

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

**December 3, 2018**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, December 3, 2018 at City Hall at 6:00 p.m.

At this time, Mr. Jay Roberson addressed the Council regarding the Birmingham Iron.

The invocation was given by Christian Cheairs, Associate Pastor from Trinity United Methodist Church, after which the pledge of allegiance was given.

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

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Regular Council Meeting of November 19, 2018 and approve them as distributed. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Gwaltney moved to appoint Ms. Joy Beth Smith for the Ward 1 BZA position. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 09.12.18 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses for Mark's Joint LLC d/b/a Mark's Joint at 2846 18<sup>th</sup> Street S – Robert Burgett, Acting City Clerk; Item No. 10.12.18 – Request for

consideration of hiring legal representation regarding potential election results – Alex Wyatt.

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

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

On a voice vote, the motion carried without dissent.

### **CONSENT AGENDA**

**12.10.18** Request for consideration of potential Economic Development Projects – Walter Jones/Barry Smith

**Action Taken: The Committee met and voted 5-0 to recommend dropping this item as it was added on the floor of the Council Meeting on November 19, 2018 and Public Hearing set for December 3, 2018 at 6:00 p.m. The motion was made by Councilor Smith and seconded by Councilor Higginbotham.**

Councilor Thames moved for the approval of the amended Consent Agenda. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 19. 10.18 – Public Hearing continued from November 19, 2018 at 6:00 p.m. for consideration of condemning house at 1569 Valley View Circle (PID #29-00-12-4-007 013.000) – Wyatt Pugh.

President Limbaugh continued the Public Hearing at 6:14 p.m.

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

Mr. Wyatt Pugh addressed the Council and stated that this item was carried over last time based on the fact that there was a new owner closing on that property during the time of the actual meeting there was a closing happening so he had reached out to the new owner, and he was here to speak to the Council about his planned improvements and

timeline for those improvements. Mr. Pugh further stated that the new owner had taken out a demolition permit and had begun work on cleaning out the inside of the house.

Mr. David Averett with Spruce House, LLC, addressed the Council and stated that they owned the property and did not find out that Homewood was looking at the property for condemnation until the day before closing but he spoke to Mr. Pugh just before closing and said that they would jump on it as soon as possible so they had pulled the demo permit and had already started that project and the interior was fully ripped out. Mr. Averett further stated that the plan from here was a full systems renovations of electrical, plumbing, HVAC, exterior upgrade, fascia and soffit replacement, and concrete step replacement. Mr. Averett added that they would do a full rehab on the property and in three to three and half months they should have it ready to go and back up for sale.

Councilor Thames asked that the property be kept secure during that time because they had an issue with it being opened, which posed a threat to the public.

Mr. Averett replied that Mr. Pugh had told him about that so the first thing he did was lock the back door.

President Limbaugh asked Mr. Pugh for his recommendation.

Mr. Pugh replied that his recommendation would be not to condemn the house and give the new owners an opportunity to make the improvements. Mr. Pugh stated that he would point out that a neighbor who was also looking at buying it received a quote from Alabama Foundation Specialists for several thousand dollars for foundation improvements that needed to be done so he would ask Mr. Averett to get an engineer's report on that foundation system before moving forward with the approval of a building permit.

President Limbaugh declared the Public Hearing closed at 6:17 p.m.

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

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

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 20.10.18 – Public Hearing continued from November 19, 2018 at 6:00 p.m. for consideration of condemning house at 1627 Saulter Road (PID #28-00-18-3-001-021.000) – Wyatt Pugh.

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

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

Mr. Wyatt Pugh addressed the Council and stated that both Councilor Smith and himself had attempted to reach out to the caretaker of the property but he had not been available for any comment and had not returned any messages and as of today there were no improvements made and no attempt was made to barrier off the affected areas but he did understand that he was under some extenuating circumstances but he would like for him to get that area secured.

