

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

May 23, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, May 23, 2022, at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a Proclamation to Scout Troop 97 Leader, Steve Lloyd.

The invocation was given by Scout Troop 97, 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, Carlos Alemán, Andrew Wolverton, Nick Sims, Walter Jones, Barry Smith, Jaleté Nelms, Jennifer Address, 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.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of May 9, 2022 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.

At this time President Wyatt added the following items to the published Council Agenda to the Committee Referral Agenda: Item No. 29.05.22 – Request for consideration for mile markers, signage, and statue for Lakeshore Trail – Councilor Address and Berkley Squires, Public Works Director – Special Issues Committee; and added a surplus vehicle to Item: 18.05.22.

Councilor Gwaltney moved for the approval of the amended Agenda. 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 voice vote, the motion carried without dissent.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 06.05.22 – Public Hearing set for May 23, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 2827 16th Place South – Chuck Vann, Willow Homes/Wyatt Pugh, Building Department.

Councilor Andress stated that the Special Issues Committee met on May 16, 2022 and voted 3-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt opened the Public Hearing at 6:19 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.

Jason Hale 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 this item.

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

Resolution No. 22-81

(A Resolution for a front yard fence variance at 2827 16th Place South)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-81. 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. 07.05.22 – Public Hearing set for May 23, 2022 at 6:00 p.m. for consideration to allow rear yard fence in Right-of-Way at 1509 Valley Place – Jessica Starr/Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on May 16, 2022 and voted 3-0 to refer this item back to the full Council without recommendation pending Public Hearing.

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

Councilor Smith stated that the homeowner was not present as they were on vacation.

President Wyatt stated that the Public Hearing would be carried over and the item would be referred back to the Special Issues Committee.

The next item on the Agenda under Old Business was Item No. 08.05.22 – Public Hearing set for May 23, 2022 at 6:00 p.m. for consideration of sign variance(s) at 2701 18th ST S, Suite 101 – Crawford Burton, Capstone/Rodney Scott's BBQ / Wyatt Pugh, Building Department.

Councilor Andress stated that the Special Issues Committee met and voted 3-0 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.

Crawford Burton and Joshua Gentry 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.

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

Resolution No. 22-82

(A Resolution for a sign variance(s) at 2701 18th ST S, Suite 101)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-82. 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. 09.05.22 – Public Hearing set for May 23, 2022 at 6:00 p.m. for consideration of sign variance(s) at 2701 18th ST S, Suite 105 – Crawford Burton, Capstone/Little Donkey Mexican Restaurant / Wyatt Pugh, Building Department.

Councilor Andress stated that the Special Issues Committee met on May 16, 2022 and voted 3-0 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.

Wyatt Pugh addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:36 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. 22-83

(A Resolution for a sign variance(s) at 2701 18th ST S, Suite 105)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-83. 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. 10.05.22 – Request to move a Public Hearing set for August 22, 2022 to September 12, 2022 at 6:00 p.m. 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.

Councilor Andress stated that the Planning and Development Committee met on May 16, 2022 and voted 5-0 to recommend setting the Public Hearing for September 12, 2022 at 6:00 p.m.

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

Resolution No. 22-84

(A Resolution setting a Public Hearing for September 12, 2022 at 6:00 p.m. for consideration of annexation into the City of Homewood for 314 Happy Lane)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-84. 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. 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 (Carried Over 5/9/22).

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 01.04.22 – Request to contract with Miss Sims Garden Foundation Inc to manage Sims Garden – Amy Milam/J.J. Bischoff, Chief of Staff.

Councilor Jones stated that the Finance Committee met on May 16, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-85

(A Resolution to contract with Miss Sims Garden Foundation Inc to manage Sims)

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. 15.05.22 – Request for tax abatements for the property at 740 Shades Creek Parkway – Trey Hill and David Silverstein.

Councilor Jones stated that the Finance Committee met on May 16, 2022 and voted 3-1 to recommend approval.

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. 22-86

(A Resolution for tax abatements for the property at 740 Shades Creek Parkway)

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 on a voted of 9-2. Councilors Geer and Sims voted no.

The next item on the Agenda under Old Business was Item No. 27.03.22 – Request for consideration to add way-finding signage in the northern section of downtown – President Wyatt/Councilors Andress, Geer, Gwaltney & Sims.

