

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

**February 25, 2019**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 25, 2019 at City Hall at 6:00 p.m.

The invocation was given by Mr. Robert Burgett, Finance Director, after which the pledge of allegiance was given.

Before the meeting was called to order Mayor McBrayer gave a proclamation upon the request of Councilor Wright to Susan Waldrop and Lori Blanton of the American Cancer Society for National Colorectal Cancer Month.

The meeting was called to order by President Limbaugh at 6:12 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, and Jennifer Address, and Bruce Limbaugh 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: Peter Wright.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of January 28, 2019 and approve them as distributed. 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.

Councilor Smith then moved to dispense with the reading of the Minutes of the Council Meeting of February 11, 2019 and approve them as distributed. 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.

At this time, President Limbaugh requested Board openings and nominations. Councilor Wyatt nominated Ms. Marcy Miller to the Homewood Environmental

Commission, Ward 4 position. Councilor Smith seconded the motion and on a voice vote, the motion carried without dissent.

Councilor Wolverton then moved to nominate Ms. Beverly Leboeuf to her second term on the BZA, Ward 2 position. Councilor Higginbotham seconded the motion and on a voice vote, the motion carried without dissent.

President Limbaugh verified with Councilor Andress that there were multiple applicants for the Historic Preservation Commission, Ward 5 position and asked the City Clerk to schedule interviews.

Council Andress then requested the At-Large Arts Advisory Council position be open and President Limbaugh opened until 4:30 p.m. on March 18, 2019.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Old Business Agenda: Item No. 01.02.19 – Request to authorize the Mayor to sign annual contract renewal for uniforms with Cintas – Gordon Jaynes/Fleet Maintenance; Item No. 03.02.19 – Request to authorize the Mayor to sign a purchase agreement with AT&T (to interface 911 phone controller with new phone system) – Brandon Broadhead/Fire Department; Item No. 11.02.19 – Request for consideration of declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN: 1FAFP23186G187712) assigned to the IT Department – Gordon Jaynes, Fleet Maintenance; Item No. 24.01.19 – Request for consideration to authorize the Mayor to sign an agreement with Alabama Historical Commission to establish Homewood as a certified local government – Historic Preservation Commission/Barry Smith.

President Limbaugh further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 22.02.19 – Request to remove city light at Ventura – Chris Tucker – Public Works Committee.

President Limbaugh further amended the published Council Agenda to add the following items to Other New Business: Item No. 20.02.19 – Request for consideration of an ABC 020 – Restaurant Retail Liquor license for The Grocery Brewpub, LLC d/b/a The Grocery Brewpub located at 2823 Central Ave, Suite 107 – Melody Salter/City Clerk; and Item No. 21.02.19 – Request to change dates of March Council meetings to March 11, 2019 and March 18, 2019 due to Spring Break – Council President Bruce Limbaugh.

Councilor Gwaltney moved for the approval of the Council 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**

**None**

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 20.10.18 – Consideration to condemn house at 1627 Saulter Road (Road (PID #28-00-18-3-001-021.000) – Wyatt Pugh (Carried over 2/11/19).

Mr. Wyatt Pugh addressed the Council and stated he rode by today and took pictures of property and spoke to homeowner and Mr. Pears said the remaining items were going to be distributed to family members. Mr. Pears further stated that the ceiling had been basically removed leaving only the steel bar joists and was no longer dangerous and no longer a nuisance or a danger.

Mr. Matt Pears, the homeowner's son, addressed the Council and President Limbaugh asked about the red Jeep Cherokee.

Mr. Pears replied that he assumed they wanted it removed and asked would the driveway be acceptable or did the Council want it removed.

President Limbaugh asked if they were planning on keeping the home in the family.

Mr. Pears replied yes and stated that they did plan to keep the house in the family and no one would deny that work needed to be done and they did not mean for it to get this far. Mr. Pears further stated that other family members had to come to the house to take their items before they could finish the work. Mr. Pears added that he could not make any promises on the red Jeep but thought the intention was to remove it from Saulter but at a minimum could be moved underneath the carport.

Upon being asked his recommendation by Council, Mr. Pugh recommended dropping this item.

Councilor Andress asked if he had heard from any neighbors.

Councilor Smith replied that she had heard from several neighbors and they were glad to see that the roof was torn down.

Mr. Gwaltney asked if continued progress would be made such as yard and home maintenance.

Mr. Pears replied that the progress would continue and stated that the reason the property got in the shape it was in was due to his grandparents failing health and other family members' unwillingness to do their part but since his grandparents' passing, they could now manage the home and improve the residence.

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

President Limbaugh asked if the Council had any questions or comments regarding this 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. 13.01.19 – Public Hearing continued from February 11, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1651 Independence Drive – Greg Cobb, BEZ (Carried over 1/28/19).

Mr. Greg Cobb addressed the Council and stated Mr. Brandt was putting a package together for entire building and needed additional time.