Councilor Smith stated that they had both tried to get in touch with the caretaker but he had not responded so she and Mr. Pugh would both call him this week and let him know that he had until next Monday to get the fencing put across the carport so that nobody could access where the roof was caved in.

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

The next item on the Agenda under Old Business was Item No. 08.11.18 – Public Hearing continued from November 19, 2018 at 6:00 p.m. for consideration of a variance to the fence ordinance at 417 Crest Drive – John Henderson – Greg Cobb/BEZ.

President Limbaugh continued the Public Hearing at 6:20 p.m.

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

Mr. Greg Cobb addressed the Council, presented photographs, and stated that the row of hedges was where the fence was going to go.

Mr. John Henderson of 417 Crest Drive addressed the Council and stated that the proposed location of the fence was three to four feet back from the property line and the bushes would stay there and the fence would just continue all the way back.

Councilor Smith asked to verify that the property was on the corner of Crest Drive and Saulter Lane and he was talking about the fence that was coming up the side yard along the Saulter Lane side.

Mr. Henderson stated that he had two other fences that were in need of repair so he would like to do them all at once.

President Limbaugh asked to verify that he would repair the other fences.

Mr. Henderson replied yes.

Councilor Smith asked if the large bushes toward the back would be affected.

Mr. Henderson replied that those were not on his property.

Councilor Smith asked if the fence would go inside that area.

Mr. Henderson replied yes.

Mr. Cobb stated that one of the questions last time was about the fence along the road side and Mr. Henderson stated that he would put it behind the hedges so the hedges would stay in place.

Councilor Wright asked what the hardship was for the variance.

Mr. Cobb replied that this was a double fronted lot and so it was hard to fence and the ordinance read that on street side it needed to be fifteen feet off the property line which would be at the back of his house. Mr. Cobb stated that in the past what they had looked at to make sure there was good visibility for the people on the corner to be able to see down the street if they were pulling out and because of his property line it there was not a visibility issue.

President Limbaugh declared the Public Hearing closed at 6:24 p.m.

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

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

**Resolution No. 18-174**

**(A Resolution for a variance to the fence ordinance at 417 Crest Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-174. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Wolverton entered the Council Chambers at 6:25 p.m.

The next item on the Agenda under Old Business was Item No. 10.10.18 – Public Hearing set for December 3, 2018 at 6:00 p.m. for consideration of zoning ordinance changes – Britt Thames.

President Limbaugh opened the Public Hearing at 6:25 p.m.

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

Mr. Greg Cobb addressed the Council and stated that in the definition section they added sidewalks, driveways, and parking pads to structures because now they were looking at permeable surfaces to avoid extra runoff then they defined permeable surfaces. Mr. Cobb further stated that the NPD calculations when they split a lot had originally been set at 100 percent of the average and back several years ago it was changed to 85 percent so they were putting it back like it was written in 1986 to 100 percent so they if the split a lot they would need to meet the average of the neighborhood by 100 percent and in that they added that if they had an unusually large lot they would throw those out to get a more true average. Mr. Cobb added that the next thing they changed was that front set-backs used to be the average of what was on the street within 100 feet of either direction on both sides of the street so they changed that to the same side of the street because on some streets like Ridge that was real steep and one side of the street was close and the other side was pushed way back and they didn't want someone to use something down the street on the other side to mess up the look of the neighborhood so they were trying to keep everything the way it was intended. Mr. Cobb further added that the next thing they changed was accessory structures where they were not allowed to take up more than 50 percent of the entire lot with structures nor more than 30 percent in the rear yard allowing a five percent allowance if permeable surfaces were used, and again this was based on trying not to have more water issues.

Mr. Cobb stated that the next change was rear yard structure of 15 feet or less in height with a five foot side set-back and if they were over fifteen feet they had ten foot side set-back and that was measured from the lowest usable floor and along with that they put that no accessory structures could exceed 25 feet in height.

