

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

September 9, 2019

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, September 9, 2019 at City Hall at 6:00 p.m.

At this time, Mayor McBrayer presented a Proclamation to the Daughters of the American Revolution for Constitution Week.

Mayor McBrayer then presented a Proclamation for GYN Cancer Awareness Month.

The invocation was given by Councilor Jennifer Andress, after which the pledge of allegiance was given.

The meeting was called to order by President Pro Tempore Peter Wright at 6:18 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 Peter Wright, constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer. Absent: Andrew Wolverton and Bruce Limbaugh.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of August 26, 2019 and approve them as distributed. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

At this time, President Pro Tempore Wright requested Board openings and nominations.

President Pro Tempore Wright stated that the Park Board Ward 3 application period would be opened until October 14, 2019 at 4:30 p.m.

President Pro Tempore Wright stated that the BZA Ward 5 application period would be opened until October 14, 2019 at 4:30 p.m.

President Pro Tempore Wright stated that the Arts Advisory Council Ward 5 application period would be opened until October 14, 2019 at 4:30 p.m.

Mayor McBrayer addressed the Council and stated that, after interviewing three applicants, he was appointing Brannon Foster to the Historic Preservation Commission At-Large position.

President Pro Tempore Wright amended the published Council Agenda to add the following items to the Consent Agenda: Item No. 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; Item No. 08.06.19 – Request for consideration to add a City Planner Position and amend FY 18-19 budget for this position – Mayor Scott McBrayer and J.J. Bischoff, Chief of Staff; Item No. 21.08.19 – Request to accept Right-of-Way at the end of Edgecrest Drive to allow access to property to the west – Bill Hickman/Greg Cobb.

President Pro Tempore Wright amended the published Council Agenda to add the following items to the Old Business Agenda: From the Special Issues Committee: Item No. 26.08.19 – Request for consideration to place a parking pad in city right-of-way at 1652 28th Avenue South – Ben Tangye/Waytt Pugh/Greg Cobb, BEZ; From the Finance Committee: Item No. 22.04.19 – Request to authorize the Mayor to sign contract with Alabama Power to maintain, insure and change over to LED lighting all public lighting that is owned by either Alabama Power or the City of Homewood – Berkley Squires and Barry Smith; Item No. 24.08.19 – Request for consideration for Budget Amendments for FY 18-19 budgets – Robert W. Burgett, Finance Director; Item No. 31.08.19 – Request for consideration of funding for Landscaping Contract – Andy Gwaltney and Britt Thames.

President Pro Tempore Wright further amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. Item No. 09.09.19 – Request for consideration of Tax Abatement options – Robins and Morton/Walter Jones – Finance Committee.

President Pro Tempore Wright further amended the published Council Agenda to add the following items to the New Business Agenda: Item No. Item No. 10.10.19 – Request to authorize the Mayor to sign contract with the Regional Planning Commission for the Central Avenue Feasibility Study and to accept Apple funds for same – Wyatt Pugh/Melody Salter.

Councilor Jones moved for the approval of the Council Agenda as amended. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

- 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 Slovinsky/Greg Cobb, BEZ**

Action Taken: The Special Issues Committee met on September 9, 2019 and voted 4-0-1 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Higginbotham. Councilor Gwaltney abstained.

- 08.06.19** Request for consideration to add a City Planner Position and amend FY 18-19 budget for this position – **Mayor Scott McBrayer and JJ Bischoff, Chief of Staff**

Action Taken: The Finance Committee met on September 9, 2019 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Wright and seconded by Councilor Higginbotham.

- 21.08.19** Request to accept Right-of-Way at the end of Edgecrest Drive to allow access to property to the west – **Bill Hickman/Greg Cobb**

Action Taken: The Public Works Committee met on September 9, 2019 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Wyatt and seconded by Councilor McClusky.

Councilor Jones moved for the approval of the Consent Agenda as amended. Councilor McClusky seconded the motion.

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

On a voice vote, the motion carried without dissent.

OLD BUSINESS AGENDA

The first item considered under Old Business was Item No. 27.08.19 – Public Hearing set for September 9, 2019 at 6:00 p.m. for consideration of a variance to the fence ordinance at 201 Woodland Drive – Terri Johnson/Greg Cobb, BEZ.

President Pro Tempore Wright declared the Public Hearing opened at 6:27 p.m.

