

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

December 18, 2017

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, December 18, 2017 at City Hall at 6:00 p.m.

The invocation was given by Councilor Walter Jones after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:14 p.m.

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

President Limbaugh stated that the Minutes from the Council Meeting of November 27, 2017 would be carried over.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Old Business Agenda from the Committee Meetings held earlier tonight: From Finance: Item No. 13.11.17 – Request to consider Recycling Services Bids – Melody Salter/Finance Director/City Clerk; Item No. 03.11.17 – Request for final budget amendments to FY 16-17 Budgets – Melody Salter, Finance Director; Item No. 05.12.17 – Request for consideration to set Bid Opening for Public Safety Center Bid Package 1 – Abatement and Demolition – John Hanson/Chief Tim Ross; Item No. 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. From Public Safety: Item No. 15.10.17 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and an ABC – 060 Retail Table Wine (On or Off Premises) for Urban Cookhouse LLC d/b/a Urban Cookhouse located at 1920 29th Avenue South – Melody Salter, City Clerk; Item No. 17.11.17 – Request for consideration of an ABC – 020 – Restaurant Retail Liquor license for BBB Homewood LLC d/b/a Big Bad Breakfast located at 1926 29th Avenue S, Suite 200 – Melody Salter, City Clerk. From Special Issues: Item No. 02.11.17 – Request for consideration to allow work within the City Right-of- Way to plant two October Glory Red Maple Trees at 307 Broadway – Jennifer Drake/Property Owner; Wyatt Pugh/Building, Engineering and Zoning Department; Item

No. 08.12.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. for consideration of 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.

President Limbaugh further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 18.12.17 – Request for consideration to amend Warrant Ordinance (Ordinance No. 2682) – City Attorney; Item No. 19.12.17 – Request to appoint Robert Burgett as Assistant City Clerk – Mayor McBrayer.

Councilor McClusky moved for the approval of the Agenda as amended. 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.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 19.11.17 – Public Hearing set for January 16, 2018 at 6:00 p.m. 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 and Zoning Department.

President Limbaugh stated that this item would be carried over for the Public Hearing set for January 16, 2018 at 6:00 p.m.

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.

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.

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.

Ms. Vanessa McGrath addressed the Council and stated that this was for the rezoning of West Homewood Park because there were multiple pieces of property with all different zonings so they were trying to get them all consistent.

Mr. Curtis Eatman of LYBD presented the plan, addressed the Council and stated that he would be happy to answer any questions.

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.

Mr. Kendrick stated that this type of zoning ordinance required approval of the development plan prior to approval.

Councilor McClusky moved to approve the development plan. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Ordinance No.

(An Ordinance 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)

Councilor McClusky 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, and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2683

(An Ordinance 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)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2683. 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, Jones, Smith, Wyatt, Address, and Limbaugh.

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 (Carried over 12/11/17 for Public Hearing).

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. Wyatt Pugh addressed the Council and stated that a gentleman came in wanting a permit issued and he did approve the issuance of the permit. Mr. Pugh presented a photograph and stated that the photograph was from today and the house was actively under construction. Mr. Pugh added that the owner would have liked to have been here tonight but he was in Peru.

Councilor Smith asked if the owner was planning to renovate the house to sell.

President Limbaugh asked if he would be renovating it or demolishing it.

Mr. Pugh replied that it was being renovated.

Councilor McClusky asked if this was the house that just had a hole in the roof.

Mr. Pugh replied yes, and stated that it was directly across from Brookwood Mall and was not in that bad of condition.

Councilor Andress stated that she drove by the house every day and saw the dumpster out front and they were getting it under way. Councilor Andress further stated that she did communicate with the neighbor who had brought the property to her attention and she seemed to be satisfied that progress had been made.

President Limbaugh asked Mr. Pugh for his recommendation.

Mr. Pugh stated that his recommendation was to allow the gentleman to continue with the rehab of the house.

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 Council.

President Limbaugh declared the Public Hearing closed.

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

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

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

Councilor Thames stated that he was thrilled to see the progress and had no doubt that it would be completed but given that this was such a lengthy process to get to this point should they close the Public Hearing and carry over the item to see that he made satisfactory progress so that if he did not they did not have to start over from square one.

