

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

July 22, 2019

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 22, 2019 at City Hall at 6:00 p.m.

The invocation was given by Pastor Matt Andrews of Trinity West Homewood United Methodist Church, after which the pledge of allegiance was given.

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

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, 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: Andrew Wolverton and Peter Wright.

At this time, Councilor Thames moved to dispense with the reading of the Minutes of the Council Meeting of July 8, 2019 and approve them as distributed. 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.

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

Councilor Wyatt moved to appoint Mr. Barry Copeland to the Ward 4 Library Board 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 Smith moved to appoint Mr. Jonathan Lambert to the Ward 3 Historic Preservation Commission position. 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 voice vote, the motion carried without dissent.

At this time, President Limbaugh amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 20.07.19 – Request for consideration of Homewood Environmental Commission’s FY19-20 Budget Presentation – Amy Milam, HEC – Finance Committee; Item No. 21.07.19 – Request for consideration for permission to work in the City Right-of-Way at 228 Crest Drive to install a parking pad – Dr. Bill Reed/Councilor Barry Smith – Special Issues Committee.

Councilor Higginbotham 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

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 10.07.19 – Public Hearing set for July 22, 2019 at 6:00 p.m. for consideration for a variance to the sign ordinance at 1840 Oxmoor Road – John Chapman/Greg Cobb, BEZ Dept.

Councilor Smith stated that the Special Issues Committee met on July 15, 2019 and voted 5-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened at 6:07 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 he spoke with Mr. John Chapman today who could not be there due to an emergency out of town but Ms. Melinda Sellers was there to discuss the requested signs. Mr. Cobb further stated that the signs were requested to be temporary, which meant one year to 18 months. Mr. Cobb added that the signs were seven foot and seven inches tall and five and half feet wide.

Ms. Melinda Sellers of Burr and Forman addressed the Council and stated that these were temporary signs to be used for 12-18 months but they would come down whenever the sales process ended and these were in lieu of typical real estate “For Sale”

signs in the windows and was just something to bring attention to the property and that it would be a “for sale” product. Ms. Sellers further stated that this property had existed for several years so hopefully something like this would attract people to realize that it was no longer an apartment complex but would be updated, refreshed, and sold as individual units.

Mr. Cobb asked to verify that there would be one set of signs on Oxmoor Road and one set on 19th Street.

Ms. Sellers replied that she was not sure.

Councilor Smith asked to verify that the two side signs did not have any information on them but were just pictures.

Ms. Sellers replied yes and stated that these were just to draw attention.

President Limbaugh asked to verify that the only things these signs would be promoting were the conversion and sale from apartments to condos.

Ms. Sellers replied yes.

Councilor Smith asked if it was really a good idea to have people driving down Oxmoor Road and turning their heads around to try to figure out what those pictures were because she did not feel they were going to pay attention to the fact the place was for sale but was just making her wonder what the picture was.

Councilor McClusky asked to verify if they were told in the Committee Meetings that the types of signs they were asking for were seen all throughout Homewood.

Mr. Cobb replied that this was an error on his part because he was thinking of the mast arm signs which was what they normally saw used. Mr. Cobb further stated that the one he was describing was the type a lot of builders used when they built new homes that were five to six feet tall and had little arms out like mail box posts.

Councilor Gwaltney stated that he understood that three signs seemed like a lot but he would like to find a compromise that they could work toward since this was an investment into Homewood and the person who was converting those needed the opportunity to sell those.

Ms. Sellers stated that usually when they had a “For Sale” sign like a typical realty sign those were usually not 12-18 months of a sale out so this was a compromise while they were trying to sell many units and would look more permanent and would look better than having “For Sale” signs on both sides of the building.

Councilor Smith stated that nobody wanted those three signs on both sides of the building either especially the people who might live across the street and would have to look at them but she thought they would be able to find a compromise.

President Limbaugh asked if they had any idea how many of these units were sold at this point.

Ms. Sellers replied that she did not know.