President Limbaugh continued the Public Hearing one more time until March 11, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.02.19 – Public Hearing set for February 25, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 2830 16<sup>th</sup> Place South – Jonathan Kelley/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight and voted 5-0 to send this out to Council without recommendation pending the Public Hearing.

President Limbaugh opened the Public Hearing at 6:31 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.

Mr. Jonathan Kelly at 2830 16<sup>th</sup> Place South addressed the Council and stated that he wanted a privacy fence in his back yard and contacted Mr. Greg Cobb about the process to be placed on the agenda.

Mr. Greg Cobb addressed the Council and referred them to the survey and showed the stakes where he would like to construct the fence and showed where he would like the fence corner to be which was some distance from street but not 15 feet behind it. Mr. Cobb stated that he didn't think it was a traffic hazard from the street corner and would not impede vision from anyone coming down the street and they did not have any

sidewalks coming from his property so would not have to be concerned about any traffic from sidewalks.

Councilor Wolverton asked if the states shown on the survey were survey stakes or stakes showing where fence line would be.

Mr. Kelly replied that they were survey stakes and he also wanted to put the fence up to that point and keep it curved the same with the road.

Councilor Wolverton referred to another variance related to a compost pile and Right-of-Way with proximity to road and asked if this would be a variance for proximity to the road as well as a front yard variance.

Mr. Cobb stated that the Ordinance didn't speak to the road but 15 feet behind the property lines would put the fence where the red chairs were. Mr. Cobb further stated that the center stake was in a point of curvature.

Councilor Jones asked if the City was to continue sidewalks would this be a factor.

Mr. Cobb stated that there was a retaining wall going parallel to the sidewalk and there were not any sidewalks on the 16<sup>th</sup> Pl South side of the road.

Councilor Wolverton asked the homeowner if he planned to tee the fence up with the tree.

Mr. Kelly replied yes.

President Limbaugh declared the Public Hearing closed at 6:26 p.m.

President Limbaugh 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. 19-24**

**(A Resolution for a variance to the fence ordinance at 2830 16<sup>th</sup> Place South)**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 19-24. 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 Old Business was Item No. 12.02.19 – Public Hearing set for February 25, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 1090 Sautler Road – Marcy Miller/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight and voted 5-0 to send this out to the Council without recommendation pending the Public Hearing.

President Limbaugh opened the Public Hearing at 6:38 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.

Mr. Greg Cobb addressed the Council and stated that her property line was about five feet off the road and the fence was 9 ½ feet to the right of the survey pin and would encompass the compost bin in question with Dr. Green, making it 14 ½ feet off the road.

President Limbaugh declared the Public Hearing closed at 6:39 p.m.

President Limbaugh 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. 19-25**

**(A Resolution for a variance to the fence ordinance at 1090 Sautler Road)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-25. 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 Old Business was Item No. 01.02.19 – Request to authorize the Mayor to sign annual contract renewal for uniforms with Cintas – Gordon Jaynes/Fleet Maintenance.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend approving this item.

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

**Resolution No. 19-26**

**(A Resolution authorizing the Mayor to sign annual contract for uniforms with Cintas)**

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. 03.02.19 – Request to authorize the Mayor to sign a purchase agreement with AT&T (to interface 911 phone controller with new phone system) – Brandon Broadhead/Fire Dept.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend approving this item.

President 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. 19-27**

**(A Resolution authorizing the Mayor to sign a purchase agreement with AT&T to interface 911 phone controller with new phone system)**

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

On a voice vote, the motion carried 9-0-1 with Councilor Gwaltney abstaining.

The next item considered under Old Business was Item No. 11.02.19 – Request for consideration of declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN: 1FAFP23186G187712) assigned to the IT Department– Gordan Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend declaring the item surplus.

President 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 first reading of the proposed Ordinance for the Council's consideration at 6:42 p.m.:

**Ordinance No.**

**(An Ordinance declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN: 1FAFP23186G187712) assigned to the IT Department)**

Councilor Wyatt moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, and Limbaugh.

The motion for unanimous consent carried.

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

**Ordinance No. 2733**

**(An Ordinance declaring the following vehicle surplus: 2006 Ford Five Hundred (VIN: 1FAFP23186G187712) assigned to the IT Department)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2733. Councilor Wolverton 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 24.01.19 – Request for consideration to authorize the Mayor to sign an agreement with the Alabama Historical Commission to establish Homewood as a certified local government – Historic Preservation Commission/Barry Smith.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval after hearing from Brittany Foley with the Homewood Historic Preservation Commission.

President Limbaugh asked if the Council had any questions or comments regarding the Special Issues 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. 19-28**

**(A Resolution authorizing the Mayor to sign an agreement with the Alabama Historical Commission to establish Homewood as a certified local government)**

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

On a voice vote, the motion carried without dissent.

