

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

March 13, 2023

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

President Wyatt stated that the Storm Water Management Program Plan was posted on the City web site and was open for public comment until March 27, 2023.

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

The meeting was called to order by President Wyatt at 6:14 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, 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; Mayor Patrick McClusky, and Melody Salter, City Clerk. Absent: Andrew Wolverton.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of February 27, 2023 and approve them as presented. 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 Geer then moved to dispense with the reading of the Minutes of the Special Called Council Meeting of March 6, 2023 and approve them as presented. 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 Geer moved to appoint Beverly LeBoeuf to an At-Large position of the Arts Advisory Council. 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.

Councilor Geer moved to appoint Dee Tipps to an At-Large position of the Arts Advisory Council. 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.

Councilor Geer moved to re-appoint Amber Allen Parsons to the Ward 2 position of the Arts Advisory Council. 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.

President Wyatt opened application periods for the Ward 2 Beautification Board position and an At-Large position to the Park Board until March 27, 2023 at 4:30 p.m.

Councilor Wolverton entered the Council Chambers at 6:14 p.m.

At this time, President Wyatt added the following items to the published Council Agenda under Other New Business: Item No. 17.03.23 – Request to authorize the Mayor to sign a one-year contract with Norton’s Lifelock.

President Wyatt then amended the published Council Agenda under Committee Referral Agenda to drop Item No. 08.03.23.

Councilor Smith moved for the approval of the amended published Agenda. 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.

CONSENT AGENDA

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**

Action Taken: After hearing presentation from Michael Shows of Chambless King Architects and Adam Green of Pihakis Restaurant Group, the Committee voted 1-4 to recommend approval. The motion was made by Councilor Sims and seconded by Councilor Geer.

Councilors Wolverton, Geer, Sims, and Hardin voted no. The motion failed.

18.02.23 Request for consideration of National Fitness Campaign Installation –
Councilors Smith and Andress

Action Taken: The Special Issues Committee met on March 6, 2023 and voted 5-0 to accept the report. The motion was made by Councilor Andress and seconded by Councilor Sims.

Councilor Wolverton 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. 12.01.23 – Bid Opening held on March 13, 2023 at 4:30 p.m. for the Delcris Sidewalk Project – Phase 1 – Cale Smith, PE.

Councilor Jones stated that the Bid Opening was held on March 13, 2023 at 4:30 p.m., prior to the Council Meeting and he recommended accepting the bid from CB&A Construction.

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

Resolution No. 23-32

(A Resolution accepting contract with CB&A Construction for the Delcris Sidewalk Project – Phase 1)

Councilor Jones moved for the adoption and enrollment of Resolution No. 23-32. 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 Old Business was Item No. 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.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:21 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 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. 2862

(An Ordinance 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))

Councilor Geer moved for the enrollment and adoption and publication according to law of Ordinance No. 2862. 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. 12.02.23 – Request for consideration for Budget Amendments to Police Capital for safety equipment - Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on March 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. 23-33

(A Resolution for Budget Amendments to Police Capital for safety equipment)

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. 13.02.23 – Request for permission to park within the Right-of-Way at 426 Carr Avenue – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on March 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. 23-34

(A Resolution for permission to park within the Right-of-Way at 426 Carr Avenue)

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 Council Agenda under Old Business was Item No. 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.

Councilor Wolverton stated that the Public Works Committee met on March 6, 2023 and voted 5-0 to recommend approval and to combine Items 14.02.23 and 15.02.23.

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

Councilor Wolverton stated that the Public Works Committee met on March 6, 2023 and voted 5-0 to recommend approval and to combine Items 14.02.23 and 15.02.23.

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

Resolution No. 23-35

(A Resolution approving work in the Right-of-Way to construct a parking pad and to install landscaping at 300 Yorkshire 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. 19.02.23 – Public Hearing set for March 13, 2023 at 6:00 p.m. for consideration of a sign variance at 126 Barber Court – Jeff Belk, Mayfield Dairy / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on March 6, 2023 and voted 5-0 to refer this item to the full Council pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:26 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 6:28 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. 23-36

(A Resolution for a sign variance at 126 Barber Court)

Councilor Geer moved for the adoption and enrollment of Resolution No. 23-36. 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.

The next item on the Agenda under Old Business was Item No. 20.02.23 – Public Hearing set for March 13, 2023 at 6:00 p.m. for consideration of a sign variance(s) at 254 Greensprings Highway – Ali Nasher, Shell / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on March 6, 2023 and voted 5-0 to refer this item to the full Council 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.

Ali Nasher addressed the Council regarding this item.

