

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

**January 9, 2017**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, January 9, 2017 at City Hall at 6:00 p.m. The invocation was then given by Pastor Mayo Sowell from Church of the Highlands.

The meeting was called to order by Council President Pro Tempore Peter Wright.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Barry Smith, Jennifer Andress, and Peter Wright. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk, and Chief of Staff J.J. Bischoff. Absent: Walter Jones, Alex Wyatt, and Bruce Limbaugh. Mayor Scott McBrayer was absent.

Mr. Wright stated that the reading of the minutes of December 19, 2016 would be carried over.

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

Mr. Higginbotham moved to reappoint Ms. Liz Ellaby to the Ward 2 Environmental Commission. Mr. McClusky seconded the motion.

Mr. 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.

Mr. Thames stated that there was a vacancy for the Ward 1 Board of Zoning Abatement and the application period would close on January 23, 2017.

At this time, Mr. Wright amended the published Agenda to add the following items from the Committee Meetings held earlier tonight prior to the Council Meeting to the Old Business Agenda: Item No. 06.11.16 – Request for consideration for approval of funding for the JettyTrip Media project for Council Chambers and Committee Room – Peter Wright; Item No. 08.12.16 – Request to authorize the Mayor to sign a contract with McCain's/Galls for Police Uniform purchases – Chief Ross/Police Department; Item No. 12.12.16 – Request to amend the FY 16-17 Budgets – Berkley Squires/Public Services Director/Melody Salter/Finance Director; Item No. 18.12.16 – Request for reconsideration 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/Walter Jones/Finance Committee Chairman; Item No. 19.12.16 – Request to consider investment alternatives for bond proceeds at Raymond James – Melody Salter/Finance Director; Item No. 09.12.16 – Request for consideration of a crosswalk across Green Springs Highway at Raleigh Avenue – Erik Henninger/Scott Dean/Mike Higginbotham/Andrew Wolverton; Item No. 10.12.16 – Request to consider a street light at or near the corner of Bristol Lane and West Oxmoor Road – Mike Higginbotham.

Mr. Wright further amended the published Agenda to add the following item to the Consent Agenda: Item No. 02.12.16 – Request for consideration of presentation from Eagle Production for video project for Council Chambers/Committee Room – Mayor Scott McBrayer.

Mr. Wright further amended the published Agenda to add the following items to the Committee Referral Agenda: Item No. 12.01.17 – Request for consideration to address traffic concerns at 3100 Independence Drive – Walter Jones – Public Safety Committee; Item No. 13.01.17 – Request for consideration to declare property at 1900 26<sup>th</sup> Avenue South surplus property and for sale – Greg Cobb/Building, Engineering and Zoning Department – Finance Committee.

Mr. McClusky moved to approve the Council Agenda as amended. Mr. Wolverton seconded the motion.

Mr. 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 first item considered on the Agenda, taken out of order from Other New Business, was Item No. 08.01.17 – Request for consideration of Petition of Annexation for the property located at 1604 Berry Road (Legal Description: Part of the SE ¼ of the NE ¼ of Section 26, Township 18 South, Range 3 West, situated in Jefferson County, Alabama) – L. Kenneth Moore/City Clerk.

Mr. Wright asked how this item came to the Council and if this was a business or residential property.

Mr. Kendrick replied that it was a residential home and a petition for annexation was filed by Mr. Moore. Mr. Kendrick further stated that the property was contiguous with Homewood.

Mr. Higginbotham asked about the timing of the request and asked how long the applicant had owned the property and why they were asking to be annexed now.

Mr. Moore addressed the Council and stated that he had two children and he bought the house 25 years ago thinking it was in Homewood and his daughters went to school in Homewood, and now his daughter and her two children resided at his home and when they enrolled them in Hall-Kent Elementary School they were notified by the school that they were not in Homewood.

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

**Ordinance No.**

**(An Ordinance to annex the property located at 1604 Berry Road (Legal Description: Part of the SE ¼ of the NE ¼ of Section 26, Township 18 South, Range 3 West, situated in Jefferson County, Alabama))**

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

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

The motion for unanimous consent carried.

