

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

**December 11, 2017**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, December 11, 2017 at City Hall at 6:00 p.m.

The invocation was given by Dr. Bill Johnston of Dawson Memorial Baptist Church, after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:02 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Barry Smith, Alex Wyatt, Jennifer Andress, Peter Wright, and Bruce Limbaugh, 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. Absent: Walter Jones.

At this time, Mayor McBrayer presented a proclamation to members of the Homewood Environmental Commission for Tree Awareness Month.

Mayor McBrayer then presented a proclamation to Mr. Chris Meeks honoring his service on the Park Board.

At this time, President Limbaugh stated that the minutes of the Council Meeting of November 27, 2017 would be carried over.

At this time, Councilor Smith moved to reappoint Mr. Brian Jarmon to the Ward 4 BZA position. 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.

President Limbaugh stated that the Ward 5 Homewood Environmental Commission would be reopened until January 16, 2018 at 4:30 p.m.

Councilor Andress moved to appoint Mr. Jared Vanderbleek to the Homewood Downtown Redevelopment Authority. 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.

Councilor McClusky stated that an At-Large position of the Park Board would be opened until January 16, 2018 at 4:30 p.m.

At this time, President Limbaugh amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 11.12.17 – Request for consideration of data and power cost savings assessment – Andy Gwaltney – Finance Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 12.12.17 – Request for consideration to retain Stifel for bond refinancing – City Attorney.

President Limbaugh further amended the published Council Agenda to move Item No. 03.12.17 – Request for consideration of refunding certain portion of 2012 City Government Warrants – City Attorney from the Committee Referral Agenda to the Other New Business Agenda.

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

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

On a voice vote, the motion carried without dissent.

### **CONSENT AGENDA**

**21.11.17** Request for consideration of verbiage corrections to Ordinance 2630 to allow for enforcement clarification – **Andy Gwaltney**

**Action Taken: The Planning and Development Committee met on December 4, 2017 and voted 5-0 to recommend dropping this item. The Motion was made by Councilor Wyatt and seconded by Councilor Andress.**

**28.11.17** **Public Hearing set for December 11, 2017 at 6:00 p.m.** for consideration of condemning a house at the following address: 2535 18<sup>th</sup> Pl. S. (28 00 07 2 009 005.000) – **Wyatt Pugh**

**Action Taken: The Planning and Development Committee met on December 4, 2017 and voted 5-0 to recommend dropping this item due to an error in address. The Motion was made by Councilor Wyatt and seconded by Councilor Andress.**

Councilor Higginbotham moved for the approval of the 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.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 18.08.17 – Request for consideration of an ABC – 160 – Special Retail (More Than 30 Days) license for 1918 Catering LLC d/b/a 1918 Catering located at 197 Vulcan Road – Melody Salter, City Clerk.

Councilor McClusky stated that the Public Safety Committee met on December 4, 2017 and voted 5-0 to recommend having no objections to the issuance of the license after receiving letters of no objections from the Fire and Police Departments.

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.

Councilor McClusky then moved for having no objections to the issuance of the license.

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. 21.09.17 – Request to consider change in lodging tax rate for the City of Homewood – Peter Wright.

Councilor Smith stated that the Finance Committee met on December 4, 2017 and voted 3-2 to recommend an increase of 2 percent based on report from Chief Ross who provided the number of calls and cost of those calls to the hotels in the city limits.

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

Councilor Wright moved to amend the Finance Committee's recommendation to a 3 percent increase. 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.

Mr. Kendrick stated that this increase would raise Homewood's tax portion to 9 percent.

Councilor Higginbotham stated that an increase of 3 percent would put them in line with the cities in Jefferson County with the top rates.

On a voice vote, the motion carried on a 9-1 vote. Councilor Higginbotham voted no.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:18 p.m.:

**Ordinance No.**

**(An Ordinance increasing the lodging tax for the City of Homewood by 3%)**

Councilor McClusky 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, 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. 2679**

**(An Ordinance increasing the lodging tax for the City of Homewood by 3%)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2679. 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, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh. Nays: Councilor Higginbotham.

The motion carried on a vote of 9-1.

The next item on the Agenda under Old Business was Item No. 07.10.17 – Request for consideration to hear presentation of re investment options on Public Fund Investment Acct from Iberia bank – Melody Salter/Finance Director.

Councilor Smith stated that the Finance Committee met on December 4, 2017 and after hearing from Ms. Salter and Mr. Burgett, voted 5-0 to recommend approval of leaving one million dollars in the existing account and investing eight million dollars.

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 Smith then moved to approve leaving one million dollars in the existing account and investing eight million dollars.

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. 14.10.17 – Request for consideration for a directional change to the one way for Reese Street – Britt Thames.

Councilor Thames stated that the Planning and Development Committee met on December 4, 2017 and, after hearing from the traffic department who recommended Skipper review the previous study taking into account the changes on Central Avenue, voted 5-0 to recommend referring the item to the Finance Committee for funding study.

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

President Limbaugh stated that this item would be referred to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 18.10.17 – Request to amend FY 17-18 Budget for FY 16-17 encumbrances – Melody Salter, Finance Director/City Clerk.

Councilor Smith stated that the Finance Committee met on December 4, 2017 and voted 5-0 to recommend amending the FY 17-18 Budget for FY 16-17 encumbrances.

