

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

**March 29, 2021**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, March 29, 2021 at City Hall at 6:00 p.m.

The invocation was given by Pastor Matt Andrews, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:06 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 Andress, John Hardin, and Alex Wyatt and 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.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of March 8, 2021 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.

President Wyatt stated that the application periods would be opened for the Ward 1 Municipal Housing Code Abatement Board, Ward 3 Library Board, and Ward 1 Board of Education positions until April 12, 2021 at 4:30 p.m.

Mayor McClusky stated that the application period for At-Large positions of the Beautification Board would be opened until April 12, 2021 at 4:30 p.m.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 22.03.21 – Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a variance to increase size of two wall signs at 2719 19th Place South - Rod Burchell, Alphagraphics/ Wyatt Pugh, BEZ – Special Issues Committee.

Councilor Gwaltney moved for the approval of the amended Council Agenda. 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.

### **CONSENT AGENDA**

**11.01.21** Request for consideration for City Murals – **Councilor Jennifer Address and Planning Commission Chair Jeff Foster**

**Action Taken: The Planning and Development Committee met and, after discussion, voted 4-1 to recommend dropping this item. The motion was made by Councilor Wolverton and seconded by Councilor Nelms. Councilor Address voted no.**

Councilor Alemán 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. 17.02.21 – Public Hearing set for March 29, 2021 at 6:00 p.m. for consideration to rezone property at 2713 18<sup>th</sup> Street South (PID 28-00-07-3-014-006.000) from a MXD (Mixed Use District) to C-4 (a)(Retail Shopping District): Applicant: Michael A. Mouron /Owner: MAM Investments) to facilitate the development of a new restaurant. (The Planning Commission had a vote of 7-1 for a favorable recommendation of the rezone) – Wyatt Pugh.

Councilor Address stated that the Planning and Development Committee met on March 1, 2021 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 6:14 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 Council.

President Wyatt declared the Public Hearing closed at 6:15 p.m.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:15 p.m.:

**Ordinance No.**

**(An Ordinance to rezone property at 2713 18<sup>th</sup> Street South (PID 28-00-07-3-014-006.000) from a MXD (Mixed Use District) to C-4 (a)(Retail Shopping District): Applicant: Michael A. Mouron /Owner: MAM Investments) to facilitate the development of a new restaurant)**

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

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, 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. 2800**

**(An Ordinance to rezone property at 2713 18<sup>th</sup> Street South (PID 28-00-07-3-014-006.000) from a MXD (Mixed Use District) to C-4 (a)(Retail Shopping District): Applicant: Michael A. Mouron /Owner: MAM Investments) to facilitate the development of a new restaurant)**

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2800. 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, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 09.03.21 – Public Hearing set for March 29, 2021 at 6:00 p.m. for a fence variance at 517 Woodland Drive – Councilors Walter Jones and Nick Sims.

Councilor Smith stated that the Special Issues Committee met on March 15, 2021 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 6:22 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.

Mr. Jimbo Terrell at 517 Woodland Drive addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:24 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. 21-40**

**(A Resolution for a fence variance at 517 Woodland Drive)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-40. 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 on the Agenda under Old Business was Item No. 16.02.21 – Request for permission to work in the city right-of-way at 511 Edgeland Place to add fill dirt and plant a tree – Dawn Curtis/Wyatt Pugh, BEZ.

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

**Resolution No. 21-41**

**(A Resolution for permission to work in the city right-of-way at 511 Edgeland Place to add fill dirt and plant a tree)**

President Wyatt asked if the Council had any questions or comments regarding the motion from the Special Issues 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. 02.03.21 – Request to declare the following vehicles surplus: 2011 International (VIN 1HTWCAAR4BJ368654); 1994 International 4700 Aerial Lift (VIN 1HTSCACN4RH573028); 2000 Ford F450 Super Duty Bucker Truck (VIN 1FDXF46F6YED73652; 6' X 12' utility trailer; 1997 Ford Taurus GL (VIN 1FALP52U5VG310185).

Councilor Jones stated that the Finance Committee met on March 15, 2021 and voted 4-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:26 p.m.:

**Ordinance No.**

**(An Ordinance to declare the following vehicles surplus: 2011 International (VIN 1HTWCAAR4BJ368654); 1994 International 4700 Aerial Lift (VIN 1HTSCACN4RH573028); 2000 Ford F450 Super Duty Bucker Truck (VIN 1FDXF46F6YED73652; 6' X 12' utility trailer; 1997 Ford Taurus GL (VIN 1FALP52U5VG310185)**

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

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, 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. 2801**

**(An Ordinance to declare the following vehicles surplus: 2011 International (VIN 1HTWCAAR4BJ368654); 1994 International 4700 Aerial Lift (VIN 1HTSCACN4RH573028); 2000 Ford F450 Super Duty Bucker Truck (VIN 1FDXF46F6YED73652; 6' X 12' utility trailer; 1997 Ford Taurus GL (VIN 1FALP52U5VG310185)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2801. Councilor Address 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 carried without dissent.

The next item on the Agenda under Old Business was Item No. 03.03.21 – Request to authorize an Individual Project Order for Kimley-Horn and Assoc. to provide design and construction documents for the Saulter Road sidewalk project. Clark Bailey, Kimley-Horn / Wyatt Pugh, BEZ.

Councilor Jones stated that the Finance Committee met on March 15, 2021 and voted 5-0 to recommend approval.

