MEETING OF THE CITY COUNCIL OF

THE CITY OF HOMEWOOD, ALABAMA

June 13, 2016

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 13, 2016 at City Hall at 6:00 p.m. The invocation was given by Apparatus Operator Chris Ely with Homewood Fire Department Chaplain's Association, after which the pledge of allegiance was given.

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

Upon Roll Call, the following were present: Michael Hallman, Britt Thames, Fred Hawkins, Patrick McClusky, Walter Jones, Barry Smith, Rich Laws and Bruce Limbaugh. Absent: Vance Moody, Alex Wyatt and Peter Wright. Also present were: Mike Kendrick, City Attorney; and Melody Salter, City Clerk.

At this time, Mr. Thames moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of May 16, 2016 and approve them as distributed. 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.

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

Mr. Laws moved to open Ward 5 and Supernumerary vacancies of the BZA. 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.

Mr. Jones moved to reopen the Ward 3 Library vacancy and close the application period on June 24th, 2016 at 5:00 p.m. 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.

At this time, Mr. Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 18.06.16 – Request for consideration of issues related to contractor parking and dumpster locations – Michael Hallman – Special Issues Committee; Item. 19.06.16 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 929 Oxmoor Road – Faye Wolfe/Gregg Cobb/Building, Engineering and Zoning Department; Item No. 20.06.16 – Request for consideration of proposal for purchase of city property at 165 Oxmoor Road, Parcel ID 29 00 23 0 006 001.000 – Fred Hawkins/Vance Moody/President Limbaugh – Finance committee; Item No. 21.06.16 – Request to consider appropriating funds for city paving projects – Mayer McBrayer– Finance Committee.

At this time, Mr. Limbaugh further amended the published Council Agenda to move Item No. 11.06.16 – Request for consideration to work within the City Right-of Way at 1728 Oxmoor Road – John Tombrello/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee from the Committee Referral Agenda to the Other New Business Agenda.

Mr. Jones moved to approve the Council Agenda as amended. 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.

CONSENT AGENDA

08.07.15 Request for consideration of proposed updated Tree Ordinance for the Homewood Environmental Commission-Michael Hallman/Hans Paul/HEC (Tabled 08/17/15)

Action Taken: The Committee met and voted 5-0 to recommend dropping this Item. The motion was made by Mr. Hallman and seconded by Mr. McClusky.

Mr. McClusky moved to approve the Consent Agenda as published. Mr. Hallman seconded the motion.

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

OLD BUSINESS

The first item on the Agenda under Old Business was Item No. 21.04.16 – Public Hearing June 13, 2016 at 6:00 p.m. for consideration of the zoning application from City of Homewood on behalf of the current property owner, Circle K Store, Inc. to rezone the property located at 1250 Columbiana Road/Parcel ID No. 29-00-24-3-006-001.001 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 - (Note: this Request was considered by the Homewood Planning Commission at its meeting of March 1, 2016 resulting in a favorable recommendation by a vote of 8-0) – Vanessa McGrath/BEZ Department.

Mr. Limbaugh declared the Public Hearing opened.

Mrs. Vanessa McGrath addressed the Council and stated that this property was annexed into the city by Act 530 and the city was requesting that it be rezoned to the city zoning of C-2, Neighborhood Shopping District.

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

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

Ordinance No.

(An Ordinance to rezone the property located at 1250 Columbiana Road/Parcel ID No. 29-00-24-3-006-001.001 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mr. Thames 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2606

(An Ordinance to rezone the property located at 1250 Columbiana Road/Parcel ID No. 29-00-24-3-006-001.001 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mr. Thames moved for the adoption and enrollment and publication according to law of Ordinance No. 2606. Mr. Hawkins seconded the motion.

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

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item, taken out of order, under Old Business was Item No. 07.05.16 – Public Hearing June 13, 2016 at 6:00 p.m. for consideration for a variance to the fence ordinance at 600 Hambaugh Avenue – Justin Ivins/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. Cobb addressed the Council, presented pictures, and stated that the Ivins' lived on the corner of Hambaugh and Dixon and the Ordinance for a corner lot was that a fence had to be 15 feet off the property line so that sight distance was not blocked for a vehicle going down the street but the fence they were requesting was only 10 feet off the road but there was not a sight distance issue. Mr. Cobb further stated that he went into the next door neighbors drive way in the city truck and he could see beyond the fence all the way to the intersection and down the street so it was not a safety issue.

