on the building.

Mr. Cobb stated that this what they had at most of the drive through restaurants.

Mr. Lott stated that what they had outlined in the drawings they presented was what had been indicated by Mr. Kidd that this was what he wanted so he was here on his behalf to request the variance.

President Wright asked if he knew what Mr. Kidd may be willing to compromise.

Mr. Lott replied that he was there to find out what the Council was willing to allow and he was more than willing to comply.

Councilor Jones asked Mr. Cobb if he had looked at the current signs within their property.

Mr. Cobb replied that he had a big pylon sign that predates the changes they had made to the ordinance but all he had ever done was change the plastic in them which was allowed in sign maintenance so he was not violating anything there.

Mr. Lott stated that the Jack Rabbit log sign was actually going to face the station itself as proposed and the portion facing 18th Street was just the big white “Car Wash” sign.

Councilor Wyatt asked if the 18th Street sign was facing 18th Street or was it facing back up toward the new hotel.

Mr. Lott replied that it was facing the 18th Street side in front of Red Mountain Expresso.

Councilor Wyatt asked to verify if it was facing 18th Street or it was facing back up the hill.

Mr. Lott replied that if someone took the left from Highway 280 onto 18th Street and they crossed that was where the sign strip was actually located so it ran parallel with 18th Street.

President Wright asked to verify that they had a sign on 18th Street and then they had one on 280 as well.

Mr. Lott replied that on the side that actually faced 280 was the one that was at the entrance.

Councilor Gwaltney asked if the car wash ran perpendicular to 18th Street.

Mr. Lott replied that it ran parallel to 18th Street.

Councilor Gwaltney stated that in the street view it appeared that there was a Jack Rabbit Car Wash and a Texaco Lube elevated sign and asked if those were still in place.

Mr. Lott asked for clarification.

Councilor Gwaltney stated that it was an elevated sign on the grassy area in front of the car wash which looked to be 25 feet tall.

Councilor Thames stated that this was not on his drawings but was a free standing sign.

Mr. Lott stated that as Mr. Cobb stated there was a pre-existing pylon sign that was there.

Councilor Gwaltney stated that this was secondary to that and that there was a BP pylon at the station and there was also this Jack Rabbit Soft Cloth Car Wash sign and a Texaco Express sign on the entrance side.

Mr. Lott stated that the only one they saw when they did their site survey was the Jack Rabbit sign which was still there.

President Wright stated that he was not sure the Council really had a firm grasp of what was there now, what changes they were asking for, and where the signs were located specifically.

Councilor Gwaltney stated that he would like them to consider a proffer of removal of the pylon sign.

President Wright stated that he might want to come back with several options because with the hotel being built there and the beautification efforts they were making in the area he may want to reconsider his proposal and have some alternatives.

Councilor Wolverton stated that it might be beneficial if the owner could make the meeting as well.

Mr. Lott stated that the owner was a very elderly gentleman and did not get around very well.

President Wright stated that, without objections, the Public Hearing would be continued and Item would be carried over. There were no objections.

The next item on the Agenda under Old Business was Item No. 37.10.19 – Public Hearing set for November 4, 2019 at 6:00 p.m. for consideration of a variance to the Fence Ordinance at 216 Broadway – Lea Lorina/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 28, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 7:50 p.m.

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

Mr. Greg Cobb addressed the Council and stated that they had an existing fence that ran behind the sidewalk by Edgewood School and they would like to take it down and replace it in the same place. Mr. Cobb further stated that if they made it 15 feet off the property line it would hit their house. Mr. Cobb added that there a little one in the front but the request was for the fence that started at the beginning of the house and went rearward.

Councilor Smith asked to verify that the variance was because the fence would be so close to the sidewalk.

Mr. Cobb replied that the ordinance required them to be 15 feet from property line but there was not that much space between the property line and the house. Mr. Cobb stated that it would be a chain link fence that ran from the front of the house around the back of their property and across the back.

Councilor Smith stated that they needed to address the small fence as well because there was no reason for that to be there.

Mr. Cobb stated that they might have issues with children walking across their landscaping.

