MEETING OF THE CITY COUNCIL OF

THE CITY OF HOMEWOOD, ALABAMA

May 20, 2019

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, May 20, 2019 at City Hall at 6:00 p.m.

At this time, Mayor McBrayer presented a Proclamation in Honor of National Historic Preservation Month.

The invocation was given by Chaplain Brian Jones, Fire Department/Medic, after which the pledge of allegiance was given.

The meeting was called to order by President Limbaugh at 6:28 p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of May 13, 2019 and approve them as amended. Councilor Wyatt seconded the motion.

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

Mr. Kendrick stated that the Minutes reflected a correction in an opinion given regarding the sign ordinance for Jack's and after reviewing Robert's Rules of Order, he verified that abstentions should not be counted so the vote on that Resolution, which was Resolution No. 19-70, passed by a vote of 5-4.

On a voice vote, the motion carried without dissent.

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

Councilor Wolverton moved to re-appoint Jill Kimbrell to the Ward 2 Board of Education position. 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 the Ward 4 Library Board Application Period would be opened until June 24, 2019.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Old Business Agenda: From Special Issues: Item No. 06.02.19 - Request for consideration of an ordinance limiting timeframe of hotel stays within the city limits of Homewood, AL – Patrick McClusky; Item No. 04.05.19 – Request for consideration to work in the city right-of-way, temporarily block sidewalk and parking in front of 2822 18th Street South – Michelle Tully/Tom Powers/Wyatt Pugh/Greg Cobb, BEZ Dept.; Item No. 05.05.19 – Request for consideration to work in the city right-ofway to clear bamboo and other overgrowth from unmaintained alley behind Sims Garden at 908 Highland Road – Amy Milam/Sims Garden Caretaker/Wyatt Pugh/Greg Cobb, BEZ Dept.; Item No. 06.05.19 – Request for consideration to work in the city right-ofway at 11 Crest Drive – Barry Brooks/Greg Cobb, BEZ Dept.; Item No. 22.05.19 – Request to acquire a piece of land from the City at 2927 Central Avenue – Peter Jameson/Greg Cobb, BEZ Dept.; From Finance: Item No. 02.05.19 – Request to authorize the Mayor to sign a contract with Motorola for the dispatch center move and reconnection to the radio system – Brandon Broadhead and Chief John Bresnan; Item No. 03.05.19 - Request to amend the FY 18-19 E911 Budget - Brandon Broadhead and Chief John Bresnan; Item No. 19.05.19 – Request for consideration of an Ordinance levying Ad Valorem taxes for October 1, 2019 - City Attorney/City Clerk; Item No. 20.05.19 -Request for consideration of an Ordinance granting an Exemption from Ad Valorem taxes for October 1, 2019 – City Attorney/City Clerk; From Planning and Development: Item No. 23.05.19 – Request to contract Volkert Engineering for Central Avenue Apple Study – Andy Gwaltney/Britt Thames; From Public Works: Item No. 01.12.18 – Request to address the City Council concerning the drainage study for Bonita and Roxbury – William Thomas/Greg Cobb, BEZ; Item No. 01.05.19 – Request for consideration to amend Ordinance No.2706 to change the definition of qualifying sites to remove the 1 acre minimum and update the Water Quality Value calculations – Amy Milam, HEC/Peter Wright.

President Limbaugh further amended the published Council Agenda to add the following item to the Consent Agenda: Item No. 07.05.19 – Request for consideration to address parking at SOHO – Bubba Smith/Greg Cobb, BEZ Dept.

President Limbaugh further amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 36.05.19 – Request to Authorize Mayor to sign annual mainternance service agreement with Motorola for radio and E911 – Brandon Broadhead and Chief John Bresnan – Finance Committee; Item No. 37.05.19 – Request for consideration of Landscape/Tree Ordinance – Planning Commission/Andy Gwaltney/Britt Thames – Planning and Development Committee.

President Limbaugh further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 35.05.19 – Request for consideration to amend Resolution 19-64 for correction of Volkert contract amount for city-wide traffic study – Melody Salter, City Clerk/Wyatt Pugh, BEZ.

Councilor Higginbotham entered the Council Chambers at 6:25 p.m.

Councilor McClusky moved for the approval of the Council 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.

CONSENT AGENDA

07.05.19 Request for consideration to address parking at SOHO – Bubba Smith/Greg Cobb, BEZ Dept.

Action Taken: The Special Issues Committee met on May 20, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Gwaltney and seconded by Councilor McClusky.

Councilor Smith moved for the approval of the Consent Agenda as amended. Councilor Wolverton 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. 20.04.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of possible vacation of alley on 18th Street – President Limbaugh.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 10.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 3 Ventura Drive – Chris Tucker/Greg Cobb, BEZ.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of a variance to the driveway ordinance at 416 Devon Drive – David Champion/Greg Cobb, BEZ Dept.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 12.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 251 Lakeshore Parkway, Suite 101 – Dianne Foley/Greg Cobb, BEZ Dept.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 13.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 3500 Independence Drive – Kyle Davis/Greg Cobb, BEZ Dept.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 14.05.19 – Public Hearing set for June 10, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 190 West Oxmoor Road – Joe Tunnel/Greg Cobb, BEZ Dept.

