

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

May 22, 2017

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, May 22, 2017 at City Hall at 5:00 p.m.

The invocation was given by Firefighter Tony Franklin of the Homewood Fire Department, after which the Pledge of Allegiance was given.

The meeting was called to order by President Pro Tempore Peter Wright at 5:01 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, and Peter Wright. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk; and Mayor Scott McBrayer. Councilor Wyatt was present but at bid opening at roll call. Absent: President Limbaugh and J.J. Bischoff, Chief of Staff.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of May 8, 2017 and approve them as distributed. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Pro Tempore Wright asked if the Council had any recommendations or appointments to be made regarding board vacancies.

Councilor Andress moved to open Ward 3, Ward 4, and one At-Large position of the Homewood Arts Council and to set the closing for June 19, 2017. Councilor Jones set closing time at 4:30 p.m. as part of her motion. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Pro Tempore Wright amended the published Agenda to add the following item to the Committee Referral Agenda: Item No. 24.05.17 – Request to

consider budget amendments to FY 16-17 General Fund and Capital Projects Fund – James Yates and Gordon Jaynes – Finance Committee.

President Pro Tempore Wright further amended the published Agenda to add the following item to the Other New Business Agenda: Item No. 23.05.17 – Request for consideration to fund Central Avenue Parking Project – Britt Thames.

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

President Pro Tempore Wright 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 10-0 (Councilor Wyatt was back in Council Chambers for this vote).

CONSENT AGENDA

None.

OLD BUSINESS

The first item on the Agenda under Old Business was Item No. 05.04.17 – Public Hearing set for May 8, 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.

President Pro Tempore Wright stated that this Public Hearing was continued to tonight and they had some communications with Ms. Wade who could not attend the meeting tonight due to a school graduation for her grandchild but he did communicate with her about continuing this to the next meeting on June 12, 2017 without objection.

Councilor Andress stated that there were a number of people here for this issue so she moved to go forward with the Public Hearing tonight.

Councilor Jones stated that he would object to continuing the Public Hearing as well.

President Pro Tempore Wright asked Mr. Kendrick if he needed to take a vote on this.

Mr. Kendrick replied no

but to take action it needs to be unanimous.

President Pro Tempore Wright said they would go ahead and proceed tonight on the continued Public Hearing and asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item.

Mr. Charles Jason Emerson addressed the Council and stated that he spoke to Ms. Cindy Wade back in February about opening a hair salon in this location and they realized it was zoned for office space instead of a retail space. Mr. Emerson further stated that the commitment was to go into the building as a long term commitment, not a short term commitment, because when a hair salon was opened it had to be rooted and had to continue to grow in that location and the location was perfect for everybody from all directions of the clientele and he had the experience and money to keep it running.

Councilor Jones stated that if, since it was continued, he did not have an objection for anyone who spoke before who might want to bring more information tonight from two weeks ago without being redundant with what had already been said.

President Pro Tempore Wright stated that he did not want to restrict public comment in any way.

Mr. Stewart Misner at 501 Lathrop Avenue addressed the Council and stated that this family could almost have a Theda address but their mailbox was just on the corner and his family moved to their home in September. Mr. Misner further stated that in Homewood there were always people redoing homes and they remodeled their house and there were several houses that were also being torn down and rebuilt with families moving in to them and it was going in an awesome direction. Mr. Misner added that he knew all his neighbors on the road they lived on and talked to them all the time but this potential business was too close to their house so he felt that was putting a monkey wrench in the positive direction the neighborhood was headed. Mr. Misner further added that his family wanted to live in that house forever and didn't see themselves moving because they loved Homewood and loved the schools but this proposal scared him so he was against having this business there.

