

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

**September 18, 2017  
(Continued from September 11, 2017)**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, September 18, 2017 at City Hall at 6:00 p.m.

President Pro Tempore, Peter Wright asked Mayor McBrayer to address the Council to present a proclamation.

Mayor McBrayer presented a proclamation to Ms. Cheryl Bourn and Ms. Betsy Dobbins for GYN Cancer Awareness Month.

Ms. Bourn addressed the Council and stated that in September City Hall and throughout the City, buildings were lit up in teal in honor of GYN Cancer Awareness and she appreciated Homewood's support.

President Pro Tempore, Peter Wright then asked Ms. Diane Litsey to address the Council regarding the Homewood Arts Council.

Ms. Diane Litsey addressed the Council, introduced the members of the Homewood Arts Council, and stated that they wanted to thank the Council for funding them the last few years and for putting them in the budget for next year. Ms. Litsey further stated that they reached over 5,000 people with their events last year with six exhibit's downstairs as well as two large events, one which was Pickin' in the Park and Handmade Arts Show in October as well as a Jazz in the Park concert in April. Ms. Litsey added that they were happy to have these events in Homewood and were open to ideas for other projects. Ms. Litsey further added that they had one At-Large position that was open if anyone wanted to serve.

President Pro Tempore thanked the Arts Council for all they did.

Ms. Litsey stated that it took the whole Arts Council because with every new member they found a different area of expertise that they shared and that was what made it work.

The invocation was given by Ms. Melody Salter, after which the Pledge of Allegiance was given.

The meeting was called to order by President Pro Tempore Wright at 6:16 p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of August 14, 2017 and approve them as distributed. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of August 28, 2017 and approve them as distributed. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Councilor Jones opened the Ward 3 Homewood Environmental Commission position to close October 9, 2017 at 4:30 p.m.

Councilor Higginbotham opened the At-Large position of the Homewood Environmental Commission to close October 9, 2017 at 4:30 p.m.

At this time, President Pro Tempore Wright amended the published Council Agenda to add the following items to the Consent Agenda: Item 21.08.17 – Request for consideration for an off-street parking pad adjacent to the public street at 910 Saulter Road – Wes Fraser/Wyatt Pugh/Building, Engineering and Zoning Department.

President Pro Tempore Wright further amended the published Council Agenda to add the following items to the Old Business Agenda: From the Public Works Committee: Item No. 24.06.17 – Request to consider easement for portion of South Forrest Drive – Alex Wyatt; from the Finance Committee: Item No. 25.07.17 – Request for presentation by Daniels Communities – Britt Thames; Item No. 14.08.17 – Request to amend the FY

17-18 Budgets – Melody Salter, Finance Director; from the Special Issues Committee: Item No. 20.08.17 – Request for re-consideration to accept dedication of road at Edgewood Place – Eric Rogers/Vanessa McGrath/Building, Engineering and Zoning Department; from the Planning and Development Committee: Item No. 19.08.17 – Request for consideration of changing the construction working hours defined in Section 5.9.1: Regulations concerning the issuance of building and construction permits – Andy Gwaltney.

President Pro Tempore Wright further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 10.09.17 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 1745 Oxmoor Road – Alex Wyatt – Special Issues Committee; Item No. 11.09.17 – Request for consideration to become an “Official Fan Guide Sponsor” for the December 23, 2017 Annual Birmingham Bowl – Miles Huffstutler/Barry Smith – Finance Committee; Item No. 12.09.17 – Request for consideration for lighting on Lancaster – Amanda Dabbs/Jennifer Andress – Finance Committee and Public Safety Committee; Item No. 13.09.17 – Request for consideration for Phase 2 Greenway Project – Jennifer Andress – Public Works Committee; Item No. 14.09.17 – Request for consideration for Freshwater Land Trust – Jennifer Andress – Public Works Committee; Item No. 15.09.17 – Request for consideration of traffic/safety concerns on Kent Drive – Andrew Wolverton – Public Safety Committee; Item No. 17.09.17 – Request to work in the city right-of-way at 319 Gran Avenue – Father Nature Landscaping/Wyatt Pugh – Special Issues Committee.