Councilor Gwaltney stated that the Public Safety Committee met on May 16, 2022 and voted 5-0 to recommend approval with cap of \$4,000.00.

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

Resolution No. 22-87

(A Resolution to add way-finding signage in the northern section of downtown)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Public Safety 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. 02.05.22 – 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.

Councilor Wolverton stated that that the Public Works Committee met on May 16, 2022 and voted 4-0 to recommend approval with proper indemnification agreement.

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

Resolution No. 22-88

(A Resolution to work in the Right-of-Way to remove trees adjacent to 1703 Shades Park 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. 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.

Councilor Wolverton stated that the Public Works Committee met on May 16, 2022 and voted 4-0 to recommend approval with proper indemnification agreement.

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

Resolution No. 22-89

(A Resolution to work in the Right-of-Way to tap storm infrastructure from 305 Morris Boulevard in City's storm inlet)

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. 04.05.22 – Request to permit grading work in the Right-of-Way at Overton Park – Joel Blackstock/Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on May 16, 2022 and voted 4-0 to recommend approval with proper indemnification agreement.

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

Resolution No. 22-90

(A Resolution to permit grading work in the Right-of-Way at Overton Park)

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. 16.05.22 – Request to amend Ordinance No. 2810 to accurately reflect land parcels requested to be annexed into the City of Homewood per annexation petition – Cale Smith, PE / Melody Salter, City Clerk.

Councilor Andress stated that the Planning and Development Committee met on May 16, 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 amend Ordinance No. 2810 to accurately reflect land parcels requested to be annexed into the City of Homewood per annexation petition)

Councilor Hardin moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 2839

(An Ordinance to amend Ordinance No. 2810 to accurately reflect land parcels requested to be annexed into the City of Homewood per annexation petition)

Councilor Wolverton moved for the enrollment and adoption and publication according to law of Ordinance No. 2839. 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, Sims, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 18.05.22** Request to declare the following items surplus: 2022 Sanitation Garbage Truck (VIN 3HTPCAPT2NN841797) and two hydraulic garbage can tipplers, lines, and brackets and 2016 Chevy Police Tahoe (VIN IGNLCDEC9GR132136) – **Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 19.05.22** Request for consideration for Budget Amendments for FY 21-22 Budgets – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 20.05.22** Request to consider adopting change in leave policy for probationary employees – **Berkley Squires, Public Works Director, Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 21.05.22** Request to present fiscal year end 09/30/21 audit results per fiscal policy guidelines – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

- 22.05.22** Request to consider creation of entertainment district in West Homewood and – **Councilors Alemán and Wolverton – Public Safety Committee**
- 23.05.22** Request for permission to work within the Right-of-Way at 1720, 1722, and 1724 27th Court South – **Cale Smith, PE – Public Works Committee**
- 24.05.22** Request to consider annexation into the City of Homewood for 1237 Millbrook Circle – **Von Burchfield /Melody Salter, City Clerk – Planning and Development Committee**
- 25.05.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 1568 Berry Road – **Paula Grunwell / Wyatt Pugh, Inspections and Permits – Special Issues Committee**
- 29.05.22** Request for consideration for mile markers, signage, and statue for Lakeshore Trail – **Councilor Andress and Berkley Squires, Public Works Director – Special Issues Committee**

Councilor Smith moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 25.05.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 1568 Berry Road – Paula Grunwell / Wyatt Pugh, Inspections and Permits.

President Wyatt stated that the Public Hearing was set for June 13, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 26.05.22 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for The Battery Sportsbar LLC d/b/a The Battery located at 2821 Central Ave Ste. 101 – Melody Salter, CPA, City Clerk.

Councilor Jones moved to having no objections to the issuance of the ABC license pending letter of no objection from the Fire Department.

The next item on the Agenda under Other New Business was Item No. 27.05.22 – Request for emergency storm drain repair for Berry Road – Berkley Squires, Public Works Director.

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

Resolution No. 22-91

(A Resolution for emergency storm drain repair for Berry Road)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-91. 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. 28.05.22 – Request for consideration of approval of vouchers for period of May 10, 2022 through May 23, 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. 22-92

(A Resolution for approval of vouchers for period of May 10, 2022 through May 23, 2022)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-92. 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.

President Wyatt stated that the Committees would meet on June 6, 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 7:24 p.m.