

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

**July 25, 2016**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 25, 2016 at City Hall at 6:00 p.m. The invocation was given by Christopher Ely, Homewood Fire Department Chaplain's Association, after which the pledge of allegiance was given.

The meeting was called to order by President Pro Tempore, Peter Wright.

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

Mr. Wright stated that the reading of the Minutes from the Council Meeting of July 11, 2016 would be carried over to the August 8, 2016 Council Meeting.

Mr. Wright asked if the Council had any recommendations or appointments to be made regarding board vacancies. There was no response from the Council.

Mr. Wright amended the published Council Agenda to remove the following item from the Consent Agenda: Item No. 09.07.16 – Request to set a bid opening for city paving projects – Mayor McBrayer. Mr. Wright stated that this item would need to move to Old Business and then would need to be referred back to the Finance Committee.

Mr. Wright further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 28.07.16 – Request for consideration to address traffic concerns on Hambaugh Avenue – John Walker/Walter Jones – Public Safety Committee; Item No. 29.07.16 – Request for consideration for fence variance at 612 Hambaugh Avenue – Leisha Hultgren/Walter Jones – Special Issues Committee; Item No. 30.07.16 – Request for consideration for modified path to Publix back parking lot – Ashley Wooten/Walter Jones – Special Issues Committee; Item No. 31.07.16 – Request for consideration to address continued parking/traffic concerns on Broadway Street – Chad Williamson/Chandler Graham/Walter Jones – Public Safety Committee; Item No. 32.07.16 – Request to consider the Economic Development Incentives for Wildwood South Development – Mayor McBrayer/Bill Oldacre – Finance Committee; Item No. 33.07.16 – Request to reconsider the Home Energy Section of International Building Code – Jeremy Strickland/City Clerk – Special Issues Committee; Item No. 34.07.16 – Request for consideration to authorize the Mayor to accept FEMA SAFER Grant Award in the amount of \$353,052.00, paid over two years, to fund three new firefighter positions for two years – Chief Bresnan/Homewood Fire Department – Finance Committee.

Mr. Wright further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 35.07.16 – Request to reconsider Resolution No. 16-65 – A Resolution approving the opening and working within the Mountainview/Lakewood Alley and the Sunset/Ridgewood Alley behind 1627 Sunset Drive – Walter Jones.

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

Mr. 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.

### **CONSENT AGENDA**

**09.04.15** Request for consideration of services to conduct Central Business Revitalization and Zoning Study – Peter Wright

**Action Taken: The Committee met July 18, 2016 and voted 5-0 to drop this Item.**

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

Mr. 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.

### **OLD BUSINESS**

The first item considered under Old Business, taken out of order, was Item No. 09.07.16 – Request to set a bid opening for paving projects – Mayor McBrayer.

Mr. Wright stated that this item needed to be sent back to the Finance Committee for handling of the bid opening scheduled for September 19, 2016.

Mr. Jones moved to send this Item back to the Finance Committee. Mr. Thames seconded the motion.

Mr. 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. 32.04.16 – Request 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 (Report – Planning Commission Meeting held on July 19, 2016).

Mr. Wright stated that, without objection, this Item would be carried over and referred back to the Planning and Development Committee. There was no objection.

The next item on the Agenda under Old Business was Item No. 03.07.16 – Request for consideration for a Right-of-Way Easement at 2908 18<sup>th</sup> Street South, PID 28-00-07-3-028-007.000 to allow a level area to be built for access into the building – Patrick Decker/Vanessa McGrath/Building, Engineering and Zoning Department (Report – Public Works Committee held on July 18, 2016).

Mr. Moody stated that the Public Works Committee met on July 18, 2016 and voted 4-0 to recommend approving the Right-of-Way Easement at 2908 18<sup>th</sup> Street South pending indemnification agreement.