Councilor Gwaltney asked if on the lots that were excessively large or excessively small, what the threshold was.

Mr. Cobb replied that it would have to be judgement call if something was obviously out of character but generally things were very similar but every now and then there may be one big tract of land that was in an area and that would be something obvious that they would throw out.

Councilor Gwaltney asked if the judgement call would be made by the BEZ Department.

Mr. Cobb replied yes.

Councilor Gwaltney asked if accessory structures were rolling into the 50 percent.

Mr. Cobb replied yes and stated that this was included in the first change they made that picked up the driveways, decks, and patios that they used to not count and this was really based on the water runoff issues they were having when they were taking up large houses on small lots.

President Limbaugh declared the Public Hearing closed at 6: 29 p.m.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:30 p.m.:

**Ordinance No.**

**(An Ordinance for zoning ordinance changes)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2722**

**(An Ordinance for zoning ordinance changes)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2722. Councilor Thames seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 31.11.18 – Public Hearing set for December 3, 2018 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1808 29<sup>th</sup> Avenue South – Tom Coger/Greg Cobb, BEZ.

President Limbaugh declared the Public Hearing opened at 6:35 p.m.

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

Mr. Greg Cobb addressed the Council and stated that this was a request for an additional sign that was within size limitations but was just an additional sign.

Mr. Cal Holt of Knight Signs addressed the Council and stated that the sign on the front was already permitted and on the side there was another entrance toward the front of the building that had a permitted sign set for it as well but at the rear of the building there was another entrance that was about 75 feet from the front entrance and they were asking the Council to consider one of the options to go at that entrance, option 1 that would be a single logo by itself which was only 13 square feet, or putting the letters above the canopy so they could get some identification for the bank at that entrance so there was no confusion to the public plus their services that could be entered into from the entrance that were insurance and mortgage which were very different from the front end of the bank.

Councilor Andress asked if they could eliminate the sign that was facing City Hall and just have the one at the front and the one at the back and just not have the side sign and then not need the variance.

Mr. Holt replied that they discussed that but the consensus with everyone concerned at the bank was that this sign was more important than any of them because of the view coming down 29<sup>th</sup> Street.

Councilor Gwaltney asked if the Mortgage branch in the back connected to the bank in the front.



Mr. Holt replied that there were glass doors between the two entities but if it was raining and someone had to park in this parking lot they could go in the back entrance and make their way into the front.

Councilor Smith stated that when they discussed this in the Special Issues Committee Meeting there was some on the Committee that felt like the single “T” because it was smaller would be the more palatable option.

Mr. Holt stated that their branding and marketing people agreed.

Councilor Smith asked if that sign would be lit.

Mr. Holt replied yes.

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

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

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

**Resolution No. 18-175**

**(A Resolution for a variance to the sign ordinance at 1808 29<sup>th</sup> Avenue South)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-175 for the single T logo option. Councilor Wright seconded the motion.

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

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

The motion carried on a voted of 7-4.

The next item on the Agenda under Old Business was Item No. 32.11.18 – Public Hearing set for December 3, 2018 at 6:00 p.m. for consideration of a variance to the fence ordinance at 1136 Hardwick Lane – Lauren Vanderbijl/Greg Cobb, BEZ.

President Limbaugh declared the Public Hearing opened at 6:40 p.m.

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

Mr. Greg Cobb addressed the Council and stated that this was a request for a front yard variance and in committee it was discussed that it would have limitations on it as the children got older or if the house sold.

Ms. Lauren Vanderbijl at 1136 Hardwick Lane addressed the Council and stated that they were asking for the variance based on the hardship because they had three children all with special needs, all who were hard of hearing in different ways, and they were all under the age of seven. Ms. Vanderbijl further stated that their yard sloped toward the street with no sidewalk and they also had a power pole in the front yard with three cables tied in so they were planning to put in a three foot space picket fence just fifteen feet off the house to fence in just the front stoop around the front door and would not come anywhere near the street and would be at the 25 foot building mark on their survey.

