

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

September 26, 2016

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, September 26, 2016 at City Hall at 6:00 p.m. The invocation was given by Executive Pastor Jack Fiscus of Dawson Memorial Baptist Church, after which the pledge of allegiance was given by Cub Scouts Pack 386.

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

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

At this time, Mrs. Smith moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of August 25, 2016 and approve them as distributed. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Mrs. Smith moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of August 29, 2016 and approve them as distributed. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Mrs. Smith moved to dispense with the reading of the Minutes of the Special Called Meeting of the City Council of August 30, 2016 and approve them as distributed. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Mr. Wright stated that an application had been received by Mr. Jeff Foster for the Ward 5 BZA position, but he was not eligible as he had served two terms as supernumerary.

Mr. Wright then moved to appoint Mr. Matt Foley to the Ward 5 BZA position. Mr. Laws seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, Mr. Limbaugh amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 24.09.16 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for the Basar Group, LLC, d/b/a Michael's Restaurant located at 1903 29th Avenues, Suite 101 – Monica Whiting/City Clerk – Public Safety Committee and Item No. 25.09.16 – Request for consideration to amend the FY 15-16 Budgets – Melody Salter/Finance Director – Finance Committee.

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

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

07.09.16 Request for special event permit and a variance to the tent ordinance at 200 Green Springs Hwy. –Claudia Rodriquez/Greg Cobb/ Building, Engineering and Zoning Department

Action Taken: The Special Issues Committee met and voted 5-0 to recommend dropping this Item. The motion was made by Mr. Thames and seconded by Mr. Jones.

28.07.16 Request for consideration to address traffic concerns on Hambaugh Avenue – **John Walker/Walter Jones**

Action Taken: The Public Safety Committee met and voted 5-0 to recommend dropping this Item. The motion was made by Mr. Thames and seconded by Mrs. Smith.

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

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

On a voice vote, the motion carried without dissent.

OLD BUSINESS

The first item on the Agenda under Old Business was Item No. 12.02.16 – Request for consideration of road improvements on Mayfair Drive between Whitehall Road and Independence Drive (HWY 31) and further consideration of installing sidewalks on all of Mayfair Drive–Ashley Kappel/1918 Mayfair Drive/Rich Laws/Peter Wright (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met on September 19, 2016 and voted 5-0 to recommend funding phase 1 and phase 2 of the project with an expenditure of up to \$70,000.00 from FY 16-17 Sidewalk Construction Expenditure (12-11-581751).

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

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

Resolution No. 16-132

(A Resolution for phase 1 and phase 2 road improvements on Mayfair Drive between Whitehall Road and Independence Drive (HWY 31) and further consideration of installing sidewalks on all of Mayfair Drive–Ashley Kappel/1918 Mayfair Drive)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-132. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 01.07.16 – Request for consideration of Bid Opening Results for the purchase of license plate readers – Chief Tim Ross/Police Department (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met on September 19, 2016 and voted 5-0 to recommend awarding the bid to Applied Intelligence Systems, the lowest responsive and responsible bidder at a cost of \$34,585.00 from Equipment Patrol Capital (12-14-589303). Mr. Jones further stated that the Council was continuing to work on a policy for the use of the license plate readers.

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

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

Resolution No. 16-133

(A Resolution awarding bid to Applied Intelligence Systems for license plate readers)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-133. Mr. McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 09.07.16 – Request for consideration of Bid Opening Results (held on 9/19/16 at 10:10 a.m. and reported at the Finance Committee Meeting on 9/19/16 at 6:00 p.m.) for city paving projects – Mayor McBrayer (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met on September 19, 2016 and voted 5-0 to send this Item back to the full Council without a recommendation pending a final review by Volkert.

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

Resolution No. 16-134

(A Resolution awarding bid to Dunn Construction for city paving projects for \$1,197,920.00)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-134. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.07.16 – Request for consideration for one-way traffic on Rumson Road – Greg Cobb/Building, Engineering and Zoning Department (Carried over from 9/12/16 Council Meeting).

