

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

May 9, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, May 9, 2022, at City Hall at 6:00 p.m.

At this time, Judge Adrienne Powell, Candidate for Jefferson County Circuit Court Place 23, Domestic Relations, addressed the Council regarding her campaign.

The invocation was given by Robert Burgett, after which the pledge of allegiance was given.

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 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: Walter Jones and John Hardin.

At this time, Councilor Alemán moved to dispense with the reading of the Minutes of the Council Meeting of April 25, 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, Councilor Andress moved to dispense with the reading of the Minutes of the Special Called Council Meeting of April 29, 2022 and approve them as presented. 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.

At this time President Wyatt added the following items to the published Council Agenda to the Committee Referral Agenda: Item No. 15.05.22 – Request for tax abatements for property at 740 Shades Creek Parkway – Trey Hill and David Silverstein – Finance Committee; Item No. 16.05.22 – Request to amend Ordinance 2810 to accurately reflect land – Planning and Development Committee; Item No. 17.05.22 – Request for consideration to adjust membership to Arts Advisory Council – Councilor Geer/President Wyatt.

Councilor Alemán moved for the approval of the amended 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.

CONSENT AGENDA

24.04.22 Request to authorize the Mayor to sign a purchase agreement with NAFECO for fire equipment – **Chief Hill, Fire Department**

Action Taken: The Finance Committee met on May 2, 2022 and voted 5-0 to drop this item as the Mayor signed contract at April 25, 2022 Council Meeting and there would be no funding until FY 22-23 Budget. The motion was made by Councilor Smith and seconded by Councilor Alemán.

Councilor Wolverton moved for the approval of the amended 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. 05.04.22 – Public Hearing opened and continued on April 25, 2022 at 6:00 p.m. for consideration of a pole sign variance at 1724 27th Ct S – Tim Coker / Wyatt Pugh, Building Department (Carried Over 4/25/22).

Councilor Smith stated that the Special Issues Committee met on May 2, 2022 and 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt continued the Public Hearing at 6:18.

President Wyatt asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Tim Coker addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:28 p.m.

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

Councilor Alemán moved for approval. Councilor Smith seconded the motion.

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

On a voice vote, the motion failed on a vote of 0-9.

The next item on the Agenda under Old Business was Item No. 17.04.22 – Public Hearing set for May 9, 2022 at 6:00 p.m. for consideration of a pole sign variance at 2821 Central Avenue – Candice Watson. Signage Inc./The Battery Restaurant/Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on May 2, 2022 and 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing at 6:25 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.

Dan Hawes addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:26p.m.

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

Councilor Andress moved for approval. 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 failed on a vote of 1-8. Councilor Gwaltney voted yes.

The next item on the Agenda under Old Business was Item 18.04.22 – Public Hearing set for May 9, 2022 at 6:00 p.m. for consideration two roof sign variances at 2821 Central Avenue – Candice Watson. Signage Inc./The Battery Restaurant/Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on May 2, 2022 and 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing at 6:39 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.

Dan Hawes addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:40p.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 following Resolution for the Council's consideration.

Resolution No. 22-68

(A Resolution for two roof sign variances at 2821 Central Avenue)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-68. 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. 19.04.22 – Public Hearing set for May 9, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 1669 Beckham Drive – Jake Shackelford/Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on May 2, 2022 and 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing and applicant requested to drop this item.

President Wyatt opened the Public Hearing at 6:42 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 6:42p.m.

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

Councilor Smith moved to drop this item. 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. 20.04.22 – Public Hearing set for May 9, 2022 at 6:00 p.m. consideration of sign variances at 740 Shades Creek Parkway – David Silverstein, Five Stone Group/Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on May 2, 2022 and 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing at 6:44 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 Silverstein addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:49 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 following Resolution for the Council's consideration.