Mr. Kendrick stated that they would have to start from square one once they issued a building permit.

On a voice vote, the motion carried without dissent.

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 17th St. S. (28 00 07 2 013 001.000) – Wyatt Pugh (Carried over 12/11/17 for Public Hearing).

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 photographs, and stated that that the day after the photos were taken this past week a gentleman came in who bought the house and he wanted to make repairs to get it into a safer condition, closing up some of the opened windows, so he had issued him a permit based on the plans he had submitted showing that he planned to remodel the house.

Mr. Dmitri Korobeinikov addressed the Council and stated that this had been a very long process and last year he came before the Council and asked to clear a debt from 1934 and the City of Homewood issued a Quit Claim Deed, which was Resolution 16-81 and it took a year to find all of the inheritors and he paid everything that was owed for that property and just a week ago they finally completed the documentation and the property was transferred to him. Mr. Korobeinikov further stated that he had already secured all of the broken windows that were given in the report and he posted signs so the condition of the property was currently safe and posted for regulations and they would start redoing the roof and windows as soon as possible.

President Limbaugh asked if he had a timetable for the work.

Mr. Korobeinikov replied that he would probably be done within six months.

President Limbaugh stated that in six months he would have time to build a new home on that property.

Mr. Korobeinikov stated that he did not have that many builders they could pay so it would be a slower process but it took two years just for them to clear all the problems that the property had so he was just asking for a little more time to try to comply with everything but the roof would be complete as soon as he could.

President Limbaugh stated he understood that the paperwork was old and laborious but that was a different matter from doing the physical labor to bring the home into legal compliance and something that the neighbors would be pleased with.

Mr. Korobeinikov stated that this property was located in Rosedale and there were a lot of properties around it with issues as well but he assured him that he would finish as soon as they could and had already ordered the dumpster so they could start demolition of the old roof.

Councilor McClusky asked if he had seen the sheet that was provided by Mr. Pugh.

Mr. Korobeinikov replied yes.

Councilor McClusky stated that it was not just about boarding up one window and replacing the roof but there were significant structural damage listed.

Councilor Thames stated that the entire front porch was a danger to the public and had pulled away from the house so it was much more than just a roof issue.

Mr. Korobeinikov stated that the front porch would be demolished and was not part of the foundation.

Councilor Wolverton asked to clarify the timeline for when the property was purchased.

Mr. Korobeinikov replied that the original petition before City Council was on July 11, 2016 and the Quit Claim Deed was provided on July 12, 2016 and after that he had to start the process of locating all the inheritors, including the original owner, the daughter, and a granddaughter who all passed away without any legal paperwork so there was a full year of paperwork.

Mr. Kendrick asked Mr. Pugh if any work had been done on this property.

Mr. Pugh replied no.

Mr. Kendrick stated that this property was a little different than the previous home because there was work in progress on the other one so he saw no reason they couldn't continue the Public Hearing for a period of time to see how the work was progressing but at some point he needed to progress with the house or they needed to tear it down.

Mr. Korobeinikov stated he could not start repairs earlier because he had no ownership.

Mr. Kendrick stated he that he understood but he did have ownership now.

Mr. Pugh stated that he would be glad to provide 30 day progress reports.

President Limbaugh stated that they would like a 30 day progress report.

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.

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

President Limbaugh stated that the Public Hearing would be left opened and continued to the January 16, 2018 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 25th Ct. S. (28 00 07 2 006 008.000) – Wyatt Pugh (Carried over 12/11/17 for Public Hearing).

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 pictures with a report, and stated that the house was terribly dangerous, was a major fall load, was filled with debris, was wide opened and children could get in so his recommendation was to proceed with condemnation.

Ms. Charline Hamner Turner addressed the Council and stated that the property was heir property and she was trying to get her siblings to come together to do something with the house but unfortunately that had not happened so she was the only one speaking

tonight. Ms. Turner further stated that she did not know the house was that bad off on the inside because she had not been there in a long time but she had been talking to someone about doing some home improvements on the house and she knew there was a lot to be done but she was asking that they give them more time and had not received any information saying that the house needed work but there had been something posted in the yard about clean-up of the yard which had been done, but had it not been for Facebook, she would not have known about this.

