

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

March 11, 2019

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, March 11, 2019 at City Hall at 6:00 p.m.

The invocation was given by Councilor Walter Jones, after which the pledge of allegiance was given.

The meeting was called to order by President Limbaugh at 6:05 p.m.

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

At this time, President Limbaugh stated that, without objections, the reading of the Council Minutes of February 25, 2019 would be carried over. There were no objections.

President Limbaugh stated that there were three applicants for the Homewood Environmental Commission At-Large position so interviews would need to be scheduled next week so an appointment could be made by the first meeting in April.

Councilor Andress moved to nominate Mr. Eddie Griffith to the Ward 5 Historic Preservation Commission. 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.

President Limbaugh stated that the Ward 3 position on the Historic Preservation Commission would need to be opened and with a closing date set on April 8, 2019.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 11.03.19 – Request to address safety concerns and consider traffic calming measures along Oak Grove Road between Raleigh Ave and Hall Ave – Andrew Wolverton/Mike Higginbotham – Public Safety Committee; Item No. 12.03.19 – Request for presentation of Chamber of

Commerce updates – Alex Wyatt/Meredith Drennen – Finance Committee; Item No. 13.03.19 – Request for consideration for financial incentives for Samford’s New Stadium Project – Barry Smith/Alex Wyatt/Britt Thames – Finance Committee; Item No. 15.03.19 – Request to address how condos and apartments handle garbage/trash and issues as residents move in and out – Jackie Langlow/Mayor McBrayer – Special Issues Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 14.03.19 – Request to approve the AT &T First Net Contract for Fire and Rescue Dept. – Walter Jones.

Councilor McClusky asked to drop Item No. 05.03.19 and handle along with Item No. 11.03.19.

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

01.01.19 Request for consideration of petition for annexation for the property located at 314 Happy Lane – **Robert Hubbard/Robert W. Burgett, Acting City Clerk (Carried over 01/28/19)**

Action Taken: The Planning and Development Committee met on March 4, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Wyatt and seconded by Councilor Andress.

40.11.18 Request to consider Huntington Road as a One-Way – **Peter Wright and Kelly Chopin/Jennifer Andress (Carried Over 2/4/19)**

Action Taken: The Public Safety Committee met on March 4, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Thames.

Councilor Gwaltney moved for the approval of the Council Agenda. 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 13.01.19 – Public Hearing continued from February 25, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1651 Independence Drive – Greg Cobb, BEZ (Carried over 2/25/19).

Mr. Greg Cobb addressed the Council and stated that he had emailed Mr. Brandt today and asked to drop this item and until Mr. Brandt was ready with further plans.

Councilor Higginbotham moved to drop this item. 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. 16.02.19 – Public Hearing set for March 11, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 2617 18th Pl So – Bethel AME Church/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on March 4, 2019 and voted 5-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh opened the Public Hearing at 6:14 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 this request was coming to the Council because the air conditioning units at the church had been stolen and they had to replace the units. Mr. Cobb further stated that this was on a corner lot; however, the fence barrier was immediately behind the church so it was mid-block and would not be on the corner and would be behind their building before getting into their parking lot and would also be behind a retaining wall. Mr. Cobb added that this would not be any kind of traffic sight distance issue but would protect the new air conditioning units.

Ms. Phyllis Shephard, Treasurer of Bethel AME Church, addressed the Council and stated that this would be a preventative measure so they could secure the air conditioning units as well as a satellite dish that were against the wall on the 27th Avenue side to the rear of the church

Councilor Jones stated that he was so sorry that this happened and asked if they had any video and asked if they were looking at adding any additional security moving forward.

Ms. Shephard replied yes.

President Limbaugh declared the Public Hearing closed at 6:17 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. 19-31

(A Resolution for a variance to the fence ordinance at 2617 18th Pl So)

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-31. 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.

The next item on the Agenda under Old Business was Item No. 17.02.19 – Public Hearing set for March 11, 2019 at 6:00 p.m. – for consideration of a variance to the fence ordinance at 1518 Valley Pl – Bayless Ydel/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on March 4, 2019 and voted 5-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh opened the Public Hearing at 6:18 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 this was a request for a fence along the creek wall where Valley Place dead-ended and the if someone was in the front

yard someone could walk right into the creek and it was about a seven to eight feet drop. Mr. Cobb further stated that this would also keep the children's balls from rolling into the creek and the shrubbery would hide the fence and would only be a safety measure.

