

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

March 9, 2020

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, March 9, 2020 at City Hall at 6:00 p.m.

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

The meeting was called to order by President Wright at 6:04 p.m.

At this time, Mayor McBrayer addressed the Council and presented a proclamation to Coach Sills from him and the Council in recognition of his service to the City.

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

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of February 24, 2020 and approve them as amended. Councilor Hardin 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, President Wright requested Board openings and nominations.

Councilor Higginbotham moved to nominate Mary Liz Ingram to the At-Large position of the Homewood Environmental Commission. 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.

President Wright amended the published Council Agenda to amend the following item in the Other New Business Agenda: Item No. 06.02.20 – Request for consideration for funding street improvements from Work Session.

Councilor McClusky moved for the approval of the Council 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.

CONSENT AGENDA

07.02.20 Request for presentation by Homewood City Schools Foundation on their Capital Campaign Legacy for Learning – **Councilor Andress**

Action Taken: The Finance Committee met on March 2, 2020 and voted 4-0 to drop this item. The motion was made by Councilor Smith and seconded by Councilor Higginbotham.

12.02.20 Request to consider options to address flooding on Bonita Drive – **Councilors Andress and Hardin^{PW}**

Action Taken: The Finance Committee met on March 2, 2020 and voted 4-0 to drop this item. The motion was made by Councilor Smith and seconded by Councilor Hardin.

23.02.20 Request for consideration to restructure creek wall at Wingate Circle – **Councilors McClusky and Jones**

Action Taken: The Public Works Committee met on March 2, 2020 and voted 5-0 to drop this item. The motion was made by Councilor McClusky and seconded by Councilor Wyatt.

Councilor Thames moved for the approval of the Consent Agenda. 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 voice vote, the motion carried without dissent.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 12.10.19 – Public Hearing set for March 9, 2020 at 6:00 p.m. for consideration to rezone the Homewood Downtown District from multiple zonings classifications to three new mixed use

categories: Low Intensity District (LI), Medium Intensity District (MI) and High Intensity District (HI) to implement recommendations contained within the approved Heart of Homewood Downtown Master Plan. Applicant: City of Homewood in coordination with Regional Planning Commission. Owners: Multiple Public and Private Owners. – Mike Kendrick, City Attorney.

President Wright declared the Public Hearing opened and stated that this item was still with the Planning Commission so would not be addressed at this time.

President Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

President Wright declared the Public Hearing closed.

Councilor Thames moved to drop this item. 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.

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 declared the Public Hearing opened at 6:17 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.

The following residents and business owners addressed the Council in support of the rezoning: Trip Galloway at 2200 Woodcrest; Kevin Misso at 1801 Kensington Road; Bryon Thompson at 1608 Oxmoor Road; Winslow Armstead at 610 Shades Creek Parkway; Robert Townes at 102 Ridge Road; Blakeley Nash at 585 South Forrest Drive; Katie Wallace at 3116 Lancaster Court; Stan Way at 138 W. Glenwood Drive; Hal Isbell

at 412 Crest Drive; Andrew Rhodes at 1604 Oxmoor Road; Amber Kelley at 101 W. Glenwood Drive; Karen Harrison at 1026 Greystone Crest; Ralston Kerley at 140 W. Glenwood Drive; Lauren Steele at 415 Kenilworth Drive; Jesse Cash at 303 E. Glenwood Drive/136 W. Glenwood Drive; Craig Lawrence, Jr. at 716 Crest Lane; Mary Ballard at 129 W. Glenwood Drive; and Carolyn Herr at 3108 Overton Drive.

The following residents and business owners addressed the Council in opposition to the rezoning: T. Lane Wooley at 317 E. Glenwood Drive; Duncan Chancellor at 116 E. Glenwood Drive; Allison Litton at 105 W. Glenwood Drive; Dana Chang at 107 W. Glenwood Drive; Mary Ellen Snell at 902 Stuart Street; and Michael Dosal at 108 W. Glenwood Drive.

President Wright declared the Public Hearing closed at 7:07 p.m.

President Wright asked if the Council had any questions or comments regarding this item. The Council then held discussion regarding this item.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:27 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Gwaltney 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, and Thames.. Nays: Councilor Higginbotham.

The motion for unanimous consent failed.