Mr. Kendrick stated that there was a notice on the front door.

Ms. Turner replied that she just got that on Friday but that was all that had been received.

Mr. Kendrick stated that only those listed on the tax roll were notified.

Ms. Turner replied that she had been the one paying the taxes since her mom had passed.

Mr. Kendrick replied that her name was not on the tax list.

President Limbaugh stated that if they did not have the information to contact her through tax rolls, there was nothing else they could do. President Limbaugh further stated that if they posted the notice on the building and that they had an obligation as heirs and property owners to check on the property on occasion and the problem today was that it was not safe for the children and neighbors of the community.

Ms. Turner stated that she understood and had talked to someone about working on improvements and he said he would work with her on getting it up to code so she was asking for more time.

Councilor McClusky asked when the last time was that someone had resided in the house.

Ms. Turner replied 12-14 years ago.

Councilor Thames asked if she had any sort of timeline in mind for repairs or had she had anyone inspect the home to see if it could even be brought up to code.

Ms. Turner replied no, and stated that she had talked to a guy about improvements but had not spoken to an inspector.

Mr. Kendrick stated that the house was in terrible shape and he was not sure if it could even be repaired but Mr. Pugh could tell if it was structurally beyond repair and by law she would have 30 days.

Ms. Turner stated that 30 days might give her time to at least see if it was repairable.

Mr. Kendrick stated that the process was that if the Council determined that it was a public nuisance, and it was unsafe, then she would have 30 days from the time the City Council made the determination to appeal to the Circuit Court or to come in and get a permit but the last thing the city wanted to do was go to the time and expense to tear it down but they could not tolerate that issue with the home and it was not fair to anyone who lived near it.

Ms. Turner replied that all she was asking was for time.

Mr. Kendrick stated that if the Council adopted the Resolution she would have 30 days to appeal or take corrective action.

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.

Councilor Gwaltney asked to clarify that the property did not change hands as a result of this process.

Mr. Kendrick replied no and stated that notices were given to the last person who assessed the taxes.

Councilor Gwaltney stated that he wanted to clarify that once it was condemned it would not become city property.

Mr. Kendrick replied no and that all they could do with this step was demolish the property to remove the unsafe condition but the city would not take the property but the cost associated with the demolition would be assessed as a lien on the property.

Councilor Andress asked if Ms. Turner came to the meeting on January 16, 2018 with a plan and permits pulled could they carry it over to the next meeting.

Councilor Smith stated that she was very concerned about the level of how unsafe the property was with the doors wide opened and porch collapsed, so it needed to be secured. Councilor Smith further stated that at the very least they would want to see some steps taken before they did anything to make that safer because anyone could walk in that house at any point or it could catch on fire so in her opinion she would like to proceed

with the process and the 30 day time period should be sufficient time to find out if the property was savable.

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

Resolution No. 17-206

(A Resolution of condemning a house at the following address: 1612 25th Ct. S. (28 00 07 2 006 008.000))

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-206. 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. 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 17th St. S. (28 00 07 3 009 037.001) – Wyatt Pugh (Carried over 12/11/17 for Public Hearing).

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 pictures, and stated that this house was shockingly bad, but a situation had come up and Ms. Kelly Downs closed on this property Thursday and it was her intention to be here tonight but her mother was ill and she could not make it. Mr. Pugh stated that he asked her to write something up letting him know her plans for the house so he included that with the pictures he provided. Mr. Pugh added that she outlined her plans and stated, "I plan on having the property cleaned up first and put a front door and lock for starters. I am attempting to line up a contractor to provide an estimate or advise on what to do with the home. Hopefully I will be able to get him lined up on the last week of the month or the first week in January and will have a better idea of timeline but just cleaning up the yard Tuesday will be a big improvement." Mr. Pugh further added that since someone bought the house and closed

on it Thursday, though the house was terrible and was a danger, if they wanted to give her some time, at the very least, he could provide them with some progress reports.

