

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

April 26, 2021

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, April 26, 2021 at City Hall at 6:00 p.m.

At this time Mayor McClusky provided a presentation honoring Eagle Scout Troop 97.

Representative Faulkner then presented a Resolution from the Governor's Office to Demetri's BBQ to recognize the restaurant's as the oldest restaurant in Homewood, continuously operated by the same family.

The invocation was given by Melody Salter, City Clerk, after which the pledge of allegiance was given by Eagle Scout Troop 97.

The meeting was called to order by President Wyatt at 6:13 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, 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 April 12, 2021 and approve them as amended. 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.

At this time, President Wyatt asked if the Council had any Board appointments.

Councilor Gwaltney moved to re-appoint Justin Russell to the Ward 1 Board of Education position. 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 Sims moved to appoint Dr. Keya Kraft to the Library Board. 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.

Councilor Smith left the Council Chambers at 6:15 p.m.

Mayor McClusky appointed Alexis McBrayer and Christopher Smith to the Beautification Board.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 18.04.21 – Request for consideration to surplus obsolete and/or equipment no longer needed for municipal purposes – James Yates, IT Director / Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director – Finance Committee.

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

CONSENT AGENDA

01.04.21 Request to consider mid-year review for FY 20-21 per Fiscal Policy – **Robert Burgett/Finance Director & Assistant City Clerk and Melody Salter/City Clerk/Assistant Finance Director**

Action Taken: After hearing report from Robert Burgett, Finance Director, the Finance Committee met on April 19, 2021 and voted 5-0 to accept the report. The motion was made by Councilor Smith and seconded by Councilor Gwaltney.

11.11.20 Request for consideration of changes to crosswalk at Oxmoor and St. Charles – **Councilor Andy Gwaltney**

Action Taken: The Public Safety Committee met on April 19, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Jones and seconded by Councilor Wolverton.

15.03.21 Request for city to remove pole-mounted street light in front of 2719 19th ST S. **Susan Zuber / Wyatt Pugh, BEZ**

Action Taken: The Public Safety Committee met on April 19, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Jones and seconded by Councilor Wolverton.

Councilor Alemán moved for the approval of the Consent 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 18.03.21 – Public Hearing continued from April 12, 2021 at 6:00 p.m. 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 (Public Hearing Continued and Item Carried Over 4/12/21).

President Wyatt continued the Public Hearing at 6:18 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. Wyatt Pugh addressed the Council regarding this item,

President Wyatt declared the Public Hearing closed at 6:20 p.m.

President Wyatt asked if the Council had any questions or comments regarding this 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. 21-52

(A Resolution to permit a front yard fence partially in the right-of-way along the creek at 624 Forest Drive)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 21-52 pending indemnification agreement. 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. 22.03.21 – Public Hearing continued from April 12, 2021 at 6:00 p.m. for consideration of a variance to increase size of two wall signs at 2719 19th Place South - Rod Burchell, Alphagraphics/ Wyatt Pugh, BEZ (Public Hearing Continued and Item Carried Over 4/12/21).

President Wyatt continued the Public Hearing 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. Wyatt Pugh addressed the Council regarding this item,

President Wyatt declared the Public Hearing closed at 6:23 p.m.

President Wyatt asked if the Council had any questions or comments regarding this 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. 21-53

(A Resolution for consideration of a variance to increase size of two wall signs at 2719 19th Place South)

Councilor Nelms moved for the adoption and enrollment of Resolution No. 21-53. Councilor Sims 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. 02.04.21 – Public Hearing set for April 26, 2021 at 6:00 p.m. for consideration of a variance to the sign ordinance to add one additional wall sign at 2713 18th Street South – Wes Daniel, Daniel Sign Company / Wyatt Pugh, BEZ.

Councilor Andress stated that the Special Issues Committee met on April 19, 2021 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing at 6:29 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. Wyatt Pugh addressed the Council regarding this item,

President Wyatt declared the Public Hearing closed at 6:29 p.m.

President Wyatt asked if the Council had any questions or comments regarding this 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. 21-54

(A Resolution for a variance to the sign ordinance to add one additional wall sign at 2713 18th Street South)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 21-54. 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.

The next item on the Agenda under Old Business was Item No. 03.04.21 – Public Hearing set for April 26, 2021 at 6:00 p.m. for consideration of a fence setback variance at 200 Morris Boulevard – Wyatt Pugh, BEZ.

