

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

October 26, 2020

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 26, 2020 at City Hall at 6:00 p.m.

At this time, representatives from Colliers International and Arlington Properties addressed the Council and presented development plans for Brookwood Village.

Mayor McBrayer addressed the Council and presented a Proclamation to recognize October as Physical Therapy Month.

At this time, the following item was taken out of order from the Other New Business Agenda: Item No. 26.10.20 – Request to authorize the Mayor to sign contract for services and pay FY 20-21 Budget Appropriation for Red Mountain Park – Councilor Andress/ Robert Burgett, Finance Director /Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

Resolution No. 20-156

(A Resolution to authorize the Mayor to sign contract for services and pay FY 20-21 Budget Appropriation for Red Mountain Park)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-156. Councilor Hardin seconded the motion.

President 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.

Councilor Andress then presented a Proclamation to T.C. McElmore, Executive Director of Red Mountain Park.

At this time, Mayor McBrayer presented Proclamations to Councilor Higginbotham, Councilor Thames, and President Wright in honor of their service on the Council.

President Wright then presented a Proclamation to Mayor McBrayer in honor of his service as Mayor.

The invocation was given by Melody Salter, City Clerk, after which the pledge of allegiance was given by President Wright.

The meeting was called to order by President Wright at 6:25 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, Jennifer Andress, John Hardin, and Peter Wright and constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; and Melody Salter, City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer.

At this time, Councilor Wyatt moved to dispense with the reading of the Minutes of the Council Meeting of September 28, 2020, October 12, 2020, and October 13, 2020 and approve them as presented. Councilor Thames seconded the motion.

President 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.

President Wright stated that Interviews would be set for the At-Large Park Board position.

Councilor Jones moved for the approval of the Council Agenda. Councilor Andress seconded the motion.

President 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

23.09.19 Request for consideration of a Rosedale Local Historic District –
Councilors Andy Gwaltney and Britt Thames (Carried over 9/21/20)

Action Taken: The Planning and Development Committee met on October 19, 2020 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Jones and seconded by Councilor Andress.

- 15.10.20** Request to close Valley Place on 10/31 – **Joe Stephens & Councilor Smith**
- Action Taken: The Public Safety Committee met on October 19, 2020 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Wyatt and seconded by Councilor Address.**
- 17.10.20** Request to close Oxford Circle on Halloween - **Councilor Jones**
- Action Taken: The Public Safety Committee met on October 19, 2020 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Wolverton and seconded by Councilor Wyatt.**
- 04.10.20** Request to appeal fine assessed for removal of tree in violation of Tree Ordinance at 307 Redfern Street – **Bob Goodwin, Homeowner/Wyatt Pugh, BEZ^F**
- Action Taken: The Special Issues Committee met on October 19, 2020 and voted 4-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Address.**
- 15.03.19** Request to address how condos and apartments handle garbage/trash and issues as residents move in and out – **Jackie Langlow/Mayor McBrayer (Tabled 05/06/19)**
- Action Taken: The Special Issues Committee met on October 19, 2020 and voted 4-0 to take this item off the Table. The motion was made by Councilor Higginbotham and seconded by Councilor McClusky. The Committee then voted 4-0 to recommend dropping this item. The motion was made by Councilor Higginbotham and seconded by Councilor McClusky.**
- 08.08.19** Request to consider limiting access to the plaza at City Hall on the weekends –**Chief of Staff JJ Bischoff (Tabled 10/14/19)**
- Action Taken: The Special Issues Committee met on October 19, 2020 and voted 4-0 to take this item off the Table. The motion was made by Councilor Higginbotham and seconded by Councilor McClusky. The Committee then voted 4-0 to recommend dropping this item. The motion was made by Councilor Higginbotham and seconded by Councilor Address.**

Councilor Thames moved for the approval of the Consent Agenda. Councilor Gwaltney seconded the motion.

President 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 on the Agenda under Old Business was Item No. 18.08.20 – Public Hearing held on September 14, 2020 at 6:00 p.m. to consider declaring the property located at 1125 Hardwick Lane, PID# 29-00-22-4-013-010.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth”- Scott Cook, Code Enforcement, Police Dept. (Public Hearing Closed 9/14/20 and Item Carried Over 9/14/20, 9/28/20, and October 12, 2020).

Mr. Scott Cook addressed the Council regarding this item and recommended carrying this item over again because of the progress that was being made.

The Council then held discussion regarding this item.