Councilor Wolverton stated that for the sake of consistency and given the incredibly bad shape this one was in, including a floor that was rotting out, the 30 days would be ample time to do those things.

Mr. Kendrick stated that if the Council found that it was unsafe, if Ms. Downs came up with a plan with contracts, then Mr. Pugh could come back to the Council but this authorization just allowed them to demolish it but did not require them to, so if he determined that it could be rehabbed then he could come back and tell the Council that and they could choose not to demolish it but to not abate it would create a liability for the city once it had been brought to their attention so they needed to move forward with the process and she could intervene by bringing a good faith proposal to rehab 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 audience.

President Limbaugh declared the Public Hearing closed.

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

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

Resolution No. 17-207

(A Resolution of condemning a house at the following address: 2708 17th St. S. (28 00 07 3 009 037.001))

Councilor Gwaltney then moved for the adoption and enrollment of Resolution No. 17-207. 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.

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 25th Ct. S. (28 00 07 2 013 002.000) – Wyatt Pugh (Carried over 12/11/17 for Public Hearing).

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 pictures with a report and stated that this house compared to the other ones was not in terrible condition; however, it did meet some of the broad criteria for abatement because it was opened with broken windows in the rear, lots of trim missing around the edges where pests could get in and out so it was actively deteriorating. Mr. Pugh further stated that he did not know what the inside looked like as the doors were secured but the access to the backdoor he was not able to get to it because it was grown up but the steps going up to the back porch were completely collapsed so it appeared that the back door was secured but the home was opened to pests and was neglected.

President Limbaugh asked Mr. Pugh for his recommendation.

Mr. Pugh replied that he wished someone would come forward to fix it but without a plan to fix it he did not know that the city had any alternative than to recommend abatement.

President Limbaugh asked Mr. Pugh if he had heard from anyone who owned the property.

Mr. Pugh replied that a neighbor talked to him when he was taking pictures and told him that it was his father's old house and had been told that it was under inheritance litigation to work out who the rightful owner was.

Ms. Laura Decker, attorney representing Ms. Jessica Baily, addressed the Council and stated that they had a final order from the judge granting her client a title but they were waiting on the Circuit Court Clerk to issue the deed to her but she was ready to demolish it. Ms. Decker stated that the case was first brought before the judge in May of 2015 and he issued the final judgement on November 2, 2017 and 42 days had passed so there would not be an appeal so they were just waiting on the Clerk's office to issue the deed so that when she did the work she would have the property assessed in her name.

Mr. Kendrick asked if she planned to demolish it.

Ms. Decker replied yes, that she planned to demolish and build a home because they had two children and another on the way and her parents lived across the street and they had plans drawn up a while ago but it had just taken a long time because the property was owned by her grandfather and the deed went back to 1944 and they had to clean up a lot of paperwork.

Mr. Kendrick asked if she had any objection to the Council finding the property unsafe.

Ms. Decker replied that she would request instead that they continue this issue for 30 days and instead of having an order of condemnation in place, they were ready to act, but she needed to have the property in her name before she made that kind of investment and hopefully the house would be gone by the next meeting.

President Limbaugh stated that, without objection, the Public Hearing would be continued until January 16, 2018. There were no objections.

The next item on the Agenda under Old Business was Item No. 08.12.17 – Public Hearing set for December 18, 2017 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, 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. Wes Daniel of Daniel Signs addressed the Council and stated that they had a lighted channel lettered sign to go up on the front of the building for Urban Air/Raceway.

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 Council.

President Limbaugh declared the Public Hearing closed.

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

Councilor Higginbotham stated that he was happy to have Urban Air there and thought it was a fantastic facility but he could not in good conscious vote for the sign which was a variance much larger than a sign that would normally be allowed in that location but he wanted to make it clear that his vote tonight had nothing to do with the business that was there or with them adding the Raceway.

Councilor Jones asked for guidance from the Special Issues Committee because he thought it was consistent with what was already up there and they were just adding the

Raceway to the sign because it was so far back from Greensprings, which was why they needed a larger sign.

