

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

February 27, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 27, 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 6:10 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 Address, John Hardin, and Alex Wyatt, constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; J.J. Bischoff, Chief of Staff; Mayor Patrick McClusky, and Melody Salter, City Clerk.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of February 13, 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 re-opened the application period for one At-Large position of the Arts Advisory Board and the Ward 2 Arts Advisory position until March 13, 2023.

Councilor Gwaltney moved to appoint Callen Childs to the Ward 1 position of the BZA. 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.

Councilor Nelms moved to appoint John Northrop to the Ward 4 position of the Homewood Environmental Commission. 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.

Mayor McClusky then appointed Erik Henninger to the Planning Commission.

At this time, President Wyatt added the following items to the published Council Agenda under Other New Business: Item No. 23.02.23 – Request for permission to hold event with SOHO Social on the Plaza for the Wine 10K Run on March 4, 2023 from 6:00 a.m. to 9:30 a.m. – Joseph Longoria, Aspire Sports Institute – J.J. Bischoff, Chief of Staff; Item No. 24.02.23 – Request for consideration for an ABC 240 – Non-Profit Special Event Retail License for Homewood Chamber of Commerce d/b/a Taste of Homewood located at 2850 19th Street South (Homewood City Hall Plaza) – Melody Salter, CPA, City Clerk.

Councilor Hardin 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

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**

Action Taken: The Public Works Committee met on February 20, 2023 and voted 0-4 for approval. The motion was made by Councilor Sims and seconded by Councilor Geer. The motion failed.

Councilor Nelms 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.

President Wyatt then stated the Council would need to meet in Executive Session.

Councilor Smith moved to meet in Executive Session. 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.

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

Executive Session began at 6:18 p.m.

Councilor Smith moved to reconvene in Regular 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.

The meeting was reconvened in Regular Session at 7:27 p.m.

OLD BUSINESS AGENDA

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

Councilor Jones stated that the Finance Committee met February 20, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-20

(A Resolution to authorize the Mayor to sign ALDOT resolution for Pavement Rehabilitation on I-65 from Raleigh Avenue Overpass to 1st Avenue N)

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. 02.02.23 – 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.

Councilor Jones stated that the Finance Committee met February 20, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-21

(A Resolution to renew the Rivertree Contract for the purpose of conducting sales tax and business license audits)

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. 03.02.23 – Request for consideration of contractual services to fulfill arborist services – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met February 20, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-22

(A Resolution to approve contractual services to fulfill arborist services)

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. 04.02.23 – Request to amend Library Capital Fund Budget for FY 22-23 – Judith Wright, Library Director.

Councilor Jones stated that the Finance Committee met February 20, 2023 and voted 5-0 to recommend approval amending 12-19-589150 Building Improvement Capital/\$65,000 Carryover FB in Capital 12-09-499301.

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

Resolution No. 23-23

(A Resolution to amend Library Capital Fund Budget for FY 22-23)

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.

Councilor Gwaltney stated that the Public Safety Committee met on February 20, 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 6:31 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.

Wyatt Pugh addressed the Council regarding this item.

President Wyatt then read a letter submitted by the homeowner.

The following residents then addressed the Council regarding this item: Daniel Compagno at 1520 Beckham Drive; Laurie Richardson Fields at 1504 Royce Road; and Alexander Moore at 1509 Beckham Drive.

President Wyatt then declared the Public Hearing closed at 6:47 p.m.

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

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

Resolution No. 23-24

(A Resolution to condemn the dwelling structure at 1509 Beckham Drive)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 23-24. 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.

The next item on the Agenda under Old Business was Item No. 05.02.23 – Request for discussion of changes to the traffic calming installation on Morris Blvd. – Councilor Sims.

Councilor Gwaltney stated that the Public Safety Committee met on February 20, 2023 and voted 4-0 to recommend approval of rescinding Resolution No. 22-57 and leaving the Ordinance No. 2833 in Committee for further discussion.

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

Resolution No. 23-25

(A Resolution to rescind Resolution No. 22-57 – traffic calming installation on Morris Blvd)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Public Safety 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. 06.02.23 – 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.

Councilor Wolverton stated that the Public Works Committee met on February 20, 2023 and voted 4-0 to recommend approval.

Cale Smith and Chris Rives then addressed the Council regarding this item.

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

Resolution No. 23-26

(A Resolution to work in the Right-of-Way along Central Avenue adjacent to 1722 28th Ave S)

President Wyatt 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. 07.02.23 – Request for consideration to work in the Right-of-Way adjacent to 505 Windsor Drive – Ben Strout / Wyatt Pugh, Building Department.

Councilor Wolverton stated that the Public Works Committee met on February 20, 2023 and voted 4-0 to recommend approval for six months pending indemnification agreement.

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

Resolution No. 23-27

(A Resolution to work in the Right-of-Way adjacent to 505 Windsor Drive)

President Wyatt 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. 19.01.23 – Public Hearing held on 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 (Public Hearing held and closed 2/13/23 and Item Carried Over).

Wyatt Pugh addressed the Council regarding this item and listed numbered options for the variances requested.