President Wright stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 08.09.20 – Public Hearing held on September 28, 2020 at 6:00 p.m. to consider declaring the property located at 2600 B M Montgomery Street, PID# 28-00-07-3-008-020.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” - Scott Cook, Code Enforcement, Police Dept. (Public Hearing Closed and Item Carried Over 9/28/20 and October 12, 2020).

Mr. Scott Cook addressed the Council regarding this item.

The Council then held discussion regarding this item.

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

Resolution No. 20-157

(A Resolution declaring the property located at 2600 B M Montgomery Street, PID# 28-00-07-3-008-020.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth”)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-157. Councilor Thames seconded the motion.

President 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, Councilor McClusky moved to suspend the rules in order to reconsider Item No. 12.03.20 – Request for consideration to rezone property at 2927 Central Avenue (PID 28-00-07-3-035-009.000) from a C-1(Office Building District) to I-2 (Institutional District): Applicant: Chris Eckroate/Owner(s): Catholic Diocese of Birmingham to permit the development of a surface parking lot in support of adjacent Our Lady Sorrows Church (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – Wyatt Pugh. Councilor Higginbotham seconded the motion.

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

The motion carried on a vote of 8-3. Councilors Gwaltney, Thames, and Andress voted no.

Councilor McClusky then moved to reconsider this item. Councilor Higginbotham seconded the motion.

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

The motion carried on a vote of 7-2-2. Councilors Gwaltney and Thames voted no. Councilors Wyatt and Hardin abstained.

The Council then held discussion regarding this item.

Councilor McClusky then moved to set a Public Hearing for November 30, 2020 at 6:00 p.m. Councilor Smith seconded the motion.

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

The motion carried on a vote of 10-1. Councilors Gwaltney voted no.

The next item on the Agenda under Old Business was Item No. 07.10.20 – Public Hearing set for October 26, 2020 at 6:00 p.m. for a variance to the Fence Ordinance at 800 College Ave – Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 19, 2020 and voted 4-0 to send this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 7:00 p.m.

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

Mr. Carl Emmons at 800 College Avenue addressed the Council and provided photographs.

President Wright declared the Public Hearing closed at 7:07 p.m.

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

The Council then held discussion regarding this item.

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

Resolution No. 20-158

(A Resolution for a variance to the Fence Ordinance at 800 College Ave)

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-158. Councilor Jones seconded the motion.

President 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 Old Business was Item No. 08.10.20 – Public Hearing set for October 26, 2020 at 6:00 p.m. for variances to the Sign Ordinance to permit more than one sign per tenant on face of building and to permit an increase to the allowable sign size at 3415 Independence Drive – Dr. Corey Hartman, Skin Wellness Dermatology/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 19, 2020 and voted 4-0 to send this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 7:09 p.m.

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

Mr. Wyatt Pugh addressed the Council regarding this item.

Ms. Nancy Ferren (Realtor) at 916 Westover Drive, and Mr. David Blackman (Architect) (via Zoom) addressed the Council regarding this item.

President Wright declared the Public Hearing closed at 7:14 p.m.

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

The Council then held discussion regarding this item.

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

Resolution No. 20-159

(A Resolution for variances to the Sign Ordinance to permit more than one sign per tenant on face of building and to permit an increase to the allowable sign size at 3415 Independence Drive)

Councilor Andress moved for the adoption and enrollment of Resolution No. 20-159. Councilor Gwaltney seconded the motion.

President 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 Old Business was Item No. 01.10.20 – Request to authorize the Mayor to sign contract with Lexipol for annual subscription to Fire Rescue 1 Policy and Training module – Chief Hill, Battalion Chief Broadhead/ Fire Department.

Councilor Jones stated that the Finance Committee met on October 19, 2020 and voted 5-0 to recommend approval for funding from Maintenance Contracts (01-15-540900) in Fire Department FY 20-21 Budget.

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

Resolution No. 20-160

(A Resolution to authorize the Mayor to sign contract with Lexipol for annual subscription to Fire Rescue 1 Policy and Training module)

President 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 on the Agenda under Old Business was Item No. 02.10.20 – Request for RFP production for City Communication Services – Councilors Andress and Smith.

Councilor Jones stated that the Finance Committee met October 19, 2020 and voted 5-0 to recommend setting the RFP opening for November 30, 2020 at 5:00 p.m. with a deadline for submittal at 4:30 p.m.

President 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 on the Agenda under Old Business was Item No. 16.10.20 – Request to address ADA Accessibility concerns on Cobb Street sidewalks near Hall Kent Elementary – Councilor Wolverton.

Councilor Gwaltney stated that the Public Works Committee met on October 19, 2020 and voted 5-0 to recommend approval.