Mr. Todd Harrington at 500 Lathrop Avenue addressed the Council and stated that though he did not have a problem with a hair salon he did have a problem with changing it to a commercial property because he was afraid that zoning would then go all the way down the street and open up Pandora's Box so he would prefer that they kept the zoning the same and asked if he was correct that the new zoning could open it up for any other type of business such as fast food, gas station, etc. Mr. Harrington further stated that he knew there were long term plans for a hair salon but they never knew what would

happen when a new business was started so if there was a possibility for it to change to other businesses he would oppose that. Mr. Harrington added that he believed it could open up the possibilities for adjacent properties to make this same request so therefore he opposed for that reason as well.

Councilor Thames asked if there were any proffers made in regard to the rezoning request.

Councilor Jones replied no and stated that the recommendation was for GURD and there had not been any proffers made but GURD was for fast food restaurants, gas stations, day care centers, hardware stores, etc.

Mr. Kendrick stated that this could be corrected because the applicant made an application for rezoning to C-2 but the Planning Commission recommended GURD.

Councilor Thames asked what C-2 zoning would open it up to.

Councilor Jones replied that C-2 would allow appliance stores, bicycle shops, car washes, convenience stores, drug stores, grocery stores, restaurants, shoe stores, and sporting goods, which were a lot of things he was not comfortable with.

Councilor Thames asked if there was a way to add restrictions.

Mr. Kendrick stated that all that could be considered tonight was the GURD rezoning.

Ms. Marquitta Callender at 206 Theda Street addressed the Council and stated that she spoke last time and did not want to belabor that point but she wanted to say that she agreed with Mr. Kendrick because when she came to the Planning Commission meeting she thought they were talking about rezoning to a C-2 and she did not even want that rezoning but she was even more opposed to GURD rezoning. Ms. Callender further stated that she would like for the property to be left C-1 or change it to Residential because they had a situation on that corner of Columbiana where if this property was rezoned it would absolutely have a domino effect. Ms. Callender added that it had not been that many years that she was here when they had a piece of property that was zoned R-7 changed to C-1 but that was not the direction they wanted to go so she urged them to please listen to the residents who lived there because they had a great thing going on that street now. Ms. Callender further added that she had lived there 20 years and they had never had such growth on Theda so she asked again that the Council please listen to the residents.

Ms. Mariel Moore at 200 Theda Street addressed the Council and stated that her husband spoke at the last meeting but since then they had some time to discuss even further and she did not know if they were aware but on Palisades at the back part of

Theda Street and the back part of Oxmoor Road there were a number of business there that were pretty undesirable already which they had no control over, one in particular was a cash and loan place and when the trees were bare in the winter they could see that light from their sign all the way down their street so to add additional businesses that would have overhead lights and big neon signs, which would be a potential with this type of proposal, she thought would be a huge detriment to their street. Ms. Moore further stated that they had a huge amount of growth and a huge number of people invest a lot of money on that street and she thought the growth that was pervasive in Homewood had moved to their street and had been a wonderful thing to see but to see that degraded by potential commercial businesses that were undesirable for that area would just be a huge detriment to the residents and the money they had invested in their street and making it a wonderful place to live.

President Pro Tempore Wright 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 Pro Tempore Wright declared the Public Hearing closed.

President Pro Tempore Wright asked if the Council had any questions or comments regarding this Issue.

Councilor McClusky moved to approve the zoning application.

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

Ordinance No.

(An Ordinance 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)

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

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion.

Mr. Kendrick stated that the Council could only consider this Item tonight if they had unanimous consent which meant that everyone on the Council would need to vote to allow this matter to be discussed tonight and voted on so the motion to authorize any action tonight would be a vote yes on unanimous consent but did not approve anything but allowed them to take a vote subsequent to unanimous consent.

Councilor Jones stated that he would encourage everyone to allow for unanimous consent because residents had come out in the rain so he thought they needed to dispense with it tonight so he hoped everyone would vote for unanimous consent.

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

The motion for unanimous consent carried.

Councilor Jones stated that as per Robert's Rules of Order the motion should be in the form of a positive motion so that was why they made the positive motion as opposed as a vote to deny.

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

Ordinance No.