Mr. Greg Cobb of the Building, Engineering and Zoning Department addressed the Council and stated that this request was to install sidewalks on Rumson Road between Windsor and Yorkshire but due to terrain issues and sewer issues they would pull the sidewalk area into the street and change the road to one-way traffic to the north.

Mr. Limbaugh asked Mr. Cobb if he was waiting on the traffic reports.

Mr. Cobb replied that he was supposed to have one but he had not received it yet.

Mr. Limbaugh stated that this Item would be carried over to the October 10, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 29.07.16 – Request for consideration for fence variance at 612 Hambaugh Avenue – Leisha Hultgren/Walter Jones (Public Hearing held on 9/12/16 and Item Carried Over) (Report - Special Issues Committee Meeting held on September 19, 2016).

Mr. Thames stated that the Special Issues Committee met on September 19, 2016 and voted 5-0 to send this Item back to the full Council without a recommendation.

Mr. Cobb addressed the Council, presented photos and stated that the property was laid out like a side yard so the fence would not go in front of her house but would go to the side since she did not have a backyard as it was straight down hill and backs up to the church.

Mr. Thames asked what the fence materials would be.

Mr. Cobb replied that it would be a four foot tall white picket fence that would replace the wooden fence at the edge of her property by an open drainage ditch.

Mr. Wright asked if this was a uniquely shaped piece of property.

Mr. Cobb replied that most other properties were laid out with the front yard in front of the house so this was an unusually shaped lot.

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

Resolution No. 16-135

(A Resolution approving a fence variance at 612 Hambaugh Avenue)

Mr. McClusky moved for the adoption and enrollment of Resolution No. 16-135. Mr. Laws seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 33.07.16 – Public Hearing September 26, 2016 at 6:00 p.m. to reconsider the Home Energy Section of International Building Code – Jeremy Strickland/City Clerk (Carried over from 9/12/16 Council Meeting.

Mr. Limbaugh declared the Public Hearing opened.

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

Mr. David Seigel of 205 East Edgewood Drive addressed the Council and stated it needed to be clearly defined if they were talking about only new construction and what a new construction home was because that had been a difficult thing for the city to interpret and for builders to know where they needed to follow the energy code. Mr. Seigel further stated, regarding the 2015 energy code, the Blower Door Test, which was air infiltration in the house, only Homewood and Mountain Brook had adopted it and it was forcing three air exchanges per hour which was extremely difficult to make happen unless they put foam in the homes so he thought construction was pushing everybody toward a foam house and based on the energy code.

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

Mr. Limbaugh declared the Public Hearing closed.

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

Mr. Thames stated that what they were considering was to revert the Home Energy Section of the Building Code back to the previous code.

Mr. Bischoff addressed the Council and stated that he received an email from Mr. Jim Wyatt stating that they could not roll their code back to a less stringent code than the State and the State had adopted an Energy Code for the home that was a 2015 version.

Mr. Kendrick stated that the State had adopted parts of the 2015 Code but not all of it and they should not have adopted the 2015 Code.

Mr. Limbaugh stated that this Item would be carried over to the October 10, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 23.08.16 – Request to set a Public Hearing for consideration of Petition of Annexation for the property located at 913 and 1400 Shades Crest Road (Legal Description: A part of Lots 15-A and 16-A, according to the Resurvey of Lots 15 and 16, Block 7 Shades Cliff, as recorded in Map Book 242, Page 61 in the Probate Office of Jefferson County, Alabama – Melba Kane/Jolene Mills/City Clerk – (Carried over from 9/12/16 Council Meeting).

Mr. Limbaugh stated that this Item would be carried over to the October 10, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 25.08.16 – Request for consideration of a variance to the sign ordinance at 2900 Linden Avenue – Regina Theo/Greg Cobb/Building, Engineering and Zoning Department (Public Hearing held on 9/12/16 and Item Carried Over) (Report –Special Issues Committee Meeting held on September 19, 2016).