President Limbaugh asked if there were 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. 17-196**

**(A Resolution amending the FY 17-18 Budget for FY 16-17 encumbrances)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-196.

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 01.11.17 – Request for consideration to allow work within the City Right-of-Way to remove decorative light pole in front of 187 West Oxmoor Road (PID: 29-00-23-2-003-003.000) – Chris Wade/Property Owner; Vanessa McGrath / Building, Engineering & Zoning Department.

Councilor Smith stated that the Special Issues Committee met on December 4, 2017 and voted 5-0 to recommend approval.

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

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

**Resolution No. 17-197**

**(A Resolution allowing work within the City Right-of-Way to remove decorative light pole in front of 187 West Oxmoor Road (PID: 29-00-23-2-003-003.000))**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-197.

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. 04.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of the zoning application of the City of Homewood to rezone 68, 70 & 90 Bagby Drive and 245 & 255 Goodwin Crest Drive/Parcel ID Nos. 29-00-15-1-004-007.000,29-00-15-1-004-009.000,29-00-15-1-004-010.000,29-00-15-4-001-001.000 and 29-00-15-4-001-005.000 from C-1(Office Building District) to I-2 (Institutional District) for the purpose of permitting construction of the proposed Homewood Public Safety Center (Note: This request was considered by the Homewood Planning Commission at its meeting of November 7, 2017 resulting in a favorable recommendation by a vote of 5-0) – Vanessa McGrath / Building, Engineering & Zoning Department.

Councilor Smith stated that the Special Issues Committee met on November 20, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:27 p.m.:

**Ordinance No.**

**(An Ordinance rezoning 68, 70 & 90 Bagby Drive and 245 & 255 Goodwin Crest Drive/Parcel ID Nos. 29-00-15-1-004-007.000,29-00-15-1-004-009.000,29-00-15-1-004-010.000,29-00-15-4-001-001.000 and 29-00-15-4-001-005.000 from C-1(Office Building District) to I-2 (Institutional District) for the purpose of permitting construction of the proposed Homewood Public Safety Center)**

President Limbaugh declared the Public Hearing opened.

President Limbaugh 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 audience.

Ms. Vanessa McGrath addressed the Council and stated that they needed to rezone the city owned property listed above to facilitate the Homewood Public Safety Building project.

President Limbaugh declared the Public Hearing closed.

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

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

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, 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. 2680**

**(An Ordinance rezoning 68, 70 & 90 Bagby Drive and 245 & 255 Goodwin Crest Drive/Parcel ID Nos. 29-00-15-1-004-007.000,29-00-15-1-004-009.000,29-00-15-1-004-010.000,29-00-15-4-001-001.000 and 29-00-15-4-001-005.000 from C-1(Office Building District) to I-2 (Institutional District) for the purpose of permitting construction of the proposed Homewood Public Safety Center)**

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2680. 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, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under the Old Business was Item No. 05.11.17 – Request to address Homewood Middle School Traffic Concerns – Britt Thames.

Councilor McClusky stated that the Public Safety Committee met on December 4, 2017 and voted 5-0 to recommend school zone signs to be added in house on Evergreen, St. Charles and Mecca as well as along Irving.

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.

Councilor McClusky then moved to add school zone signs on Evergreen, St. Charles and Mecca as well as along Irving.

Councilor Thames moved to amend the recommendation to include Dell. Councilor Wyatt seconded the amended 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. 11.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of Economic Incentive Package for the former Mtn. Brook Inn property – Mayor McBrayer and Dan Lovell/Graham & Co.

Councilor Smith stated that the Finance Committee met on November 20, 2017 and, after hearing presentation from Graham and Co., voted 3-0 to recommend setting the Public Hearing and sending this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing Opened.

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

Mr. Mike Graham with Graham and Co. addressed the Council and stated that this concerned part of the Mountain Brook Inn site on Highway 280. Mr. Graham stated that they had been working for eleven years on various developments and they had attracted a new restaurant to the Birmingham area called Bricktops, which was headquartered in Nashville, Tennessee and had several locations in the Southeast. Mr. Graham added that this was a high end, white table cloth, restaurant and they were excited that they were interested in coming to this site so they proposed an economic package for revenue sharing to split the sales tax. Mr. Graham further added that the economics of the deal was that it was a ground lease, with the landlord spending \$586,000.00 on infrastructure, sewer and water lines, and new entrance into the property and the tenant would be moving to the top of the property and would be investing about four million dollars in the restaurant so the request was for a revenue share of 50 percent of the city's portion of the sales tax on revenue with projection of sales being five million per year with a maximum reimbursement of \$300,000.00 for over ten years, but likely the payout would happen within four years.

Councilor Andress asked that they maintain a good buffer with evergreens and be respectful of that property.

Mr. Graham replied that there was a prescribed ten foot buffer behind the property and they should be a good neighbor.