President Wright stated that this item would be carried over.

The next item on the Agenda, taken out of order from Other New Business, was Item No. 14.03.20 – Request to authorize the Mayor to sign AT & T contracts for connectivity at 310 West Valley Avenue for the new Public Safety Building – James Yates, IT.

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

Resolution No. 20-33

(A Resolution to authorize the Mayor to sign AT & T contracts for connectivity at 310 West Valley Avenue for the new Public Safety Building)

Councilor Andress moved for the adoption and enrollment of Resolution No. 20-33. Councilor Hardin seconded the motion.

Councilor Thames left the Council Chambers.

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. 05.11.19 – Request to authorize the Mayor to sign contract with the Birmingham Jefferson Transit Authority for FY 19-20 services – Robert Burgett, Finance Director/Melody Salter, City Clerk (Carried Over 2/24/20).

Councilor Thames returned to the Council Chambers at 7:42 p.m.

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

Resolution No. 20-34

(A Resolution to authorize the Mayor to sign contract with the Birmingham Jefferson Transit Authority for FY 19-20 services)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-34. 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 under Old Business was Item No. 08.10.19 – Public Hearing set for March 30, 2020 at 6:00 p.m. 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.

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

The next item on the Agenda under Old Business was Item No. 05.02.20 – Request for consideration to discuss revenue auditing services for the City – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 to recommend Rivertree renewal, pending review by Mr. Kendrick.

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. 20-35

(A Resolution to renew auditing services with Rivertree)

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. 21.02.20 – Request to amend FY 19-20 Budgets – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 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. 20-36

(A Resolution to amend FY 19-20 Budgets)

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. 23.02.20 – Request for consideration to restructure creek wall at Wingate Circle – Councilors McClusky and Jones^{PW}.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 to recommend approval of funding not to exceed \$7,500.00

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. 20-37

(A Resolution to restructure creek wall at Wingate Circle)

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. 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.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 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. 20-38

(A Resolution for purchasing additional cybersecurity coverage for the City)

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 25.02.20 – Request for consideration of road-thru agreement with Jefferson County – Mayor Scott McBrayer.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 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. 20-39

(A Resolution for road-thru agreement with Jefferson County)

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 Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 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. 20-40

(A Resolution for Freshwater LandTrust and In-Stream Litter Collection)

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. 20.01.20 – Request to look at options to improve parking at the intersection of 19th Place and 29th Ave – Jennifer Mims/Councilor Address.

Councilor Jones stated that the Finance Committee met on March 2, 2020 and voted 4-0 to recommend approval of funding not to exceed \$5,000.00.

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. 20-41

(A Resolution to fund parking improvements at the intersection of 19th Place and 29th Ave not to exceed \$5,000.00)

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. 18.11.19 – Request for consideration of Parking Management System RFI – Councilors Gwaltney and Thames.

Councilor Gwaltney stated that the Public Works Committee met on March 2, 2020 and voted 5-0 to refer to the Finance Committee and carry over in 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. 15.02.20 – Request for update of Phase Two of the Shades Creek Greenway – Councilors Andres, Gwaltney, Thames, and Wyatt.

Councilor Gwaltney stated that the Public Works Committee met on March 2, 2020 and voted 5-0 to recommend accepting the report and that the Bid would be set for June 26, 2020.

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.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project.

Councilor Thames stated that the Planning and Development Committee met on March 2, 2020 and voted 4-0 to refer to the Finance Committee for setting a bid opening and carry over in 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. 02.02.20 – Request for permission to close West Linwood Drive for Block Party on May 17, 2020 – Ellie Thomson, Berkley Squires.

Councilor McClusky stated that the Public Safety Committee met on March 2, 2020 and voted 4-0 to recommend approval.

President Wright 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. 20-42

(A Resolution to close West Linwood Drive for Block Party on May 17, 2020)

President Wright asked if the Council had any questions or comments regarding the motion from the Public Safety 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. 16.02.20 – Request for consideration for lighting for 700 Block of Windsor Drive – Councilors Andress and Hardin.

Councilor McClusky stated that the Public Safety Committee met on March 2, 2020 and voted 4-0 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. 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.

Councilor Smith stated that the Special Issues Committee met on March 2, 2020 and voted 5-0 to recommend approval pending indemnification agreement.

