

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

April 23, 2018

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, April 23, 2018 at City Hall at 6:00 p.m.

At this time, President Limbaugh asked Mr. Raymond Johnson to address the Council.

Mr. Raymond Johnson addressed the Council, stated that he was a candidate for District Attorney, Jefferson County, and provided information on his platform.

Mr. Chris McCool addressed the Council, stated that he was a candidate for Court of Criminal Appeals, Place 2, and provided information on his platform.

Judge Bill Cole addressed the Council, stated that he was a candidate for Court of Criminal Appeals, Place 3, and provided information on his platform.

District Attorney Richard Minor addressed the Council, stated that he was a candidate for Court of Criminal Appeals, Place 1, and provided information on his platform.

Judge Alan King addressed the Council, stated that he was a candidate for Probate Judge, Jefferson County, and provided information on his platform.

The invocation was given by Captain Webb of the Homewood Fire Department, after which the Pledge of Allegiance was given.

The meeting was called to order by President Limbaugh at 6:27 p.m.

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, 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: Peter Wright

At this time, Councilor Thames moved to dispense with the reading of the Minutes of the Council Meeting of April 9, 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 asked the Council for any updates on Board vacancies.

Councilor Gwaltney stated that interviews would need to be set for the Ward 1 Library Board position.

Councilor Higginbotham moved to reopen the Ward 2 Homewood Environmental Commission application period and the Ward 2 Historic Preservation Commission application period for thirty days.

Councilor Smith moved to nominate Ms. Susan Zuber to the Ward 4 Historic Preservation Commission position. 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 voice vote, the motion carried without dissent.

Councilor Wyatt moved to nominate Mr. Charlie Douthit to the Ward 4 Board of Education position. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

Councilor Andress moved to close the Ward 5 Homewood Environmental Commission application period and stated that interviews would need to be scheduled.

At this time, President Limbaugh amended the published Council Agenda to add the following item to Other New Business: Item No. 22.04.18 – Request for approval of emergency road repair by Brookwood Hospital – Mayor McBrayer.

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

CONSENT AGENDA

None.

The first item considered, taken out of order from the Other New Business Agenda was Item No. 18.04.18 – Request for consideration for Brookwood Village Road Closure for The Art Crawl Summer Series: Friday, May 18, 5 - 9 p.m., Friday, May 25, 5 - 9 p.m.; Friday, June 1, 5 - 9 p.m.; Friday, June 8, 5 - 9 p.m.; Friday, June 15, 5 - 9 p.m.; and Friday, June 22, 5 - 9 p.m. – Jennifer Gowers/GoPro Event Solutions and Melody Salter/Finance Director/City Clerk.

At this time, President Limbaugh asked Ms. Jennifer Gowers to address the Council.

Ms. Jennifer Gowers addressed the Council and stated that the dates for Brookwood Live would be May 3, May 10, and May 17, 2018 with road closures from 1:00-10:00 p.m., in addition to the Art Crawl dates. Ms. Gowers further stated that the Art Crawl would consist of local artists bringing their own tents and would set up on the sidewalk. Ms. Gowers added that Brookwood Village was looking to create a “walking around” atmosphere in the Village with the road closed.

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

Resolution No. 18-52

(A Resolution for Brookwood Village Road Closure for The Art Crawl Summer Series: Friday, May 18, 5 - 9 p.m., Friday, May 25, 5 - 9 p.m.; Friday, June 1, 5 - 9 p.m.; Friday, June 8, 5 - 9 p.m.; Friday, June 15, 5 - 9 p.m.; and Friday, June 22, 5 - 9 p.m. and for Brookwood Live on May 3, May 10, and May 17, 2018 with road closures from 1:00-10:00 p.m.)

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-52. 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.

OLD BUSINESS AGENDA

The next item considered on the Agenda under Old Business was Item No. 02.04.18 – Request for consideration of an Ordinance participating in the State of Alabama 2018 “Back to School” Sales Tax Holiday on July 20-22, 2018 – City Clerk.

Councilor Jones stated that the Finance Committee met on April 16, 2018 and voted 5-0 to recommend approval.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:37 p.m.:

Ordinance No.

(An Ordinance participating in the State of Alabama 2018 "Back to School" Sales Tax Holiday on July 20-22, 2018)

Councilor Higginbotham moved for the unanimous consent of the proposed Ordinance as read. Councilor Jones 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, Wolverton, McClusky, Jones, 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. 2694

(An Ordinance participating in the State of Alabama 2018 "Back to School" Sales Tax Holiday on July 20-22, 2018)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2694. 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, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, and Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 01.04.18 – Request for consideration to work in the city Right-of-Way at 211 Woodland Drive to replace the 20 inch tall retaining wall along 150 feet of the property – Brian Dudgeon/Vanessa McGrath/BEZ.

