

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

March 21, 2018

The City Council of the City of Homewood, Alabama convened in Special Session on Wednesday, March 21, 2018 at City Hall at 6:00 p.m.

The invocation was given by Melody Salter, after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:03 p.m.

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

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of March 12, 2018 and approve them as amended. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Limbaugh stated that the Homewood Environmental Commission At Large and Library Board Ward 1 application periods would be extended to April 9, 2018 at 4:30 p.m.

Councilor Smith moved to open the Ward 4 Historic Preservation Commission application period to close on April 9, 2018.

Councilor Higginbotham moved to open the Ward 2 Homewood Environmental Commission application period to close on April 23, 2018 at 4:30 p.m.

Councilor Wyatt moved to open the Ward 4 Board of Education application period to close on April 9, 2018.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Old Business Agenda: Item No. 01.03.18 – Request for

consideration to work in the city right-of-way adjacent to 123 Edgewood Blvd. – Scott Fuller/Greg Cobb/BEZ; Item No. 02.03.18 – Request for consideration to remove a mature tree within the city right-of-way at 431 Cliff Place – William Morton, homeowner/Wyatt Pugh, BEZ; Item No. 06.02.17 – Request for consideration to work in city right-of-way at 1769 South Lakeshore Dr. – John Gray/Greg Cobb; Item No. 04.10.17 – Request for consideration to authorize the Mayor to sign a three year WAN Maintenance Contract – James Yates; Item No. 13.02.18 – Request for consideration of ethics and OMA training requirements for City of Homewood Board appointees – Mike Higginbotham; Item No. 03.03.18 – Request for consideration to purchase full page ad in support of The 2018 Homewood Magazine – Barry Smith; Item No. 04.03.18 – Request for consideration to fund up to \$6,500.00 for a security camera at the soccer park – Barry Smith and Jennifer Andress; Item No. 06.03.18 – Request to set bid opening date for consideration of purchasing video equipment for use in Rosewood Hall – James Yates; Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department; Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project – Britt Thames; Item No. 21.02.18 – Request for signage at Homewood schools prohibiting cell phone usage in school drop-off zones – Bruce Limbaugh; Item No. 05.03.18 – Request for consideration to add a stop sign at the intersection of St. Charles and Irving Road – Britt Thames; Item No. 09.03.18 – Request to authorize the Mayor to sign contract with Gonzalez-Strength to design crosswalk at Marriott on Lakeshore – Jennifer Andress.

President Limbaugh further amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 17.03.18 – Request to consider report from the Homewood Environmental Commission – Mike Higginbotham – Special Issues Committee.

Councilor Higginbotham moved for the approval of the Agenda as amended. 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.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 16.02.18 – Continued Public Hearing from 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 (Carried over 3/12/18 to continue Public Hearing).

Councilor Smith stated that the Special Issues Committee met on February 20, 2018 and voted 4-0 to send this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh continued the Public Hearing at 6:13 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 presented photographs, addressed the Council and stated that they had stopped work on the fence since the last Council Meeting.

Councilor Smith stated that there was some concern if the fence was structurally sound and could bare the weight of the netting that they were proposing and asked if someone had looked at that.

Mr. Cobb replied that Mr. Pugh looked at it but they did not discuss it.

Councilor Smith stated that this was the main concern and wanted to make sure the heavy iron fence was safe for children.

Mr. Cobb stated that he knew Mr. Pugh had been to the site to look at it but did not know his findings.

Mayor McBrayer asked Mr. Cobb to call Mr. Pugh for the information.

President Limbaugh stated that they would continue the Public Hearing while waiting on the information from Mr. Pugh.

The next item on the Agenda under Old Business was Item No. 03.02.18 – Public Hearing set for April 9, 2018 at 6:00 p.m. for consideration for changes from the zoning sub-committee to amend the Zoning Ordinance – Vanessa McGrath.

President Limbaugh stated that this item would be carried over for the Public Hearing set for April 9, 2018 at 6:00 p.m.

The next item considered under Old Business was Item No. 01.03.18 – Request for consideration to work in the city right-of-way adjacent to 123 Edgewood Blvd – Scott Fuller/Greg Cobb/BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, 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. 18-36

(A Resolution approving work in the city right-of-way adjacent to 123 Edgewood Blvd)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-36.

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 on a 7-0 vote.

At this time, President Limbaugh continued the Public Hearing for Item No. 16.02.18 – Continued Public Hearing from 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.

Mr. Cobb addressed the Council and stated that he spoke to Mr. Pugh and he said that he went to the site to check the fence and the poles that were mounted in the ground were eight feet deep and were in concrete so he felt it was structurally sound.

Councilor Gwaltney asked if there was a fine if someone was caught working without a permit.

Mr. Cobb replied yes and stated that they doubled the permit fees and the fine was \$100.00 on top of that cost.

Councilor Gwaltney asked if the BEZ department would track that to ensure it was covered since they were a repeat offender.

Mr. Cobb replied that a note was entered into their computer that would pull up so it would not be forgotten about.

