

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

February 26, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 26, 2018 at City Hall at 6:00 p.m.

Mayor McBrayer addressed the Council and presented a proclamation to the Homewood High School JROTC and thanked Councilor Smith for organizing this proclamation.

The invocation was given by President Bruce Limbaugh, after which the Pledge of Allegiance was given by the Homewood High School JROTC.

The meeting was called to order by President Limbaugh at 6:09 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Mike Higginbotham, Andrew Wolverton, 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, J.J. Bischoff, Chief of Staff, and Mayor Scott McBrayer. Absent: Britt Thames, Patrick McClusky, and Walter Jones.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of January 22, 2018 and approve them as distributed. 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.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of January 29, 2018 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.

Councilor Address moved to open the Ward 5 Park Board nomination period to close March 12, 2018.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 27.02.18 – Request to address traffic concerns on Short Oxmoor Road – Walter Jones – Public Safety and Finance Committees.

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

18.01.18 Request for consideration of presentation on exercise equipment previously presented to the Park and Rec Board for outdoor spaces including Lakeshore Trail – Nick Michael/UAB Basketball – **Jennifer Andress (Carried over 2/5/18)**

Action Taken: The Finance Committee met 2/20/18 and voted 5-0 to drop this item. The motion to drop was made by Councilor Smith and the second was made by Councilor Higginbotham

06.02.18 Request for consideration to revisit Homewood Middle School one-way traffic flow – **Walter Jones**

Action Taken: The Public Safety Committee met 2/20/18 and voted 4-0 to drop this item. The motion to drop was made by Councilor Thames and the second was made by Councilor Andress

22.02.18 Request for consideration for Small Cell Tower at corner of Aspen Drive – **Greg Cobb**

Action Taken: The Special Issues Committee met 2/20/18 and voted 4-0 to drop this item. The motion to drop was made by Councilor Andress and the second was made by Councilor Higginbotham

President Limbaugh stated that Item No. 22.02.18 – Request for consideration for Small Cell Tower at corner of Aspen Drive – Greg Cobb, would need to be referred back to the Special Issues Committee.

Councilor Smith moved for the approval of the Consent Agenda as amended. 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 without dissent.

OLD BUSINESS AGENDA

The first item considered under Old Business, taken out of order, was Item No. 11.02.18 – Request for consideration for permission to work in the City Right-of-Way at 1914 28th Avenue South – Tommy Holcombe/Greg Cobb/BEZ.

Councilor Smith stated that the Special Issues Committee met on February 20, 2018 and voted 4-0 to recommend approval pending indemnification agreement.

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. 18-21

(A Resolution granting permission to work in the City Right-of-Way at 1914 28th Avenue South)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-21.

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. 31.11.17 – Public Hearing continued from January 22, 2018 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 1/29/18).

President Limbaugh continued the Public Hearing at 6:15 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. Wyatt Pugh addressed the Council and stated that over the past couple of weeks he had met several times with Mr. Dmitri Korobeinikov who had done quite a bit of work since the last time they met. Mr. Pugh further stated that every nice weather day

they had, he had a crew out there working so at this point he did not think they should hold him up as he was moving forward.

Councilor Gwaltney stated that he was glad they had moved forward and asked if he had cleared up all of the issues that they were concerned with from the beginning.

Mr. Pugh replied yes and stated that he was comfortable with the rate he was moving.

President Limbaugh declared the Public Hearing closed at 6:16 p.m.

Councilor Wright moved to drop this item. 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 on the Agenda under Old Business was Item No. 19.01.18 – Public Hearing set for February 26, 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.

President Limbaugh continued the Public Hearing at 6:17 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. Wyatt Pugh addressed the Council, presented pictures, and stated that the house was an easy candidate for condemnation because animals had gained access to it, there were feral cats living inside, and he did not see any way to repair the dilapidation that had happened and he recommended demolishing the house. Mr. Pugh further stated that he did post it again on February 8, 2018 that a Public Hearing would be tonight and was by the property again today and it was still standing wide open but the postings had been torn down so he expected someone might attend the meeting but it did not appear that way.

Councilor Wolverton asked if this property had been brought before the Council before.