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

**Ordinance No. 2645**

**(An Ordinance to annex the property located at 1604 Berry Road (Legal Description: Part of the SE ¼ of the NE ¼ of Section 26, Township 18 South, Range 3 West, situated in Jefferson County, Alabama))**

Mr. McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2645. Mrs. Address seconded the motion.

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

The motion carried without dissent.

## **CONSENT AGENDA**

**02.12.16** Request for consideration of presentation from Eagle Production for video project for Council Chambers/Committee Room – Mayor Scott McBrayer

**Action Taken: The Finance Committee met and voted 4-0 to recommend dropping this Item. The motion was made by Mr. Thames and seconded by Mr. Wright.**

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

Mr. 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**

The next item on the Agenda under Old Business was Item No. 05.12.16 – Public Hearing set for January 9, 2017 at 6:00 p.m. for consideration of a variance to the fence ordinance at 3101 Roxbury Road – Tony Engle/Greg Cobb/Building, Engineering and Zoning Department.

Mr. Wright declared the Public Hearing opened.

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

Mr. Greg Cobb addressed the Council and stated that fencing adjacent to the street was set back 15 feet from the Right-of-Way and the new home owner put up a fence and was unaware of the ordinance but was stopped by Code Enforcement so the request was to allow the fence to run down the property line as it did for the rest of the street.

Mrs. Andress stated the pictures indicated that the fence was complete and asked if there would be any changes and if the purpose of the ordinance was for corner lots not to end up blocking a neighbor's property.

Mr. Cobb replied that the fence just went to the back of the house on both sides and fenced the back yard and would not go any closer. Mr. Cobb stated that his understanding of the ordinance was so someone on a corner lot would not put a fence all the way out to the corner or so a fence would not block a neighbor's house but this was not the issue with this property.

Mr. McClusky asked if it adjoined the fence behind it.

Mr. Cobb replied yes and the road was fenced in a straight line almost to Highway 31 and the other side of the house would not need any type of variance.

Ms. Gloria White of 1809 Lancaster Road addressed the Council and asked if the fence was higher than 8 feet.

Mr. Cobb replied no and that the height would not change.

Mr. 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 Council.

Mr. Wright declared the Public Hearing closed.

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

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

**Resolution No. 17-01**

**(A Resolution authorizing a variance to the fence ordinance at 3101 Roxbury Road)**

Mrs. Smith moved for the adoption and enrollment of Resolution No. 17-01. Mr. McClusky seconded the motion.

Mr. 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. 04.11.16 – Request for consideration of bid results for hose for the Fire Department – Battalion Chief Mike Anastasia/Fire Department (Carried over 12/19/16).

Chief Bresnan addressed the Council and stated that he reviewed bids on December 19, 2016 and he recommended awarding the bid to Emergency Equipment Professionals.

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

**Resolution No. 17-02**

**(A Resolution awarding bid to Emergency Equipment Professionals for hose for the Fire Department)**

Mr. Higginbotham moved for the adoption and enrollment of Resolution No. 17-02. Mrs. Smith seconded the motion.

Mr. 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. 13.12.16 – Public Hearing for consideration of the zoning application from Cynthia Parris on behalf of the property owner(s) Cynthia T. & Steven R. Parris to rezone the property located at 316-332 Carr Avenue /Parcel ID No. 29-00-14-4-014-007.000 from GURD (Greensprings Urban Renewal District) to R-4 (Attached Dwelling Unit District for the proposed purpose to permit the construction of new residential duplex units to replace existing duplex units (Note: this request was considered by the Homewood Planning Commission at its meeting of December 13, 2016 resulting in a favorable recommendation by a vote of 7-0) – Vanessa McGrath/Building, Engineering and Zoning Department – Planning and Development.

Mr. Wright stated the Public Hearing was set for January 23, 2017 at 6:00 p.m.

The next item considered under Old Business was Item No. 06.11.16 – Request for consideration for approval of funding for the JettyTrip Media project for Council Chambers and Committee Room – Peter Wright (Carried over 12/19/16).