President Pro Tempore Wright further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 10.09.17 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 1745 Oxmoor Road – Alex Wyatt; Item No. 16.09.17 – Request for consideration of approval of vouchers for period of September 11, 2017 through September 17, 2017 – City Treasurer/Finance Committee; Item No. 18.09.17 – Request to approve expenditures of Exhibit A from HPM Management on behalf of the Board of Education from Construction Fund.

Councilor Jones moved for the approval of the Agenda as amended. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

## CONSENT AGENDA

**21.08.17** Request for consideration for an off-street parking pad adjacent to the public street at 910 Saulter Road – Wes Fraser/Wyatt Pugh/Building, Engineering and Zoning Department.

**Action taken: The Special Issues Committee met September 18, 2017 and Councilor Andress made a motion to drop. Councilor McClusky seconded the motion. The motion carried on a 5-0 vote.**

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

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

On a voice vote, the motion carried without dissent.

## OLD BUSINESS

The first item on the Agenda under Old Business was Item No. 12.05.17 – Public Hearing set for November 13, 2017 at 6:00 p.m. for consideration of Petition of Annexation for the property located at 1400 Shades Crest Road – Melba Kane/Jolene Mills/City Clerk (Carried over 8/14/17).

President Pro Tempore Wright stated that this item would be carried over for the Public Hearing set for November 13, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 18.07.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for request to add 800 sq. ft. minimum back to Sec. A of the NPD – Andy Gwaltney and Britt Thames (Carried over 8/14/17 for Public Hearing).

President Pro Tempore Wright declared the Public Hearing opened at 6:28 p.m.

Councilor Thames stated that this item came from the Planning Commission to the Planning and Development Committee for an 800 square foot minimum to any homes built on lots less than or equal to 49 feet in width. Council Thames further stated that this item received a unanimous approval by the Planning Commission and was voted out in Planning and Development without a recommendation pending the Public Hearing.

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

Mr. Jim Deason addressed the Council and stated that he was not a resident of Homewood but lived in Green Valley and was a builder and remodeler and had done business in Homewood throughout his career. Mr. Deason further stated that he had a contract for a piece of property in Homewood and he loved the idea of smaller homes and thought 800 square feet was okay but he would not want it to be under 1,600 feet. Mr. Deason added that there were lots in Homewood that were smaller than 49 feet and that was what he was interested in addressing because he would like to build a 400 or 500 square foot house on some of the smaller lots. Mr. Deason further asked if prior to the 800 square foot restriction, if they had no restrictions.

Mr. Kendrick replied that this was not correct and stated that since 1986 they had minimum square footage but made an amendment to another section three months ago and the Planning Commission recommended this section be deleted but this Ordinance simply put it back in.

Mr. Deason stated that he got caught in between and made an offer on a lot.

Mr. Kendrick stated that it depended on the width of the lot as to what restrictions he would have but anything less than 49 feet he would have to have a minimum 800 square feet.

Mr. Deason asked if there was different restrictions for lots less than 49 feet.

Mr. Kendrick replied no, that the restriction was for lots 49 feet or less.

Mr. Deason stated that he was good with 800 square feet.

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

President Pro Tempore Wright declared the Public Hearing closed at 6:31 p.m.

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

Councilor Jones asked what they could do to make sure they did not miss things that were amended.

Mr. Kendrick replied that this was the recommendation of the Planning Commission and they adopted the recommendation that was given to them.

Councilor Jones stated that the restriction was in place before so he was trying to find out why they missed that and it was deleted because he did not feel that was what the Planning Commission intended.

Councilor Thames stated that what confused him and they were addressing it now was that Municode had not been updated so for those who had been looking at it on Municode it still appeared to be in there and now that they were addressing this they would update Municode.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:33p.m.:

**Ordinance No.**

**(An Ordinance to add 800 sq. ft. minimum back to Sec. A of the NPD)**

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2668**

**(An Ordinance to add 800 sq. ft. minimum back to Sec. A of the NPD)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2668. Councilor Thames seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 06.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of the zoning application of Homewood Place, LLC to rezone 2713, 2725, 2727, 2739 and 2717 18<sup>th</sup> Street South and 2728 Mamie L. Foster/Parcel ID Nos. 28-00-07-3-014-006.000, 28-00-07-3-014-007.000, 28-00-07-3-014-008.000, 28-00-07-3-014-009.000, 28-00-07-3-014-013.000, and 28-00-07-3-014-012.000 from C-4 (Central Business District) and C-4b

(High Rise Office/Commercial District to MXD (Mixed Use District) for the purpose of permitting the construction of a joint Hotel and Retail development (Note: This request was considered by the Homewood Planning Commission at its meeting of August 1, 2017 resulting in a favorable recommendation by a vote of 5-0-1) – Vanessa McGrath, Sr. Planner.