Mr. Kendrick stated that this was an Ordinance 772, special recommended development agreement, and notice was published for this Public Hearing in the Birmingham News on December 1, 2017 and attached to the resolution authorizing the special economic agreement by the city, MX 2800 LLC, Exhibit A, Development Agreement and the city's 50 percent of the 3% tax and did not involve anything dealing with the 1 percent that went to the schools for a maximum \$300,000.00 up to a ten year

period but if they met that projection, it would be done in three or four years, and all other taxes were still applicable to this property and this development. Mr. Kendrick further stated that because this was a 772 amendment, the city would file a validation in the Circuit Court and the agreement would not be effective until that validation had been approved by the Court and required that the restaurant was opened and if for any reason the restaurant did not open then the Incentive Package would not apply and if for any reason they closed after opening then the city was no longer obligated.

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

President Limbaugh declared the Public Hearing closed.

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. 17-198**

**(A Resolution approving Economic Incentive Package for the Mtn. Brook Inn property)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-198. 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 on a vote of 9-1. Councilor McClusky voted no.

The next item on the Agenda under Other New Business was Item No. 13.11.17 – Request to authorize the Mayor to Bid Recycling Services and Set Bid Opening Date – Melody Salter/Finance Director/City Clerk.

Councilor Smith stated that the Finance Committee met on December 4, 2017 and voted 5-0 to recommend setting the bid opening date for December 18, 2017.

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

President Limbaugh stated that, without objection, the bid opening would be set for December 18, 2017 at 6:00 p.m. There were no objections.

The next item on the Agenda under Old Business was Item No. 16.11.17 – Request for consideration of declaring the following vehicles/parts surplus property: Kohler Generator 275 KW Diesel/Model #275R0271/SN 204480; 500 Gallon Generator Fuel Tank/SN L402278; 2011 International 7400 4X2/VIN 1HTWCAAR2BJ368653; 55 Gallon Material Handling Clamp for Forklift; Shop Air Compressor/10 HO; Shop Air Compressor/5 HP; Air Compressor/1 ½ HP – Gordon Jaynes/Fleet Maintenance.

Councilor Smith stated that the Finance Committee met on December 4, 2017 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 first reading of the proposed Ordinance for the Council's consideration:

**Ordinance No.**

**(An Ordinance of declaring the following vehicles/parts surplus property: Kohler Generator 275 KW Diesel/Model #275R0271/SN 204480; 500 Gallon Generator Fuel Tank/SN L402278; 2011 International 7400 4X2/VIN 1HTWCAAR2BJ368653; 55 Gallon Material Handling Clamp for Forklift; Shop Air Compressor/10 HO; Shop Air Compressor/5 HP; Air Compressor/1 ½ HP)**

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, 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. 2681**

**(An Ordinance of declaring the following vehicles/parts surplus property: Kohler Generator 275 KW Diesel/Model #275R0271/SN 204480; 500 Gallon Generator Fuel Tank/SN L402278; 2011 International 7400 4X2/VIN 1HTWCAAR2BJ368653; 55 Gallon Material Handling Clamp for Forklift; Shop Air Compressor/10 HO; Shop Air Compressor/5 HP; Air Compressor/1 ½ HP)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2681. 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, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 18.11.17 – Request for consideration to allow work within the City Right-of-Way to improve alley located behind house located at 306 Redfern St. (PID – 29-00-23-1-001-051.000) ) – Ken Gunnels/ Owner; Vanessa McGrath / Building, Engineering & Zoning Department.

Councilor Smith stated that the Finance Committee met on December 4, 2017 and voted 5-0 to recommend approval pending proper indemnification agreements and speaking to neighbors.

Mr. Ken Gunnels addressed the Council and stated that a notice had been sent out to the neighbors and two had responded, one with a question of whether it would increase traffic in the alley and once explained that it was just an alternative route for their driveway, offered support.

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

**Resolution No. 17-199**

**(A Resolution to allow work within the City Right-of-Way to improve alley located behind house located at 306 Redfern St. (PID – 29-00-23-1-001-051.000))**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-199.

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. 19.11.17 – Request for consideration to allow a 6 foot wood privacy front yard fence along the right property line beyond the front of the house and tea olive hedges along the front property line located at 1012 Melrose Place (PID – 29-00-13-3-003-011.001) – Linda Needham/ Owner; Vanessa McGrath / Building, Engineering & Zoning Department.

President Limbaugh stated that, without objections, a Public Hearing would be set for January 16, 2018 at 6:00 p.m. There were no objections.

The next item on the Agenda under Old Business was Item No. 22.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of the zoning application of the City of Homewood to rezone 123 West Oxmoor Road; 100 & 900 Homewood Park West; and 240 Snow Drive/Parcel ID Nos. 29-00-22-3-000-009.000; 29-00-22-4-003-008-000; 29-00-27-1-000-003.000; 29-00-27-2-000-001.000; 29-00-22-3-000-008.000; 29-00-22-4-003-007.000; 29-00-27-2-000-002.000 from M-1(Light Manufacturing District) and I-1 (Institutional District) to I-3 (Institutional District) for the purpose of rezoning seven (7) parcels for consistent zoning owned by the City of Homewood to permit the development of West Homewood Park (Note: This request was considered by the Homewood Planning Commission at its meeting of November 15, 2017 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath / Building, Engineering & Zoning Department – Planning and Development Committee.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017.

