

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

July 8, 2019

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 8, 2019 at City Hall at 6:00 p.m.

At this time, Ms. Trish Hoover and Becky Wright of the United Way addressed the Council and asked for the City to support Meals on Wheels.

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

The meeting was called to order by President Limbaugh at 6:08 p.m.

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

At this time, Councilor McClusky moved to dispense with the reading of the Minutes of the Council Meeting of June 24, 2019 and approve them as distributed. 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.

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

President Limbaugh stated that Mr. Brian Wallace was going to start posting board openings on the Linked In social media site to help encourage more citizens to apply.

President Limbaugh stated that the three At-Large HDRA/IDB application periods would be extended until August 26, 2019 at 4:30 p.m.

President Limbaugh stated that the At-Large Historic Preservation Commission application period would be extended until August 26, 2019 at 4:30 p.m.

Councilor Higginbotham moved to appoint Mr. Scott Dean to the Ward 2 HDRA/IDB/CDA 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 2 Arts Advisory Council application period would be extended until August 26, 2019 at 4:30 p.m.

President Limbaugh stated that interviews would need to be scheduled for the Ward 3 Historic Preservation Commission position.

President Limbaugh stated that the Ward 3 Cable Commission application periods would be extended until August 26, 2019 at 4:30 p.m.

President Limbaugh stated that the interviews for the Ward 4 Library position would be held on July 9, 2019 at 5:30 and 6:00 p.m.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 16.06.19 – Public Hearing set for July 8, 2019 at 6:00 p.m. to consider declaring the property located at 1117 Hardwick Ln., Homewood, AL 35209 (Parcel ID# 29-00-22-4-013-009.000 A public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Sanitation Ordinance Inspector.

President Limbaugh declared the Public Hearing opened at 6:15 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. Scott Cook addressed the Council and stated the property was owned by Ms. Nicole Johnson and notices were sent out to the lien holder who was foreclosing on the property. Ms. Cook further stated that the attorney called and told him that it was at the time in bankruptcy and until that was lifted they could not go onto the property to clean it up but he did send notices out so that when that was lifted they would already be served. Mr. Cook added that the attorney called him two days after they had the bankruptcy hearing and it was lifted and within two days they did come and cut the grass so it was now in compliance.

President Limbaugh declared the Public Hearing closed at 6:17 p.m.

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

Councilor McClusky moved to drop this item. Councilor Wright seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 32.06.19 – Public Hearing set for July 8, 2019 at 6:00 p.m. for consideration of a variance to the sign ordinance at 109 Wildwood Parkway – Greg Cobb, BEZ.

Councilor Higginbotham stated that the Special Issues Committee met on July 1, 2019 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:18 p.m.

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

Mr. Greg Cobb addressed the Council and stated that this was a request for an additional sign. Mr. Cobb further stated that all businesses in Wildwood were allowed two signs but because Yummy Bowl had two entrances they were asking for the additional sign which would be out on the street and would meet their ordinance for size but would be a third sign since there was two on the building, one over each entrance. Mr. Cobb added that the big pole sign would have to come down. Mr. Cobb further added that the size of the sign fit their requirement and was supposed to be 12 feet behind their right-of-way line and they were showing it at 20 feet behind the curb.

Councilor Jones asked if it would be a monument sign.

Mr. Cobb replied yes.

Councilor Jones asked if it would be brick on the bottom.

Mr. Chris Wayne of Sign-O-Rama addressed the Council and replied that the plan was for a concrete base, but they could put brick around it if that was required, but the plan now was for a simple concrete sign with a rectangular sign on top of it.

Councilor Jones asked if they would then remove the temporary sign.

Mr. Wayne replied yes.

President Limbaugh asked to verify that both the temporary sign and the pole sign would be removed.

Mr. Wayne replied yes and stated that the old O'Charley's sign would come down as well as the banner.

President Limbaugh declared the Public Hearing closed at 6:20 p.m.

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

Councilor Thames asked if the applicant was proffering a brick base on the monument sign.

Mr. Wayne replied yes.

Councilor Jones moved for approval of the additional sign with the proffer of a brick-faced monument and removal of the temporary and pole sign. Councilor Wright seconded the motion.

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

Councilor Thames asked how long the pole sign had been abandoned.

Mr. Cobb replied that it had been at least a year.