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

President Limbaugh declared the Public Hearing closed at 6:19 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. 18-37

(A Resolution for a fence variance at 1810 25th Court South to allow 15 feet of netting on top of a five feet chain link fence)

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-37. 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 on a 6-1 vote. Councilor Thames voted no.

The next item considered under Old Business was Item No. 02.03.18 – Request for consideration to remove a mature tree within the city right-of-way at 431 Cliff Place – William Morton, homeowner/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend approval pending homeowner planting acceptable replacement tree elsewhere and pending right-of-way indemnification agreement as well as release from liability.

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. 18-38

(A Resolution authorizing removal of a mature tree within the city right-of-way at 431 Cliff Place)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-38.

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 7-0 vote.

The next item considered under Old Business was Item No. 06.02.17 – Request for consideration to work in the city right-of-way at 1769 South Lakeshore Dr. – John Gray/Greg Cobb.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 4-0 to take this item off of the table and then voted 3-1 to allow work in the right-of-way and referral to the Finance Committee for funding.

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.

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

The next item considered under Old Business was Item No. 04.10.17 – Request for consideration to authorize the Mayor to sign a three year WAN Maintenance Contract – James Yates.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend Siarium.

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. 18-39

(A Resolution authorizing the Mayor to sign three year WAN Maintenance Contract with Siarium)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-39.

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 7-0 vote.

The next item considered under Old Business was Item No. 13.02.18 – Request for consideration of ethics and OMA training requirements for City of Homewood Board appointees – Mike Higginbotham (Referred to Finance at 3/12/18 Council Meeting).

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend funding \$500.00 from Contractual Services for one-time fee to JettyTrip.

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

Ms. Smith 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 considered under Old Business was Item No. 03.03.18 – Request for consideration to purchase full page ad in support of The 2018 Homewood Magazine – Barry Smith.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend funding from Advertising Fund not to exceed \$2,000.00.

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

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

Resolution No. 18-40

(A Resolution to purchase full page ad in support of The 2018 Homewood Magazine)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-40.

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 7-0 vote.

The next item considered under Old Business was Item No. 04.03.18 – Request for consideration to fund up to \$6,500.00 for security camera at the soccer park – Barry Smith and Jennifer Andress.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend amended Capital Projects Budget as follows: Carryover FB to Bldg. Improvements Parks.

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. 18-41

(A Resolution to fund up to \$6,500.00 for security camera at the soccer park)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 18-41.

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 7-0 vote.

The next item considered under Old Business was Item No. 06.03.18 – Request to set bid opening date for consideration of purchasing video equipment for use in Rosewood Hall – James Yates.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to set a bid opening for April 9, 2018 at 4:45 p.m.

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

President Limbaugh stated that, without objection, the Bid Opening would be set for April 9, 2018 at 4:45 p.m. There was no objection.

The next item considered under Old Business was Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department.

Councilor Thames stated that the Planning and Development Committee met tonight, prior to the Council Meeting, and voted 3-0 to recommend sidewalks on Rumson; Saulter from Sylvia to Rockaway; and Covenant Way 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, without objection, this item would be referred to the Finance Committee. There was no response from the Council.

The next item considered under Old Business was Item No. 25.04.17 – Request for consideration of 18th Street Project – Britt Thames.

Councilor Thames stated that The Planning and Development Committee met and voted 3-0 to take this item off the table and then voted 3-0 to recommend contracting with GMC to meet with steering subcommittee to be formed and made up of Councilor Gwaltney, Councilor Thames, J.J. Bischoff, Chief of Staff, and Greg Cobb, BEZ.

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 Wyatt moved for approval of report. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 21.02.18 – Request for signage at Homewood schools prohibiting cell phone usage in school drop-off zones – Bruce Limbaugh.

Councilor Wyatt stated that the Public Safety Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approval of an ordinance approved by the Homewood Police Department.

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 first reading of the proposed Ordinance for the Council's consideration at 6:30 p.m.:

Ordinance No.

(An Ordinance prohibiting cell phone usage in school drop-off zones)

Councilor Wyatt moved for the unanimous consent of the proposed Ordinance as read. 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, Thames, Higginbotham, 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. 2690

(An Ordinance prohibiting cell phone usage in school drop-off zones)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2690. 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, Smith, Wyatt, Andress, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 05.03.18 – Request for consideration to add a stop sign at the intersection of St. Charles and Irving Road – Britt Thames.

Councilor Wyatt stated that the Public Safety Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approval of adding a stop sign on the east/west portion of Irving Road.

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 first reading of the proposed Ordinance for the Council's consideration at 6:35 p.m.:

Ordinance No.

(An Ordinance to add a stop sign at the intersection of St. Charles and Irving Road)

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

The motion for unanimous consent carried.

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

Ordinance No. 2691

(An Ordinance to add a stop sign at the intersection of St. Charles and Irving Road)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2691. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Smith, Wyatt, Address, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 09.03.18 – Request to authorize the Mayor to sign contract with Gonzalez-Strength to design crosswalk at Marriott on Lakeshore – Jennifer Address.