President Limbaugh stated that this item would be carried over for the Public Hearing set for June 10, 2019 at 6:00 p.m.

The next item considered under Old Business was Item No. 06.02.19 – Request for consideration of an ordinance limiting timeframe of hotel stays within the city limits of Homewood, AL – Patrick McClusky (Referred back to Committee from Council 05/13/19).

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend setting a Public Hearing for June 24, 2019 at 6:00 p.m.

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, without objections, the Public Hearing would be set for June 24, 2019 at 6:00 p.m. There were no objections.

The next item considered under Old Business was Item No. 04.05.19 – Request for consideration to work in the city right-of-way, temporality block sidewalk and parking in front of 2822 18th Street South – Michelle Tully/Tom Power/Wyatt Pugh/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval and to approve work on Sunday.

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. 19-71

(A Resolution to work in the city right-of-way, temporality block sidewalk and parking in front of 2822 18th Street South)

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 05.05.19 – Request for consideration to work in the city right-of-way to clear bamboo and other overgrowth from unmaintained alley behind Sims Garden at 908 Highland Road – Amy Milam/Sims Garden Caretaker/Wyatt Pugh/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval.

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.

(A Resolution to work in the city right-of-way to clear bamboo and other overgrowth from unmaintained alley behind Sims Garden at 908 Highland Road)

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 06.05.19 – Request for consideration to work in the city right-of-way at 11 Crest Drive – Barry Brooks/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval pending indemnity 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. 19-73

(A Resolution to work in the city right-of-way at 11 Crest Drive)

President Limbaugh 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.

Councilor Wolverton asked if Item No. 14.05.19 should be referred to the BZA for the variance rather than the Council since it was West Homewood District property.

Mr. Kendrick stated that it would go to the Planning Commission based on the Ordinance.

Councilor Higginbotham stated that he thought at one time sign variances for the West Homewood District went to the BZA.

Mr. Kendrick stated that he would review the sign ordinance for this information.

The next item considered under Old Business was Item No. 22.05.19 – Request to acquire a piece of land from the City at 2927 Central Avenue – Peter Jameson/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval pending indemnity 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. 19-74

(A Resolution to acquire a piece of land from the City at 2927 Central Avenue)

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 02.05.19 – Request to authorize the Mayor to sign a contract with Motorola for the dispatch center move and reconnection to the radio system – Brandon Broadhead and Chief John Bresnan.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approving of 25 percent of the \$585,000.00 down with remainder to be paid from next year's budget.

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. 19-75

(A Resolution to authorize the Mayor to sign a contract with Motorola for the dispatch center move and reconnection to the radio system)

President Limbaugh 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 considered under Old Business was Item No. 03.05.19 – Request to amend the FY 18-19 E911 Budget – Brandon Broadhead and Chief John Bresnan.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approving transfer not to exceed \$150,000.00 from E911 Carry Over Fund Balance to Communications (15-15-550410).

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. 19-76

(A Resolution to amend the FY 18-19 E911 Budget)

President Limbaugh 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 considered under Old Business was Item No. 19.05.19 – Request for consideration of an Ordinance levying Ad Valorem taxes for October 1, 2019 – City Attorney/City Clerk.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 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 6:52 p.m.:

Ordinance No.

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. 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, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2745

(An Ordinance levying Ad Valorem taxes for October 1, 2019)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2745. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 20.05.19 – Request for consideration of an Ordinance granting an Exemption from Ad Valorem taxes for October 1, 2019 – City Attorney/City Clerk.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 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 6:54 p.m.:

Ordinance No.

(An Ordinance granting an Exemption from Ad Valorem taxes for October 1, 2019)

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. 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, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion for unanimous consent carried.

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

Ordinance No. 2746

(An Ordinance granting an Exemption from Ad Valorem taxes for October 1, 2019)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2746. 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, Higginbotham, Wolverton, McClusky, Smith, Wyatt, Andress, Wright, and Limbaugh.

The motion carried without dissent.

The next item considered under Old Business was Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project – Britt Thames (Removed from Table and Carried Over 05/06/19).

President Limbaugh stated that this item would be referred to the Finance Committee and carried over in the Planning and Development Committee.

The next item considered under Old Business was Item No. 23.05.19 – Request to contract Volkert Engineering for Central Avenue Apple Study – Andy Gwaltney/Britt Thames.

Councilor Wyatt stated that the Planning and Development Committee met earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend approval and refer to the Finance Committee.

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

President Limbaugh stated that this Item would be referred to the Finance Committee for funding.