The next item on the Agenda under Old Business was Item No. 25.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 1705 26<sup>th</sup> Ave. S. (28 00 07 3 006 001.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 4, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

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

Mr. Mamoun Eltahir, property owner, addressed the Council and stated that he was surprised by this because he had not received a letter but the last time he came before the Council was for issues about the grass which he had taken care of and had a contract with someone to take care of the roofing. Mr. Eltahir further stated that he had been working on the house for two years and was surprised about the condemnation.

Mr. Kendrick asked Mr. Eltahir if he currently lived at the house and asked if he saw the sign that was posted.

Mr. Eltahir replied yes and he spoke to someone who told him that the best thing for him to do was to come to the meeting but he was hoping he would come inside to look at the building and tell him what he needed to do with the structure but he did not receive anything but only saw the sign.

Mr. Pugh addressed the Council and stated that he went to look at the property in August and the house appeared to be abandoned and it appeared that the house had been on fire at one point around the rafters and around the attic vent as there were signs of smoke damage. Mr. Pugh further stated that the trees and shrubbery were grown up to the point that he did not know how someone would get in the front door. Mr. Pugh added that he sent out a letter after the meeting with the Housing Code Abatement Board and they recommended that he send out an unsafe structure notice which he did on August 23, 2017, which was sent by certified mail, but did come back unopened.

Mr. Kendrick asked if he also posted at the building.

Mr. Pugh replied yes.

Mr. Kendrick asked Mr. Pugh to tell the Council why the structure was unsafe.

Mr. Pugh replied that there were opened windows, open attic vent where wildlife could get in as well as the elements, and there could be anything from wildlife to dangerous mold growing in there or children could get in so when a property was completely grown up, people could get in, and it appeared to be abandoned, it was a nuisance and a danger.

Councilor Higginbotham asked if he entered the house.

Mr. Pugh replied no, that he just observed the house from outside and there was a busted window that allowed him to see into the house.

Councilor Higginbotham asked if the house seemed unoccupied with no furniture.

Mr. Pugh replied yes.

Councilor Smith asked Mr. Scott Cook if this was one of the houses that had been posted for overgrowth.

Mr. Scott Cook replied yes and it was declared a public nuisance and he did come and clean up the property to come into compliance.

Councilor Andress asked if any other improvements had been made to the property since then.

Mr. Pugh replied no and nobody had come to his department to discuss taking out a permit for any improvements.

Councilor Thames stated that, as was true of all of the buildings being discussed tonight, that Councilor Gwaltney and himself met with representatives of the community and long before the city's Abatement Board voted to put the property owners on notice,

the community sent letters to every available address to make an attempt to reach out to the owners before it got to this point so everyone on the list of properties tonight did not respond to those initial outreaches from the community.

Councilor Wright asked if the principle dangers were that the windows were opened for children to get in and get hurt as well as animals and the elements.

Mr. Pugh replied yes and stated that one of the rules of declaring a property unsafe was if it was open to the entrance of people or wildlife or was abandoned.

Councilor Wright asked if the property was still abandoned.

Mr. Pugh stated yes.

Councilor Wolverton asked how long ago it was that he had been to the property.

Mr. Pugh replied that it was a month since he had been by there and he had been there multiple times.

Councilor Wolverton asked that, though it was stated that it had been lived in, it did not appear to be that way.

Mr. Pugh replied that this was correct.

Mr. Eltahir stated that nobody could see through the broken windows and see anything or get inside the house and that he had pictures that he took that showed that this was not true.

President Limbaugh stated that there was a process and the city received no response from him on this from the certified letter to the sign in the front yard.

Mr. Eltahir stated that he had.

President Limbaugh stated that this was not the information they were getting from the engineering department.

Mr. Kendrick asked Mr. Eltahir if he currently lived in the house.

Mr. Eltahir replied no.

Mr. Kendrick asked if what he told him a minute ago when he asked this before was not true and asked if he lived in the house.

Mr. Eltahir replied no.

Mr. Kendrick asked if it was true that nobody lived there.

Mr. Eltahir replied no, they did not.

Mr. Kendrick asked if there had been fire damage.

Mr. Eltahir replied yes.

Mr. Kendrick stated that it was an abandoned house and asked if there was power running to the house.

Mr. Eltahir replied no because it was still under remodeling.

Mr. Kendrick asked if he had a permit for the remodeling.

Mr. Eltahir replied yes.

Mr. Kendrick asked when he got the permit.

Mr. Eltahir replied two years ago.

Mr. Kendrick stated that permits expire after six months.

Mr. Eltahir replied that the contractor took out the permit and now he couldn't find him.

Mr. Kendrick stated that he understood that but all he was asking was for him to tell him the truth and asked if there was a permit outstanding for any improvements or remodeling at that house.

Mr. Eltahir replied no.

Mr. Kendrick asked if he lived at the house permanently.

Mr. Eltahir replied no.

Mr. Kendrick asked if there had been fire damage to the home.

Mr. Eltahir replied yes.

Mr. Kendrick asked if he acknowledged the broken windows.

Mr. Eltahir replied yes.

Mr. Kendrick asked if the public or animals could get in.

Mr. Eltahir replied no and stated that the windows were at a height where there was no way someone could get in.

Mr. Kendrick asked if he had a picture he could present it to the Council.

Mr. Eltahir presented a picture on his phone.

Mr. Kendrick asked if he could text the picture to the City Clerk so it could be entered into the record.



