

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

December 16, 2019

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, December 16, 2019 at City Hall at 6:00 p.m.

The invocation was given by Ms. Melody Salter, City Clerk.

The meeting was called to order by President Wright at 6:03 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 Address, 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, President Wright requested Board openings and nominations.

Councilor Smith moved to appoint Lauren Denton to the Ward 4 Arts Council position. 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.

President Wright amended the published Council Agenda to add the following items to the Old Business Agenda from the Finance Committee: Item No. 26.06.19 – Bid opening held November 18, 2019 at 4:45 p.m. for Property and Casualty and Worker's Comp insurance agent for City of Homewood – Councilor Alex Wyatt; Item No. 22.10.19 – Bid opening held December 2, 2019 at 4:45 p.m. for the Fire uniform bid– Chief Bresnan/ Battalion Chief Hill, Fire Department; Item No. 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; Item No. 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; From the Special Issues Committee: Item No. 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; Item No. 04.12.19 – Request for permission to work in the City Right-of-Way near 1591 Forest Ridge Drive – Steve Chambers/Greg Cobb, BEZ; Item No. 05.12.19 – Request for permission to work in the City Right-of-Way for Eagle Scout Project – Charles Farrell /Greg Cobb, BEZ.

President Wright further amended the published Council Agenda to add the following the Committee Referral Agenda: Item No. 14.12.19 - Request for consideration of a No Trafficking Proclamation – Councilors Patrick McClusky and Jennifer Andress – Public Safety Committee.

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

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item considered under Old Business was Item No. 12.10.19 – Public Hearing held on December 9, 2019 at 6:00 p.m. for consideration to rezone the Homewood Downtown District from multiple zonings classifications to three new mixed use categories: Low Intensity District (LI), Medium Intensity District (MI) and High Intensity District (HI) to implement recommendations contained within the approved Heart of Homewood Downtown Master Plan. Applicant: City of Homewood in coordination with Regional Planning Commission. Owners: Multiple Public and Private Owners. (The Planning Commission had a vote of 3-2-1 for a favorable recommendation of the rezone) – Mike Kendrick, City Attorney (Public Hearing held and closed on 12/9/19 and Item Carried Over).

President Wright presented recommend changes to the proposed ordinance.

The Council held discussion regarding this item.

Councilor Thames moved to approve changes, refer this item back to the Planning Commission and to set a Public Hearing. 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.

President Wright stated that a Public Hearing would be set for the Planning Commission for February 4, 2020 and a Public Hearing would be set before the City Council for March 9, 2020 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 10.11.19 – Public Hearing held on December 9, 2019 at 6:00 p.m. for consideration of condemning house at 1649 28th Ave S (PID # 29-00-12-4-014-004.00) – Wyatt Pugh (Public Hearing held and closed on 12/9/19 and Item Carried Over).

Mr. Wyatt Pugh addressed the Council regarding this item and recommend carrying this item over.

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 held December 9, 2019 at 6:00 p.m. for consideration of condemning house at 618 Hambaugh Ave (PID # 29-00-14-4-011-024.00) – Wyatt Pugh (Public Hearing held and closed on 12/9/19 and Item Carried Over).

Mr. Wyatt Pugh addressed the Council regarding this item and recommend carrying this item over.

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. 13.11.19 – Public Hearing held December 9, 2019 at 6:00 p.m. for consideration of condemning house at 1117 Hardwick Lane (PID # 29-00-22-4-013-009.000) – Wyatt Pugh (Public Hearing held and closed on 12/9/19 and Item Carried Over).

Mr. Wyatt Pugh addressed the Council regarding this item.

President Wright stated that, without objections, this item would be carried over so that mortgage company could be notified. There were no objections.

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 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 declared the Public Hearing opened at 6:17 p.m.

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

Mr. Scott Cook addressed the Council regarding this item.

Mr. William Nichols addressed the Council regarding this item.

President Wright stated that, without objections, the Public Hearing would be continued and the Item would be carried over. There were no objections.

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 declared the Public Hearing opened at 6:43 p.m.

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

Mr. Scott Cook addressed the Council regarding this item and stated that the property owner was a repeat offender.

President Wright declared the Public Hearing closed at 6:43 p.m.

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

The Council held discussion regarding this item.

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

Resolution No. 19-218

(A Resolution 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”)

Councilor Wyatt moved for the adoption and enrollment of Resolution No. 19-218. 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.

Councilor Jones left the Council Chambers at 6:44 p.m.