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. 20-43

(A Resolution to work in City ROW at 211 Lakeshore Parkway)

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.

COMMITTEE REFERRAL AGENDA

- 02.03.20** Request to authorize the Mayor to sign contract with Cintas for Fleet uniforms – **Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 03.03.20** Request to change a position in Streets & Sanitation from Labor Supervisor to Permit Coordinator – **Berkley Squires, Public Services Director – Finance Committee**

- 04.03.20** Request for consideration of potential bond repayment options – **Councilors McClusky, Thames, Jones, and Wyatt – Finance Committee**
- 05.03.20** Request for consideration of reimbursement for pump rental and property repair costs related to flooding at 2832 Linden Avenue – **Mark and Darby Westfall, Hummingbird Properties, LLC/Wyatt Pugh and Greg Cobb, BEZ – Finance Committee**
- 06.03.20** Request to consider expenditures from E911 and Court Corrections for Public Safety Construction –**Chief Tim Ross/Police, Chief Nick Hill & Brandon Broadhead/Fire Department, Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director– Finance Committee**
- 07.03.20** Request to consider increased expenditures for recycling expense due to increased billing for number of houses serviced –**Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director– Finance Committee**
- 08.03.20** Request for permission to work in the City right-of-way in several locations placing power poles for small cellular service antenna – **Greg Cobb, BEZ – Public Works Committee**
- 09.03.20** Request to close a section of Oak Grove Road between Raleigh Avenue and Hall Avenue on May 30th (for Street Fest) and August 29th (for Back to School Bash) from 12:00-11:00 pm.– **Councilors Wolverton and Higginbotham, West Homewood Neighborhood Association, and Rusty Holley – Public Safety Committee**
- 10.03.20** Request for consideration of crosswalk improvements at Oxmoor and Peerless Ave/Virginia Dr. – **Councilors Gwaltney and Thames – Public Safety Committee**
- 11.03.20** Request for consideration to place video/streaming technology in the Council Committee Room for the purpose of recording/broadcasting Committee Meetings – **Councilor Higginbotham – Special Issues Committee**
- 12.03.20** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone property at 2927 Central Avenue (PID 28-00-07-3-035-009.000) from a LC-1 (Office Building District) to I-2 (Institutional District): Applicant: Chris

Eckroate/Owner(s): Catholic Diocese of Birmingham to permit the development of a surface parking lot in support of adjacent Our Lady Sorrows Church (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – **Wyatt Pugh - Planning and Development Committee**

Councilor Smith then moved for the approval of the Committee Referral Agenda. Councilor Hardin 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. 12.03.20 – Request to set a Public Hearing for consideration to rezone property at 2927 Central Avenue (PID 28-00-07-3-035-009.000) from a C-1 (Office Building District) to I-2 (Institutional District): Applicant: Chris Eckroate/Owner(s): Catholic Diocese of Birmingham to permit the development of a surface parking lot in support of adjacent Our Lady Sorrows Church (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Wright stated that without objections, the Public Hearing would be set for April 13, 2020 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 13.03.20 – Request to authorize the Mayor to sign construction agreement with ALDOT for a State Public Road and Bridge Funding Project (Project # ST-037-999-024-CN) – Melody Salter, City Clerk.

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

Resolution No. 20-44

(A Resolution to authorize the Mayor to sign construction agreement with ALDOT for a State Public Road and Bridge Funding Project (Project # ST-037-999-024-CN))

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-44. 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 under Other New Business was Item No. 15.03.20 – Request to authorize the Mayor to sign contract with Schoel Engineering for supervision of drainage work – Greg Cobb/BEZ.

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

Resolution No. 20-45

(A Resolution to authorize the Mayor to sign contract with Schoel Engineering for supervision of drainage work)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-45. 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 Other New Business was Item No. 16.03.20 – Request for consideration of approval of vouchers for period of February 25, 2020 through March 9, 2020 – City Treasurer.

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

Resolution No. 20-46

(A Resolution for approval of vouchers for period of February 24, 2020 through March 9, 2020)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-46. Councilor Jones 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 16, 2020 at 5:30 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on March 16, 2020 at 5:45 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on March 16, 2020 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on March 16, 2020 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on March 16, 2020 at 6:15 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:24 p.m.