

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

December 9, 2019

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

The invocation was given by Mr. Bo Seagrist, Senior Revenue Examiner.

The meeting was called to order by President Wright at 6:05 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, 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.

At this time, Councilor Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of November 18, 2019 and approve them as distributed. 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.

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

Councilor Andress moved to appoint Zach Isbell to the Ward 5 Municipal Housing Code Abatement Board position. 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.

President Wright stated that the application period for the Ward 4 Arts Advisory Council would be extended to December 16, 2019 at 4:30 p.m.

Councilor McClusky moved to re-appoint Michael Murray to the At-Large Park Board position. Councilor Wolverton 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 the application period for the Ward 3 Cable Commission would be extended to January 13, 2020 at 4:30 p.m.

President Wright amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 08.12.19 – Request to authorize the Mayor to sign ALDOT 18th Street Project Amended Funding Agreement (Supplemental Agreement 2) for 18th Street Revitalization from 28th Ave S to north of Rosedale Dr (Project #CMAQ-TA15(903), CPMS #100065218, 100065219, 100065220, Project #TAPAA-CMAQ-TA15 (903), CPMS #100064505 – Councilor Britt Thames.

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

CONSENT AGENDA

04.11.19 Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of revision to the sign ordinance – **Mike Kendrick, City Attorney**
(Carried Over 11/18/19)

The Special Issues Committee met on December 2, 2019 and voted 5-0 to recommend dropping this item due to it being a duplicate item. The motion was made by Councilor McClusky and seconded by Councilor Gwaltney.

15.11.19 Request to address speeding concerns on Theda St – Walter Jones – Public Safety

The Public Safety Committee met on December 2, 2019 and voted 4-0 to recommend dropping this item due to the new traffic calming policy.

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

OLD BUSINESS AGENDA

The first item considered under Old Business, taken out of order, was Item No. 34.10.19 – Public Hearing continued from November 4, 2019 at 6:00 p.m. for consideration of a variance to the Sign Ordinance at 2614 18th Street South – Jack Kidd/Greg Cobb, BEZ (Carried Over 11/14/19).

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and, after presentation from Lindsey Puckett of the Regional Planning Commission, and lengthy discussion from residents, the Committee voted 5-0 to recommend referring this item back to the full Council without recommendation pending the Public Hearing.

The Council then heard presentations from Ms. Lindsey Puckett with the Regional Planning Commission and Ms. Susan Henderson with Placemakers.

President Wright declared the Public Hearing opened at 6:46 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.

The following residents and business owners addressed the Council regarding the issue: George Williams at 234 Raymond Drive, Jane Reed Ross at 501 Kenilworth Drive, Stephanie Banks at 137 E. Hawthorne Road, Jerry Fritz at 105 E. Edgewood Drive, Betsy McGuire at 313 Le Jeune Way, Martha Jones at 904 S. Forrest Drive, Thermon Jones at 904 S. Forrest Drive, Bernice Hawkins at 320 Laurel Place, Babbie Siebals at 312 Poinciana Drive, Paige Drummand at 217 LaPrado Place, Cynthia Lamar-Hart at 1831 28th Avenue South, #460, Scott Bryant and 1831 29th Avenue South, #440, Ken Shaia at 117 Windsor Drive, Kelly West at 1831 28th Avenue South, Unit 375, Sue Graphos at 305 Poinciana Drive, Barbara Schilling at 1831 28th Avenue S, #450, Jeff Tenner at 2824 18th Street, Matt Feld at 109 Dixon Avenue, Jeff Underwood at 121 Bonita Drive, Jennifer Mims at 8 Bonita Drive, Issam Bojaliala at 2824 Linden Avenue, Clay Birchfield at 2805 Crescent Avenue, Mary Ellen Snell at 902 Stuart Street, Rev. Edward Steele at 1731 26th Avenue S, Sherry Hartley at 2933 18th Street South, Carolyn Herr at 3108 Overton Drive, Christine Underwood at 3128 Lancaster Court D, Leigh Ann Ross at 202 Bonita Drive, Hilary Murrell at 135 West Glenwood Drive, Trip Galloway at 2200 Woodcrest Place, #310, Kevin McCain at 91 Lucerne Blvd, Lindsey Chitwood at 309 English Circle, Rima Hartman at 1900 28th Avenue S, Clark Bailey at 714 Forest Drive, Louis Nequette at 100 Bonita Drive, Ethan Thomaston at 2907 South 18th Street, Andy Echols at 1831 28th Avenue South, #205, Hunter Payne at 2918 Cahaba Brook Lane, Michelle Roney at 307 Poinciana Drive, Melanie Geer at 304 St. Charles Street, and Jo Echols at 308 English Circle.

