

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

**January 31, 2022**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, January 31, 2022 at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a proclamation for Tree City USA to Mr. Ryan Dye.

Mayor McClusky then presented the 2022 Trafficking Free Zone proclamation to Ms. Debrah Fisher.

At this time President Wyatt announced that the Stormwater Public Meeting would be held on February 15, 2022 at 1:00 p.m. and 4:30 p.m.

The invocation was given by Councilor Jennifer Andress, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:16 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Nick Sims, Walter Jones, Barry Smith, Jalet Nelms, Jennifer Andress, and Alex Wyatt, 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: Carlos Alemán, Andrew Wolverton, and John Hardin.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Regular Council Meeting of January 10, 2022 and approve them as presented. 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 voice vote, the motion carried without dissent.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Special Called Council Meeting of January 18, 2022 and approve them as presented. 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 voice vote, the motion carried without dissent.

At this time, Councilor Geer moved to dispense with the reading of the Minutes of the Special Called Council Meeting of January 24, 2022 and approve them as presented. 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 voice vote, the motion carried without dissent.

At this time, Councilor Smith moved to appoint Jennifer Hardin to the At-Large Park Board position. 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.

President Wyatt stated that the BZA Ward 2 and the Historic Preservation Ward 3 appointments would be carried over.

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

At this time, President Wyatt added the following item to the Committee Referral Agenda: Item No. 29.01.22 – Request for consideration to replace gutters on the 100 block of Yorkshire – Councilor Andress – Public Works and Finance Committees.

Councilor Nelms moved for the approval of the amended 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.

## **CONSENT AGENDA**

**12.03.21** Request to authorize an Individual Project Order for Kimley-Horn and Assoc. to provide design and construction documents for placement of sidewalk options to Mecca Avenue sidewalk project – **Clark Bailey, Kimley-Horn / Wyatt Pugh, BEZ**

**Action Taken: The Finance Committee met on January 24, 2022 and voted 5-0 to take off the Table. The motion was made by Councilor Gwaltney and seconded by Councilor Smith. The Committee then voted 5-0 to recommend dropping this item. The motion was made by Councilor Gwaltney and seconded by Councilor Alemán.**

**26.06.15** Request for consideration to add a crosswalk on Valley Avenue – **Britt Thames**

**Action Taken: The Public Safety Committee met on January 24, 2022 and voted 3-0 to take off the Table. The motion was made by Councilor Hardin and seconded by Councilor Jones. The Committee then voted 3-0 to recommend dropping this item. The motion was made by Councilor Hardin and seconded by Councilor Jones.**

**15.02.21** Request for report from JettyTrip on Citizens' Portal – **Brian Wallace, JettyTrip/President Wyatt**

**Action Taken: The Special Issues Committee met on January 24, 2022 and voted 5-0 to accept the report and establish a quarterly report. The motion was made by Councilor Andress and seconded by Councilor Sims.**

Councilor Gwaltney moved for the approval of the Consent Agenda. Councilor Smith 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.

Councilor Hardin entered the Council Meeting at 6:21 p.m.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 08.01.22 – Bid Opening set for January 31, 2022 at 5:00 p.m. for demolition of 175 Citation Court – Berkley Squires, Public Works Director.

Councilor Jones stated that the Finance Committee met on January 24, 2022 and voted 5-0 to recommend referring back to the full Council without recommendation but Berkley Squires asked to refer back to the Finance Committee.

President Wyatt stated that this item would be referred to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 06.01.22 – Public Hearing set for February 14, 2022 at 6:00 p.m. for consideration of a sign variance at 2818 18th Street South – Andrew Tynes, Shaia's/Mammoth Murals / Wyatt Pugh, Building Department.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 14, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.01.22 – Public Hearing set for February 14, 2022 at 6:00 p.m. for consideration of a sign variance(s) at 2834 18th Street South – Mick Britton, Nadeau/Kingfisher Signs / Wyatt Pugh, Building Department.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 14, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.01.22 – Public Hearing set for February 28, 2022 at 6:00 p.m. for consideration to rezone 2916 Linden Avenue (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.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 10.01.22 – Public Hearing set for February 28, 2022 at 6:00 p.m. 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.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.01.22 – Public Hearing set for February 28, 2022 at 6:00 p.m. 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.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 12.01.22 – Public Hearing set for February 14, 2022 at 6:00 p.m. for consideration to amend the final development plan at 2727 18<sup>th</sup> Street South (PID 28-00-07-3-014-013.000) and 1817 27<sup>th</sup> 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.