Mr. Thames stated that the Special Issues Committee met on September 19, 2016 and voted to send this Item back to the full Council without recommendation.

Mr. Cobb addressed the Council, presented drawings, and stated that this was a height variance to the sign ordinance.

Mr. McClusky asked if this sign was smaller than the first one they were presented with.

Mr. Cobb replied yes.

Mr. McClusky asked how much smaller it was.

Mr. Cobb replied that the first one was 61 square feet and this one was 49 square feet.

Mr. Thames asked if they discussed the placement previously and did they decide to move it back for sight distance issues.

Mr. Cobb replied yes and stated that he visited the site today and this one was more solid where the other sign was on legs.

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

Resolution No. 16-136

(A Resolution approving a variance to the sign ordinance at 2900 Linden Avenue)

Mr. Hallman moved for the adoption and enrollment of Resolution No. 16-136.

The motion failed to carry for lack of a second.

The next item on the Agenda under Old Business was Item No. 39.08.16 – Request for consideration of the Finance Committee's recommendations of the 2016-2017 Budgets and adoption of Resolutions appropriating sums and amounts for the following funds:

- 1) General
- 2) Capital Projects
- 3) Grants
- 4) 7 Cents Gas Tax
- 5) 4 Cents and 5 Cents Gas Tax
- 6) Board of Education Trust Fund
- 7) Debt Service
- 8) Environmental Escrow
- 9) Insurance
- 10) E-911
- 11) Corrections/Jail
- 12) Corrections/ Court
- 13) Court Special
- 14) Technology
- 15) Judicial Administrative

– Finance Committee (Report – Finance Committee Budget Hearing Meetings – Walter Jones, Chair).

Mr. Jones stated that he wanted to thank the members of the Finance Committee for all their hard work as well as to the Mayor for providing a very good budget for them to work with. Mr. Jones further stated that the committee understood all the advance work that went into the budget creation and meeting with department heads and many hours were spent planning so wanted to thank Ms. Salter for her hard work. Mr. Jones added that the Finance Committee met September 6, 7, 8, 12, 15, 19, 20, 22, and 26, 2016 and this Council had worked on many budgets but there were lots of areas that they talked about and worked very hard on. Mr. Jones further added that a few things they learned as they went through the budget were that this summer 75,000 people came

through the pool, which was up almost 50 percent from last year; the memberships fees were \$250,000.00 before they had the new Rec Center come online and now the fees, with no increase in fees, were now \$500,000.00; the Park Recreation Activity Fund doubled since the Rec Center was built; the Economic Uncertainty account was invested by Raymond James and they gained \$90,000.00 by investing that; Chief Ross of the Police Department made a big push for increased training and they had seven new officers, 76 sworn officers total, and his goal was to have the best trained unit in the state; the Library's Summer Reading program was attended by 1,500 children; 38,000 people attend the programming the Library offered.

Mr. Jones stated that the Mayor provided a wonderful budget and they only deviated by around \$100,000.00. Mr. Jones further stated that the original budget had a health insurance increase of 6.5 percent that the city planned to cover completely but they got great news in the middle of the budget meeting which was that the health insurance would only be 4 percent. Mr. Jones added that they looked at a number of ways to tell the employees how much they appreciated them, one way was with the bonus for all employees which was a grossed up bonus so the city would cover taxation; they also looked at total compensation they were providing employees such as paying FICA, paying 13.59 in pension contributions, paying contributions for health insurance, providing tuition reimbursement, long time disability, medical, flexible spending accounts, uniform allowances, gym memberships, many employees who take their cars home. Mr. Jones further added that for Capital Expenditures the biggest expenditure was for paving with the 2.3 million; \$337,000.00 in sidewalk construction money; Greenway Project, Phase 2; Lakeshore I-65, and the City Master Plan, as well as repair of sidewalks.