Councilor Thames asked if the property owner or a city representative could tell them when the house burned.

Mr. Eltahir replied four years ago.

Councilor Thames asked if he had taken any steps to make the property safe since then.

Mr. Eltahir replied that the roof and the interior where the burnings happened had been taken off and he was putting in a new roof and flooring but it was not complete.

President Limbaugh asked if the house had been abandoned for at least four years.

Mr. Eltahir replied yes.

Councilor Higginbotham asked if when the house caught on fire if the Fire Department sprayed it down.

Mr. Eltahir replied yes.

Mr. Kendrick asked Mr. Eltahir where he currently lived.

Mr. Eltahir replied 615 4<sup>th</sup> Avenue North, Birmingham.

Mr. Kendrick asked where he would like future correspondence from the city to go to that address so they would know how to get in touch with him.

Mr. Eltahir replied 615 4<sup>th</sup> Avenue North, Birmingham. AL 35203.

Councilor Higginbotham asked to clarify that following the fire he had replaced the roof and pulled some of the wood that had been burned four years ago and he did not have any active permits, so when was the last time any work had been done to the house.

Mr. Eltahir replied one year.

Councilor McClusky asked if he had any plans to do anything with the house moving forward.

Mr. Eltahir replied yes.

Mr. Kendrick asked within what timetable.

Mr. Eltahir stated he just needed to get a loan from the bank.

Mr. Eltahir Hasson addressed the Council and stated that he lived at 1700 25 Court South and Mr. Eltahir was his cousin and after his house burned he had two

daughters at the university and he lost his job but he tried his best to keep the house clean but unfortunately his contractor disappeared after he finished the roofing but when he found about the demolition he asked him if he had received any correspondence and he said no so unfortunately he only found out about it two days ago. Mr. Hassan further stated that he checked his mail and asked that they allow him time to finish what he was doing. Mr. Eltahir added that he had two daughters, one studying medicine, and would graduate soon and start residency by June and he was trying his best to give them a good education and to fix the house but there was continually someone bothering him and giving him citations and it added up but he promised he would do something about the house and fix it.

President Limbaugh stated that there were neighbors who were unhappy with that particular residence and nobody had lived there for at least four years.

Mr. Eltahir replied that the problem was the neighbor.

President Limbaugh stated that more than one neighbor had problems with the property but a Public Hearing was not a forum for defame.

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

President Limbaugh declared the Public Hearing closed.

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

President Limbaugh asked if it was an option to continue this for 60 or 90 days.

Mr. Kendrick replied yes but if he announced it tonight with the homeowner present it would not have to be re-noticed.

Councilor Thames asked Mr. Kendrick to explain the process if they took a vote this evening.

Mr. Kendrick replied that if the Council adopted a Resolution declaring this property to be unsafe, the property owner had 30 days to appeal the decision to the Circuit Court and the city could not take any action during that period but after that period without an appeal, the building inspectors were authorized to demolish the property.

Councilor Wright stated that he was not in favor of an extension for the plan but wanted to see material improvements and did not want to hear about the problems and excuses but wanted to see results.

Councilor Thames stated that there would be 30 days before the city could legally act and that seemed reasonable to get someone started pulling permits and working on the home and there was nothing that stated that they had to take action on day 31 if they

seemed some sort of process for improvement as they would rather work with the property owner but he had been noticed, it sounded like they had received citations in the past from the city, and they had repeatedly cut grass, collected trash, and moved some vehicles so the city had already put time and effort into the property and if he had been receiving citations he had not been responding to them so another 30 days to pull a permit and have a plan behind it was ample time without having to reschedule or delay.

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

**Resolution No. 17-200**

**(A Resolution condemning a house at the following address: 1705 26<sup>th</sup> Ave. S. (28 00 07 3 006 001.000))**

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-200. 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.

Mr. Kendrick stated that the City Council had adopted the resolution and the owner was welcome to get a copy of it which declared the property unsafe under section 11-53a of The Code of Alabama and he had 30 days from this date to file an appeal to the Circuit Court if he saw fit to do that otherwise after 30 days expiration the city was authorized to demolish this property and the cost of demolition would be assessed as a lien against the property.

Mr. Eltahir asked if he could get a permit within 30 days.

Mr. Kendrick replied that the permit was only to progress with the work but would not be a permit to stall.

Mr. Eltahir asked if he had 30 days to start work on the house.

Mr. Kendrick replied that he had 30 days to appeal to the Circuit Court and the city would not take any action for 30 days. Mr. Kendrick stated that he would answer any further questions after the meeting.

The next item on the Agenda under Old Business was Item No. 26.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 2522 18<sup>th</sup> Pl. S. (28 00 07 2 009 012.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 4, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

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

Mr. Pugh stated that this property was dangerous because the roof system was seriously collapsing and the entire center of the house had collapsed in on itself. Mr. Pugh further stated that when he was on the property the back door had a hasp and lock on it that someone had defeated and kicked in the back door, which was standing open. Mr. Pugh added that the house sat in that condition today and appeared to be abandoned.

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

President Limbaugh declared the Public Hearing closed.