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

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

**Resolution No. 16-90**

**(A Resolution for a Right-of-Way Easement at 2908 18<sup>th</sup> Street South, PID 28-00-07-3-028-007.000 to allow a level area to be built for access into the building)**

Mr. Hallman moved for the adoption and enrollment of Resolution No. 16-90. Mr. Thames seconded the motion.

Mr. 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. 04.07.16 – Public Hearing July 25, 2016 at 6:00 p.m. for a variance to the sign ordinance at 3450 Manor Drive – Bonnie Marshall/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on July 18, 2016).

Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council, presented drawings and stated that he had been in touch with the sign company and he was presenting drawings in their behalf as they were in Atlanta. Mr. Cobb further stated that the Mayfair Manor Apartments had been building a new phase of apartments and they were requesting to put up a new sign. Mr. Cobb added that they used to have an old, long, low sign that was not conforming but the two drawings he passed out had one sign that was six feet tall and six feet wide and the other was five feet tall and six feet wide which both met ordinance requirements so they only needed a variance for an additional sign. Mr. Cobb further added that they were asking to go with the sign that was six feet tall and six feet high and would like to ask to put another identical sign at the other entrance because the two entrances on Highway 31 were separated around 300-500 feet apart.

Mr. Wright declared the Public Hearing opened.

Mr. 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.

Mr. Wright declared the Public Hearing closed.

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

Mr. Hawkins asked if there were sight distance issues.

Mr. Cobb replied no but he would make sure they set the signs back.

Mr. Wright asked if the signs would be lit.

Mr. Cobb replied yes, they would be internally lit.

Mr. Wyatt asked if there were two different drawings.

Mr. Cobb replied yes and stated that when they asked for the secondary sign they reduced the sign in size but the request was to make them both identical and one design option was five feet tall and the other was six feet tall.

Mr. McClusky asked to verify that they would prefer the six foot tall sign.

Mr. Cobb replied yes, they wanted one of the signs to be six foot and the other sign would be up to the Council's discretion though they would prefer two six foot signs.

Mr. McClusky stated that he would recommend approval of the second sign with both signs matching at six feet tall each, pending sight distance approval by Mr. Cobb.

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

**Resolution No. 16-91**

**(A Resolution for a variance to the sign ordinance at 3450 Manor Drive pending sight distance approval)**

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-91. Mr. Hallman seconded the motion.

Mr. 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. 05.07.16 – Public Hearing July 25, 2016 at 6:00 p.m. for a variance to the fence ordinance at 1717 Shades Park Drive – Parker Gargis/Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on July 18, 2016).

Mr. Hawkins stated that the Special Issues Committee met on July 18, 2016 and voted 5-0 to send this item back to the full council without a recommendation pending the Public Hearing.

Mr. Cobb addressed the Council and stated that Mr. Randy Hambley of Traffic Maintenance addressed the issue last week and suggested the fence go four feet up to the turn and then six feet thereafter to give proper sight distance for the speed limit on that road.

Mr. Wright declared the Public Hearing opened.

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

Mr. Parker Gargis addressed the Council and stated that he was requesting a privacy fence and would build it how the Council preferred.

Mr. 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.

Mr. Wright declared the Public Hearing closed.

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

Mr. McClusky asked if cutting the corner would help with sight distance.

Mr. Cobb replied that Mr. Hambley was going to look at that if they wanted to approve it pending his approval based on sight distance.

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

**Resolution No. 16-92**

**(A Resolution for a variance to the fence ordinance at 1717 Shades Park Drive pending sight distance approval)**

Mr. Hawkins moved for the adoption and enrollment of Resolution No. 16-92. Mr. Thames seconded the motion.

Mr. 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. 04.06.16 – Request for a stop sign on Saulter Road at Lake Wood Drive – Larry Taylor/Greg Cobb/Building, Engineering and Zoning Department (Report – Public Safety Committee Meeting held on July 18, 2016).

Mr. McClusky stated that the Public Safety Committee met on July 18, 2016 and voted 4-0 to recommend flashing speed indicator signs rather than a stop sign.

