

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

May 24, 2021

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, May 24, 2021 at City Hall at 6:00 p.m.

At this time, Mayor McClusky introduced Jim Lowery, Governmental Affairs Director who provided a presentation on the Greater Birmingham Homebuilders Association.

Mayor McClusky then introduced Mr. Owen Bradley and Paul Beasley of the Kiwanis Clubs of Homewood and Mountain Brook who presented a check for the Lakeshore crosswalk in Memory of Kenneth Ebaugh. Gary Scheffer from the Kiwanis club then addressed the Council regarding the Kiwanis Club.

The invocation was given by Reverend Edward Steele of Union Missionary Baptist Church, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:00 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 Andress moved to dispense with the reading of the Minutes of the May 10, 2021 Council Work Session 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.

Councilor Smith then moved to dispense with the reading of the Minutes of the Council Meeting of May 10, 2021 and approve them as presented. 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.

At this time, President Wyatt amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 18.05.21 – Request for consideration and authorization for Mayor to sign lease for space on 3rd Floor of Homewood City Hall – President Wyatt – Finance Committee; Item No. 19.05.21 – Request for consideration of the sales or property located at 311 Oxmoor Road – President Wyatt – Finance Committee.

President Wyatt then amended the published Council Agenda to add the following items to the Other New Business Agenda – Item No. 17.05.21 – Request for consideration of ABC 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premise Only) licenses for SD Investments and Developments LLC d/b/a Homewood Shell located at 208 A Oxmoor Road and an ABC 011 – Lounge Retail Liquor – Class II (Package) license for SD Investments and Developments LLC d/b/a Homewood Package located at 208 B Oxmoor Road – Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Gwaltney moved for the approval of the amended Council 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.

CONSENT AGENDA

None.

At this time, the Council voted 11-0 to enter into Executive Session. The motion was made by Councilor Jones and seconded by Councilor Alemán.

Mr. Kendrick stated that the sole purpose for entering into Executive Session at this time was to discuss pending litigation.

The Council moved into Executive Session at 6:12 p.m.

The Committee then voted 11-0 to reconvene the regular session. The motion was made by Councilor Jones and seconded by Councilor Gwaltney.

The Council reconvened into Regular Session at 6:31 p.m.

OLD BUSINESS AGENDA

The first 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 (Carried Over and Public Hearing Continued 5/10/21).

President Wyatt stated that the BZA had been working through reviewing the proposed Ordinance and he would like them to hear from the Public

President Wyatt opened the Public Hearing at 6:32 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.

President Wyatt closed the Public Hearing at 6:43 p.m.

President Wyatt stated that this item would be referred back to the Planning and Development Committee.

The next item on the Agenda under Old Business was Item No. 04.04.21 – Public Hearing set for May 24, 2021 at 6:00 p.m. 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 Planning and Development Committee met on May 17, 2021 and voted 5-0 to send out without recommendation pending the Public Hearing.

Chesley Payne of Massey, Stotser & Nichols, PC addressed the Council regarding this item.

The Council then held discussion regarding this project and amended proffers.

President Wyatt opened the Public Hearing at 7:04 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.

President Wyatt closed the Public Hearing at 7:04 p.m.

President Wyatt stated that the new Public Hearing would be set for June 28, 2021 at 6:00 p.m. pending receipt of new exhibits.

The next item considered under Old Business, taken out of order, was Item No. 09.05.21 – Request to authorize Mayor to sign contract with Sain Associates for Engineering consulting work on Maime Fosters/18th Street Project – Cale Smith, City Engineer.

Councilor Jones stated that the Finance Committee met on May 17, 2021 and voted 3-0 to recommend approval of up to \$2,000.00 out of Bond Proceeds (26-11-589145).

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

Resolution No. 21-72

(A Resolution to authorize the Mayor to sign contract with Sain Associates for Engineering consulting work on Maime Fosters/18th Street 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 considered under Old Business, taken out of order, was Item No. 11.05.21 – Request to authorize Mayor to sign temporary Construction easement at Barber properties (as well as Ed's Pet World) – President Wyatt.

