

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

April 10, 2017

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, April 10, 2017 at City Hall at 6:00 p.m.

President Limbaugh asked Mr. Mike McGreevey to come forward to provide a presentation regarding Senior Games from Knight Eady Sports Group.

Mr. McGreevey addressed the Council and stated that the 2017 National Senior Games presented by Humana was coming to the Greater Birmingham Area on June 2-15, 2017 which would bring 10,327 visitors to the city to compete in 19 sports across 15 venues over the course of the two week event. Mr. McGreevey encouraged support and volunteerism for the event at Samford's Track and Soccer Stadium.

The invocation was then given by Dr. Bill Johnston of Dawson Memorial Baptist Church, after which the Pledge of Allegiance was given.

The meeting was called to order by Mr. Limbaugh at 6:07 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, Peter Wright, and Bruce Limbaugh. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk; Chief of Staff J.J. Bischoff; and Mayor Scott McBrayer.

At this time, Ms. Smith moved to dispense with the reading of the Minutes of the Council Meeting of March 13, 2017 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.

At this time, Mr. Thames moved to dispense with the reading of the Minutes of the Special Called Council Meeting of March 20, 2017 and approve them as distributed. Mr. Jones 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 stated that the Board of Education application period closed this afternoon for Ward 1 and Ward 3 and there were multiple applicants for both positions. Mr. Limbaugh asked that interviews be scheduled for April 19, 2017.

Mr. Limbaugh stated that the Historic Preservation Commission Ward 1 interviews were set for tomorrow night at 5:30 and 6:00 p.m.

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

Ms. Andress asked for the status of the BZA vacancies.

Ms. Salter stated that the application period was not closed yet.

Mr. Thames moved to close the application period for the BZA vacancies and schedule interviews for April 25, 2017. Ms. 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.

At this time, Mr. Limbaugh amended the published Agenda to add the following item to the Old Business Agenda from the Council Work Session held earlier tonight: Item No. 17.03.17 – Authorization for Mayor to negotiate contract per Mr. Limbaugh with B.L. Harbert concerning use of bond proceeds – President Bruce Limbaugh.

Mr. Limbaugh further amended the published Agenda to add the following item to the Committee Referral Agenda: Item No. 18.04.17 – Request to approve and authorize Mayor to sign contract and fund demographer for Homewood BOE's use of bond proceeds – President Bruce Limbaugh – Finance Committee and to delete the duplicate item: Item No. 10.04.17.

Mr. Limbaugh further amended the published Agenda to add the following item to the Other New Business Agenda: Item No. 17.04.17 – Request for consideration of a Resolution to oppose and object to Senate Bill 316 as proposed by Senator Sanford which would preempt business municipal delivery license fees for small out of jurisdiction businesses which sell and deliver – establishing nexus – goods and services into a municipality – Melody Salter/City Clerk/President Limbaugh.

Mr. Higginbotham moved for the approval of the Agenda as amended. Ms. 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.

CONSENT AGENDA

09.03.17 Request for consideration of lighting for the flag pole at Lloyd Memorial Triangle – **Mary Ann Kirkpatrick/Jennifer Andress**

Action Taken: The Special Issues Committee met and voted 5-0 to drop this Item. The motion was made by Mr. Gwaltney and seconded by Ms. Andress.

Ms. Smith moved for the approval of the Consent Agenda as amended. Ms. 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.

The first item considered on the Agenda, taken out of order, was Item No. 13.04.17 – Request for consideration of closing Brookwood Village Street on May 4, 11, and 18, 2017 for Brookwood Live Music – Jennifer Gowers/GoPro Event Solutions, LLC.

Ms. Jennifer Gowers addressed the Council and stated that Brookwood Village was again hosting the Brookwood Live Event for three consecutive Thursday nights starting at 5:00 p.m. and ending at 9:00 p.m. so roads would need to close at 12:00 p.m. for set up and reopen after 10:00 p.m.

