

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

February 24, 2020

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 24, 2020 at City Hall at 6:00 p.m.

The invocation was given by Melody Salter, City Clerk/Assistant Finance Director, after which the pledge of allegiance was given.

The meeting was called to order by President Wright at 6:10 p.m.

At this time, Mayor McBrayer addressed the Council and presented a proclamation to Susan Waldrep declaring March 6, 2020 as Colo-Rectal Cancer Awareness Day.

Mayor McBrayer then presented a proclamation to Abigail Harris of the Greater Birmingham Chapter of the National Association for Women in Construction.

Upon Roll Call, the following were present: Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, Jennifer Andress, and Peter Wright, 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: Andy Gwaltney and John Hardin.

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of February 10, 2020 and approve them as distributed. Councilor Smith seconded the motion.

President Wright 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 a vote of 8-0-1. Councilor Higginbotham abstained.

At this time, President Wright requested Board openings and nominations.

President Wright stated that the application period for the At-Large position of the Homewood Environmental Commission would be opened until March 9, 2020 at 4:30 p.m.

President Wright stated that the application period for the seven positions of the Board of Adjustment and Appeals would be opened until May 11, 2020 at 4:30 p.m.

President Wright amended the published Council Agenda to amend the following item in the Committee Referral Agenda: Item No. 20.02.20 – Request to consider plaza and parking improvements – Councilors Gwaltney and Thames – Planning and Development Committee; Item No. 21.02.20 – Request to amend FY 19-20 Budgets – Robert Burgett, Finance Director/Assistant City Clerk/Melody Salter, City Clerk/Assistant City Clerk – Finance Committee; Item No. 22.02.20 – Request for consideration to work in City ROW at 211 Lakeshore Parkway – Interplan/Chick-Fil-A/Greg Cobb and Wyatt Pugh BEZ Department – Special Issues Committee; Item No. 23.02.20 – Request for consideration to restructure creek wall at Wingate Circle – Councilors McClusky and Jones– Public Works Committee; Item No.24.02.20 – Request for consideration of purchasing additional cybersecurity coverage for the City– Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director – Finance Committee; Item No. 25.02.20 – Request for authorization for Mayor to enter into road thru agreement with Jefferson County– Mayor Scott McBrayer – Finance Committee.

Councilor Jones moved for the approval of the Council Agenda as amended. Councilor McClusky seconded the motion.

President Wright 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

11.02.20 Request for consideration for payment of invoice received by Daniels Communities and to amend FY 19-20 for same – **Robert Burgett, Finance**

Action Taken: The Finance Committee met on February 18, 2020 and voted 5-0 to drop this item. The motion was made by Councilor Thames and seconded by Council Smith.

13.02.20 Request to work in City ROW at Raleigh Ave and Oak Grove – **Councilor Wolverton**

Action Taken: The Public Works Committee met on February 18, 2020 and voted 5-0 to drop this item. The motion was made by Councilor Wolverton and seconded by Councilor McClusky.

22.08.19 Request to consider traffic safety measures along Oak Grove Road at Southpointe Drive – **Andrew Wolverton**

Action Taken: The Public Safety Committee met on February 18, 2020 and voted 4-0 to drop this item. The motion was made by Councilor Wolverton and seconded by Councilor Wyatt.

19.01.20 Request for permission to operate a construction lift five days in city right-of-way for repairs to the Oxmoor Road side of the Hallman Hill building – **Mr. John Vickers, Vickers Design/Wyatt Pugh/Greg Cobb, BEZ**

Action Taken: The Special Issues Committee met on February 18, 2020 and voted 5-0 to drop this item. The motion was made by Councilor Higginbotham and seconded by Councilor McClusky.

Councilor Smith moved for the approval of the Consent Agenda. Councilor Andress seconded the motion.

President Wright 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. 17.01.20 – Public Hearing set for February 24, 2020 at 6:00 p.m. for consideration of a variance to the Driveway Ordinance adjacent to 149 Gillon Drive and permission to work in City Right-of-Way – Mr. Paul Harbin/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on February 18, 2020 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 6:20 p.m.

President Wright 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 regarding this item.

Mr. Paul Harbin of 149 Gillon Drive addressed the Council regarding this item.

Councilor Gwaltney entered the Council Chambers at 6:24 p.m.

President Wright declared the Public Hearing closed at 6:25 p.m.

President Wright 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. 20-22

(A Resolution for a variance to the Driveway Ordinance adjacent to 149 Gillon Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-22. Councilor Higginbotham seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 20-23

(A Resolution for permission to work in City Right-of-Way adjacent to 149 Gillon Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-23. Councilor Wolverton seconded the motion.