Councilor Thames asked if they were asking for the small fence and the new fence in the back or just the back fence.

Mr. Cobb replied they were just asking to replace the one in the back.

Councilor Wyatt asked if the back now had a two entrance driveway, one on the alley and one on the street and asked if they had planned on having gates and using both of those.

Mr. Cobb replied that he did not know.

Councilor Wolverton asked if they were just replacing a chain link fence with another chain link fence or were they going to put in a privacy fence.

Mr. Cobb replied that his understanding was that they were going to replace it with a wooden fence.

Councilor Higginbotham asked if the home owners were at the committee meeting.

Mr. Cobb replied no.

Councilor Higginbotham stated that they were not here tonight either so he was having a difficult time understanding why they haven't attended the meeting.

Mr. Cobb replied that he did not know but he had called and left them a message.

Councilor Higginbotham stated that it was difficult to ask questions when they were not here to answer.

Councilor McClusky stated that based on the fact that they were not really sure what they were asking he recommended sending it back to committee and they needed to attend the committee meeting.

President Wright stated that, without objections, the Public Hearing would be continued and referred back to the Special Issues Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 29.10.19 – Request for consideration to utilize a portion of the remaining bond proceeds for Greensprings Revitalization – Councilor Barry Smith and Berkley Squires, Public Works Director.

Councilor Jones stated that the Finance Committee met on October 28, 2019 and voted 4-0 to recommend approving a contract for \$2.25 million with Kimley Horn after hearing from Clark Bailey.

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

Resolution No. 19-193

(A Resolution to utilize a portion of the remaining bond proceeds for Greensprings Revitalization)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-193. Councilor Smith seconded the motion.

President Wright 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. 30.10.19 – Request to authorize the Mayor to sign CAD upgrade documents with Tyler Technologies – Lt. Brandon Broadhead, E-911/Chief Bresnan.

Councilor Jones stated that the Finance Committee met on October 28, 2019 and voted 4-0 to recommend approval.

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

Resolution No. 19-194

(A Resolution to authorize the Mayor to sign CAD upgrade documents with Tyler Technologies)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-194. Councilor Thames seconded the motion.

President Wright 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. 31.10.19 – Request to authorize expenditures for paint for Shades Cahaba Tunnel Mural – Councilor Jennifer Andress.

Councilor Jones stated that the Finance Committee met on October 28, 2019 and voted 4-0 to recommend approval of \$843.00 from Small Infrastructure.

President Wright 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. 19-195

(A Resolution to authorize expenditures for paint for Shades Cahaba Tunnel Mural)

President Wright asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 36.10.19 – Request to release lien on the following property: 2708 17th Street South (Res. No. 13-60) – Melody Salter, City Clerk/Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on October 28, 2019 and voted 4-0 to recommend approval.

President Wright 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. 19-196

(A Resolution to release lien on the following property: 2708 17th Street South (Res. No. 13-60))

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 18.08.19 – Request for consideration to address traffic and speeding issue on Lancaster – Jennifer Andress.

Councilor McClusky stated that the Public Safety Committee met on October 28, 2019 and, after hearing from Capt. Sutton and residents Michael Melvin, David Chaplin, and Jane Chaplain, voted 4-0 to recommend changing signs to say "Strictly Enforced" and adding a second sign (working with residents on placement) and dropping to 20 mph eastbound and westbound with placement of two permanent signs.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 8:00 p.m.:

Ordinance No.

(An Ordinance changing signs to say "Strictly Enforced" and adding a second sign (working with residents on placement) and dropping to 20 mph eastbound and westbound with placement of two permanent signs)

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

President Wright 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, McClusky, Jones, Smith, Wyatt, Andress, Hardin, and Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2765

(An Ordinance changing signs to say "Strictly Enforced" and adding a second sign (working with residents on placement) and dropping to 20 mph eastbound and westbound with placement of two permanent signs)

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2765. Councilor Gwaltney seconded the motion.