Mrs. Smith stated that the Finance Committee met earlier tonight prior to the meeting and voted 4-0 to recommend approval of funding.

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

Mr. Wright stated that Eagle Productions had been an outstanding company to work with and hoped they would have an ongoing relationship with JettyTrip.

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

**Resolution No. 17-03**

**(A Resolution for funding for the JettyTrip Media project for Council Chambers and Committee Room)**

Mrs. Smith moved for the adoption and enrollment of Resolution No. 17-03. Mr. Thames seconded the motion.

Mr. 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, taken out of order, under Old Business was Item No. 12.12.16 – Request to amend the FY 16-17 Budgets – Berkley Squires/Public Services Director/Melody Salter/Finance Director.

Mrs. Smith stated that the Finance Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend amending the FY 16-17 Budgets to fund street patching.

Mr. 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. 17-04**

**(A Resolution amending the FY 16-17 Budgets)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 17-04.

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.12.16 – Request to authorize the Mayor to sign a contract with McCains/Galls for Police Uniform purchases – Chief Ross/Police Department.

Mrs. Smith stated that the Finance Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend authorizing the Mayor to sign a contract with McCain's/Galls for Police Uniform purchases.

Mr. 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. 17-05**

**(A Resolution authorizing the Mayor to sign a contract with McCain's/Galls for Police Uniform purchases)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 17-05.

Mr. 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 Old Business was Item No. 18.12.16 – Request for reconsideration 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/Walter Jones/Finance Committee Chairman.

Mrs. Smith stated that the Finance Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend rescinding former Resolution 16-195 for funding of \$1,500.00 contingent on teams staying in Homewood hotels.

Mr. 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. 17-06**

**(A Resolution rescinding Resolution 16-195)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 17-06.

Mr. 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 Old Business was Item No. 19.12.16 – Request to consider investment alternatives for bond proceeds at Raymond James – Melody Salter/Finance Director.



Mrs. Smith stated that the Finance Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend investing with Raymond James.

Mr. 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. 17-07**

**(A Resolution authorizing investment alternatives for bond proceeds at Raymond James)**

Mrs. Smith then moved for the adoption and enrollment of Resolution No. 17-07.

Mr. 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 Old Business was Item No. 09.12.16 – Request for consideration of a crosswalk across Green Springs Highway at Raleigh Avenue – Erik Henninger/Scott Dean/Mike Higginbotham/Andrew Wolverton.

Mr. McClusky stated that the Public Safety Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend requesting ALDOT to install the crosswalk.

Mr. 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. 17-08**

**(A Resolution authorizing ALDOT to install crosswalk at Green Springs Highway at Raleigh Avenue)**

Mr. McClusky then moved for the adoption and enrollment of Resolution No. 17-08.

Mr. 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 Old Business was Item No. 10.12.16 – Request to consider a street light at or near the corner of Bristol Lane and West Oxmoor Road – Mike Higginbotham.

Mr. McClusky stated that the Public Safety Committee met earlier tonight prior to the Council Meeting and voted 4-0 to recommend adding the street light and referring the Item to the Finance Committee.

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

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

### **COMMITTEE REFERRAL AGENDA**

- 01.01.17** Request for consideration to work in the City Right-of-Way for landscaping improvements in “paper alley” at 1105 Palmetto Street pending indemnification agreement – Julie Jurotich/Twin Construction/Chad and Rachel Post/Wyatt Pugh/Building, Engineering and Zoning Department – **Special Issues Committee**
- 02.01.17** Request for consideration to work in the City Right-of-Way for Barber Dairy at 126 Barber Court for the proposed installation of a poured-in-place concrete storm water control box pending indemnification agreement – Dean Foods/Wynn Echols/Engineers of the South/Vanessa McGrath/Building, Engineering and Zoning Department – **Special Issues Committee**
- 03.01.17** Request for consideration for a tent variance for Trinity United Methodist Church in the small parking lot on Seminole Drive during Discovery Weekend – Barry Smith – **Special Issues Committee**
- 04.01.17** Request for consideration to add lighting to traffic roundabout by All Saints Church – Jason Kellen/Barry Smith – **Public Safety Committee**
- 05.01.17** Request for consideration for street light at 507 Morris Boulevard or Sterrett/Morris triangle – Walter Jones – **Public Safety Committee and Finance Committee**
- 06.01.17** Request to amend the FY 16-17 General and Special Revenue Budgets – Melody Salter/Finance Director – **Finance Committee**
- 07.01.17** Request to change PBJC job classification from Administrative Clerk (Grade 13) to Court Clerk (Grade 13) for new court position approved in