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

Mr. McClusky moved to refer to Finance Committee for funding of the signs.

Mr. 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. 23.06.16 – Request for consideration to address speeding and traffic concerns on Saulter Road – Danny Nicholas/Barry Smith (Report – Finance Committee Meeting held on July 18, 2016).

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend funding flashing speed indicator signs for \$5,400.00 each which would come out of Small Infrastructure 12-12-522500.

Mr. 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. 16-93**

**(A Resolution to address speeding and traffic concerns on Saulter Road with flashing speed indicator signs)**

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-93. Mr. Wyatt seconded the motion.

Mr. 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. 26.06.16 – Request for consideration of modifying the 457 Plan Document with Nationwide to allow employees to borrow from their accounts – Finance Director/Melody Salter (Report – Finance Committee Meeting held on July 18, 2016).

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend modifying the 457 Plan Document with Nationwide to allow employees to borrow from their accounts.

Mr. 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. 16-94**

**(A Resolution modifying the 457 Plan Document with Nationwide to allow employees to borrow from their accounts)**

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-94. Mr. Thames seconded the motion.

Mr. 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. 01.07.16 – Request for consideration to set bid opening for the purchase of license plate readers – Chief Tim Ross/Police Department (Report – Finance Committee Meeting held on July 18, 2016).

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend setting the bid opening for August 15, 2016 at 6:00 p.m.

Mr. Wright 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 August 15, 2016 at 6:00 p.m. Mr. McClusky seconded the motion.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.07.16 – Request to amend the FY 15-16 Budgets – Berkley Squires/Public Services Director (Report – Finance Committee Meeting held on July 18, 2016).

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend amending the FY 15-16 Budgets.

Mr. 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. 16-95**

**(A Resolution to amend the FY 15-16 Budgets)**

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-95. Mr. Wyatt seconded the motion.

Mr. 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. 17.10.15 – Request for consideration of noise and odor problems from Buffalo Rock and Mayfield/Barbers – West Homewood area residents – Fred Hawkins (Report – Special Issues and Finance Committee Meetings held on July 18, 2016).

Mr. Hawkins stated that the Special Issues Committee met on July 18, 2016 and voted 5-0 to recommend referring to the Finance Committee for funding phase 2 of the odor investigation. Mr. Hawkins further stated that the Committee asked Mr. Limbaugh to call Buffalo Rock to reschedule the meeting about the noise issues.

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend funding phase 2 of the odor investigation from Carryover Fund Balance and paid out of Contractual Services.

Mr. Wright asked if the Council had any questions or comments regarding the Special Issues and Finance Committees' recommendations. There was no response from the Council.

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

**Resolution No. 16-96**

**(A Resolution funding Phase 2 of the odor investigation of Buffalo Rock and Mayfield/Barbers)**

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-96. Mr. McClusky seconded the motion.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 07.07.16 – Request for consideration to authorize the Mayor to sign a three year copier lease with Konica Minolta – James Yates/IT Department (Report – Finance Committee Meeting held on July 18, 2016).

Mr. Jones stated that the Finance Committee met on July 18, 2016 and voted 5-0 to recommend authorizing the Mayor to sign a three year copier lease with Konica Minolta.

Mr. 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. 16-97**

**(A Resolution authorizing the Mayor to sign a three year copier lease with Konica Minolta)**

Mr. Jones then moved for the adoption and enrollment of Resolution No. 16-97. Mr. Thames seconded the motion.

Mr. 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.