(An Ordinance 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)

Councilor McClusky moved to approve the Ordinance as read. Councilor Jones seconded the motion.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion.

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

The motion failed on a 0-10 vote.

The next item on the Agenda under Old Business was Item No. 20

.04.17 – Bid Opening May 22, 2017 at 5:00 p.m. for the Mayfair Sidewalk Project – Alex Wyatt.

Councilor Wyatt asked Mr. Cobb to present the results of the bid opening.

Mr. Cobb addressed the Council and stated that there were three bidders and the apparent low bidder was Global Management Group with a bid of \$69,489.90. Mr. Cobb further stated that tomorrow he would rerun the math on all three to make sure the math was correct on all the extensions and verify that.

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

Resolution No. 17-85

(A Resolution to accept low bid from Global Management Group for Mayfair Sidewalk Project)

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 17-85. Councilor Smith seconded the motion.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion.

Mr. Kendrick stated that the Resolution determined them to be the lowest responsive and responsible bidder under the bid law.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business, taken out of order, was Item No. 14.05.17 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) license for Balaji, LLC d/b/a Hampton Inn located at 30 State Farm Parkway – City Clerk (Carried over 5/8/17).

Councilor McClusky moved to have no objections to the issuance of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) license for Balaji, LLC d/b/a Hampton Inn located at 30 State Farm Parkway as they were now cleared by both Police and Fire Departments. Councilor Wyatt seconded the motion.

President Pro Tempore Wright 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, taken out of order from the New Business Agenda, was Item No. 21.05.17 – Request for consideration to authorize the Mayor to sign an agreement with nCourt – John Morgan/Magistrate Supervisor.

Mr. John Morgan addressed the Council and stated that this was a renewal from nCourt who was the credit card processor for the Court offices to encourage online and phone payments and they had negotiated down to a fixed and lower rate to encourage more online payments. Mr. Morgan further stated that they were already under an agreement with them but this was just a lowering of the fees that the city did not pay but the person paying the court paid so this would be no cost to the city.

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

Resolution No. 17-86

(A Resolution to authorize the Mayor to sign an agreement with nCourt)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 17-86. Councilor Smith seconded the motion.

President Pro Tempore Wright 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. 01.05.17 – Request for consideration of declaring the following surplus property: 2001 Ford Turtle Van Terra VIN: 1FDSE35L91HA55088 – Berkley Squires/Public Services Director – Finance Committee.

Councilor Jones stated that the Finance Committee met on May 15, 2017 and voted 4-0 to recommend approval of an Ordinance declaring this property surplus.

President Pro Tempore Wright 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 declaring the following surplus property: 2001 Ford Turtle Van Terra VIN: 1FDSE35L91HA55088)

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

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2657

(An Ordinance declaring the following surplus property: 2001 Ford Turtle Van Terra VIN: 1FDSE35L91HA55088)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2657. Councilor Smith seconded the motion.

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.05.17 – Request for consideration of declaring the following surplus property: 2002 Chevy Impala VIN: 2G1WF52K829206334 – Sgt. Jerry Suttles/Police Department (Note: on 5/1/17 Finance Committee voted to add 1997 Chevrolet Suburban, VIN: 1GKGGK26R4VJ709644, 2006 Ford 500, VIN: 1FAFP23166G187708, and 2006 Ford 500, VIN: 1FAFP23166G187711 for surplus).

Councilor Jones stated that the Finance Committee met on May 15, 2017 and voted 4-0 to recommend approval of an Ordinance declaring this property surplus.

President Pro Tempore Wright 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 declaring the following surplus property: 2002 Chevy Impala VIN: 2G1WF52K829206334; 1997 Chevrolet Suburban, VIN: 1GKGGK26R4VJ709644, 2006 Ford 500, VIN: 1FAFP23166G187708, and 2006 Ford 500, VIN: 1FAFP23166G187711)

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

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2658

(An Ordinance declaring the following surplus property: 2002 Chevy Impala VIN: 2G1WF52K829206334; 1997 Chevrolet Suburban, VIN: 1GKGGK26R4VJ709644, 2006 Ford 500, VIN: 1FAFP23166G187708, and 2006 Ford 500, VIN: 1FAFP23166G187711)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2658. Councilor Andress seconded the motion.

