

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

**December 12, 2016**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, December 12, 2016 at City Hall at 6:00 p.m. Before the invocation was given President Limbaugh allowed Ms. Rebecca's Smith's 4<sup>th</sup> grade Shades Cahaba class to give a brief presentation on animal abuse. The invocation was then given by Pastor Dru Birkeland from Church of the Highlands.

The meeting was called to order by Council President Bruce Limbaugh.

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, Peter Wright, and Bruce Limbaugh. Absent: Patrick McClusky and Walter Jones. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk, Mayor Scott McBrayer and Chief of Staff J.J. Bischoff.

At this time, Mrs. Smith moved to dispense with the reading of the Minutes of the Council Meeting of November 14, 2016 and approve them as distributed. Mr. Wyatt seconded the motion.

Mr. Limbaugh 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.

Mr. Limbaugh asked if the Council had any recommendations or appointments to be made regarding board vacancies.

Mr. Higginbotham said they interviewed three outstanding candidates for the at-large Homewood Environmental Commission and moved to appoint Dr. Julie Price. Mrs. Address seconded the motion. Mr. Limbaugh asked Ms. Salter to notify her but Mr. Higginbotham said she was in audience and she stood up to be recognized.

Mr. Limbaugh 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.

Mr. Limbaugh stated that the Ward 1 Park Board position and Ward 2 Library Board position were closed and appointments would be made at the December 19, 2016 Council Meeting.

Mr. Higginbotham stated that the Ward 2 Environmental Commission position was open and would close on January 9, 2017. Mr. Higginbotham further stated that the incumbent was eligible to serve another term.

At this time, Mr. Limbaugh amended the published Agenda to add the following item to the Committee Referral Agenda: Item No. 07.12.16 – Request to consider changing parking places on 29<sup>th</sup> from Hwy 31 to SOHO from parallel to slanted parking spaces – Hunter Payne/Jennifer Andress – Public Safety Committee.

Mr. Wright moved to approve the Council Agenda as amended. Mr. Higginbotham seconded the motion.

Mr. Limbaugh 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**

**12.05.14** Request for consideration of placement of a sidewalk to connect to the proposed Hollywood Boulevard pedestrian bridge – **Peter Wright (Report – Vance Moody/Chairperson – Public Works Committee Meeting – 02/18/14 - referred to the Finance Committee – 02/24/14 Council Meeting) (Tabled – 05/19/14)-Report Finance Committee**

**Action Taken: The Finance Committee met December 5, 2016 and voted 4-0 to take off table. The motion was made by Mr. Wright and seconded by Mr. Higginbotham. They then voted 4-0 to drop. The motion was made by Mr. Wright and seconded by Ms. Smith.**

Mr. Thames moved to approve the Consent Agenda as amended. Mrs. Andress seconded the motion.

Mr. Limbaugh 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**

The first item on the Agenda under Old Business was Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Jim Wyatt/Building, Engineering and Zoning Department (Report – Finance Committee Meeting held on December 5, 2016).

Mrs. Smith stated that the Finance Committee met on December 5, 2016 and voted 4-0 to carry this Item over for further reports and send to the full Council with a recommendation for moving forward with four projects listed as “Under Design” per Mrs. Vanessa McGrath’s Sidewalk Priority List as well as a recommendation for two additional projects on Saulter Road.

Mr. Limbaugh stated that this Item would be carried over.

The next item on the Agenda under Old Business was Item No. 33.07.16 – Public Hearing set for December 12, 2016 at 6:00 p.m. to reconsider the Home Energy Section of International Building Code – Jeremy Strickland/City Clerk.

Mr. Limbaugh declared the Public Hearing opened.

Mr. Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item.

Mr. Marshall Newport of 5800 7<sup>th</sup> Avenue South, Birmingham, Representative of The Greater Birmingham Association of Home Builders, addressed the Council and stated that they would like to support the adoption of the Alabama 2015 Energy Code in replacement of the IECC 2015 Energy Code.

Mr. Limbaugh 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.

Mr. Limbaugh declared the Public Hearing closed.

Mr. Limbaugh asked if the Council had any questions or comments regarding this Item.

Mrs. Smith asked to verify that there were portions of the Code that were difficult to uphold.

Mr. Thames replied that the newest Code that the Council adopted was difficult and the State rolled back to the previous Energy Section and Mrs. Vanessa McGrath recommended that the city mirror that.