Councilor Smith stated that the sign that was previously there for Mission Possible Store was the same size but it was not lit because they were not open at night but the sign that was there previously was this same size so they were putting the new sign in the same place as the old sign but this one would be lit because Urban Air would be open at night.

President Limbaugh stated that he tended to agree with Mr. Jones.

Councilor McClusky stated that five or six years ago when they first had Mission Possible come in they had the same question because it was previously part of Mazer's and not a business all on its own and Mission Possible came to the Council for a variance because it was so far back there and they approved it so he would vote for the sign variance.

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

Resolution No. 17-208

(A Resolution for a variance to the Homewood Sign Ordinance for an oversized sign at 800 Green Springs Highway, Urban Air)

Councilor McClusky then moved for the adoption and enrollment of Resolution No. 17-208. 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 vote of 8-2. Councilors Higginbotham and Wyatt voted no.

The next item on the Agenda under Old Business was Item No. 09.12.17 – Public Hearing set for January 16, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 2531 18th Pl. S. (28 00 07 2 009 005.000) – Wyatt Pugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for January 16, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 13.11.17 – Request for consideration of Recycling Services Bids – Melody Salter/Finance Director/City Clerk.

Councilor Jones stated that the bids were opened tonight, prior to the Council Meeting, and the Finance Committee recommended awarding the bid to Republic Services as the lowest responsive and responsible bidder at \$3.60 per household.

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

Resolution No. 17-209

(A Resolution awarding bid for Recycling Services to Republic Services)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 17-209. Councilor McClusky seconded the motion.

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

Mr. Higginbotham asked if the contract include language regarding marketing services to the citizens of Homewood to make sure they have a clear understanding of what items may be placed in the recycling can and those that should not.

Mr. Kendrick replied that the contract stated that Republic Services would continue working with the city and would provide information for the Homewood website for educational purposes and educational information and videos could also be found on Republic Services' website.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.11.17 – Request for final budget amendments to FY 16-17 Budgets – Melody Salter, Finance Director (Carried over 12/4/17).

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, 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. 17-210

(A Resolution for final budget amendments to FY 16-17 Budgets)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 17-210.

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. 05.12.17 – Request for consideration to set a Bid Opening for Public Safety Center Bid Package 1 – Abatement and Demolition – John Hanson/Chief Tim Ross.

President Limbaugh stated that, without objection, the Bid Opening would be set for February 1, 2018. There was no objection.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council meeting, 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 at 7:15 p.m.:

Ordinance No.

(An Ordinance 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)

Councilor Higginbotham 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, Andress, and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2684

(An Ordinance 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)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2684. 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, Jones, Smith, Wyatt, Andress, and Limbaugh.

The motion carried on a vote of 10-0.

The next item on the Agenda under Old Business was Item No. 15.10.17 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and an ABC – 060 Retail Table Wine (On or Off Premises) for Urban Cookhouse LLC d/b/a Urban Cookhouse located at 1920 29th Avenue South – Melody Salter, City Clerk (Carried over 12/4/17).

Councilor McClusky stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, and voted 5-0 to recommend having no objections to the issuance of the license pending letter of no objection 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 to having no objections to the issuance of the license pending letters of no objection from the Fire and Police Departments.

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. 17.11.17 – Request for consideration of an ABC – 020 – Restaurant Retail Liquor license for BBB Homewood LLC d/b/a Big Bad Breakfast located at 1926 29th Ave. S, Suite 200 – Melody Salter, City Clerk (Carried over 12/4/17).

Councilor McClusky stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, and voted 5-0 to recommend having no objections to the issuance of the license pending letter of no objection 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 to having no objections to the issuance of the license pending letters of no objection from the Fire and Police Departments.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.11.17 – Request for consideration to allow work within the City Right-of-Way to plant two October Glory Red Maple Trees at 307 Broadway – Jennifer Drake/Property Owner; Wyatt Pugh/Building, Engineering and Zoning Department (Carried over 12/4/17).

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council meeting, and voted 4-1 to recommend approval.