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.05.17 – Request for consideration for amendments to the FY 16-17 General Fund Budget and Special Revenue Budget – Melody Salter/Finance Director.

Councilor Jones stated that the Finance Committee met on May 15, 2017 and voted 4-0 to recommend amendments to the FY 16-17 General Fund Budget and Special Revenue Budget.

President Pro Tempore Wright 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. 17-87

(A Resolution amending the FY 16-17 General Fund Budget and Special Revenue Budget)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 17-87.

President Pro Tempore Wright 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. 04.05.17 – Request for consideration of an Ordinance levying Ad Valorem taxes for 2017 – City Attorney.

Councilor Jones stated that the Finance Committee met on May 15, 2017 and voted 4-0 to recommend an Ordinance levying Ad Valorem taxes for 2017.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation. There was no response from the Council. Mr. Kendrick said there are no changes in ad valorem rates and that the City has to adopt in May of each year and file with Tax Assessors Office.

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

Ordinance No.

(An Ordinance levying Ad Valorem taxes for 2017)

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

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2659

(An Ordinance levying Ad Valorem taxes for 2017)

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2659. Councilor Smith seconded the motion.

President Pro Tempore Wright 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 President Pro Tempore

Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.05.17 – Request for consideration of an Ordinance granting an Exemption from Ad Valorem taxes for 2017 – City Attorney.

Councilor Jones stated that the Finance Committee met on May 15, 2017 and voted 4-0 to recommend an Ordinance granting a Homestead Exemption from Ad Valorem taxes for 2017.

President Pro Tempore Wright 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 granting an Exemption from Ad Valorem taxes for 2017)

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

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2660

(An Ordinance granting an Exemption from Ad Valorem taxes for 2017)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2660. Councilor Higginbotham seconded the motion.

President Pro Tempore Wright 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 President Pro Tempore Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 06.05.17 – Public Hearing set for May 22, 2017 at 5:00 p.m. for consideration of a variance to the sign ordinance at 400 Green Springs Highway – Garry Potts/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on May 15, 2017 and voted 5-0 to send this item back to the full Council without recommendation pending the Public Hearing.

Mr. Greg Cobb addressed the Council and stated that they were missing one piece of information and asked if the Public Hearing could be opened and continued.

President Pro Tempore Wright declared the Public Hearing opened.

President Pro Tempore Wright 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 Pro Tempore Wright stated that without objection, the Public Hearing would be continued to June 12, 2017 at 6:00 p.m. There was no objection.

The next item on the Agenda under Old Business was Item No. 08.05.17 – Public Hearing set for May 22, 2017 at 5:00 p.m. for consideration of a variance to the fence ordinance at 201 Montgomery Lane in order to extend a side yard chain link fence beyond the front line of the house – Betty West, owner/Wyatt Pugh, Building Official.

Councilor Smith stated that the Special Issues Committee met on May 15, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

Mr. Pugh addressed the Council, presented photographs, and stated that a neighbor's property had some issues that were encroaching on Ms. West's property so she was asking to extend her side fence which came up the side of her backyard to come

all the way up past where the two pickup trucks were. Mr. Pugh further stated that the pickup trucks were no longer there because they had been ordered to move but she was still experiencing some issues so she would just like to extend the fence but she was not asking for a chain link fence, but for a wooden fence.

President Pro Tempore Wright declared the Public Hearing opened.

President Pro Tempore Wright 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.

Councilor Smith stated that she spoke to Mr. Scott Cook of Code Enforcement and he had been out to the property next door and had spoken to the home owner and Chief Ross was going to speak to her about it as well and she thought they could take care of everything.

President Pro Tempore Wright declared the Public Hearing closed.

