

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

January 30, 2023

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, January 30, 2023 at City Hall at 6:00 p.m.

The invocation was given by Councilor Walter Jones, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:05 p.m.

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of January 9, 2023 and approve them as presented. Councilor Geer seconded the motion.

President Wyatt 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, President Wyatt opened the Ward 4 Homewood Environmental Council application period until February 27, 2023 at 4:30 p.m. and re-opened the Ward 1 BZA application period until February 13, 2023 at 4:30 p.m.

President Wyatt then stated that interviews would be set for the Ward 5 BZA and Park Board positions for February 2, 2023 beginning at 5:30 p.m.

At this time, Councilor Smith moved to drop Item No. 15.03.23 from the published Council Agenda. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Wyatt then amended the published Council Agenda to drop the following item from the Committee Referral Agenda: Item No. 15.01.23 – Bid Opening set for February 2, 2023 for Homewood Public Library New Finishes Phase 2 – Judith Wright, Library Director – Finance Committee.

Councilor Wolverton moved for the approval of the amended published Agenda. Councilor Andress seconded the motion.

President Wyatt 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

07.01.23 Request for consideration of removing trees on Valley that arborist has marked as declining – **Berkley Squires**

Action Taken: The Finance Committee voted 4-0 to recommend approval. The motion was made by Councilor Smith and seconded by Councilor Alemán.

Councilor Gwaltney moved for the approval of the Consent Agenda. Councilor Alemán seconded the motion.

President Wyatt 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 AGENDA

The first item on the Agenda under Old Business was Item No. 12.11.22 – Bid Opening held January 23, 2023 at 4:45 p.m. for Street Signs – Randy Hambley.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend accepting the bid from Brandon Industries for \$77,246.00 from 12-22-589382 (Equipment/Street Signs Capital).

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

Resolution No. 23-06

(A Resolution to accept bid from Brandon Industries for Street Signs)

President Wyatt 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. 06.12.22 – Request for final budget amendments for FY 21-22 budgets and budget amendments for the FY 22-23 budget for outstanding encumbrances – Robert Burgett, Finance Director and Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-07

(A Resolution for final budget amendments for FY 21-22 budgets and budget amendments for the FY 22-23 budget for outstanding encumbrances)

President Wyatt 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. 01.01.23 – Request for consideration to declare the following items surplus: 1993 International Dump Truck (VIN 1HTSCPHNORH555427); 2005 International Dump Truck (VIN 1HTMMAALX5H113020); 2004 Ford F150 (VIN 1FTRX14W44NA82203); 2006 International (VIN 1HTMKAAR16H332170); 2001 Caterpillar Backhoe (SN CAT0430DKBNK01086); and ZEP Parts Washer (SN 05294236) and Miscellaneous Items from the Mayor's Office – Gordon Jaynes, Fleet Maintenance / Melody Salter, City Clerk.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:13 p.m.:

Ordinance No.

(An Ordinance to declare the following items surplus: 1993 International Dump Truck (VIN 1HTSCPHNORH555427); 2005 International Dump Truck (VIN 1HTMMAALX5H113020); 2004 Ford F150 (VIN 1FTRX14W44NA82203); 2006 International (VIN 1HTMKAAR16H332170); 2001

Caterpillar Backhoe (SN CAT0430DKBNK01086); and ZEP Parts Washer (SN 05294236) and Miscellaneous Items from the Mayor's Office)

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

President Wyatt 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, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion for unanimous consent carried.

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

Ordinance No. 2860

(An Ordinance to declare the following items surplus: 1993 International Dump Truck (VIN 1HTSCPHNORH555427); 2005 International Dump Truck (VIN 1HTMMAALX5H113020); 2004 Ford F150 (VIN 1FTRX14W44NA82203); 2006 International (VIN 1HTMKAAR16H332170); 2001 Caterpillar Backhoe (SN CAT0430DKBNK01086); and ZEP Parts Washer (SN 05294236) and Miscellaneous Items from the Mayor's Office)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2860. Councilor Nelms seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 02.01.23 – Request to amend contract with CB & A Construction, LLC for Mecca Avenue Sidewalk Project – Cale Smith.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-08

(A Resolution to amend contract with CB & A Construction, LLC for Mecca Avenue Sidewalk Project)

President Wyatt 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. 03.01.23 – Request to authorize the Mayor to sign a contract with Twin Construction, Inc for the construction of a retaining wall on Mecca Avenue – Cale Smith.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-09

(A Resolution to authorize the Mayor to sign a contract with Twin Construction, Inc for the construction of a retaining wall on Mecca Avenue)

President Wyatt 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. 08.01.23 – Request to authorize the Mayor to sign contract with Gossett Construction, LLC to repair a storm pipe at 1604 Mountain Gap Circle – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-10

(A Resolution to authorize the Mayor to sign contract with Gossett Construction, LLC to repair a storm pipe at 1604 Mountain Gap Circle)

President Wyatt 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. 09.01.23 - Request to consider insurance renewal for both property/casualty and workman's

compensation insurance – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-11

(A Resolution for insurance renewal for both property/casualty and workman's compensation insurance)

President Wyatt 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. 10.01.23 – Request to consider use of SOHO plaza for Homewood Athletic Foundation cornhole tournament – Erin Yost / President Wyatt.

Councilor Smith stated that the Special Issues Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-12

(A Resolution for use of SOHO plaza for Homewood Athletic Foundation cornhole tournament)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Special Issues Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.05.22 – Request to consider revisions to the membership structure of the Arts Advisory Council – Councilor Geer and President Wyatt.

