

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

December 19, 2016

The City Council of the City of Homewood, Alabama convened in Special Called Session on Monday, December 19, 2016 at City Hall at 6:00 p.m. The invocation was then given by Dr. Bill Johnston from Dawson Memorial Baptist Church.

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

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

At this time, Mr. Jones moved to dispense with the reading of the Minutes of the Council Meeting of November 28, 2016 and approve them as distributed. Mrs. Address seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Mr. McClusky moved to dispense with the reading of the Minutes of the Council Meeting of December 12, 2016 and approve them as distributed. Mr. Wolverton seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mr. Limbaugh asked if the Council had any recommendations or appointments to be made regarding board vacancies.

Mr. Gwaltney moved to appoint Ms. Kathy Pope to the Ward 1 Park Board position. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mr. Higginbotham moved to appoint Ms. Virginia Bugg to the Ward 2 Library Board position. Mr. Wolverton seconded the motion.

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

Mr. Higginbotham stated that Ms. Bugg served many years as President of the Friends of the Library and was very familiar with the operations of the library and would be an outstanding addition to the Board.

On a voice vote, the motion carried without dissent.

At this time, Mr. Limbaugh amended the published Agenda to add the following items from the Committee Meetings held earlier tonight prior to the Council Meeting: Item No. 03.11.16 – Bid Opening Date set for December 19, 2016 at 5:00 p.m. with bids due no later than 4:30 p.m. that day for headset units for the Fire Department – Battalion Chief Mike Anastasia/Fire Department (Carried over 12/5/16); Item No. 04.11.16 – Bid Opening Date set for December 19, 2016 at 5:00 p.m. with bids due no later than 4:30 p.m. that day for hose for the Fire Department – Battalion Chief Mike Anastasia/Fire Department (Carried over 12/5/16); Item No. 03.12.16 – Request for consideration to keep an existing fence in the City Right-of-Way at 1712 Ridgewood Place (Parcel ID: 29-00-25-2-004-010.000) contingent upon proper Indemnification Agreement – Alex Wyatt.

Mr. Limbaugh further amended the published Agenda to add the following items to the Committee Referral Agenda: Item No. 18.12.16 – Request for reconsideration to partner with Gulf South Conference and provide advertising funding in support of their Basketball Tournament – Michael Stagno/Gulf South Conference Sports/Melody Salter, Finance Director/Water Jones, Finance Committee Chairman – Finance Committee; Item No. 19.12.16 – Request to consider investment alternatives for bond proceeds at Raymond James – Melody Salter/Finance Director – Finance Committee.

Mr. Limbaugh further amended the published Agenda to add the following item to the Other New Business Agenda: Item No. 17.12.16 – Request for consideration to authorize the Mayor to sign contract with Freedom Case Management – John Morgan/Court Magistrate,

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

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

None.

OLD BUSINESS

The first item on the Agenda under Old Business was Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department (Carried over at 12/12/16 Council Meeting).

Mr. Limbaugh stated that the Council needed to approve the Finance Committee's recommendation for four additional sidewalks plus two additional sidewalks on Saulter Road.

Mr. Jones amended the motion from the Finance Committee to include a short sidewalk by Publix.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 07.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from JML Properties, LLC on behalf of the property owner(s) Jared Lewis to rezone the property located at 2826 and 2824 Central Avenue/Parcel ID No. 28-00-07-3-024-002.000 and 28-00-07-3-024.002.001 from C-2 (Neighborhood Shopping District) to C-4 (Central Business District) for the proposed purpose to permit the development of new retail uses (Note: this request was considered by the Homewood Planning Commission at its meeting of November 1, 2016 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath/Building, Engineering and Zoning Department.

Mr. Limbaugh declared the Public Hearing opened.

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

Mrs. Vanessa McGrath addressed the Council and stated that this case was heard by the Planning Commission at its November 1, 2016 Meeting and received a favorable recommendation for the rezoning from C-2 to C-4.

Mr. Jeremy Cunningham of 1626 27th Avenue South addressed the Council and asked if this address was on the same road as Central Avenue that ran through Rosedale.

Mrs. McGrath replied yes, that it was where the AVX Building was and where Brandino Brass and a law office were.

Mr. Cunningham asked what the reason for changing was.