Mr. Pugh replied that they were going to bring it to the Council before but the first notice had an incorrect address so he resent it in November and he did get the certified mail card back signed by the owner in December.

Councilor Andress asked who the owner was.

Mr. Pugh replied that the owner was Mr. Dennis P. White but he had never met him.

Councilor Andress asked if he was from the area.

Mr. Pugh replied yes, and stated that his address was here in Rosedale.

President Limbaugh declared the Public Hearing closed at 6:19 p.m.

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

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

Resolution No. 18-22

(A Resolution to condemn a house at the following address: 2531 18th Pl. S. (28 00 07 2 009 005.000))

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 18-22. 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 on the Agenda under Old Business was Item No. 04.02.18 –Public Hearing set for March 12, 2018 at 6:00 p.m. for consideration of the zoning application of the City of Homewood to rezone 1700 and 1708 29th Court South/Parcel ID Nos. 28-00-07-3-026-008.000 & 28-00-07-3-026-010.000 from C-1 (Office Bldg. District) and C-4 (Central Business District) to I-2 (Institutional District) zoning classification for the purpose to rezone two parcels in order to have consistent zoning on multiple properties allowing for future development. (Note: This request was considered by the Homewood Planning Commission at its meeting of February 6, 2018 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath / Building, Engineering & Zoning Department – Planning and Development Committee.

President Limbaugh stated that this item would be carried over for the Public Hearing set for March 12, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 15.02.18 – Public Hearing set for March 12, 2018 at 6:00 p.m. for a variance to the sign ordinance at 1045 Broadway Park – Candice Watson/Greg Cobb, BEZ.

President Limbaugh stated that this item would be carried over for the Public Hearing set for March 12, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 16.02.18 – Public Hearing set for March 12, 2018 at 6:00 p.m. for a fence variance at 1810 25th Court South to allow 15 feet of netting on top of a five feet chain link fence – Vanessa McGrath.

President Limbaugh stated that this item would be carried over for the Public Hearing set for March 12, 2018 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 17.02.18 – Public Hearing set for March 12, 2018 at 6:00 p.m. for a variance to the sign ordinance at 234 Greensprings Hwy – Park Grimmer/Greg Cobb, BEZ.

President Limbaugh stated that there was a request to drop this item and cancel the Public Hearing.

Councilor Higginbotham moved to drop this item and cancel the Public Hearing. 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 without dissent.

The next item on the Agenda under Old Business was Item No. 07.02.18 – Request for consideration to amend FY 17-18 Budgets – Melody Salter/Finance Director/City Clerk.

Councilor Wright stated that the Finance Committee met on February 20, 2018 and voted 5-0 to recommend approval.

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. 18-23

(A Resolution to amend FY 17-18 Budgets)

Councilor Wright then moved for the adoption and enrollment of Resolution No. 18-23.

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. 10.02.18 – Request for consideration of declaring miscellaneous Fire Department property (hose and furniture) as surplus – Chief Bresnan/Fire Department.

Councilor Wright stated that the Finance Committee met on February 20, 2018 and voted 5-0 to recommend approval with additions of surplus items from the Fleet Maintenance Department.

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 6:24 p.m.:

Ordinance No.

(An Ordinance to declare items from the Fire and Fleet Maintenance Departments surplus)

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

The motion for unanimous consent carried.

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

Ordinance No. 2687

(An Ordinance to declare items from the Fire and Fleet Maintenance Departments surplus)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2687. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Higginbotham, Wolverton, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.02.18 – Request for consideration of discussion on City of Homewood’s role in service to the homeless – Mike Higginbotham.

Councilor Wright stated that the Finance Committee met on February 20, 2018 and voted 5-0 to recommend approval to send to the Mayor for budget discussion and consideration of funding One Roof.

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 Wright 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.

The next item on the Agenda under Old Business was Item No. 14.02.18 – Request for consideration of funding irrigation repairs at 1800 Mayfair Drive – Marcus Cassimus/Greg Cobb, BEZ.

Councilor Wright stated that the Finance Committee met on February 20, 2018 and voted 5-0 to recommend approval.