Councilor Smith stated that the Special Issues Committee met January 23, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-13

(A Resolution revising the membership structure of the Arts Advisory Council)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Special Issues Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.12.22 – Public Hearing set for January 30, 2023 at 6:00 p.m. for consideration to rezone 3101 Overton Drive (PID # 28-00-07-3-034-005.000) from NPD (Neighborhood Preservation District) to an R-7 (Attached Dwelling Unit District). Applicant/Owner: Virginia P. Allen to permit the construction of a four-unit townhouse development (The Planning Commission had a vote of 0-7 for an unfavorable recommendation) – Cale Smith.

Councilor Andress stated that the Planning and Development Committee met January 23, 2023 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:21 p.m.

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

At this time, applicant Virginia Allen and architect James Sransky addressed the Council regarding this item.

The following residents then addressed the Council regarding their opposition to this item: Jim Shaw at 3105 Overton Drive, Mackenzie Coan at 3100 Overton Drive, Jeremy Berman at 3106 Overton Drive, Mike Hubbard at 520 Mayfair Circle, Kristi Wilson at 3112 Overton Drive, David Kinman at 3110 Overton Road, and Catherine Shields at 3121 Overton Drive.

President Wyatt declared the Public Hearing closed at 7:19 p.m.

President Wyatt asked if the Council had any questions or concerns regarding this item. The Council then held discussion regarding this item.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:25 p.m.:

Ordinance No.

(An Ordinance to rezone 3101 Overton Drive (PID # 28-00-07-3-034-005.000) from NPD (Neighborhood Preservation District) to an R-7 (Attached Dwelling Unit District)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. Councilor Nelms seconded the motion.

President Wyatt 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, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion for unanimous consent carried.

Councilor Smith moved for approval. Councilor Address seconded the motion.

President Wyatt 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: None. Nays: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion failed on an 0-11 vote.

The next item on the Agenda under Old Business was Item No. 04.01.23 – Public Hearing set for February 13, 2023 at 6:00 p.m. for consideration to rezone 2900 16th Place South (PID # 29-00-12-4-014-022.000) from R-5 (Attached Dwelling Unit District) to an NPD (Neighborhood Preservation District). Applicant: Johnny W. Gossett/Owner: Bonnie B. O'Bannon to permit the construction of a new, single-family house (The Planning Commission had a vote of 7-0 for a favorable recommendation) – Cale Smith.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 13, 2023 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 11.01.23** Request for consideration of placing full-page ad in the Chamber of Commerce Magazine – **Councilor Address – Finance Committee**
- 12.01.23** **Request to set a Bid Date for March 13, 2023** for the Delcris Sidewalk Project – Phase 1 – **Cale Smith, PE – Finance Committee**
- 13.01.23** Request to authorize the Mayor to sign contract and pay appropriation to West Homewood Neighborhood Association – **Justin Limbaugh /**

**Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk
– Finance Committee**

- 14.01.23** Request to authorize the Mayor to sign contract and pay appropriation to Clastran – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 16.01.23** Request for additional street lighting and assessment for Parkside Court – Andy Nix / **Councilor Jones – Finance Committee and Public Safety Committee**
- 17.01.23** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemnation of the dwelling structure at 1509 Beckham Drive – **Wyatt Pugh, Inspections and Permits – Public Safety Committee**
- 18.01.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to the Sign Ordinance to permit six electronic message board window signs at 1831 28th Avenue South, Suite 160 – **Kyle Bass, Homewood Theatre / Wyatt Pugh, Inspections and Permits – Special Issues Committee**
- 19.01.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance(s) at 169 State Farm Parkway – **Meighan Ellis, Advance Sign and Lighting /McAlister’s Deli / Wyatt Pugh, Inspections and Permits – Special Issues Committee**

Councilor Gwaltney moved to approve the amended Committee Referral Agenda. Councilor Nelms seconded the motion.

President Wyatt 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. 17.01.23 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration of condemnation of the dwelling structure at 1509 Beckham Drive – Wyatt Pugh, Inspections and Permits.

President Wyatt stated that the Public Hearing would be set for February 27, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 18.01.23 – Request to set a Public Hearing for consideration of a variance to the Sign Ordinance to permit six electronic message board window signs at 1831 28th Avenue South, Suite 160 – Kyle Bass, Homewood Theatre / Wyatt Pugh, Inspections and Permits.

President Wyatt stated that the Public Hearing would be set for February 13, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.01.23 – Request to set a Public Hearing for consideration of a sign variance(s) at 169 State Farm Parkway – Meighan Ellis, Advance Sign and Lighting /McAlister’s Deli / Wyatt Pugh, Inspections and Permits.

President Wyatt stated that the Public Hearing would be set for February 13, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 20.01.23 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for STS Family, LLC dba Sams Super Samwiches located at 1830 29th Avenue S, Suite 155 – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for having no objections to the issuance of license pending letters of no objection from Fire and Police. Councilor Sims seconded the motion.

President Wyatt 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. 21.01.23 – Request for consideration of an ABC 160 – Special Retail – More Than 30 Days for DDC Hotels, Inc. dba Drury Inn and Suites Birmingham SW located at 160 State Farm Parkway (Transfer of Ownership) – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for having no objections to the issuance of license pending letters of no objection from Fire and Police. Councilor Wolverton seconded the motion.

President Wyatt 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. 22.01.23 – Request for consideration of approval of vouchers for period of January 10, 2023 through January 30, 2023 – 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. 23-14

(A Resolution approving of vouchers for period of January 10, 2023 through January 30, 2023)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-14 with one exception to the vouchers. Councilor Jones seconded the motion.

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

On a voice vote, the motion carried without dissent.

President Wyatt stated that the Finance Committee would meet on February 6, 2023 at 5:00 p.m. with Public Safety, and Special Issues meeting immediately following the previous meeting. The Public Works and Planning and Development Committees did not set meetings.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:47 p.m.