Councilor Smith stated that at the Committee Meeting last week Ms. Vanderbijl let them know that her oldest child had autism and the two younger children were hearing impaired and had cochlear implants so this was a safety issue and though they were not fans of front yard fences but in the circumstance there was a proven hardship.

Councilor Jones asked where the fence was going to go.

Ms. Vanderbijl replied that the picket fence would go between the front window and the garage door.

President Limbaugh stated that it was 16 feet off of the front of the house.

Mr. Cobb stated that it surrounded the front door so that when they came out of the front door the kids would not be able to access the street.

Councilor Jones asked how many feet it was from the front of the fence to the road.

Mr. Cobb replied that it would be about 28 to 30 feet off the street.

Councilor Wolverton asked if there would be a gate.

Ms. Vanderbijl replied yes and stated that there would be a gate on the path where the sidewalk was.

Councilor Wright asked if there was a proffer written into the resolution.

Mr. Kendrick replied that the proffer was to remove the front yard fence if the property owner no longer resided at the property or when the fence was no longer needed for the safety of the property owner's minor children. Mr. Kendrick asked Ms. Vanderbijl if she agreed to that.

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

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

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

**Resolution No. 18-176**

**(A Resolution for a variance to the fence ordinance at 1136 Hardwick Lane)**

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 18-176. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 33.11.18 – Public Hearing set for December 3, 2018 at 6:00 p.m. for consideration of a variance to the fence ordinance at 327 Kenilworth Drive – Kellie Handley/Greg Cobb, BEZ.

President Limbaugh declared the Public Hearing opened at 6:46 p.m.

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

Mr. Greg Cobb addressed the Council and stated that this was a corner lot with two fronts and their house was only eleven feet from the property line and the ordinance was 15 feet from the property line so what they would like to do was go down the property line and across the wall in the back with the fence at the corner of Primrose and Kenilworth. Mr. Cobb further stated that at the back corner of the house was a block wall where the fence would run in front of and her property was two to three feet behind that wall.

Councilor Wolverton asked if it would be just the back section or if it would come all the way out to the curb.

Mr. Cobb replied that on the street side it would come down on the property line.

Councilor Wyatt asked to verify that they were talking about the Primrose side, not the Kenilworth side.

Mr. Cobb replied yes.

Councilor Wyatt asked if they were looking at the house, it would be the back yard and would not do anything with the part that faced Kenilworth.

Mr. Cobb replied yes and stated the house faced Kenilworth and this would be the side and the back that they were looking at for the fence.

Councilor Higginbotham asked if the new fence would interfere with sightline in driving activities.

Mr. Cobb replied no and stated that right now there were hedges that grew all the way to the street so they could not see past the driveway next door and the fence would be inset from the street by about two or three feet from the curb.

Councilor Smith stated that the fence did not come anywhere near the corner of Kenilworth and Primrose.

Mr. Cobb stated that she was correct because it would tie into the back of the house.

Councilor Smith stated that there would be no sight distance problems with people coming out of Primrose onto Kenilworth.

Mr. Cobb stated that this was correct because it would be 75 to 100 feet until they got to Kenilworth.

President Limbaugh stated that it was his understanding that this was a safety issue.

Ms. Handley replied yes and stated that this was to keep the dog and the kids safe.

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

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

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

**Resolution No. 18-177**

**(A Resolution for a variance to the fence ordinance at 327 Kenilworth Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-177. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.10.18 – Public Hearing set for December 3, 2018 at 6:00 p.m. for consideration of potential Economic Development Projects – Walter Jones.

President Limbaugh declared the Public Hearing opened at 6:52 p.m.

