

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

October 23, 2017

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 23, 2017 at City Hall at 6:00 p.m.

The invocation was given by Pastor Chris Goins of A2 Church, after which the Pledge of Allegiance was given.

The meeting was called to order by President Pro Tempore Wright at 6:03 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, 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: Patrick McClusky and Bruce Limbaugh.

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of September 18, 2017 and September 25, 2017 and approve them as distributed. 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.

President Pro Tempore Wright moved to re-open two At-Large vacancies of the Medical Clinic Board with a closing date of November 22, 2017 at 4:30 p.m.

At this time, President Pro Tempore Wright amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 23.10.17 – Request to set a Public Hearing for consideration of a front yard wall variance at 3107 Whitehall Road (PID: 28-01-18-2-003-004.000) – Andy Virciglio / Wyatt Pugh, BEZ Department – Special Issues Committee.

President Pro Tempore Wright further amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 23.10.17 – Request to set a Public Hearing for consideration of a front yard wall variance at 3107 Whitehall Road (PID: 28-01-18-2-003-004.000) – Andy Virciglio / Wyatt Pugh, BEZ Department.

Councilor Thames moved for the approval of the Agenda as amended. Councilor Higginbotham 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

01.10.17 Request for consideration of temporary closure of Le Jeune Way to cut-through traffic during Birmingham Water Works project – **Jennifer Andress**

Action Taken: The Public Safety Committee met on October 16, 2017 and Councilor Andress made a motion to recommend dropping this item. Councilor Wyatt seconded the motion. The motion carried on a 4-0 vote.

07.12.16 Request to consider changing parking places on 29th from Hwy 31 to Soho from parallel to slanted spaces – **Hunter Payne/Jennifer Andress (Tabled 2/6/17)**

Action Taken: The Public Safety Committee met on October 16, 2017 and Councilor Andress made a motion to take this item off the table. Councilor Wyatt seconded the motion. The motion carried on a 4-0 vote. Councilor Andress then made a motion to recommend dropping this item. Councilor Wyatt seconded the motion. The motion carried on a 4-0 vote.

Councilor Gwaltney moved for the approval of the Consent Agenda. 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 12.05.17 – Public Hearing set for November 13, 2017 at 6:00 p.m. for consideration of Petition of Annexation for the property located at 1400 Shades Crest Road – Melba Kane/Jolene Mills/City Clerk (Carried over 10/9/17 for Public Hearing).

President Pro Tempore Wright stated that this Item would be carried over for the Public Hearing set for November 13, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 25.07.17 – Request for consideration of presentation by Daniels Communities – Britt Thames (Carried over 9/18/17).

President Pro Tempore Wright stated that, without objection, this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 18.08.17 – Request for consideration of an ABC – 160 – Special Retail (More Than 30 Days) license for 1918 Catering LLC d/b/a 1918 Catering located at 197 Vulcan Road – Melody Salter, City Clerk.

President Pro Tempore Wright stated that, without objection, this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 18.09.17 – Request to approve expenditures of Exhibit A from HPM Management on behalf of the Board of Education from Construction Fund – Walter Jones (Carried over 10/9/17).

President Pro Tempore Wright stated that there was a request to drop this Item.

Councilor Higginbotham moved to drop this Item. 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.

The next item on the Agenda under Old Business was Item No. 23.09.17 – Public Hearing set for October 23, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1760 Oxmoor Road – Vanessa McGrath (Carried over 10/9/17 for Public Hearing).

Councilor Smith stated that the Special Issues Committee met on October 16, 2017 and voted 4-0 to send out to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 6:13p.m.

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

Ms. Vanessa McGrath stated that the variance was for an additional monument sign which met size requirements.

Mr. David Brandt of Fravert Services addressed the Council and stated that this request was for a non-illuminated sign with curb appeal to enhance the anticipatory visibility and identification of LAH if approaching east and west bound on Oxmoor Road. Mr. Brandt further stated that it was a monument sign that met the size requirements. Mr. Brandt added that he was working with Ms. McGrath and traffic engineering to make sure that it was far enough toward the building to where it would be sufficient for people to be able to nose out and safely make a right hand turn at the red light.

