

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

April 24, 2017

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, April 24, 2017 at City Hall at 6:00 p.m.

President Limbaugh invited Mayor McBrayer to come forward to provide a presentation in honor of Retired Battalion Chief Brian Bonner.

Mayor McBrayer addressed the Council and presented a proclamation honoring Battalion Chief Brian Bonner's 22 years of service.

Chief John Bresnan addressed the Council and presented Battalion Chief Brian Bonner with framed metals of honor, and stated that it had been a pleasure serving with one of the finest individuals to have worked in the Fire Service.

The invocation was then given by Pastor Nic Seaborn of Raleigh Avenue Baptist Church, after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:11 p.m.

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

At this time, Ms. Smith moved to dispense with the reading of the Minutes of the Council Meeting of April 10, 2017 and approve them as distributed. 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.

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

Mr. Thames moved to appoint Mr. Justin Russell to the Ward 1 position of the Board of Education. 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 voice vote, the motion carried without dissent.

Mr. McClusky moved to appoint Ms. Erin Stephenson to the Ward 3 position of the Board of Education. 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 on an 8-0-2 vote. Mr. Higginbotham and Ms. Andress abstained.

Mr. Gwaltney moved to appoint Ms. Callan Childs to the Ward 1 position of the Historical Preservation Commission. 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. Limbaugh stated that the Ward 5 Homewood Environmental Commission and Ward 5 Cable Commission positions were now closed.

Mr. Limbaugh amended the published Agenda to add the following items to the Committee Referral Agenda: Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project – Britt Thames – Planning and Development Committee; Item No. 27.04.17 – Request for consideration of a franchise agreement with Mobilitie, LLC for permission to install a utility pole in the City right-of-way – Rick Frier/Melody Salter/City Clerk/Greg Cobb/Building, Engineering and Zoning Department – Finance Committee; Item No. 28.04.17 – Request for consideration of a transfer of fiber optic franchise agreement with Southern Light, LLC for permission to work in the City right-of-way – City Attorney/Melody Salter, City Clerk – Finance Committee; Item 29.04.17 – Request for consideration of recommendation for program manager for B.O.E – Walter Jones – Finance Committee; and renumber Item No. 18.04.17 under CRA (BJCTA budget request) to 26.04.17.

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

CONSENT AGENDA

09.04.17 Request to consider new City Circulator Route proposed by BJCTA during their budget funding request – **Mike Higginbotham**

Action Taken: After a lengthy discussion with representatives from the BJCTA the Committee voted 4-0 to drop after the BJCTA only proposed the route as a trial for 90 days and then if the City decided to pick up this route it would increase the City costs. The motion was made by Mr. Higginbotham and seconded by Ms. Address.

Mr. McClusky moved for the approval of the Consent Agenda as amended. 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 voice vote, the motion carried without dissent.

OLD BUSINESS

The next item on the Agenda under Old Business was Item No. 32.07.16 – Public Hearing set for April 24, 2017 at 6:00 p.m. to consider Economic Development Incentives for Wildwood South Development – Mayor McBrayer/Bill Oldacre.

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.

Birmingham Councilman Jay Roberson addressed the Council and stated that in 1993 the Wildwood Shopping Center was a very good retail center with a lot of amenities for constituents in both Birmingham and Homewood including Bob Baumhower's Wings, a movie theatre, and great shopping and retail in the Lakeshore Corridor. Mr. Roberson further stated that now, twenty plus years later, they were considering a plan to revitalize that area and he felt the plan would be of great benefit to both Birmingham and Homewood. Mr. Roberson added that the City of Birmingham did formulate an agreement to help support the redevelopment of Wildwood and Birmingham, made an investment, and were working cooperatively so the time frame was met for the development. Mr. Roberson further added that cities in this region worked together for the better good of their citizens so there were a lot of times that both cities worked together in law enforcement, emergency services, economic development projects, and road improvements because they cooperated as municipalities.

Mr. Roberson stated that Wildwood was a great asset and was a great crown jewel for the citizens and the community and hopefully they would be able to move forward with the agreement.