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

Mr. Kendrick stated that this would be Public Hearing which was required by law to consider economic incentives for this particular project. Mr. Kendrick further stated that there was a development agreement that had been negotiated with the city and the representatives of the owners of the property that would provide for the construction of a four star, full service Curio Hotel by Hilton with an additional 10,000 square feet of retail facilities fronting 18<sup>th</sup> Street and in addition the development agreement spelled out the obligations of the developer and it spelled out the economic incentives to be provided by the city if the developer develops the property and it was opened as a Curio Hotel and it provided for additional incentives if and when the additional retail spaces provided for a maximum of \$10 million dollars for all incentives to be provided for the city over a 20 year period. Mr. Kendrick added that tonight was the Public Hearing that was published in the Birmingham News on November 25, 2018 that was required by law for public input and consideration before they could take any action to approve this development agreement.

Ms. Meredith Drennen and Fioresha Boyd of the Homewood Chamber of Commerce addressed the Council and Ms. Drennen stated that they wanted to express their support of this potential incentive. Ms. Drennen further stated that they went through a really rigorous strategic planning process last year and this kind of development was very much in line with the strategic plan that they came out with. Ms. Drennen added that they surveyed over 500 of their business members and held 80 interviews with different community leaders and in addition to not only this fulfilling this economic development section of the Chamber's strategic plan, they also took a lot of time working on the Hearth of Homewood plan as well so they felt like this very much exemplified what all of the planning process represented with that plan as well. Ms. Drennen further added that they wanted to express their support for this and thought it would do great things for Homewood and would be a smart plan and was something the Chamber was excited about.

Mr. Doug Neil of Daniel Communities addressed the Council and stated that this project had been thoroughly reviewed and the development called for an approximately \$50 million dollar capital investment to be made in the city of Homewood to underwrite the development of the Curio Hotel and additional retail through the efforts of many on this Council and the Finance Committee to reach agreement with the incentive that was being discussed to the developers being structured to help facilitate the economic viability of the project given a number of things not only of which land cost, construction cost, and operating budget, to make sure there was a viable opportunity to secure financing. Mr. Neil further stated that the project over a 30 year period of time after the net fiscal impacts to the projects were expected to generate approximately \$42 million dollars in net new fiscal impacts to the city of Homewood assuming the development was delivered as had been proposed. Mr. Neil added that those projects and revenues would largely come from building permit fees, lodging taxes, sales and use taxes, and ad valorem taxes that supported both the city operating budget as well as schools. Mr. Neil further added that through the efforts of many on the Council this project had been looked for the ability to bring a first class, full service lodging property to the city of Homewood which would not only serve the community well but likely would spur additional development in and around the downtown area.

President Limbaugh declared the Public Hearing closed at 6:58 p.m.

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

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

**Resolution No. 18-178**

**(A Resolution for Economic Development Projects)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-178 pending the city attorney's satisfaction of the mechanics of the Homewood Downtown Redevelopment Authority. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

On a voice vote, the motion carried on a vote of 9-0-2. Councilors Smith and Wright abstained.

The next item on the Agenda under Old Business was Item No.10.11.18 – Bid Opening set for December 6, 2018 at 4:00 p.m. for Police Tactical Van – Chief Tim Ross / Captain Ben Sutton.

President Limbaugh stated that this item would be carried over for the Bid Opening.

The next item on the Agenda under Old Business was Item No. 18.08.18 – Request for consideration to contract for city-wide traffic study – Andy Gwaltney/Britt Thames.

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

**Resolution No. 18-179**

**(A Resolution to contract for city-wide traffic study)**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 18-179. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 22.11.18 – Request for adjustment to no parking on 26<sup>th</sup> Avenue South – Britt Thames.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:03 p.m.:

**Ordinance No.**

**(An Ordinance to adjustment to no parking on 26<sup>th</sup> Avenue South)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2723**

**(An Ordinance to adjustment to no parking on 26<sup>th</sup> Avenue South)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2723. Councilor Wyatt seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.11.18 – Request for consideration to address the traffic, parking and pedestrian issues on South Lakeshore Boulevard– Barry Smith/Ashley Condon.