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

**Resolution No. 21-42**

**(A Resolution to authorize an Individual Project Order for Kimley-Horn and Assoc. to provide design and construction documents for the Saulter Road sidewalk project)**

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. 10.03.21 – Request to create City Engineer position with the Jefferson County Personnel Board (JCPB) and to Fund position in FY 20-21 Budget.

Councilor Jones stated that the Finance Committee met on March 15, 2021 and voted 5-0 to recommend approval.

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

**Resolution No. 21-43**

**(A Resolution to create City Engineer position with the Jefferson County Personnel Board (JCPB))**

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.

**Resolution No. 21-44**

**(A Resolution to fund City Engineer position with the Jefferson County Personnel Board (JCPB))**

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. 11.03.21 – Request for consideration of contracts per retiring employees request regarding health insurance – President Alex Wyatt.

Councilor Jones stated that the Finance Committee met on March 15, 2021 and voted 5-0 to recommend approval.

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

**Resolution No. 21-45**

**(A Resolution to approve contracts per retiring employees request regarding health insurance)**

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 was Item No. 02.11.20 – Request for consideration of franchise agreement for C-Spire – Andy Gwaltney.

Councilor Wolverton stated that the Public Works Committee met on March 15, 2021 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 6:33 p.m.:

**Ordinance No.**

**(An Ordinance for franchise agreement for C-Spire)**

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

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. 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, 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. 2802**

**(An Ordinance for franchise agreement for C-Spire)**

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2802. 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, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 04.03.21 – Bid Opening set for April 19<sup>th</sup> at 4:31 p.m. for the Mamie L. Fosters/Rosedale Drive intersection improvement project – Wyatt Pugh/BEZ.

Councilor Wolverton stated that the Public Works Committee met on March 15, 2021 and voted 5-0 to recommend approval and to refer to the Finance Committee.

**COMMITTEE REFERRAL AGENDA**

- 12.03.21** Request to authorize an Individual Project Order for Kimley-Horn and Assoc. to provide design and construction documents for placement of sidewalk options to the Mecca Avenue sidewalk project – **Clark Bailey, Kimley-Horn / Wyatt Pugh, BEZ – Finance Committee**
- 13.03.21** Request to hear proposal from Avenu regarding delinquent business license recovery for out-of-town businesses – **Councilor Walter Jones/Robert Burgett- Finance Director – Assistant City Clerk and Melody Salter – City Clerk/Assistant Finance Director – Finance Committee**
- 14.03.21** Request to amend FY 20-21 Budgets – **Wyatt Pugh/Gordon Jaynes/Robert Burgett/Melody Salter – Finance Committee**



- 15.03.21** Request for city to remove pole-mounted street light in front of 2719 19th ST S. **Susan Zuber / Wyatt Pugh, BEZ – Public Safety Committee**
- 16.03.21** Request for consideration of AT & T Easement at 234 Goodwin Crest Drive **Wyatt Pugh, BEZ – Public Works Committee**
- 17.03.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a side yard setback variance for a fence at 3017 Roxbury Road – **Patrick Jackson, Homeowner / Wyatt Pugh, BEZ – Special Issues Committee**
- 18.03.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for to permit a front yard fence partially in the right-of-way along the creek at 624 Forest – **Scott Smith, Homeowner / Wyatt Pugh, BEZ – Special Issues Committee**
- 22.03.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a variance to increase size of two wall signs at 2719 19th Place South - **Rod Burchell, Alphagraphics/ Wyatt Pugh, BEZ – Special Issues Committee**

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

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 17.03.21 – Request to set a Public Hearing for consideration of a side yard setback variance for a fence at 3017 Roxbury Road – Patrick Jackson, Homeowner / Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for April 12, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 18.03.21 – Request to set a Public Hearing for to permit a front yard fence partially in the right-of-way along the creek at 624 Forest Drive – Scott Smith, Homeowner / Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for April 12, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.03.21 – Request for consideration of ABC 020 – Restaurant Retail Liquor license for Little London Kitchen, LLC d/b/a The Little London located at 162 Oxmoor Road – Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Jones moved for approval pending letter of no objection from the Fire Department. 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 Other New Business was Item No. 20.03.21 – Request for consideration of ABC License (140 – Special Events Retail) for Café Iz, LLC d/b/a The Service Guild of Birmingham Inc Gala at 1 Independence Plaza (Parking Lot) on April 24, 2021 (No Fire Inspection Needed/Background Check Completed 1/14/21 for previous event) – Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Gwaltney moved for approval. 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 on the Agenda under Other New Business was Item No. 21.03.21 – Request for consideration of approval of vouchers for period of March 9, 2021 through March 29, 2021 – Robert Burgett, Finance Director / Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

**Resolution No. 21-46**

**(A Resolution for approval of vouchers for period of March 9, 2021 through March 29, 2021)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-46. 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 Other New Business was Item No. 22.03.21 – Request to set a Public Hearing for consideration of a variance to increase size of two wall signs at 2719 19th Place South - Rod Burchell, Alphagraphics/ Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for April 12, 2021 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on April 5, 2021 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on April 5, 2021 at 5:30 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on April 5, 2021 at 5:45 p.m.

Councilor Smith stated that the Special Issues Committee would meet on April 5, 2021 at 6:00 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on April 5, 2021 at 6:20 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:08 p.m.