

RESOLUTION NO. 09- 200

WHEREAS, the City Council has been requested to permit the use of a portion of the Greenway Trail for a 5K and 1 mile Fun Run Fundraiser for Gabe's Hope, Inc. on February 6, 2010; and

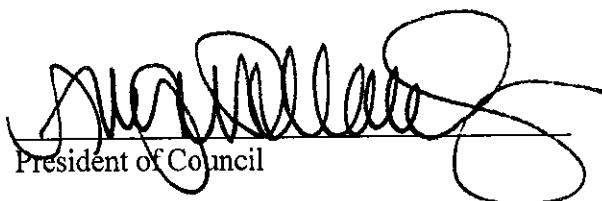
WHEREAS, the City Council has considered the request and does consider it to be in the public interest to approve the request subject to certain conditions set out below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Homewood, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the City Council does by adoption of this resolution authorize the use of a portion of the Greenway Trail for a 5K and 1 mile Fun Run Fundraiser for Gabe's Hope, Inc. on February 6, 2010 subject to the condition that all proper permitted signage be obtained through the City's Engineering Department.

2. That this resolution shall become effective immediately upon its adoption by the City Council, approval by the Mayor, or as otherwise becoming law.

ADOPTED this the 21st day of December, 2009.


President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 09- 201

WHEREAS, Gallet and Associates has submitted an invoice to the City in the amount of \$7,157.15 for payment of services rendered through Gonzalez Strength Engineering for I-65/Lakeshore Additional Lanes Project (the "Project"); and

WHEREAS, the City Council has considered the request of Gonzalez Strength Engineering and has determined that it would be in the public interest to authorize payment for the services to be rendered for the Project; and

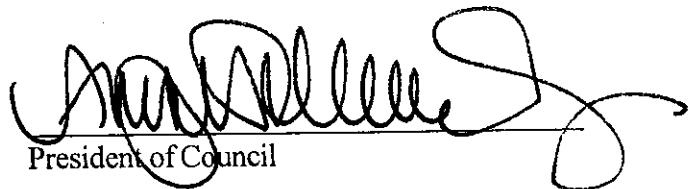
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Homewood, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the City Council does by adoption of this resolution authorize the payment of \$7,157.15 to Gallet and Associates for services rendered through Gonzalez Strength Engineering for the I-65/Lakeshore Additional Lanes Project.

2. That the City Council does by adoption of this resolution amend the 2009/2010 Capital Funds Project Budget to create a new line item for the I-65/Lakeshore Additional Lanes Project in the amount of \$14,000.00.

3. That this resolution shall become effective immediately upon its adoption by the City Council, approval by the Mayor, or as otherwise becoming law.

ADOPTED this the 21st day of December, 2009.



President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 09- 203

WHEREAS, the City has previously entered into a lease agreement with Barber Companies, Inc. ("Barber") to lease space at Suite 150, 120 Oxmoor Boulevard, Homewood, Alabama 35209, to be used as a West Precinct for the Police Department (the "Premises"); and

WHEREAS, the term of the lease is about to expire, and Barber has asked the City to enter into an amendment to the lease, a copy of which is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Homewood, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

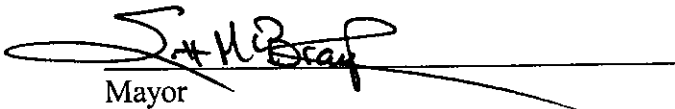
1. That the City Council does by adoption of this resolution authorize the Mayor to execute the Amendment 1 to Lease attached hereto as Exhibit A with Barber Companies, Inc. for the rental of the West Precinct for the Police Department to be located at Suite 150, 120 Oxmoor Boulevard, Homewood, Alabama 35209.
2. That this resolution shall become effective immediately upon its adoption by the City Council, approval by the Mayor, or as otherwise becoming law.

ADOPTED this the 21st day of December, 2009.