Mr. Bill Oldacre addressed the Council and stated that when Wildwood was first under contract he called Mayor McBrayer and Councilman Roberson and they met at the Starbucks across from the shopping center and it had been a cooperative effort between both cities ever since. Mr. Oldacre further stated that he remembered the glory days of Wildwood in the early 1990's when it was built and he would stop at the Chick-fil-A any time he was in town and a few years ago when he found the property had gone back to the lender he was immediately on top of the situation because he knew it was a diamond in the rough with great traffic, great visibility, especially now that they were re-landscaping, great proximity to great neighborhoods, and there was no reason it could not be successful but at the same time it had been through a long dry spell and retailers knew the reputation so they would need some help. Mr. Oldacre added that work had begun and they were proposing to share upside on sales tax generation and it was a no lose situation but was just a sharing of upsides so he was here to make something good happen as they turned Wildwood around.

Mr. Randall Minor of Maynard Cooper at 223 Devon Drive addressed the Council and stated that Mr. Oldacre had been working hard to identify the right mix of tenants and there had been a couple things that happened the last couple of days so they needed to ask for some minor changes to the agreement in section 4.01-2 d, regarding the start date. Mr. Minor further stated that Mr. Oldacre would like a little more time so they would like the start date to be the date of commencement, which was defined as the date that the developer sends a notice to the city that the last of the initial project tenants was open for business so the outside date would be December 31, 2018.

Mr. Limbaugh stated that he would not have an objection to that modification.

Mayor McBrayer addressed the Council and asked what the time extension would be.

Mr. Oldacre replied that just in the last week he had conversations with inline retailers in the center about moving some of the tenants around so initially with the City of Homewood it was going to be to fill in some empty spaces and add some pads to the front, but now with moving tenants around inside the shopping center there might be a six to twelve month extension to the start date.

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 audience.

Mr. Limbaugh declared the Public Hearing closed.

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

Mr. Jones asked if someone could provide an update on the diverging diamond timeframe to get traffic to the center and back on the interstate easier.

Mayor McBrayer replied that the timeline was 2019 on that and ALDOT was really interested in moving that project forward by a couple of years.

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

Resolution No. 17-65

(A Resolution approving Economic Development Incentives for Wildwood South Development)

Ms. Smith then moved for the adoption and enrollment of Resolution No. 17-65. 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 considered under Old Business was Item No. 18.04.17 – Request to approve and authorize Mayor to sign contract and fund demographer for Homewood Board of Education's use of bond proceeds – President Limbaugh.

Mr. Jones stated that the Finance Committee met on April 17, 2017 and voted 5-0 to send this Item back to the Council without recommendation pending review of a proposed contract by Council and City Attorney. Mr. Jones further stated that they now had the contract with Cooperative Strategies for a total of \$30,000.00 from bond proceeds.

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. 17-66

(A Resolution authorizing the Mayor to sign contract and fund demographer for Homewood Board of Education's use of bond proceeds)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 17-66. 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 under Old Business was Item No. 04.12.16 – Request for consideration of Central Avenue Parking – Britt Thames.

Mr. Jones stated that the Finance Committee met on April 17, 2017 and voted 5-0 to recommend approval of the latest design distributed by Mr. Greg Cobb and to have Mr. Cobb send out Requests for Proposals for construction.

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. 17-67

(A Resolution approving plan for Central Avenue Parking)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 17-67.

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

Mr. Jones asked Mr. Cobb if any changes needed to be made regarding cost.

Mr. Cobb addressed the Council and stated that he asked Mr. Skipper to lay it out on the ground because it was more complicated than it looked with existing drainage and on the south end of the project headed northbound he noticed that the angle parking would drain fine but water coming from the other direction would not be able to get there so there would be an inlet issue. Mr. Cobb further stated that he spent a lot of time last week measuring it to see if it would work and he spoke to Mr. Skipper who told him they did not do the layout but would turn that over to the civil engineers who would provide working drawing before putting it out. Mr. Cobb added that he called the engineer today and it would more time consuming and expensive also because just to get the initial survey and schematic where everything would be on paper so they would know if there

would be a problem or not would cost over \$10,000.00 and if they had to make more working drawings that amount could double so it was not as easy as it appeared.

Mr. Jones stated that they would send out RFPs.

Mr. Cobb stated that they had to have something to send.

Mr. Jones asked if he needed an appropriation to get the drawings prior to sending the RFP.

Mr. Cobb replied yes because the drawing he had from Mr. Skipper was a great drawing for the idea but for someone to actually bid the work and put it on the ground they would need more information plus the assurance that they did not mess up drainage or traffic since they would be shifting lanes.