Mr. Jones stated that they also had \$750,000.00 in projected Federal Grants; SAFER Grant for three fire fighter positions; 1.4 million for part of the ATRIP project for Valley Avenue; Grants for 2.4 million as part of the Greenway Phase 2 construction.

Mr. Wright stated that regarding the city wide Master Traffic Plan, they were also putting in some new funds for a study of a potential bus service within the city of Homewood because right now they were under the Birmingham-Jefferson County Transit Authority which was quite expensive so they wanted to try to arm themselves with information as to what it would look like if they were totake on such a task.

Mr. Jones stated that the Finance Committee voted 4-0 to recommend approving each item of the budget.

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

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

Resolution No. 16-136

(A Resolution adopting the General Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-136. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-137

(A Resolution adopting the Capital Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-137. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-138

(A Resolution adopting the Grants Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-138. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-139

(A Resolution adopting the 7 Cents Gas Tax Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-139. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-140

(A Resolution adopting the 4 Cents and 5 Cents Gas Tax Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-140. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-141

(A Resolution adopting the Board of Education Trust Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-141. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-142

(A Resolution adopting the Debt Service Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-142. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-143

(A Resolution adopting the Environmental Escrow Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-143. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-144

(A Resolution adopting the Insurance Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-144. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-145

(A Resolution adopting the E-911 Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-145. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-146

(A Resolution adopting the Corrections/Jail Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-146. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-147

(A Resolution adopting the Corrections/Court Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-147. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-148

(A Resolution adopting the Court Special Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-148. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-149

(A Resolution adopting the Inspection Technology Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-149. Mr. Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 16-150

(A Resolution adopting the Judicial Administrative Fund 2016/2017 Budget)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-150. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda was Item No. 03.09.16 – Request for consideration of a franchise agreement with Level 3 Communications – Katherine Rinehart/Melody Salter/City Clerk (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met September 19, 2016 and voted 5-0 to recommend the franchise agreement pending Mr. Kendrick's review.

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

Mr. Kendrick stated that he should have a response by the next meeting.

Mr. Limbaugh stated that this Item would be carried over to the October 10, 2016 Council Meeting.

The next item on the Agenda under Old Business was Item No. 04.09.16 – Request for variance to the tent ordinance at 1114 Oxmoor Road – Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on September 19, 2016).

Mr. Thames stated that the Special Issues Committee met September 19, 2016 and voted 5-0 to recommend the variance to the tent ordinance.

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

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

Resolution No. 16-151

(A Resolution for variance to the tent ordinance at 1114 Oxmoor Road)

Mr. Thames moved for the adoption and enrollment of Resolution No. 16-151. Mr. McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 06.09.16 – Public Hearing September 26, 2016 at 6:00 p.m. for a variance to the sign ordinance at 809 Green Springs Hwy – Greg Cobb/Building, Engineering and Zoning Department (Report – Special Issues Committee Meeting held on September 19, 2016).

Mr. Thames stated that the Special Issues Committee met on September 19, 2016 and voted 5-0 to send this Item back to the full Council without a recommendation pending the Public Hearing.

Mr. Limbaugh declared the Public Hearing opened.

Mr. Cobb addressed the Council and stated that this request was for a secondary attached sign for the end of the building which was the same as the sign that was on the front of the building.

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

Mr. Limbaugh declared the Public Hearing closed.

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

Mr. Wyatt asked if the variance was for two attached signs.

Mr. Cobb replied that the variance was just for one attached but because the shopping center only allowed one big sign, they requested a free standing sign behind the building.

Mr. McClusky asked if they would also be putting their name on the monument sign.

Mr. Cobb replied that he did not know but would suspect that they would unless all the slots were full.

Mr. Limbaugh asked their name on the monument counted as another sign.

Mr. Cobb replied no because it was a separate sign for shopping centers used as a directory.