Councilor Smith stated that the Special Issues Company met tonight, prior to the Council Meeting and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

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

Mr. Greg Cobb addressed the Council and stated that this was for an existing fence that had been there for 25 years or more. Mr. Cobb further stated that Ms. Johnson's contractor came in for a permit to tear it down and replace it several weeks ago and he explained that they would have to come to Council for permission to replace it if they took it down. Mr. Cobb added that the contractor did repairs and replaced some of the wood but the homeowner did want to request to remove the whole fence and have an entirely new fence instead of the repaired one she had now.

Ms. Terri Johnson at 201 Woodland Drive addressed the Council and stated that the fence would be exactly the same as it was now but would be new.

President Pro Tempore Wright declared the Public Hearing closed at 6:29 p.m.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the item.

Councilor Smith stated that the picture that was presented was taken from the intersection just up from her house where there was a three-way stop but Mr. Cobb made sure that there was not a sight line problem.

Mr. Cobb stated that the stop signs just went up there about three years ago.

Ms. Johnson stated that the fence was there when she purchased the house and she had been there for twenty years and it was on the original survey that she had.

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

Resolution No. 19-134

(A Resolution for a variance to the fence ordinance at 201 Woodland Drive)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 19-134. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 26.08.19 – Request for consideration to place a parking pad in city right-of-way at 1652 28th Avenue South – Ben Tangye/Wyatt Pugh/Greg Cobb, BEZ.

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

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation. There was no response from the Council.

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

Resolution No. 19-135

(A Resolution to place a parking pad in city right-of-way at 1652 28th Avenue South)

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

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 24.08.19 – Request for consideration for Budget Amendments for FY 18-19 budgets – Robert W. Burgett, Finance Director.

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

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

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

Resolution No. 19-136

(A Resolution for Budget Amendments for FY 18-19 budgets)

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion from the Finance Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 22.04.19 – Request to authorize the Mayor to sign contract with Alabama Power to maintain, insure and change over to LED lighting all public lighting that is owned by either Alabama Power or the City of Homewood – Berkley Squires and Barry Smith.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting and, after hearing from Allison Howell with Alabama Power, voted 5-0 to recommend approval pending the response and condition of acceptance to five days for response and repair of equipment.

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

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

Resolution No. 19-137

(A Resolution to authorize the Mayor to sign contract with Alabama Power to maintain, insure and change over to LED lighting all public lighting that is owned by either Alabama Power or the City of Homewood)

President Pro Tempore Wright asked if the Council had any questions or comments regarding the motion from the Finance Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 31.08.19 – Request for consideration of funding for Landscape Contract – Andy Gwaltney and Britt Thames.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council Meeting and voted 5-0 for approval to send to Budget Hearings.

President Pro Tempore Wright asked if the Council had any questions or comments regarding the Finance Committee's recommendation and motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.09.19** Request for consideration to work in the City Right-of-Way at 1906 Kensington – **Frazier Christy/Greg Cobb, BEZ – Special Issues Committee**
- 02.09.19** Request for consideration for C-Spire to bore underneath the City Right-of-Way at Summit Parkway – **Mitchell Hickman, SMW Engineering/Wyatt Pugh/Greg Cobb, BEZ – Special Issues Committee**
- 03.09.19** Request for consideration of zoning setback changes – **Councilors Andy Gwaltney & Britt Thames – Planning and Development Committee**
- 04.09.19** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration for a variance to the Sign Ordinance at 131 West Oxmoor Road – **Meighan Ellis/Greg Cobb, BEZ – Special Issues Committee**
- 05.09.19** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to amend Subsection (2) c. relating to posting of property with signs of Sec. B. entitled “Zoning Amendments” of Article IX Entitled “Administration and Review Procedures” of Appendix A entitled “Zoning” of the Code of Ordinances of the City of Homewood – **Mike Kendrick, City Attorney – Planning and Development Committee**
- 09.09.19** Request for consideration of Tax Abatement options – Robins and Morton/Walter Jones – **Finance Committee**

Councilor Higginbotham moved for the approval of the Committee Referral Agenda as amended. Councilor Smith seconded the motion.

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

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 04.09.19 – Request to set a Public Hearing for consideration for a variance to the Sign Ordinance at 131 West Oxmoor Road – Meighan Ellis/Greg Cobb, BEZ.