Mrs. McGrath replied that there were three pieces of property that were surveyed into one piece and two of those properties were zoned C-2 and one was zoned C-4 so, when they combined, all of the properties needed to be one zoning so they were asking for two of them to be rezoned to C-4 so that they would all three be zoned C-4.

Mr. Cunningham asked why they did not make them all C-2 since two of the three properties were C-2 and asked what the difference was between C-2 and C-4.

Mrs. McGrath replied that there was not a lot of difference between C-2 and C-4 but C-2 was a neighborhood shopping district and C-4 was Central Business District and the property across the street was C-4 and there was not a lot of C-2 in the area so that was why they chose to go with C-4 versus C-2.

Mr. Cunningham asked if C-2 was Neighborhood Shopping District because it was more specific to the neighborhood it sat in such as Edgewood or Rosedale.

Mrs. McGrath replied yes, but there was not a lot of changes in the uses between C-2 and C-4 but they were looking at what was adjacent to the property and the majority was C-4.

Mr. Cunningham stated that he was opposed to the change in zoning because he felt that it took away from the potential Rosedale development, specifically along the Central Avenue area.

Mrs. Mary Edwards of 1704 27th Avenue South addressed the Council and stated that she received the letter from the City of Homewood and she had a piece of property on 1703 27th Avenue South and she would like to know why the letter concerned her because the letter stated 1718 27th Court.

Mr. Limbaugh stated that there was another Public Hearing on the Agenda that concerned that address.

Mr. Jared Lewis of JML Properties, LLC at 2560 18th Street addressed the Council and asked if anyone had specific questions about the project.

Mrs. Smith asked if the three businesses that were currently at the address were going to remain or were the businesses changing.

Mr. Lewis replied that Poston and Poston intended to stay, Brandino Brass intended to stay, and Brand Neue Company had already moved out so that space was

vacant and AVX had already left as well to relocate to the old Dorothy McDaniel building so there was space for a new tenant there as well.

Mr. Gwaltney asked Mr. Lewis to summarize the changes that would occur aesthetically, specifically to curbing and how parking would be addressed.

Mr. Lewis presented renderings and replied that the general concept was that property had a large parking lot behind it and through this site redevelopment they intended to use that parking lot and put 17 open spaces behind there and create 19 spaces to the right and if everything worked out as planned there would be an additional 30 spaces created in that area, long term, through proper planning. Mr. Lewis stated that they had worked hard since early June 2016 with Christopher Architects so the general idea was that they had an abundance of parking on a gravel lot that would be paved and cleaned up and an abundant amount of grass would be added in front of Poston and Poston and the parking would be pulled back so they would cut the asphalt and move the grass forward. Mr. Lewis added that the concept of him as the property owner and his tenants had was that when someone came into the curve in Homewood they would see their landscaped property and parking and as much grass as possible to soften it all up. Mr. Lewis further added that there would be a poured concrete 18 inch wall in front with a vault on it, a new metal roof, and hand blown windows so it would have a very high end look to it like the Iberia Bank in Crestline with two masonry fireplaces and would have a lighting consultant work with them to light the lot, they had to design a system to compensate for the flood plain and soil issues but he thought this would be a huge asset for Homewood to take Central Avenue to the next level to bridge 18th Street toward Edgewood and would have little impact on Rosedale considering how far away they were from the Rosedale area but there were creating high end retail in an area that was rough and industrial.

Mrs. Andress asked if there would be sidewalks.

Mr. Lewis replied that he could not commit to what the City was going to do in that area but they had requested sidewalks all the way across as well as a crosswalk but that would be up to the City but they had the space allocated in the design for sidewalks starting in the corner all the way across to where the Fitness Center was with a painted crosswalk from their building across to Little Donkey.

Mr. Thames stated that it was in Committee now and there was some city property adjacent to Central Avenue that should give them the opportunity to extend the sidewalk and maybe even some additional parking.

Mrs. Andress stated that she would support that.

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

Mr. Limbaugh declared the Public Hearing closed.

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

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

Ordinance No.