President Pro Tempore Wright 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. 17-88

(A Resolution for a variance to the fence ordinance at 201 Montgomery Lane in order to extend a side yard wooden fence beyond the front line of the house)

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-88. Councilor Andress seconded the motion.

President Pro Tempore Wright 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. 09.05.17 – Public Hearing set for May 22, 2017 at 5:00 p.m. for consideration of a variance to the sign ordinance at 1250 Columbiana Road – Sandy Owens/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on May 15, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened.

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

Mr. Cobb addressed the Council, presented drawings, and stated that this was for an additional sign on a building and a monument sign and combined monument sign with height variance issues and size variance on one of attached sign. Mr. Cobb further stated that 50 square feet was allowed and the bottom sign was 61 feet and the rest of them were smaller and then the monument signs had a height and area variance. Mr. Cobb added that after the discussion in committee last week they removed one of the signs.

Ms. Sandy Owens addressed the Council and stated they she removed the bottom sign and added the stone to match the building and enclosed the poles to make it a monument sign so the height variance was all they needed as well as the square footage variance.

Councilor Thames asked if she was referring to the digital sign.

Ms. Owens replied yes, the digital, main ID sign.

Councilor Smith asked how much taller this was than what they allowed.

Ms. Owens replied that it was now the same height as the current sign.

Councilor Andress asked if there was an ordinance against the flashing number signs.

Mr. Cobb stated that they did not flash but the digital signs were easier to change the prices on.

President Pro Tempore Wright asked to verify that the variance requests were for size from 50 square feet to 61 square feet and one variance for height.

Mr. Cobb replied there were two variances for height.

President Pro Tempore Wright asked if both variances for height involved signs that were already in place.

Mr. Cobb replied that one sign was already in place at that height but they were changing the configuration of it.

Councilor Smith asked where the directional sign was going.

Ms. Owens replied that it was behind the building.

Councilor Smith asked if it was where the car wash was.

Ms. Owens replied yes.

Councilor Andress asked if the sign that was going on the building was the Circle K sign.

Mr. Cobb replied yes and it was 61 feet.

Councilor Higginbotham asked if the larger of the signs with the digital numbers needed a variance for height.

Mr. Cobb stated that there was an area variance as well.

Councilor Higginbotham asked how much the variance was for.

Ms. Owens stated that the maximum size allowed was 50 feet and the sign that they had was 25 feet but they were adding an additional price size for the diesel.

Councilor Higginbotham asked if the square footage listed for the monument sign for 140 feet was accurate.

Ms. Owens stated that was accurate.

Mr. Cobb stated it was the same as what was already there but was a different configuration.

Councilor Andress asked if she was asking for the number of signs to change.

Mr. Cobb replied that one attached sign was allowed and one free standing sign was allowed but the rest of the signs such as the green emblem, the “made to go food” sign, and the Circle K sign were additional attached signs and the one that had the Med Help and the Circle K went on a piece of property that was in a joint easement and driveway going to Med Help behind them to help people find Med Help.

Councilor Andress asked if there was a Med Help sign as well.

Mr. Cobb replied that there was a Med Help sign and they were on the agenda for next week.

Ms. Owens stated that the other Med Help sign was not on the same road.

Mr. Cobb stated that the other Med Help sign was not on that same road but Med Help was actually sitting on Lakeshore but they could get to it off of Columbiana.

Councilor Jones left the Council Chambers at 5:59 p.m.

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

President Pro Tempore Wright declared the Public Hearing closed.

President Pro Tempore Wright asked if the Council had any questions or comments regarding this item.

Councilor Thames stated that he did not have an issue with the additional attached signs but he wanted to encourage the Council to have the applicant adhere to the current monument sign ordinance that they had in place. Councilor Thames further stated that they had a vision for Green Springs and this was an entrance to Green Springs and, though this had always been a gas station, there was signage on the interstate pointing to this gas station and it was very obvious that this would be gas station and people would be able to find it. Councilor Thames added that he thought the new building was beautiful and would be fantastic but it needed to adhere to the current ordinances in regard to the monument signs. Councilor Thames further added that the additional monument sign on Columbiana he was fine with as well but it should fall within their current ordinance.