COMMITTEE REFERRAL AGENDA

24.05.19	Request to review/amend West Homewood District zoning – Andrew Wolverton – Planning and Development Committee
25.05.19	Request for consideration to repair sidewalk at 229 Poinciana – Janet Lusco/Jennifer Andress – Public Works Committee
26.05.19	Request for consideration to reduce the number of unrelated persons to rent or lease residential property to two down from three persons – Peter Wright – Special Issues Committee
27.05.19	Request for the city to declare surplus an Alley between 2600 and 2630 18 th Street South – Eddie Cleveland/Greg Cobb, BEZ – Finance Committee
28.05.19	Request for consideration of declaring the following vehicle surplus: 1991 Chevrolet Van (Old Police Evidence Van) (VIN 2GCEG25K2M4122830) – Gordan Jaynes, Fleet Maintenance – Finance Committee
29.05.19	Request for consideration of declaring the following seized vehicles surplus: 1986 Cadi Fleetwood 1G6DW69Y7G9705401 1986 Cadi Fleetwood 1G6DW69Y6G9729205 1996 Cadi Fleetwood 1G6DW52P9TR706314 1993 Cadi Deville 1G6CD53B4P4312324 1973 Cadi Deville 6D47R3Q167138 1995 Chevy Caprice IG1BL52P5SR153794 2006 Volks Jetta 3VWCT71K76M853933 - Capt. Ben Sutton/Police Dept Finance Committee
30.05.19	Request for consideration to renew copier contract with Ameritek– James Yates/IT Dept. – Finance Committee
31.05.19	Request for consideration to release property lien of \$1,089.36 (Res. No. 19-14) for property located at 1801 Kensington Road, Homewood AL 35209 Parcel ID No. 28-00-18-2-010-008.000 – City Clerk – Finance Committee
32.05.19	Request for consideration for Homewood Access Control System and to amend the FY 18-19 Budgets – James Yates, IT Dept. – Finance Committee

- 33.05.19 Request to set a Public Hearing and Referral to the Special Issues
 Committee for consideration of variance to the sign ordinance at 2800
 18th Street South David Brandt/Greg Cobb, BEZ Dept. Special
 Issues Committee
- 25.04.17 Request for consideration of 18th Street Revitalization Project **Britt**Thames (Removed from Table and Carried over 05/06/19)
- 36.05.19 Request to Authorize Mayor to sign annual maintenance service agreement with Motorola for radio and E911 Brandon Broadhead and Chief John Bresnan Finance Committee
- 37.05.19 Request for consideration of Landscape/Tree Ordinance Planning Commission/Andy Gwaltney/Britt Thames Planning and Development 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.

Councilor Andress then moved to further amend the Committee Referral Agenda to amend Item No. 32.05.19 to reflect that Bid Opening was not needed and but would need amendments to FY 18-19 Budgets. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 33.05 19 – Request to set a Public Hearing and Referral to the Special Issues Committee for consideration of a variance to the sign ordinance at 2800 18th Street South – David Brandt/Greg Cobb, BEZ Dept.

President Limbaugh stated that the Public Hearing would be set for June 24, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 34.05.19 – Request for consideration of approval of vouchers for period of May 13, 2019 through May 20, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-77

(A Resolution for approval of vouchers for period of May 13, 2019 through May 20, 2019)

Councilor Wright moved for the adoption and enrollment of Resolution No. 19-77. 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 Other New Business was Item No. 35.05.19 – Request for consideration to amend Resolution 19-64 for correction of Volkert contract amount for city-wide traffic study – Melody Salter, City Clerk/Wyatt Pugh, BEZ.

Ms. Melody Salter addressed the Council and stated that Resolution No. 19-64 was passed and it included an exhibit and contract with Volkert, which the Mayor and Volkert signed and when she sent it to Mr. Clark Bailey he stated that it was not the correct contract or the correct amount so she was trying to resolve the issue by placing it back on the Agenda.

President Limbaugh stated that this Item would be referred to the Finance Committee for further discussion.

Mayor McBrayer addressed the Council and stated that he wanted to congratulation the graduating seniors. Mayor McBrayer further stated that the West Homewood Pool was a great amenity for the citizens which a lot of parents were thankful for.

Councilor Wolverton stated that the Community Town Hall Meeting would be held on May 30, 2019 at Trinity/West Homewood at 6:30 p.m. Councilor Wolverton further stated that StreetFest would be held on June 1, 2019. Councilor Wolverton thanked the Traffic Department for the new crosswalks and touching up stop lines.

Councilor McClusky stated that the Public Safety Committee would meet on June 3, 2019 at 6:00 p.m. and the Planning and Development Committee would be on June 3, 2019 at 5:45 p.m.

Councilor Smith stated that the Finance Committee would meet on June 3, 2019 at 5:00 p.m. and the Special Issues Committee would meet on June 3, 2019 at 6:15 p.m.

Councilor Andress stated that she wanted to remind everyone that the Beautification Board would begin giving out awards to properties starting in June. Councilor Andress further stated that she wanted to thank the Park and Rec Department for the new benches at the Tennis Courts and the Pool was great as well.

Councilor Wright stated that the Public Works Committee would meet on June 3, 2019 at 7:00 p.m. Councilor Wright further stated that the Homewood School System was ranked fourth in the U.S. News and World Report for the State. Councilor Wright added that over nine million dollars in scholarships were accepted in scholarships this years and had more than 40 4.0 students.

President Limbaugh stated that the Phyllis Foundation met once a year and Ash Restaurant opened their doors for the Foundation meeting this time and worked hard to ensure it was a great event, which was a great example of how phenomenal West Homewood was.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:16 p.m.