President Wyatt then declared the Public Hearing closed at 6:33 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 Smith 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

02.03.23 Request to amend contract with CB&A Construction, LLC for Mecca Avenue Sidewalk Project – **Cale Smith, PE – Finance Committee**

03.03.23 Request to authorize the Mayor to sign uniform contract with Cintas – **Gordon Jaynes, Fleet Maintenance – Finance Committee**

- 04.03.23** Request to authorize the Mayor to sign contract with United Way/Meals on Wheels and pay FY 22-23 appropriation – **Trish Hoover, United Way / Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 05.03.23** Request to authorize the Mayor to sign contract with Birmingham/Jefferson County Transit Authority (BJCTA) for FY 22-23 – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 06.03.23** Request permission to alter traffic on Kenilworth for Jefferson County Sanitary Sewer rehabilitation – **Hazen Sawyer, Jefferson County / Cale Smith, PE – Public Safety Committee**
- 07.03.23** Request for consideration of adjustments to criteria for approval of events impacting normal street flow and access – **Councilor Gwaltney – Public Safety Committee**
- 09.03.23** Request for permission to work in the right-of-way adjacent to 924, 926, and 930 Oxmoor Road – **Matt Shelby, Shelby Contractors / Wyatt Pugh, Permits and Inspections Department – Public Works Committee**
- 10.03.23** Request for consideration of agreement for use of SOHO Plaza – **David Horn, SOHO Social & Social Taco / President Wyatt– Special Issues Committee**
- 11.03.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 600 University Park Place – **David Brandt, Fravert / Wyatt Pugh, Permits and Inspections Department – Special Issues Committee**
- 12.03.23** **Request to set a Public Hearing and referral to the Planning & Development Committee** for consideration to approve a Text Amendment to the City’s Zoning Ordinance for West Homewood District (The Planning Commission had a vote of 9-0 for a favorable recommendation) – **Cale Smith – Planning & Development Committee**
- 13.03.23** **Request to set a Public Hearing and referral to the Planning & Development Committee** for consideration to approve a Final Development Plan for 195 Oxmoor Road / 536 Cobb Street (PID # 29-00-23-2-003-002.000) / (PID # 29-00-23-2-003-030.000. Applicant: Village Creek Development/Owner: Village Creek Development & SHA, LLC for the proposed redevelopment of the Econo Lodge motel property as the site of a new, mixed-use development comprising a combination of residential and retail uses. (The Planning Commission had a vote of 9-0 for a

favorable recommendation) – **Cale Smith – Planning & Development Committee**

Councilor Andress moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 11.03.23 – Request to set a Public Hearing for consideration of a sign variance at 600 University Park Place – David Brandt, Fravert / Wyatt Pugh, Permits and Inspections Department.

President Wyatt stated that the Public Hearing would be set for April 10, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.02.23 – Request to set a Public Hearing and referral to the Planning & Development Committee for consideration to approve a Text Amendment to the City's Zoning Ordinance for West Homewood District (The Planning Commission had a vote of 9-0 for a favorable recommendation) – Cale Smith – Planning & Development Committee.

President Wyatt stated that the Public Hearing would be set for April 24, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 13.03.23 – Request to set a Public Hearing and referral to the Planning & Development Committee for consideration to approve a Final Development Plan for 195 Oxmoor Road / 536 Cobb Street (PID # 29-00-23-2-003-002.000) / (PID # 29-00-23-2-003-030.000. Applicant: Village Creek Development/Owner: Village Creek Development & SHA, LLC for the proposed redevelopment of the Econo Lodge motel property as the site of a new, mixed-use development comprising a combination of residential and retail uses. (The Planning Commission had a vote of 9-0 for a favorable recommendation) – Cale Smith – Planning & Development Committee.

President Wyatt stated that the Public Hearing would be set for April 24, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 14.03.23 – Request to authorize Mayor to sign agreement with Spectrum Industrial Services to clean out fuel tanks at the Old Public Safety Bldg. (1833 29th Ave So.) – Cpl. John Self and J.J. Bischoff, Chief of Staff.

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

Resolution No. 23-37

(A Resolution to authorize Mayor to sign agreement with Spectrum Industrial Services to clean out fuel tanks at the Old Public Safety Bldg. (1833 29th Ave So.))

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-37. 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 next item on the Agenda under Other New Business was Item No. 15.03.23 – Request for consideration to remove member from the Homewood Housing Abatement Board as per Section 2-81 of the Code of Ordinances of the City of Homewood – Wyatt Pugh, Permits and Inspections Department.

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

Resolution No. 23-38

(A Resolution to remove member (Zach Isbell from the Homewood Housing Abatement Board as per Section 2-81 of the Code of Ordinances of the City of Homewood)

Councilor Andress moved for the adoption and enrollment of Resolution No. 23-38. 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.

The next item on the Agenda under Other New Business was Item No. 16.03.23 – Request for consideration of approval of vouchers for period of February 28, 2023 through March 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. 23-39

(A Resolution for approval of vouchers for period of February 28, 2023 through March 13, 2023)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-39. 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 next item considered under Other New Business was Item No. 17.03.23 – Request to authorize the Mayor to sign a one-year contract with Norton’s Lifelock.

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

Resolution No. 23-40

(A Resolution authorizing the Mayor to sign a one-year contract with Norton’s Lifelock)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 23-40. 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 stated that the Finance Committee would meet on March 20, 2023 at 5:00 p.m. with Public Safety, Public Works, Special Issues, and Planning and Development Committees meeting immediately following the previous meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:05 p.m.