

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

February 13, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 13, 2023 at City Hall at 6:00 p.m.

At this time, Mr. Jose Perry, Jefferson County Outreach Director addressed the Council.

The invocation was given by Councilor Barry Smith, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:07 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, Andrew Wolverton, Nick Sims, Walter Jones, Barry Smith, Jaletel 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 Aimee Camper, standing in for Melody Salter, City Clerk.

At this time, Councilor Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of January 30, 2023 and approve them as presented. 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.

At this time, President Wyatt opened the application period for two At-Large positions of the Arts Advisory Board, the Ward 2 Arts Advisory position until February 27, 2023. President Wyatt then re-opened the application period for the Ward 1 BZA position until February 27, 2023 and re-opened the Ward 2 Beautification Board position until March 13, 2023.

Councilor Andress moved to appoint William Johnson to the Ward 5 position of the BZA. 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 Smith moved to appoint Dr. Rob Sellers to the Ward 5 position of the Park Board. 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

16.01.23 Request for additional street lighting and assessment for Parkside Court – Andy Nix / **Councilor Jones^{PS}**

Action Taken: The Finance Committee met February 6, 2023 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Council Gwaltney.

Action Taken: The Public Safety Committee met February 6, 2023 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Hardin and seconded by Council Nelms.

07.12.22 Request for consideration of a “No Parking” Ordinance during carpool school drop-off and pick-up hours on Poinciana – **Councilor Andress (Carried Over 1/23/23)**

Action Taken: The Public Safety Committee met February 6, 2023 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Jones and seconded by Council Hardin.

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

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 11.01.23 – Request for consideration of placing full-page ad in the Chamber of Commerce Magazine – Councilor Andress.

Councilor Jones stated that the Finance Committee met February 6, 2023 and voted 4-0-1 to recommend approval of funding for \$1,795.50 from 01-11-570500 (Advertising Line Item).

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

Resolution No. 23-15

(A Resolution for placing full-page ad in the Chamber of Commerce)

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. 12.01.23 – Request to set a Bid Date for March 13, 2023 for the Delcris Sidewalk Project – Phase 1 – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met February 6, 2023 and voted 5-0 to recommend setting the Bid Date for March 13, 2023.

President Wyatt stated that the Bid Date would be set for March 13, 2023 at 4:30 p.m.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Jones stated that the Finance Committee met February 6, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-16

(A Resolution to authorize the Mayor to sign contract and pay 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. 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.

Councilor Jones stated that the Finance Committee met February 6, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-17

(A Resolution to authorize the Mayor to sign contract and pay appropriation to Clastran)

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. 04.12.22 – Request for consideration of changes to City's Workers Compensation Occupational Medical Clinic – President Wyatt.

Councilor Jones stated that the Finance Committee met February 6, 2023 and voted 5-0 to take this item off the Table and voted 5-0 to recommend approval of changing to Ala Comp for all drug testing except for after-hours at UAB Highlands and to leave item on the Table for Workers Comp portion.

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

Resolution No. 23-18

(A Resolution changing all drug testing to Ala Comp except after-hours)

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. 17.01.23 – Public Hearing set for February 27, 2023 at 6:00 p.m. for consideration of condemnation of the dwelling structure at 1509 Beckham Drive – Wyatt Pugh, Inspections and Permits.

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

The next item on the Agenda under Old Business was Item No. 18.01.23 – Public Hearing set for February 13, 2023 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on February 6, 2023 and voted 5-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:18 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,

Kyle Bass addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:19 p.m.

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

Councilor Smith moved for approval with proffer of turning lights on at dusk and off at 11:00 p.m. 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.

The motion failed on a voted of 5-6. Councilors Gwaltney, Wolverton, Sims, Jones, Hardin, and President Wyatt voted no.

The next item on the Agenda under Old Business was Item No. 19.01.23 – Public Hearing set for February 13, 2023 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on February 6, 2023 and voted 5-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:30 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.

Meighan Ellis addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:32 p.m.

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

President Wyatt stated that this Item would be Carried Over.

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.

Councilor Andress stated that the Planning and Development Committee met on 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 6:49 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.

Jason Hale addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:50 p.m.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:52 p.m.:

Ordinance No.

(An Ordinance 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)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Andress, 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. 2861

(An Ordinance 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)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2861. Councilor Geer seconded the motion.

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

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.02.23** Request to authorize the Mayor to sign ALDOT resolution for Pavement Rehabilitation on I-65 from Raleigh Avenue Overpass to 1st Avenue N – **Cale Smith, PE – Finance Committee**
- 02.02.23** Request to consider renewal of the Rivertree Contract for the purpose of conducting sales tax and business license audits – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 03.02.23** Request for consideration of contractual services to fulfill arborist services – **Cale Smith, PE – Finance Committee**
- 04.02.23** Request to amend Library Capital Fund Budget for FY 22-23 – **Judith Wright, Library Director – Finance Committee**
- 05.02.23** Request for discussion of changes to the traffic calming installation on Morris Blvd. – **Councilor Sims – Public Safety Committee**
- 06.02.23** Request for consideration to work in the Right-of-Way along Central Avenue adjacent to 1722 28th Ave S – **Cory Varden, Rives Construction Company / Wyatt Pugh, Building Department – Public Works Committee**
- 07.02.23** Request for consideration to work in the Right-of-Way adjacent to 505 Windsor Drive – **Ben Strout / Wyatt Pugh, Building Department – Public Works Committee**
- 08.02.23** Request for consideration to work in the Right-of-Way to construct a parking pad at 401 Yorkshire Drive – **Brent Donaldson, Donaldson Landscape & Design/ Wyatt Pugh, Building Department – Public Works Committee**
- 09.02.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 201 Greensprings Highway – **Moe Alotoum, Beauty Trendz / Wyatt Pugh, Building Department – Special Issues Committee**

Councilor Alemán moved to approve the amended Committee Referral Agenda. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 09.02.23 – Request to set a Public Hearing for consideration of sign variance(s) at 201 Greensprings Highway – Moe Alotoum, Beauty Trendz / Wyatt Pugh, Building Department.

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. 10.02.23 – Request for consideration of approval of vouchers for period of January 30, 2023 through February 13, 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. 23-19

(A Resolution approving of vouchers for period of January 30, 2023 through February 13, 2023)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-19 with the exception of three 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 then stated the Council would need to meet in Executive Session.

Councilor Jones moved to meet in Executive Session. 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.

Mr. Kendrick stated that the Executive Session would be limited to potential or pending litigation.

Executive Session began at 6:56 p.m.

Councilor Andress moved to reconvene in Regular Session. 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 meeting was reconvened in Regular Session at 7:11 p.m.

President Wyatt stated that the Finance Committee would meet on February 20, 2023 at 5:00 p.m. with Public Safety, Public Works, and Special Issues meeting immediately following the previous meeting. The Planning and Development Committee did not set a meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:24 p.m.