**COMMITTEE REFERRAL AGENDA**

- 13.02.19 Request to consider downtown signage plan – Britt Thames, Andy Gwaltney, and Jennifer Address – P&D Committee**
- 14.02.19 Request to amend Fiscal Year 2018-2109 Budgets – Robert W. Burgett, Finance Director – Finance Committee**
- 15.02.19 Request for consideration of a variance to the driveway ordinance at 515 Rumson Road– Will Smith/Greg Cobb, BEZ – Special Issues Committee**
- 16.02.19 Request to set a Public Hearing and Referral to Special Issues Committee for consideration of a variance to the fence ordinance at 2617 18<sup>th</sup> Pl So – Bethel AME Church/Greg Cobb, BEZ – Special Issues Committee**
- 17.02.19 Request to set a Public Hearing and Referral to Special Issues Committee for consideration of a variance to the fence ordinance at 1518 Valley Pl – Bayless Ydel/Greg Cobb, BEZ – Special Issues Committee**
- 18.02.19 Request to set a Public Hearing and Referral to Special Issues Committee for consideration of a variance to the sign ordinance at 201 Vulcan Road – Robert Norris/Greg Cobb, BEZ – Special Issues Committee**
- 22.02.19 Request to remove city light at Venture – Chris Tucker – Public Works Committee**

Councilor Higginbotham for the approval of the amended 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 AGENDA**

The next item on the Agenda under Other New Business was Item No. 16.02.19 – Request to set a Public Hearing for consideration of a variance to the fence ordinance at 2617 18<sup>th</sup> Place South – Bethel AME Church/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for March 11, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 17.02.19 – Request to set a Public Hearing for consideration of a variance to the fence ordinance at 1518 Valley Pl – Bayless Ydel/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for March 11, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 18.02.19 – Request to set a Public Hearing for consideration of a variance to the sign ordinance at 201 Vulcan Road – Robert Norris/Greg Cobb, BEZ.

President Limbaugh stated that, without objections, the Public Hearing would be set for March 11, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.02.19 – Request for consideration of adoption of Resolution placing a lien on the property located at 2531 18<sup>th</sup> Place South, Parcel ID No. 28-00-07-2-001-090.000 for the cost of abatement in the amount of \$7,500 (Note: This property was declared a public nuisance on February 26, 2018 –Resolution 18-22–Wyatt Pugh/BEZ/Melody Salter, City Clerk.

At this time, President Limbaugh stated this item would be carried over until March 11, 2019.

The next item considered under Other New Business was Item No. 23.02.19 – Request for consideration of approval of vouchers for period of February 11, 2019 through February 24, 2019 – City Treasurer/Finance Committee.

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

**Resolution No. 19-29**

**(A Resolution for approval of vouchers for period February 11, 2019-February 24, 2019)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-29. 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. 20.02.19 – Request for consideration of an ABC 020-Restaurant Retail Liquor license for The Grocery Brewpub, LLC d/b/a The Grocery Brewpub located at 2823 Central Ave, Suite 107– Melody Salter/City Clerk.

Councilor McClusky stated that there was no objections from fire or police and moved to approve this item. Councilor Wolverton 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. 21.02.19 – Request to change dates of March, 2019 Council meetings to March 11 and March 18, 2019 due to Spring Break – Council President Bruce Limbaugh.

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

**Resolution No. 19-30**

**(A Resolution changing the dates of the March, 2019 Council meetings to March 11, 2019 and March 18, 2019)**

Councilor Wyatt made a motion for approval and Councilor Jones 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 Gwaltney reported for everyone who had a chance to go by the Library to check out the “Voices of Rosedale” exhibit on loan until the end of this week in the gallery past the front desk and Rosedale Day of Service April 13, 2019.

Councilor Thames stated that the Planning and Development Committee would meet on March 4, 2019 at 5:30 p.m.

Councilor Higginbotham thanked the people who attended Thursday’s Town Hall meeting.

Councilor Wolverton reminded everyone about the “Wine 10K” this coming weekend.

Councilor McClusky stated that the Public Safety Committee would meet on March 4, 2019 at 5:40 p.m.

Councilor Jones stated that the Finance Committee would meet on March 4, 2019 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on March 4, 2019 at 6:30 p.m. She further gave recognition to Eagle Scout candidate Garrett Owen from Trinity’s Troop #97 whose project was to rehab one of the bridges in Overton Park.

Councilor Wyatt stated that Public Works will meet on March 4, 2019 at 5:15 p.m. He reminded everyone about the Chili Cook-off this Saturday and Cornapalooza on St. Patrick’s Day at Pizzeria GM.

Councilor Andress thanked the Homewood Police Department for their help with the Steeple-to-Steeple Run and Seed’s Coffee for sponsoring. On March 16, 2019 at the high school will be the Mattress Fundraiser for tennis and golf teams. She wanted to thank the Hollywood Garden Club for having her and Chief Ross at their meeting. She also wanted to thank to Homewood Police Foundation for their donation to the Breast Cancer Research Foundation of Alabama in the amount of \$1,155 as she is a breast cancer survivor and former Board member.

President Limbaugh stated that his son finished 15<sup>th</sup> in his age category in the race.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:01 p.m.