Resolution No. 22-69

(A Resolution for sign variances at 740 Shades Creek Parkway)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-69. 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 11.04.22 – Request to consider sponsoring 4th of July Fireworks with Vulcan Park Foundation – Councilor Andress.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-70

(A Resolution for sponsoring 4th of July Fireworks with Vulcan Park 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. 12.04.22 – Request to authorize the Mayor to sign 36-month lease with Ameritek for City copiers – Robert Burgett, Finance Director.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-71

(A Resolution to authorize the Mayor to sign 36-month lease with Ameritek for City copiers)

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. 13.04.22 0 Request to authorize the Mayor to sign annual maintenance agreement with Motorola for radio system and NICE recorder – Chief Hill, Deputy Chief Broadhead- Fire Department/E-911.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-72

(A Resolution to authorize the Mayor to sign annual maintenance agreement with Motorola for radio system and NICE recorder)

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. 14.04.22 – Request for consideration of funding for the leveling of Yorkshire – Berkley Squires, Public Services Director.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to recommend approval of \$42,225.00 from Street Materials 2017 Iberia GOW Refi..

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

Resolution No. 22-73

(A Resolution for funding for the leveling of Yorkshire)

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. 15.04.22 – Request to amend FY 21-22 Budgets – Debbie Fout, Library Director/Chief Hill, Fire Dept/Robert Burgett, Finance Director.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-74

(A Resolution to amend FY 21-22 Budgets)

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. 16.04.22 – Request to declare unused property surplus – Chief Hill and Deputy Chief Broadhead, Fire Dept.

Councilor Smith stated that the Finance Committee met on May 2, 2022 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 6:56p.m.:

Ordinance No.

(An Ordinance to declare unused property surplus)

Councilor Smith 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, Smith, Nelms, Andress, and Wyatt.

The motion for unanimous consent carried.

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

Ordinance No. 2838

(An Ordinance to declare unused property surplus)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2838. 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, Smith, Nelms, Andress, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 20.03.22 – Request for permission to work in the City Right-of-Way and install pipe under Oxmoor Road for 596 Forest Drive – Cale Smith, City Engineer.

Councilor Wolverton stated that the Public Works Committee met on May 2, 2022 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. 22-75

(A Resolution for permission to work in the City Right-of-Way and install pipe under Oxmoor Road for 596 Forest 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. 09.04.22 – Request for permission to keep and make improvements to an existing sign in the right-

of-way 3507 Old Montgomery Hwy– Don Hawes, Signage Inc. /Backus Smiles Orthodontics/Wyatt Pugh, Building Department.

Councilor Wolverton stated that the Public Works Committee met on May 2, 2022 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. 22-76

(A Resolution for permission to keep and make improvements to an existing sign in the right-of-way 3507 Old Montgomery Hwy)

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. 10.04.22 – Request for city to consent to amended restated and consolidated declaration of easements for Brookwood Medical Center – Mike Kendrick, City Attorney.

Councilor Andress stated that the Planning and Development Committee met on May 2, 2022 and voted 3-0-2 to recommend approval.

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

Resolution No. 22-77

(A Resolution for city to consent to amended restated and consolidated declaration of easements for Brookwood Medical Center)

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

On a voice vote, the motion carried on a vote of 7-0-2. Councilors Andress and Wolverton abstained.

The next item on the Agenda under Old Business was Item No. 01.12.21 – Request for consideration for observing Juneteenth as a City Holiday – Mayor McClusky.

Councilor Smith stated that the Finance Committee met on May 2, 2022 and voted 5-0 to refer this item to the Mayor.

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.