**COMMITTEE REFERRAL AGENDA**

- 11.07.16 Request to set a Public Hearing and to refer to the Planning and Development Committee** for consideration of the zoning application from Eric Rogers on behalf of the property owner(s) Progressive Columbiana LLC to rezone the property located at 822 Columbiana Road/Parcel ID No. 29-00-23-1-002-008.002 from C-1 (Office Building District) to R-7 (Attached Dwelling Unit District) for the proposed purpose to permit the construction of four residential townhouse units (Note: this request was considered by the Homewood Planning Commission at its meeting of July 12, 2016 resulting in a favorable recommendation by a vote of 8-0) – Vanessa McGrath/Building, Engineering and Zoning Department – **Planning and Development Committee**
- 12.07.16** Request for consideration for one-way traffic on Rumson Road – Greg Cobb/Building, Engineering and Zoning Department – **Planning and Development Committee**
- 13.07.16** Request for consideration for an ABC – 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) for Mi Pueblo Greensprings LLC d/b/a Mi Pueblo Supermarket located at 216 Green Springs Highway – Joel Rivera/City Clerk – **Public Safety Committee**
- 14.07.16** Request for consideration for a line item transfer of \$5,000.00 from account 01-14-540900 (Contracts) to account 01-14-570400 (Tuition/Schools) – Chief Tim Ross – **Finance Committee**

- 15.07.16** Request for consideration to become an “Official Fan Guide Sponsor” for the December 29, 2016 Annual Birmingham Bowl – Miles Huffstutler/Barry Smith – **Finance Committee**
- 16.07.16** Request for consideration for a variance to the sign ordinance at 103 Citation Court – David Brandt/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 17.07.16** Request for consideration for a variance to the sign ordinance at 1831 28<sup>th</sup> Avenue South, Suite 160 – Christene Mello/ Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 28.07.16** Request for consideration to address traffic concerns on Hambaugh Avenue – John Walker/Walter Jones – **Public Safety Committee**
- 29.07.16** Request for consideration for fence variance at 612 Hambaugh Avenue – Leisha Hultgren/Walter Jones – **Special Issues Committee**
- 30.07.16** Request for consideration for modified path to Publix back parking lot – Ashley Wooten/Walter Jones – **Special Issues Committee**
- 31.07.16** Request for consideration to address continued parking/traffic concerns on Broadway Street – Chad Williamson/Chandler Graham/Walter Jones – **Public Safety Committee**
- 32.07.16** Request to consider Economic Development Incentives for Wildwood South Development - Mayor McBrayer/Bill Oldacre – **Finance Committee**
- 33.07.16** Request to reconsider the Home Energy Section of International Building Code – **Jeremy Strickland/City Clerk**
- 34.07.16** Request for consideration to authorize the Mayor to accept FEMA SAFER Grant Award in the amount of \$353,052.00, paid over two years, to fund three new firefighter positions for two years – Chief Bresnan/Homewood Fire Department – **Finance Committee**

Mr. Moody moved to approve the Committee Referral Agenda as amended. Mr. Hawkins seconded the motion.

Mr. 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. 11.07.16 – Request to set a Public Hearing and to refer to the Planning and Development Committee for consideration of the zoning application from Eric Rogers of behalf of the property owner(s) Progressive Columbiana LLC to rezone the property located at 822 Columbiana Road/Parcel ID No. 29-00-23-1-002-008.002 from C-1 (Office Building District) to R-7 (Attached Dwelling Unit District) for the proposed purpose to permit the construction of four residential townhouse units (Note: this request was considered by the Homewood Planning Commission at its meeting of July 12, 2016 resulting in a favorable recommendation by a vote of 8-0) – Vanessa McGrath/Building, Engineering and Zoning Department.

Mr. Wright stated that, without objection, the Public Hearing would be set for August 22, 2016 at 6:00 p.m. There was no objection.

The next item on the Agenda under Other New Business was Item No. 18.07.16 – Request for consideration to authorize the Mayor to execute a settlement agreement with Alabama Furniture Market – City Attorney.

Mr. Kendrick stated that he recommended a settlement of a sales and use tax refund in the amount of \$988.96.

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

### **Resolution No. 16-98**

**(A Resolution to authorize the Mayor to execute a settlement agreement with Alabama Furniture Market)**

Mr. Laws moved for the adoption and enrollment of Resolution No. 16-98. Mr. Hallman seconded the motion.