President Pro Tempore Wright asked if the existing signs justified the need for the additional sign.

Mr. Brandt replied that there were two signs on the building, and one ran perpendicular to 18th Street and that sign was doing its job for people heading south up the hill but as people drove east and west on Oxmoor Road there was a sign on the side of the building but it was blocked until people were in the parking lot and, though it ushered people to the entrance from the parking lot, it could not be seen if headed east bound on Oxmoor Road so the monument sign would create east and west bound visibility and identifiably of the business coming from both directions from a distance.

President Pro Tempore Wright asked if there was anyone else in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

President Pro Tempore Wright declared the Public Hearing closed at 6:17p.m.

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

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

Resolution No. 17-174

(A Resolution for a variance to the sign ordinance at 1760 Oxmoor Road)

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-174. 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 on an 8-1 vote. Councilor Higginbotham voted no.

The next item considered under Old Business, taken out of order, was Item No. 13.10.17 – Request for consideration of a resolution to request that the Alabama Legislature take action relieving the City of Homewood from the application of the Lid Bill – Alex Wyatt.

Councilor Jones stated that the Finance Committee met on October 16, 2017 and voted 4-0 to recommend approval.

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

Councilor Higginbotham asked to verify that if the legislature adopted this bill then it would be submitted to the entire county for a vote to ratify removing Homewood from the Lid Bill.

Mr. Kendrick replied that it might be up for a county wide vote if anyone objected but if there were no objections then there would just be a city wide vote.

Councilor Higginbotham stated that if there was a desire to raise property taxes, then that would require a vote of the residents of the City of Homewood. Councilor Higginbotham further stated that he was against the Lid Bill because he thought local governments should make their own decisions.

Mr. Kendrick stated that the legislature would have to adopt an act that would authorize exempting the city and then they would have to authorize a vote.

Representative David Faulkner addressed the Council and stated that it was his understanding that there would have to be a county wide vote.

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

Resolution No. 17-175

(A Resolution to request that the Alabama Legislature take action relieving the City of Homewood from the application of the Lid Bill)

Councilor Jones moved for the adoption and enrollment of Resolution No. 17-175. 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 on the Agenda under Old Business was Item No. 25.09.17 – Public Hearing set for November 13, 2017 at 6:00 p.m. for consideration for ADA Transition Plan – Vanessa McGrath/Building, Engineering and Zoning Department (Carried over 10/9/17 for Public Hearing).

President Pro Tempore Wright stated that this Item would be carried over for the Public Hearing set for November 13, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 02.10.17 – Request for consideration of crosswalk at Bonita Drive and Poinciana Drive on the north side of the neighborhood – Jennifer Andress.

Councilor Wyatt stated that the Public Safety Committee met on October 16, 2017 and voted 4-0 to recommend approval.

President Pro Tempore Wright 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 following Resolution for the Council's consideration:

Resolution No. 17-176

(A Resolution for a crosswalk at Bonita Drive and Poinciana Drive on the north side of the neighborhood)

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 17-176. 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 on the Agenda under Old Business was Item No. 04.10.17 – Request for consideration to authorize the Mayor to sign a three year WAN Maintenance Contract – James Yates.

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

The next item on the Agenda under Old Business was Item No. 05.10.17 – Request for consideration to declare miscellaneous computers and equipment surplus – James Yates.

Councilor Jones said the Finance Committee met October 16, 2017 and voted 4-0 to recommend approval to the full Council

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

Ordinance No.

(An Ordinance to declare miscellaneous computers and equipment surplus)

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

The motion for unanimous consent carried.

