

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

February 28, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, February 28, 2022, at City Hall at 6:00 p.m.

The invocation was given by Pastor Billy Shepard of Christ Fellowship Church, after which the pledge of allegiance was given.

The meeting was called to order by President Pro-Tempore Jones at 6:01 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, and John Hardin, 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: Alex Wyatt.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of February 14, 2022 and approve them as presented. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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 Pro-Tempore Jones added the following item to the Committee Referral Business Agenda: From Finance: Item No. 02.05.21 – Request to consider replacement of Trane Chiller for City Hall Building – Councilor Smith/Berkley Squires, Public Services Director; Item No. 02.02.22 – Request for consideration of FY 21-22 Budget amendments – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk; Item No. 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 Address. From Public Safety: Item No. 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.

Councilor Smith moved for the approval of the amended Council Agenda. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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. 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.

Councilor Andress stated that the Planning and Development Committee met on February 28, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:09 p.m.

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

Chase Stracener addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:11 p.m.

President Pro-Tempore Jones 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 first reading of the proposed Ordinance for the Council's consideration at 6:12 p.m.:

Ordinance No.

(An Ordinance 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))

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

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2824

(An Ordinance 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))

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2824. Councilor Hardin seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion carried without dissent.

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.

Councilor Andress stated that the Planning and Development Committee met on January 24, 2022, and voted 3-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:16 p.m.

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

John Abernathy, Brock Tompkins, Nathan Gray, and Carolyn Herr addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:30 p.m.

President Pro-Tempore Jones 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 first reading of the proposed Ordinance for the Council's consideration at 6:38 p.m.:

Ordinance No.

(An Ordinance 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 with proffer to install fence on both sides and rear of property))

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

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2825

(An Ordinance 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 with proffer to install fence on both sides and rear of property))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2825. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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, and Address. Councilor Hardin abstained.

The motion carried without dissent.

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 M-1 (Light Manufacturing District) to C-4 (Central Business District) to: 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.

Councilor Address stated that the Planning and Development Committee met on January 24, 2022, and voted 3-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:41 p.m.

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

Cale Smith and Ken Williams addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:44 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:44 p.m.:

Ordinance No.

(An Ordinance to rezone 2821 Central Avenue (PID 28-00-07-3-023-009.001) from M-1 (Light Manufacturing District) to C-4 (Central Business District))

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

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2826

((An Ordinance to rezone 2821 Central Avenue (PID 28-00-07-3-023-009.001) from M-1 (Light Manufacturing District) to C-4 (Central Business District))

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2826. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.01.22 – Public Hearing continued from February 14, 2022, at 6:00 p.m. 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 conditions (The Planning Commission had a vote of 8-0 (one absent) for a favorable recommendation of the amended development plan) – Wyatt Pugh.

Councilor Address stated that the Planning and Development Committee met on January 24, 2022, and voted 3-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:48 p.m.

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

Wyatt Pugh, Mike Mouron, Scott Bryant, Milton (Bubba) Smith addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 7:07 p.m.

President Pro-Tempore Jones 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 first reading of the proposed Ordinance for the Council's consideration at 7:19 p.m.:

Ordinance No.

(An Ordinance 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)

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. Councilor Address seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2827

(An Ordinance 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)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2827. Councilor Alemán seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 26.01.22 – Public Hearing set for February 28, 2022, at 6:00 p.m. for consideration for condemnation of the dwelling structure at 1681 Ashwood Lane – Wyatt Pugh, Building Department.

Councilor Gwaltney stated that the Public Safety Committee met on February 7, 2022, and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 7:25 p.m.

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

Charles Terrell and Ronald Hendershall addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 7:55 p.m.

President Pro-Tempore Jones 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. 22-35

(A Resolution for condemnation of the dwelling structure at 1681 Ashwood Lane)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-35. Councilor Smith seconded the motion.

President Pro-Tempore Jones 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 8-2. Councilors Alemán and Geer voted no.

The next item on the Agenda under Old Business was Item No. 05.02.22 – Public Hearing set for March 14, 2022, at 6:00 p.m. for consideration of a front yard fence variance at 601 Oakmoor Drive – Geoff and Emily Evans/Wyatt Pugh, Inspections and Permits – Special Issues Committee.