Mr. Jones asked where the fence would be.

Mr. Cobb replied that the fence would be on Dixon.

Mrs. Smith asked if this would be a new fence.

Mr. Justin Ivins addressed the Council and replied ves.

- Mr. Cobb replied that the fence was 50 feet from the intersection.
- Mr. Limbaugh asked what type of material the fence would be made from.
- Mr. Ivins replied the material would be wood.
- Mr. Jones asked why this Item did not go to the Special Issues Committee.
- Mr. Cobb replied that it did go to the Special Issues Committee but the property owners were in the Council Chambers rather than the Committee Room.
 - Mr. Jones how far out in front of the front building line it went.
- Mr. Cobb stated that it did not go in front of the front building line and was 50 feet from the street corner
 - Mr. Jones stated he did not feel the neighbors on Dixon would want the fence.
- Mr. Cobb stated that he posted the property three weeks ago and there had been no complaints.
- 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. There was no response from the Council.
- At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 16-69

(A Resolution approving a variance to the fence ordinance at 600 Hambaugh Ave)

- Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-69. 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 on the Agenda under Old Business was Item No. 22.04.16 Public Hearing June 13, 2016 at 6:00 p.m. for consideration of the zoning application from City of Homewood on behalf of the current property owner, Southeast Medical Homewood,

LLC to rezone the property located at 35 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-002.000 from C-P (Jefferson County Preferred Commercial) to C-1 (Office Building District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this Request was considered by the Homewood Planning Commission at its meeting of March 1, 2016 resulting in a favorable recommendation by a vote of 7-0-1) – Vanessa McGrath/BEZ Department.

Mr. Limbaugh declared the Public Hearing opened.

Mrs. Vanessa McGrath addressed the Council and stated that this property was annexed into the city by Act 530 and the city was requesting that it be rezoned to the city zoning of C-1, Office Building Use.

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

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

Ordinance No.

(An Ordinance to rezone the property located at 35 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-002.000 from C-P (Jefferson County Preferred Commercial) to C-1 (Office Building District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mr. Hallman 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2607

(An Ordinance to rezone the property located at 35 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-002.000 from C-P (Jefferson County Preferred Commercial) to C-1 (Office Building District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mrs. Smith moved for the adoption and enrollment and publication according to law of Ordinance No. 2607. Mr. Hallman seconded the motion.

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

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 23.04.16– Public Hearing June 13, 2016 at 6:00 p.m. for consideration of the zoning application from City of Homewood on behalf of the current property owner, One West Associates, Inc. to rezone the property located at #1 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-001.000 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 - (Note: this Request was considered by the Homewood Planning Commission at its meeting of March 1, 2016 resulting in a favorable recommendation by a vote of 8-0) – Vanessa McGrath/BEZ Department.

Mr. Limbaugh declared the Public Hearing opened.

Mrs. Vanessa McGrath addressed the Council and stated that this property was annexed into the city by Act 530 and the city was requesting that it be rezoned to the city zoning of C-2, Neighborhood Shopping District.

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

Mr. Jones asked if there had been an issue regarding signage.

Mrs. McGrath replied that the owner had withdrawn the request for a sign variance.

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. 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 rezone the property located at #1 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-001.000 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mrs. Smith moved for unanimous consent of the proposed Ordinance as read. 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2608

(An Ordinance to rezone the property located at #1 West Lakeshore Drive/Parcel ID No. 29-00-24-3-006-001.000 from C-1 (Jefferson County Commercial) to C-2 (Neighborhood Shopping District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530)

Mr. Hallman moved for the adoption and enrollment and publication according to law of Ordinance No. 2608. 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 32.04.16 – Public Hearing June 13, 2016 at 6:00 p.m. for consideration to review changes to Appendix A:

Zoning Ordinance Article II. Definitions and Article IV: District Uses in Section A. NPD Neighborhood Preservation District – Vanessa McGrath/Planning Commission.