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. 17-201**

**(A Resolution condemning a house at the following address: 2522 18<sup>th</sup> Pl. S. (28 00 07 2 009 012.000))**

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-201. Councilor Wolverton seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 27.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 2522 Central Ave. (28 00 07 2 011 003.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 4, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

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

Mr. Pugh addressed the Council, presented photos, and stated that the house was unsafe, dilapidated, abandoned, and opened with an opened basement so it was his opinion that it was unsafe.

Councilor Higginbotham stated that he drove by all properties today and in addition to whatever else may be open, the second floor opened unto a rooftop balcony and the door was either opened or gone.

Ms. Jill Prestridge of 1336 58<sup>th</sup> Street South, Birmingham, addressed the Council and asked if for all the houses that were being abated they were going to request a bid for proposals to get three contractors to give prices on the demo and asked how they chose the company that would demolish the houses or did the city do the demolishing themselves and base the price on labor of the employees.

Mr. Kendrick replied that this was up to the city.

Ms. Prestridge asked if the cost of demolishing the property would be placed as a lien on the properties.

President Limbaugh replied yes.

Mr. Kendrick asked if she had an interest in the property and asked why she thought the property was not unsafe.

Ms. Prestridge replied yes and that she knew it was unsafe but was curious as to how much the lien was going to be.

Mr. Kendrick stated that the city was not required to take bids and some properties they did themselves but some they did not because it involved capping off sewer and cutting off utilities. Mr. Kendrick further stated that he appreciated her acknowledging that it was unsafe and asked if she owned the property.

Ms. Prestridge stated it was through a lien on the property, but she was the owner.

Mr. Kendrick asked if she had received the notices that the city sent.

Ms. Prestridge replied yes and stated she could plow the house down herself.

Mr. Kendrick stated that it would be helpful if she did and they wanted her to either fix it or someone to demolish it because it was a nuisance and a blight on the community and by her own acknowledgement it was unsafe.

Mr. Pugh stated that what the City Attorney said was accurate regarding the process so it would be cheaper if she did it herself but they would just have to figure out how much it would cost.

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

President Limbaugh declared the Public Hearing closed.

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

Councilor Gwaltney stated that Ms. Prestridge owned two homes that were on the list tonight and it was a shame that she had let these houses deteriorate to the point that the neighbors were concerned about them and nothing had been done other than a tax lien but these homes were dangerous to the children in the neighborhood and were dangerous to the residents and they were extremely concerned so for her to address the Council without mentioning that she was the owner was concerning. Councilor Gwaltney further stated that he would encourage her to do the right thing and address the properties instead of the city having to do it and instead of gauging how the city was going to handle it, she should handle the properties.

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

**Resolution No. 17-202**

**(A Resolution condemning a house at the following address: 2522 Central Ave. (28 00 07 2 011 003.000))**

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-202. 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.

The next item on the Agenda under Old Business was Item No. 29.11.17 – Public Hearing set for December 11, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 1701 26<sup>th</sup> Ave. S. (28 00 07 3 006 003.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 4, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

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

Mr. Pugh addressed the Council and stated that the photo showed that it was a collapsed structure and was grown up with lots of hazards and was opened so his opinion was that it was a danger.

Mr. Kendrick asked who owed this property.

Mr. Pugh replied that Ms. Prestridge owned this property as well.

Mr. Kendrick asked Ms. Prestridge if she owned this property.

Ms. Prestridge replied that it was through a tax lien.

Mr. Kendrick stated that this meant that she owned the property, she bought it, and it was hers, and asked if the previous owner tried to take it back from her would she have a problem with that.

Ms. Prestridge replied no, that she would gladly give it back.

Mr. Lee Gregory addressed the Council and stated that Ms. Prestridge was advised that if she tore these houses down that there was a possibility that the person that owned the houses could come back against her so her hands were tied.

Mr. Kendrick stated that if it was unsafe, it was unsafe.

Mr. Gregory stated that it had been unsafe since she bought it.

Mr. Kendrick stated that he appreciated him acknowledging that it was unsafe but they could not continue to allow it to be unsafe. Mr. Kendrick further stated that she bought the property subject to its present condition and though he was not here to give them legal advice, if it was unsafe the city would take steps to action to correct the safety issues and assess the property so they needed to either tear it down or fix it.

Councilor Wright stated that he could not imagine a redemption period coming back and someone redeeming the property and they were able to hold someone responsible for making it safe one way or the other as ordered by the City Council of which the property was located. Councilor Wright further stated that the property was unsafe either she was the owner or someone who may come back to redeem the property.

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

President Limbaugh declared the Public Hearing closed.

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

**Resolution No. 17-203**

**(A Resolution condemning a house at the following address: 1701 26<sup>th</sup> Ave. S. (28 00 07 3 006 003.000))**

Councilor McClusky moved for the adoption and enrollment of Resolution No. 17-203. 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. 30.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 528 Yorkshire Dr. (28 00 17 2 010 020.000) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 31.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 2516 17<sup>th</sup> St. S. (28 00 07 2 013 001.000) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 32.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 1612 25<sup>th</sup> Ct. S. (28 00 07 2 006 008.000) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 33.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 2708 17<sup>th</sup> St. S. (28 00 07 3 009 037.001)– Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 34.11.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 1613 25<sup>th</sup> Ct. S. (28 00 07 2 013 002.000)– Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for December 18, 2017 at 6:00 p.m.