President Pro Tempore Wright declared the Public Hearing opened.

Councilor Thames stated that this Item came from the Planning Commission with a 5-0-1 (Billig Higginbotham abstained) vote to approve and the Planning and Development Committee saw the presentation and voted to send out to the full Council without a recommendation pending the Public Hearing.

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

Mr. Mike Mouron, developer of proposed hotel, addressed the Council and stated that when they went before the Planning Commission originally they were unanimously rejected because the hotel was too high and they had inadequate parking but since that time they had reduced the hotel from seven stories down to five stories and he closed last Friday on an additional purchase of land which he believed would have them exceeding the amount of parking spaces needed to meet code. Mr. Mouron further stated that in addition if the city pursues the redevelopment of 18<sup>th</sup> Street and installs angled parking in front of their development he committed to remove the parking in front of Wolf Camera which was to become a full service spa as well as the curb cut to create an additional green space to the right. Mr. Mouron presented plans and added that if the city went forward with plans to improve 18<sup>th</sup> Street they would remove the parking indicated which would not be necessary and install a landscaped courtyard. Mr. Mouron further added that he thought that coupled with the green space they were proposing, including on the corner of 28<sup>th</sup> and 18<sup>th</sup> Street where the hotel stepped back, gave them great opportunities for significant green space which was appropriate since this would be in large measure the front door of the City of Homewood coming from the North on 18<sup>th</sup> Street.

Mr. Mouron stated that they came out of the Planning Commission with a 5-0-1 vote with one abstention by Mr. Billy Higginbotham who used to work with him so he abstained.

Ms. Jo Echols of 308 English Circle addressed the Council and stated that she had been involved in this issue since the beginning at the Planning Commission level and had attended both Public Hearings and had asked the Commission both times to reject this proposal. Ms. Echols further stated that the first time they did unanimously reject it and the second time it was approved. Ms. Echols added that she would be remiss if she did

not take this opportunity to say that now she was in favor of this project because the builder, Mr. Mouron, had gone out of his way to meet with the citizens and had come to the Green Space Initiative Public Forum and had really taken into consideration what their vision for Homewood should be for on the North part of the town. Ms. Echols added that the hotel would be an anchor and would really open that area to Homewood and would be a great addition and she appreciated his concern and appreciated his vision that he really saw what they were trying to do in Homewood and she asked the Council to approve this even though she had previously asked them to deny it.

Ms. Betsy Hunter of 313 Le Jeune Way addressed the Council and stated that she was there to ask the Council to vote in favor of the final development plan because she had been at one of the Public Hearings and had been working with so many people about developing meaningful green space Downtown so she thought the green space was tied to two key things, strong and focused municipal planning and smart commercial development, and she did think that this project provided that. Ms. Hunter further stated that tying the green space in front of the hotel to the 18<sup>th</sup> Street development was a win-win for the city and he recognized the hotel as the North anchor and how important it was and she thought it was a good start to meaningful greening of Downtown. Ms. Hunter added that the hotel and development was setting a tone in that real green space was good for business.

Mr. Ken Shaia of 112 Bonita Drive addressed the Council and stated that he wanted to thank Mr. Mouron for the changes that he made and the green space and for buying the gravel lot and not just leasing it and he thought he would be building a quality building and did everything he said he was going to do. Mr. Shaia further stated that the spa was a nice addition to Homewood and he hoped that this would stand for quality. Mr. Shaia added that he put a lot of money into his house and English Circle had a lot of money and he understood if someone could not afford to put that kind of money into their house but it was nice that he was doing a quality building, which was what Homewood would stand for in the future. Mr. Shaia further added that Vestavia and Mountain Brook all had a call out plan for building materials and though a city didn't always get to deal with someone building with this quality, he hoped in the future they could get his type of understanding because quality had no fear of time.

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

President Pro Tempore Wright declared the Public Hearing closed at 6:48 p.m.