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 they were looking to update the zoning ordinance, mostly the NPD section and one change in the definitions for the building height. Mrs. McGrath further stated that currently building height was measured with the average on all four sides going from grade level to the mid-point of the roof and this would be a change to the extent of the building and do not apply to chimneys or elevator bank-heads and building heights should be measured from the first floor of the front door to the building's highest top, parapet, or ridge of the roof. Mrs. McGrath added that the NPD setbacks had not changed from the front setbacks but the side setback would change to have just two categories instead of three and anything below 55 feet tall would have a side setback of five and nine feet with nine feet being the minimum setback applied to the property line which abuts the adjacent lot having a smaller side building setback of the two adjacent lots and anything greater than 55 feet would be ten and ten feet. Mrs. McGrath further added that widths did not change and the maximum building height changed with anything less than 55 or equal to 55 would be 25 feet tall and anything greater than 55 feet would be 35 feet tall and the minimum living area of the dwelling was removed and there was a grammatical change from a maximum area of ground coverage by "a structure" to be 50 percent of the lot area to "all structures."

Mr. Jason Hale of 322 Dixon Avenue addressed the Council and stated that he builds houses for a living in Homewood and his biggest concern was that the 25 foot height restrictions on the front door on lots 55 feet and under had the potential to have an adverse effect on the market. Mr. Hale further stated that he had spent a lot of time with plan designers and the last 25 houses where they had changed the exterior only two would be allowed and there were a couple of different options for design but it would limit the choices a lot and one of the things this might do was flatten the roof lines if someone was trying to get the square footage on their house. Mr. Hale added that with the lot values going up in Homewood there had to be a sufficient square footage for the appraisal because due to historic home values they could not have a \$300,000.00 lot and a 2,200 square foot house so he believed one of the results would be that someone could still build a two story house which was what this was trying to prevent but there would be no more than a six/twelve roof pitch which also from the curb appeal standpoint was not going to be an attractive house.

Mr. Chris Tucker of 507 Yorkshire Drive addressed the Council and stated that he wanted to echo what Mr. Hale said because he had built houses in Homewood and had some architectural background and he went through Homewood today and most new projects would going up currently would be turned down with the revisions and three out of five would be non-compliant. Mr. Tucker further stated that they did not look massive

but he understood where they were coming from because they did not want to dwarf a one store beside a huge house but it would have an adverse effect on architecture and they might not even be able to get a good looking one and half story and would not be able to get a good looking two story so they would have flatter roofs so they would end up with a lot of ugly houses if they build two stories. Mr. Tucker added that people could not buy these houses and tear them down and build a 2,000 square foot house and if they had to push out the back then they would have a lot of houses with no backyard because they need the square footage so he thought there might be another solution to fix the problem so they did not have a huge house right beside a small one but the current proposed revisions would hurt the values, the resells, and the architecture.

Mrs. Lauren Gwaltney of 313 Berkley Place addressed the Council and stated that in the last five years she had served on the BZA this had been the biggest complaint and people thought that the BZA had passed something and done something wrong by allowing a huge house on Broadway but they did not do any of that because they did not pass height variances so all the construction that was going on she urged the Council to move swiftly because it was only going to make the BZA's job harder. Mrs. Gwaltney further stated that they tried to the best thing for the public and then they get blamed for tall buildings that they had nothing to do with so she encouraged the Council to meet with other architects and builders because this had been an issue for many years that she would love to see this taken care of soon.

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. There was no response from the Council.

Mr. Limbaugh stated that, without objection, this Item would be carried over for a Council Work Session to be held June 27, 2016 at 5:00 p.m. There was no objection. Mr. Limbaugh further stated that the Council welcomed builders, architects, and the BZA members to attend.

The next item on the Agenda under Old Business was Item No. 02.05.16 – Public Hearing June 27th, 2016 at 6:00 p.m. for consideration of the zoning application from the City of Homewood on behalf of the current property owner(s) Bobby Ward to rezone the property located at 129 Citation Court/Parcel ID No. 29-00-27-2-000-006.001 from I-1 (Jefferson County Light Industrial) to M-1 (Light Manufacturing District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this request was considered by the Homewood Planning Commision at its meeting of May 3, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department (Report – Planning and Development Committee Meeting held on June 6, 2016).