Mr. Cobb addressed the Council, presented photographs, and stated that this wall had been there for a long time and had been leaning for a long time. Mr. Cobb further stated that the wall had been hit several times and would fall in the street soon, if it was not replaced.

Councilor Smith stated that the Special Issues Committee met on April 16, 2018 and, after hearing from Brian Dudgeon, voted 4-0 to recommend approval pending indemnification agreements.

Mr. Cobb stated that Mr. Dudgeon had signed the indemnification agreement, which had been given to the Mayor to sign pending approval from the Council.

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. 18-53

(A Resolution authorizing work in the city Right-of-Way at 211 Woodland Drive to replace the 20 inch tall retaining wall along 150 feet of the property)

Councilor Thames moved for the adoption and enrollment of Resolution No. 18-53. 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.

COMMITTEE REFERRAL AGENDA

- 06.04.18** Request for consideration for permission to work in the City Right-of-Way at 1012, 1014 and 1018 Grace Street – Mike Morrow/Greg Cobb, BEZ – **Special Issues Committee**
- 07.04.18** Request for consideration for permission to work in the City Right-of-Way at 123 Henna Street – Joey Miller/Greg Cobb, BEZ – **Special Issues Committee**
- 08.04.18** Request for discussion for reduction of speed humps on Berry Road – Patrick McClusky – **Public Safety Committee**

- 09.04.18** Request for consideration of Petition of Annexation for the property located at 928 Delcris Drive – Connie Mori/City Clerk – **Planning and Development Committee**
- 10.04.18** Request for consideration to amend the FY 17-18 Budgets – Berkley Squires/Melody Salter/City Clerk/Finance Director– **Finance Committee**
- 11.04.18** Request for consideration of mid-year review required per Fiscal Policy – Melody Salter/Finance Director/City Clerk – **Finance Committee**
- 12.04.18** Request to review FY 2016-2017 Audited results and financials– Jason Harpe, CRI, Mayor McBrayer, Melody Salter/Finance Director/City Clerk, Robert Burgett, Principal Accountant – **Finance Committee**
- 13.04.18** Request for Mayor to present inventory and assessment of City facilities, rolling stock and equipment to Council per their Fiscal Policy – Mayor McBrayer, Melody Salter/Finance Director/City Clerk, and Robert Burgett, Principal Accountant – **Finance Committee**
- 14.04.18** Request for consideration to declare certain equipment surplus – John Bresnan/Fire Chief – **Finance Committee**
- 15.04.18** Request to authorize Mayor to sign contract with Quality Correctional Health Care to provide health care for inmates –Tim Ross/Police Chief – **Finance Committee**
- 16.04.18** Request to work in the right of way for a tree installation at 313 Berkley Place –Andy Gwaltney – **Special Issues Committee**
- 17.04.18** Request to consider certain revisions to the Business License Ordinance – Melody Salter/Finance Director/City Clerk, Robert Burgett/Principal Accountant/Assistant City Clerk – **Finance Committee**

Councilor Gwaltney moved for the approval of the Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 19.04.18 – Request to authorize the Mayor to sign the Trane Heating and Air Maintenance Agreement for City Hall – Mayor McBrayer.

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

Resolution No. 18-54

(A Resolution authorizing the Mayor to sign the Trane Heating and Air Maintenance Agreement for City Hall)

Councilor Andress moved for the adoption and enrollment of Resolution No. 18-54. Councilor Smith seconded the motion.

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

Mr. Bischoff stated that this was a standard two year agreement.

Ms. Salter stated that this was budgeted.

Councilor Higginbotham asked if this agreement included maintenance and six month inspections.

Mr. Bischoff replied yes.

President Limbaugh asked if the Council had any other 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. 20.04.18 – Request to change May Council meetings to Monday, May 14, 2018 and Wednesday, May 23, 2018 – Council President Bruce Limbaugh.

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

Resolution No. 18-55

(A Resolution to change the May Council meetings to Monday, May 14, 2018 and Wednesday, May 23, 2018)

Councilor Smith moved for the adoption and enrollment of Resolution No. 18-55. 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 Other New Business was Item No. 21.04.18 – Request for consideration of approval of vouchers for period of April 10, 2018 through April 22, 2018 – City Treasurer/Finance Committee.

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

Resolution No. 18-56

(A Resolution approving vouchers for period of April 10, 2018 through April 22, 2018)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 18-56 including three additional vouchers from Parks and Recreation Department and one additional voucher from the Police Department. 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.

The next item considered under Other New Business was Item No. 22.04.18 – Request for approval of emergency road repair by Brookwood Hospital – Mayor McBrayer.