President of Council

APPROVED:



Mayor

ATTEST:

City Clerk

AMENDMENT 1 TO LEASE

State of Alabama)
Jefferson County)

The undersigned, **THE BARBER COMPANIES, INC**, an Alabama corporation, as Landlord, and **CITY OF HOMEWOOD, ALABAMA**, as Tenant, entered into a lease agreement dated December 23, 2008 (the "Lease, for Premises described as:

**120 Oxmoor Boulevard
Suite 150
Birmingham, Alabama 35209**

NOW, THEREFORE, Landlord and Tenant hereby mutually agree to amend the Lease on the following terms and conditions:

- 1. The Term of the Lease shall be extended for one (1) year beginning January 1, 2010 and ending December 31, 2010.
- 2. The monthly Base Rent for said extension period shall be as follows:

January 1, 2010-- December 31, 2010 \$0.00 per month

- 3. Item 2 of the Rider to Lease is hereby deleted and replaced with the following:

Right to Terminate: Upon thirty (30) days written notice to the other party, either party may terminate this Lease prior to December 31, 2010, effective at midnight on the last day of the month next following the written notice.

Except as herein set forth, the parties hereto do mutually agree that all other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have respectively executed this Amendment 1 to Lease on the ____ day of _____, 2009.

LANDLORD:
The Barber Companies, Inc., an Alabama corporation

By: _____

Printed Name: Charles M. Miller, Jr.

Its: President

Witness

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IN WITNESS WHEREOF, the Landlord and Tenant have respectively executed this Amendment 1 to Lease on the ____ day of _____, 2009.

LANDLORD:
The Barber Companies, Inc., an Alabama corporation

By: _____

Printed Name: Charles M. Miller, Jr.

Its: President

Witness

RESOLUTION NO. 09- 204

BE IT RESOLVED by the City Council of the City of Homewood that the City Clerk be, and hereby is, directed to cause to be published in the newspaper having the largest circulation in the City of Homewood, a notice as follows:

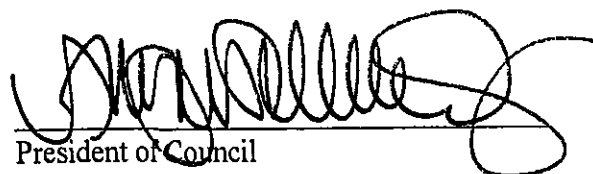
NOTICE OF PROPOSED ACTION

Notice is hereby given that on January 11, 2010, at 6:00 p.m. in the Council Chambers of Homewood City Hall, 2850 19th Avenue South, Homewood, Alabama 35209, the City Council of the City of Homewood, Alabama (the "City") will hold its regularly scheduled meeting which will constitute a public meeting, to consider, discuss, vote upon, and take action on the adoption of a resolution authorizing and approving the use and grant of public funds to assist Brookwood Health Services, Inc. or affiliated owners of Brookwood Medical Center, and their respective subsidiaries, affiliates, successors and assigns (collectively hereinafter referred to as the "Owners") under which the City will provide financial incentives to the Owners in connection with the construction and equipping of a new expansion project at the Brookwood Medical Center campus (the "Expansion Project"), which Expansion Project is expected to result in the creation of new jobs and additional tax revenue to the City. The public funds to be granted to the Owners will consist of a portion of the non-educational ad valorem tax revenues received by the City resulting from Expansion Project, and the waiver of a portion of the City's building permit fees associated with the Expansion Project.

The public benefits sought to be achieved by the proposed grant of public funds are the promotion and advancement of the economic development of the City, as well as the prosperity and welfare of its citizens, the increase in new incremental tax revenues to the City, the preservation of existing tax revenues, the generation of many new jobs for employees at Brookwood Medical Center, the preservation of existing jobs, and the promotion of high quality healthcare and medical services within the City, the foregoing being direct benefits to the City and its residents. For purposes of Amendment 772 to the Constitution of Alabama of 1901, the entity to whom or for whose benefit the City proposes to lend its credit or grant funds or things of value is Brookwood Health Services, Inc.

Notice of this public meeting is being published pursuant to the requirements of Amendment 772 to the Constitution of Alabama of 1901 (also known as Section 94.01 of the Constitution of Alabama of 1901), as amended, and all other applicable laws, to the extent applicable.

ADOPTED this the 21st day of December, 2009.

