

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

**January 22, 2018
(Continued from 1/16/18)**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, January 22, 2018 at City Hall at 6:00 p.m.

The invocation was given by Christopher Ely, Homewood Fire Department Chaplain's Association, after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:06 p.m.

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

At this time, Councilor Higginbotham moved to dispense with the reading of the Minutes of the Council Meeting of November 27, 2017 and approve them as distributed. Councilor Smith seconded the motion.

President 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, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of December 11, 2017 and approve them as distributed. Councilor Gwaltney seconded the motion.

President 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.

Councilor Jones stated that there was an At-Large vacancy on the Park Board and interviews would be set for next week and a recommendation would be made at the first Council Meeting in February.

Councilor Higginbotham stated that the Homewood Environmental Commission Ward 5 position would be reopened until February 28, 2018 at 4:30 p.m.

Councilor Thames stated that the Ward 1 Library Board position would be opened until February 28, 2018 at 4:30 p.m.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Consent Agenda: Item No. 14.11.17 – Request for consideration of final landscape plan for ServisFirst for \$8,200.00 – President Limbaugh; Item No. 07.12.17 – Request for consideration of proposal from Volatile Analysis for continued monitoring of odor issues in West Homewood – Barry Smith.

President Limbaugh further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item 14.12.17 – Request for consideration of professional services and guidance related to tree ordinance revisions – Andy Gwaltney – Special Issues Committee; Item No. 13.01.18 – Request for consideration for ServisFirst to work in the City Right-of-Way at Woodcrest and Highway 280 – Councilor Thames – Special Issues Committee.

President Limbaugh further amended the published Council Agenda to add the following items to the Old Business Agenda from the Committee Meetings held earlier tonight: From Finance: Item No. 04.10.17 – Request for consideration to authorize the Mayor to sign a three year WAN Maintenance Contract – James Yates; Item No. 14.10.17 – Request for consideration for a directional change to the one way for Reese Street – Britt Thames.

President Limbaugh further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 10.01.18 – Request for consideration to authorize the Mayor to sign a contract with The Prescott House for FY 17-18 – Melody Salter/City Clerk/Finance Director; Item No. 11.01.18 – Request for consideration to authorize the Mayor to sign a contract with The West Homewood Neighborhood Association for FY 17-18 – Melody Salter/City Clerk/Finance Director; Item No. 12.01.18 – Request for consideration to authorize the Mayor to sign a contract with Assistance League of Birmingham, Operation School Bell for FY 17-18 – Melody Salter/City Clerk/Finance Director.

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

President 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

- 14.11.17** Request for consideration of final landscape plan for ServisFirst for \$8,200.00 – **President Limbaugh**

Action Taken: The Finance Committee voted 5-0 on January 22, 2018 to recommend dropping this item. The Motion was made by Councilor Thames and seconded by Councilor Higginbotham.

- 07.12.17** Request for consideration of proposal from Volatile Analysis for continued monitoring of odor issues in West Homewood – **Barry Smith**

Action Taken: The Finance Committee voted 5-0 on January 22, 2018 to recommend dropping this item. The Motion was made by Councilor Smith and seconded by Councilor Higginbotham.

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

President 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 AGENDA

The first item on the Agenda under Old Business was Item No. 19.11.17 – Public Hearing set for January 16, 2018 at 6:00 p.m. for consideration to allow a 6 foot wood privacy front yard fence along the right property line beyond the front of the house and tea olive hedges along the front property line located at 1012 Melrose Place (PID – 29-00-13-3-003-011.001) – Linda Needham/Owner; Vanessa McGrath/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on December 4, 2017 and voted 5-0 to recommend sending this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh continued the Public Hearing.

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

Ms. Vanessa McGrath addressed the Council and stated that she had distributed a packet detailing the request that contained the survey showing where the structural fence was going to be located. Ms. McGrath further added that Melrose Place was a dead-end

street that ended in two lots that faced each other so the side yard was adjacent to the backyard of the lots beside it. Ms. McGrath added that Lot 1-B had a fence that extended to the property line so Lot 1-A wanted to connect their fence to the existing fence. Ms. McGrath further added that she also included a landscape diagram that showed a row of fourteen tea olive hedges along the front property line that connected to the house at the end of the street.

Councilor Smith stated that there was not a concern about the fence along the side but they discussed the height of the tea olives and if there had been discussion with the neighbor that faced them as to whether they had concerns.

Ms. McGrath stated that she had not spoken to that neighbor.

Ms. Linda Needham of 1012 Melrose Place and Mr. Jeremy Miller, Endless Summer Landscapes addressed the Council and welcomed questions.