COMMITTEE REFERRAL AGENDA

- 01.05.22** Request for Audit Presentation for FY 20-21 – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 02.05.22** Request for permission to work in the Right-of-Way to remove trees adjacent to 1703 Shades Park Drive – **William Siegel, Twin Construction //Wyatt Pugh, Building Department – Public Works Committee**
- 03.05.22** Request to work in the Right-of-Way to tap storm infrastructure from 305 Morris Boulevard in City’s storm inlet – **Willow Homes/Cale Smith, PE – Public Works Committee**
- 04.05.22** Request to permit grading work in the Right-of-Way at Overton Park – **Joel Blackstock/Cale Smith, PE – Public Works Committee**
- 05.05.22** Request for vacation of Right-of-Way of 16th Street adjacent to 2901 Central Avenue – **Lee and Chelsea Maniscalco Wyatt Pugh, Building Department – Special Issues Committee**
- 06.05.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 2827 16th Place South – **Chuck Vann, Willow Homes/Wyatt Pugh, Building Department – Special Issues Committee**
- 07.05.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration to allow rear yard fence in Right-of-Way at 1509 Valley Place – **Jessica Starr/Wyatt Pugh, Building Department – Special Issues Committee**
- 08.05.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 2701 18th ST S, Suite 101 – **Crawford Burton, Capstone/Rodney Scott’s BBQ / Wyatt Pugh, Building Department – Special Issues Committee**
- 09.05.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 2701 18th ST S, Suite 105 – **Crawford Burton, Capstone/Little Donkey Mexican Restaurant / Wyatt Pugh, Building Department – Special Issues Committee**
- 10.05.22** **Request to set a Public Hearing and referral to the Planning &Development Committee** to consider annexation into the City of Homewood for 314 Happy Lane–**Ketchum Properties/Melody Salter, City Clerk and Robert Burgett, Finance Director – Planning & Development Committee**

- 15.05.22** Request for tax abatements for property at 740 Shades Creek Parkway – **Trey Hill and David Silverstein – Finance Committee**
- 16.05.22** Request to amend Ordinance 2810 to accurately reflect land – **Cale Smith, PE / Melody Salter, City Clerk – Planning and Development Committee**
- 17.05.22** Request for consideration to adjust membership to Arts Advisory Council – **Councilor Geer/President Wyatt – Special Issues Committee**

Councilor Alemán 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. 06.05.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 2827 16th Place South – Chuck Vann, Willow Homes/Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for May 23, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 07.05.22 – Request to set a Public Hearing for consideration to allow rear yard fence in Right-of-Way at 1509 Valley Place – Jessica Starr/Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for May 23, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.05.22 – Request to set a Public Hearing for consideration of sign variance(s) at 2701 18th ST S, Suite 101 – Crawford Burton, Capstone/Rodney Scott's BBQ / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for May 23, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.05.22 – Request to set a Public Hearing for consideration of sign variance(s) at 2701 18th ST S, Suite 105 – Crawford Burton, Capstone/Little Donkey Mexican Restaurant / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for May 23, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.05.22 – Request to set a Public Hearing to consider annexation into the City of Homewood for 314 Happy Lane–Ketchum Properties/Melody Salter, City Clerk and Robert Burgett, Finance Director – Planning & Development Committee.

President Wyatt stated that the Public Hearing would be set for August 22, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.05.22 – Request for consideration of a tent variance for Shaia's 100th Anniversary Event on May 15, 2022 in parking lot directly behind Shaia's at 2818 18th Street South for a forty by 60-foot tent with tent set up Saturday afternoon and breakdown Monday morning – JL Shaia, Shaia's / Melody Salter, City Clerk.

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

Resolution No. 22-78

(A Resolution for a tent variance for Shaia's 100th Anniversary Event on May 15, 2022 in parking lot directly behind Shaia's at 2818 18th Street South for a forty by 60-foot tent with tent set up Saturday afternoon and breakdown Monday morning)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-78. 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 on the Agenda under Old Business was Item No. 12.05.22 – Request to release lien on the following property: 1117 Hardwick Lane (Res. No. 19-15) – Melody Salter, City Clerk/Robert Burgett, Finance Director.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Other New Business was Item No. 13.05.22 – Request for consideration of approval of vouchers for period of April 26, 2022 through May 9, 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. 22-79

(A Resolution for approval of vouchers for period of April 26, 2022 through May 9, 2022)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-79. 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 on the Agenda under Other New Business was Item No. 14.05.22 – Request the Mayor to sign a contract with the RPCGB for an APPLE Study along the HWY 31 corridor – Cale Smith, PE.

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

Resolution No. 22-80

(A Resolution to approve the Mayor to sign a contract with the RPCGB for an APPLE Study along the HWY 31 corridor)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-80. 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 Committees would meet on May 16, 2022, starting with the Finance Committee at 5:00 p.m. with the Public Safety, Public Works, Special Issues, and Planning and Development 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 7:18 p.m.