President Limbaugh stated that he knew it was early in the process but he knew they were being offered to the renters to purchase.

Ms. Sellers stated that there was an exclusive period when they were not offering them to the public so any renter who wanted to stay in their unit had first option and that period had expired but she did not know how many sold during that period.

President Limbaugh stated that it would have bearing on how long they might be seeing one or more of these signs.

Councilor Andress asked for a summary of the variance request.

Mr. Cobb replied that the request was for three oversized real estate signs.

Councilor Andress asked if the request was for three signs or six signs.

Mr. Cobb replied three.

Councilor Andress asked if each sign was oversized.

Mr. Cobb replied yes.

Councilor Thames stated that he understood the need for them but he did not like the 12-18 month open ended window because he would be much more comfortable if they put a finite time limit on it and if that point if they had not sold them all and they still had a need for them they would have to come back and get permission again but he would not want to go past one year.

President Limbaugh declared the Public Hearing closed at 6:16 p.m.

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

Councilor Thames asked Ms. Sellers if they were willing to make any proffers.

Councilor Smith replied that they could not make a motion that amended their request.

Ms. Sellers asked if they could come back and put something more in line with their comments on the table.

President Limbuagh stated that this item would be referred back to the Special Issues Committee.

The next item on the Agenda under Old Business was Item No. 07.04.19 – Bid Opening held July 15, 2019 at 4:45 p.m. for Spring Tree Planting – Amy Milam, HEC/Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met on July 15, 2019 and voted 5-0 to refer this item back to the full Council without a recommendation pending report from the Homewood Environmental Council.

Mr. Henry Hughes addressed the Council and stated that they looked for the best sites for the planting that would be the most impactful for the city and there were ten sites that would accept 68 trees. Mr. Hughes further stated that there were four bids to plant those trees ranging from \$148,500.00 to the lowest bid of \$62,152.00 which was bid by Mr. Jeremy Miller with Endless Summer Landscapes and in talking with him he seemed fully capable of doing the job and was very eager to work with the city to plant these trees. Mr. Hughes added that Dr. Cleveland with the Board of Education was willing to pay for eight of the trees which would go in at Shades Cahaba Elementary along Highway 31 which left 54 trees that the Environmental Commission would like to see planted; however, they only had money for about 45 of those trees and were about \$4,800.00 short of what they would like to plant. Mr. Hughes further added that Mr. Miller was willing to plant up to the amount of \$50,000.00 plus the Board of Education's allocation for eight of the trees so they would like to ask for an additional \$4,840.00 to plant the additional six trees to fill out the 68 trees but if not Mr. Miller was willing to plant the 62 trees that they had money for.

Mr. Kendrick stated that the way the bid specs were, they asked for a unit price and his proposal was attached to the resolution providing a price of \$914.00 per tree so he recommend that the Council accept this bid based on the unit price and then they could plant as many trees as they wanted but the unit price was the key.

Councilor Jones stated that he agreed that this would be the right approach and he appreciated Mr. Hughes going to Dr. Cleveland because they were benefitting from these beautiful trees that would be planted but he was okay with amending the budget to include an additional \$4,840.00.

Mr. Kendrick stated that if they accepted the unit bids then they could later amend the budget so they could plant more trees.

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

Resolution No. 19-111

(A Resolution to accept bid from Endless Summer Landscapes, LLC)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-111. 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.

The next item on the Agenda under Old Business was Item No. 26.06.19 – Bid Opening date changed from August 12, 2019 to August 26, 2019 at 4:45 p.m. for insurance agent for City of Homewood – Councilor Alex Wyatt.

Councilor Jones stated that the Finance Committee met on July 15, 2019 and voted 5-0 to recommend changing the bid opening date to August 26, 2019 at 4:45 p.m.

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. 29.06.19 – Request for consideration of new ordinance preventing blocking of driveways – Councilor Alex Wyatt.