Councilor Thames asked to verify that it had been abandoned long enough that it would have to come down.

Mr. Cobb replied yes.

Councilor McClusky asked how far away they were from adopting the new sign ordinance.

Councilor Thames replied that they were pretty close because they did their public involvement portion the week before the Fourth of July and they should be expecting a draft and the city portion of that meeting by the end of the month.

Councilor McClusky stated that he asked because they were close to having the new ordinance in place and he thought they could go with the allowable signs now and come back and ask for a variance after the new ordinance went into place.

On a roll call vote, the votes were: Yeas: Councilors Jones, Wright, and Limbaugh. Nays: Councilors Gwaltney, Thames, Higginbotham, McClusky and Wyatt.

The motion failed on a vote of 3-5.

The next item on the Agenda under Old Business was Item No. 02.06.19 – Request to authorize the Mayor to sign the Historic Commission grant application for Union Baptist Church in Rosedale – Councilor Barry Smith (Carried Over 6/24/19).

Councilor Higginbotham stated that the Special Issues Committee met on June 17, 2019 and voted 4-0 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.

Resolution No. 19-101

(A Resolution to authorize the Mayor to sign the Historic Commission grant application for Union Baptist Church in Rosedale)

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 on the Agenda 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 Jones stated that the Finance Committee met on July 1, 2019 and voted 4-0 to recommend approval of bid for Rumson Road/Crosswalk sidewalk construction to Tomahawk Construction in the amount of \$290,696.80 and to amend FY 18-19 Capital budget by funding \$150,000.00 from Capital Carryover FB to Capital Account 12-11-581751 Sidewalk Construction.

President Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's recommendation.

Councilor Thames asked if they took the opportunity to see what Coker would do to the overall cost of the project.

Mr. Cobb replied that it would be about \$25.00 per cubic yard, which he thought would be around \$8.00, so it added more than \$12,000.00 to the project by his estimate of 502 square yards.

Councilor Thames stated that he agreed with Mr. Cobb and that estimate was twice what he thought it would be.

Mr. Cobb stated that the last time he used it for a project it was around \$8.00 but he asked the contractors what the price was from the manufacturer and it was \$25.00 per yard. Mr. Cobb further stated that though he hated the white sidewalk but it discolors easy enough especially since it was so shady over there the leaves from the trees should tone it down quickly.

Councilor Thames stated that it was more expensive than he would have anticipated but he did think it was a better look.

Mr. Cobb stated that he talked to the contractor twice about this issue and if the contract was approved tonight, he planned to move on site by Wednesday.

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

Resolution No. 19-102

(A Resolution for approval of bid for Rumson Road/Crosswalk sidewalk construction to Tomahawk Construction in the amount of \$290,696.80 and to amend FY 18-19 Capital budget by funding \$150,000.00 from Capital Carryover FB to Capital Account 12-11-581751 Sidewalk Construction)

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.

Councilor Jones stated that they had been frustrated by the cost of these but the fact was that the terrain in Ward 5 was challenging and that was what caused the high cost of this.

Mr. Cobb stated that they had a separate line item for repairs and wheelchair ramps so if it was okay with the Council he would like to use some of that money to install some more wheelchair ramps because he was trying to move throughout the city to install more.

Councilor Jones stated that he felt he should proceed with that and it was budgeted.

Mr. Cobb stated that the plan was to start with the Commercial Districts and Schools and then move into the neighborhoods.

The next item on the Agenda under Old Business was Item No. 10.05.19 – Public Hearing held on June 10, 2-19 at 6:00 p.m. for consideration of a variance to the fence ordinance at 3 Ventura Drive – Chris Tucker/Greg Cobb, BEZ.

Councilor Higginbotham stated that the Special Issues Committee met on July 1, 2019 and, after review of revised plan provided by Mr. Chris Tucker, voted 4-0 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.

Resolution No. 19-103

(A Resolution for a variance to the fence ordinance at 3 Ventura 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.

The next item on the Agenda under Old Business was Item No. 19.06.19 – Request to send nomination to Jefferson County Personnel Board for appointment to County Board of Equalization – Melody Salter, City Clerk/Bruce Limbaugh.

Councilor Higginbotham stated that the Special Issues Committee met on July 1, 2019 and voted 4-0 to recommend approval of nomination of Margie George.