President Wright 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, McClusky, Jones, Smith, Wyatt, Andress, Hardin, and Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 27.10.19 – Request for consideration of a new street light at 2511 19th St S – Councilors Andy Gwaltney and Britt Thames.

Councilor McClusky stated that the Public Safety Committee met on October 28, 2019 and voted 4-0 to recommend approval and referral to the Finance Committee for funding.

Councilor Thames asked if they could move to fund from the floor.

Mr. Kendrick replied yes and that the last time the cost was \$259.62.

Councilor Jones moved to approve funding. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 19-197

(A Resolution for a new street light at 2511 19th St S)

President Wright asked if the Council had any questions or comments regarding the motion from the Public Safety Committee. 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. 07.10.19 – Request for permission to remove five or more trees at 741 Crest Lane – Chris Mueller/Wyatt Pugh/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 28, 2019 and voted 5-0 to set a Public Hearing.

President Wright stated that the Public Hearing would be set for November 18, 2019 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 01.11.19** Request for consideration that Homewood pay for removal of a portion of a tree that fell from an area of unmaintained city right-of-way onto an accessory structure on private property at 1110 Fern Street – Rick Leach, Homeowner/Wyatt Pugh/Greg Cobb, BEZ – **Finance Committee**

- 02.11.19** Request for consideration to declare the following items surplus: 2004 New Holland Tractor (Vin#1327605 Model 70); Computer Box for transmission; 2010 Dodge Nitro- (Vin#1D4PTGK7BW532597); Old Pull Behind Leaf Machines (47-A #17673 R-30-RA; 44-A#17666 R-30-RA; 44-B#121200002; 45-B#121200003); and Roll Off Containers (#19487 Serial Number; #19485 Serial Number) – Berkley Squires, Parks & Rec/Street and Sanitation – **Finance Committee**

- 04.11.19** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of revision to the sign ordinance – Mike Kendrick, City Attorney – **Special Issues Committee**

- 10.11.19** Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1649 28th Ave S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh – **Planning and Development Committee**

- 11.11.19** Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 618 Hambaugh Ave (PID # 29-00-14-4-011-024.00) – Wyatt Pugh – **Planning and Development Committee**

- 12.11.19** Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1612 Barry Ave (PID # 29-00-12-4-003-011.00) – Wyatt Pugh – **Planning and Development Committee**
- 13.11.19** Request to set a Public Hearing and referral to the Planning and Development Committee for consideration of condemning house at 1117 Hardwick Lane (PID # 29-00-22-4-013-009.000) – Wyatt Pugh – **Planning and Development Committee**
- 05.11.19** Request to authorize the Mayor to sign contract with the Birmingham Jefferson Transit Authority for FY19-20 services – Robert Burgett, Finance Director/Melody Salter, City Clerk – **Finance Committee**

Councilor Higginbotham moved for the approval of the Committee Referral Agenda as amended. Councilor Jones seconded the motion.

President Wright 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. 04.11.19 – Request to set a Public Hearing on December 9, 2019 at 6:00 p.m. for consideration of revision to the sign ordinance – Mike Kendrick, City Attorney.

President Wright stated that the Public Hearing would be set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 06.11.19 – Request to sell a portion of City owned property at 431 Greensprings – Mayor McBrayer.

Mayor McBrayer stated that they were still waiting on some numbers so he recommended sending this back to the Finance Committee.

President Wright stated that, without objections, this item would be referred back to the Finance Committee.

The next item on the Agenda under Other New Business was Item No. 07.11.19 – Request authorize the Mayor to sign contract with the Birmingham Jefferson Transit Authority for FY 19-20 services – Robert Burgett, Finance Director/Melody Salter, City Clerk.

Councilor Jones moved to drop this duplicate item. Councilor Smith seconded the motion.

President Wright 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. 09.11.19 – Request for consideration of approval of vouchers for period of October 22, 2019 through November 4, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-198

(A Resolution for approval of vouchers for period of October 22, 2019 through November 4, 2019)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-198. Councilor Higginbotham seconded the motion.

President Wright 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. 10.11.19 – Request to set a Public Hearing for consideration of condemning house at 1649 28th Avenue S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh.