Councilor Higginbotham stated that he wanted to echo what Councilor Thames had to say on this issue because he looked at the monument sign and it was nearly three times what was allowed under their ordinance so for him the fundamental question was what was the hardship that required them to approve a sign that was three times what they allowed in their ordinance and he had not heard a hardship. Councilor Higginbotham further stated that he was glad they were going to update the facility and he thought it would be a nice addition to that corner but in terms of the sign he saw no reason for granting a variance for something when there was not a hardship because everybody was going to be able to tell that was a gas station so he could not support a monument sign like that.

Councilor Smith stated that she appreciated that they made an effort to make changes but she still was with Councilor Higginbotham because she felt like she had seen enough examples of signs from other gas stations in different cities that had lower monument signs that were less obtrusive so she felt like it could be done within the ordinance.

Councilor Gwaltney stated that there was an importance in precedence setting and they needed to be mindful of the actions they took and how they would have to deal with this on future occurrences.

President Pro Tempore Wright stated that he agreed and that if they started manipulating pole signs to become monument signs it would never stop.

Councilor Andress asked if they could break these requests into three separate motions.

Mr. Kendrick replied yes and stated that they could approve what they liked and delete the variance to the monument sign or any other sign.

Mr. Cobb asked if the two monument signs could be separate votes and the attached signs as a separate vote.

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

Resolution No. 17-89

(A Resolution for a variance to the sign ordinance at 1250 Columbiana Road for additional attached signs for sign numbers 2, 3, 4, and 5)

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-89. Councilor Thames seconded the motion.

President Pro Tempore Wright 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 7-2. Councilors Higginbotham and Wolverton voted no.

Councilor Thames moved to approve two requested height variances for monument signs number 1 and 6. Councilor Gwaltney seconded the motion.

President Pro Tempore Wright 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 failed on a vote of 1-8 (Councilor Wright voted Yes and Councilors Gwaltney, Thames, Wolverton, Higginbotham, McClusky, Smith, Wyatt, and Andress voted No).

Councilor Smith moved to approve the height variances for the directional sign (sign number 7). Councilor Wolverton seconded the motion.

President Pro Tempore Wright 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 failed on a vote of 0-9.

Ms. Owens asked if they could separate the small monument sign from the larger monument sign.

President Pro Tempore Wright replied that they had already brought them up and voted on them.

Ms. Owens asked to verify that neither monument sign variance was approved.

President Pro Tempore Wright replied yes.

Mr. Cobb stated that he would work with them and see what changes might be made and that they might be back.

Councilor Thames stated that they could erect the monument sign that fit within the dimensions within the ordinance.

The next item on the Agenda under Old Business was Item No. 11.05.17 – Public Hearing Set for June 12, 2017 at 6:00 p.m. for consideration of the zoning application of Coker Holdings, LLC on behalf of the current property owner Tim Coker to rezone 2756 BM Montgomery Street/Parcel ID No. 28-00-07-3-008-006.000 to amend the development plan for MXD (Mixed Use District Zoning Classification) for the purpose to permit the enlargement of an existing structure requiring both Planning Commission and City Council approval in the Mixed Use District Zoning (Note: this Request was considered by the Homewood Planning Commission at its meeting of May 2, 2017 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath, Sr. Planner.

Councilor Thames stated that the Planning and Development Committee met on May 15, 2017 and voted 4-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright stated that this Item would be carried over for the Public Hearing set for June 12, 2017 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 20.05.17** Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at One Lakeshore Parkway – Jordan Vaughn/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 24.05.17** Request for consideration of budget amendments to General Fund Budget and Capital Projects Fund Budget for FY 16-17 – James Yates and Gordon Jaynes – **Finance Committee**

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

Smith seconded the motion.