Councilor Wyatt stated that the Public Safety Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approval.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approval pending verification of cost.

Mr. Greg Cobb addressed the Council and stated that the contract was for a lump sum payment of \$18,650.00.

President Limbaugh asked if the Council had any questions or comments regarding the Public Safety and Finance Committee's recommendations.

Councilor Smith asked if the Finance Committee members had any objections to the amount of the lump sum payment. There were no objections.

Ms. Salter asked if this was for a budgeted project.

Mr. Cobb replied no.

Ms. Salter stated that they would need to use the Carryover Fund Balance and Capital and she would need to assign it a project number.

Councilor Thames asked Mr. Cobb if he could lump this in with some other projects that needed some design work.

Mr. Cobb replied that since this one tied to Rumson he could have them do Rumson at the same time.

Councilor Thames asked if he did that if it would keep the cost the same.

Mr. Cobb replied that it would be a separate project but that he might get a break on the next project but he did not think it would change the cost of this one because it was a DOT Project that was very specific because it had to please the DOT but the Rumson project would not be as detailed as with the DOT project.

Ms. Salter asked if there was grant money for this.

Mr. Cobb replied that when working with the DOT it would be more economical to do it themselves because this was a project permitted by the DOT but was not a DOT project.

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

Resolution No. 18-42

(A Resolution authorizing the Mayor to sign contract with Gonzalez-Strength to design crosswalk at Marriott on Lakeshore)

Councilor Wyatt then moved for the adoption and enrollment of Resolution No. 18-42. 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 7-0 vote.

COMMITTEE REFERRAL AGENDA

- 11.03.18** Request to amend FY 17-18 Budgets – Melody Salter/Finance Director/City Clerk – **Finance Committee**
- 12.03.18** Request for consideration to declare miscellaneous items from the Finance and City Clerk’s Departments surplus– Melody Salter/Finance Director/City Clerk –**Finance Committee**
- 13.03.18** Request for consideration of paving an alleyway behind Devon Drive – Joe Swaika/Barbara Nichols/Peter Wright and Jennifer Andress – **Public Works Committee**
- 14.03.18** Request for consideration to work in the city right-of-way to renovate sidewalk in front of home on Mayfair as part of a joint project with the city – Jonathan and Kathryn Pennington/Jennifer Andress – **Public Works Committee**
- 17.03.18** Request to consider report from the Homewood Environmental Commission – Mike Higginbotham – **Special Issues Committee**

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

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

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 15.03.18 – Request to authorize one voting delegate of the City of Homewood Council to vote at the Alabama League of Municipalities Annual Convention May 19-22, 2018 in Birmingham, Alabama – Melody Salter/Finance Director/City Clerk.

Ms. Salter stated that the location would actually be in Montgomery rather than Birmingham.

President Limbaugh stated that, without objection, this item would be carried over to determine delegate. There was no objection.

The next item on the Agenda under Other New Business was Item No. 16.03.18 – Request for consideration of approval of vouchers for period of March 12, 2018 through March 18, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-43

(A Resolution approving vouchers for period of March 12, 2018 through March 18, 2018)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-43. 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.

Mayor McBrayer addressed the Council and stated that he was thankful that Homewood missed the storm Monday night but some other cities were not as lucky. Mayor McBrayer further stated that he wanted to thank Homewood Fire and Rescue who, once Homewood was cleared, responded to Jacksonville and assisted in search and rescue. Mayor McBrayer added that he wanted to thank Dawson Baptist Church who offered the use of their parking deck to the community.

Councilor Gwaltney stated that he and Councilor Andress attended the Freshwater Land Trust Trail opening.

Councilor Thames stated that the Planning and Development Committee would meet on April 2, 2018 at 5:45 p.m. Councilor Thames further stated that he wanted to thank the Police Department for the increased Police presence in the schools. Councilor Thames added that his son, Britton, was elected Mayor of Ms. Peterson's second grade class.

Councilor Higginbotham stated that the Homewood Easter Egg Hunt would be March 24, 2018 at West Homewood Park at 5:30 p.m. and Trinity United Methodist's Easter Egg Hunt would be earlier that day at 10:00 a.m.

Councilor Smith stated that the Finance Committee would meet on April 2, 2018 at 5:00 p.m. and the Special Issues Committee would meet on April 2, 2018 at 5:30 p.m.

Councilor Wyatt stated that the Public Works Committee would meet on April 2, 2018 at 6:00 p.m. and the Public Safety Committee would not need to meet. Councilor Wyatt further stated that he wanted to thank all that attended Cornapalooza and that Councilor McClusky won the tournament.

Councilor Andress stated that Heart of Homewood would have two sessions this Thursday at 12:00-1:30 p.m. and also 5:30-7:00 p.m. Councilor Andress further stated she wanted to thank the Council for approving the design for the Marriot crosswalk and wanted to thank Mr. Cobb for all the work.

President Limbaugh stated that he wanted to thank the Council for passing the ordinance regarding cell phone use in school drop-off zones as his own grandson had been involved in an incident of this nature.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:50 p.m.