Mr. Wright asked if the Council had any questions or comments regarding this Item. 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. 19.07.16 – Request to amend Capital Projects Fund Budget for emergency capital purchases authorized by the Mayor for the Police Department – From Line item 12-09-499300

Carryover Fund Balance to 12-14-589320 Equipment/Safety Police Capital – Mayor McBrayer/Chief Tim Ross/Police Department.

Mayor McBrayer addressed the Council and stated that this request was due to a safety issue so he was asking for \$50,000.00 to be transferred to cover the purchase of emergency safety equipment.

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

**Resolution No. 16-99**

**(A Resolution to amend Capital Projects Fund Budget for emergency capital purchases authorized by the Mayor for the Police Department – From Line item 12-09-499300 Carryover Fund Balance to 12-14-589320 Equipment/Safety Police Capital)**

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-99. Mr. Moody seconded the motion.

Mr. 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. 20.07.16 – Request to Amend Ordinance #2593, an ordinance which added Article III entitled “Excavation” to Chapter 18 entitled “Streets and Sidewalks” to reflect requested changes in administrative procedures – Mayor McBrayer/Berkley Squires/Public Services Director/Melody Salter/City Clerk.

Mr. Kendrick stated that Ordinance No. 2593 needed amending based the Mayor's recommendations on administrative procedures related to departments handling payments.

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

**Ordinance No.**

**(An Ordinance to amend Ordinance #2593, and ordinance which added Article III entitled “Excavation” to Chapter 18 entitled “Streets and Sidewalks” to reflect requested changes in administrative procedures)**

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

Mr. Wright 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. Moody, Mr. McClusky, Mr. Jones, Mr. Wyatt, Mr. Laws, and Mr. Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2622**

**(An Ordinance to amend Ordinance #2593, and ordinance which added Article III entitled "Excavation" to Chapter 18 entitled "Streets and Sidewalks" to reflect requested changes in administrative procedures)**

Mr. Hallman moved for adoption and enrollment and publication according to law of Ordinance No. 2622. Mr. Wyatt seconded the motion.

Mr. Wright 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. Moody, Mr. McClusky, Mr. Jones, Mr. Wyatt, Mr. Laws, and Mr. Wright.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 21.07.16 – Request for consideration to increase funding for downtown signage not to exceed \$6,000.00 – Britt Thames.

Mr. Thames stated that the original company had ceased business so another graphics company which was in West Homewood was located but there was a \$2,500.00 increase from the original.

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

**Resolution No. 16-100**

**(A Resolution to increase funding for downtown signage not to exceed \$6,000.00)**

Mr. Hawkins moved for the adoption and enrollment of Resolution No. 16-100. Mr. Hallman seconded the motion.

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

Mr. McClusky asked if any sign details were changing.

Mr. Thames replied no.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 22.07.16 – Request for consideration of approval of vouchers for the period of July 11, 2016 through July 24, 2016 – City Treasurer/Finance Committee.

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

**Resolution No. 16-101**

**(A Resolution approving vouchers for the period of July 11, 2016 through July 24, 2016)**

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-101. Mr. Thames seconded the motion.

Mr. 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. 23.07.16 – Request for consideration of an Ordinance providing for the appointment, notification, and compensation of officers (poll workers) for the 2016 General Municipal Election and if necessary the 2016 Run-Off Municipal Election – City Clerk/Mayor Scott McBrayer.

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

**Ordinance No.**

**(An Ordinance providing for the appointment, notification, and compensation of officers (poll workers) for the 2016 General Municipal Election and if necessary the 2016 Run-Off Municipal Election)**

Mr. McClusky moved for unanimous consent of the proposed ordinance as read. Mr. Hallman seconded the motion.

Mr. Wright 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. Moody, Mr. McClusky, Mr. Jones, Mr. Wyatt, Mr. Laws, and Mr. Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2623**

**(An Ordinance providing for the appointment, notification, and compensation of officers (poll workers) for the 2016 General Municipal Election and if necessary the 2016 Run-Off Municipal Election)**

Mr. Thames moved for adoption and enrollment and publication according to law of Ordinance No. 2623. Mr. Wyatt seconded the motion.