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

Ordinance No. 2674

(An Ordinance to declare miscellaneous computers and equipment surplus)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2674. Councilor Higginbotham 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Thames, Higginbotham, Wolverton, Jones, Smith, Wyatt, Address, and Wright.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.10.17 – Public Hearing set for October 23, 2017 at 6:00 p.m. for consideration of a variance to the fence ordinance at 112 Hollywood Blvd – Christopher Allison/Wyatt Pugh/Greg Cobb/Building, Engineering, and Zoning Department (Carried over 10/9/17 for Public Hearing).

Councilor Smith stated that the Special Issues Committee met on October 16, 2017 and voted 5-0 to send this item back to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Wright declared the Public Hearing opened at 6:28 p.m.

President Pro Tempore Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

Ms. Vanessa McGrath addressed the Council and stated that Ms. Allison requested that this Item be dropped.

President Pro Tempore Wright declared the Public Hearing closed at 6:28 p.m.

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

Councilor Jones moved to drop this Item. 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 on the Agenda under Old Business was Item No. 09.10.17 – Public Hearing set for October 23, 2017 at 6:00 p.m. to consider declaring the property located at 2900 16th Pl. So. , PID# 29-00-12-4-014-022.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” –Scott Cook, Code Enforcement, Police Dept. (Carried over 10/9/17 for Public Hearing).

Mr. Scott Cook addressed the Council and stated that the property was posted and certified letters were mailed to the owner, one which was signed for but the second certified letter noticing the Public Hearing had not been picked up. Mr. Cook further stated that he had no contact with the owner and today he could see that some work had been done but he had to look very closely to notice any progress.

President Pro Tempore Wright declared the Public Hearing opened at 6:31 p.m.

President Pro Tempore Wright asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

President Pro Tempore Wright declared the Public Hearing closed at 6:31 p.m.

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

Councilor Thames asked Mr. Cook about the condition of the garage.

Mr. Cook replied that it was in pretty bad shape and the roof was falling in on the back portion and there was some rot on the roof but the sides were cinderblock and were holding up pretty well.

Councilor Thames asked if a vehicle had been removed.

Mr. Cook replied yes.

President Pro Tempore Wright asked if there had been any recent discussions with the owners about efforts to try to clean up.

Mr. Cook replied no.

Councilor Andress asked if someone was living there.

Mr. Cook replied yes.

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

Resolution No. 17-177

(A Resolution to declare the property located at 2900 16th Pl. So. , PID# 29-00-12-4-014-022.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth")

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-177. Councilor Gwaltney 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.

COMMITTEE REFERRAL AGENDA

- 15.10.17** Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and an ABC – 060 Retail Table Wine (On or Off Premises) for Urban Cookhouse LLC d/b/a Urban Cookhouse located at 1920 29th Avenue South – **Melody Salter, City Clerk – Public Safety Committee**
- 16.10.17** Request for consideration to work in city ROW to make repairs to sidewalk that was poorly patched when a new water line was installed to

the house at 403 Broadway – McKenzie Dove / Wyatt Pugh, BEZ Department – **Special Issues Committee**

- 17.10.17** Request for consideration of Alabama Power’s proposal for the installation of Tesla electric vehicle charging stations adjacent to several Homewood public parking spaces – Robin White, Alabama Power/ Wyatt Pugh, BEZ Department – **Public Works Committee**
- 18.10.17** Request to amend FY 17-18 Budget for FY 16-17 encumbrances – Melody Salter, Finance Director/City Clerk – **Finance Committee**
- 23.10.17** Request to set a Public Hearing for consideration of a front yard wall variance at 3107 Whitehall Road (PID: 28-01-18-2-003-004.000) – Andy Virciglio / Wyatt Pugh, BEZ Department – **Special Issues Committee**

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

The next item on the Agenda under Other New Business was Item No. 19.10.17 – Request to authorize Mayor to sign contract with Jefferson Blount St. Clair Mental Health Authority and fund FY 17-18 budget appropriation – City Treasurer/Finance Committee.

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

Resolution No. 17-178

(A Resolution to authorize Mayor to sign contract with Jefferson Blount St. Clair Mental Health Authority and fund FY 17-18 budget appropriation)

Councilor Andress moved for the adoption and enrollment of Resolution No. 17-178. 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.