Councilor Andress stated that the Special Issues Committee met on April 19, 2021 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing 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.

Mr. Wyatt Pugh and Justin Hefner addressed the Council regarding this item,

President Wyatt declared the Public Hearing closed at 6:31 p.m.

President Wyatt asked if the Council had any questions or comments regarding this 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. 21-55

(A Resolution a fence setback variance at 200 Morris Boulevard)

Councilor Andress moved for the adoption and enrollment of Resolution No. 21-55. 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.

The next item on the Agenda under Old Business was Item No. 13.02.21 – Public Hearing set for May 10, 2021 at 6:00 p.m. for consideration of changes to the landscaping and tree requirements – Councilors Gwaltney and Andress (Referred from Planning Commission on a 5-0-1 Favorable Vote).

President Wyatt stated that this item would be carried over for the Public Hearing set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.04.21 – Public Hearing set for May 10, 2021 at 6:00 p.m. for consideration to rezone two small strips of land resulting from one resurvey. Request to rezone a strip of land at 316 Sterrett Avenue (PID 29-00-14-4-002-032.021) to be added to 320 Sterrett Avenue (29-00-14-4-006-011.000) from PR-1 (Planned Residential District) to NPD (Neighborhood Preservation District); and to rezone a strip of land at 320 Sterrett Avenue (29-00-14-4-006-011.000) to be added to 316 Sterrett Avenue (PID 29-00-14-4-002-032.021) from NPD (Neighborhood Preservation District) to PR-1 (Planned Residential District): Applicant: Ronald Vant Erve /Owners: Ronald Vant Erve & Charles A, Williams (The Planning Commission had a vote of 9-0 for a favorable recommendation of this rezone) – Vicki Smith, Zoning Supervisor.

President Wyatt stated that this item would be carried over for the Public Hearing set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 06.04.21 – Public Hearing set for May 10, 2021 at 6:00 p.m. for consideration to declare the property at 307 West Glenwood Drive (PID #29-00-13-1-020-006.000) a Public Nuisance – Wyatt Pugh, BEZ.

President Wyatt stated that this item would be carried over for the Public Hearing set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 07.04.21 – Public Hearing set for May 10, 2021 at 6:00 p.m. for consideration to declare the property at 809 Columbiana Road (PID #20-00-23-0-001-032.000) a Public Nuisance – Wyatt Pugh, BEZ.

President Wyatt stated that this item would be carried over for the Public Hearing set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 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 (Carried Over 4/12/21).

Councilor Jones stated that the Finance Committee met on April 5, 2021 and voted 5-0 for approval pending contract review.

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

Resolution No. 21-56

(A Resolution to approve proposal from Avenu regarding delinquent business license recovery for out-of-town businesses)

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. 25.04.21 – Request for consideration of 18th Street Revitalization Project – Andy Gwaltney.

Councilor Jones stated that the Finance Committee met on April 19, 2021 and voted 5-0 to refer back to the full Council without recommendation pending report.

The Council voted 10-0 to enter into Executive Session. The motion was made by Councilor Jones and seconded by Councilor Andress.

Mr. Kendrick stated that the sole purpose for entering into Executive Session at this time was to discuss purchase of property.

Councilor Wolverton left the Council Chambers.

The Council moved into Executive Session at 6:36 p.m.

The Committee then voted 9-0 to reconvene the regular session. The motion was made by Councilor Jones and seconded by Councilor Hardin.

The Council reconvened into Regular Session at 7:00 p.m.

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

Resolution No. 21-57

(A Resolution approving temporary condemnation of construction easement of Tract 7 to allow City to build sidewalks on City property)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-57. 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 Old Business was Item No. 04.03.21 – Bid Opening set for April 19, 2021 at 4:31 p.m. for the Mamie L. Fosters/Rosedale Drive intersection improvement project – Wyatt Pugh/BEZ.

Councilor Jones stated that the Finance Committee met on April 19, 2021 and voted 5-0 to recommend accepting bid from Dunn Construction, the lowest responsible bidder.

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

Resolution No. 21-58

(A Resolution to amend budget for \$142,384)

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.

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

Resolution No. 21-59

(A Resolution to accept bid from Dunn Construction)

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. 01.03.21 – Request for consideration to add a crosswalk between 232 and 236 Hall Ave at the end of the cut through for neighborhood – Mario Neavez/Councilor Alemán.