Councilor McClusky stated that the Public Safety Committee met on July 15, 2019 and voted 5-0 to recommend approval.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:25 p.m.:

Ordinance No.

(An Ordinance to prevent blocking of driveways)

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

The motion for unanimous consent carried.

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

Ordinance No. 2752

(An Ordinance to prevent blocking of driveways)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2752. Councilor Wyatt seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 37.06.19 – Request for consideration to change Building Inspection Officer position that was budgeted in FY 18-19 to Plumbing, Mechanical & Gas Inspections Officer – Wyatt Pugh, BEZ/Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on July 15, 2019 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 following Resolution for the Council's consideration.

Resolution No. 19-112

(A Resolution to change Building Inspection Officer position that was budgeted in FY 18-19 to Plumbing, Mechanical & Gas Inspections Officer)

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. 01.07.19 – Request for consideration to become an “Official Fan Guide Sponsor” for the January 2, 2020 Annual Birmingham Bowl – Miles Huffstutler/Barry Smith.

Councilor Jones stated that the Finance Committee met on July 15, 2019 and voted 5-0 to recommend approval of funding of \$1,000.00.

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

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

Resolution No. 19-113

(A Resolution to become an “Official Fan Guide Sponsor” for the January 2, 2020 Annual Birmingham Bowl)

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. 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.

Councilor Jones stated that the Finance Committee met on July 15, 2019 and voted 5-0 to recommend approval pending Special Issues Committee deliberation.

Councilor Smith stated that they had a presentation from the Kiwanis Club regarding the member who they wanted to dedicate it in memory of and they agreed to accept the donation and they added an item to the Special Issues Committee Referral Agenda that would address how to deal with memorials like this going forward.

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. 19-114

(A Resolution to accept \$750.00 from Kiwanis Homewood to dedicate new Marriott crosswalk in memory of a member)

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. 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.

Councilor Jones stated that the Finance Committee met on July 15, 2019 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 following Resolution for the Council's consideration.

Resolution No. 19-115

(A Resolution to authorize the Mayor to sign an agreement with DataTech911 for E-911)

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. 04.07.19 – Request for consideration to amend FY 18-19 Budgets – Deborah Fout, Library Director and Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on July 15, 2019 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 following Resolution for the Council's consideration.

Resolution No. 19-116

(A Resolution to amend FY 18-19 Budgets)

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. 05.07.19 – Request for consideration to declare items surplus (See Exhibit A) – Deborah Fout, Library Director.

Councilor Jones stated that the Finance Committee met on July 15, 2019 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 6:32 p.m.:

Ordinance No.

(An Ordinance to declare items surplus)

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. Councilor Gwaltney seconded the motion.

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

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, 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. 2753

(An Ordinance to declare items surplus)

Councilor Higginbotham moved for the enrollment and adoption and publication according to law of Ordinance No. 2753. Councilor Smith seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Thames stated that the Planning and Development Committee met on July 15, 2019 and voted 5-0 to recommend adding this section to the city-wide sidewalk list.

President Limbaugh asked if the Council had any questions or comments regarding the motion from the Planning and Development 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. 12.07.19 – Request for consideration of Greensprings property – Mike Kendrick, City Attorney.

Councilor Jones stated that the Finance Committee met on July 15, 2019 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 following Resolution for the Council's consideration.

Resolution No. 19-117

(A Resolution to purchase Greensprings property from Green Gold, LLC)

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. 16.01.15 – Update on past, present and future Sidewalk Projects – Greg Cobb/Building, Engineering and Zoning Department.

Councilor Thames stated that the Planning and Development Committee met on July 15, 2019 and voted 5-0 to refer this request for sidewalk at Montessori School to the Finance Committee.

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.