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

Resolution No. 17-211

(A Resolution to allow work within the City Right-of-Way to plant two October Glory Red Maple Trees at 307 Broadway)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 17-211. 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, Andress, and Limbaugh. Nays: Councilor Jones, Smith, and Wyatt.

The motion passed on a vote of 7-3.

COMMITTEE REFERRAL AGENDA

13.12.17 Request for consideration of Regional Planning Commission Heart of Homewood update – Jennifer Andress – **Planning and Development Committee**

14.12.17 Request for consideration of professional services and guidance related to tree ordinance revisions – **Finance Committee**

Councilor McClusky moved for the approval of the Committee Referral Agenda as amended. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 15.12.17 – Request for consideration of an ABC – 020 – Restaurant Retail Liquor license for CRD Enterprises LLC d/b/a Nabeels Café located at 1706 Oxmoor Road – Melody Salter, City Clerk.

Councilor McClusky moved to having no objections to the issuance of the license pending letters of no objection from the Fire and Police Departments. 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 Other New Business was Item No. 16.12.17 – Request for consideration of an ABC – 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) license for Gianmarco Pizza LLC d/b/a Pizzeria GM located at 600 Oak Grove Road – Melody Salter, City Clerk.

Councilor McClusky moved to having no objections to the issuance of the license pending letters of no objection from the Fire and Police Departments. 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 Other New Business was Item No. 17.12.17 – Request for consideration of approval of vouchers for period of December 11, 2017 through December 17, 2017 – City Treasurer/Finance Committee.

Councilor Smith stated that Councilor Wright reviewed the vouchers and recommended payment.

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

Resolution No. 17-212

(A Resolution approving vouchers for period of December 11, 2017 through December 17, 2017)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-212. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 18.12.17 – Request for consideration to amend Warrant Ordinance (Ordinance No. 2682) – City Attorney.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:23 p.m.:

Ordinance No.

(An Ordinance to amend Warrant Ordinance (Ordinance No. 2682))

Councilor Thames 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, and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2685

(An Ordinance to amend Warrant Ordinance (Ordinance No. 2682))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2685. 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, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 19.12.17 – Request to appoint Robert Burgett as Assistant City Clerk – Mayor McBrayer.

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

Resolution No. 17-213

(A Resolution to appoint Robert Burgett as Assistant City Clerk)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-213. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mayor McBrayer addressed the Council and stated that he had enjoyed the year working with the Council and wished everyone a Merry Christmas.

Councilor Gwaltney thanked the Police Department for increased patrols in the neighborhoods and he had noticed a larger presence this time of year which was nice because he heard of a lot of people who did not live in Homewood being broken into.

Councilor Gwaltney further stated that he wanted to thank Mr. Pugh and his department for the hard work on the abatement cases.

Councilor Thames stated that the Planning and Development Committee would meet on January 16, 2018 at 5:30 p.m.

Councilor Higginbotham stated that he hoped everyone would have a wonderful holiday season.

Councilor Wolverton stated that he wanted to remind everyone that if they were traveling for Christmas they can ask for extra police patrols to help keep homes safe.

Councilor McClusky stated that the Public Safety Committee would meet on January 16, 2018 at 5:45 p.m.

Councilor Jones stated that the Finance Committee would meet on January 16, 2018 at 5:00 p.m. Councilor Jones further stated that he wanted to thank Mr. Pugh for all the hard work on the abatement process.

Councilor Smith stated that the Special Issues Committee would meet on January 16, 2018 at 5:50 p.m.

Councilor Wyatt stated that the Public Works Committee would meet on January 16, 2018 at 4:45 p.m.

Councilor Andress stated that she wanted to thank the Seventh Grade of Homewood Middle School for having her speak to them about the City Council.

President Limbaugh stated that he wanted to commend the Fire Department because the Hallman Hill residents had some challenges with alarm systems but the Fire Department had been incredibly patient with the residents. President Limbaugh further stated that he thought this was a good Council about working with each other, even if they did not always agree, but for 2017 they had always kept what was best for Homewood in the forefront and their communication, their votes, and their ability to work together had shown that. President Limbaugh added that he also had to thank Ms. Salter for juggling all that she did.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:38 p.m.