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

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

Resolution No. 16-152

(A Resolution for variance to the sign ordinance at 809 Green Springs Highway)

Mrs. Smith moved for the adoption and enrollment of Resolution No. 16-152. Mr. Thames seconded the motion.

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

On a voice vote, the motion carried on an 8-1 vote. Mr. McClusky voted no.

The next item on the Agenda under Old Business was Item No. 08.09.16 – Request to consider Manhattan Cross Walk – Britt Thames (Report – Public Safety Committee Meeting held on September 19, 2016).

Mr. McClusky stated that the Public Safety Committee met on September 19, 2016 and voted 5-0 to recommend the Manhattan Cross Walk at Gainswood Road and Highland Road.

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

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

Ordinance No.

(An Ordinance authorizing the Manhattan Cross Walk)

Mr. McClusky moved for unanimous consent of the proposed Ordinance as read. Mr. Laws seconded the motion.

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones., Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2631

(An Ordinance authorizing the Manhattan Cross Walk)

Mr. McClusky moved for the adoption and enrollment and publication according to law of Ordinance No. 2631. Mrs. Smith seconded the motion.

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones., Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.09.16 – Request to send out Request for Proposals (RFP) and set a bid opening date for wrecker/towing contract – Chief Tim Ross (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met and voted 5-0 to recommend setting the bid opening for October 3, 2016 at 5:00 p.m. with the deadline for receiving bids set for October 3, 2016 at 4:30 p.m.

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

Mr. Limbaugh stated that the Bid Opening would be set for October 3, 2016 at 5:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.09.16 – Request to send out Request for Proposals (RFP) and set a bid opening date for Animal control/veterinary services – Chief Tim Ross (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met and voted 5-0 to recommend setting the bid opening for October 3, 2016 at 5:15 p.m. with the deadline for receiving bids set for October 3, 2016 at 4:30 p.m.

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

Mr. Limbaugh stated that the Bid Opening would be set for October 3, 2016 at 5:15 p.m.

The next item on the Agenda under Old Business was Item No. 14.09.16 – Request to consider funding one –time employee bonuses from FY 15-16 projected surplus – Melody Salter/Finance Director/Mayor McBrayer (Report – Finance Committee Meeting held on September 19, 2016).

Mr. Jones stated that the Finance Committee met on September 19, 2016 at voted 5-0 to recommend funding one –time employee bonuses from FY 15-16 projected surplus not to exceed \$375,000.00.

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

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

Resolution No. 16-153

(A Resolution for funding one –time employee bonuses from FY 15-16 projected surplus not to exceed \$375,000.00)

Mr. Jones moved for the adoption and enrollment of Resolution No. 16-153. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried on an 8-1 vote. Mr. Hallman voted no.

COMMITTEE REFERRAL AGENDA

- 16.01.15** Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department – **Finance Committee (Referred from Planning and Development Committee Meeting held on 9/19/16)**
- 33.08.16** Request for consideration for street lights on Dixon Avenue – Walter Jones/Jason Biggs – **Finance Committee (Referred from Public Safety Committee Meeting held on 9/19/16)**
- 15.09.16** **Request to set a Public Hearing and Referral to the Special Issues Committee** in consideration of a variance to the sign ordinance at 150 Green Springs Highway –Tina Sharpe/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 16.09.16** Request for consideration for one-way traffic on Ardsley Road – Britt Thames – **Planning and Development Committee**
- 17.09.16** Request for consideration of Transition Plan for ADA – Greg Cobb/Building, Engineering and Zoning Department – **Public Works Committee**
- 18.09.16** Request to review contract for Valley Ave. engineering during construction – Greg Cobb/Building, Engineering and Zoning Department – **Public Works Committee**
- 19.09.16** Request for consideration for crosswalk improvements for Oxmoor/Peerless – Brit Thames – **Public Safety Committee**
- 24.09.16** Request for consideration of an ABC 020 – Restaurant Retail Liquor for The Basar Group, LLC, d/b/a Michaels Restaurant located at 1903 29th Avenue S, Suite 101 – Monica Whiting/City Clerk – **Public Safety Committee**
- 25.09.16** Request for consideration to amend the FY 15-16 Budgets – Melody Salter/Finance Director – **Finance Committee**