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



Councilor Andress stated that she wanted to thank Ward 5 residents for attending and participating in the Public Hearing and thanked them for their comments.

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

**Ordinance No.**

**(An Ordinance to rezone 2713, 2725, 2727, 2739 and 2717 18<sup>th</sup> Street South and 2728 Mamie L. Foster/Parcel ID Nos. 28-00-07-3-014-006.000, 28-00-07-3-014-007.000, 28-00-07-3-014-008.000, 28-00-07-3-014-009.000, 28-00-07-3-014-013.000, and 28-00-07-3-014-012.000 from C-4 (Central Business District) and C-4b (High Rise Office/Commercial District to MXD (Mixed Use District) for the purpose of permitting the construction of a joint Hotel and Retail development)**

President Pro Tempore Wright stated that before voting on the Ordinance, they would need to vote on Item No. 07.08.17 – Request for consideration of the final development plan submitted by Homewood Place, LLC for 2713, 2725, 2727, 2739 and 2717 18<sup>th</sup> Street South and 2728 Mamie L. Foster/Parcel ID Nos. 28-00-07-3-014-006.000, 28-00-07-3-014-007.000, 28-00-07-3-014-008.000, 28-00-07-3-014-009.000, 28-00-07-3-014-013.000, and 28-00-07-3-014-012.000 for new proposed Mixed Use Development for a hotel and retail components (Note: This request was considered by the Homewood Planning Commission at its meeting of August 1, 2017 resulting in a favorable recommendation by a vote of 5-0-1) – Vanessa McGrath, Sr. Planner.

Councilor Thames asked if the city did build the angled parking on 18<sup>th</sup> Street to allow the additional green space would the development plan have to go back to the Planning Commission and then back to the Council.

Mr. Kendrick replied that it would not have to come back if it was determined to be insignificant and considering that he had represented that at the Public Hearing it would likely not have to go back to the Planning Commission.

Councilor Thames moved to approve the development plan. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2669**

**(An Ordinance to rezone 2713, 2725, 2727, 2739 and 2717 18<sup>th</sup> Street South and 2728 Mamie L. Foster/Parcel ID Nos. 28-00-07-3-014-006.000, 28-00-07-3-014-007.000, 28-00-07-3-014-008.000, 28-00-07-3-014-009.000, 28-00-07-3-014-013.000, and 28-00-07-3-014-012.000 from C-4 (Central Business District) and C-4b (High Rise Office/Commercial District to MXD (Mixed Use District) for the purpose of permitting the construction of a joint Hotel and Retail development)**

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2669. Councilor McClusky seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 23.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the fence ordinance at 112 Hollywood Blvd – Christopher Allison/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and vote 5-0 to drop this item as per request from homeowner.

President Pro Tempore Wright declared the Public Hearing opened at 6:55 p.m.

President Pro Tempore Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item. There was no response from the Council. President Pro Tempore Wright closed the public hearing at 6:55 p.m.

Councilor McClusky moved to drop this item. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 24.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 824 Green Springs Hwy – Bob Foreman/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 6:56 p.m.

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

Mr. Bob Foreman of Crown Jewelers at 824 Green Springs Highway addressed the Council and stated that he was trying to get new signs on his building and the signs from the past were yellow and red and so he was looking to leave two of the signs to help his business and help make his building one of the prettiest on Green Springs Highway.

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

President Pro Tempore Wright declared the Public Hearing closed at 6:58 p.m.

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

Councilor Smith stated that they were taking a Pay Day Loan building and turning it into a jewelry shop and were getting rid of a pole sign and he would be painting the building in addition to installing the new signs which were much more tasteful so it would be a big win for Green Springs.

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

**Resolution No. 17-135**

**(A Resolution for a variance to the sign ordinance at 824 Green Springs Hwy)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-135. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 25.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 428 Green Springs Hwy – Meighan Ellis/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and vote 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 6:59 p.m.

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

Ms. Meighan Ellis from Advance Sign and Lighting addressed the Council and stated that her customer was looking to upgrade their signs and were upgrading and renovating their building and would look a lot nicer. Ms. Ellis further added that the sign would be bigger and would be going up in square footage replacing the other two that were existing. Ms. Ellis added that they wanted the Food Market signs on each side to show who they were.

Councilor Smith asked how much bigger are the ones going to be on new store than the ones that were currently on the building.