Mr. Limbaugh stated that the Public Hearing was set for June 27, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 03.05.16 –Public Hearing June 27th, 2016 at 6:00 p.m. for consideration of the zoning application from the City of Homewood on behalf of the current property owner(s) Universal Development Corporation to rezone the property located at 137 Citation Court/Parcel ID No. 29-00-27-2-000-006.000 from I-1 (Jefferson County Light Industrial) to M-1 (Light Manufacturing District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this request was considered by the Homewood Planning Commission at its meeting of May 3, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department (Report – Planning and Development Committee Meeting held on June 6, 2016).

Mr. Limbaugh stated that the Public Hearing was set for June 27, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 04.05.16 Public Hearing June 27th, 2016 at 6:00 p.m. for consideration of the zoning application from the City of Homewood on behalf of the current property owner(s) Bobby Ward to rezone the property located at 159 Citation Court/Parcel ID No. 29-00-27-2-000-005.000 from I-1 (Jefferson County Light Industrial) to M-1 (Light Manufacturing District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this request was considered by the Homewood Planning Commision at its meeting of May 3, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department (Report – Planning and Development Committee Meeting held on June 6, 2016).

Mr. Limbaugh stated that the Public Hearing was set for June 27, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.05.16 Public Hearing June 27th, 2016 at 6:00 p.m. for consideration of the zoning application from the City of Homewood on behalf of the current property owner(s) Bobby Ward to rezone the property located at 167 Citation Court/Parcel ID No. 29-00-27-2-000-004.001 from I-1 (Jefferson County Light Industrial) to M-1 (Light Manufacturing District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this request was considered by the Homewood Planning Commission at its meeting of May 3, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department (Report – Planning and Development Committee Meeting held on June 6, 2016).

Mr. Limbaugh stated that the Public Hearing was set for June 27, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 06.05.16 Public Hearing June 27th, 2016 at 6:00 p.m. for consideration of the zoning application from the City of Homewood on behalf of the current property owner(s) Henry Tyler to rezone the property located at 209 Citation Court/Parcel ID No. 29-00-27-2-000-007.002 from I-1 (Jefferson County Light Industrial) to M-1 (Light Manufacturing District) for the proposed purpose to establish initial City zoning following annexation into Homewood by Alabama Act 530 – (Note: this request was considered by the Homewood Planning Commision at its meeting of May 3, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department (Report – Planning and Development Committee Meeting held on June 6, 2016).

Mr. Limbaugh stated that the Public Hearing was set for June 27, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.04.16 – Request to consider mid-year review- Melody Salter/Finance Director (Report – Finance Committee Meeting held on May 23, 2016).

Mr. Jones stated that the Finance Committee met on May 23, 2016 and voted 4-0 to recommend accepting the mid-year review as presented.

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

Mr. Jones then moved to accept the mid-year review. Mr. Hawkins 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. 29.04.16 – Request to set a bid opening for June 20, 2016 at 5:00 p.m. for the purchase of patrol rifles from the Capital Projects Fund – Chief Tim Ross/Police Department (Report – Finance Committee Meeting held on May 23, 2016).

Mr. Jones stated that the Finance Committee met on May 23, 2016 and voted 4-0 to recommend setting the bid opening for June 20, 2016 at 5:00 p.m.

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

Mr. Jones then moved to set the bid opening for June 20, 2016 at 5:00 p.m. 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 on the Agenda under Old Business was Item No. 01.05.16 – Request for consideration of declaring the following vehicle surplus property: 2003 Ford Expedition 1FMPU15L63LB27474-Gordon Jaynes/ Fleet Maintenance Superintendent (Report – Finance Committee Meeting held on May 23, 2016).

Mr. Jones stated that the Finance Committee met on May 23, 2016 and voted 4-0 to recommend declaring the above referenced vehicle surplus property.