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. 18-24

(A Resolution funding irrigation repairs at 1800 Mayfair Drive)

Councilor Wright then moved for the adoption and enrollment of Resolution No. 18-24.

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. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department (Carried over 2/5/18 and Council Work Session set for February 12, 2018 at 5:00 p.m.).

Councilor Wright stated that the Planning and Development Committee met on February 20, 2018 and voted 4-0 to recommend approval of schematic D and to refer to the Finance Committee for funding.

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

President Limbaugh stated that this item would be referred to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 02.02.18 – Request for consideration of Quarterly Report from Chamber of Commerce – Alex Wyatt.

Councilor Wright stated that the Planning and Development Committee met on February 20, 2018 and voted 4-0 to recommend approval.

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

Councilor Wright 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.

The next item on the Agenda under Old Business was Item No. 05.02.18 – Request for consideration to close off portion of Reese Street between Central Avenue and Crescent on Sunday, March 18, 2018 from 12:30 p.m. to 6:00 p.m. for the Homewood Athletic Foundation's Cornapalooza – Alex Wyatt.

Councilor Wyatt stated that the Public Safety Committee met on February 20, 2018 and voted 4-0 to recommend approval.

President 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 following Resolution for the Council's consideration.

Resolution No. 18-25

(A Resolution to close off portion of Reese Street between Central Avenue and Crescent on Sunday, March 18, 2018 from 12:30 p.m. to 6:00 p.m. for the Homewood Athletic Foundation's Cornapalooza)

Councilor Wyatt then moved for the adoption and enrollment of Resolution No. 18-25.

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. 17.10.15 – Request for consideration of noise and odor problems from Buffalo Rock and Mayfield/Barbers – West Homewood area residents/Fred Hawkins.

Councilor Smith stated that the Special Issues Committee met and voted 4-0 to recommend approval of consultant for on-call contractual services and to also leave this item in committee for future action.

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. 18-26

(A Resolution for approval of consultant for on-call contractual services)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-26.

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. 04.12.17 – Request for consideration of funding for sidewalk project with stone work at 1808 Mayfair Drive – Jonathan Pennington/Peter Wright.

Councilor Wright asked that this item be carried over.

President Limbaugh stated that, without objection, this Item would be carried over. There were no objections.

COMMITTEE REFERRAL AGENDA

- 23.02.18** Request for consideration in increasing fees for races held in Homewood– Jennifer Andress/Chief Ross – **Finance Committee**
- 27.02.18** Request to address traffic concerns on Short Oxmoor Road – Walter Jones – **Public Safety and Finance Committee**
- 22.02.18** Request for consideration for Small Cell Tower at corner of Aspen Drive – Greg Cobb – **Special Issues Committee**

Councilor Gwaltney moved for the approval of the Committee Referral Agenda as amended. 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.

OTHER NEW BUSINESS AGENDA

The next item on the Agenda under Other New Business was Item No. 24.02.18 – 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 Six 55th Place LLC d/b/a Lucky Cat Rolled Creams located at 2908 19th Street South – Melody Salter, City Clerk.

President Limbaugh stated that letters of no objection had been received from both the Fire and Police Departments.

Councilor Wyatt moved for having no objections to the issuance of the license. 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.

The next item on the Agenda under Other New Business was Item No. 25.02.18 – Request to authorize the Mayor to sign contract with Homewood Chamber of Commerce for partnering with them to share in cost of Daniel Communities funding – Melody Salter, City Clerk.

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

Resolution No. 18-27

(A Resolution authorizing the Mayor to sign contract with Homewood Chamber of Commerce for partnering with them to share in cost of Daniel Communities)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-27. 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 without dissent.

The next item on the Agenda under Other New Business was Item No. 26.02.18 – Request for consideration of approval of vouchers for period of February 12, 2018 through February 25, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-28

(A Resolution approving vouchers for period of February 12, 2018 through February 25, 2018)

Councilor Wright moved for the adoption and enrollment of Resolution No. 18-28 with the exception of the BOE construction invoices until the March 5, 2018 when they come to the Finance Committee meeting. 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.