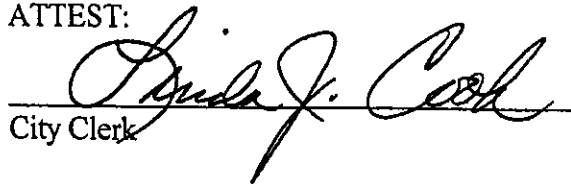


President of Council

APPROVED:


Mayer

ATTEST:


City Clerk

RESOLUTION NO. 09- 205

WHEREAS, the City Council of the City of Homewood (the "City Council") has previously adopted a General Fund Budget for the fiscal year 2009/2010 for the Fleet Maintenance Department, (the "Budget"); and

WHEREAS, the City Council has determined that there is a need to amend the Budget for the Fleet Maintenance Department to provide for the purchase of diesel fuel for shop heaters.

NOW, THEREFORE, BE IT RESOLVED by the City Council at a regular meeting, duly assembled, a quorum being present, as follows:


1. That the City Council does by the adoption of this resolution amend the General Fund Budget for the fiscal year 2009/2010 (the "Budget") to provide for following transfers of funds:

a. \$1,000.00 from Line Item No. 01-21-540100/ Building Maintenance/ Fleet Maintenance Department and \$1,500.00 from Line Item No. 01-21-530700/ Shop Supplies/ Fleet Maintenance Department to Line Item No. _____ to purchase diesel fuel for shop heaters.

2. That all other provisions of the General Fund Budget for the fiscal year 2009/2010 are to remain in full force and effect, and are not affected by this resolution.

3. That this resolution shall become effective immediately upon its adoption by the Homewood City Council, approval by the Mayor, or as otherwise becoming law.

ADOPTED this the 21st day of December, 2009.



President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2408

AN ORDINANCE TO ADD ARTICLE V ENTITLED CRIMINAL ACTIVITY NUISANCES TO CHAPTER 8 ENTITLED COURT AND CRIMINAL PROCEDURES; TO DECLARE THAT THE VIOLATION OF CERTAIN ORDINANCES OF THE CITY AND STATUTES OF THE STATE OF ALABAMA CONSTITUTE A PUBLIC NUISANCE; TO PROVIDE FOR FINDING AND NOTICE OF NUISANCE; TO PROVIDE FOR THE ABATEMENT OF NUISANCES AND COLLECTION OF COSTS; TO PROVIDE FOR RIGHT OF APPEAL; TO PROVIDE FOR ENFORCEMENT OF THE VIOLATION OF THIS ORDINANCE; TO THE CODE OF ORDINANCES OF THE CITY OF HOMEWOOD.

WHEREAS, the City Council has previously adopted the Code of Ordinances for the City of Homewood, Alabama containing Chapter 8 entitled Court and Criminal Procedures; and

WHEREAS, the City Council desires to add Article V entitled Criminal Activity Nuisances to Chapter 8 entitled Court and Criminal Procedures.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Homewood, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

Section 1. That the City Council does by the adoption of this Ordinance add to the Code of Ordinances for the City of Homewood Article V entitled Criminal Activity Nuisances to Chapter 8 entitled Court and Criminal Procedures, which Article V is to read as follows:

ARTICLE V. CRIMINAL ACTIVITY NUISANCES

Sec. 8-59. Declaration of Nuisance.

The following activities occurring on any property in the City, and engaged in by an owner, occupant or invitee of the owner or occupant of the property, are hereby declared to be public nuisances:

(a) Any alcohol violations of Article I (In General) of Chapter 3 entitled Alcoholic Beverages of the Code of Ordinances of the City of Homewood;

(b) Any violations of Article II (Offenses Related to Animals) and Article III (Corrals; Pens; Stables) of Chapter 4 entitled Animals and Fowl of the Code of Ordinances of the City of Homewood;

(c) Any violations of Article I (In General), Article II (Flood Damage Control), Article III (Miscellaneous), Article IV (Soil Erosion and Sedimentation Control), Article V (Signs), Article VI (Blasting and Use of Explosives) and Article VII (Location and Duration of Portable Storage Units) of Chapter 5

entitled Buildings; Construction and Related Activities of the Code of Ordinances of the City of Homewood;

(d) Any violations of Article I (In General), Article II (Fire Department) and Article III (Fire Zones and Safety Zones) of Chapter 10 entitled Fire Protection of the Code of Ordinances of the City of Homewood;

(e) Any violations of Article I (In General), Article II (Litter; Unhealthful Accumulations on Premises) and Article IV (Abatement of Weeds) of Chapter 11 entitled Health and Sanitation of the Code of Ordinances of the City of Homewood;