The next item on the Agenda under Other New Business was Item No. 20.10.17 – Request to authorize the Mayor to sign contract with the Birmingham Zoo – City Treasurer/Finance Committee.

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

Resolution No. 17-179

(A Resolution to authorize Mayor to sign contract with the Birmingham Zoo)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 17-179. 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. 21.10.17 – Request to authorize the Mayor to sign a contract with the Exceptional Foundation – City Treasurer/Finance Committee.

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

Resolution No. 17-180

(A Resolution to authorize Mayor to sign contract with the Exceptional Foundation)

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-180. 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.

The next item on the Agenda under Other New Business was Item No. 22.10.17 – Request for consideration of approval of vouchers for period of October 9, 2017 through October 22, 2017 – City Treasurer/Finance Committee.

Councilor Wright stated that he had reviewed the vouchers and recommended approving vouchers.

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

Resolution No. 17-181

(A Resolution approving vouchers for period of October 9, 2017 through October 22, 2017)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 17-181. Councilor Gwaltney 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. 23.10.17 - Request to set a Public Hearing for consideration of a front yard wall variance at 3107 Whitehall Road (PID: 28-01-18-2-003-004.000) – Andy Virciglio / Wyatt Pugh, BEZ Department.

President Pro Tempore Wright stated that the Public Hearing would be set for November 13, 2017 at 6:00 p.m.

Mayor McBrayer addressed the Council and stated that former employee, Charlotte Fincher passed away over the weekend and services would be in Leeds.

Councilor Thames stated that the Planning and Development Committee would not need to meet.

Councilor Higginbotham stated that he wanted to thank residents in Rosedale for hosting a get together in Spring Park that the Council and Mayor attended. Councilor Higginbotham further stated that this Saturday would be the 83rd Annual Hall Kent Fall Festival from 3:00 p.m. to 7:00 p.m.

Councilor Wolverton stated that he also wanted to thank the Rosedale community for hosting the Spring Park event. Councilor Wolverton further stated that he wanted to thank the Police Department for all their work in serving the city. Councilor Wolverton added that he wanted to thank Mr. Randy Hambley for his work on the new crosswalks around Hall Kent.

Councilor Jones stated that the Finance Committee would meet on November 6, 2017 at 5:00 p.m.

Councilor Smith stated that she wanted to congratulate the Homewood Patriots for winning another football game and would have Senior Night next week against Hueytown High School. Councilor Smith further stated that the Special Issues Committee would meet on November 6, 2017 at 5:30 p.m.

Councilor Wyatt stated that the Chamber of Commerce was hosting a Golf Tournament on October 26, 2017 at Robert Trent Jones Course. Councilor Wyatt further stated that the Public Safety Committee would meet on November 6, 2017 at 6:00 p.m. Councilor Wyatt added that he wanted to thank Representative Faulkner for attending the meeting tonight to hear the resolution about the Lid Bill.

Councilor Andress stated that she attended a meeting last week with the Regional Planning Commission and Heart of Homewood Downtown Master Plan Committee and the Regional Planning Commission was very impressed with the number of citizens who participated and they had over 2,300 unique visitors to the website and almost 200 people who took the survey online. Councilor Andress further stated that the next public engagement would be in January. Councilor Andress added that she wanted to congratulate the Homewood Middle School Boys Cross Country Team for winning, for the first time in school history, the Metro Championship. Councilor Andress further added that she wanted to congratulate Ward 5 resident, Grayton Murray for winning the entire race.

Councilor Wright stated that he also wanted to thank the Police Department for all their work and wanted to thank Councilor Wyatt for his work on the Lid Bill resolution. Councilor Wright further stated that tomorrow at 8:00 a.m. at the School Board there would be a presentation regarding the school proposals in regard to their bond funds and there would be a public presentation Thursday night at Homewood High School at 6:00 p.m. Councilor Wright added the Public Works Committee would meet on November 6, 2017 at 5:45 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:47 p.m.