Mayor McBrayer addressed the Council and stated that this Saturday, March 3, 2018 will be the Exceptional Foundation's Chili Cook-off from 10:00 a.m. until 3:00 p.m. at Brookwood Mall and all proceeds would go to the Exceptional Foundation. Mayor McBrayer further stated that there were 146 teams this year. Mayor McBrayer added that Mr. Mike Brandt rolled off of the Planning Commission so he wanted to announce the appointment of Stuart Roberts. Mayor McBrayer further added that Mr.

Roberts and his wife, Lauren, were longtime residents of Homewood on Edgewood Boulevard and he had been serving as a Supernumerary to the BZA and he would come off of the BZA as soon as someone was appointed for that position but he would start serving immediately on the Planning Commission and he appreciated his service to the City of Homewood.

Councilor Smith stated that the Finance Committee would meet on March 5, 2018 at 5:00 p.m. and the Special Issues Committee would meet on March 5, 2018 at 5:45 p.m. Councilor Smith further stated that the Mayor, President Limbaugh, Councilor Andress, and herself had the good fortune of going to Ms. Werner's First Grade Class at Shades Cahaba Elementary School last week for their presentations of what they loved most about Homewood and it was the sweetest presentation from adorable children who put a lot of effort into it and both the Police and Fire Departments were well recognized.

Councilor Wyatt stated that the Public Safety Committee would meet on March 5, 2018 at 6:00 p.m. Councilor Wyatt further stated that the Homewood Chamber of Commerce would host the Taste of Homewood on March 8, 2018 at Rosewood Hall at 5:30 p.m. Councilor Wyatt added that the Homewood Athletic Foundation would host Cornapalooza on March 18, 2018 at Red Hills Brewery. Councilor Wyatt further added that he wanted to thank Senators Waggoner and Smitherman for their support of the Lid Bill, which had made its way through the Senate Committees and would be brought to the floor tomorrow and also thanked Representatives Faulkner and Rogers for getting it through the House.

Councilor Andress stated that the Homewood Athletics Fundraiser would be held on March 17, 2018 at the High School which was a mattress fundraiser and all purchases would go to the High School and Middle School athletic programs, specifically golf and tennis for the High School.

Councilor Wright stated that the Public Works Committee would meet on March 5, 2018 at 6:15 p.m. and the Planning and Development Committee would meet on March 5, 2018 at 6:20 p.m. Councilor Wright further stated that he appreciated Councilor Wyatt for his work on the Lid Bill. Councilor Wright added that he wanted to thank the Mayor and Councilors in regards to the additional SRO Officers who had been placed in all of the schools and they had all heard from residents in support of this. Councilor Wright further added that he spoke with Dr. Cleveland who wanted to thank the Mayor and the Council for their support for this and he wanted to say how proud he was with the work of the Police Department in how they had handled this to get the additional officers.

Councilor Smith stated that the Homewood Arts Council was having an Opening Reception for their Youth Arts Month which was usually when they displayed art work

from the different Homewood Schools and that would be this Thursday from 5:00 p.m. to 6:00 p.m. downstairs.

Councilor Gwaltney stated that he wanted to thank the Council in their support of the abatements and they had already seen the positive effects in Rosedale and other parts of Homewood and the neighbors had already expressed their excitement that they were paying attention to their properties. Councilor Gwaltney further stated that he spoke to Ms. Fout at the Library about the NASA At My Library Grant they received and the team librarian were attending some training this week that would allow Homewood's Library to be certified to check out meteorites and lunar disk samples and the schools could then come in and have access or check them out and take them to the schools and he did not believe there was any other library in the state that had this certification.

Councilor Wolverton stated that Nexus Fitness would be opening this week off of Oxmoor and there was a lot of excitement about this from residents and the owner had a lot of people from Hoover and Vestavia who were following him here so this would bring some good publicity to that side of Homewood. Councilor Wolverton further stated that he wanted to thank Ms. Connie Collins who was a preschool teacher who organized Community Helpers Month and police officers and fire fighters had been coming to the preschool. Councilor Wolverton added that a lot of people were very thankful to the Police Department for stepping up to help equip the schools.

President Limbaugh stated that he had the privilege to meet with Senator Waggoner and Representative Rogers and both were enthusiastic in their support of the Lid Bill.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:49 p.m.