(An Ordinance to rezone the property located at 2826 and 2824 Central Avenue/Parcel ID No. 28-00-07-3-024-002.000 and 28-00-07-3-024.002.001 from C-2 (Neighborhood Shopping District) to C-4 (Central Business District) for the proposed purpose to permit the development of new retail uses)

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

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2642

(An Ordinance to rezone the property located at 2826 and 2824 Central Avenue/Parcel ID No. 28-00-07-3-024-002.000 and 28-00-07-3-024.002.001 from C-2 (Neighborhood Shopping District) to C-4 (Central Business District) for the proposed purpose to permit the development of new retail uses)

Mr. Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2642. Mr. Gwaltney seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from E. Gray Murray on behalf of the property owner(s) MACCO, LLC to rezone the property located at 1718 27th Court South/Parcel ID No. 28-00-07-3-013-005.000 from C-4 (C) (Neighborhood Shopping District with conditions) to C-4 (Central Business District) for the proposed purpose to permit the renovation of a former residential structure for an office/retail use (Note: this request was considered by the Homewood Planning Commission at its meeting of November 1, 2016 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath/ Building, Engineering and Zoning Department.

Mr. Limbaugh declared the Public Hearing opened.

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

Mrs. McGrath addressed the Council and stated that this request was heard on November 1, 2016 by the Planning Commission and received a favorable recommendation to rezone this property from C-4(C) to C-4. Mrs. McGrath further stated that it was zoned C-4 from R-7 in 2006 with quite a few conditions including the buildings having a residential appearance and an elevation that was set out in Exhibit A, the building constructed on the property could be no more than two stories, the building could be no more than 3,500 square feet, the second story would be smaller than the first story with dormers pursuant with Exhibit A, it should maintain a ten foot buffer along the northern boundary of the lot to divide it from the adjacent properties and there should be cypress and holly planted within the ten foot buffer to comply with the Homewood Zoning Ordinance and there should also be a maintained buffer on the westward boundary of the property in such a fashion to provide a stair step buffer of shrubs of sufficient height to create a buffer as defined in the Homewood Zoning Ordinance, the height of which shrubs were not to impair the visual safety of motor vehicles which buffer was to be approved of the traffic department at the time of installations of such shrubs. Mrs. McGrath further added that the applicant was requesting that those conditions be removed from the property so was seeking C-4 zoning. Mrs. McGrath added that the conditions of the buffer were in the zoning ordinance that if the property was zoned Commercial where it was adjacent to Residential, that they have a ten foot buffer unless they had a road that divided them.

Mr. Thames asked to verify that the owner wasn't requesting new zoning but was requesting to eliminate the conditions that were attached at the time of the rezone.

Mrs. McGrath replied that was correct.

Mr. Thames stated that one of the conditions was that if he ever built anything else it would have to look like this.

Mrs. McGrath replied that was correct.

Mr. Thames asked if he was asking to remodel the existing building.

Mrs. McGrath replied that was correct.

Mr. Thames asked if there were any conditions attached to what kicked in the requirement to rebuild the structure to this appearance.

Mr. Kendrick replied that any change would have to respond to conditions.

Mrs. McGrath replied no.

Mr. Thames asked what defined “change,” would a new roof or paint be considered a change.

Mrs. McGrath replied that would just be maintenance of the property.

Mr. Thames asked what was meant by “rehabilitation.”

Mr. Wolverton asked if in the pictures of the lot, if this property they were speaking of or just the empty lot.

Mrs. McGrath replied that the house was on the top end of the lot and the rest of it was empty but the property was in the flood zone.

Mrs. Edwards addressed the Council and asked Mr. Murray what he planned on putting there.

Mr. Gray Murray addressed the Council and stated that when the property was rezoned ten years ago they were considering an office for Twin Construction and one of the owners was his son-in-law, but that did not work partly because of the conditions, so Twin Construction offices ended up on Central Avenue so the building had been sitting vacant since then. Mr. Murray further stated that he presently had an office with his son, Murray Building Company, across from Dimitri’s and they would need that space eventually so he needed an office, and in addition he was in a partnership with Mr. Dave Upton who lived in Vestavia and they started a company to provide low income housing in the inner city in Birmingham so that any resident of Fairfield, East Lake, Woodlawn, or any inner city area could buy a lot from the Birmingham Land Bank for \$3,500.00 and his company provided the links to educate those residents and provide credit