Councilor Jones stated that the Finance Committee met on April 19, 2021 and voted 5-0 to recommend approval of up to \$4,000 from Sidewalk Repair.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:11 p.m.:

Ordinance No.

(An Ordinance to add a crosswalk between 232 and 236 Hall Ave at the end of the cut through for neighborhood)

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 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, Sims, Jones, 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. 2804

(An Ordinance to add a crosswalk between 232 and 236 Hall Ave at the end of the cut through for neighborhood)

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2804. 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, Sims, Jones, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.04.21 – Request for consideration for a tent variance for Trinity Methodist Vacation Bible School (VBS) – Councilor Smith.

Councilor Andress stated that the Special Issues Committee met on April 19, 2021 and voted 5-0 to recommend approval.

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

Resolution No. 21-60

(A Resolution for a tent variance for Trinity Methodist Vacation Bible School (VBS))

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. 04.04.21 – Request for consideration to rezone northern portion (1.9927 acres) of 260 Oxmoor Road (PID 29-00-14-3-004-008.000) from a GURD (Greensprings Urban Renewal District) to C-5 (General Business District): Applicant: Chelsey Payne, Massey, Stotser & Nichols, PC /Owner: ADMA, Inc. to permit the construction of a three-story storage facility (The Planning Commission had a vote of 9-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

Councilor Andress stated that the Special Issues Committee met on April 19, 2021 and voted 5-0 to set a Public Hearing for May 24, 2021 at 6:00 p.m. and to carry this item over in Committee for further review.

President Wyatt stated that the Public Hearing would be set for May 24, 2021 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 11.04.21** Request to authorize the Mayor to sign contract with Motorola Solutions for the annual maintenance agreement for the public safety radio system and NICE radio recorder – **Chief Nick Hill & Battalion Chief Broadhead – Finance Committee**
- 12.04.21** Request for consideration to permit use of the city hall plaza on a recurring basis for tournaments by CornholeBHM, a Social Cornhole league - **John Pietrantonio, CornholeBHM/Wyatt Pugh, BEZ – Special Issues Committee**
- 13.04.21** Request for consideration of budget amendments for FY 20-21 Budgets – **Mayor McClusky, Robert Burgett, Finance Director/Assistant City**

Clerk and Melody Salter, City Clerk/Assistant Finance Director – Finance Committee

- 14.04.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration to permit a front yard fence at 1850 Lake Ridge Road. **Chase Bowers, Homeowner / Wyatt Pugh, BEZ – Special Issues Committee**
- 15.04.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for a variance to the Sign Ordinance at 2831 Linden Avenue. **Michael Disko / Wyatt Pugh, BEZ – Special Issues Committee**
- 18.04.21** Request for consideration to surplus obsolete and/or equipment no longer needed for municipal purposes – **James Yates, IT Director / Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Committee**

Councilor Wolverton 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.

10.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 14.04.21 – Request to set a Public Hearing for consideration to permit a front yard fence at 1850 Lake Ridge Road – Chase Bowers, Homeowner / Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 15.04.21 – Request to set a Public Hearing for a variance to the Sign Ordinance at 2831 Linden Avenue. Michael Disko / Wyatt Pugh, BEZ – Special Issues Committee.

President Wyatt stated that the Public Hearing would be set for May 10, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 16.04.21 – Request for consideration to appoint a City Arborist – Mayor McClusky.

Councilor Andress stated that the Mayor has appointed Abraham Overtien as the City Arborist. President Wyatt stated that this was a Mayoral Appointment and Mr. Kendrick would put together a contract for approval at the next Council Meeting.

The next item on the Agenda under Other New Business was Item No. 17.04.21 – Request for consideration of approval of vouchers for period of April 13, 2021 through April 26, 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. 21-61

(A Resolution for approval of vouchers for period of April 13, 2021 through April 26, 2021)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 21-61. 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.

Councilor Jones stated that the Finance Committee would meet on May 3, 2021 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would not meet on May 3, 2021.

Councilor Wolverton stated that the Public Works Committee would meet on May 3, 2021 at 5:30 p.m.

Councilor Andress stated that the Special Issues Committee would meet on May 3, 2021 at 5:45 p.m. and the Planning and Development Committee would not meet.

President Wyatt stated that a Council Work Session would be set for May 10, 2021 at 5:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:31 p.m.