FY 16-17 budget and amend budget if necessary – John Morgan/Magistrate Supervisor & Melody Salter/Finance Director –  
**Finance Committee**

**12.01.17** Request for consideration to address traffic concerns at 3100 Independence Drive – Walter Jones – **Public Safety Committee**

**13.01.17** Request for consideration to declare property at 1900 26<sup>th</sup> Avenue South surplus property and for sale – Greg Cobb/Building, Engineering and Zoning Department – **Finance Committee**

Mr. McClusky moved to approve the Committee Referral Agenda as amended. Mr. Gwaltney seconded the motion.

Mr. 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. 09.01.17 – Request for consideration of adoption of Resolution placing a lien on the property located at 1602 Ridge Road, Parcel ID No. 29-00-13-4-007-023.000 for the cost of abatement in the amount of \$1,350.33 (Note: This property declared public nuisance on August 29, 2016 – Resolution No. 16-112) – Scott Cook/Enforcement Officer/Public Works Department/City Clerk.

Mr. Wright asked how the cost was figured.

Mr. Kendrick replied that it was the amount it cost to clean up the property.

Mr. Wright asked for a report from Mr. Scott Cook.

Mr. Cook was not present.

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

The next item on the Agenda under Other New Business was Item No. 10.01.17 – Request for consideration of adoption of Resolution placing a lien on the property located at 1624 Mountain Gap Circle, Parcel ID No. 29-00-26-1-008-010.000 for the cost of abatement in the amount of \$1,350.33 (Note: This property declared public nuisance on August 29, 2016 – Resolution No. 16-113) – Scott Cook/Enforcement Officer/Public Works Department/City Clerk.

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

The next item on the Agenda under Other New Business was Item No. 11.01.17 – Request for consideration of approval of vouchers for period of December 19, 2016 through January 8, 2017 – City Treasurer/Finance Committee.

Mr. Higginbotham stated that he reviewed the bills and recommended payment of all invoices excluding an invoice from Fire Department for tuition reimbursement until additional paperwork was provided. He also thanked Councilors Jones and Thames for coming in Friday, January 6<sup>th</sup> when City Hall was closed due to inclement weather to help him review vouchers this first time.

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

**Resolution No. 17-09**

**(A Resolution approving vouchers for period of December 19, 2016 through January 8, 2017 excluding invoice for Fire Department tuition reimbursement)**

Mr. Higginbotham then moved for the adoption and enrollment of Resolution No. 17-09. Mr. McClusky seconded the motion.

Mr. 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.

Mr. Thames stated that he wanted to thank the Street Department for their work during the inclement weather. Mr. Thames further stated that the Planning and Development Committee would meet on January 23, 2017 at 5:00 p.m.

Mr. Higginbotham wished everyone a Happy New Year. Mr. Wolverton said he enjoyed the playoff game regardless of the outcome.

Mr. McClusky stated that the Public Safety Committee would meet on January 23, 2017 at 5:15p.m.

Mrs. Smith stated that the Special Issues Committee would meet on January 23, 2017 at 4:45 p.m. and the Finance Committee would meet on January 23, 2017 at 5:30 p.m.

Mrs. Andress wanted to welcome Shaun Paperd, a new employee in the police department to Homewood. She said he just trained for his first 5K and is now at the Police Academy.

Mr. Wright stated that the Public Works Committee would meet on January 23, 2017 at 4:30 p.m. Mr. Wright further stated that there was a fire in his neighborhood recently and all four Homewood Fire trucks were there as well as the Chief of Staff, Mr. Bischoff.

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