Mr. Jones asked if he needed to do more due diligence and then send it back to the Finance Committee.

Mr. Cobb replied that what he needed was to get the initial survey down and the initial schematic and they might find out that it would work and they would not have any problems but he might find out they needed to do more work.

Mr. Kendrick stated that the resolution allowed Mr. Cobb to take the design and get a price but he needed working drawings.

Mr. Cobb stated that he needed more working drawings and he had looked at the cost on their side and he knew they were around \$48,000.00 for the right-of-way and the rest would be something Mr. Lewis would have to handle but his concern was that everything in the right-of-way be handled properly so they would not have any traffic issues or drainage issues.

On a voice vote, the motion carried without dissent.

Mr. Wyatt entered the Council Chambers at 6:41 p.m.

The next item on the Agenda under Old Business was Item No. 29.02.17 – Request for consideration to add street lights in the Rosedale Community – Britt Thames/Andy Gwaltney.

Ms. Andress stated that the Public Safety Committee met on April 17, 2017 and, after hearing report from Mr. Gwaltney, voted 4-0 to recommend approval of adding street lights at 17th Place and Central Avenue and referral to the Finance Committee for funding.

Mr. Limbaugh stated that this Item would be referred to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 11.04.17 – Request for consideration of fence installation/barrier at 521 and 538 Edgeknoll Lane – Anna and Steven Schrimpf/Julie and Corey Johnson/Andrew Wolverton.

Ms. Andress stated that the Public Safety Committee met on April 17, 2017 and, after hearing from Mr. Greg Cobb, voted 4-0 to recommend installation of fence enclosing the dead-end street and referral to the Finance Committee for funding.

Mr. Limbaugh stated that this Item would be referred to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 05.03.17 – Request to set a Public Hearing for May 8, 2017 at 6:00 p.m. to consider violation of driveway ordinance – Greg Cobb/Building, Engineering and Zoning Department/City Attorney.

Ms. Smith stated that the homeowner attended the Special Issues Committee and after some discussion, they realized there had been some miscommunication between the owner and the city about the width of the driveway and he had a misunderstanding of the ordinance so the Committee voted 4-0 set a Public Hearing for May 8, 2017 at 6:00 p.m. and asked Mr. Lumpkin to submit a redrawn plan for a corrected driveway to the Building, Engineering and Zoning Department and also some additional landscape plans for trees that had been removed.

Mr. Limbaugh stated that the Public Hearing would be set for May 8, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 12.03.17 – Public Hearing carried over from April 10, 2017 at 6:00 p.m. for consideration to set a public hearing to consider declaring the property located at 2827 16th Place South., PID# 29-00-12-4-014-019.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth"; Ordinance # 1098 "Litter"; and Chapter 11 Health and Sanitation, Article II Litter, Sec 11-42 "Open Storage of certain items" from the "Code of Ordinances" – Scott Cook/Sanitation Ordinance Inspector (Carried Over 4/10/17).

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

Mr. Scott Cook addressed the Council and stated that he received a complaint on the property in February and they sent notices out and posted the property. Mr. Cook further stated that the owner had been doing some work in the front of the house but not to satisfaction because she had not done any work at the back of the property. Mr. Cook added that as shown in the pictures there were a lot of issues such as vegetation that harbored mosquitoes.

Mr. Limbaugh asked Mr. Cook for his recommendation.

Mr. Cook replied that his recommendation would be to declare the property a public nuisance and allow the city to abate the issues.

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 audience.

Mr. Limbaugh declared the Public Hearing closed.

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

Mr. Thames stated that he heard from the homeowner a couple of weeks ago asking for more time, which they granted, but there had not been much progress since then. Mr. Thames further stated that he had personally offered to help her but that offer had not been taken up so at this point he did not see it being corrected by the homeowner.

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

Resolution No. 17-68

(A Resolution declaring the property located at 2827 16th Place South., PID# 29-00-12-4-014-019.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth"; Ordinance # 1098 "Litter"; and Chapter 11 Health and Sanitation, Article II Litter, Sec 11-42 "Open Storage of certain items" from the "Code of Ordinances")

Mr. Wright moved for the adoption and enrollment of Resolution No. 17-68. 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 voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.03.17 – Public Hearing carried over from April 10, 2017 at 6:00 p.m. for consideration to set a public hearing to consider declaring the property located at 2831 16th Place South., PID# 29-00-12-4-014-020.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth"; Ordinance # 1098 "Litter"; and Chapter 11 Health and Sanitation, Article II Litter, Sec 11-42 "Open Storage of certain items" from the "Code of Ordinances" – Scott Cook/Sanitation Ordinance Inspector (Carried Over 4/10/17).