enhancements, and homeownership and they had a product they could offer to put on those lots that would allow them to get into those houses for less than \$80,000.00. Mr. Murray added that most of the people in the inner city were paying \$500.00-\$600.00 a month for rent for housing that most people would not even consider living in and this would be brand new housing with plans that had already been approved through the state, they had preliminary approval from the City of Birmingham so this was moving rather fast so they needed an office for that venture but they did not need a huge office at this point, and the way the conditions read, he could not even rehabilitate the existing structure and if he built something, it had to look like what was in the picture, which was not a pleasant looking building. Mr. Murray further added that part of the conditions stated that the second floor had to be less than the first but the picture did not reflect that so what he was asking was for the ability to design a rehabilitation of the existing structure, which he would not enlarge, he would leave it basically the same size that it was but have it so he could have an office in there to operate his businesses but the structure would remain on part of the lot that was next to Jim and Jim's and the lower part of the lot which was to the west and toward the residential section was in the flood plain and there was a drainage ditch that ran along that street so he would leave that for parking and would not put any structures on that part of the property which took about a third or a half of the lot but before he spent a lot of money doing that he wanted to get it rezoned so he would have the ability to evaluate that option.

Mrs. Edwards asked that it was not always about the money but was about the happiness that counted so he wanted to build that building in their residential area.

Mr. Murray stated that he was not asking to build a building he was only asking to rehabilitate the existing building and he was doing it for a business venture that would be of public service to the city. Mr. Murray further stated that he already owned the property, was already zoned for Commercial, and he did not think she would want to see the building that was approved to put on that lot because it was a full two story building that would stick up two stories plus a roof, and would be more imposing on the neighborhood than the building he wanted to design.

Mrs. Edwards stated that even if it was one level, she still would not approve of it because people had been living there and wanted to continue living there. Mrs. Edwards asked if he was living there would he want this building.

Mr. Murray replied yes that he would because he would prefer that than to leave it a vacant property because he had people who had broken into the property to spend the night and that was more disadvantageous to the neighborhood than having a small business operating out of structure that would be rehabilitated and looked nice.

Mrs. Edwards stated that there were other properties that were vacant without putting things in their front door or back door and the big majority of the commercial people had already taken over half of the community and every way they turned there were businesses.

Mr. Limbaugh stated that the record would show that Mrs. Edwards was in opposition to the rezoning.

Mrs. McGrath presented the plans to Mrs. Edwards and stated that this was the existing structure that was already zoned Commercial and that they wanted to take the existing structure and rehabilitate it.

Mr. Murray stated that he wanted to rehabilitate the existing structure as an office not increase it significantly other than maybe adding one room to it, but it would not be imposing, it would remain a single story building.

Ms. Carolyn Hicks of 2710 17th Street South addressed the Council and she asked to verify that the structure in the picture had already been approved.

Mr. Murray replied yes, that it had already been approved and he had to keep a structure that looked like that according to the conditions of the zoning.

Mr. Gwaltney stated he could build the structure in the picture today without coming here and talking to the Council because that was approved in 2006 so he thought what he was trying to do was a better option than this because he would much rather have a house renovated than a two story that would be much more imposing in neighborhood so he thought it was a step in the right direction.

Mrs. Smith stated that the point was that the structure was already there and he did not want to alter the structure that greatly from what it currently was but he wanted to make it inhabitable so that he could have a functioning office in it because right now it did not have the systems available to make it a functioning office but he did not want to build what they wanted him to build years ago because it would not look right in that part of the neighborhood so he wanted to make it look like something that would be a part of the neighborhood as an office but it was already zoned Commercial so he could build what it was already zoned for without coming to the Council but he wanted to do something that was more in keeping with the neighborhood as opposed to doing something that would not be.

Mrs. Edwards stated that she was not just speaking of this building but about all the commercial businesses coming in because she felt the residents were being pushed out and someone could probably put a nice building in her front yard and it would be

pretty but that was not the point, the point was that they are coming in and pushing residents out.

Mr. Murray stated that he had owned the property for twelve years and it was already zoned Commercial so he was looking to be a good neighbor because he has lived in Homewood for forty years and raised four children here, three of which had settled in Homewood as well so he was not going anywhere.

Mr. Thames stated that now that he knew what his intentions were with the building that he wanted clarification because though he saw the conditions that were put in the zoning he did not see where the conditions would become applicable because he was not tearing the building down, and was not building a new structure, but he was rehabilitating what was there.