Ms. Ellis replied that the existing ones were 46 square foot and they were increasing up to a 74.9 foot sign.

Councilor Smith asked to verify that they were not building out but were renovating.

Ms. Ellis replied that this was correct and they were just making the outside of store look nicer.

Ms. Vanessa McGrath addressed the Council and stated that she just saw the plans today and they were building out and were bringing the front of the building out approximately ten to twelve feet.

Councilor Smith asked how far that would put them back from the street.

Ms. McGrath replied that the parking lot really was not changing much but the buggies were outside in the front and now they would be on the side so the sidewalk in the front would be taken up by building.

President Pro Tempore Wright asked if the sign ordinance made any adjustments depending on how far back from the road it was.

Ms. McGrath replied no and stated that they made adjustments by the width of the lot or the width of the building but it stated that all signs could not exceed over 50 square feet.

Councilor Andress asked if the Food Market signs would put them over the size limit.

Ms. McGrath replied that the Food Market sign fit the size but the two Aldi signs were over.

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

President Pro Tempore Wright declared the Public Hearing closed.

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

Councilor Higginbotham asked if this would be voted on as a single item which included the addition of the two signs plus the variance on the two Aldi logo signs.

President Pro Tempore Wright replied yes.

President Pro Tempore Wright stated that this building was pretty far off the road.

Councilor Smith stated that she thought that constituted the hardship.

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

**Resolution No. 17-136**

**(A Resolution for a variance to the sign ordinance at 428 Green Springs Hwy)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-136. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried on a 9-1 vote. Councilor Gwaltney voted no.

The next item on the Agenda under Old Business was Item No. 26.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 22 Green Springs Hwy – Brenda Daniel/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and vote 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 7:05 p.m.

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

President Pro Tempore Wright declared the Public Hearing closed at 7:05 p.m.

Councilor Smith stated that they already made an adjustment to the actual sign but just wanted to do add an additional symbol above the logo sign and wanted to add a sign that said Super Market underneath.

Councilor Smith moved for approval. The motion was denied for lack of a second.

The next item on the Agenda under Old Business was Item No. 27.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1920 19<sup>th</sup> Street South – Andrea Snyder/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and vote 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 7:07 p.m.

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

Ms. Andrea Snyder of 103 W. Glenwood Drive addressed the Council.

Ms. Polly Tally with Mitchell Signs addressed the Council and stated that she was working with Ms. Snyder on the signs for the new location of Urban Cookhouse and

Farm Bowl Restaurant for signs on the front, sides, and back of the building which was where the main parking would be.

Councilor Smith stated that, as discussed in the Special Issues Committee meeting, there was concern about the directional signs that were proposed to be in the city right-of-way and were pole signs which were not allowed so there would have to be some adjustment made in regards to that particular sign because currently it did not meet the ordinance specifications. Councilor Smith further stated that there was also discussion about the drive-through window which was just a pick up window only.

Ms. Synder stated that as per zoning they were not allowed to have a drive-through call box so this would operate only as a window for call ahead or online order pick up.

Ms. Tally stated that the original idea for the sign came from Regions Bank who had one almost just like this that pointed to their parking deck and then on the other side of the street in the right-of-way pointed to their parking deck.

Councilor Smith stated that she believed those signs were grandfathered in from a previous time.

President Pro Tempore Wright asked if the pole sign would not work if they wanted to go forward without it or if they wanted to go back and revise.

Ms. Tally asked if they went forward without it so they could go forward with the other signs if they could come back at a later date with an adjusted size for the directional sign.

Councilor Smith replied yes and stated that monument signs were okay but the main issue was that they would need to locate it somewhere other than the city right-of-way but they could certainly come back at a later time to have the additional sign considered.

Ms. Tally asked if she would need to get with Mr. Cobb to get more details on what would be allowed.

President Pro Tempore Wright stated yes.

Councilor Jones stated that they were open to monument signs but had tried to get away from pole signs but a monument sign that would not be in the right-of-way would work and was what they had encouraged.

Mr. Kendrick asked to verify that they were considering signs number 1, 2, 4, 5, and 6 and that sign 3 was withdrawn.

Councilor Smith replied yes.

President Pro Tempore Wright replied yes.

Councilor Higginbotham asked if he could get a recap of the variances.