President Pro Tempore Wright 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. 20.05.17 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at One Lakeshore Parkway – Jordan Vaughn/Greg Cobb/Building, Engineering and Zoning Department.

President Pro Tempore Wright stated that the Public Hearing would be set for June 12, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 22.05.17 – Request for consideration of approval of vouchers for period of May 8, 2017 through May 21, 2017 – City Treasurer/Finance Committee.

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

Resolution No. 17-90

(A Resolution approving vouchers for period of May 8, 2017 through May 21, 2017)

Councilor Smith said Councilor Jones reviewed vouchers and moved for the adoption and enrollment of Resolution No. 17-90. Councilor Higginbotham seconded the motion.

President Pro Tempore Wright 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. 23.05.17 – Request for consideration to fund Central Avenue Parking Project – Britt Thames.

Councilor Thames stated that they had already discussed this item in the Finance Committee and were waiting on a price to come back but they felt they could place this item under Other New Business after speaking with Councilor Jones. Councilor Thames further stated that Ms. Salter spoke with Mr. Pugh and he felt that this could be funded from Small Infrastructure and he would still have enough money to carry him through the rest of budget.

President Pro Tempore Wright stated that he wanted to clarify that this was money for the actual construction and money was already approved for the design.

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

Resolution No. 17-91

(Request for consideration to fund \$48,000.00 from Small Infrastructure for Central Avenue Parking Project)

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-91. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Gwaltney stated that he wanted to congratulate all of Homewood's graduates tonight.

Councilor Thames stated that he wanted to congratulate graduates and Homewood Middle School for winning Lacrosse State Championship. Councilor Thames further stated that the Planning and Development Committee would meet on June 5, 2017 at 5:00 p.m.

Councilor Higginbotham stated that he wanted to wish everyone a happy and safe Memorial Day weekend and hoped everyone would take the time to reflect on the meaning of the holiday.

Councilor Wolverton stated that he wanted to remind everyone that tomorrow was the second follow up meeting from Parks to discuss renovations at West Homewood and would be held at 6:00 p.m. at the Senior Center.

Councilor McClusky stated that he wanted to congratulate the graduates and the Middle School Lacrosse team. Councilor McClusky further stated that they had on the agenda tonight to have the proclamation read but the team players could not be here tonight so they would recognize them officially and publically at the next Council Meeting. Councilor McClusky added that the fundraiser for Aidan Cockrell was held yesterday at Homewood Park and Rec for fourth and fifth grade three-on-three boys basketball and they had over twenty teams and raised more than enough money to help him get to the World Dwarf Games so he and his family would be able to go there with his trainer and compete so he wished him good luck on bringing back the Gold to Homewood and Councilor Wright's daughter sang the National Anthem at the fundraiser

and was fantastic, so the whole thing was put together and run by the children of Homewood which was absolutely fantastic. Councilor McClusky further added that Public Safety would not have to meet next week.

Councilor Smith stated that she was happy for all the seniors who were graduating from Homewood High School tonight including Councilor Jones' daughter. Councilor Smith further stated that the Special Issues Committee would meet on June 5, 2017 at 5:15 p.m. Councilor Smith added that Ms. Bazemore from Volatile Analysis would attend the meeting to discuss the West Homewood Odor Issues. Councilor Smith further added that the Finance Committee would meet on June 5, 2017 at 6:00 p.m.

Councilor Wyatt stated that he wanted to congratulate the graduates and parents tonight.

Councilor Andress stated that she wanted to congratulate the graduates including Councilor Jones' daughter, the Lacrosse team, and the Boys High School Golf team for State Championship Runner Up.

President Pro Tempore Wright stated that he wanted to congratulate the Girls Track and Field team for winning the State Championship and that Homewood had tremendous sports performance. President Pro Tempore Wright further stated that he wanted to congratulate the graduates. President Pro Tempore Wright added that eight million dollars in scholarships were awarded to Homewood graduates.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:21 p.m.