President Pro Tempore Wright stated that the Public Hearing would be set for September 23, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 05.09.19 – Request to set a Public Hearing for consideration to amend amend Subsection (2) c. relating to posting of property with signs of Sec. B. entitled “Zoning Amendments” of Article IX Entitled “Administration and Review Procedures” of Appendix A entitled “Zoning” of the Code of Ordinances of the City of Homewood – City Attorney Mike Kendrick.

President Pro Tempore Wright stated that the Public Hearing would be set for October 7, 2019 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 06.09.19 – Request to set a Public Hearing to consider declaring the property located at 151 Wildwood Pkwy. (PID# 29-00-23-3-001-001.014) a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Police Dept.

President Pro Tempore Wright stated that, without objections, this item would be dropped. There were no objections.

The next item on the Agenda under Other New Business was Item No. 07.09.19 – Request for consideration to authorize the Mayor to contract with engineering firm to perform citywide traffic study – Councilor Andy Gwaltney.

Councilor Gwaltney stated that they had previously selected Volkert to do the traffic study but they had a key employee who was going to conduct that survey leave the firm so Volkert relinquished their rights to the contract so they had to select a new firm and the firm that individual went to was Kimley-Horn so the request was to approve a contract with Kimley Horn, contingent upon ALDOT approving the city’s letter with the Kimley-Horn fee schedule and scope of work.

President Pro Tempore Wright asked if this would be the same price as the original contract.

Councilor Gwaltney replied yes and stated that the fee schedule would be the same but they just had to remove Volkert from the contract and put in Kimley-Horn.

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

Resolution No. 19-138

(A Resolution to repeal Resolution No. 19-64 and to authorize the Mayor to sign a contract with Kimley-Horn to perform citywide traffic study)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 19-138. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 08.09.19 – Request for consideration of approval of vouchers for period of August 27, 2019 through September 9, 2019 – City Treasurer/Finance Committee.

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

Resolution No. 19-139

(A Resolution for approval of vouchers for period of August 27, 2019 through September 9, 2019)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-129. Councilor Thames seconded the motion.

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

On a voice vote, the motion carried without dissent.

The next item considered under Other New Business was Item No. 10.09.19 – Request to authorize the Mayor to sign a contract with the Regional Planning Commission for the Central Avenue Feasibility Study and to accept Apple funds for same – Wyatt Pugh/Melody Salter.

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

Resolution No. 19-140

(A Resolution to authorize the Mayor to sign a contract with the Regional Planning Commission for the Central Avenue Feasibility Study and to accept Apple funds for same)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-140. Councilor Wyatt seconded the motion.

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

On a voice vote, the motion carried without dissent.

Mayor McBrayer addressed the Council and stated that he wanted to congratulate the Homewood Football team for a great win Friday night. Mayor McBrayer further stated that he wanted to remind everyone of the 911 Ceremony on Wednesday which would be at 9:00 a.m. on the Plaza to honor those who lost their lives as well as honor the survivors. Mayor McBrayer added that on September 20, 2019 at Canterbury United Methodist Church in Mountian Brook at 8:00 a.m. the Over the Mountain Mayors would host another Freedom from Additction Coalition Breakfast to discuss the effects of vaping.

Councilor Gwaltney stated that on Thursday Councilor would tour the Birmingham Reclycing Center. Councilor Gwaltney further stated that he and Councilor Thames had a good meeting today with the business owners on 18th Street to discuss getting poles down and getting utlilites underground to help beautify 18th Street.

Councilor Thames stated that the Planning and Development Committee would meet on September 16, 2019 at 5:30 p.m. Councilor Thames further stated that he wanted to thank Captain Kyle Davis, Green Beret, who spoke to Troop 97 yesterday who were learning about the qualities of being a hero.

Councilor McClusky stated that the Public Safety Committee would meet on September 16, 2019 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on September 16, 2019 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on September 16, 2019 at 6:30 p.m. Councilor Smith further stated that the Homnewood Historic Preservation Commission was hosting a series of forums at the Library starting on Tuesday September 24, 2019 from 6:30 to 7:30 p.m. and the speaker would be Pamela Stern King, President of Alabama Trust for Historic Preservation, who be presenting on Prosperity vs. Preservation.

Councilor Andress stated that the Beautification Board would meet tomorrow at 6:00 p.m. and they would hear from Jane Reed Ross about ideas for the entry way project.

Councilor Wright stated that the Public Works Committee would meet on September 16, 2019 at 7:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:53 p.m.