The next item considered under Old Business was Item No. 26.06.19 – Bid Opening held November 18, 2019 at 4:45 p.m. for Property and Casualty and Worker’s Comp insurance agent for City of Homewood – Councilor Alex Wyatt.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 4-0-1 to recommend accepting the bid from Cobbs Allen.

President 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. 19-219

(A Resolution awarding bid for Property and Casualty and Worker's Comp insurance agent for City of Homewood to Cobbs Allen)

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 on a 10-0-1 vote. Councilor Thames abstained.

The next item considered under Old Business was Item No. 22.10.19 – Bid Opening held December December 2, 2019 at 4:45 p.m. for the Fire uniform bid– Chief Bresnan/ Battalion Chief Hill, Fire Department.

Councilor Smith stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 5-0 to recommend accepting the bid from Mac Uniforms.

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

Resolution No. 19-220

(A Resolution awarding Fire Uniform bid to Mc Uniforms)

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 on a 11-0 vote.

The next item considered under Old Business was Item No. 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.

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

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

Resolution No. 19-221

(A Resolution awarding Fire Uniform bid to Mc Uniforms)

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 on a 11-0 vote.

The next item considered under Old Business was Item No. 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.

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

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.

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

Resolution No. 19-222

(A Resolution authorizing the Mayor to sign a contract with AT & T/ ACC Business for Ethernet Service for new Public Safety Building)

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 on a 11-0 vote.

The next item considered under Old Business was Item No. 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.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council meeting, and the motion for approval failed on a vote of 0-5.

Mr. Kendrick stated that he recommended exploring the maximum fine and criminal charges for not obtaining a permit.

President Wright asked if the Council had any questions or comments regarding the recommendation from the Special Issues Committee.

Councilor Smith then moved for approval. Councilor Wyatt seconded the motion.

On a voice vote, the motion failed on a voted of 0-10.

The next item considered under Old Business was Item No. 04.12.19 – Request for permission to work in the City Right-of-Way near 1591 Forest Ridge Drive – Steve Chambers/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.

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.

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

Resolution No. 19-223

(A Resolution for permission to work in the City Right-of-Way near 1591 Forest Ridge 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 on a 11-0 vote.

The next item considered under Old Business was Item No. 05.12.19 – Request for permission to work in the City Right-of-Way for Eagle Scout Project – Charles Farrell /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.

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.

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

Resolution No. 19-224

(A Resolution for permission to work in the City Right-of-Way for Eagle Scout Project)

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 on a 11-0 vote.

COMMITTEE REFERRAL AGENDA

- 09.12.19** Request to consider permitted murals/public art addendum to the Sign Ordinance – **Andrew Wolverton/Jennifer Andress – Planning and Development Committee**
- 10.12.19** Request to amend FY 19-20 Budget for FY 18-19 Encumbrances – **Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director – Finance Committee**
- 14.12.19** Request for consideration of a No Trafficking Proclamation – Councilors Patrick McClusky and Jennifer Andress – **Public Safety Committee**

Councilor McClusky moved for the approval of the Committee Referral Agenda. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 11.12.19 – Request for consideration of approval of vouchers for period of December 10, 2019 through December 16, 2019 – City Treasurer.

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

Resolution No. 19-225

(A Resolution for approval of vouchers for period of December 10, 2019 through December 16, 2019)

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 19-225. 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. 12.12.19 – Request to amend the City's Long-Term Disability Policy to meet new required State Statutes – Robert Burgett, Finance Director/Assistant City Clerk.

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

Resolution No. 19-226

(A Resolution to amend the City's Long-Term Disability Policy to meet new required State Statutes)

Councilor Thames moved for the adoption and enrollment of Resolution No. 19-226. 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 Other New Business was Item No. 13.12.19 – Request to authorize the Mayor to sign contract with Alabama First Responder's Benefits Program for new State mandated First Responder's Cancer Policy – Robert Burgett, Finance Director/Assistant City Clerk.

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

Resolution No. 19-227

(A Resolution to authorize the Mayor to sign contract with Alabama First Responder's Benefits Program for new State mandated First Responder's Cancer Policy)

Councilor McClusky moved for the adoption and enrollment of Resolution No. 19-227. 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.

Mayor McBrayer addressed the Council and wished everyone a Merry Christmas and Happy New Year.

Councilor Gwaltney stated that the Public Works Committee would meet on January 6, 2020 at 5:30 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on January 6, 2020 at 5:45 p.m.

Councilor McClusky stated that the Public Safety Committee would meet on January 6, 2020 at 6:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on January 6, 2020 at 6:15 p.m. and the Finance Committee would meet on January 6, 2020 at 5:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:17 p.m.