President Wyatt stated that this item would be carried over for the Public Hearing set for February 28, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.01.22 – Request to authorize the Mayor to sign amended Tyler Technologies Contract – Lt. Keith Peterson and J.J. Bischoff.

Councilor Jones stated that the Finance Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-10**

**(A Resolution to authorize the Mayor to sign amended Tyler Technologies Contract)**

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. 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.

Councilor Jones stated that the Finance Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-11**

**(A Resolution to authorize the Mayor to sign contract and pay FY 21-22 appropriation to West Homewood Neighborhood Association)**

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. 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.

Councilor Jones stated that the Finance Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-12**

**(A Resolution to authorize the Mayor to sign contract and pay FY 21-22 appropriation to JBS Mental Health Authority)**

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. 02.12.21 – Request for consideration of Forest Brook sidewalk (Engineering and Design Work) on Forest Brook Drive from Forest Brook Circle to West Oxmoor Road via Shades Glen Drive and Delcris Drive – Councilors Alemán and Wolverton.

Councilor Andress stated that the Planning and Development Committee met on January 24, 2022 and voted 3-0 to refer this item to the Finance Committee.

The next item on the Agenda under Old Business was Item No. 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 Pietrantoni, CornholeBHM / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-13**

**(A Resolution to permit use of the city hall plaza on a recurring basis for tournaments by CornholeBHM, a Social Cornhole league)**

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. 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.

Councilor Smith stated that the Special Issues Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-14**

**(A Resolution for 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)**

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. 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.

Councilor Smith stated that the Special Issues Committee met on January 24, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-15**

**(A Resolution to work in the City Right-of-Way at Gran/Poinciana triangle by the Hollywood Garden Club)**

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.

## COMMITTEE REFERRAL AGENDA

- 18.01.22** Request for consideration of placing full-page ad in the Chamber of Commerce Magazine – **Councilor Smith – Finance Committee**
- 19.01.22** Request for consideration of discontinuing contract with nCourt and using Government Portal credit card processor – **John Morgan, Court Administrator/Chief Magistrate – Finance Committee**
- 20.01.22** Request to authorize the Mayor to sign contract and pay FY 21-22 appropriation to ClasTran – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 21.01.22** Request to authorize landscape design services for Saulter Road Pocket Park – **Cale Smith, PE – Finance Committee**
- 22.01.22** Request for consideration of Forest Brook traffic calming project on Forest Brook Drive from Forest Brook Circle to West Oxmoor Road via Shades Glen Drive and Delcris Drive – **Councilors Alemán and Wolverton – Public Safety Committee**
- 23.01.22** Request for consideration of Traffic Calming measures along South Forrest Drive – **Councilor Sims – Public Safety Committee**
- 24.01.22** Request for consideration of tent variance for Trinity United Methodist Church – **Councilor Smith – Special Issues Committee**
- 25.01.22** Request for consideration to work in the right-of-way to place a temporary construction barrier on part of the public sidewalk during the demolition and renovation of the façade at 2808 18th Street South – **John Tory, Circa Lighting / Wyatt Pugh, Inspections & Permits – Public Works Committee**
- 26.01.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration for condemnation of the dwelling structure at 1681 Ashwood Lane – **Wyatt Pugh, Building Department – Public Safety Committee**
- 29.01.22** Request for consideration of adding gutters to 100 block of Yorkshire – **Councilor Andress – Public Works and Finance Committee**

Councilor Nelms moved to approve the amended Committee Referral Agenda. Councilor Hardin 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. 26.01.22 – Request to set a Public Hearing for consideration for condemnation of the dwelling structure at 1681 Ashwood Lane – Wyatt Pugh, Building Department.

President Wyatt 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. 27.01.22 – Request to release lien on the following property: 1117 Hardwick Lane (Res. No. 20-152) – Melody Salter, City Clerk/Robert Burgett, Finance Director.

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

#### **Resolution No. 22-16**

**(A Resolution to release lien on the following property: 1117 Hardwick Lane (Res. No. 20-152)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-16. 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.

The next item on the Agenda under Other New Business was Item No. 28.01.22 – Request for consideration of approval of vouchers for period of January 11, 2022 through January 31, 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. 22-17**

**(A Resolution to release lien on the following property: 1117 Hardwick Lane (Res. No. 20-152)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 22-17. Councilor Smith 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 Committees would meet on February 7, 2022 starting at 5:00 p.m. with Public Safety, Special Issues, and Public Works Committees meeting immediately following the previous meeting. The Planning and Development Committee would not schedule a meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:48 p.m.