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. 19-104

(A Resolution to send nomination of Margie George to Jefferson County Personnel Board for appointment to County Board of Equalization)

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 on the Agenda under Old Business was Item No. 21.06.19 – Request to perform grading on edge of Fox Property – Brian Hatcher/Greg Cobb.

Councilor Higginbotham stated that the Special Issues Committee met on July 1, 2019 and, after hearing from Mr. Thorton Ratliff, voted 4-0 to recommend approval. Councilor Higginbotham further stated that Mr. Kendrick, City Attorney, sent an email asking some further questions so it might be appropriate to refer the item back to the Special Issues Committee if it was the Council's preference.

Councilor Jones stated that a picture was worth a thousand words and there was a clear picture of a retaining wall on the drawing and that was what was throwing everyone off but if they could work through because when they addressed the Council everyone was looking directly at the picture that they were going to build the wall and do the grading next to the wall but that was not what they were looking for because they were going all the way up to edge of their property and would do the grading there which would not affect the Greenway but there was a misconception they needed to work through.

President Limbaugh stated that, without objections, this item would be referred back to the Special Issues Committee. There were no objections.

The next item on the Agenda under Old Business was Item No. 22.06.19 – Request for consideration to grant permission for the Shades Valley YMCA to consolidate their debt with other YMCA's through Public Park & Recreation Board of Jefferson County – Ann Todd/Mike Kendrick, City Attorney.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and voted 4-0 to recommend approval to allow debt consolidation.

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. 19-105

(A Resolution to grant permission for the Shades Valley YMCA to consolidate their debt with other YMCA's through Public Park & Recreation Board of Jefferson County)

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 on the Agenda under Old Business was Item No. 23.06.19 – Request to authorize the Mayor a purchase agreement with Xybix furniture for six dispatch consoles in the new building – Brandon Broadhead, E-911 and Chief Bresnan, Fire Dept.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and, after presentation by Brandon Broadhead, voted 4-0 to recommend approval to be budgeted in FY 19-20 for \$99,060.00 in E911 Budget Account 15-15-58400 Furniture.

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. 19-106

(A Resolution to authorize the Mayor a purchase agreement with Xybix furniture for six dispatch consoles in the new building)

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

Councilor Wright asked if this would be paid out of the E-911 Budget.

President Limbaugh replied yes.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 25.06.19 – Request for consideration of FY18-19 Budget Amendments – Melody Salter, City Clerk/Assistant Finance Director/Robert Burgett, Finance Director/Assistant City Clerk.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and, after presentation by Robert Burgett, voted 4-0 to recommend approval of budget amendments with the exception of the insurance item.

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. 19-107

(A Resolution to authorize FY18-19 Budget Amendments)

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 on the Agenda under Old Business was Item No. 26.06.19 – Request for consideration of issuing request for proposals for insurance agent for the City of Homewood – Councilor Alex Wyatt.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and voted 4-0 to recommend approval of setting RFP with a deadline of August 12, 2019 at 4:30 p.m. with an opening set for 4:45 p.m.

President Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's 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. 27.06.19 – Request for consideration to release property lien of \$2,200.00 (Res. No. 12-30) for property located at 2831 16th Place S, Homewood AL 35209 Parcel ID No. 29-00-12-4-014-020.00 – Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and voted 4-0 to recommend approval.

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

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

Resolution No. 19-108

(A Resolution to release property lien of \$2,200.00 (Res. No. 12-30) for property located at 2831 16th Place S, Homewood AL 35209 Parcel ID No. 29-00-12-4-014-020.00)

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 on the Agenda under Old Business was Item No. 28.06.19 – Request for consideration to release property lien of \$10,442.00 (Res. No. 12-31) for property located at 2827 16th Place S, Homewood AL 35209 Parcel ID No. 29-00-12-4-014-019.00 – Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met on July 1, 2019 and voted 4-0 to recommend approval.

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

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

Resolution No. 19-109

(A Resolution to release property lien of \$10,442.00 (Res. No. 12-31) for property located at 2827 16th Place S, Homewood AL 35209 Parcel ID No. 29-00-12-4-014-019.00)

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 on the Agenda under Old Business was Item No. 31.06.19 – Request for consideration of Chamber of Commerce Updates – Meredith Drennen, Homewood Chamber of Commerce.