Mrs. McGrath replied that the addition he wanted to do would trigger the conditions having to be met but he could maintain it and put a new roof on it and paint it as it was in the current zoning but if adds a room then it became a new building.

Mr. Murray stated that this was how the item came up was that he asked to redo the building and add on to it and one of the conditions of the zoning prevented that.

Mr. Wright asked how significant the addition would be.

Mr. Murray replied that it would not be large but would just be for one more office on the side and there was a kick out on the back already that was a very small porch area and he wanted to enlarge that area to make another office so it would probably be less than 300 square feet.

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

Mr. Limbaugh declared the Public Hearing closed.

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

Mrs. Andress stated that she knew the Murray family and they had lived in the community and raised children here and they did excellent work and were a wonderful family.

Mr. Limbaugh stated that Mr. Murray's family and his kids all grew up together.

Mrs. Smith stated that she drove by the property today and she had been over there a thousand times and she had never noticed that house sitting there on the end of Jim and Jim's but Mr. Murray had owned it for over ten years and it had sat vacant for

ten years so she thought that what he was planning to do was going to be so much better for the neighborhood than having an abandoned building sitting on a piece of property adjacent to people's homes so she thought what he was going to do was going to make it nice and would be an improvement to the current situation.

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

Ordinance No.

(An Ordinance to rezone the property located at 1718 27th Court South/Parcel ID No. 28-00-07-3-013-005.000 from C-4 (C) (Central Business District with conditions) to C-4 (Central Business District) for the proposed purpose to permit the renovation of a former residential structure for an office/retail use)

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

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2643

(An Ordinance to rezone the property located at 1718 27th Court South/Parcel ID No. 28-00-07-3-013-005.000 from C-4 (C) (Central Business District with conditions) to C-4 (Central Business District) for the proposed purpose to permit the renovation of a former residential structure for an office/retail use)

Mr. Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2643. Mrs. Address seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 09.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from Creative Montessori School on behalf of the property owner(s) Creative Montessori School, Inc. to rezone the property located at 1630 28th Court South /Parcel ID No. 29-00-12-4-014-046.000 from R-5 (Attached Dwelling Unit District) to I-2 (Institutional District) for the proposed purpose to permit the establishment of an outdoor recreational area for use by Creative Montessori School (Note: this request was considered by the Homewood Planning Commission at its meeting of October 4, 2016 resulting in a favorable recommendation by a vote of 5-0) – Vanessa McGrath/ Building, Engineering and Zoning Department.

Mr. Limbaugh declared the Public Hearing opened.

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

Mrs. McGrath stated that this request was heard by the Planning Commission on October 4, 2016 and received a favorable recommendation to rezone this property from R-5 to I-2 to be attached the Creative Montessori School property as part of their educational fields.

Mr. Gwaltney asked if representatives from Creative Montessori were in attendance and stated that his concern was that the property behind a large metal building and was a buffer for a set of apartments which had a large number of kids so he wanted to get an idea for what the use of the area was going to be because he did not want it to generate a lot of noise that might degrade the quality of life for people living in the apartments.

Mr. Greg Smith, Director of Creative Montessori School, addressed the Council and stated that initially they would demo the building that was there because it was in poor repair and needed to be demoed as it was not a safe piece of property and over time, they wanted to use it as educational space as opposed to recreational space. Mr. Smith further stated that they had a large field already so they had separate playgrounds for their different programs so they could use this area for more of green space activity, such as taking kids out for lessons or nature activities, not necessarily for play space, but recreational space to use as a green space for learning activities.

Mr. Gwaltney asked why they could not leave it zoned residential, bulldoze the house, and plant the trees because though they were talking about just trees and a learning space now but they could put up a structure that would impact the apartments.

Mr. Smith replied that it would make the property consistent and while they had increased their foot print they were already zoned I-2 so for the sake of consistency keeping it I-2 since they were the property owners.

Mr. Gwaltney asked to verify that it was already owned by the school so was just being combined.

Mr. Smith replied yes, and that it was increasing the footprint of the property itself.

Mrs. Vanessa McGrath stated that it could not have two zonings since the lots were being combined.

Mr. Thames asked if they intended to keep fencing to secure the property.

Mr. Smith replied yes, that they would use something similar to what they had now.