Councilor McClusky stated that the Public Safety Committee met on November 26, 2018 and voted 4-0 to recommend adding lighting and making both sides of the street no parking.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:05 p.m.:

**Ordinance No.**

**(An Ordinance to add lighting and make both sides of South Lakeshore Boulevard no parking)**

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



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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2724**

**(An Ordinance to add lighting and make both sides of South Lakeshore Boulevard no parking)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2724. Councilor Smith seconded the motion.

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

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

The motion carried on a 10-1 vote.

The next item on the Agenda under Old Business was Item No. 26.11.18 – Request for consideration for making Reese Street one way from Central Ave to Crescent –Barry Smith.

Councilor McClusky stated that the Public Safety Committee met on November 26, 2018 and voted 4-0 to recommend making it a one-way.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:09 p.m.:

**Ordinance No.**

**(An Ordinance to make Reese Street a one-way)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2725**

**(An Ordinance to make Reese Street a one-way)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2725. Councilor Wyatt seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, Wright, and Limbaugh. The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 40.11.18 – Request to consider Huntington Road as a One-Way – Peter Wright and Kelly Chopin/Jennifer Andress.

Councilor McClusky stated that the Public Safety Committee met on November 26, 2018 and voted 4-0 to recommend traffic study by Volkert.

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

The next item on the Agenda under Old Business was Item No. 30.11.18 – Request to address the City Council concerning the existing covenants for Wildwood North – Mike Moseley/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, a Public Hearing would be set for December 17, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Old Business was Item No. 29.11.18 – Request for reconsideration of removing a tree for homeowner in city Right-of-Way at 131 East Hawthorne Road because of setback requirements for proposed detached garage – Scott Jenkins, homeowner/Wyatt Pugh, BEZ.

Councilor Wright stated that the Public Works Committee met on November 26, 2018 and a motion to fund the removal of the tree failed on a vote of 1-3.

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

Councilor Thames moved to drop this item. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.10.18 – Request to address Mecca storm water issue – Britt Thames/Andy Gwaltney.

Councilor Jones stated that the Finance Committee met November 26, 2018 and voted 5-0 to recommend funding \$16,500.00 from Engineering Services.

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

**Resolution No. 18-180**

**(A Resolution to address Mecca storm water issue)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-180.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 04.11.18 – Request to consider surplus library items (Add Item Nos. 24.11.18 and 25.11.18). – Debbie Fout.

Councilor Jones stated that the Finance Committee met November 26, 2018 and voted 5-0 to recommend approval of surplus items from Item No. 04.11.18; Item No. 24.11.18; and Item No. 25.11.18 under one Ordinance.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:15 p.m.:

**Ordinance No.**

**(An Ordinance to surplus items from Library, Street and Sanitation, and Police Department)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2726**

**(An Ordinance to surplus items from Library, Street and Sanitation, and Police Department)**

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2726. Councilor Smith seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.11.18 – Request to transfer up to \$1,000,000 from the General Fund to the Capital Projects Fund – Mayor Scott McBrayer / Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on November 26, 2018 and voted 5-0 to recommend approval.

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

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

**Resolution No. 18-181**

**(A Resolution to transfer up to \$1,000,000 from the General Fund to the Capital Projects Fund)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-181.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 18.11.18 – Request to transfer and deposit excess operating capital held in checking accounts into Money Market accounts with Bryant Bank – Mayor Scott McBrayer / Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on November 26, 2018 and voted 5-0 to recommend approval.

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

Councilor Jones then moved for approval.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 19.11.18 – Request to transfer and deposit excess operating capital held in checking accounts into Money Market accounts with Iberia Bank – Mayor Scott McBrayer / Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on November 26, 2018 and voted 5-0 to recommend approval.

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

Councilor Jones then moved for approval.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 20.11.18 – Request to create a and fund Municipal Court Administrator Position – Mayor Scott McBrayer / Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on November 26, 2018 and voted 5-0 to recommend approval.