Mr. Wright 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. Moody, Mr. McClusky, Mr. Jones, Mr. Wyatt, Mr. Laws, and Mr. Wright.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 24.07.16 – A Resolution of election without opposition for Bruce Limbaugh/Council President – City Clerk.

Mr. Kendrick presented a certificate of election from the Mayor for Bruce Limbaugh/Council President.

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

**Resolution No. 16-102**

**(A Resolution of election without opposition for Bruce Limbaugh/Council President – City Clerk)**

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-102. Mr. Moody seconded the motion.

Mr. 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. 25.07.16 – A Resolution of election without opposition for Mike Higginbotham/Council-Ward 2/Place 1 – City Clerk.



Mr. Kendrick presented a certificate of election from the Mayor for Mike Higginbotham/Council-Ward 2/Place 1.

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

**Resolution No. 16-103**

**(A Resolution of election without opposition for Mike Higginbotham/Council-Ward2/Place 1)**

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-103. Mr. Laws seconded the motion.

Mr. 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. 26.07.16 – A Resolution of election without opposition for Patrick McClusky/Council-Ward 3/Place 1 – City Clerk.

Mr. Kendrick presented a certificate of election from the Mayor for Patrick McClusky/Council-Ward 3/Place 1.

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

**Resolution No. 16-104**

**(A Resolution of election without opposition for Patrick McClusky/Council-Ward 3/Place 1)**

Mr. Moody moved for the adoption and enrollment of Resolution No. 16-104. Mr. Wyatt seconded the motion.

Mr. 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. 27.07.16 – A Resolution of election without opposition for Alex Wyatt/Council-Ward 4/Place 2 – City Clerk.

Mr. Kendrick presented a certificate of election from the Mayor for Alex Wyatt/Council-Ward 4/Place 2.

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

**Resolution No. 16-105**

**(A Resolution of election without opposition for Alex Wyatt/Council-Ward 4/Place 2)**

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-105. Mr. Moody seconded the motion.

Mr. 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. 35.07.16 – Request to reconsider Resolution No. 16-65 – A Resolution approving the opening and working within the Mountainview/Lakewood Alley and the Sunset/Ridgewood Alley behind 1627 Sunset Drive – Walter Jones.

Mr. Jones stated that Resolution No. 16-65 was passed on May 9, 2016 to allow the resident at 1627 Sunset Drive to utilize the alley to take his trash to the street but it was asked if neighbors opposed the work and the resident said no but several council members had received calls today from residents who lived next to the alley and there was now opposition to the work in the alley by a neighbor who was losing the buffer zone between properties. Mr. Jones further stated that he wanted to bring this issue to the Council's attention to see if there were any thoughts as to how to proceed and to take into account the impact on residents nearby. Mr. Jones asked Mr. Kendrick what the options were if they decided to reconsider and asked if the Resolution had been signed.

Mrs. Vanessa McGrath of the Building, Engineering and Zoning Department replied that the Right-of-Way permit and indemnification agreement had been signed but she did not know if the Resolution had been signed. Mrs. McGrath further stated that in the municipal Right-of-Way Improvement Permit there was a Termination and Removal clause that the city had the absolute right to terminate the permit upon ten days written notice to grantee and to require removal in whole or in part by grantee as said improvements for any reason whatsoever upon receipt of such notice and as specified by the city, the grantee or the grantee's estate shall be responsible for removing any specified objects from the improvement and return the area to its original condition or acceptable substitute condition.

Mr. Thames asked if the neighbors were notified or if the Council just went by the applicant's statement that there was no opposition.