Mr. Wright stated that there were some complaints about noise at Hickory Tavern and he knew GoPro Event Solutions had been good about turning speakers away from the neighborhood but he was concerned about noise in that area.

Ms. Gowers stated that she would be glad to take that up with the property managers and stated that Hickory Tavern had gone under some general manager changes.

Ms. Andress stated that she had complaints about live music and residents had complained to the Police Department many times.

Ms. Gowers again stated she would take that up with the property managers.

Mr. Jones stated they looked into establishing an entertainment district and asked if anything went through for that.

Mayor McBrayer stated that there had been opposition to establishing an entertainment district.

Ms. Gowers stated that Uptown BJCC had applied for that entertainment district option so that may be something for Homewood to consider.

Mr. Limbaugh stated that Uptown did not have the residential area in such close proximity.

Mr. Wright stated that there was opposition to the idea.

Mr. Kendrick stated that there was a cap on how many entertainment districts a city could have.

Mr. Thames stated that for Homewood's population one could be allowed.

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

Resolution No. 17-59

(A Resolution to close Brookwood Village Street on May 14, 2017 for Brookwood Live Music)

Mr. McClusky moved for the adoption and enrollment of Resolution No. 17-59. 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.

OLD BUSINESS

The next item on the Agenda under Old Business was Item No. 32.07.16 – Request to consider Economic Development Incentives for Wildwood South Development – Mayor McBrayer/Bill Oldacre.

Mr. Jones stated that the Finance Committee met on April 3, 2017 and voted 5-0 to recommend approval pending Mr. Kendrick's review. Mr. Jones further stated that a couple changes had been made to include the two cent sales tax and excluded Sam's and Walmart.

Mr. Kendrick stated that a Public Hearing would be needed.

Mr. Limbaugh stated that the Public Hearing would be set for April 24, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 02.09.17 – Request to consider lighting on State Farm Parkway – Peter Wright – Public Safety Committee.

Mr. McClusky stated that the Public Safety Committee met on April 3, 2017 and voted 5-0 to recommend approval and referral to the Finance Committee for funding.

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

The next item on the Agenda under Old Business was Item No. 01.03.17 – Public Hearing set for April 10, 2017 at 6:00 p.m. for consideration of a variance to the fence ordinance at 1715 Mayfair Drive – Angela Thornton/Greg Cobb/Building, Engineering and Zoning Department.

Mr. Limbaugh declared the Public Hearing opened.

Mr. Greg Cobb stated that the house had been sold and the owners requested the Item be dropped.

Mr. Limbaugh declared the Public Hearing closed.

Mr. Thames moved to drop this Item. Mr. McClusky 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. 05.03.17 – Public Hearing set for April 10, 2017 at 6:00 p.m. for consideration of a variance to the driveway ordinance at 602 Windsor Drive – Maria Wiggins/Greg Cobb/Building, Engineering, and Zoning Department.

Ms. Smith stated that the Special Issues Committee met on April 3, 2017 and voted 5-0 to send this Item back to the full Council without recommendation pending the Public Hearing but had not heard from the homeowners.

Mr. Kendrick asked why they had not heard from the owners.

Mr. Cobb stated that the papers he handed out was dated March 8, 2017 when Mr. Scott Cook put a stop work order on the driveway and fence and on March 9, 2017

someone came in to get a permit that stated “driveway pending approval from City Council.”

Mr. Limbaugh stated that he had an issue with a resident not following procedure.

Mr. Jones stated that they had already had a situation where they approved one thing and something entirely different was built so they had to put a stop to that because they had the procedures for a reason so he did not see anything wrong with having them remove it until the Council approved it or have them come in and explain what happened.

Mr. Cobb stated that he left messages for the last three meetings and not received a returned call.

Mr. Kendrick stated he would be glad to send a letter.

Mr. Thames asked if when they received the stop work order was the driveway complete or did they continue to work.