Mr. Miller stated that he talked to the neighbor, Ms. Mary Noble, and she did not have a problem with the plan as long as they planted it where it would not encroach over the property line. Mr. Miller further stated that the shrubs would mature up to six or eight feet tall by five to six foot wide so as long as they cut a big enough bed line it would only mature three to four feet toward the neighbor's property.

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

President Limbaugh declared the Public Hearing closed at 6:21 p.m.

President Limbaugh asked if the Council had any questions or comments regarding this item.

Councilor Andress asked what the Ward representatives thought.

Councilor Jones asked where the fence was located in the drawing.

Ms. McGrath replied that the fence was indicated by the red line on the right hand side of the map that started at the front of the house and continued to the property line and, on the landscape design, the fence was indicated by the little red x's on the top of the drawing.

Councilor Jones asked if there would be any fence by the driveway.

Ms. McGrath replied no and stated that the fence was on the opposite side of the driveway.

Mr. Kendrick stated that technically the shrub was a fence under their definition.

Councilor Jones asked what the mature height would be.

Ms. McGrath replied eight feet for the tea olives in the front.

Councilor Jones asked if they proffered less than eight feet according to the neighbor's request.

Ms. McGrath replied no, the neighbor just wanted to make sure they wouldn't grow over onto her property so it was more of a width concern than a height concern.

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

Resolution No. 18-01

(A Resolution to allow a 6 foot wood privacy front yard fence along the right property line beyond the front of the house and tea olive hedges along the front property line located at 1012 Melrose Place (PID – 29-00-13-3-003-011.001))

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 18-01. Councilor Wright seconded the motion.

President 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. Councilor Smith voted no.

The next item on the Agenda under Old Business was Item No. 31.11.17 – Public Hearing continued from December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 2516 17th St. S. (28 00 07 2 013 001.000) – Wyatt Pugh (Carried over Public Hearing to 1/16/18).

President Limbaugh continued the Public Hearing.

Mr. Wyatt Pugh addressed the Council and stated that the gentleman who took out the permit had done some extensive demolition, had torn off the roof and corrected some of the structural problems but he had a big job on his hands. Mr. Pugh further stated that there was nobody at the job site when he checked on it but he had spoken to the owner and he was actively moving forward.

President Limbaugh asked Mr. Pugh for his recommendation.

Mr. Pugh replied that he recommended allowing the gentleman to continue what he was doing.

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

Councilor Wright asked if they should consider dropping this item or if the progress was so preliminary that they needed to come back again in thirty more days.

Mr. Pugh replied that he would be more than happy to provide another thirty day report but he knew that in the early stages of a rehab like this a lot of work was not really visible so he would give him the benefit of the doubt but he would be glad to give another thirty day update.

President Limbaugh asked if they did continue the Public Hearing could he give an update on February 12, 2018.

Mr. Pugh replied yes.

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

President Limbaugh stated that, without objection, the Public Hearing would be continued until February 12, 2018. There was no objection.

The next item on the Agenda under Old Business was Item No. 34.11.17 – Public Hearing continued from December 18, 2017 at 6:00 p.m. for consideration of condemning a house at the following address: 1613 25th Ct. S. (28 00 07 2 013 002.000) – Wyatt Pugh (Carried over 12/11/17 for Public Hearing).

President Limbaugh continued the Public Hearing.

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

Mr. Wyatt Pugh addressed the Council and stated that he sent Councilor Thames an email with updates and he had listed this address as one that was in progress but that was incorrect. Mr. Pugh further stated that this property was in inheritance litigation and he thought they would be able to progress on this quickly but the house stood virtually untouched.

Councilor Wyatt asked if the ruling had come through yet.

Mr. Pugh replied no and that he had expected to hear something by now because they had been keeping in contact with him beforehand.

Councilor Smith asked if they had the contact information for the attorney.

President Limbaugh asked if they could make contact.

Mr. Kendrick stated that he would contact the attorney.

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

President Limbaugh stated that the Public Hearing would be continued until January 29, 2018.

Mr. Pugh stated that he provided the Council with an update on all of the properties, even those that were no longer on the Agenda, and a couple of houses were gone now and one of them he just received a demolition permit on Friday so it looked like there were only two left that he would have to have demolished.

President Limbaugh asked if the Council had any questions or comments regarding this item.

Councilor Thames stated that the property at 1705 26th Avenue South had a permit pulled but not much progress had been made since then and asked how long the permit was good for.

Mr. Pugh replied that the permit was good for 180 days and the owner was here tonight but it was not on the Agenda.

Mr. Thames stated that they needed standards to keep people from pulling permits to put off demolition.

Mr. Pugh stated that he gave the owner clear instructions tonight of where he needed to be in thirty days.

