

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

March 14, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, March 14, 2022, at City Hall at 6:00 p.m.

At this time, Greg Cook, candidate for Alabama Supreme Court, addressed the Council regarding his campaign.

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 6:11 p.m.

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

At this time, Councilor Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of February 28, 2022 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.

At this time President Wyatt stated that the Park Board Ward 1 application period would be opened until March 28, 2022 at 4:30 p.m. and the Beautification Board At-Large as well as Wards 1, 2, 3 application periods would be opened until April 11, 2022 at 4:30 p.m.

At this time, President Wyatt amended the published Council Agenda to move Item 04.02.22 from the Consent Agenda to the Old Business Agenda.

Councilor Gwaltney moved for the approval of the amended Council 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.

CONSENT AGENDA

03.02.22 Request for consideration to surplus miscellaneous items from Fleet Maintenance Department – **Gordon Jaynes, Fleet Maintenance**

Action Taken: The Finance Committee met on March 7, 2022 and voted 3-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Alemán.

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**

Action Taken: The Finance Committee met on March 7, 2022 and voted 3-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Hardin.

Councilor Geer moved for the approval of the amended 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.

OLD BUSINESS AGENDA

The first 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.

Councilor Smith stated that the Special Issues Committee met on March 7, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing and then drop the item as per request from the homeowner.

President Wyatt declared the Public Hearing opened at 6:16 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 declared the Public Hearing closed at 6:16 p.m.

Councilor Nelms moved to drop this item. Councilor Geer seconded the motion.

President Wyatt asked if asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

The motion carried without dissent.

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.

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

President Wyatt declared the Public Hearing opened at 6:17 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 declared the Public Hearing closed at 6:21 p.m.

President Wyatt 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 6:20 p.m.:

Ordinance No.

(An Ordinance to adopt 2021 Building Codes – Wyatt Pugh, Inspections and Permits)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, 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. 2828

(An Ordinance to adopt 2021 Building Codes – Wyatt Pugh, Inspections and Permits)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2828. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

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.

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

President Wyatt declared the Public Hearing opened at 6:25 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 declared the Public Hearing closed at 6:27 p.m.

President Wyatt 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 6:28 p.m.:

Ordinance No.

(An Ordinance to adjust Building Permits and Fees)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, 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. 2829

(An Ordinance to adjust Building Permits and Fees)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2829. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda 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 (Carried Over at 2/28/22 Council Meeting).

Cale Smith, PE addressed the Council regarding this item.

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

Resolution No. 22-39

(A Resolution to install traffic calming measures on or along Forest Brook Drive, Shades Glen Drive, and Delcris Drive)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-39. 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 Old Business was Item No. 15.02.22 – Public Hearing set for March 14, 2022 at 6:00 p.m. for consideration of a secondary front yard

fence variance at 212 Broadway Street, David Kinman, Owner / Wyatt Pugh, Inspections & Permits.

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

President Wyatt declared the Public Hearing opened at 6:35 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.

David Kinman addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:37 p.m.

President Wyatt 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 following Resolution for the Council's consideration.

Resolution No. 22-40

(A Resolution for a secondary front yard fence variance at 212 Broadway Street)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-40. 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 Old Business was Item No. 01.02.22 – Request to authorize the Mayor to sign FY21-22 BJCTA contract and pay first two quarters – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Smith stated that the Finance Committee met on March 7, 2022 and voted 3-0 to recommend approval.

President Wyatt stated that this item would be carried over for corrected signature on contract from BJCTA.

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

Councilor Smith stated that the Finance Committee met on March 7, 2022 and voted 3-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:39 p.m.:

Ordinance No.

(An Ordinance to surplus miscellaneous items no longer needed for general municipal purposes)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, 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. 2830

(An Ordinance to surplus miscellaneous items no longer needed for general municipal purposes)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2830. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.02.22 - 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.

Councilor Wolverton stated that the Public Works Committee met on March 7, 2022 and voted 5-0 to recommend approval pending proper indemnification agreement.

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

Resolution No. 22-41

(A Resolution to work in the right-of-way to remove and replace a panel of the public sidewalk at 2808 18th Street South, Circa Lighting)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-41. 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 considered under Old Business was Item No. 04.02.22 – Request for consideration for Christmas Tree Project – Councilor Nelms.

Councilor Smith stated that the Special Issues Committee met on March 7, 2022 and voted 5-0 to refer this item to the Beautification Board.

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.