President Wright asked if the Council had any questions or comments regarding the motion from the Public Works 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. 12.08.20 – Request to address safety concerns at Hollywood/La Prado intersection – Councilors Andress and Hardin.

Councilor McClusky stated that the Public Safety Committee met on October 19, 2020 and, after hearing from Clark Bailey and residents, voted 4-0 to recommend increasing patrols, adding a crosswalk with pylons, and conducting further studies.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:23 p.m.:

Ordinance No.

(An Ordinance for a pedestrian crosswalk at Hollywood and La Prado intersection)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. Councilor Thames seconded the motion.

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2786

(An Ordinance for a pedestrian crosswalk at Hollywood and La Prado intersection)

Councilor Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2786. Councilor Andress seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 23.09.20 – Request to restrict parking at City Hall Plaza – Councilor Gwaltney.

Councilor McClusky stated that the Public Safety Committee met on October 19, 2020 and voted 4-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:26 p.m.:

Ordinance No.

(An Ordinance to restrict parking at City Hall Plaza)

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

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

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

The motion for unanimous consent carried.

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

Ordinance No. 2787

(An Ordinance to restrict parking at City Hall Plaza)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2787. Councilor Gwaltney seconded the motion.

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

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.10.20 – Request for consideration to work in right-of-way to access the rear yard at 716 Crest Lane to remove a tree – Craig Lawrence, homeowner/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met on October 19, 2020 and voted 4-0 to recommend approval.

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

Resolution No. 20-161

(A Resolution to authorize work in right-of-way to access the rear yard at 716 Crest Lane to remove a tree)

President 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.

COMMITTEE REFERRAL AGENDA

- 18.10.20** Request to declare the following items surplus: 2010 Ford Crown Vic (VIN: 2FABP7BV7AX139170); 2010 Dodge Charger (VIN: 2B3CA5CTXAH258019); 1987 Hyster Lift Truck (SN: A177B17943H) – Gordon Jaynes/Fleet Maintenance – **Finance Committee**
- 19.10.20** Request to authorize the Mayor to sign amendment to the contract with Tyler Technologies (NewWorld CAD) for additional CAD export interface – **Chief Hill, Battalion Chief Broadhead/ Fire Department-E-911 – Finance Committee**
- 20.10.20** Request to authorize the Mayor to sign agreement with Kimley-Horn for engineering services – **Clark Bailey and Wyatt Pugh – Finance Committee**
- 21.10.20** Request to review new lighting at Windsor/Manchester – **Jennifer Andress – Finance Committee**
- 22.10.20** Request to reconsider capital purchase for police body cameras and possibly amend the FY 20-21 Capital Projects Budget for same – Chief Ross/Robert Burgett/ Melody Salter – **Finance Committee**
- 23.10.20** Request for presentation by VIA regarding micro-transit systems – **Councilor Hardin – Special Issues Committee**

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

President 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. 24.10.20 – Request to authorize emergency expenditure for roof repair for Street and Sanitation Building – Berkley Squires.

Councilor Jones stated that this was required emergency repair from Small Infrastructure (12-12-522500) for \$36,000.00.

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

Resolution No. 20-162

(A Resolution to authorize emergency expenditure for roof repair for Street and Sanitation Building)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-162. Councilor Higginbotham seconded the motion.

President 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. 25.10.20 – Request to authorize the Mayor to sign a contract for services and pay FY 20-21 Budget Appropriation for ClasTran – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Jones stated that this was a budgeted item for FY 20-21 for \$16,841.00 from 01-11-575560.

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

Resolution No. 20-163

(A Resolution to authorize emergency expenditure for roof repair for Street and Sanitation Building)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-163. Councilor Hardin seconded the motion.

President 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. 27.10.20 – Request to authorize the Mayor to sign contract for services and pay first quarter FY 20-21 Budget Appropriation got BJCTA – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

President Wright stated that this item would be carried over.

The next item on the Agenda under Other New Business was Item No. 28.10.20 – Request for consideration of approval of vouchers for period of October 13, 2020 through October 26, 2020 – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

Resolution No. 20-164

(A Resolution to approve vouchers for period of October 13, 2020 through October 26, 2020)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-164. Councilor Higginbotham seconded the motion.

President 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.

Councilor Gwaltney stated that the Public Works Committee would meet on November 9, 2020 at 5:45 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on November 9, 2020 at 4:30 p.m.

Councilor Jones stated that the Finance Committee would meet on November 9, 2020 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on November 9, 2020 at 4:15 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:55 p.m.