President Wright 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. 27.01.20 – Public Hearing set for February 24, 2020 at 6:00 p.m. for consideration of a variance to the Driveway Ordinance at 509 Devon Drive and permission to work in City Right-of-Way – Greg Cobb, BEZ/Kevin Harrod.

Councilor Smith stated that the Special Issues Committee met on February 18, 2020 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 6:27 p.m.

President Wright 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 regarding this item.

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

President Wright 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. 20-24

(A Resolution for a variance to the Driveway Ordinance at 509 Devon Drive and)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-24. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 20-25

(A Resolution for permission to work in City Right-of-Way at 509 Devon Drive)

Councilor Thames moved for the adoption and enrollment of Resolution No. 20-25. Councilor Gwaltney seconded the motion.

President Wright 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. 07.01.20 – Public Hearing set for March 9, 2020 at 6:00 p.m. for consideration to rezone property at 1619 Oxmoor Road (PID #29-00-13-1-013-002.000) from a R-5 (Attached Dwelling Unit District) to a C-1c (Office Building District with Proffered Conditions): Applicant: River Brook LLC dba River Brook Design & Construction/Owner(s): Leigh & Kevin Misso for the purpose to permit the utilization of an existing building for a design and construction services business. (The Planning Commission had a vote of 7-0 for an unfavorable recommendation of the rezone) – Wyatt Pugh.

President Wright stated that this item would be carried over for the Public Hearing set for March 9, 2020 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.11.19 – Request to authorize the Mayor to sign contract with the Birmingham Jefferson Transit Authority for FY19-20 services – Robert Burgett, Finance Director/Melody Salter, City Clerk. (Carried Over 2/10/20).

President Wright stated that, without objections, this item would be carried over. There were no objections.

The next item on the Agenda under Old Business was Item No. 03.02.20 – Request to enter into an agreement with St. Vincent’s Occupational Health – Mayor Scott McBrayer.

Councilor Jones stated that the Finance Committee met on February 18, 2020 and, after hearing from Mayor McBrayer and Kim Starling with St. Vincents Occupational Health, voted 5-0 to recommend approval.

President Wright 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. 20-26

(A Resolution to enter into an agreement with St. Vincent’s Occupational Health)

President Wright asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 04.02.20 – Request to authorize expenditures for 2020 Census participation – Councilors Andress and Smith.

Councilor Jones stated that the Finance Committee met on February 18, 2020 and voted 5-0 to recommend approval to fund, not to exceed \$1,000.00 from Advertising.

President Wright 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. 20-27

(A Resolution to authorize expenditures for 2020 Census participation)

President Wright asked if the Council had any questions or comments regarding the motion from the Finance Committee. 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. 04.01.20 – Request for consideration of Freshwater LandTrust and In-Stream Litter Collection –

Rusha Smith, Freshwater LandTrust Executive Director and Sally LaRue, Outreach Director/Councilor Address.

Councilor Gwaltney stated that the Public Works Committee met on February 18, 2020 and voted 5-0 to refer this item to the Finance Committee.

President Wright stated that, without objections, this item would be referred to the Finance Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 14.01.20 – Request for consideration to add streets to parking enforcement ordinance – Councilor Gwaltney and Thames.

Councilor Gwaltney stated that the Public Works Committee met on February 18, 2020 and voted 5-0 to recommend approval of including Reese, Linden, and Crescent to the three hour parking ordinance for downtown.

President Wright asked if the Council had any questions or comments regarding the Public Works 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 6:38 p.m.:

Ordinance No.

(An Ordinance including Reese, Linden, and Crescent to the three hour parking ordinance for downtown)

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. Councilor Smith seconded the motion.

President Wright 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 Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2771

(An Ordinance including Reese, Linden, and Crescent to the three hour parking ordinance for downtown)

Councilor Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2771. Councilor Wyatt seconded the motion.

President Wright 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 Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was 20.01.20 – Request to look at options to improve parking at the intersection of 19th Place and 29th Avenue – Jennifer Mims/Councilor Andress.

Councilor Gwaltney stated that the Public Works Committee met on February 18, 2020 and voted 5-0 to refer this item to the Finance Committee.

President Wright stated that, without objections, this item would be referred to the Finance Committee. There were no objections

The next item on the Agenda under Old Business was Item No. 10.02.20 – Request for consideration for a tent variance for Trinity United Methodist Church during Discovery Weekend – Barry Smith.