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

Mr. Limbaugh declared the Public Hearing closed.

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

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

Ordinance No.

(An Ordinance to rezone the property located at 1630 28th Court South /Parcel ID No. 29-00-12-4-014-046.000 from R-5 (Attached Dwelling Unit District) to I-2 (Institutional District) for the proposed purpose to permit the establishment of an outdoor recreational area for use by Creative Montessori School)

Mr. Higginbotham moved for unanimous consent of the proposed Ordinance as read. Mr. McClusky seconded the motion.

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2644

(An Ordinance to rezone the property located at 1630 28th Court South /Parcel ID No. 29-00-12-4-014-046.000 from R-5 (Attached Dwelling Unit District) to I-2 (Institutional District) for the proposed purpose to permit the establishment of an outdoor recreational area for use by Creative Montessori School)

Mr. Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2644. Mrs. Smith seconded the motion.

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

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

The motion carried without dissent.

The next item considered, which was taken out of order from Other New Business, was Item No. 15.12.16 – Request to authorize Chief Bresnan to sign Alabama Next Generation Emergency Network (ANGEN) E911 agreement – John Bresnan/Fire Chief/Melody Salter/City Clerk.

Chief Bresnan addressed the Council and stated that this would not change what they were promised as far as the monies received through 911 but this took extra monies that would come based on how that 911 money was collected and put it into a capital fund for upgrading the system across the state so they were asking for authorization to sign this agreement.

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

Resolution No. 16-197

(A Resolution authorizing Chief Bresnan to sign Alabama Next Generation Emergency Network (ANGEN) E911 agreement)

Mr. McClusky then moved for the adoption and enrollment of Resolution No. 16-197. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered, which was taken out of order from Other New Business, was Item No. 17.12.16 – Request to authorize the Mayor to sign contract with Freedom Case Management – John Morgan/Court Magistrate.

Mr. John Morgan addressed the Council and stated that they already had a contract with Freedom Case Management Service that took some of their probationers and helped provide resume writing and job search services for those who were convicted in their court. Mr. Morgan further stated that this was a collection agency which Rule 38 of Judicial Administration authorized them to contract with collection agencies to help them with the collection of the funds from fines and court costs so they were already under contract with them and this was just a renewal.

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

Resolution No. 16-198

(A Resolution authorize the Mayor to sign contract with Freedom Case Management)

Mrs. Smith moved for the adoption and enrollment of Resolution No. 16-198. Mr. Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 25.11.16 – Request to add Street Lights at 203 Theda Street – Public Safety Committee – Walter Jones (Carried over and referred to Finance Committee at 12/12/16 Council Meeting).

Mr. Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend funding of \$140.04 from the Seven Cent Gas Tax Fund.

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

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

Resolution No. 16-199

(A Resolution to add street lights at 203 Theda Street)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-199.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.12.16 – Public Hearing set for January 9, 2017 at 6:00 p.m. for consideration of a variance to the fence ordinance at 3101 Roxbury Road – Tony Engle/Greg Cobb/Building, Engineering and Zoning Department.

Mr. Limbaugh stated this this Item would be carried over for the Public Hearing set for January 9, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 03.11.16 – Bid Opening Date set for December 19, 2016 at 5:00 p.m. with bids due no later than 4:30 p.m. that day for headset units for the Fire Department – Battalion Chief Mike Anastasia/Fire Department (Carried over 12/5/16).

Chief Bresnan addressed the Council and stated that after reviewing three bids, Sharp Communication and Security Solutions in Huntsville was the lowest responsive and responsible bidder.

Mr. Jones stated that the Finance Committee met on 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 Chief Bresnan's review of the bids.

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

Resolution No. 16-200

(A Resolution awarding a bid to Sharp Security Solutions for headset units for the Fire Department)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-200. Mr. McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 04.11.16 – Bid Opening Date set for December 19, 2016 at 5:00 p.m. with bids due no later than 4:30

p.m. that day for hose for the Fire Department – Battalion Chief Mike Anastasia/Fire Department (Carried over 12/5/16).

Chief Bresnan asked if this Item could be carried over until bids were reviewed to ensure hoses met specifications.

Mr. Limbaugh stated that this Item would be carried over to the January 9, 2017 Council Meeting.