Councilor Higginbotham stated that the Special Issues Committee met on July 1, 2019 and, after hearing from Ms. Meredith Drennen, voted 4-0 to recommend accepting report.

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

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.07.19** Request for consideration to become an “Official Fan Guide Sponsor” for the January 2, 2019 Annual Birmingham Bowl – **Miles Huffstutler/Barry Smith– Finance Committee**
- 02.07.19** Request for consideration to accept \$750.00 from Kiwanis Homewood to dedicate new Marriott crosswalk in memory of a member – **Jennifer Andress/Peter Wright – Finance Committee**
- 03.07.19** Request for consideration to authorize the Mayor to sign an agreement with DataTech911 for E-911 – **Brandon Broadhead, E911 and Chief Bresnan, Fire Dept. – Finance Committee**
- 04.07.19** Request for consideration to amend FY18-19 Budgets – **Deborah Fout, Library Director & Robert Burgett, Finance Director– Finance Committee**
- 05.07.19** Request for consideration to declare items surplus (See Exhibit A) – **Deborah Fout, Library Director – Finance Committee**
- 06.07.19** Request for consideration for a section of sidewalk to be added to the sidewalk list from Southpointe Drive to Hall Avenue along Oak Grove Road – **Andrew Wolverton – Planning and Development Committee**
- 07.07.19** Request for consideration for permission to work in the city right-of-way adjacent to 507 Morris Blvd. – **Julie Jurotich/Greg Cobb, BEZ Dept. – Special Issues Committee**
- 08.07.19** Request for consideration of changes to support infrastructure installation – **Councilors Andy Gwaltney, Britt Thames & Alex Wyatt – Public Works Committee**
- 09.07.19** Request for the City of Homewood to take over the responsibility of flag displays on Independence Drive – **Mayor Scott McBrayer – Finance Committee**
- 10.07.19** **Request to set a Public Hearing and Referral to the Special Issues Committee** for consideration for a variance to the sign ordinance at 1840 Oxmoor Road – **John Chapman/Greg Cobb, BEZ Dept. – Special Issues Committee**
- 12.07.19** Request for consideration for Greensprings property – **Mike Kendrick, City Attorney – Finance Committee**

Mr. Kendrick asked to add Item No. 12.07.19 to the published Committee Referral Agenda. Councilor McClusky moved for the approval of the Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 10.07.19 – Request to set a Public Hearing for consideration for a variance to the sign ordinance at 1840 Oxmoor Road – John Chapman/Greg Cobb, BEZ Dept.

President Limbaugh stated that the Public Hearing would be set for July 22, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.07.19 – Request for consideration of approval of vouchers for period of June 25, 2019 through July 8, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-110

(A Resolution for approval of vouchers for period of June 25, 2019 through July 8, 2019)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-110. 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.

Councilor Wright stated that the Public Works Committee would meet on July 15, 2019 at 5:30 p.m.

Councilor Wyatt stated that the Ward 4 Library Board Interviews would be held tomorrow, July 9, 2019 at 5:30 and 6:00 p.m. Councilor Wyatt further stated that the Ward 3 and Ward 4 representatives would be holding a Public Meeting on Sunday, July

14, 2019 at 4:00 p.m. at the Homewood Library to discuss the negotiations between the City and Samford University.

Councilor Jones stated that the Finance Committee would meet on July 15, 2019 at 5:00 p.m. and that a Bid Opening would be held beforehand at 4:45 p.m. for Tree Planting. Councilor Jones further stated that he wanted to thank everyone who put together the festivities in Homewood for the Fourth of July and he appreciated the Council supporting the Bicentennial Celebration.

Councilor McClusky stated that the Public Safety Committee would meet on July 15, 2019 at 5:45 p.m.

Councilor Higginbotham stated that the Special Issues Committee would meet on July 15, 2019 at 6:00 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on July 15, 2019 at 6:15 p.m.

Councilor Gwaltney stated that he also wanted to thank everyone for supporting the Fourth of July Celebration. Councilor Gwaltney further stated that he wanted to thank the public and the councilors for the Public Input Meetings related to the Downtown Code and Zoning Updates as well as the first round of the City Wide Sign Ordinance as they got a lot of good feedback.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:48 p.m.