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

Mr. Scott Cook addressed the Council and stated that this was owned by the same person on side by side property and had been given the same notice of the same violations of the previous item.

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 audience.

Mr. Limbaugh declared the Public Hearing closed.

Mr. Limbaugh asked if the Council had any question or comments regarding this Item. There was no response from the Council.

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

Resolution No. 17-69

(A Resolution declaring the property located at 2831 16th Place South., PID# 29-00-12-4-014-020.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth"; Ordinance # 1098 "Litter"; and Chapter 11 Health and Sanitation, Article II Litter, Sec 11-42 "Open Storage of certain items" from the "Code of Ordinances")

Mr. Thames moved for the adoption and enrollment of Resolution No. 17-69. 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 voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 01.04.17 – Public Hearing set for April 24, 2017 at 6:00 p.m. for consideration for a variance to the sign ordinance at 124 State Farm Parkway – Teresa Curry/Greg Cobb/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.

Mr. Greg Cobb addressed the Council and stated that this request was for a sign variance for McDonald's for additional signage for a total of four signs but reducing the overall square footage. Mr. Cobb further stated that the size was fine and that Wildwood was different than the rest of the city because where the rest of the city allowed one attached sign, Wildwood allowed two attached sign so this variance would be for two additional signs with no size variance.

Luke Wemett of Access Companies addressed the Council and stated that the existing restaurant had signage on the front, and the drive-through side of the building had a sign as well as on the rear but they were proposing to replace the sign on the front with a logo as well as a new sign which was smaller than the existing sign and then on the rear they proposed to go with another sign that was smaller than the existing sign as well as a logo sign on the dining room side of the building to better identify the dining room door.

Ms. Smith stated that when they met last week there was a question about the clearing that had happened on the Lakeshore side of the restaurant.

Mr. Wemett stated that he spoke to the owner of the restaurant and they were not aware of any clearing that had happened in the last several years so he looked at the drawings of that side of the site and found that McDonald's owned 12 feet and the remaining 50 feet was the right-of-way but McDonald's had not done any clearing.

Mr. Berkley Squires addressed the Council and stated that it may have been the former tenants of Verizon who cleared that area.

Ms. Smith stated that the Special Issues Committee met on April 17, 2017 at 6:00 p.m. met and voted 4-0 to send this Item back to the Council without recommendation pending Public Hearing.

Mr. Limbaugh declared the Public Hearing closed.

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

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

Resolution No. 17-70

(A Resolution approving a variance to the sign ordinance at 124 State Farm Parkway)

Mr. Wright then moved for the adoption and enrollment of Resolution No. 17-70. 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. 02.04.17 – Request for consideration to work in the City right-of-way (alley) adjacent to 1504-1508

Melrose Place – Robert Dawson/Greg Cobb/Building, Engineering and Zoning Department.

Ms. Smith stated that the Special Issues Committee met on April 17, 2017 and voted 4-0 to send this Item back to the City Council without a recommendation.

Mr. Cobb addressed the Council, presented photographs, and stated that the area was currently untouched woods with an open ditch that harbored mosquitoes. Mr. Cobb further stated that the request was to allow rear access to the homes of Mr. Dawson and two of his neighbors which would help get cars off the street and would not have a negative effect on neighbors. Mr. Cobb added that drainage pipes would have to be added, a roadbed would need to be put in, and trees would need to be taken down.

Mr. Limbaugh asked if this would be at the expense of the homeowner.

Mr. Cobb replied yes.

Mr. Squires asked if the homeowners would then be responsible for maintaining that area once the woods were disturbed.

Mr. Cobb replied that the area had a slope to it so it would have to have some type of hard surface so it would not wash.

Mr. Robert Dawson addressed the Council and stated that the area would look better than it did now.

Mr. Kendrick stated that they would have to make modifications as approved by the Building, Engineering, and Zoning Department.

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

Resolution No. 17-71

(A Resolution approving work in the City right-of-way (alley) adjacent to 1504-1508 Melrose Place)

Ms. Smith then moved for the adoption and enrollment of Resolution No. 17-71 pending indemnification agreements to include note that all maintenance would be at the expense of the homeowner. Mr. Wyatt seconded the motion.