The next item on the Agenda under Old Business was Item No. 03.12.16 – Request for consideration to keep an existing fence in the City Right-of-Way at 1712 Ridgewood Place (Parcel ID: 29-00-25-2-004-010.000) contingent upon proper Indemnification Agreement – Alex Wyatt.

Mr. Wright stated that the Public Works Committee met earlier tonight prior to the Council Meeting and voted 5-0 to recommend approval to keep an existing fence in the City Right-of-Way at 1712 Ridgewood Place.

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

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

Resolution No. 16-201

(A Resolution keeping an existing fence in the City Right-of-Way at 1712 Ridgewood Place)

Mr. Wright then moved for the adoption and enrollment of Resolution No. 16-201.

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

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

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|-----------------|---|
| 08.12.16 | Request to authorize the Mayor to sign a contract with McCain's/Galls for Police Uniform purchases – Chief Ross/Police Department – Finance Committee |
| 09.12.16 | Request for consideration of a crosswalk across Green Springs Highway at Raleigh Avenue – Erik Henninger/Scott Dean/Mike Higginbotham/Andrew Wolverton – Public Safety Committee |

- 10.12.16** Request to consider a street light at or near the corner of Bristol Lane and West Oxmoor Road – Mike Higginbotham – **Public Safety Committee**
- 11.12.16** Request for consideration of permission to work in the City Right-of-Ways for tree plantings in the Hollywood traffic islands by the Homewood Environmental Commission – Mike Higginbotham/Liaison to HEC – **Special Issues Committee**
- 12.12.16** Request to amend the FY 16-17 Budgets – Berkley Squires/Public Services Director/Melody Salter/Finance Director – **Finance Committee**
- 13.12.16** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of the zoning application from Cynthia Parris on behalf of the property owner(s) Cynthia T. & Steven R. Parris to rezone the property located at 316-332 Carr Avenue /Parcel ID No. 29-00-14-4-014-007.000 from GURD (Greensprings Urban Renewal District) to R-4 (Attached Dwelling Unit District for the proposed purpose to permit the construction of new residential duplex units to replace existing duplex units (Note: this request was considered by the Homewood Planning Commission at its meeting of December 13, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department – **Planning and Development Committee**
- 18.12.16** Request for reconsideration to partner with Gulf South Conference and provide advertising funding in support of their Basketball Tournament – **Michael Stagno/Gulf South Conference Sports/Melody Salter, Finance Director/Water Jones, Finance Committee Chairman – Finance Committee**
- 19.12.16** Request to consider investment alternatives for bond proceeds at Raymond James – **Melody Salter/Finance Director – Finance Committee**

Mr. Higginbotham moved to approve the Committee Referral Agenda as amended. Mrs. Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 13.12.16 – Request to set a Public Hearing for consideration of the zoning application from Cynthia Parris on behalf of the property owner(s) Cynthia T. & Steven R. Parris to rezone the property located at 316-332 Carr Avenue /Parcel ID No. 29-00-14-4-014-007.000 from GURD (Greensprings Urban Renewal District) to R-4 (Attached Dwelling Unit District for the proposed purpose to permit the construction of new residential duplex units to replace existing duplex units (Note: this request was considered by the Homewood Planning Commission at its meeting of December 13, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department.

Mr. Limbaugh stated that the Public Hearing would be set for January 23, 2017 at 6:00 p.m.

Mr. Limbaugh stated that they would have the challenge of moving the next Council Meeting from January 16, 2017 to January 23, 2017 due to the National Championship Game and Martin Luther King, Jr. Day.

The next item on the Agenda under Other New Business was Item No. 14.12.16 – Request for consideration to authorize the Finance Director to invest money held by Bank of New York – Melody Salter/Finance Director.

Mr. Burgett, Senior Accountant addressed the Council and stated that this was for money that was held at the Bank of New York for capitalized interest on the new bond money. Mr. Burgett further stated that there was currently \$1,121,281.58 that represented the first interest payment which had to be made on March 1, 2017 so they were asking that this money be invested in a money market fund so they could earn some interest instead of it just sitting in the bank and not earning anything and it would be about 75 days' worth of interest. Mr. Burgett added that they recommend that the money be placed in a money market fund which was a Fidelity Investment Fund so the recommendation they had was to go after a AAA Fund with the lowest expense rate and the highest yield and of the funds that were recommended to them, that was the fund that they recommended to be chosen.