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 declaring the following vehicle surplus property: 2003 Ford Expedition 1FMPU15L63LB27474)

Mr. McClusky 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2609

(An Ordinance declaring the following vehicle surplus property: 2003 Ford Expedition 1FMPU15L63LB27474)

Mr. McClusky moved for the adoption and enrollment and publication according to law of Ordinance No. 2609. 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.05.16 – Request for consideration to declare certain real property surplus and authorize Mayor McBrayer to enter into an easement agreement of said property to ServisFirst Bank as follows:

- 1. A part of three alleys situated in the N.W. ¼ of section 7, Township 18 South, Range 2 West.
- 2. 20 foot wide alley as recorded in Map Book 212, Page 29
- 3. 15 foot wide alley recorded in Map Book 212, page 29 City Attorney (Report Finance Committee Meeting held on May 23, 2016).

Mr. Jones stated that the Finance Committee met on May 23, 2016 and voted 4-0 to recommend declaring the above referenced property surplus and to enter into an easement 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 declare certain real property surplus and authorize Mayor McBrayer to enter into an easement agreement of said property to ServisFirst Bank as follows:

- 1. A part of three alleys situated in the N.W. 1/4 of section 7, Township 18 South, Range 2 West.
- 2. 20 foot wide alley as recorded in Map Book 212, Page 29
- 3. 15 foot wide alley recorded in Map Book 212, page 29- City Attorney

Mr. Thames 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2610

(An Ordinance to declare certain real property surplus and authorize Mayor McBrayer to enter into an easement agreement of said property to ServisFirst Bank as follows:

- 1. A part of three alleys situated in the N.W. ¼ of section 7, Township 18 South, Range 2 West.
- 2. 20 foot wide alley as recorded in Map Book 212, Page 29
- 3. 15 foot wide alley recorded in Map Book 212, page 29- City Attorney)
- Mr. Thames moved for the adoption and enrollment and publication according to law of Ordinance No. 2610. 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

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

Resolution No. 16-70

(A resolution to authorize the execution of an Easement Agreement)

- Mr. Thames moved for the adoption and enrollment of Resolution No. 16-70. 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. 25.04.16 – Request for consideration to address Mosquitos Control options (including spraying) due to heightened concern over Zika Virus – Tonita Northington (Report – Special Issues Committee Meeting held on June 6, 2016).

Mr. Hawkins stated that the Special Issues Committee met on June 6, 2016 and voted 5-0 to recommend sending this item to the Environmental Commission for further recommendations and to come up with verbiage to go on the City Website and at the same time Ms. Salter reached out to the Jefferson County Department of Health who replied with information about the donuts for poising the mosquito larvae so those could be picked up by the city to pass out to the public and for the parks department to place in any city property where needed.

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

Mr. Limbaugh stated that without objection this item would be carried over. There was no objection from the Council.

The next item on the Agenda under Old Business was Item No. 05.11.15 – Request for consideration for proposals for information/directional signage for the Downtown area – Ad Hoc Parking Solutions committee Chair/ Britt Thames/ Greg Cobb/Building, Engineering and Zoning Department.

Mr. Jones stated that the Finance Committee met on June 6, 2016 and voted 5-0 to recommend accepting proposals for directional signage for the Downtown area.

Mr. Limbaugh asked the Council if they 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. 16-71

(A resolution to accept proposals for information/directional signage for the Downtown area)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-71. 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.