Mr. Kendrick replied that this was a multiple sign variance but the signs that they proposed were within the size requirements.

Ms. Vanessa McGrath stated that the signs they were proposing were way below the size restrictions and the biggest one was 29 square feet so they were below the 50 square feet requirement so they were just asking for a multiple sign variance.

President Pro Tempore Wright asked how many they would be entitled to.

Ms. McGrath replied that since there were two business they would be entitled to two signs under the Ordinance.

President Pro Tempore Wright asked to verify that they were entitled to two signs but they were proposing three extras for the two businesses.

Ms. McGrath replied yes and stated that one was more of a directional sign and did not have the name of the business on it.

Councilor Higginbotham asked to verify that there were two different businesses in the building and the variance was for three signs and two signs were allowed.

Ms. McGrath replied that actually, sign number two was actually two signs because it was on two sides of the building so it would be four extra signs.

Councilor Smith asked to verify that they were approving the Urban Cookhouse sign on the awning, the Farm to Table sign on the corner of the overhang, which wrapped around the corner, and the two logo signs on the back of the building indicating where Urban Cookhouse was and where Farm to Table was so that people coming from the opposite direction could see those logos as they were pulling toward the restaurant from the back and then the pick-up window which was a blade sign above the pick-up window.

Ms. McGrath replied yes.

Councilor Andress asked to verify that there was a blade sign that was not flush against the building.

Ms. McGrath replied yes that it was a blade sticking out from the building.

President Pro Tempore Wright asked to verify that Councilor Smith did not list the pole sign.



Councilor Smith replied yes and stated that she left that out because they were not considering that because it was not allowed.

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

President Pro Tempore Wright declared the Public Hearing closed at 7:14 p.m.

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

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

**Resolution No. 17-137**

**(A Resolution for a variance to the sign ordinance at 1920 19<sup>th</sup> Street South)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-137 without sign number 3. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried on a 9-1 vote. Councilor Higginbotham voted no.

The next item on the Agenda under Old Business was Item No. 30.08.17 – Public Hearing set for September 11, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 279 Lakeshore Parkway – Valerie Foster/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and the applicant asked for this item to be carried over and sent back to Committee.

President Pro Tempore Wright declared the Public Hearing opened at 7:17 p.m.

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

Councilor Smith stated that Starbucks asked that this item be carried over.

Ms. McGrath stated that Starbucks was not aware that they were on the agenda so they asked that the item be carried over because they were waiting on answers from Mr. Greg Cobb on questions they had and still needed clarification.

President Pro Tempore Wright stated that, without objection, the Public Hearing would be continued to the September 25, 2017 Council Meeting and could then be referred back to Committee if needed.

The next item considered under Old Business was Item No. 24.06.17 – Request to consider easement of portion of South Forrest Drive – Alex Wyatt.

Councilor Wyatt stated that the Public Works Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval of paving the road pending easement agreements.

President Pro Tempore Wright asked if the Council had any questions or concerns regarding the Public Works Committee's recommendation. There was no response from the Council.

Councilor Wyatt moved for approval. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 25.07.17 – Request for presentation by Daniels Communities – Britt Thames.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval of the proposal and to put in budget for FY 17-18.

President Pro Tempore Wright stated that, without objection, this item would be carried over to the September 25, 2017 Council Meeting.

The next item considered under Old Business was Item No. 14.08.17 – Request to amend the FY 17-18 Budgets – Melody Salter, Finance Director.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval of amendments.

President Pro Tempore Wright asked if the Council had any questions or concerns regarding the Finance Committee's recommendation. There was no response from the Council.

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

**Resolution No. 17-138**

**(A Resolution to amend the FY 17-18 Budgets)**

Councilor Jones then moved for the adoption and enrollment of Resolution No. 17-138.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 20.08.17 – Request for re-consideration to accept dedication of road at Edgewood Place – Eric Rogers/Vanessa McGrath/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend reaccepting for storm sewers and sidewalks in right-of-way and had previously approved road dedication pending completion of road.

President Pro Tempore Wright asked if the Council had any questions or concerns regarding the Finance Committee's recommendation. There was no response from the Council.