Mr. Cobb replied that he was told that they had not started but had just bought materials when Mr. Cook told them to get a permit so they issued the permit that stated that the driveway was pending approval of City Council. Mr. Cobb stated that Mr. Cook reported that when he went back to the property, the concrete was there. Mr. Cobb further stated that the Driveway Ordinance allowed for a maximum width of twenty feet for residential property and this driveway was forty foot and seven inches and was sixty-one feet where it met the street.

Ms. Andress asked if the driveway was like that before.

Mr. Cobb stated that once it was ripped out it would have to fall under the Driveway Ordinance.

Ms. Andress stated that the house used to be overgrown and had been cleaned up with trees taken off the lot.

Mr. Cobb stated that all the trees were taken off the lot a year ago.

Mr. Jones stated that the owners should be sent a letter stating that the driveway needed to be removed within two weeks and put back within compliance and they needed to get approval to do any more work.

Ms. Andress asked to include in the letter that they needed to replace the trees.

Mr. Cobb stated that Mr. Cook stated that they still did not have a Certificate of Occupancy because they did not have any trees and had not resolved the issue about the driveway.

Mr. Wright stated that it looked like someone was looking to sell the property.

Ms. Andress stated that she did not believe anyone was living there.

Mr. Cobb stated that the contractor developing it was Lumpkin Development.

Mr. Limbaugh stated that the Council would have never approved a sixty-one foot wide driveway so because they were out of compliance with local laws he would authorize the City Attorney to notify the owner the driveway must be removed.

Mr. Wright moved to drop this Item. Ms. Andress seconded the motion.

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

Mr. Jones asked that the item be kept on the agenda so the Council could continue to follow up.

Mr. Kendrick stated that the item for a variance request was not needed as they would not approve the variance.

Mr. Higginbotham asked if the item could be referred back to the Special Issues Committee so it could continue to be on an agenda until it was resolved.

Mr. Wright asked that a new Item, with a new Item Number, be referred to the Special Issues Committee for a violation of driveway ordinance.

On a voice vote, the motion to drop carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.03.17 – Public Hearing set for April 10, 2017 at 6:00 p.m. for consideration to set a public hearing to consider declaring the property located at 2827 16th Place South, PID # 29-00-12-4-014-019.000 a public nuisance due to a violation of Ordinances 1910 and 1750 “Excessive Growth”; Ordinance #1098 “Litter”; and Chapter 11 Health and Sanitation, Article II Litter, Sec. 11-42 “Open Storage of certain items” from the “Code of Ordinances” – Scott Cook/Sanitation Ordinance Inspector.

Mr. Thames stated that he received a letter from Ms. Byers asking for more time but that she was making progress. Mr. Thames further stated she was intending to sell the property.

Mr. Limbaugh declared the Public Hearing opened and carried the Public Hearing over to the April 24, 2017 Council Meeting.

The next item on the Agenda under Old Business was Item No. 13.03.17 – Public Hearing set for April 10, 2017 at 6:00 p.m. for consideration to set a public hearing to consider declaring the property located at 2831 16th Place South, PID # 29-00-12-4-014-020.000 a public nuisance due to a violation of Ordinances 1910 and 1750 “Excessive Growth”; Ordinance #1098 “Litter”; and Chapter 11 Health and Sanitation, Article II Litter, Sec. 11-42 “Open Storage of certain items” from the “Code of Ordinances” – Scott Cook/Sanitation Ordinance Inspector.

Mr. Thames stated that this property was owned by the same person as the previous item.

Mr. Limbaugh declared the Public Hearing opened and carried the Public Hearing over to the April 24, 2017 Council Meeting.

The next item on the Agenda under Old Business was Item No. 16.03.17 – Request to amend FY 16-17 Budgets – Randy Hambley and Melody Salter, Finance Director/City Clerk.

Mr. Jones stated that the Finance Committee met on April 3, 2017 and voted 5-0 to recommend approval.

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

Resolution No. 17-60

(A Resolution amending FY 16-17 Budgets)

Mr. Jones then moved for the adoption and enrollment of Resolution No. 17-60.

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. 17.03.17 – Authorization for Mayor to negotiate a contract with B.L. Harbert concerning use of bond proceeds – President Limbaugh.

Mr. Limbaugh stated that the Council met in a Work Session earlier tonight, prior to the Council Meeting, and voted 11-0 to send to the Council for approval.

Mr. Wyatt moved to approve the Mayor to negotiate a contract with B.L. Harbert concerning use of bond proceeds. 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.

COMMITTEE REFERRAL AGENDA

- 01.04.17** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration for a variance to the sign ordinance at 124 State Farm Parkway – Teresa Curry/ Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 02.04.17** Request for consideration to work in the City right-of-way (alley) adjacent to 1504-1508 Melrose Place – Robert Dawson/Greg Cobb/Building, Engineering and Zoning Department – **Special Issues Committee**
- 03.04.17** Request for consideration to authorize the Mayor to enter into a contract with Sprint Solutions, Inc. for communications services – James Yates/IT Department – **Finance Committee**
- 04.04.17** Request for consideration of presentation related to city-wide traffic study – Britt Thames – **P&D Committee**
- 05.04.17** Request to set a Public Hearing and referral to P& D Committee for consideration of the zoning application of Charles Jason Emerson on behalf of the current property owner Cindy Wade to rezone 285 Palisades Boulevard/Parcel ID No. 29-00-14-4-005-005.000 from C-1 (Office Building District) to GURD (Greensprings Urban Renewal District) for the purpose of establishing a retail business (Note: this Request was considered by the Homewood Planning Commission at its meeting of April 4, 2017 resulting in a favorable recommendation by a vote of 6-0)– Vanessa McGrath, Sr. Planner – **P&D Committee**
- 06.04.17** Request for presentation of preliminary FY 15-16 audited financial results – Melody Salter, Finance Director/City Clerk – **Finance Committee**
- 07.04.17** Request for presentation of mid-year review – Melody Salter, Finance Director/City Clerk – **Finance Committee**
- 08.04.17** Request to consider amendments to Level 3 Franchise Agreement– City Attorney – **Finance Committee**
- 09.04.17** Request to consider new City Circulator Route proposed by BJCTA during their budget funding request– Mike Higginbotham – **Special Issues Committee**
- 11.04.17** Request for consideration of fence installation/barrier at 521 and 538 Edgeknoll Lane– Anna & Steven Schrimpf/Julie & Corey Johnson/Andrew Wolverton – **Public Safety Committee**

- 12.04.17** Request for consideration for Municipal ROW permit/Indemnification Agreement for a new retaining wall at 2800 Montessori Way (Parcel ID#29-00-12-4-014-048.000) – Greg Smith/Creative Montessori and Vanessa McGrath – **Special Issues Committee**
- 18.04.17** Request to approve and authorize Mayor to sign contract and fund demographer for Homewood BOE’s use of bond proceeds – President Bruce Limbaugh – **Finance Committee**

Mr. Higginbotham moved to approve the Committee Referral Agenda as amended. Ms. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 01.04.17 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration for a variance to the sign ordinance at 124 State Farm Parkway – Teresa Curry/Greg Cobb/Building, Engineering, and Zoning Department.

Mr. Limbaugh stated that the Public Hearing would be set for April 24, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 05.04.17 – Request to set a Public Hearing and referral to P& D Committee for consideration of the zoning application of Charles Jason Emerson on behalf of the current property owner Cindy Wade to rezone 285 Palisades Boulevard/Parcel ID No. 29-00-14-4-005-005.000 from C-1 (Office Building District) to GURD (Greensprings Urban Renewal District) for the purpose of establishing a retail business (Note: this Request was considered by the Homewood Planning Commission at its meeting of April 4, 2017 resulting in a favorable recommendation by a vote of 6-0) – Vanessa McGrath, Sr. Planner.

Mr. Limbaugh stated that the Public Hearing would be set for April 24, 2017 at 6:00 p.m.

Mr. Wright asked if this property was in Homewood.

Mr. Limbaugh replied yes.

The next item on the Agenda under Other New Business was Item No. 14.04.17 – Request to authorize Mayor to sign contract with Davis Architects for Parks & Rec bond construction project – Berkley Squires, Public Services Director and City Attorney.

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

Resolution No. 17-61

(A Resolution authorizing the Mayor to sign contract with Davis Architects for Parks & Rec bond construction project)

Mr. McClusky then moved for the adoption and enrollment of Resolution No. 17-61. 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.

The next item on the Agenda under Other New Business was Item No. 15.04.17 – Request to authorize Mayor to sign contract with CMH Architects, Inc. for Public Services Building/Jail bond construction project – Chief Tim Ross and City Attorney.

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

Resolution No. 17-62

(A Resolution authorizing the Mayor to sign contract with CMH Architects, Inc. for Public Services Building/Jail bond construction project – Chief Tim Ross and City Attorney)

Mr. McClusky then moved for the adoption and enrollment of Resolution No. 17-62. 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 Other New Business was Item No. 16.04.17 – Request for consideration of approval of vouchers for period of March 20, 2017 through April 9, 2017 – City Treasurer/Finance Committee.

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

Resolution No. 17-63

(A Resolution approving vouchers for period of March 20, 2017 through April 9, 2017)

Mr. Jones moved for the adoption and enrollment of Resolution No. 17-63. 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.

The next item considered under Other New Business was Item No. 17.04.17 – Request for consideration of a Resolution to oppose and object to Senate Bill 316 as proposed by Senator Sanford which would preempt business municipal license fees for small out of jurisdiction businesses which sell and deliver – establishing nexus – goods and services into a municipality – Melody Salter/City Clerk/President Limbaugh.

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

Resolution No. 17-64

(A Resolution to oppose and object to Senate Bill 316 as proposed by Senator Sanford which would preempt business municipal license fees for small out of jurisdiction businesses which sell and deliver – establishing nexus – goods and services into a municipality)

Mr. Higginbotham moved for the adoption and enrollment of Resolution No. 17-64. Mr. Thames seconded the motion.

Mr. Limbaugh stated that this was a request from the Alabama League of Municipalities and was another opportunity to chip away at the revenue of the City of Homewood and he believed they needed to send a message that they opposed this.

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 McBrayer addressed the Council and presented a proclamation for Mark Midyette and stated Mr. Midyette was heavily involved in Homewood in many aspects including Relay for Life. Mayor McBrayer stated that the Relay for Life Event would be held at Homewood Central Park on April 21, 2017 from 4:00 to 10:00 p.m.

Mr. Thames stated that the Planning and Development Committee Meeting would be held on April 17, 2017 at 5:15 p.m.

Mr. Higginbotham stated that he wanted to wish everyone a Good Easter and announced that an egg hunt would be held at Raleigh Avenue Baptist Church from 10:30 to 11:30 a.m. on April 15, 2017.

Mr. McClusky stated that the Public Safety Committee Meeting would be held on April 17, 2017 at 5:00 p.m.

Mr. Jones stated that the Finance Committee Meeting would be held on April 17, 2017 at 5:45 p.m.

Ms. Smith stated that the Special Issues Committee Meeting would be held on April 17, 2017 at 6:15 p.m. and the BJCTA would attend. Ms. Smith further stated that the Arts Council had a student art display in the lobby of City Hall and encouraged everyone to take a look.

Mr. Wright stated that the Public Works Committee would not need to meet.

Ms. Andress stated that she wanted to thank Chief Ross for increased citations and traffic stops issued based on complaints from citizens such as traffic stops and citations made on Mecca, Devon, and Rumson. Ms. Andress added that the Arts Council had a great event yesterday at the Park with amazing music.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:01 p.m.