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

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

**Resolution No. 18-182**

**(A Resolution to create a and fund Municipal Court Administrator Position)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-182.

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

On a voice vote, the motion carried without dissent.

Councilor Wright left the Council Chambers at 7:19 p.m.

The next item on the Agenda under Old Business was Item No. 39.11.18 – Request for consideration for the Mayor sign a loan with Bryant Bank for the Library expansion – Robert Burgett, Finance Director.

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

#### **COMMITTEE REFERRAL AGENDA**

- 01.12.18** Request to address the City Council concerning the drainage study for Bonita and Roxbury – **William Thomas/Greg Cobb, BEZ – Public Works Committee**
- 02.12.18** Request for consideration for a sign for the tunnel at the Piggly Wiggly under Hwy 31 – **Jennifer Andress – Public Safety Committee**
- 03.12.18** Request to set a Bid Opening for Watch Tower – **Sgt. Jerry Suttles/Police Dept. – Finance Committee**
- 04.12.18** Request for consideration for painting and lighting for SOHO Garage – **Jennifer Andress – Finance Committee**
- 05.12.18** Request for consideration of amending Ordinance No. 2586 – **Robert W. Burgett – Special Issues Committee**
- 06.12.18** Request for consideration for a tent variance at 1400 Oxmoor Road (Trinity United Methodist Church) – **Tori Tenniswood / Greg Cobb, BEZ – Special Issues Committee**
- 07.12.18** Request for consideration of Highway 280 Co-Operative Improvement District – **Planning and Development Committee**

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

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

On a voice vote, the motion carried without dissent.

## **OTHER NEW BUSINESS AGENDA**

The next item considered under Other New Business was Item No. 08.12.18 – Request for consideration of approval of vouchers for period of November 19, 2018 through December 2, 2018 – City Treasurer/Finance Committee.

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

### **Resolution No. 18-183**

**(A Resolution for approval of vouchers for period November 19, 2018-December 2, 2018)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-183. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 09.12.18 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses for Marks Joint LLC d/b/a Marks Joint at 2846 18<sup>th</sup> Street S – Robert Burgett, Acting City Clerk.

Councilor McClusky moved to have no objections to the issuance of the ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 10.12.18 – Request for consideration of hiring legal representation regarding potential election results – Alex Wyatt.

Councilor Wyatt stated that because of some irregularities with certain ballots regarding the last election he would like to recommend that they hire legal representation to look into that matter to see what if anything might be in the city's best interest.

President Limbaugh asked if they could put a cap on the amount.



Councilor Wyatt replied that he thought they could but he would not want to do that quite yet but he would recommend hiring Barry Ragsdale with Sirote and Permutt who was experienced in that area.

Councilor Andress moved for approval. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried on a 9-0-1 vote. Councilor Smith abstained.

Councilor Thames stated that the Planning and Development Committee would meet on December 10, 2018 at 5:30 p.m.

Councilor Wolverton stated that he wanted to thank everyone who attend their town hall meeting last week where they had a lot of good input and discussion.

Councilor McClusky stated that the Public Safety Committee would meet on December 10, 2018 at 5:45 p.m.

Councilor Jones stated that the Finance Committee would meet on December 10, 2018 at 5:00 p.m. Councilor Jones further stated that he wanted to thank everyone involved in putting the Christmas Parade together that would be held tomorrow night.

Councilor Smith stated that the Special Issues Committee would meet on December 10, 2018 at 6:15 p.m.

Councilor Wyatt stated that the Public Works Committee would meet on December 10, 2018 at 6:30 p.m.

Councilor Andress stated that she wanted to thank Mr. Hambley for putting up the new Christmas wreaths on the lamp posts. Councilor Andress further stated that she watched the Birmingham Council approve the Co-Operative Agreement live so they were through the Birmingham City Council and she just got a notification that they were through Jefferson County as well.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:31 p.m.