Councilor Jones stated that the Finance Committee met on May 17, 2021 and voted 3-0 to recommend approval of temporary construction easement at Barber properties as well as Ed's Pet World.

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

Resolution No. 21-73

(A Resolution to authorize Mayor to sign temporary Construction easement at Barber properties)

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. 21-74

(A Resolution to authorize Mayor to sign temporary Construction easement at Ed's Pet World)

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. 16.03.21 – Request for consideration of AT & T Easement at 234 Goodwin Crest Drive – Wyatt Pugh, BEZ (Carried Over 5/10/21).

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

Resolution No. 21-75

(A Resolution for AT & T Easement at 234 Goodwin Crest Drive)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-75. 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. 01.05.21 – Request to authorize improvements for striping and parking on Oxmoor Road – Randy Hambley/Traffic Dept.

Councilor Gwaltney stated that the Public Safety Committee met on May 17, 2021 and voted 5-0 to recommend approval to share cost with Our Lady of Sorrows with project cost not to exceed \$10,000.00.

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

Resolution No. 21-76

(A Resolution to authorize improvements for striping and parking on Oxmoor Road)

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. 03.05.21 – Request to work and make improvements in City Right-of-Way at intersection of Shades Road and Forest Drive – Clinton Cook/Councilor Sims.

Councilor Wolverton stated that the Public Works Committee met on May 17, 2021 and voted 5-0 to recommend approval.

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

Resolution No. 21-77

(A Resolution to authorize improvements for striping and parking on Oxmoor Road)

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.

COMMITTEE REFERRAL AGENDA

- 12.05.21** Request to consider Budget Amendments to FY 20-21 Budgets – **Robert Burgett and Melody Salter, Finance Director/Assistant Finance Director – Finance Committee**
- 13.05.21** Request to consider audit presentation for FY 19-20 Audit from BMSS, CPA's, LLC and review of results to City of Homewood's Fiscal Policy – **Robert Burgett & Melody Salter, Finance Director/Assistant Finance Director– Finance Committee**
- 14.05.21** Request to consider lease on property for parking spaces near the Homewood Antique Mall to Buddy Wade Estate – **Robert Burgett & Melody Salter, Finance Director/Assistant Finance Director– Finance Committee**
- 18.05.21** Request for consideration and authorization for Mayor to sign lease for space on 3rd Floor of Homewood City Hall – **President Wyatt – Finance Committee**
- 19.05.21** Request for consideration of the sales or property located at 307 Oxmoor Road – **President Wyatt – Finance Committee**

Councilor Andress moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 15.05.21 – Request for consideration of an ABC 140 – Special Events Retail license for Demetris Bar B Q Inc d/b/a Demetris Lot Party Fire and Smoke 2021 located at Parking Lot of 1901 28th Ave S – Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Andress moved to have no objection to the issuance of the ABC 140 – Special Events Retail license with a cap set at 10:00 p.m. Councilor Nelms seconded the motion.

The next item on the Agenda under Other New Business was Item No. 16.05.21 – Request for consideration of approval of vouchers for period on May 11, 2021 through May 24, 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. 21-78

(A Resolution for approval of vouchers for period of May 11, 2021 through May 24, 2021)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 21-78. 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 considered under Other New Business was Item No. 17.05.21 – Request for consideration of ABC 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premise Only) licenses for SD Investments and Developments LLC d/b/a Homewood Shell located at 208 A Oxmoor Road and an ABC 011 – Lounge Retail Liquor – Class II (Package) license for SD Investments and Developments LLC d/b/a Homewood Package located at 208 B Oxmoor Road – Melody Salter, CPA, City Clerk/Assistant Finance Director.

President Wyatt stated that this item would be carried over.

Councilor Gwaltney stated that he would not be setting a Public Safety Committee Meeting for June 7, 2021.

Councilor Wolverton stated that he would not be setting a Public Works Committee Meeting for June 7, 2021.

Councilor Jones stated that the Finance Committee would meet on June 7, 2021 at 5:00 p.m.

Councilor Smith stated that she would not be setting a Special Issues Committee Meeting for June 7, 2021.

Councilor Andress stated that the Planning and Development Committee would meet on June 7, 2021 at 5:30 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:34 p.m.