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

**Resolution No. 17-139**

**(A Resolution to reaccept dedication of road at Edgewood Place)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-139.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 19.08.17 – Request for consideration of changing the construction working hours defined in Section 5.9.1: Regulations concerning the issuance of building and construction permits – Andy Gwaltney.

Councilor Thames said the Planning & Development Committee met tonight and voted 5-0 to approve based on the parameters given by Councilor Gwaltney. Councilor Gwaltney stated that this would change the construction working hours internally and externally to 7:00 a.m. to 7:00 p.m. Monday-Friday and 8:00 a.m. to 3:00 p.m. on Saturdays with no work hours permitted for Sundays.

Mr. Kendrick asked if this was for residential areas or all the city.

Councilor Wyatt replied that was a topic up for discussion but the main concern was in residential areas such as the Neighborhood Preservation District but not Commercial Districts.

Mr. Kendrick replied that this item would need to be carried over for the drafting of the Ordinance.

Councilor Wolverton asked if Sundays were off the table.

Mr. Kendrick replied that the proposal was for no exterior work on Sundays without permission but did not prohibit interior work currently but we are talking about both now in the NPD on Sundays.

President Pro Tempore stated that this item would be carried over to the September 25, 2017 Council Meeting.

#### **COMMITTEE REFERRAL AGENDA**

- 01.09.17** Request for consideration to increase business license administration fee from \$10.00 to \$12.00 – City Clerk – **Finance Committee**
- 02.09.17** Request for consideration of a fiber optic franchise agreement with Verizon for permission to work in the City Right-of-Way – Sean Jackson/City Clerk – **Finance Committee**
- 03.09.17** Request for consideration to apply for a \$2,500.00 Grant for Bicentennial Programming – Deborah Fout/Library Director – **Finance Committee**
- 04.09.17** Request for consideration to add a stop sign at the intersection of Mayfair and Wellington – Peter Wright – **Public Safety Committee**
- 05.09.17** Request for discussion of city-wide lighting options – Mayor McBrayer and Charles Zanaty – **Finance Committee**
- 10.09.17** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 1745 Oxmoor Road – Alex Wyatt – **Special Issues Committee**

- 11.09.17** Request for consideration to become an “Official Fan Guide Sponsor” for the December 23, 2017 Annual Birmingham Bowl – Miles Huffstutler/Barry Smith – Finance Committee
- 12.09.17** Request for consideration of lighting on Lancaster – Amanda Dabs/Jennifer Andress – Public Safety Committee and Finance Committee
- 13.09.17** Request for consideration for Phase 2 Greenway Project – Jennifer Andress – Public Works Committee
- 14.09.17** Request for consideration for Freshwater Land Trust – Jennifer Andress – Public Works Committee
- 15.09.17** Request for consideration of traffic/safety concerns on Kent Drive – Andrew Wolverton – Public Safety Committee
- 17.09.17** Request for consideration to work in City right-of-way at 319 Gran – Father Nature Landscaping & Wyatt Pugh/BEZ Department – Special Issues Committee

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

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 06.09.17 – Request for consideration to set a public hearing to consider declaring the property located at 1801 Kensington Rd., PID# 28-00-18-2-010-008.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement.

President Pro Tempore Wright stated that the Public Hearing would be set for October 9, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 07.09.17 – Request for consideration to set a public hearing to consider declaring the property located at 1000 Forest Brook Dr., PID# 29-00-27-4-001-002.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement.

President Pro Tempore Wright stated that the Public Hearing would be set for October 9, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.09.17 – Request for consideration to set a public hearing to consider declaring the property located at 1602 Ridge Rd., PID# 29-00-13-4-007-023.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement.

President Pro Tempore Wright stated that the Public Hearing would be set for October 9, 2017 at 6:00 p.m.

The next item considered under Other New Business was Item No. 10.09.17 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 1745 Oxmoor Road – Alex Wyatt.

President Pro Tempore Wright stated that the Public Hearing would be set for October 9, 2017 at 6:00 p.m.

The next item considered under Other New Business was Item No. 18.09.17 – Request to approve expenditures of Exhibit A from HPM Management on behalf of the Board of Education from Construction Fund.

Councilor Jones stated that he did not get this information until today but Exhibit A was a list of expenditures that had been made through HPM. Councilor Jones moved for approval of the invoices, if they took out the item that was part of the Warrant Issue, which would be for \$73,585.58 to bring them up to date with where they were now. Councilor Smith seconded the motion.