Mr. Wright asked what they hoped it would generate.

Mr. Burgett replied that it would generate 28 basis points.

Ms. Salter stated that they did not have possession of the money because that money was held at escrow at the Bank of New York so they could not invest it without the Council's approval so right now it was earning nothing.

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

Resolution No. 16-202

(A Resolution authorizing the Finance Director to invest money held by Bank of New York)

Mr. Wright then moved for the adoption and enrollment of Resolution No. 16-202. Mr. Jones seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 16.12.16 – Request for consideration of approval of vouchers for period of December 12, 2016 through December 18, 2016 – City Treasurer/Finance Committee.

Mr. Thames stated that he reviewed the bills and recommended payment of all invoices.

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

Resolution No. 16-203

(A Resolution approving vouchers for period of December 12, 2016 through December 18, 2016)

Mr. Thames then moved for the adoption and enrollment of Resolution No. 16-203. Mr. Jones seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mayor McBrayer stated that on behalf of the Mayor's office and staff he wanted to wish everyone a Merry Christmas. Mayor McBrayer further stated that he wanted to remind everyone that if anyone would be traveling out of town they had the program where if they let the city know they would put their home on a watch list so there would be an extra set of eyes on their homes while they were away.

Mr. Gwaltney stated that he wanted to remind residents of Ward 1 that they had a large number of vehicles in that ward over the last week and eight or nine cars were affected including his so he wanted to remind everyone to avoid leaving valuables in their cars. Mr. Gwaltney further stated that he wanted to thank the Library for the invitation to

their luncheon where he was able to meet a lot of the staff and get acclimated to the group he would be the liaison for.

Mr. Thames stated that car break-ins were bad but he found a card on the windshield of his wife's car that was signed by one of their police officers with a time from around 2:00 a.m. that included a reminder to lock her doors because they checked hers and wanted to let her know they were here. Mr. Thames stated that he would not need to set a meeting for Planning and Development at this time.

Mr. Higginbotham stated that he wanted to wish everyone a Merry Christmas and Happy Hanukkah.

Mr. Wolverton stated that he wanted to wish his wife a Happy Anniversary.

Mr. McClusky stated that the Public Safety Committee would meet on January 9, 2017 at 5:45p.m.

Mr. Jones stated that he wanted to thank Ms. Salter and her staff for a wonderful parade and event.

Ms. Salter stated that she wanted to thank Mrs. Claire Jackson for her creativity in designing the float.

Mr. Jones stated that the Finance Committee would meet on January 9, 2017 at 5:15 p.m.

Mrs. Smith stated that the Special Issues Committee had received both reports and the Volatile Analysis reports and their representative offered to meet with them and go over the findings so she felt they would need more time than they would have on January 9, 2017. Mrs. Smith stated that the Special Issues Committee would meet on January 30, 2017 at 6:00 p.m.

Mr. Wyatt stated that he wanted to wish everyone a good holiday.

Mrs. Andress stated that she wanted to thank Mr. Bischoff for his response last week during flooding in Ward 5 last week. Mrs. Andress further stated that they had flooding all the way down Yorkshire and Grand and she was told by Birmingham Water Works that they had a backlog of 329 leaks which was up from the average of about 100 so she wanted to thank Mr. Bischoff who was out early with the residents on Grand. Mrs. Andress added that she also wanted to thank Mr. Limbaugh for tonight's Work Session and she was asked by another constituent when the public would have a chance to talk.

Mr. Wright stated that there was one item scheduled for the Public Works Committee and they would meet on January 9, 2017 at 5:00 p.m.

Mr. Limbaugh stated that the Continued Council Work Session would be held on January 30, 2017 at 5:00 p.m. for public commentary. Mr. Limbaugh further stated that he had the opportunity to experience the topping out at Servis First Headquarters and standing southbound on the top floor looking into Homewood and Rosedale was an impressive view and the people at Servis First stated that they would love council members to take a tour in the next two weeks. Mr. Limbaugh added that Mr. Paul Shabaker from Servis First said that in particular if the Ward 1 representatives wanted to experience that they would be more than happy to give them a tour. Mr. Limbaugh further added that the completion date of the project was October 2017.

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