Mr. Kendrick stated that Mr. Pugh was authorized by the Resolution adopted to demolish the property if he felt he needed to.

President Limbaugh stated that, without objection, the Public Hearing would be continued until January 29, 2018. There was no objection.

The next item on the Agenda under Old Business was Item No. 09.12.17 – Public Hearing set for January 16, 2018 at 6:00 p.m. for consideration of condemning a house at the following address: 2531 18th Pl. S. (28 00 07 2 009 005.000) – Wyatt Pugh.

Ms. Salter stated that not enough notice was given for this Public Hearing so they would need to open and close it, and reset the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:32 p.m.

President 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.

President Limbaugh declared the Public Hearing closed at 6:32 p.m.

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

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 04.10.17 – Request for consideration to authorize the Mayor to sign a three year WAN Maintenance Contract – James Yates (Carried over 12/18/17).

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and after presentation from Mr. James Yates, voted 5-0 to recommend authorizing the Mayor to sign the three year WAN Maintenance Contract for a cost of \$11,999.00 per month, which would include all of their locations within the City.

President Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's recommendation.

Councilor Gwaltney asked if there were bids submitted or if it was a single contact through a firm and he wanted to ensure the City was getting the best value.

Councilor Jones stated that their technology consultant Brunson White reviewed it and agreed with the recommendation.

Mr. Kendrick stated that if Councilor Gwaltney was under the impression that it needed to be bid they should do so.

President Limbaugh asked what the figures were for the requirement to bid.

Mr. Kendrick replied \$15,000.00.

President Limbaugh stated that this contact would be under \$12,000.00 so it would not need to be bid.

Mr. Kendrick stated that they would not have to bid but could. Ms. Salter said it was \$12,000.00 a month so it would have to be bid if required and Mr. Kendrick agreed.

Councilor Jones stated that he was happy to withdraw the motion from the Finance Committee and they could discuss it further and get the questions answered.

President Limbaugh stated that, without objection, this item would be referred back to the Finance Committee. There was no objection.

The next item considered under Old Business was Item No. 14.10.17 – Request for consideration for a directional change to the one way for Reese Street – Britt Thames (Carried over 12/18/17).

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend that Mr. Pugh find a firm that could provide engineering services for a traffic study for that street not to exceed \$4,000.00.

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

Councilor Jones then moved for approval.

President 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.

COMMITTEE REFERRAL AGENDA

- 01.01.18** Request for update on Hollywood Boulevard Bridge by Mike Kaczorowski of the Regional Planning Commission – Jennifer Andress – **Planning and Development Committee**
- 02.01.18** Request for consideration for 2018 Christmas decorations and beautification – Jennifer Andress/Melinda Underwood/Ward 5 Resident – **Planning and Development Committee**
- 03.01.18** Request for consideration for tree planting – Britt Thames – **Planning & Development Committee**
- 04.01.18** Request to hear presentation from Scott Hofer of the Health Department on new municipal storm water management regulations and effect on Homewood – Barry Smith/Liz Ellaby – **Special Issues Committee**
- 05.01.18** Request for consideration for a tent variance for Trinity United Methodist Church during Discovery Weekend – Barry Smith – **Special Issues Committee**
- 06.01.18** Request to set a Public Hearing and referral to Special Issues Committee for consideration of a variance to the sign ordinance at 1831 28th St S. – Candice Watson / Greg Cobb, BEZ – **Special Issues Committee**

- 07.01.18** Request to set a Public Hearing and referral to Special Issues Committee for consideration of a variance to the sign ordinance at 209 Lakeshore Parkway – Kerri Little / Greg Cobb, BEZ – **Special Issues Committee**
- 14.12.17** Request for consideration of professional services and guidance related to tree ordinance revisions – Andy Gwaltney – **Special Issues Committee**
- 13.01.18** Request for consideration for ServisFirst to work in the City Right-of-Way at Woodcrest and Highway 280 – Councilor Thames – **Special Issues Committee**

Councilor Higginbotham moved for the approval of the Committee Referral Agenda. Councilor Smith seconded the motion.

President 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. 06.01.18 – Request to set a Public Hearing for consideration of a variance to the sign ordinance at 1831 28th St. S. – Candice Watson/Greg Cobb, BEZ.

President Limbaugh stated that, without objection, the Public Hearing would be set for February 12, 2018 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 07.01.18 – Request to set a Public Hearing for consideration of a variance to the sign ordinance at 209 Lakeshore Parkway – Kerri Little/Greg Cobb, BEZ.

President Limbaugh stated that, without objection, the Public Hearing would be set for February 12, 2018 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.01.18 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and an ABC – 060 Retail Table Wine (On or Off Premises) for Caveat Coffee LLC d/b/a Caveat Coffee located at 2832 Linden Avenue S – Melody Salter, City Clerk.