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

Mr. Wright asked if they would be able to ensure that maintenance would be done by homeowner.

Mr. Kendrick replied that all three homeowners would need to sign the agreement and he would amend the resolution to reflect that.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.04.17 – Request for consideration to authorize the Mayor to enter into a contract with Sprint Solutions, Inc. for communications services – James Yates/IT Department.

Mr. Jones stated that the Finance Committee met on April 17, 2017 and voted 5-0 to recommend authorizing the Mayor to sign contract after hearing from Mr. Yates.

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. 17-72

(A Resolution authorizing the Mayor to enter into a contract with Sprint Solutions, Inc. for communications services)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 17-72.

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. 05.04.17 – Public Hearing set for April 24, 2017 at 6:00 p.m. for consideration of the zoning application of Charles Jason Emerson on behalf of the current property owner Cindy Wade to rezone 285 Palisades Boulevard/Parcel ID No. 29-00-14-4-005-005.000 from C-1 (Office Building District) to GURD (Greensprings Urban Renewal District) for the purpose of establishing a retail business (Note: this Request was considered by the Homewood Planning Commission at its meeting of April 4, 2017 resulting in a favorable recommendation by a vote of 6-0)– Vanessa McGrath, Sr. Planner.

Mr. Limbaugh stated that the Public Hearing would be reset for May 8, 2017 at 6:00 p.m. to give time to notice.

The next item on the Agenda under Old Business was Item No. 08.04.17 – Request to consider amendments to Level 3 Franchise Agreement – City Attorney.

Mr. Jones stated that the Finance Committee met on April 17, 2017 and voted 5-0 to recommend approval after hearing from Mr. Kendrick who said the agreement was for 10 years with same terms/conditions as previous five year agreement.

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 first reading of the proposed Ordinance for the Council's consideration:

Ordinance No.

(An Ordinance to amend Level 3 Franchise Agreement)

Mr. Jones 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, Ms. Smith, Mr. Wyatt, Ms. 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. 2654

(An Ordinance to amend Level 3 Franchise Agreement)

Mr. Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2654. 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, Ms. Smith, Mr. Wyatt, Ms. Address, Mr. Wright and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.04.17 – Request for consideration for Municipal ROW permit/Indemnification Agreement for a

new retaining wall at 2800 Montessori Way (Parcel ID # 29-00-12-4-014-048.000) – Greg Smith/Creative Montessori and Vanessa McGrath.

Ms. Smith stated that the Special Issues Committee met April 17, 2017 and voted 4-0 to send this Item back to the full Council without a recommendation. Ms. Smith further stated that the wall itself was not being built in the right-of-way but the Montessori School needed access to the roadway to build the wall.

Ms. McGrath stated that the wall was on the northeast corner of the property from where the school building was to where the new building was and would be a modular geo-stone wall and all the wall would be within their property but they just needed on the city's property to be able to build it.

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

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

Resolution No. 17-73

(A Resolution authorizing Municipal ROW permit/Indemnification Agreement for a new retaining wall at 2800 Montessori way (Parcel ID # 29-00-12-4-014-048.000))

Mr. Higginbotham then moved for the adoption and enrollment of Resolution No. 17-73. 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.

COMMITTEE REFERRAL AGENDA

- 19.04.17** Request for consideration of an Ordinance participating in the State of Alabama 2017 "Back-to-School" Sales Tax Holiday on July 21-23, 2017 – City Clerk – **Finance Committee**
- 20.04.17** Request to authorize the Mayor to send out Requests for Proposals (RFP's) and set bid opening date for the Mayfair Sidewalk Project – Alex Wyatt – **Finance Committee**
- 21.04.17** Request for consideration to declare surplus miscellaneous unclaimed property at the Police Department – **Chief Ross/Melody Salter**