Mr. Bayless Ydel at 1518 Valley Place addressed the Council and stated that this was just a safety issue because a lot of kids play near there at it was a dramatic drop-off once they got to the creek and from a sight-line stand point, the fence was designed to be no more than four feet tall with horizontal slants so they were not talking about an eight foot privacy fence, and it would disappear into the landscaping. Mr. Ydel further stated that this was just a safety issue and would not present a water drainage issue.

President Limbaugh asked what type of fence it would be.

Mr. Ydel replied that it would be a horizontal slat wood fence and would step down with the grade of the land and was designed to be no more than four feet high at any length.

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. There was no response from the Council.

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

Resolution No. 19-32

(A Resolution for a variance to the fence ordinance at 1518 Valley Place)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 19-32. 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. 18.02.19 – Public Hearing set for March 11, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 201 Vulcan Road – Robert Norris /Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on March 4, 2019 and voted 5-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh opened the Public Hearing at 6:22 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 this was request for a sign variance because the sign ordinance was for one attached sign in a larger size and he had more than one option to present to the Council.

Mr. Robert Norris at 201 Vulcan Road addressed the Council and stated that Option 3 is the one that they preferred which was designed for safety and visibility.

Councilor Smith asked if the sign would be backlit.

Mr. Norris replied yes and stated that it would be LED backlit.

Councilor Jones asked Mr. Norris to verify that his preference was Option 3.

Mr. Norris replied yes.

Councilor Higginbotham asked to clarify what the variance amounts were on the square footage for Options 3 and 4.

Mr. Cobb replied that Option 3 was 283.5 square feet and Option 4 was 251.6 square feet.

Councilor Smith asked how far the building was from I-65.

Mr. Norris replied that was 204 feet from I-65.

Councilor Wright asked Mr. Norris if he could live with either Option 3 or Option 4.

Mr. Norris replied yes.

Councilor Jones stated that the distance between the building and I-65 that was the issue.

Councilor Wolverton asked if the backlighting was allowed under the sign ordinance.

Mr. Cobb replied yes.

Councilor Wolverton asked what the measurements were for the Floor and Décor signs.

Mr. Cobb replied that the Floor and Décor signs were 418 square feet.

President Limbaugh declared the Public Hearing closed at 6:29 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. 19-33

(A Resolution for a variance to the sign ordinance at 201 Vulcan Road approving Option 4)

Councilor Andress moved for the adoption and enrollment of Resolution No. 19-33. Councilor Wright seconded the motion.

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

Councilor Higginbotham stated that he was happy for the business to be there and was happy about the money he was investing into the building and he felt confident he would be granted the variance from the Council but for the record he would not be able to vote for the variance nor did he vote for the variance for the Floor and Décor but he wished him great success.

Councilor Wolverton stated that he spoke to some of the people who were next to him at an open house they had and he was very thankful that something was coming in and renewing the space. Councilor Wolverton further stated that he thought that the 210 foot measurement was to the edge of the building not to the edge of where the sign would actually be so it was actually a little further when they were talking sight distance and that was from the outside lane, not inside lane.

On a voice vote, the motion carried on a vote of 9-1. Councilor Higginbotham voted no.

The next item on the Agenda under Old Business was Item No. 19.02.19 – Request for consideration of adoption of Resolution placing a lien on the property located at 2531 18th 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 (Carried over 2/25/19).

Mr. Wyatt Pugh addressed the Council, provided the Council with the demo cost report, and stated that all the notifications had been made and he had even spoken to the family.

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

Resolution No. 19-34

(A Resolution placing a lien on the property located at 2531 18th Place South, Parcel ID No. 28-00-07-2-001-090.000 for the cost of abatement in the amount of \$7,500)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-34. 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. 14.01.19 – Bid Opening held February 25, 2019 at 4:30 p.m. for Patriot Park Connector – Greg Cobb.

Councilor Jones stated that the Finance Committee met on March 4, 2019 and voted 5-0 to recommend rejecting bids and negotiating with Bulls Construction Group with recommended approval of funding of \$133,219.00 from Sidewalk Construction Fund.

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. 19-35

(A Resolution rejecting bids and authorizing negotiation with Bulls Construction Group)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 19-35.