President Wright declared the Public Hearing closed at 9:01 p.m.

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

The Council then held discussion regarding this item.

President 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. 10.11.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of condemning house at 1649 28th Avenue S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh.

Mr. Wyatt Pugh addressed the Council regarding this item.

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 9:25 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. Ben Tangie at 1521 Beckham Drive and Ms. Wendy Cochrane at 1626 28th Avenue South addressed the Council regarding this item.

President Wright declared the Public Hearing closed at 9:31 p.m.

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

The Council then held discussion regarding this item.

President 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. 11.11.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of condemning a house at 618 Hambaugh Ave (PID #29-00-14-4-011-024.00) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 9:33 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.

President Wright declared the Public Hearing closed at 9:39 p.m.

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

President 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. 12.11.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of condemning a house at 1612 Barry Ave (#29-00-12-4-003-011.00) – Wyatt Pugh

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 9:41 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.

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

The Council then held discussion regarding this item.

President Wright declared the Public Hearing closed at 9:43 p.m.

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

Resolution No. 19-213

(A Resolution condemning a house at 1612 Barry Ave (#29-00-12-4-003-011.00))

Councilor Smith moved for the adoption and enrollment of Resolution No. 19-213. Councilor McClusky 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. 13.11.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. for consideration of condemning a house at 1117 Hardwick Lane (PID #29-00-22-4-013-009.000) – Wyatt Pugh.

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 9:44 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.

President Wright declared the Public Hearing closed at 9:49 p.m.

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

The Council then held discussion regarding this item.

President 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. 28.10.19 – Public Hearing set for December 9, 2019 at 6:00 p.m. to consider request for consideration of update to the Sign Ordinance – Councilor Britt Thames.

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 5-0 to disallow all neon and LED signs and to send out without recommendation pending the Public Hearing.

President Wright declared the Public Hearing opened at 9:51 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.

Ms. Susan Henderson of Placemakers addressed the Council regarding this item.

President Wright declared the Public Hearing closed at 9:59 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 first reading of the proposed Ordinance for the Council's consideration at 10:10 p.m.:

Ordinance No.

(An Ordinance to update to the Sign Ordinance)

Councilor Smith 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, Address, 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. 2767

(An Ordinance to update to the Sign Ordinance)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2767. 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, Wolverton, McClusky, Jones, Smith, Wyatt, Address, Hardin, and Wright. Nays: Councilor Higginbotham.

The motion carried on a vote of 10-1.

The next item on the Agenda under Old Business was Item No. 22.11.19 – Public Hearing set for December 16, 2019 at 6:00 p.m. to consider consider declaring the property located at 413 Poinciana Dr. PID# 29-00-07-4-019-007.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth" – Scott Cook, Code Enforcement, Police Dept.

President Wright stated that this item would be carried over for the Public Hearing set for December 16, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 23.11.19 – Public Hearing set for December 16, 2019 at 6:00 p.m. to consider declaring the property located at 2900 16th Place South, 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.

President Wright stated that this item would be carried over for the Public Hearing set for December 16, 2019 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 16.11.19 – Request for consideration of decalring the following vehicles surplus: 2011 International 4300 4 X 2 Truck (VIN# 3HAMMAANXBL450391); 2012 International 4400 4X2 Garbage Refuse Truck (VIN # 3HAMKAZR7CL452761); and one MTS Automotive Tire Changer (Model – A2010/ S/N – 030611708) – Berkley Squires/Gordon Jaynes.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 10:17 p.m.:

Ordinance No.

(An Ordinance decalring the following vehicles surplus: 2011 International 4300 4 X 2 Truck (VIN# 3HAMMAANXBL450391); 2012 International 4400 4X2 Garbage Refuse Truck (VIN # 3HAMKAZR7CL452761); and one MTS Automotive Tire Changer (Model – A2010/ S/N – 030611708))

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. 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 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. 2768

(An Ordinance decalring the following vehicles surplus: 2011 International 4300 4 X 2 Truck (VIN# 3HAMMAANXBL450391); 2012 International 4400 4X2 Garbage Refuse Truck (VIN # 3HAMKAZR7CL452761); and one MTS Automotive Tire Changer (Model – A2010/ S/N – 030611708))

Councilor Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2768. 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. 17.11.19 – Request to amend FY 19-20 Budget for payment to Jetty Trip for additional meeting coverage – Councilor Andy Gwaltney.