COMMITTEE REFERRAL AGENDA

- 02.03.22** Request to fund GIS Tech II position and amend FY 21-22 Budgets – **Mayor McClusky/Chief Hill, Deputy Chief Broadhead – Finance Committee**
- 03.03.22** Request for permission to work in the ROW to remove unwanted tree at 625 Hambaugh Ave – **Raj Vachhani, Owner/Wyatt Pugh, Inspections & Permits – Public Works Committee**
- 04.03.22** Request for permission to work in the ROW and bore under State Farm Parkway for a domestic and fire water line tap – **Cale Smith, PE – Public Works Committee**
- 05.03.22** Request to install Traffic Calming measures along Morris Boulevard and Sterrett Ave – **Cale Smith, PE – Public Safety Committee**
- 06.03.22** Request for consideration of crosswalk at Ventura / LaPrado – **Jon and Abby Mann / Councilor Andress – Public Safety Committee**
- 07.03.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of declaring the property located at 102 Greensprings Hwy (PID 29-00-14-2-007-002.000) a public nuisance due to a violation of Ordinance 1098 “Litter on Private Property” – **Scott**

Cook, Code Enforcement, Inspections Department – Public Safety Committee

- 08.03.22 Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 159 State Farm Parkway - Ginger Hickey, Pro Signs/Taco Bell / Wyatt Pugh, Building Department – **Special Issues Committee**
- 09.03.22 Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 3450 Manor Drive (PID 28-00-18-1-014-025.000) from R-5 (Attached Dwelling Unit District) to R-6 (Attached Dwelling Unit District): Applicant/Owner: LMS – Brookwood Property, LP as a means to correct and mitigate the current legal, non-conforming status of the property (based on the number of units on the site and other development criteria) to a more appropriate and higher density zoning classification in conjunction with a required, companion Development Plan (The Planning Commission had a vote of 5-0-1 (3 absent, 1 abstained) for a favorable recommendation of the rezone) – **Cale Smith – Planning and Development Committee**
- 10.03.22 Request for consideration of a Complete Streets Ordinance – Councilors Andress, Gwaltney and Sims – Public Safety Committee**

Councilor Andress moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 07.03.22 – Request to set a Public Hearing for consideration of declaring the property located at 102 Greensprings Hwy (PID 29-00-14-2-007-002.000) a public nuisance due to a violation of Ordinance 1098 “Litter on Private Property” – Scott Cook, Code Enforcement, Inspections Department.

President Wyatt stated that the Public Hearing would be set for April 11, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.03.22 – Request to set a Public Hearing for consideration of sign variance(s) at 159 State Farm Parkway - Ginger Hickey, Pro Signs/Taco Bell / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for March 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.03.22 – Request to set a Public Hearing for consideration to rezone 3450 Manor Drive (PID 28-00-18-1-014-025.000) from R-5 (Attached Dwelling Unit District) to R-6 (Attached Dwelling Unit District): Applicant/Owner: LMS – Brookwood Property, LP as a means to correct and mitigate the current legal, non-conforming status of the property (based on the number of units on the site and other development criteria) to a more appropriate and higher density zoning classification in conjunction with a required, companion Development Plan (The Planning Commission had a vote of 5-0-1 (3 absent, 1 abstained) for a favorable recommendation of the rezone) – Cale Smith.

President Wyatt stated that the Public Hearing would be set for April 11, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 01.03.22 – Request for consideration for sponsorship of Vulcans on Parade for placement of a Vulcan reproduction statue – Councilor Smith.

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

Resolution No. 22-42

(A Resolution for sponsorship of Vulcans on Parade for placement of a Vulcan reproduction statue)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-42. 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. 11.03.22 – Request for resolution fixing the costs which it finds were reasonably incurred in the demolition (Res. 21-62) of the structures at 307 West Glenwood Drive and assessing the same against the property (PID 29-00-13-1-020-006.000) – Wyatt Pugh, Building Department.

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

Resolution No. 22-43

(A Resolution fixing the costs which it finds were reasonably incurred in the demolition (Res. 21-62) of the structures at 307 West Glenwood Drive and assessing the same against the property (PID 29-00-13-1-020-006.000))

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-43. 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. 12.03.22 – Request for consideration of an ABC 140 – Special Events Retail license for Interior Elements LLC d/b/a Crawfish Boil Benefit for Restoration Academy located in the Parking Lot of 2821 Central Ave Ste 109 – Melody Salter, CPA, City Clerk/Robert Burgett, Finance Director.

Councilor Gwaltney moved for having no objections to the issuance of the ABC 140 – Special Events Retail license. 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. 13.03.22 – Request for consideration of approval of vouchers for period of March 1, 2022 through March 14, 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. 22-44

(A Resolution for approval of vouchers for period of March 1, 2022 through March 14, 2022)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 22-44. 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 Pro-Tempore Jones stated that the Committees would meet on March 21, 2022, starting with the Finance Committee at 5:00 p.m. with the 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 7:14 p.m.