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

Mr. Limbaugh asked if the Council had any questions or comments regarding the motion. 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. 15.09.16 – Request to set a Public Hearing and Referral to the Special Issues Committee in consideration of a variance to the sign ordinance at 150 Green Springs Highway – Tina Sharpe/Greg Cobb/Building, Engineering and Zoning Department.

Mr. Limbaugh stated that the Public Hearing would be set for October 10, 2016 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 20.09.16 – Request for consideration to adopt ordinance for Building Construction Permit Fees and Construction Industry Craft Training Fees as per State of Alabama Act 2015-308 – Vanessa McGrath/Building, Engineering and Zoning Department/Melody Salter/City Clerk.

Mr. Kendrick stated that this was an Act passed by the State of Alabama legislature which applied to nonresidential building permits at the rate of \$1.00 per \$1,000.00 for construction.

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

Ordinance No.

(An Ordinance for Building Construction Permit Fees and Construction Industry Craft Training Fees as per State of Alabama Act 2015-308)

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

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2632

(An Ordinance for Building Construction Permit Fees and Construction Industry Craft Training Fees as per State of Alabama Act 2015-308)

Mrs. Smith moved for the adoption and enrollment and publication according to law of Ordinance No. 2632. Mr. Wright seconded the motion.

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones., Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 21.09.16 – Request to consider ordinance prohibiting the use of engine brakes – Mayor McBrayer/City Attorney.

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

Ordinance No.

(An Ordinance prohibiting the use of engine brakes)

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

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2633

(An Ordinance prohibiting the use of engine brakes)

Mr. McClusky moved for the adoption and enrollment and publication according to law of Ordinance No. 2633. Mr. Thames seconded the motion.

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

On a roll call vote, the votes were Yeas: Mr. Hallman, Mr. Thames, Mr. McClusky, Mr. Jones, Mrs. Smith, Mr. Wyatt, Mr. Laws, Mr. Wright and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 22.09.16 – Request to consider proposal to purchase property at 165 Oxmoor Road – Mayor McBrayer/City Attorney.

Mr. Limbaugh stated that the Public Hearing would be set for October 10, 2016 at 6:00 p.m.

Mr. John Respinto of Gianmarco's Restaurant addressed the Council and presented drawings for a new restaurant at 165 Oxmoor Road.

The next item on the Agenda under Other New Business was Item No. 23.09.16 – Request for consideration of approval of vouchers for period of September 12, 2016 through September 25, 2016 – City Treasurer/Finance Committee.

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

Resolution No. 16-154

(A Resolution approving vouchers for the period of September 12, 2016 through September 25, 2016)

Mr. Wright moved for the adoption and enrollment of Resolution No. 16-154. Mrs. Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

MAYOR'S COMMENTS

Mayor McBrayer addressed the Council and stated that he wanted to thank the Council and everyone who participated in the budget process. Mayor McBrayer further stated that the number he was happy about was out of the General Fund, because out of a \$43 million dollar budget, they were only \$29,000.00 off. Mayor McBrayer added that a lot of work went into and it could not be done without Ms. Salter and the department heads and was the most important service his office provided.

Mr. Hawkins stated that the Special Issues Committee would meet on October 3, 2016 at 5:00 p.m.

Mr. Moody stated that the Public Works Committee would meet on October 3, 2016 at 5:15 p.m.

Mr. McClusky stated that the Public Safety Committee would meet on October 3, 2016 at 5:30 p.m.

Mr. Jones stated that the Finance Committee would meet on October 3, 2016 at 6:00 p.m.

Mr. Wright stated that the Planning and Development Committee would meet on October 3, 2016 at 6:30 p.m.

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