President Pro-Tempore Jones stated that this item would be carried over for the Public Hearing set for March 14, 2022, at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 06.02.22 – Public Hearing set for March 14, 2022, at 6:00 p.m. for consideration of Ordinance to adopt 2021 Building Codes – Wyatt Pugh, Inspections and Permits – Planning and Development Committee.

President Pro-Tempore Jones stated that this item would be carried over for the Public Hearing set for March 14, 2022, at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.02.22 – Public Hearing set for March 14, 2022, at 6:00 p.m. for consideration of Ordinance to adjust Building Permits and Fees– Wyatt Pugh, Inspections and Permits – Planning and Development Committee.

President Pro-Tempore Jones stated that this item would be carried over for the Public Hearing set for March 14, 2022, at 6:00 p.m.

The next item considered under Old Business was Item No. 02.05.21 – Request to consider replacement of Trane Chiller for City Hall Building – Councilor Smith/Berkley Squires, Public Services Director.

Councilor Smith stated that the Finance Committee earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend rebidding and setting a Bid Opening Date for April 4, 2022, at 4:45 p.m. with bids due at 4:30 p.m.

President Pro-Tempore Jones 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 considered under Old Business was Item No. 02.02.22 – Request for consideration of FY 21-22 Budget amendments – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Smith stated that the Finance Committee earlier tonight, prior to the Council Meeting, and voted 4-0 to recommend approval.

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

Resolution No. 22-36

(A Resolution for FY 21-22 Budget amendments)

President Pro-Tempore Jones 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 considered under Old Business was Item No. 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.

Councilor Gwaltney stated that the Public Safety Committee earlier tonight, prior to the Council Meeting, and voted 3-0 to recommend referral to the full Council and carrying over.

President Pro-Tempore Jones stated that this Item would be carried over.

COMMITTEE REFERRAL AGENDA

- 12.02.22** Request for consideration to work in the right-of-way to remove and replace a panel of the public sidewalk at 2808 18th Street South, **Circa Lighting / Wyatt Pugh, Inspections & Permits – Public Works Committee**
- 13.02.22** Request for consideration for the APPLE (Advanced Planning, Programming, and Logical Engineering) Study along US 31 corridor – **Cale Smith, PE – Finance Committee**
- 14.02.22** Request for consideration to surplus miscellaneous items no longer needed for general municipal purposes– **Chief Hill, Fire Department / Gordon Jaynes, Fleet Superintendent – Finance Committee**

15.02.22 Request to set a Public Hearing and referral to Special Issues Committee for consideration of a secondary front yard fence variance at 212 Broadway Street, David Kinman, Owner / Wyatt Pugh, Inspections & Permits – Special Issues Committee

Councilor Sims moved to approve the 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. 15.02.22 – Request to set a Public Hearing for consideration of a secondary front yard fence variance at 212 Broadway Street, David Kinman, Owner / Wyatt Pugh, Inspections & Permits.

Councilor Smith moved to set the Public Hearing for March 14, 2022, at 6:00 p.m. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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. 16.02.22 – Request to authorize the Mayor to sign an Easement for ingress and egress on the portion of 27th Terrace the City previously vacated by Resolution 21-163 – Mayor McClusky/City Attorney Mike Kendrick.

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

Resolution No. 22-37

(A Resolution to authorize the Mayor to sign an Easement for ingress and egress on the portion of 27th Terrace the City previously vacated by Resolution 21-163)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-37. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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. 17.02.22 – Request for consideration of approval of vouchers for period of February 15, 2022, through February 28, 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. 22-38

(A Resolution of approval of vouchers for period of February 15, 2022, through February 28, 2022)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 22-38. Councilor Hardin seconded the motion.

President Pro-Tempore Jones 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 Pro-Tempore Jones stated that the Committees would meet on March 7, 2022, starting with the Finance Committee at 5:00 p.m. with the Public Works, and Special Issues Committees meeting immediately following the previous meeting. The Public Safety and Planning and Development Committees would not schedule meetings.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:27 p.m.