COMMITTEE REFERRAL AGENDA

04.06.16	Request for a stop sign on Saulter Road at Lake Wood Drive. Larry Taylor / Greg Cobb/Building, Engineering and Zoning – Public Safety Committee
05.06.16	Request for consideration of an ABC 050 – Retail Beer (Off Premises Only) and 070 Retail Wine (Off Premises Only) for Freds Stores of Tennessee Inc d/b/a Freds Store 1780 located at 234 Greensprings Highway – David Bowen/City Clerk – Public Safety Committee
06.06.16	Request for consideration to fence an open ditch at 1542 & 1544 Somerset Drive – Margaret Graffeo /Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee
07.06.16	Request for consideration to work in the City Right-of-Way to paint address numbers on curbs — Holly Patch/Greg Cobb/ Building, Engineering and Zoning Department — Special Issues Committee
08.06.16	Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 2700 19 th Place South – Matt Lange/Greg Cobb – Building, Engineering and Zoning Department – Special Issues Committee
09.06.16	Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 135 West Valley Avenue – David Brandt/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee
10.06.16	Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 2910 18 th Street South – Diane Foley/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee
12.06.16	Request for consideration to resolve issues of sanitation, speeding, and paving on Ashwood Lane – Michael Hallman – Special Issues Committee
13.06.16	Request for consideration of an Ordinance participating in the State of Alabama 2016 "Back-to-School" Sales Tax Holiday on August 5-7, 2016 – City Clerk – Finance Committee
14.06.16	Request for consideration of a franchise agreement for permitting Access Fiber Group, Inc. to install small cell technology in the City Right-of-Way – City Attorney – Finance Committee
15.06.16	Request to amend the FY 15-16 budgets – Melody Salter/Finance Director – Finance Committee
16.06.16	Request to set a bid opening date for the purchase of Tasers—Chief Tim Ross/Police Department – Finance Committee

31.04.16 Request from the Homewood Planning Commission for consideration of funding for updating the City's Master Plan - Vanessa McGrath/BEZ Department - Planning and **Development Committee** Request for consideration of issues related to contactor parking and 18.06.16 dumpster locations – Michael Hallman – Special Issues Committee Request to set a Public Hearing and referral to the Special Issues Committee 19.06.16 for consideration for a variance to the sign ordinance at 929 Oxmoor Road – Fave Wolfe/Greg Cobb/Building, Engineering and Zoning Department – Special **Issues Committee** 20.06.16 Request for consideration of proposal for purchase of City Property at 165 Oxmoor Road, Parcel ID 29 00 23 2 006 001.000- Fred Hawkins/Vance Moody/President Bruce Limbaugh – **Finance Committee** 21.06.16 Request to consider appropriating funds for city paving projects – Mayor McBrayer – Finance Committee

Mr. Thames moved to approve the Committee Referral Agenda as amended. Mr. McClusky seconded the motion.

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

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. 01.06.16 – Request for consideration of an ordinance to call and provide for the general municipal election to be held in the City of Homewood, Alabama, on Tuesday, August 23, 2016, and to provide for a runoff election on Tuesday, October 4, 2016, if required by law – City Attorney.

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

Ordinance No.

(An Ordinance to call and provide for the general municipal election to be held in the City of Homewood, Alabama, on Tuesday, August 23,2016, and to provide for a runoff election on Tuesday, October 4, 2016, if required by law)

Mr. Hallman 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2611

(An Ordinance to call and provide for the general municipal election to be held in the City of Homewood, Alabama, on Tuesday, August 23,2016, and to provide for a runoff election on Tuesday, October 4, 2016, if required by law)

Mr. Hallman moved for the adoption and enrollment and publication according to law of Ordinance No. 2611. 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 02.06.16–Request for consideration of a resolution authorizing the use of ES&S DS-200 Ballot Tabulators and ES&S AutoMARKS, a system which complies with Section 17-7-21 of the Code of Alabama, 1975, for the reporting, counting, and tabulating of any and all election results – City Attorney.

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

Resolution No. 16-72

(A Resolution authorizing the use of ES&S DS-200 Ballot Tabulators and ES&S AutoMARKS, a system which complies with Section 17-7-21 of the Code of Alabama, 1975, for the reporting, counting, and tabulating of any and all election results)

Mr. Hallman moved for the adoption and enrollment of Resolution No. 16-72. 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.

The next item on the Agenda under Other New Business was Item No. 03.06.16 – Request for consideration of approval of vouchers for the period of May 14, 2016 through June 10, 2016- City Treasurer/Finance Committee.

Resolution 16-73

(A resolution for consideration of approval of vouchers for the period of May 14, 2016 through June 10, 2016)

Mrs. Smith moved for the adoption and enrollment of Resolution No. 16-73. 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.

The next item on the Agenda under Other New Business was Item No. 08.06.16 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 2700 19th Place South – Matt Lange/ Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee.

Mr. Jones moved to set the Public Hearing for July 11, 2016 at 6:00 p.m. 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. 09.06.16 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 135 West Valley Avenue – David Brand/Greg Cobb/ Building, Engineering and Zoning Department – Special Issues Committee.