Mrs. McGrath addressed the Council and stated that there were a lot of issues with the Energy Code as it was written by the IECC and the State had gone back and revamped it and she recommended the city follow the same verbiage that they had in their Code so that it was not as stringent as the IECC Code.

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

**Ordinance No.**

**(An Ordinance adopting the 2015 edition of the Home Energy Section of the International Building Code)**

Mr. Thames moved for unanimous consent of the proposed Ordinance as read. Mr. Gwaltney seconded the motion.

Mr. Limbaugh 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: Mr. Gwaltney, Mr. Thames, Mr. Higginbotham, Mr. Wolverton, Mrs. Smith, Mr. Wyatt, Mrs. Andress, Mr. Wright, and Mr. Limbaugh.

The motion for unanimous consent carried.

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

**Ordinance No. 2640**

**(An Ordinance adopting the 2015 edition of the Home Energy Section of the International Building Code)**

Mrs. Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2640. Mr. Wright seconded the motion.

Mr. Limbaugh 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: Mr. Gwaltney, Mr. Thames, Mr. Higginbotham, Mr. Wolverton, Mrs. Smith, Mr. Wyatt, Mrs. Andress, Mr. Wright, and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 01.10.16 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) for Triple Dynasty LLC d/b/a Black Pearl Asian Cuisine located at 180 State Farm Parkway – City Clerk (Carried over from 11/28/16 Council Meeting).

Mr. Limbaugh stated that they still had not received approval from the Fire Department.

Mr. Wright moved to drop this Item. Mr. Thames seconded the motion.

Mr. Limbaugh 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. 11.10.16 – Bid opening results for uniform contract – Chief Ross/Police Department (Report – Finance Committee Meeting held on December 5, 2016).

Mrs. Smith stated that the Finance Committee held a bid opening on November 14, 2016 and carried this item over until they met December 5, 2016 and voted 4-0 to recommend rejecting all bids and approving Chief Ross to negotiate with Galls directly.

Mr. Kendrick stated that one bid did not conform to bid specifications which left a sole conforming bidder so that is why bids were rejected as noted on resolution.

Mr. Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's recommendations. There was no response from the Council.

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

**Resolution No. 16-191**

**(A Resolution authorizing Police Chief Ross to negotiate with Galls for uniform contract)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-191.

Mr. Limbaugh 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. 16.10.16 – Request for consideration to add a street light at 897 Mountain Ridge Drive – Randy Hambley/Traffic Maintenance Division/Police Department (Report – Finance Committee Meeting held on December 5, 2016).

Mrs. Smith stated that the Finance Committee met December 5, 2016 and voted 4-0 to recommend funding a street light at 897 Mountain Ridge Drive for \$140.04

annually from the 7 Cent Gas Tax Fund (Electricity/Street Lights – Account #04-22-550220).

Mr. Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's recommendations. There was no response from the Council.

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

**Resolution No. 16-192**

**(A Resolution for adding a street light at 897 Mountain Ridge Drive)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-192.

Mr. Limbaugh 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. 07.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from JML Properties, LLC on behalf of the property owner(s) Jared Lewis to rezone the property located at 2826 and 2824 Central Avenue/Parcel ID No. 28-00-07-3-024-002.000 and 28-00-07-3-024.002.001 from C-2 (Neighborhood Shopping District) to C-4 (Central Business District) for the proposed purpose to permit the development of new retail uses (Note: this request was considered by the Homewood Planning Commission at its meeting of November 1, 2016 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath/ Building, Engineering and Zoning Department.

Mr. Limbaugh stated that this Item would be carried over for the Public Hearing set for December 19, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 08.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from E. Gray Murray on behalf of the property owner(s) MACCO, LLC to rezone the property located at 1718 27<sup>th</sup> Court South/Parcel ID No. 28-00-07-3-013-005.000 from C-4 (C) (Neighborhood Shopping District with conditions) to C-4 (Central Business District) for the proposed purpose to permit the renovation of a former residential structure for an office/retail use (Note: this request was considered by the Homewood Planning Commission at its meeting of November 1, 2016 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath/ Building, Engineering and Zoning Department.