Councilor Jones stated that the Finance Committee met on December 2, 2019 and voted 5-0 to recommend approval.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 27.11.19 - Request for consideration of Firefighter Cancer Policy – Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on December 2, 2019 and voted 5-0 to recommend approval.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 19.11.19 – Request for permission to place a small cell antenna at 236 Goodwin Crest Drive -Tim Hawkins/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met on December 2, 2019 and voted 4-0-1 to recommend approval.

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

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

Resolution No. 19-214

(A Resolution to place a small cell antenna at 236 Goodwin Crest Drive)

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.

The next item on the Agenda under Old Business was Item No. 30.06.19 – Request to consider Ordinance to govern appearance of small cell antennas – Councilor Britt Thames.

Councilor Thames stated that the Planning and Development Committee met on December 2, 2019 and voted 4-0 to recommend approval of the small cell ordinance and carrying over the item in Committee for a companion aesthetics resolution.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 10:22 p.m.:

Ordinance No.

(An Ordinance to govern appearance of small cell antennas)

Councilor Thames moved for the unanimous consent of the proposed Ordinance as read. Councilor McClusky 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. 2769

(An Ordinance to govern appearance of small cell antennas)

Councilor Wyatt moved for the enrollment and adoption and publication according to law of Ordinance No. 2769. Councilor Smith 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 Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, Hardin, and Wright. Councilor Gwaltney abstained.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.12.19** Request for consideration to authorize the Mayor to sign Restocking Services Agreement with Brookwood Medical Central Pharmacy – **Battalion Chief Lori Stoney/Chief John Bresnan, Fire Department – Finance Committee**
- 02.12.19** Request to authorize the Mayor to sign a contract with AT & T/ ACC Business for Ethernet Service for new Public Safety Building – **James Yates – Finance Committee**
- 03.12.19** Request for permission to remove five or more trees at 405 Devon Drive – **Wade Stubbs, Lumpkin Development/Wyatt Pugh/Greg Cobb, BEZ – Special Issues Committee**
- 04.12.19** Request for permission to work in the City Right-of-Way near 1591 Forest Ridge Drive – **Steve Chambers/Greg Cobb, BEZ – Special Issues Committee**
- 05.12.19** Request for permission to work in the City Right-of-Way for Eagle Scout Project – **Charles Farrell /Greg Cobb, BEZ – Special Issues Committee**

Councilor Andress moved for the approval of the Committee Referral Agenda. Councilor Wolverton 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. 06.12.19 – Request for consideration of approval of voucehrs for period of November 19, 2019 through December 9, 2019 – City Treasurser.

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

Resolution No. 19-215

(A Resolution for approval of vouchers for period of November 19, 2019 through December 9, 2019)

Councilor Jones moved for the adoption and enrollment of Resolution No. 19-215. 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.

The next item on the Agenda under Other New Business was Item No. 07.12.19 – Request to authorize the Mayor to sign ALDOT Agreement CMAQ-9802(911) – Wyatt Pugh, BEZ/Melody Salter, City Clerk.

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

Resolution No. 19-216

(A Resolution to authorize the Mayor to sign ALDOT Agreement CMAQ-9802(911))

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-216. 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 considered under Other New Business was Item No. 08.12.19 – Request to authorize the Mayor to sign ALDOT 18th Street Project Amended Funding Agreement (Supplmental Agreement 2) for 18th Street Revitalization from 28th Ave S to north of Rosedale Dr (Project #CMAQ-TA15(903), CPMS # 100065218, 100065219, 100065220, Project #TAPAA-CMAQ-TA15(903); CPMS # 100064505 – Councilor Britt Thames.

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

Resolution No. 19-217

(A Resolution to sign ALDOT 18th Street Project Amended Funding Agreement (Supplmental Agreement 2) for 18th Street Revitalization from 28th Ave S to north of Rosedale Dr (Project #CMAQ-TA15(903), CPMS # 100065218, 100065219, 100065220, Project #TAPAA-CMAQ-TA15(903); CPMS # 100064505)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 19-217. 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.

Councilor Gwaltney stated that the Public Works Committee would not meet on December 16, 2019.

Councilor Thames stated that the Planning and Development Committee would not meet on December 16, 2019.

Councilor McClusky stated that the Public Safety Committee would not meet on December 16, 2019.

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

Councilor Smith stated that the Special Issues Committee would meet on December 16, 2019 at 5:30 p.m.

Councilor Wyatt stated that the Interviews for Insurance Agents would be held on Wednesday at 4:00 p.m. and 5:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 10:41 p.m.