Mr. Jones moved to set the Public Hearing for July 11, 2016 at 6:00 p.m. 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. 10.06.16 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 2910 18th Street South – Diane

Foley/Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee.

Mrs. Smith moved to set the Public Hearing for July 11, 2016 at 6:00 p.m. Mr. Laws 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.17.06.16 – Request for consideration of declaring the following vehicles surplus property: 2010 FLHP Road King VIN 1HD1FHM17AB614083 with 29,791 miles; 2007 FHLP Road King VIN 1HD1FHM187Y05014 with 31,657 miles; 2007 FLHP Road King VIN 1HD1FHM137Y708466with 33,699 miles for the purpose of trade-in and additional funding needed to purchase one (1) new 2016 FLHP Road King Police Motorcycle-Chief Tim Ross/Police Department.

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

Ordinance No.

(An Ordinance of declaring the following vehicles surplus property: 2010 FLHP Road King VIN 1HD1FHM17AB614083 with 29,791 miles; 2007 FHLP Road King VIN 1HD1FHM187Y05014 with 31,657 miles; 2007 FLHP Road King VIN 1HD1FHM137Y708466with 33,699 miles for the purpose of trade-in and additional funding needed to purchase one (1) new 2016 FLHP Road King Police Motorcycle)

Mr. McClusky 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.

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws 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. 2612

(An Ordinance of declaring the following vehicles surplus property: 2010 FLHP Road King VIN 1HD1FHM17AB614083 with 29,791 miles; 2007 FHLP Road King VIN 1HD1FHM187Y05014 with 31,657 miles; 2007 FLHP Road King VIN 1HD1FHM137Y708466with 33,699 miles for the purpose of

trade-in and additional funding needed to purchase one (1) new 2016 FLHP Road King Police Motorcycle)

Mr. McClusky moved for the adoption and enrollment and publication according to law of Ordinance No. 2612. Mr. Hallman seconded the motion.

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

Upon roll call, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. Hawkins, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Laws and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 19.06.16 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 929 Oxmoor Road – Faye Wolf/Greg Cobb/ Building, Engineering and Zoning Department.

Mr. McClusky moved to set the Public Hearing for July 11, 2016 at 6:00 p.m. Mr. Hallman 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 Other New Business was Item No. 11.06.16 Request for consideration to work within the City Right-of-Way at 1728 Oxmoor Road – John Tombrello /Greg Cobb/Building, Engineering and Zoning Department – Special Issues Committee.

Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council, presented drawings, and stated that this was for permission to work in the City Right-of-Way in front of Our Lady of Sorrows and they had a contractor ready to go to work and they were wanting to move over seven feet into the grass and make parking so that the cars parked on the street can pull further away from traffic to make it a little safer and give them about three parking spaces in front of the main office building. Mr. Cobb further stated that by doing so they would have to give the city a permanent easement for the sidewalk so they could take out the sidewalk, slide everything over seven feet, make a parallel parking area in front of the building, and rebuild a new sidewalk. Mr. Cobb added that it was because of a safety issue due to fast moving traffic on Oxmoor Road so that would get them further out of the lane of travel.

Mr. Jones asked if they looked at a circular drop off point.

- Mr. Cobb replied that they could do that but it would take out all of the vegetation out of the front
- Mr. Laws stated that he had not been in favor of cutting the curb in residential areas in the neighborhood that would change the sidewalks and curbs to move everything back so he would like a little more time to think about this. Mr. Laws asked Mr. Cobb if there was an urgency.
- Mr. Cobb replied that when they got the pricing together the contractor was ready to go to work and they were ready to get it done but he just found out Friday that they wanted to start today because they did not understand the process.
- Mr. Laws stated that it changed the water flow so if they wanted to change the landscape they allowed more for cutting the curb but leaving the sidewalk where it was to keep from changing the flow of water.
- Mr. Cobb stated that if they did make a half circle out of it, they would want to park a car there so if they put a car in the middle the cars would be stacked up and also they would have people driving across the sidewalk coming and going so sliding it over he did not have a problem with because he knew they parked there every day so they were just looking at a safety issue.
 - Mr. McClusky asked if the cars that were parking there were to access the offices.
 - Mr. Cobb replied that was his assumption but he did not know.
- Mr. McClusky asked if the parking lot to the side of the office had access to the office
 - Mr. Cobb stated that he was not sure.
- Mr. Laws asked if there was safety issue if it would be best to not allow anyone to park there.
- Mr. Cobb replied that Oxmoor Road was wide enough but they were opening their doors into traffic that was moving at a fast pace.
- Mr. Laws moved to refer this Item to the Public Safety Committee. 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.