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

Ms. Salter stated that this would be paid from Fund 26 – Construction Fund for the Board of Education.

Councilor Jones stated that he would be happy to answer any questions.

Councilor Thames stated that he would expect to get these requests ahead of time in the future and thought that there should be an agenda item.

President Pro Tempore Wright stated that this was the plan but this was one that had been collected over a period of time but going forward they intended to bring those items before payment through the Committee and Council process.

Councilor Thames stated that the attorney fees seemed very obvious that they could not be paid out of bond proceeds but a few others on the list he had questions about whether or not if they were appropriate to be paid for with bond proceeds.

Councilor Smith asked if he thought they should not be paid for with bond proceeds because they should be paid out of Capital or if he did not think they fell into the scope of what they were doing.

Councilor Thames replied both because some items he thought might be considered Capital and also he was not sure exactly what some of the money was intended for.

Councilor Jones stated that they had the right spirit of how they were going to work through this so Mr. Kendrick drafted a funding agreement with the Board of Education and they sent it to their lawyer and to their Board and it was returned with a lot of red lines because they did not agree with their funding agreement so they never established a clear funding agreement so they were trying to do the best they could to work through it. Councilor Jones further stated that they made it clear through the funding agreement that it had to be an expense that was tied to the bond proceeds for Capital expenses and they assumed that the work on the current elementary schools would be a part of that. Councilor Jones added that they tried to develop a pretty clear policy to work through all this but they never got to an agreement.

Councilor Thames stated that some of the items presented by HPM were for repairing walls and HVAC systems so he was not sure if these items were general maintenance and in place to be done prior to HPM coming on board. Councilor Thames asked if there was a sense of urgency in approving this or could they get the answers they were looking for before approval.

Councilor Jones replied that he thought they had time to carry it over and should not be a problem and he thought HPM was just going to provide a report and did not realize they were going to have a funding request at this time.

Councilor Jones then withdrew his motion for approval pending further research.

Councilor Wyatt asked if this item could be referred back to the Finance Committee.

President Pro Tempore Wright stated that, without objection, this item would be carried over here as was his preference.

The next item on the Agenda under Other New Business was Item No. 09.09.17 – Request for consideration of approval of vouchers for period of August 28, 2017 through September 10, 2017 – City Treasurer/Finance Committee.

Councilor Smith stated that she had reviewed the vouchers and recommended approving vouchers.

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

**Resolution No. 17-140**

**(A Resolution approving vouchers for period of August 28, 2017 through September 10, 2017)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-140. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 16.09.17 – Request for consideration of approval of vouchers for period of September 11, 2017 through September 17, 2017 – City Treasurer/Finance Committee.

Councilor Smith stated that she had reviewed the vouchers and recommended approving vouchers.

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

**Resolution No. 17-141**

**(A Resolution approving vouchers for period of September 11, 2017 through September 17, 2017)**

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-141. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mayor McBrayer addressed the Council and stated that Ms. Burton who had worked with the band altering uniforms for over 41 years passed away this morning so Homewood was missing someone who had dedicated a huge portion of her life to the band students. Mayor McBrayer further stated that he would let everyone know the arrangements as soon as possible but he knew that a large portion of the band would be in attendance at Dawson Memorial Baptist Church for a service to honor her for all the years she served the City of Homewood.

Councilor Thames stated that the Planning and Development would meet on September 25, 2017 at 4:45 p.m.



Councilor McClusky stated that the Public Safety Committee would meet on September 25, 2017 at 5:00 p.m.

Councilor Jones stated that the Finance Committee would meet on September 25, 2017 at 5:15 p.m. and would meet for a Budget Hearing on September 25, 2017 at 5:45 p.m.

Councilor Smith stated that the Special Issues Committee would meet on September 25, 2017 at 4:30 p.m. and that Homewood's Homecoming game was this Friday night, September 22, 2107.

Councilor Wyatt said that the Homewood Athletic Buddy Wade Memorial Golf Tournament is tomorrow, September 19, 2017 and that slots are still available.

Councilor Andress gave a shout-out to Homewood's cross-country middle school girls' and boys' teams.

Councilor Wright stated that the Public Works Committee would meet on September 25, 2017 at 5:30 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:55 p.m.