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

Resolution No. 23-28

(A Resolution for a sign variance(s) at 169 State Farm Parkway at the back of the building on State Farm Parkway)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-28 (for Variance Option 3 only). 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 on a vote of 10-1. Councilor Andress voted no.

The next item on the Agenda under Old Business was Item No. 09.02.23 – Public Hearing set for February 27, 2023 at 6:00 p.m. for consideration of sign variance(s) at 201 Greensprings Highway – Moe Alotoum, Beauty Trendz / Wyatt Pugh, Building Department.

President Wyatt declared the Public Hearing opened at 7:14 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. There was no response from the audience.

President Wyatt then declared the Public Hearing closed at 7:14 p.m.

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

Councilor Hardin moved for approval. 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 failed on a vote of 0-11.

COMMITTEE REFERRAL AGENDA

- 11.02.23** Request to declare the following items surplus: 2010 Dodge Charger (VIN 2B3CA5CT9AH240448); 2011 Ford F150 (VIN 1FTFX1EF9BFA15105); 1997 International Refuse Truck (1HTSDAAN9VH471802); Small Pressure Washer (SN 1009689579); and Gasoline Air Compressor (SN 31901046) – **Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 12.02.23** Request for consideration for Budget Amendments to Police Capital for safety equipment - **Robert Burgett, Finance Director – Finance Committee**
- 13.02.23** Request for permission to park within the Right-of-Way at 426 Carr Avenue – **Cale Smith, PE – Public Works Committee**
- 14.02.23** Request for permission to work in the Right-of-Way to construct a parking pad at 300 Yorkshire Drive – **Doug & Melisha Durkee / Councilor Andress / Wyatt Pugh, Building Department – Public Works Committee**

- 15.02.23** Request for permission to work in the Right-of-Way to install landscaping at 300 Yorkshire Drive – **Doug & Melisha Durkee / Councilor Andress / Wyatt Pugh, Building Department – Public Works Committee**
- 16.02.23** Request for permission to work in the Right-of-Way to construct a walk-up window at 2701 18th Street S – **Nick Pihakis, Rodney Scott’s BBQ / Wyatt Pugh, Building Department – Public Works Committee**
- 17.02.23** Request for permission to work in the Right-of-Way at the American Legion building at 4 Hollywood Blvd – **Councilor Andress – Public Works Committee**
- 18.02.23** Request for consideration of National Fitness Campaign Ecosystem Installation – **Councilors Smith and Andress – Special Issues Committee**
- 19.02.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 126 Barber Court – **Jeff Belk, Mayfield Dairy / Wyatt Pugh, Building Department – Special Issues Committee**
- 20.02.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance(s) at 254 Greensprings Highway – **Ali Nasher, Shell / Wyatt Pugh, Building Department – Special Issues Committee**

Councilor Smith moved to approve the Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 19.02.23 – Request to set a Public Hearing for consideration of a sign variance at 126 Barber Court – Jeff Belk, Mayfield Dairy / Wyatt Pugh, Building Department.

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

The next item on the Agenda under Other New Business was Item No, 20.02.23 – Request to set a Public Hearing for consideration of a sign variance(s) at 254 Greensprings Highway – Ali Nasher, Shell / Wyatt Pugh, Building Department.

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

The next item on the Agenda under Other New Business was Item No. 21.02.23 – Request for consideration for Budget Amendments for emergency repairs to the Public Works Building due to busted water lines – Berkley Squires, Public Service Director.

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

Resolution No. 23-29

(A Resolution for Budget Amendments for emergency repairs to the Public Works Building due to busted water lines)

Councilor Jones moved for the adoption and enrollment of Resolution No. 23-29. 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. 22.02.23 – Request for consideration of approval of vouchers for period of February 14, 2023 through February 27, 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. 23-30

(A Resolution for approval of vouchers for period of February 14, 2023 through February 27, 2023)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-30. 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.

The next item considered under Other New Business was Item No. 23.02.23 – Request for permission to hold event with SOHO Social on the Plaza for the Wine 10K

Run on March 4, 2023 from 5:00 a.m. to 10:00 a.m. – Joseph Longoria, Aspire Sports Institute – J.J. Bischoff, Chief of Staff.

Joseph Longoria addressed the Council regarding this item.

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

Resolution No. 23-31

(A Resolution for permission to hold event with SOHO Social on the Plaza for the Wine 10K Run on March 4, 2023 from 5:00 a.m. to 10:00 a.m. – Joseph Longoria, Aspire Sports Institute)

Councilor Andress moved for the adoption and enrollment of Resolution No. 23-31. 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.

The next item considered under Other New Business was Item No. 24.02.23 – Request for consideration for an ABC 240 – Non-Profit Special Event Retail License for Homewood Chamber of Commerce d/b/a Taste of Homewood located at 2850 19th Street South (Homewood City Hall Plaza) – Melody Salter, CPA, City Clerk.

Councilor Smith moved for having no objection to the issuance of the license. 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.

President Wyatt stated that the Finance Committee would meet on March 6, 2023 at 5:00 p.m. with Public Works, and Special Issues meeting immediately following the previous meeting. The Public Safety 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 7:32 p.m.