MAYOR'S COMMENTS

Mayor McBrayer addressed the Council and stated he placed on the Agenda under Committee Referral going to the Finance Committee an opportunity to fund street paying for the City of Homewood because most of the comments he got at the grocery store or at the park, or at church people were asking to address the streets and this was initiated by the work that was going on in the neighborhoods by the utility companies especially on Oxmoor Road so quite a while back before they started working on Oxmoor Road Volkert did a study for the city which was now completed. Mayor McBrayer further stated that it was a good study and had taken some time to go through it and learn a the things they were proposing but not that they had the study he thought they needed to act on it now that they had good information to act on. Mayor McBrayer added that the study was comprehensive and talked about options for the streets, gave standard materials and methods, listed streets that were major priorities, which took the guess work out of it so they had an independent group come in to tell them based on averages the time it had been since work had been done, the amount of traffic, and all kinds of factors went into determining priorities to address. Mayor McBrayer further added that all of the streets that were listed encompassed all five wards in the city and it was the first time they had a comprehensive study that encompassed everything this one did for them so he would be asking that the Council appropriate a minimum of \$2.3 million dollars so they could immediately begin addressing street repairs, repaving, and preservation of the streets.

Mayor McBrayer stated that one of the things he learned from the study was that they had streets that were excellent condition right now but as the years went by if they did not do anything to preserve those streets then they would be looking at a complete milling and repaving projects like they were having to do to about twenty of the worst streets in the city. Mayor McBrayer further stated that the study listed a priority of streets, given a ranking of A, B, or C with C being the worst which would require a complete remill and repave. Mayor McBrayer added that at the committee meeting he would make available the streets that Volkert recommended and estimated cost to repair those streets. Mayor McBrayer further added that as far as preserving the streets went, by looking to the future, after they complete the initial \$2.3 million for repaving would be that in the long run if they appropriated money each year that not only addressed additional streets on the B list and then ultimately the A streets that needed seal coating and alligator cracks repaired.

Mayor McBrayer stated that just like with the roof of a home, if a leak starts and nothing is done to address it, as years go by, sheet rock and electrical would have to be replaced along with the foundation of the home. Mayor McBrayer further stated that UV lights actually melted the glue that was contained into the asphalt and as the glue broke down that was when the streets started cracking and as the streets started cracking, it rained and froze overnight and the crack expands and when it was not frozen the water contained in the cracks actually worked as a pump so as tires went over a crack it was basically raising the water and pushing it back down which caused pot holes. Mayor McBrayer added that the city's neighbors and businesses were asking them to address

this and Homewood was fortunate and to have one of the best school systems in the state and was selected as the most walkable city in the state for the last three years, best teachers, and the eighth best place to raise a family and he thought that now that the study was complete there was no reason they could not have some of the best infrastructure in the state as well. Mayor McBrayer further added that the \$2.3 million would go a long way of helping the city get a good jump on addressing the worst streets and then they would come back yearly with budgeted money from the gas tax that would help address the preservation and repairing of some lesser needed streets.

Mr. Hawkins stated that the Special Issues Committee would meet on June 20, 2016 at 5:00 p.m.

Mr. McClusky stated that the Public Safety Committee would meet on June 20, 2016 at 5:45 p.m.

Mr. Jones stated that the Finance Committee would meet on June 20, 2016 at 6:15 p.m.

Mr. Limbaugh stated that the Special Called Public Works Meeting would be held on June 22, 2016 at 5:30 p.m. and a Council Work Session would be held on June 27, 2016 at 5:00 p.m.

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