Mr. Limbaugh stated that this Item would be carried over for the Public Hearing set for December 19, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.11.16 – Public Hearing set for December 19, 2016 at 6:00 p.m. for consideration of the zoning application from Creative Montessori School on behalf of the property owner(s) Creative Montessori School, Inc. to rezone the property located at 1630 28<sup>th</sup> Court South /Parcel ID No. 29-00-12-4-014-046.000 from R-5 (Attached Dwelling Unit District) to I-2 (Institutional District) for the proposed purpose to permit the establishment of an outdoor recreational area for use by Creative Montessori School (Note: this request was considered by the Homewood Planning Commission at its meeting of October 4, 2016 resulting in a favorable recommendation by a vote of 5-0) – Vanessa McGrath/ Building, Engineering and Zoning Department.

Mr. Limbaugh stated that this Item would be carried over for the Public Hearing set for December 19, 2016 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.11.16 – Request for consideration for a variance to the fence ordinance at 315 LaPrado Circle – Drake Holmes/Greg Cobb/ Building, Engineering and Zoning Department – Special Issues Committee (Carried Over from the 11/28/16 Council Meeting).

Mrs. Smith stated that the Special Issues Committee met on November 21, 2016 and voted 5-0 to send this Item back to the full Council without a recommendation pending the Public Hearing which was held on November 28, 2016 and the Item carried over.

Mr. Wright stated that he spoke to some of the neighbors and received no objections to the fence request. Mr. Wright further stated that he had since learned some more information about the hardship request for the fence and that area was a corner lot and the way it was drawn, the residents would be deprived of a backyard if they were not allowed to have the fence which was along the side of a road. Mr. Wright added that without the fence the back part of their house was exposed by the street so he felt there was a security issue. Mr. Wright further added that the fence would be limited to the back portion of the house so this was not a front yard fence. Mr. Wright asked Mr. Cobb why the variance was needed.

Mr. Cobb replied that for a corner lot the ordinance sets the fence 15 feet off the property line to keep a fence from blocking visibility for people pulling out from an intersection of out of a driveway.

Mr. Wright asked if this fence would cause visibility issues.

Mr. Cobb replied no, because the house behind them had a hedgerow that was eight feet tall but did not cause visibility issues.

Mr. Wright stated that he did speak to the home owners several times and there were no objections.

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

**Resolution No. 16-193**

**(A Resolution for a variance to the fence ordinance at 315 LaPrado Circle)**

Mr. Wright moved for the adoption and enrollment of Resolution No. 16-193. Mrs. Smith seconded the motion.

Mr. Limbaugh 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. 17.11.16 – Request for consideration for street light for Mecca Avenue/Frisco Street – Britt Thames (Report – Finance Committee Meeting held on December 5, 2016).

Mrs. Smith stated that the Finance Committee met December 5, 2016 and voted 4-0 to recommend funding a street light at Mecca Avenue and Frisco Street for \$140.04 annually from the 7 Cent Gas Tax Fund (Electricity/Street Lights– Account #04-22-550220).

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Mr. Limbaugh asked if the Council had any questions or comments regarding the Finance Committee's recommendations. There was no response from the Council.

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

**Resolution No. 16-194**

**(A Resolution for adding a street light at Mecca Avenue/Frisco Street)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-194.

Mr. Limbaugh 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. 18.11.16 – Request for consideration to address Grace Street traffic concerns – Britt Thames (Carried over from 11/28/16 Council meeting).

Mr. Thames stated that the Public Safety Committee met on November 21, 2016 and voted 5-0 to recommend lowering the speed limit to 15 miles per hour pending report from Mr. Hambley. The report was not yet received by the November 28, 2016 Council meeting which was why the item had been carried over. He has since received the report and will distribute to Council.

Mr. Limbaugh asked if the Council had any questions or comments regarding the Public Works Committee's recommendation. There was no response from the Council.

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

**Ordinance No.**

**(An Ordinance lowering the speed limit on Grace Street to 15 miles per hour)**

Mr. Thames moved for unanimous consent of the proposed Ordinance as read. Mr. Gwaltney seconded the motion.

Mr. Limbaugh 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: Mr. Gwaltney, Mr. Thames, Mr. Higginbotham, Mr. Wolverton, Mrs. Smith, Mr. Wyatt, Mrs. Andress, Mr. Wright, and Mr. Limbaugh.

The motion for unanimous consent carried.