## COMMITTEE REFERRAL AGENDA

- 01.12.17** Request to address Homewood Middle School Traffic Concerns – **Britt Thames – Public Safety Committee**
- 02.12.17** Request to amend the FY 17-18 budgets – Melody Salter, Finance Director – **Finance Committee**
- 04.12.17** Request for consideration of funding for sidewalk project with stone work at 1808 Mayfair Drive – Jonathan Pennington/Peter Wright – **Public Works Committee and Finance Committee**
- 05.12.17** Request for consideration to set Bid Opening for Public Safety Center Bid Package 1 – Abatement and Demolition – John Hanson/Berkley Squires – **Finance Committee**
- 06.12.17** Request for consideration of declaring the following vehicles/parts surplus property:  
2003 Chevy Pickup/VIN 1GCCS19XX38160681  
2006 Ford 500/VIN 1FAFP23116G187714  
2006 Ford Crown Vic/VIN 2FAFP71WX6X156290  
2002 Chevy Tahoe/VIN 1GNEC13V62J176873  
  
– Gordon Jaynes/Fleet Maintenance – **Finance Committee**
- 07.12.17** Request for consideration of proposal from Volatile Analysis for continued monitoring of odor issues in West Homewood – Barry Smith – **Finance Committee**
- 08.12.17** **Request for consideration to set a Public Hearing and referral to the Special Issues Committee** for a variance to the Homewood Sign Ordinance for an oversized sign at 800 Green Springs Highway, Urban Air – Wes Daniel, Daniel Signs, Inc./Wyatt Pugh, BEZ – **Special Issues Committee**
- 09.12.17** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of condemning a house at the following address: 2531 18<sup>th</sup> Pl. S. (28 00 07 2 009 005.000) – Wyatt Pugh – **Planning and Development Committee**
- 11.12.17** Request for consideration of data and power cost savings assessment – Andy Gwaltney – **Finance Committee**

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

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

On a voice vote, the motion carried without dissent.

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 08.12.17 – Request for consideration to set a Public Hearing and referral to the Special Issues Committee for a variance to the Homewood Sign Ordinance for an oversized sign at 800 Green Springs Highway, Urban Air – Wes Daniel, Daniel Signs, Inc./Wyatt Pugh, Building, Engineering and Zoning Department.

President Limbaugh stated that, without objection, the Public Hearing would be set for December 18, 2017 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 09.12.17 – Request for consideration to set a Public Hearing and referral to the Special Issues Committee for a variance to the Homewood Sign Ordinance for an oversized sign at 800 Green Springs Highway, Urban Air – Wes Daniel, Daniel Signs, Inc./Wyatt Pugh/ Building, Engineering and Zoning Department.

President Limbaugh stated that, without objection, the Public Hearing would be set for January 16, 2018 at 6:00 p.m. There were no objections.

The next item considered under Other New Business was Item No. 12.12.17 – Request for consideration to retain Stifel for bond refinancing – City Attorney.

Mr. Kendrick stated that there was an opportunity for the city to refinance a portion of the 2012 Warrants and they sought advice with Stifel who had worked with the city in the past and in order for them to provide services to them, the regulations required them to enter into an agreement with them related when engaging into a municipal securities transaction and that agreement would be attached to the resolution authorizing the Mayor to execute the proposal on behalf of the city to seek and to receive advice from Mr. Dunn and his firm Stifel, Nichols, and Company pursuant to the proposal that was attached as Exhibit A for the city to consider the next item which was a possible refinancing of a portion of the 2012 Warrants.

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

#### **Resolution No. 17-204**

**(A Resolution to retain Stifel for bond refinancing)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-204. 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 considered under Other New Business was Item No. 03.12.17 – Request for consideration of refunding certain portion of 2012 City Government Warrants – City Attorney – Finance Committee.

Mr. Kendrick stated that this would set the parameters for the refinancing of a portion of the 2012 Warrants and limited it to no more than \$9,750,000.00 and also limited it to in its present form to a savings of 3%. Mr. Kendrick further stated that the parameters were that since no one could predict what the market rate would be at the time of any potential bonds, if authorized by the Council, would be sold a refund of 2012 coupled with the fact that the present congressional legislation as presented in Congress would prohibit them in the future from advance refunding these types of Warrants so there was a great deal of activity in the bond market between now and December 31, 2017 not by just municipalities or governmental agencies but by all 501-C-3 provinces. Mr. Kendrick added that there was a Lakeshore proposal as well as the YMCA simply because the legislation in its current form would prohibit 501-C-3s private placement activities from being entitled to finance their project for these industry bonds so there was a great deal of activity in the market and his partner, Mr. Fred Simpler, their bond lawyer was also here to answer questions but based on the current rates as of today the refunding of these Warrants that was proposed would be about a \$700,000.00 savings after all costs but nobody knew what the rate could be, it could be better or could be worse but they put in the draft that was sent to the Council today, a 3% minimum savings and after December 31, 2017 based on the current legislation there would not be any more refunding so they could determine what level of savings they wanted to meet before they would go forward to try to sell the refinancing of the bonds if they wanted but under the current rates today the savings would be approximately \$700,000.00. Mr. Kendrick further added that there was something that they needed to do tonight if they chose to do it because there was a rating call scheduled tomorrow and Wednesday and there had to be an issuance of a public statement so there was a lot of work to be done to even try to get it all done before December 31, 2017 and there was no assurance of it being a significant savings but they needed the Council's authorization to move forward if they elected to do that.

Councilor Wright asked what the total amount of bonds would be and how much.

Mr. Kendrick replied that the total amount of bonds was not to exceed \$9,750,000.00 and that was to take into account what was available in the market now and discount bonds to get the deal done so there was eight million dollars of the bonds and were funding 2040-2042 and may have discount bonds so they were going up to \$9,750,000 but would probably be less than that but that was to give the city up to \$700,000.00 or a little more in present day savings up front in cash to put on Capital Projects before the end of the year.

Councilor Wright asked when the lock in date would be.

Mr. Simpler replied that the market would probably shut down a couple of days before the Christmas holiday weekend and they needed to sell next week in order to close before Christmas and they did not know if a transition period would be given or not but if they did give a transition period this would lock in the savings because if they did not do it now and the bill stays the way it was right now they would not be able to refinance again until 2022.

Councilor Thames asked if the \$700,000.00 would be about an 8 percent savings so it seemed to him that if that opportunity was going away that as long as the city ended up saving money even if it was something under 3% they should do it.

Mr. Simpler replied that typically 3% was a standard and 8% was good.

Councilor Thames stated that even if it was not 8% even if it was 2% it was still a savings so they needed to take advantage of the opportunity.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:40 p.m.

**Ordinance No.**

**(An Ordinance to refund portion of 2012 City Government Warrants)**

Councilor Higginbotham moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, 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. 2682**

**(An Ordinance to refund portion of 2012 City Government Warrants)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2682. 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, Smith, Wyatt, Address, Wright, and Limbaugh.

The motion carried without dissent.

Mr. Kendrick asked that for the record that, per Section 7.01 that dealt with the selling of Warrants, based on the comments made by Councilor Thames, if there was a savings of any kind for the city, they were to move forward.

President Limbaugh replied yes.

The next item on the Agenda under Other New Business was Item No. 10.12.17 – Request for consideration of approval of vouchers for period of November 27, 2017 through December 10, 2017 – City Treasurer/Finance Committee.

Councilor Wright stated that he pulled the Transit Authority's statement for services provided because they were waiting on them to provide some accountability information that they requested but he was not clear about when they received the request and when the charge of services were asked to be paid at this time because it might be that the request pertained to future bus services as opposed to bus services that came through the receipts for this period of time.

President Limbaugh replied that his understanding was that to pull the statements for not having that information requested would more correctly occur in the first quarter of 2018.

Ms. Salter stated that this invoice was for the October through December of 2017 and they did not get all the signatures to Ms. Murdoch from them to know the conditions that were added until after October 1 had already passed so it was her recommendation for them to vote to pay this one installment which would be one out of four.

Mr. Kendrick stated that they modified the agreement to include the quarterly payments section but it did spell out the quarterly payment and was attached to the invoice which was attached to the agreement and they are also to provide the ridership

and the financial statements. Mr. Kendrick further stated that they were aware of the modifications now but may not have been aware for the October 1 invoice.

Ms. Salter stated that she would make sure Ms. Murdoch knew of the stipulations before the next invoice.

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

**Resolution No. 17-205**

(A Resolution approving vouchers for period of November 27, 2017 through December 10, 2017)

Councilor Wright then moved for the adoption and enrollment of Resolution No. 17-205. 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.

Councilor Gwaltney stated that he wanted to encourage his fellow Council members to visit their firemen in their various locations as he went a few weeks ago for lunch and they would love to arrange a visit.

Councilor Thames stated that he wanted to thank the Council for the Public Hearings for their Wards as this was something he and Councilor Gwaltney had repeatedly been asked to address so he was excited to start down that road and there would be more to come so he appreciated Mr. Pugh and Mr. Kendrick assisting with that process. Councilor Thames further stated that they would have a Ward Meeting tomorrow at 7:00 p.m. at the Rec Center and would not need to set a Planning and Development Committee Meeting for next week.

President Limbaugh stated that the Finance Committee would meet on December 18, 2017 at 5:00 p.m.

Councilor Higginbotham stated that he wanted to encourage everyone to vote in the Special Election tomorrow.

Councilor McClusky stated that the Public Safety Committee would meet on December 18, 2017 at 5:30 p.m. and thanked Ms. Salter and her staff for the Christmas Parade Float.

Ms. Salter thanked Ms. Claire Jackson for her work on the float.

Councilor Smith stated that the Special Issues Committee would meet on December 18, 2017 at 5:35 p.m.

Councilor Andress stated that she wanted to encourage everyone to vote and thanked Ms. Salter and Ms. Jackson for the Parade Float.

Councilor Wright stated that the Public Works Committee would meet on December 18, 2017 at 5:50 p.m. and stated that he wanted to commend Mr. Chris Meeks for his volunteer work and his work on the Park Board.

President Limbaugh stated that he also wanted to remind everyone to vote and wanted to say that the Council had one of the best floats in the parade because of the work of Ms. Salter and Ms. Jackson.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:56 p.m.