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. 14.02.19 – Request to amend Fiscal Year 2018-2019 Budgets – Robert W. Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on March 4, 2019 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. 19-36

(A Resolution amending Fiscal Year 2018-2019 Budgets)

Councilor Jones then moved for the adoption and enrollment of Resolution No. 19-36.

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. 17.01.19 – Request for consideration to add sidewalks on Wellington Road – Michelle Hyde/Barry Smith.

Councilor Wright stated that the Public Works Committee met on March 4, 2019 and voted 4-0-1 to add Wellington Road to the sidewalk list.

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

Councilor Wright then moved to add Wellington Road to the sidewalk list.

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 Item No. 22.02.19 – Request to remove city light at Ventura – Chris Tucker.

Councilor Wright stated that the Public Works Committee met on March 4, 2019 and, after hearing report from Randy Hambley, voted 5-0 to relocate light on Ventura and replace with LED light.

President Limbaugh stated that this item would be carried pending verification of the new location of the light.

The next item on the Agenda under Old Business was Item No. 27.01.19 – Request for consideration to add stop signs at intersection of Woodbine Drive and Lakewood Drive – Stephanie Holley/Barry Smith.

Councilor McClusky stated that the Public Safety Committee met on March 4, 2019 and, after hearing report from Mr. Randy Hambley, voted 5-0 to recommend taking down stop sign at Woodbine and putting up stop sign at Lakewood. Councilor McClusky further stated that since that meeting there had been several discussions with neighbors and they would like to refer this item back to the Public Safety Committee for further discussion.

President Limbaugh stated that this item would be referred back to the Public Safety Committee.

The next item on the Agenda under Old Business was Item No. 21.11.18 – Request for presentation to update City Council on the i-Tree landscape tools – Amy Milam, HEC.

Councilor Smith stated that the Special Issues Committee met on March 4, 2019 and, after hearing presentation from Ms. Amy Milam of HEC and Beau Brodbeck, PhD of Auburn University Extension/Alabama Cooperative Extension Service, voted 5-0 to recommend that the HEC engage Dr. Brodbeck in volunteer training. Councilor Smith further stated that after speaking to Ms. Milam they would like to send this item back to the Special Issues Committee for further discussion of what that tree inventory might include.

President Limbaugh stated that this item would be referred back to the Special Issues Committee.

COMMITTEE REFERRAL AGENDA

- 01.03.19** Request for consideration of placing full page ad for the City in Homewood Magazine (A Chamber of Commerce Publication) at a cost of \$1,740.00 (the non-profit rate) – **Barry Smith – Finance Committee**
- 02.03.19** Request for consideration for stop or yield sign at Manchester and Fairfax – **Jennifer Foster/Jennifer Andress – Public Safety Committee**
- 03.03.19** Request for consideration for placing stop signs at West Homewood Park – **Berkley Squires– Public Safety Committee**

- 04.03.19** Request for consideration to move the two on-street handicap parking spaces at the intersection of Oxmoor Road and Peerless Avenue – **Randy Hambley– Public Safety Committee**
- 05.03.19** Request for consideration to designate a section of Oak Grove Road as “no parking” with accompanying paint and signage – **Mike Higginbotham/Andrew Wolverton – Public Safety Committee**
- 06.03.19** Request for consideration to work in the city right-of-way to construct new stone landing, 12” retaining wall, and new stone steps extending to street at 1505 Ridge Road – **Steve Martin/Wyatt Pugh, BEZ – Special Issues Committee**
- 07.03.19** Request for consideration to keep work site fencing in city right-of-way during construction of new hotel on 18th Street – **David Green, Robins & Morton Construction/Wyatt Pugh, BEZ – Special Issues Committee**
- 08.03.19** Request for consideration for a variance to the driveway ordinance to add a second entrance at 311 LeJeune Way – **Deborah Smith/Wyatt Pugh, BEZ – Special Issues Committee**
- 09.03.19** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to amend the development plan at 2762 B M Montgomery Street (PID #28-00-07-3-008-006-000) Applicant: Coker Holdings, LLC for Owner: Tim Coker for the purpose to relocate existing commercial building and replace with a new two-story 6,000 sq. ft. mixed use building (The Planning Commission had a unanimous vote of 6-0 for a favorable recommendation of the amendment to the previously approved development plan) – **Wyatt Pugh**
- 11.03.19** Request to address safety concerns and consider traffic calming measures along Oak Grove Road between Raleigh Ave and Hall Ave – Andrew Wolverton/Mike Higginbotham – **Public Safety Committee**
- 12.03.19** Request for presentation of Chamber of Commerce updates – Alex Wyatt/Meredith Drennen – **Finance Committee**
- 13.03.19** Request for consideration for financial incentives for Samford’s New Stadium Project – Barry Smith/Alex Wyatt/Britt Thames – **Finance Committee**
- 15.03.19** Request to address how condos and apartments handle garbage/trash and issues as residents move in and out – Jackie Langlow/Mayor McBrayer – **Special Issues Committee**