President Wright stated that the Public Hearing would be set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.11.19 – Request to set a Public Hearing for consideration of condemning house at 618 Hambaugh Ave (PID # 29-00-14-4-011-024.00) – Wyatt Pugh.

President Wright stated that the Public Hearing would be set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.11.19 – Request to set a Public Hearing for consideration of condemning house at 1612 Barry Ave (PID # 29-00-12-4-003-011.00) – Wyatt Pugh.

President Wright stated that the Public Hearing would be set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 13.11.19 – Request to set a Public Hearing for consideration of condemning house at 1117 Hardwick Lane (PID # 29-00-22-4-013-009.000) – Wyatt Pugh.

President Wright stated that the Public Hearing would be set for December 9, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 14.11.19 – Request to authorize the Mayor to sign a Business Associate Agreement with American Fidelity to administer the employee insurance benefits for the City of Homewood – Robert Burgett/Finance Director.

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

Resolution No. 19-199

(A Resolution to authorize the Mayor to sign a Business Associate Agreement with American Fidelity to administer the employee insurance benefits for the City of Homewood)

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 19-199. Councilor Smith seconded the motion.

President Wright 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 that he had been in close contact with friends and family of Aniah Blanchard and their prayers were to see her brought home safely but he was thankful to see all the blue ribbons throughout the city. Mayor McBrayer further stated that he wanted to welcome Councilor Hardin to the Council. Mayor McBrayer added that he wanted to commend the Council for reconsidering the fence vote for the Hammonds.

Councilor Gwaltney stated that the Public Works Committee would meet on November 18, 2019 at 5:30 p.m.

Councilor Thames stated that the Planning and Development Committee would not need to meet on November 18, 2019.

Councilor Higginbotham stated that he wanted to remind everyone that they would be having the West Homewood Farmers Market on Tuesday, November 12, 2019 from 5:00-8:00 p.m.

Councilor Wolverton stated that he wanted to thank the Beautification Board for the Christmas Tree decorations. Councilor Wolverton further stated that the Ward 3 Quarterly Town Hall Meeting would be set for November 21, 2019.

Councilor McClusky stated that the Public Safety Committee would not need to meet on November 18, 2019.

Councilor Jones stated that the Finance Committee would meet on November 18, 2019 at 5:00 p.m. Councilor Jones further stated that tonight demonstrated how diverse the strengths of the Council as with the issue with the fence, they all came together with different gifts.

Councilor Smith stated that the Special Issues Committee would meet on November 18, 2019 at 5:45 p.m. Councilor Smith further stated that she wanted to ask everyone to continue to keep the Blanchard family in their prayers.

Councilor Wyatt stated that the Chamber of Commerce's Holiday Open House would be Thursday, November 7, 2019 from 5:00-8:00 p.m. Councilor Wyatt further stated that he wanted to congratulate the High School's Mock Trial Team who won second place.

Councilor Andress stated that she wanted to thank the Beautification Board for putting Christmas Trees up in West Homewood and Edgewood today. Councilor Andress further stated that on Thursday at noon they would be at Dr. Vail's office at Homewood Family Dentistry for the 3rd Quarter Beautification Award. Councilor Andress added that the Cross Country Team would be going to State on Saturday. Councilor Andress further added that she wanted to remind everyone not to bag their recycling and they could get more information on Facebook at Inter-City Recycling Challenge.

Councilor Hardin stated that he was excited to be chosen for this job. Councilor Hardin further stated that 30 percent of recycling was something that they paid for and they were trying to drop that number.

President Wright stated that he wanted to echo the sincere prayers for the Blanchard family and he wanted the Council to think about passing a resolution in support of the family. President Wright further stated that having twenty or thirty people show up to a Council meeting to talk about a fence, this did not happen in all communities but it showed how much they cared about it and how much they were willing to participate in the process to handle it. President Wright added that the Council took their ordinances seriously and though they did not do everything perfectly all the time but they worked hard to do their best and they worked through that problem in an appropriate, deliberate, and proper manner.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:32 p.m.