Mr. Jones replied that Ms. Jo Anderson was the resident who was directly impacted and was on Ridgewood Drive, which was next to the alley and they had already removed all the bamboo and they were about to take out all the trees so she was upset that nobody notified her from the city and she said the person on the other side did not receive notification either. Mr. Jones further stated that before they cut down all the trees he wanted to at least bring it to Council to determine if there was anything that they could do because he did not understand when it was presented initially that there was not going to be any type of buffer. Mr. Jones further added that the resident already had access to Sunset Drive but it was just a steep driveway but he remembered him telling the Council that the neighbors had no issues with it but obviously Ms. Anderson who lived on Ridgewood Drive had been calling him several times today to see if there was anything they could do.

Ms. Salter, City Clerk, stated that the Resolution was signed.

Mr. Hallman asked if the resident was required to have a tree permit.

Mrs. McGrath stated that because they were in the City Right-of-Way, no he would not.

Mr. Wright asked if there would have been any notice sent out for that item.

Mrs. McGrath stated yes.

Mr. Jones stated that Ms. Anderson was not aware of it until today when they started clearing it out and she realized she was not going to have any buffer.

Mayor McBrayer asked if the resident who had previously been given permission to work in the alley had been notified that this was being discussed.

Mrs. McGrath replied no.

Mayor McBrayer stated that he understood that the neighbors did not like the decisions previously made but he thought they owed it to the neighbor they had made the decision for to inform him that this was being discussed and he was not sure what the legal options were and they might not want to change anything but if there were any questions now was the time to ask.

Mr. Kendrick stated that the options were to terminate the permission previously given or request that the person who received permission to hold up going forward until there was further discussion.

Mr. Wright asked if the work was completed.

Mrs. McGrath replied she did not believe so.

Mr. Jones replied no, and stated that the Ms. Anderson called him five minutes before the meeting and stated that they cleared out all the bamboo and told her they would take out all the trees tomorrow so she wanted to know if there was anything they could do to delay until they could discuss it. Mr. Jones further stated that he agreed with the Mayor because the home owner that received permission brought it to their attention, they discussed it, and approved it but they were always sensitive to the issues when they had residents next door and he remembered talking to him about that and being told that there were no issues with the neighbors.

Mr. Kendrick stated that according to the indemnification agreement it would be hard for him to put back in original or similar condition but they could ask him to hold up until there could be discussion.

Mr. Moody stated that the neighbor needed to understand that if the city ever wanted to do something with that property she would lose her buffer anyway.

Mrs. McGrath stated that most people did not have buffers between their neighbors.

Mr. Moody stated that he did not believe any of the other houses on that street had one.

Mr. Thames asked Mr. Kendrick if they had to give ten days' notice to terminate.

Mr. Kendrick replied yes.

Mayor McBrayer asked that since his reasoning for wanting to clear that alley was to take out a lot of old growth that did not look nice, would he be willing to plant some nice trees as a buffer.

Mrs. McGrath replied that he wanted to use the alley to have his garbage picked up on Ridgewood instead of Sunset because of the steepness of the slope of his driveway.

Mr. Moody moved to terminate contract and refer to Public Works Committee for further consideration. Mr. Laws seconded the motion.

Mr. 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.

## **MAYOR'S COMMENTS**

Mayor McBrayer addressed the Council and stated that there had been several ribbon cuttings this month by new businesses. Mayor McBrayer further stated that he appreciated everyone's support of the Police Department. Mayor McBrayer added that he wanted to publically thank the residents and the businesses and to Chief Ross for their support of the Police Department.

Mr. Hawkins stated that the Special Issues Committee would meet on August 1, 2016 at 5:00 p.m.

Mr. Moody stated that the Public Works Committee would meet on August 1, 2016 at 5:15 p.m.

Mr. McClusky stated that the Public Safety Committee would meet on August 1, 2016 at 5:30 p.m.

Mr. Jones stated that the Finance Committee would meet on August 8, 2016 at 5:00 p.m.

Mr. Wright stated that the Planning and Development Committee would meet on August 1, 2016 at 6:00 p.m.

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