Councilor McClusky moved for the approval of the Committee Referral Agenda as amended including the dropping of Item No. 05.03.19. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 09.03.19 – Request to set a Public Hearing for consideration to amend the development plan at 2762 B M Montgomery Street (PID #28-00-07-3-008-006-000) Applicant: Coker Holdings, LLC for Owner: Tim Coker for the purpose to relocate existing commercial building and replace with a new two-story 6,000 sq. ft. mixed use building (The Planning Commission had a unanimous vote of 6-0 for a favorable recommendation of the amendment to the previously approved development plan) – Wyatt Pugh.

President Limbaugh stated that, without objections, the Public Hearing would be set for April 8, 2019 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business was Item No. 10.03.19 – Request for consideration of approval of vouchers for period of February 25, 2019 through March 10, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-37

(A Resolution for approval of vouchers for period February 25, 2019-March 10, 2019)

Councilor Wright moved for the adoption and enrollment of Resolution No. 19-37. 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. 14.03.19 – Request to approve the AT&T First Net Contract for the Fire and Rescue Dept. – Walter Jones.

Councilor Jones stated that this was a contract Mr. Kendrick had reviewed and was budgeted.

Mr. Brandon Broadhead addressed the Council and stated that they had been working on the project for a couple of months with Mr. Zanaty and finally came to a negotiation with AT&T and everything was well within their budget and they would be saving a little money every month. Mr. Broadhead further stated that they would be replacing 23 devices for a total of \$574.97 per month and that was \$6.00 more than they currently paid; however, they did not have unlimited data and they did not have the ability to prioritize those devices with the current networks and the new would be unlimited everything so he would not have to worry about opening the bill every month. Mr. Broadhead added that of the 23 devices 10 of those were standby devices that would not be used on a daily basis and they were given those for a one penny a month and those would only be activated in case of an emergency or disaster in the city. Mr. Broadhead further added that he felt it would be a better deal for them and they did a lot of research on AT&T and their new First Net Network and they seemed to be the leader in the First Response Network.

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

Resolution No. 19-38

(A Resolution for to approve the AT&T First Net Contract for Fire and Rescue Dept.)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-38. 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 on a 9-0-1 vote. Councilor Gwaltney abstained.

Councilor Gwaltney stated that the sign up was live for the Rosedale Day of Service on April 13, 2019 at 8:30 a.m.

Councilor Higginbotham stated that he wanted to thank his colleagues for supporting the unexpected number associated with the Patriot Park Connector and moving that project forward.

Councilor Wolverton stated that he wanted to second what Councilor Higginbotham said and he knew other sidewalks needed to be built and budgets could not always be met so he appreciated everyone approving this one as he felt it was important

for accessibility for the pool, the park, and walking to school. Councilor Wolverton further stated that the Wine 10K went fantastically and was sold out and he wanted to thank the Police Department for the road closures they were able to help with. Councilor Wolverton added the Color Run would be this Sunday.

Councilor Jones stated that the Finance Committee would meet on March 18, 2019 at 5:00 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on March 18, 2019 at 5:15 p.m. Councilor McClusky further stated that Cornhole Tournament for the Homewood Athletic Foundation would be held this Sunday.

Councilor Smith stated that the Planning and Development Committee would meet on March 18, 2019 at 5:45 p.m. and the Special Issues Committee would meet on March 18, 2019 at 4:30 p.m.

Councilor Andress stated that Homewood High School Tennis would have a match tomorrow against Ramey and she wanted to thank the Park and Rec Department because the Tennis Courts looked great.

Councilor Wright stated that the Public Works Committee would not meet on March 18, 2019.

President Limbaugh stated that he had heard positive comments from coaches and parents about the new artificial infield and they made a lot of Homewood residents happy with those improvements.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:56 p.m.