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

**Ordinance No. 2641**

**(An Ordinance lowering the speed limit on Grace Street to 15 miles per hour)**

Mr. Thames moved for the enrollment and adoption and publication according to law of Ordinance No. 2641. Mrs. Smith seconded the motion.

Mr. Limbaugh 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: Mr. Gwaltney, Mr. Thames, Mr. Higginbotham, Mr. Wolverton, Mrs. Smith, Mr. Wyatt, Mrs. Address, Mr. Wright, and Mr. Limbaugh.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 22.11.16 – for consideration to partner with Gulf South Conference and provide advertising funding in support of their Basketball Tournament – Michael Stagno/Gulf South Conference Sports/Melody Salter, Finance Director/Water Jones, Finance Committee Chairman (Report – Finance Committee Meeting held on December 5, 2016).

Mrs. Smith stated that the Finance Committee met on December 5, 2016 and voted 4-0 to recommend funding up to \$1,500.00 from Advertising Fund (01-11-570500) if the teams agreed to stay in Homewood hotels.

Mr. Limbaugh 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. 16-195**

**(A Resolution to partner with Gulf South Conference and provide advertising funding in support of their Basketball Tournament)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-195.

Mr. Limbaugh 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. 25.11.16 – Request to add Street Lights at 203 Theda Street – Public Safety Committee – Walter Jones (Report – Public Safety Committee Meeting held on December 5, 2016).

Mr. Wyatt stated that the Public Safety Committee met on December 5, 2016 and voted 4-0 to recommend adding a street light at 203 Theda Street and to refer to the Finance Committee for funding.

Mr. Limbaugh stated that this Item would be referred to the Finance Committee.

**COMMITTEE REFERRAL AGENDA**

- 02.12.16** Request for consideration of presentation from Eagle Productions for video project for Council Chambers/Committee Room – Mayor Scott McBrayer – **Finance Committee**
- 03.12.16** Request for consideration to keep an existing fence in the City Right-of-Way at 1712 Ridgewood Place (Parcel ID: 29-00-25-2-004-010.000) contingent upon proper Indemnification Agreement – Alex Wyatt – **Public Works Committee**
- 04.12.16** Request for consideration of Central Avenue Parking – Britt Thames – **Planning and Development Committee**
- 05.12.16** Request to set a Public Hearing and referral to Special Issues Committee for consideration of a variance to the fence ordinance at 3101 Roxbury Road – Tony Engle/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 07.12.16** Request to consider changing parking places on 29<sup>th</sup> from Hwy 31 to SOHO from parallel to slanted spaces – Hunter Payne and Jennifer Andress – **Public Safety Committee**

Mr. Wolverton moved to approve the Committee Referral Agenda as amended. Mr. Wright seconded the motion.

Mr. Limbaugh 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. 05.12.16 – Request to set a Public Hearing and referral to Special Issues Committee for consideration of a variance to the fence ordinance at 3101 Roxbury Road – Tony Engle/Greg Cobb/Building, Engineering and Zoning Department.

Mr. Limbaugh stated that the Public Hearing would be set for January 9, 2017.

The next item on the Agenda under Other New Business was Item No. 06.12.16 – Request for consideration of approval of vouchers for period of November 28, 2016 through December 11, 2016 – City Treasurer/Finance Committee.

Ms. Smith stated that Mr. Jones reviewed the vouchers for Mr. Thames and that she was reporting out on them since Mr. Jones could not attend the Council

meeting but that he did indicate that the Finance Director and her staff had answered all his questions satisfactorily and he was recommending payment of invoices.

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

**Resolution No. 16-196**

**(A Resolution approving vouchers for period of November 28, 2016 through December 11, 2016)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 16-196. Mr. Thames seconded the motion.

Mr. Limbaugh 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 stated that he had nothing to report tonight.

Mr. Limbaugh stated that the Council would meet on December 19, 2016 at 5:00 p.m. for a Work Session.

Mrs. Smith stated that Mr. Jones asked her to set the Finance Committee for December 19, 2016 at 4:30 p.m.

Mr. McClusky was not present at the meeting to set Public Safety. Ms. Smith said Special Issues would meet sometime in January, 2017 and Mr. Thames said the same thing about the Planning & Development Committee.

Mr. Wright stated that the Public Works Committee would meet on December 19, 2016 at 4:45 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned.