

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

January 10, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, January 10, 2022 at City Hall at 6:00 p.m.

The invocation was given by Councilor Nick Sims, after which the pledge of allegiance was given.

The meeting was called to order by Councilor Smith, Meeting Chair at 6:03 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, Andrew Wolverton, Nick Sims, Barry Smith, and Jennifer Andress, constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; and Melody Salter, City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Patrick McClusky. Absent: Walter Jones, Jaleté Nelms, John Hardin, and Alex Wyatt.

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Special Called Council Meeting of December 20, 2021 and approve them as presented. Councilor Gwaltney seconded the motion.

Councilor Smith 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, Councilor Smith stated that the application period for the Ward 2 BZA and Ward 3 Historic Preservation Commission positions would be opened until January 31, 2022 at 4:30 p.m. President Wyatt further stated that the interviews would be set for the applicants for the At-Large Park Board position.

Councilor Hardin entered the Council Chambers at 6:08 p.m.

At this time, Councilor Smith added the following items to the Committee Referral Agenda: Item No. 15.01.22 – Request to authorize the Mayor to sign contract and pay FY 21-22 appropriation to West Homewood Neighborhood Association – Justin Limbaugh / Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee and Item No. 16.01.22 – Request to authorize the Mayor to sign contract and pay FY 21-22 appropriation to JBS Mental Health Authority – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee.

Councilor Alemán moved for the approval of the amended Council Agenda. Councilor Andress seconded the motion.

Councilor Smith 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 on the Agenda under Old Business was Item No. 12.12.21 – Public Hearing set for January 10, 2022 at 6:0 p.m. for consideration of three sign variances at 1724 27th Court S – Faris Malki, Cahaba Cycles / Wyatt Pugh, Building Department.

Councilor Andress stated that the Special Issues Committee met on January 3, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

Councilor Smith declared the Public Hearing opened at 6:10 p.m.

Councilor Smith asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Wyatt Pugh and Faris Malki addressed the Council regarding this item.

Councilor Smith declared the Public Hearing closed at 6:12 p.m.

Councilor Smith 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 following Resolution for the Council's consideration.

Resolution No. 22-01

(A Resolution for three sign variances at 1724 27th Court S)

Councilor Andress moved for the adoption and enrollment of Resolution No. 22-01. Councilor Alemán seconded the motion.

Councilor Smith 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. 14.10.21 – Bid opening held on December 17 at 2:01p.m (due by 2:00 p.m.) for the Saulter Sidewalk Project – Cale Smith, PE.

Councilor Smith stated that the Finance Committee met on January 3, 2022 and voted 5-0 to recommend rejecting bids and rebidding with a more limited scope and that Cale Smith requested bid date to be set for February 7, 2022 at 4:31 p.m.

Councilor Smith stated that the Bid Opening would be set for February 7, 2022 at 4:31 p.m.

The next item on the Agenda under Old Business was Item No. 23.11.21 – Request to authorize the Mayor to sign a loan agreement with Bryant Bank for FY 21-22 Capital Vehicle Purchases – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Smith stated that the Finance Committee met on January 3, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-02

(A Resolution to approve budget amendments to the FY 21-22 budget for Fire Engine)

Councilor Smith 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 without dissent.

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

Resolution No. 22-03

(A Resolution to approve budget amendments to the FY 21-22 budget for Vehicles)

Councilor Smith 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 without dissent.

The next item on the Agenda under Old Business was Item No. 10.12.21 – Request for consideration of Budget Amendments – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Smith stated that the Finance Committee met on January 3, 2022 and voted 5-0 to recommend approval.

On a voice vote, the motion carried without dissent.

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

Resolution No. 22-04

(A Resolution to approve budget amendments)

Councilor Smith 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 without dissent.

The next item on the Agenda under Old Business was Item No. 20.12.21 – Request to authorize the Mayor to sign franchise agreement with Spectrum – Mr. Kendrick.

Councilor Smith stated that the Finance Committee met on January 3, 2022 and voted 5-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:20 p.m.:

Ordinance No.

(An Ordinance to authorize the Mayor to sign franchise agreement with Spectrum)

Councilor Gwaltney moved for the unanimous consent of the proposed Ordinance as read. Councilor Andress seconded the motion.

Councilor Smith 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, Geer, Alemán, Wolverton, Sims, Smith, Andress, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2822

(An Ordinance to authorize the Mayor to sign franchise agreement with Spectrum)

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2822. Councilor Gwaltney seconded the motion.

Councilor Smith 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, Geer, Alemán, Wolverton, Sims, Smith, Andress, and Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 29.11.21 - Request for consideration for work in the right-of-way at 126 Barbers Ct – Cale Smith, City Engineer.

Councilor Wolverton stated that the Public Works Committee met on January 3, 2022 and voted 4-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-05

(A Resolution to approve work in the right-of-way at 126 Barbers Ct)

Councilor Smith asked if the Council had any questions or comments regarding the motion from the Public Works 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. 11.12.21 – Request for permission to install a stormwater manhole in the right-of-way at 231 Ridge Road – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on January 3, 2022 and voted 4-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-06

(A Resolution to install a stormwater manhole in the right-of-way at 231 Ridge Road)

Councilor Smith asked if the Council had any questions or comments regarding the motion from the Public Works 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. 16.12.21 – Request to consider that members of the Historic Preservation Society as Ward representatives be appointed by the Council and extend Mayoral appointees' terms to three years – Councilor Smith.

Councilor Andress stated that the Special Issues Committee met on January 3, 2022 and voted 5-0 to recommend approval of changes as redlined to make all terms three years with appointment by Council.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:26 p.m.:

Ordinance No.

(An Ordinance that members of the Historic Preservation Society as Ward representatives be appointed by the Council and extend Mayoral appointees' terms to three years)

Councilor Andress moved for the unanimous consent of the proposed Ordinance as read. Councilor Geer seconded the motion.

Councilor Smith 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, Geer, Alemán, Wolverton, Sims, Smith, Andress, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2823

(An Ordinance that members of the Historic Preservation Society as Ward representatives be appointed by the Council and extend Mayoral appointees' terms to three years)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2823. Councilor Geer seconded the motion.

Councilor Smith 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, Geer, Alemán, Wolverton, Sims, Smith, Andress, and Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project – Councilor Gwaltney.

Councilor Smith stated that this item would be carried over for Bid Opening set for January 11, 2022 at 3:00 p.m. and that there would be a Special Called Meeting on January 18, 2022 at 5:15 p.m. for consideration of bids.

COMMITTEE REFERRAL AGENDA

- 01.01.22** Request for consideration to permit use of the city hall plaza on a recurring basis for tournaments by CornholeBHM, a Social Cornhole league – **John Pietrantonio, CornholeBHM / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 02.01.22** Request for consideration of a variance to the tent ordinance for Trinity United Methodist Church in the small parking lot from March 3 – March 7, 2022 for the Discovery Program – **Councilor Smith – Special Issues Committee**
- 03.01.22** Request to work in the City Right-of-Way at Gran/Poinciana triangle by the Hollywood Garden Club – **Councilors Andress and Hardin – Special Issues Committee**
- 04.01.22** Request to add public parking at the old Homewood Police Station on 29th Avenue S, in the bay – **Sue Graphos and Councilor Andress – Public Safety Committee**
- 05.01.22** Request to authorize the Mayor to sign amended Tyler Technologies Contract – **Lt. Keith Peterson and J.J. Bischoff – Finance Committee**
- 06.01.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 2818 18th Street South – **Andrew Tynes, Shaia's/Mammoth Murals / Wyatt Pugh, Building Department – Special Issues Committee**
- 07.01.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance(s) at 2834 18th Street South – **Mick Britton, Nadeau/Kingfisher Signs / Wyatt Pugh, Building Department – Special Issues Committee**
- 08.01.22** **Request to set a Bid Opening and referral to the Finance Committee** for demolition of 175 Citation Court – **Berkley Squires, Public Works Director – Finance Committee**
- 09.01.22** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 2916 Linden Street (PID 28-00-07-3-027-012.000) from C-1 (Office Building District) to C-4 (Central Business District): Applicant: Stracener Investment Company / Owner: Daniel and Chase Stracener to facilitate new commercial development (The Planning Commission had a vote of 6-2 (one absent))

for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**

- 10.01.22 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 3006 Cook Street (PID 28-00-07-3-032-003.000) from C-2 (Neighborhood Shopping District) to R-7 (Attached Dwelling Unit District): Applicant: John Abernathy, BRE Cook Street, LLC / Owner: BRE Cook Street, LLC (Blackwater Real Estate) to facilitate the construction of a six unit townhome development (The Planning Commission had a vote of 7-1 (one absent) for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**
- 11.01.22 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 2821 Central Avenue (PID 28-00-07-3-023-009.001) from C-4 (Central Business District) to M-1 (Light Manufacturing District): Applicant: The City of Homewood / Owner: Taco Partners, LLC for those lots comprising the subject property that were unintentionally included in the re-zoning of the original parcel in December 2014 (Ordinance No. 2542) (The Planning Commission had a vote of 8-0 (one absent) for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**
- 12.01.22 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to amend the final development plan at 2727 18th Street South (PID 28-00-07-3-014-013.000) and 1817 27th Avenue South (PID 28-00-07-3-014-001.000) (Valley Hotel) Applicant: Homewood Hotel, LLC Owner: Homewood Hotel, LLC & MAM Investments, LLC to update the Plan to reflect as-built conditoins (The Planning Commission had a vote of 8-0 (one absent) for a favorable recommendation of the amended development plan) – **Wyatt Pugh – Planning and Development Committee**
- 15.01.22** Request to authorize the Mayor to sign contract and pay FY 21-22 appropriation to West Homewood Neighborhood Association – **Justin Limbaugh / Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 16.01.22** Request to authorize the Mayor to sign contract and pay FY 21-22 appropriation to JBS Mental Health Authority – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

Councilor Alemán moved to approve the amended Committee Referral Agenda.
Councilor Wolverton seconded the motion.

Councilor Smith 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. 06.01.22 – Request to set a Public Hearing for consideration of a sign variance at 2818 18th Street South – Andrew Tynes, Shaia’s/Mammoth Murals / Wyatt Pugh, Building Department.

Councilor Smith stated that the Public Hearing would be set for February 14, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 07.01.22 – Request to set a Public Hearing for consideration of a sign variance(s) at 2834 18th Street South – Mick Britton, Nadeau/Kingfisher Signs / Wyatt Pugh, Building Department.

Councilor Smith stated that the Public Hearing would be set for February 14, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.01.22 – Request to set a Bid Opening for demolition of 175 Citation Court – Berkley Squires, Public Works Director.

Councilor Smith stated that the Bid Opening would be set for January 31, 2022 at 5:00 p.m. with bids due by 4:30 p.m.

The next item on the Agenda under Other New Business was Item No. 09.01.22 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to rezone 2916 Linden Street (PID 28-00-07-3-027-012.000) from C-1 (Office Building District) to C-4 (Central Business District): Applicant: Stracener Investment Company / Owner: Daniel and Chase Stracener to facilitate new commercial development (The Planning Commission had a vote of 6-2 (one absent) for a favorable recommendation of the rezone) – Wyatt Pugh – Planning and Development Committee.

Councilor Smith stated that the Public Hearing would be set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.01.22 – Request to set a Public Hearing for consideration to rezone 3006 Cook Street (PID 28-00-07-3-032-003.000) from C-2 (Neighborhood Shopping District) to R-7 (Attached Dwelling Unit District): Applicant: John Abernathy, BRE Cook Street, LLC / Owner:

BRE Cook Street, LLC (Blackwater Real Estate) to facilitate the construction of a six unit townhome development (The Planning Commission had a vote of 7-1 (one absent) for a favorable recommendation of the rezone) – Wyatt Pugh.

Councilor Smith stated that the Public Hearing would be set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.01.22 – Request to set a Public Hearing for consideration to rezone 2821 Central Avenue (PID 28-00-07-3-023-009.001) from C-4 (Central Business District) to M-1 (Light Manufacturing District): Applicant: The City of Homewood / Owner: Taco Partners, LLC for those lots comprising the subject property that were unintentionally included in the rezoning of the original parcel in December 2014 (Ordinance No. 2542) (The Planning Commission had a vote of 8-0 (one absent) for a favorable recommendation of the rezone) – Wyatt Pugh.

Councilor Smith stated that the Public Hearing would be set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.01.22 – Request to set a Public Hearing for consideration to amend the final development plan at 2727 18th Street South (PID 28-00-07-3-014-013.000) and 1817 27th Avenue South (PID 28-00-07-3-014-001.000) (Valley Hotel). Applicant: Homewood Hotel, LLC Owner: Homewood Hotel, LLC & MAM Investments, LLC to update the Plan to reflect as-built conditoins (The Planning Commission had a vote of 8-0 (one absent) for a favorable recommendation of the amended development plan) – Wyatt Pugh.

Councilor Smith stated that the Public Hearing would be set for February 14, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 13.01.22 – Request for consideration of an ABC 160 – Special Retail – More Than 30 Days – license for 1903 South Catering LLC d/b/a Aloft Birmingham SOHO Square located at 1903 29th Ave S– Melody Salter, CPA, City Clerk/Robert Burgett, Finance Director (Change of Ownership and Change in License Type) (Letter of No Objection Received from Police).

Councilor Gwaltney moved for approval pending a letter of no objection from the Fire Department. Councilor Hardin seconded the motion.

Councilor Smith 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. 14.01.22 – Request for consideration of approval of vouchers for period of December 21, 2021 through January 10, 2022 – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

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

Resolution No. 22-07

(A Resolution for approval of vouchers for period of December 21, 2021 through January 10, 2022)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 22-07. Councilor Sims seconded the motion.

Councilor Smith 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 Smith stated that the Finance Committee would meet on January 24, 2022 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on January 24, 2022 at 5:45 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on January 24, 2022 at 6:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on January 24, 2022 at 6:30 p.m.

Councilor Wolverton stated that the Public Works Committee would not meet on January 24, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:47 p.m.