Councilor Wyatt moved to having no objections to the issuance of the license pending letters of no objection from the Fire and Police Departments. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 09.01.18 – Request for consideration of approval of vouchers for period of December 18, 2017 through January 15, 2018 – City Treasurer/Finance Committee.

Councilor Thames stated that he reviewed the vouchers and recommended payment.

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

Resolution No. 18-02

(A Resolution approving vouchers for period of December 18, 2017 through January 15, 2018)

Councilor Thames then moved for the adoption and enrollment of Resolution No. 18-02. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 10.01.18 – Request for consideration to authorize the Mayor to sign a contract with The Prescott House for FY 17-18 – Melody Salter/City Clerk/Finance Director.

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

Resolution No. 18-03

(A Resolution to authorize the Mayor to sign a contract with The Prescott House for FY 17-18)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 18-03. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 11.01.18 – Request for consideration to authorize the Mayor to sign a contract with the West Homewood Neighborhood Association for FY 17-18 – Melody Salter/City Clerk/Finance Director.

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

Resolution No. 18-04

(A Resolution to authorize the Mayor to sign a contract with the West Homewood Neighborhood Association for FY 17-18)

Councilor Higginbotham then moved for the adoption and enrollment of Resolution No. 18-04. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 12.01.18 – Request for consideration to authorize the Mayor to sign a contract with Assistance League of Birmingham, Operation School Bell for FY 17-18 – Melody Salter/City Clerk/Finance Director.

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

Resolution No. 18-05

(A Resolution to authorize the Mayor to sign a contract with Assistance League of Birmingham, Operation School Bell for FY 17-18)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-05. Councilor Higginbotham seconded the motion.

President 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.

President Limbaugh stated that the Mayor would be giving his State for the City Address for the Chamber of Commerce tomorrow.

Councilor Thames stated that the Planning and Development Committee would meet on January 29, 2018 at 5:30 p.m. Councilor Thames welcomed everyone back after

the holidays and further stated that the Park Board would have a public involvement meeting on February 1, 2018 at 6:30 p.m. at the Lee Center to show concepts of the rebuilding of Spring Park.

Councilor Higginbotham stated that Hall Kent Elementary School's Spirit Night would be from 4:00-9:00 p.m. tomorrow at CiCi's Pizza and 15% of the proceeds would go to Hall Kent Elementary. Councilor Higginbotham further stated that the Homewood Public Library received the NASA At My Library Grant, which was a grant to provide funding to promote science in the community and tomorrow night at 5:30 p.m. they would host a public involvement meeting to provide input on how they could help get the community excited about science. He also said that he hoped everyone had a great holiday season.

Councilor Jones stated that the Finance Committee would meet on January 29, 2018 at 5:00 p.m. Councilor Jones further stated that he was on a State Committee with the Alabama League and they had a presentation last week where they talked about a Junior Council and lots of cities had done that so he would like to implement that in Homewood in light of the fact that Homewood was such a young city, they needed to continue to get more young people involved. Councilor Jones added that they could have a Junior Council Representative appointment by the Principal so he would welcome ideas to help get young people involved in city government.

Councilor Smith stated that the Special Issues Committee would meet on January 29, 2018 at 4:30 p.m.

Councilor Wyatt stated that the Public Safety Committee would meet on January 29, 2018 at 4:15 p.m. Councilor Wyatt further stated that he wanted to thank Big Bad Breakfast for inviting them out to see the new place and it looked great.

Councilor Andress stated that she was happy to be back at work after the holidays and wanted to welcome Mr. Greg Cobb back. Councilor Andress further stated that several Council members attended a meeting at Vulcan last week for the Regional Planning Commission to hear plans for connecting Birmingham with Homewood and coming over the mountain with some safe passageways for bikes and walkers. Councilor Andress added that the Alabama Birding Trails was pleased to inform the City that Shades Creek Greenway had officially been designated as an Alabama Birding Trail location so it would be listed on their website and they would get some signage to post. Councilor Andress further added that this was in partnership with the Alabama Birding Trails, Alabama Department of Conservation and Natural Resources, University of Alabama Center of Economic Development, and Birmingham Audubon.

Councilor Wright stated that the Public Works Committee would meet on January 29, 2018 at 4:20 p.m. Councilor Wright further stated that tomorrow night would be Blue Out Night at Homewood High School's Basketball Game and everyone would get in free if they wore blue.

President Limbaugh stated that a Council Work Session would be held on February 12, 2018 at 5:00 p.m. for a presentation by Mr. Greg Cobb on updates on sidewalks. He also wished everyone a Happy New Year's.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:54 p.m.