(f) Any violations of Article I (In General), Article II (Solid Waste Disposal), Article IV (Sanitary Sewer System) and Article V (Stormwater) of Chapter 13 entitled Municipal Utilities and Services of the Code of Ordinances of the City of Homewood;

(g) Any violations of Article I (In General), Article III (Prostitution) and Article IV (Sex Offenders) of Chapter 14 entitled Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Homewood;

(h) Any violations of Article I (In General) of Chapter 18 entitled Streets and Sidewalks of the Code of Ordinances of the City of Homewood;

(i) Any violations of Chapter 18.5 entitled Telecommunications and Related Services of the Code of Ordinances of the City of Homewood;

(j) Any violations of Article I (In General), Article II (Stopping, Standing and Parking), Article III (Abandoned, Stored, Wrecked, Etc., Motor Vehicles) and Article IV (Regulation of the Sale of Motor Vehicles) of Chapter 19 entitled Traffic of the Code of Ordinances of the City of Homewood;

(k) Any violations of Article III (Tree Conservation Regulations) of Chapter 19.5 entitled Vegetation and Other Environmental Concerns of the Code of Ordinances of the City of Homewood;

(l) Any violations of any criminal statutes of the State of Alabama which are incorporated by references to the Code of Ordinances of the City of Homewood.

Sec. 8-60. Finding and Notice of Nuisance.

The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this Article have occurred on residential property within the preceding twelve months or upon a finding that two or more nuisance activities declared in this Article have occurred on commercial property within

the preceding thirty days, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisance, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this Section. The notice shall further state that if a third or subsequent nuisance activity as declared in this Article occurs within twelve months of the dates of the first two activities, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served on the owner of the property by certified or registered mail addressed to such owner at the owner's last known address or by personal service of such notice upon the owner.

Sec. 8-61. Abatement of Nuisance and Collection of Costs.

(a) If within twelve months after the first of the two nuisances referred to in this Article has occurred, a third nuisance activity as declared by this Article or any other provision of the Code of Ordinances occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as provided Section 11.79 of the Code of Ordinances, and the costs shall be calculated as set out in subsection (b) of this Section. The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least thirty (30) days before such costs are certified to the City Clerk for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served on the owner of the property by certified or registered mail addressed to such owner at the owner's last known address or by personal service of such notice upon the owner.

(b) Costs of abatement shall be assessed based upon the hourly wage of the police officer or officers involved in the abatement of the nuisance activity, plus 50%, multiplied by the number of hours required to abate the nuisance.

Sec. 8-62. Right of Appeal.

The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this Article may appeal such notice by submitting a written request for reconsideration to the Chief of Police within thirty (30) days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise the Chief shall deny the request and refer the appeal for hearing to the Homewood City Council. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the

City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to meet this standard if the owner demonstrates by a preponderance of evidence that:

(a) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(b) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance, or

(c) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance.

Sec. 8-63. Affect on City Authority.

The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or citations to criminal proceedings or other legal action against any person for violation of any City ordinances or State laws.

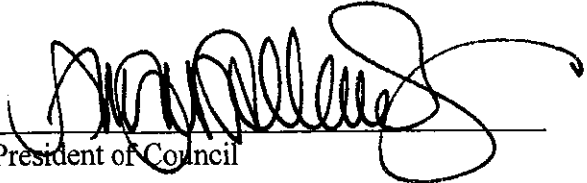
Section 2. That all other provisions of the Code of Ordinances shall remain in full force and effect and shall not be affected by this amendment.

Section 3. That all other provisions of the Code of Ordinances in conflict with the provisions of this ordinance are repealed.

Section 4. That if any part, provision or section of this ordinance is declared to be unconstitutional or invalid by and court of competent jurisdiction, all other parts, provisions or sections of this ordinance not hereby affected shall remain in full force and effect.

Section 5. That this ordinance shall become effective immediately upon its adoption by the City Council and approval by the Mayor or as otherwise becoming law.

ADOPTED this the 21st day of December, 2009.



President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

This notice posted: December 29, 2009

At the following locations: Mayor's Office (City Hall), Homewood Public Library, Homewood Senior Center (Oak Grove Road) and Lee Community Center (Rosedale)

And at www.homewoodal.net

And on Channel No. 10 – Homewood Public Access Channel.