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

COMMITTEE REFERRAL AGENDA

- 13.07.19** Request for consideration of declaring the following vehicles surplus: 2005 International 4400 (VIN - HTMKAAR76H19B457) and 1998 International 4900 6x4 (VIN - 1HTSHAAR4XH589640) – **Gordan Jaynes, Fleet Maintenance/ Berkley Squires, Public Services Director – Finance Committee**
- 14.07.19** Request for consideration to adopt policy for In Memoriam naming within the City Limits – **Councilor Higginbotham – Special Issues Committee**
- 15.07.19** Request for consideration for permission to place a new pole and cell site in the City Right-of-Way on Goodwin Crest – **Mark Slovensky/Greg Cobb, BEZ – Special Issues Committee**
- 16.07.19** Request for consideration of trash issues on Huntington – **Cathy Tayloe/Councilor Jennifer Andress – Special Issues Committee**
- 17.07.19** Request for consideration of above ground gas storage at Ryder facility – **Sarah Galloway/Councilors Andrew Wolverton and Mike Higginbotham– Special Issues Committee**

- 18.07.19 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone property at 3021 Firefighter Lane (PID #28-00-07-3-032-011.000) from an R-5 (Attached Dwelling Unit District) to a R-4 (Attached Dwelling Unit District): Applicant: Jason Hale for Owner Willow Homes to permit the development of one new residential house and one existing house renovation comprising of two lots currently within one parcel. Detached dwelling units allowed in R-4 (The Planning Commission had a unanimous vote of 8-0 for a favorable recommendation of the rezone) – **Wyatt Pugh/BEZ Dept – Planning and Development Committee**
- 20.07.19** Request for consideration of Homewood Environmental Commission's FY 19-20 Budget Presentation - **Amy Milam, HEC – Finance Committee**
- 21.07.19** Request for consideration for permission to work in the City Right-of-Way at 228 Crest Drive to install a parking pad – Dr. Bill Reed/Councilor Barry Smith – **Special Issues Committee**

Councilor McClusky moved for the approval of the Committee Referral Agenda as amended. 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 voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 18.07.19 – Request to set a Public Hearing for consideration to rezone property at 3021 Firefighter Lane (PID #28-00-07-3-032-011.000) from an R-5 (Attached Dwelling Unit District) to a R-4 (Attached Dwelling Unit District): Applicant: Jason Hale for Owner Willow Homes to permit the development of one new residential house and one existing house renovation comprising of two lots currently within one parcel. Detached dwelling units allowed in R-4 (The Planning Commission had a unanimous vote of 8-0 for a favorable recommendation of the rezone) – Wyatt Pugh – Planning and Development Committee.

President Limbaugh stated that the Public Hearing would be set for August 26, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.07.19 – Request for consideration of approval of vouchers for period of July 9, 2019 through July 22, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-118

(A Resolution for approval of vouchers for period of July 9, 2019 through July 22, 2019)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-118. 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 Thames stated that the Planning and Development Committee would meet on August 5, 2019 at 6:15 p.m.

Councilor McClusky stated that the Public Works Committee would meet on August 5, 2019 at 5:30 p.m. and the Public Safety Committee would not meet on August 5, 2019.

Councilor Jones stated that the Finance Committee would meet on August 5, 2019 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on August 5, 2019 at 5:45 p.m.

Councilor Wyatt stated that he wanted to thank both of the Library Board candidates and it was a good problem to have to choose between two good candidates. Councilor Wyatt further stated that he wanted to thank everyone who showed up to the public meeting about Samford because they got a lot of good input so they would keep working on it to incorporate those comments.

Councilor Andress stated that she wanted to thank Mr. Cobb because the tunnel connecting Highway 31 looked incredible and they had scraped all the asphalt out and they were down to just concrete which was smooth so now they were going to paint it with non-scid paint. Councilor Andress further stated that she also wanted to recognize Officer Reggie Sutton who she met twice today while she was out on a run and he was patrolling on his Segway around town and he was also helping with parking enforcement and working downstairs in City Hall. Councilor Andress added that she wanted to thank everyone for coming today to the Councilor Roundtable where they had a fantastic meeting and would have some great plans and projects to take on Regionally.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:42 p.m.