

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

April 24, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, April 24, 2023 at City Hall at 6:00 p.m.

At this time, Mayor McClusky recognized Prescott House for 35 years of service.

Mayor McClusky then presented a proclamation recognizing the week of April 24th as National Library Week.

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 6:06 p.m.

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

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of April 10, 2023 and approve them as presented. 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.

President Wyatt stated that interviews would be set for the Ward 2 Beautification Board position for May 2, 2023, starting at 5:30 p.m.

President Wyatt then stated that the Ward 5 Abatement Board application period would be reopened until May 22, 2023 at 4:30 p.m.

Councilor Smith moved to appoint Sheetal Cordry to the Ward 4 Board of Education position. 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.

Councilor Wolverton moved for the approval of the published 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

17.02.23 Request for permission to work in the Right-of-Way at the American Legion building at 4 Hollywood Blvd – **Councilor Andress**

Action Taken: The Finance Committee met on April 17, 2023 and voted 5-0 to remove this item from the Table. The motion was made by Councilor Smith and seconded by Councilor Hardin. The Committee then voted 5-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Gwaltney.

Councilor Wolverton moved for the approval of the Consent Agenda. 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 01.04.23 – Request to authorize the Mayor to sign contract with The Assistance League of Birmingham and pay FY 22-23 appropriation – J.J. Bischoff, Chief of Staff.

Councilor Smith stated that the Finance Committee met on April 17, 2023 and voted 4-0-1 to recommend approval.

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

Resolution No. 23-59

(A Resolution to authorize the Mayor to sign contract with The Assistance League of Birmingham and pay FY 22-23 appropriation)

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. 02.04.23 – Request to participate in programs with the Lakeshore Foundation – Jeff Underwood / J.J. Bischoff, Chief of Staff.

Councilor Smith stated that the Finance Committee met on April 17, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-60

(A Resolution to participate in programs with the Lakeshore Foundation)

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. 03.04.23 – Request to amend FY 22-23 Budget for Street Department – Berkley Squires/Public Works Director.

Councilor Smith stated that the Finance Committee met on April 17, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-61

(A Resolution to amend FY 22-23 Budget for Street Department)

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. 04.04.23 – Request for consideration to fund two Litter Gitters – Berkley Squires/Public Works Director / Councilor Address.

Councilor Smith stated that the Finance Committee met on April 17, 2023 and voted 5-0 to recommend approval to amend the budget for \$7,500 but recommended approval of \$40,000 contract.

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

Resolution No. 23-62

(A Resolution to fund two Litter Gitters)

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. 05.04.23 – Request to set Bid Date for the City Hall parking deck repair and restoration project – Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Finance Committee met on April 17, 2023 and voted 5-0 to recommend approval but upon further review this work was in the original contract so budget amendment was not needed.

Councilor Smith moved to drop this part of the item from the Council Agenda and leave item in the Finance Committee. 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 Old Business was Item No. 26.03.23 – Request for permission to sign an indemnification agreement for work performed in the right-of-way at 610 Broadway – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on April 17, 2023 and voted 5-0 to recommend approval pending indemnification agreement.

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

Resolution No. 23-63

(A Resolution for approval to sign an indemnification agreement for work performed in the right-of-way at 610 Broadway)

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 on a vote of 7-1. Councilor Nelms voted no.

The next item on the Agenda under Old Business was Item No. 06.04.23 – Request for consideration to vacate a portion of unnamed city Right-of-Way adjacent to 328 Redfern Street – David Mitchell / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on April 17, 2023 and voted 5-0 to recommend setting a Public Hearing for June 12, 2023 at 6:00 p.m. and to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt stated that the Public Hearing would be set for June 12, 2023 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.04.23 – Request for consideration of absolving the Cable Commission – Councilors Andress and Jones.

Councilor Smith stated that the Special Issues Committee met on April 17, 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 6:19 p.m.:

Ordinance No.

(An Ordinance absolving the Cable Commission)

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, Alemán, Wolverton, Smith, Nelms, 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. 2865

(An Ordinance absolving the Cable Commission)

Councilor Geer moved for the enrollment and adoption and publication according to law of Ordinance No. 2865. Councilor Wolverton seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Smith, Nelms, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.04.23 – Request for consideration to permit use of the City Hall Plaza for Summer and Fall tournaments by CornholeBHM, a Social Cornhole league – John Pietrantoni, CornholeBHM / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on April 17, 2023 and voted 5-0 to recommend approval with the event dates occurring on Mondays, June 12th through July 17th, and September 11th through October 16th from 6:00 p.m. to 7:30 p.m.

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

Resolution No. 23-64

(A Resolution to permit use of the City Hall Plaza for Summer and Fall tournaments by CornholeBHM, a Social Cornhole league)

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.09.04.23 – Request to use Plaza for a Street Vault Competition on July 8, 2023 – Chris Spear / J.J. Bischoff, Chief of Staff.

Councilor Smith stated that the Special Issues Committee met on April 17, 2023 and voted 5-0 to recommend approval from use of both the Plaza and Rosewood Hall Lobby and Councilor Smith stated that the organization had their own insurance coverage.

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

Resolution No. 23-66

(A Resolution to use Plaza for a Street Vault Competition on July 8, 2023)

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. 12.03.23 – Public Hearing set for April 24, 2023 at 6:00 p.m. 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.

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.

Cale Smith address the Council regarding this item and then the following residents addressed the Council in support of the item: Brian Krogsgard, Tom Walker,

Matt Oberneder, Beverly LeBoeuf, Michael Eady, Taylor Rowell, Paul Harbin, Jill Kimbrell, Nicole Burton, and Chris Cain.

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. 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 6:42 p.m.:

Ordinance No.

(An Ordinance to approve a Text Amendment to the City's Zoning Ordinance for West Homewood District)

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Smith, Nelms, 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. 2866

(An Ordinance to approve a Text Amendment to the City's Zoning Ordinance for West Homewood District)

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2866. Councilor Wolverton seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Smith, Nelms, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.03.23 – Public Hearing set for April 24, 2023 at 6:00 p.m. 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.

President Wyatt declared the Public Hearing opened at 6:48 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.

Tom Walker addressed the Council regarding this item and then the following residents addressed the Council in support of the item: Michael Eady, Matt Oberneder, Ashley Driskill, Beverly LeBoeuf, Jill Kimbrell, Taylor Rowell, Niclole Burton, Paul Harbin, and Brian Krogsgard.

President Wyatt declared the Public Hearing closed at 7:14 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 7:27 p.m.:

Ordinance No.

(An Ordinance 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.)

Councilor Wolverton moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Smith, Nelms, 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. 2867

(An Ordinance 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.)

Councilor Wolverton moved for the enrollment and adoption and publication according to law of Ordinance No. 2867. Councilor Alemán seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Smith, Nelms, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

11.04.23 Request for consideration to amend the FY22-23 Budget – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

12.04.23 Request for permission to work in the Right-of-Way to replace a fence adjacent to 1004 Edgewood Boulevard – **James and Kate Morris / Wyatt Pugh, Building Department – Public Works Committee**

Councilor Smith 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. 13.04.23 – Request for consideration of approval of vouchers for period of April 11, 2023 through April 24, 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. 23-66

(A Resolution for approval of vouchers for period of April 11, 2023 through April 24, 2023)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-66 including late additions from Greensprings project. Councilor Harding 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 May 1, 2023 at 5:00 p.m. with Public Works meeting immediately following the previous meeting. The Public Safety, Special Issues, and Planning and Development Committees were not scheduled to meet on May 1, 2023.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:43 p.m.