Mayor McBrayer addressed the Council and stated that bids had been sent out for the project with the lowest bid at approximately \$102,000.00. Mayor McBrayer further stated that he was going to declare it an emergency so they could go ahead and get started; however, they were not going to be able to start prior to this Council Meeting so he felt the right thing to do was to call for a vote on it, though they had no choice but to move forward with the repairs. Mayor McBrayer added that the road was completely collapsed so he would recommend using money from the 4 and 5 Cent Gas Tax Fund and Small Infrastructure Fund and allow him to decide which ratio to use for each fund but they would report back and let them know once they knew the exact breakdown.

Councilor Smith stated that Mr. Cobb told her that there was a corrugated metal pipe under the road that rusted through causing the road above it to collapse so they would have to go in and replace the pipe with a concrete pipe and then redo the road.

Mr. Jones asked to verify the amount.

Mayor McBrayer replied that \$103,000.00 would cover the cost.

Mr. Kendrick stated that he recommend the Council adopt the resolution to determine this to be an emergency and authorize the expenditure of funds up to \$103,000.00 to remediate the damage.

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

Resolution No. 18-57

(A Resolution approving emergency road repair by Brookwood Hospital)

Councilor Jones moved for the adoption and enrollment of Resolution No. 18-57. 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.

President Limbaugh stated that when setting Committee Meetings to remember that next Monday night was a fifth Monday so they would need to set meetings for May 7, 2018.

Councilor Gwaltney stated that this Saturday was the Edgewood Spring Festival from 3:00-7:00 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on May 7, 2018 at 5:30 p.m.

Councilor Higginbotham stated that May 6-12, 2018 was Municipal Clerk's Week in the State of Alabama so he wanted to express his appreciation for Ms. Salter and her staff for everything they did for the Council. Mr. Higginbotham requested if a candidate who came in late could come forward to address the Council regarding her candidacy.

Judge Keisha Davis addressed the Council, stated that she was a candidate for Jefferson County District Court, Place 9, and provided information on her platform.

Councilor Wolverton stated that the Ward 2 Townhall Meeting would be held on May 10, 2018 at Trinity West Homewood/Oakmont Campus at 6:30 p.m.

President Limbaugh stated that the Mayor just let him know that the total amount from the low bidder for the emergency road repair was \$103,290.00 and asked for consideration to modify Resolution No. 18.57.

Councilor Jones moved to amend Resolution No. 18-57 not to exceed \$104,000.00. 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.

Councilor McClusky stated that the Public Safety Committee would meet on May 7, 2018 at 5:45 p.m. Councilor McClusky further stated that the Annual Basketball Game between the Council and The Exceptional Foundation would be held on May 17, 2018 at 5:00 p.m. at the Exceptional Foundation.

Councilor Jones stated that the Finance Committee would meet on May 7, 2018 at 5:00 p.m. Councilor Jones further stated that this year he would be cooking hamburgers at the Edgewood event along with some of the other dads.

Councilor Smith stated that the Special Issues Committee would meet on May 7, 2018 at 6:00 p.m. Councilor Smith further stated that the Homewood High School's Soccer programs were doing very well this season and her son played on the JV Team and they completed their season this past weekend winning their second tournament undefeated scoring 110 goals and only allowing 8. Councilor Smith added that the Varsity Boys were in the Playoffs and were ranked number 1 in the State and would play their first playoff game in Waldrop Stadium Saturday Night at 7:00 p.m. versus Pelham.

Councilor Wyatt stated that the Public Works Committee would meet on May 7, 2018 at 6:20 p.m. Councilor Wyatt further stated that he wanted to congratulate Mr. Charlie Douthit for his reappointment and thanked him for his last five years of service.

Councilor Andress stated that she wanted to congratulate the Homewood City School's Foundation for an excellent fundraiser of Homewood Grown. Councilor Andress further stated that the Homewood Boys and Girls Tennis Teams had both made it to the State Championships. Councilor Andress added that her church held a 5K and 10K and she would like to thank the Homewood Police Department and Fire Department for their help. Councilor Andress further added that Sunday at 2:00 p.m. the Fresh Water Land Trust was hosting a hike across from the Phase 2 Extension in the Wildwood Preserve.

Councilor Wolverton stated that he wanted to congratulate Councilor Andress for completing the Boston Marathon last Monday in extreme conditions.

President Limbaugh stated that Councilor Andress was his new hero for being able to complete a marathon in 4 hours and 13 minutes. President Limbaugh further

stated that Ms. Salter would be transferring to the City of Trussville on May 25, 2018 and she would be missed.

Ms. Salter addressed the Council and stated that she wanted to thank them for allowing her to serve as the City Clerk.

President Limbaugh stated that Ward 4 gained another citizen as his new grandson, Patrick Ford Strong, was born last week.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:01 p.m.