- 25.04.17** Request for consideration of 18th Street Revitalization Project – **Britt Thames – Planning and Development Committee**
- 26.04.17** Request to consider FY 17-18 budget request from the BJCTA – Walter Jones/Melody Salter – **Finance Committee**
- 27.04.17** Request for consideration of a franchise agreement with Mobilitie, LLC for permission to install a utility pole in the City right-of-way – Rick Frier/Melody Salter/City Clerk/Greg Cobb/Building, Engineering and Zoning Department – **Finance Committee**
- 28.04.17** Request for consideration of a transfer of fiber optic franchise agreement with Southern Light, LLC for permission to work in the City right-of-way – City Attorney/Melody Salter, City Clerk – **Finance Committee**
- 29.04.17** Request for consideration of recommendation for program manager for B.O.E – Walter Jones – **Finance Committee**

Mr. Thames moved to approve the Committee Referral Agenda as amended. Ms. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 22.04.17 – Request to authorize one voting delegate of the City of Homewood Council to vote at the Alabama League of Municipalities Annual Convention May 20-23, 2017 in Birmingham, AL – Melody Salter/City Clerk/President Limbaugh.

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

Resolution No. 17-74

(A Resolution authorizing one voting delegate of the City of Homewood Council to vote at the Alabama League of Municipalities Annual Convention May 20-23, 2017 in Birmingham, AL)

Ms. Andress then moved for the adoption and enrollment of Resolution No. 17-74. 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 Other New Business was Item No. 23.04.17 – Request to consider authorizing the Mayor to sign a Re-Assignment Agreement between the City of Homewood and Allcom Radio to re-assign the American Tower Lease to Allcom – Chief Bresnan.

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

Resolution No. 17-75

(A Resolution authorizing the Mayor to sign a Re-Assignment Agreement between the City of Homewood and Allcom Radio to re-assign the American Tower Lease to Allcom)

Mr. Gwaltney then moved for the adoption and enrollment of Resolution No. 17-75. 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. 24.04.17 – Request for consideration of approval of vouchers for period of April 10, 2017 through April 23, 2017 – City Treasurer/Finance Committee.

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

Resolution No. 17-76

(A Resolution approving vouchers for period of April 10, 2017 through April 23, 2017)

Mr. Jones moved for the adoption and enrollment of Resolution No. 17-76. Mr. McClusky seconded the motion.

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

Ms. Salter stated that there was a late add for some hose and asked if that could be added to this run.

Mr. Jones replied that the late add could be included.

On a voice vote, the motion carried without dissent.

Mr. Limbaugh stated that before Committee Meetings were set, they would need thirty minutes at 5:30 p.m. for the two Ward 2 representatives.

Mr. Gwaltney stated that he wanted to recognize Ms. Debbie Fout, Library Director, who recently received the Eminent Liberian Award from the Alabama Library Association and the Homewood Library received recertification of Gold Ribbon designation.

Mr. Thames stated that he had a great time at Homewood Grown and announced that the Edgewood Festival would be held this Saturday. Mr. Thames further stated that the Planning and Development Committee would meet on May 1, 2017 at 5:45 p.m.

Mr. Higginbotham stated that he had the opportunity today to go to the JCCEO Pre-K Center in Sherman Heights in Birmingham to read to some children for the Week of the Young Child and he had a lot of fun with the three years olds and thanked the JCCEO for hosting that event.

Mr. McClusky stated that the Public Safety Committee would meet on May 1, 2017 at 6:00 p.m.

Mr. Jones stated that Chief Bresnan's daughter would be singing a solo tonight for Show Choir. Mr. Jones further stated that the Finance Committee would meet on May 1, 2017 at 6:15 and would need 45 minutes for the mid-year review. Mr. Jones added that he wanted to thank Ms. Nancy Ferrin for her service to Ward 3 for the last five years on the Board of Education.

Ms. Smith stated that the Special Issues Committee would meet on May 1, 2017 at 5:00 p.m. Ms. Smith further stated that spring football practice started today.

Mr. Wyatt stated that he wanted to recognize Aidan Cockrell, a fifth grader at Hall-Kent Elementary who would be completing in the World Games in Ontario, Canada and was being coached by a Homewood graduate, Mr. Owen Ferguson. Mr. Wyatt stated that Owen had a Go Fund Page if anyone wanted to contribute.

Ms. Andress stated that Homewood Grown was a wonderful evening and two of her son's teachers received awards. Ms. Andress further stated that the BZA interviews would be held tomorrow night at 5:00, 5:30, and 6:00 p.m.

Mr. Wright stated that the Public Works Committee would not need to meet. Mr. Wright further stated that he wanted to thank Ms. Nancy Ferren and Mr. Chris Hawkins for their service on the School Board.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:16 p.m.