Councilor Smith stated that the Special Issues Committee met on February 18, 2020 and voted 5-0 to recommend approval.

President Wright 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. 20-28

(A Resolution for a tent variance for Trinity United Methodist Church during Discovery Weekend)

President Wright asked if the Council had any questions or comments regarding the motion from the Special Issues Committee. 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. 08.10.19 – Request to set a a Public Hearing for consideration for the city to vacate land between

904 Highland Road and 909 Irving Road – Holly Polk and Will Gardner/Wyatt Pugh/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on February 18, 2020 and voted 5-0 to take this item off the table and then voted 5-0 to recommend setting a Public Hearing for March 30, 2020 at 6:00 p.m.

Councilor Smith then moved to set the Public Hearing for March 30, 2020 at 6:00 p.m. Councilor McClusky seconded the motion.

President Wright 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 Wright stated that the Public Hearing would be set for March 30, 2020 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 14.02.20** Request for consideration for lighting for SOHO Garage – **Councilor Andress and Berkley Squires – Finance Committee**
- 15.02.20** Request for update of Phase Two of the Shades Creek Greenway – **Councilors Andress, Gwaltney, Thames, and Wyatt – Public Works Committee**
- 16.02.20** Request for consideration for lighting for 700 Block of Windsor Drive – **Councilors Andress and Hardin – Public Safety Committee**
- 17.02.20** Request to address trash pick up concerns and requirements for downtown business properties – **Tim Hontzas/President Wright – Special Issues Committee**
- 20.02.20** Request to consider plaza and parking improvements – Councilors Andress, Gwaltney and Thames – **Councilor Andress – P & D Committee**
- 21.02.20** Request to amend FY 19-20 Budgets – Robert Burgett, Finance Director/Assistant City Clerk/Melody Salter, City Clerk/Assistant City Clerk – **Finance Committee**
- 22.02.20** Request for consideration to work in City ROW at 211 Lakeshore Parkway – Interplan/Chick-Fil-A/Greg Cobb and Wyatt Pugh BEZ Department – **Special Issues Committee**

- 23.02.20** Request for consideration to restructure creek wall at Wingate Circle – Councilors McClusky and Jones– **Public Works Committee**
- 24.02.20** Request for consideration of purchasing additional cybersecurity coverage for the City– Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director – **Finance Committee**
- 25.02.20** Request for authorization for Mayor to enter into road thru agreement with Jefferson County– Mayor Scott McBrayer – **Finance Committee**

Councilor Higginbotham then moved for the approval of the Committee Referral Agenda as amended. Councilor Gwaltney seconded the motion.

President Wright 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. 18.02.20 – Request to modify Sign Ordinance – Mike Kendrick, City Attorney/Melody Salter, City Clerk.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council’s consideration at 6:46 p.m.:

Ordinance No.

(An Ordinance to repeal Ordinance 2767 and modify Sign Ordinance)

Councilor Wyatt moved for the unanimous consent of the proposed Ordinance as read. Councilor Smith seconded the motion.

President Wright 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 Wright.

The motion for unanimous consent carried.

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

Ordinance No. 2772

(An Ordinance to repeal Ordinance 2767 and modify Sign Ordinance)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2772. Councilor Gwaltney seconded the motion.

President Wright 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 Wright.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 19.02.20 – Request for consideration of approval of vouchers for period of February 11, 2020 through February 24, 2020 – City Treasurer.

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

Resolution No. 20-29

(A Resolution for approval of vouchers for period of February 11, 2020 through February 24, 2020)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-29. Councilor Higginbotham seconded the motion.

President Wright 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 considered under Other New Business, removed from the Committee Referral Agenda, was Item No. 14.02.20 – Request for consideration for lighting for SOHO Garage – Councilor Andress and Berkley Squires.

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

Resolution No. 20-30

(A Resolution to fund lighting for SOHO Garage from FB 12-09-499300/12-11-589150 Building Improvements Capital)

Councilor Andress moved for the adoption and enrollment of Resolution No. 20-30. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

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

Resolution No. 20-31

(A Resolution changing the March 23, 2020 Council Meeting to March 30, 2020)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-31. Councilor McClusky seconded the motion.

President Wright 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 stated that the Public Works Committee would meet on March 2, 2020 at 5:30 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on March 2, 2020 at 5:45 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on March 2, 2020 at 6:15 p.m.

Councilor Jones stated that the Finance Committee would meet on March 2, 2020 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on March 2, 2020 at 6:30 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:12 p.m.