

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

June 13, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 13, 2022, at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented Proclamations to Joy Beth Smith and Beverly Leboeuf for their BZA service.

Mayor McClusky then presented a Proclamation to Wyatt Pugh for being named Code Official of the Year.

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 6:08 p.m.

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

At this time, Councilor Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of May 23, 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.

Councilor Nelms moved for the approval of the published 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 07.05.22 – Public Hearing Carried Over May 23, 2022, at 6:00 p.m. for consideration to allow rear yard fence in Right-of-Way at 1509 Valley Place – Jessica Kim/Wyatt Pugh, Building Department (Carried Over and referred back to Special Issues 5/23/22).

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 the Public Hearing.

President Wyatt continued the Public Hearing at 6:14 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.

Jessica and Edward Kim at 1509 Valley Place addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:16 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. 22-93

(A Resolution to allow rear yard fence in Right-of-Way at 1509 Valley Place)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-93. 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 5/23/22).

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

Resolution No. 22-94

(A Resolution to release lien on the following property: 1117 Hardwick Lane (Res. No. 19-15))

Councilor Alemán moved for the adoption and enrollment of Resolution No. 22-94. 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. 25.02.22 – Public Hearing set for June 13, 2022, at 6:00 p.m. for consideration of a front yard fence variance at 1568 Berry Road – Paula Grunwell / Wyatt Pugh, Inspections and Permits.

Councilor Smith stated that the Special Issues Committee met on June 6, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing but the homeowner had retracted the request.

President Wyatt opened the Public Hearing at 6:21 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 audience.

President Wyatt declared the Public Hearing closed at 6:21 p.m.

Councilor Smith moved to drop this item. 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 was Item No. 18.05.22 – Request to declare the following items surplus: two hydraulic garbage can tippers, lines, and brackets and 2016 Chevy Police Tahoe (VIN IGNLCDEC9GR132136) – Gordon Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met on June 6, 2022 and voted 3-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:22 p.m.:

Ordinance No.

(An Ordinance to declare the following items surplus: two hydraulic garbage can tippers, lines, and brackets and 2016 Chevy Police Tahoe (VIN IGNLCDEC9GR132136))

Councilor Hardin moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, 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. 2840

(An Ordinance to declare the following items surplus: two hydraulic garbage can tippers, lines, and brackets and 2016 Chevy Police Tahoe (VIN IGNLCDEC9GR132136))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2840. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 19.05.22 – Request for consideration for Budget Amendments for FY 21-22 Budgets – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met on June 6, 2022 and voted 4-0 to recommend approval including an additional item from the Public Safety Building.

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

Resolution No. 22-95

(A Resolution for Budget Amendments for 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. 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.

Councilor Jones stated that the Finance Committee met on June 6, 2022 and voted 4-0 to recommend approval.

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

Resolution No. 22-96

(A Resolution adopting change in leave policy for probationary)

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. 22.05.22 – Request to consider creation of entertainment district in West Homewood – Councilors Alemán and Wolverton.

President Wyatt stated that the Public Hearing would be set for June 27, 2022, at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 23.05.22 – Request for permission to work within the Right-of-Way at 1720, 1722, and 1724 27th Court South – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on June 6, 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. 22-97

(A Resolution for permission to work within the Right-of-Way at 1720, 1722, and 1724 27th Court South)

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. 05.05.22 – Request to set a Public Hearing for vacation of Right-of-Way of 16th Street adjacent to 2901 Central Avenue – Lee and Chelsea Maniscalco Wyatt Pugh, Building Department.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 29.05.22 – Request for consideration for mile markers, signage, and statue for Lakeshore Trail – Councilor Andress and Berkley Squires, Public Works Director.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 24.05.22 – Request to consider annexation into the City of Homewood for 1237 Millbrook Circle – Von Burchfield /Melody Salter, City Clerk.

Councilor Andress stated that the Planning and Development Committee met on June 6, 2022 and voted 4-0 to refer this item back to the full Council without recommendation.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:28 p.m.:

Ordinance No.

(An Ordinance for annexation into the City of Homewood for 1237 Millbrook Circle)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Jones, Smith, 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. 2841

(An Ordinance for annexation into the City of Homewood for 1237 Millbrook Circle)

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2841. 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, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.06.22** Request to authorize the Mayor to sign agreement to join the Buy Board national purchasing cooperative - **Chief Hill, Fire Department – Finance Committee**
- 02.06.22** Request to change FLSA period for Firefighters from 26 day to 27-day period – **Mayor McClusky, Chief Hill, Fire Department – Finance Committee**
- 03.06.22** Request to amend FY 21-22 Budget for fuel costs – **J.J. Bischoff, Chief of Staff, Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 04.06.22** Request to apply for TAP Grant along Central Avenue through ALDOT and the RPC – **Cale Smith, PE – Public Works Committee**
- 05.06.22** Request to provide an update on the Stormwater Master Plan – **Cale Smith, PE – Public Works Committee**
- 06.06.22** Request to consider amending the City’s Zoning Ordinance to include the Fence Ordinance – **Councilor Andress / Cale Smith, PE – Planning and Development Committee**
- 07.06.22** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 2738 18th Street South (PID 28-00-07-3-013-008.000) from C-4 (Central Business District) to C-4 (a) (Retail Shopping District): Applicant/Owner: LMS – Wilkerson Enterprises, LLC in order to adjust to the impact of the City’s planned streetscape improvements to 18th Street South, and as a means to establish a more appropriate zoning classification consistent with that of other adjacent and nearby commercial properties fronting on 18th Street South (The Planning Commission had a vote of 5-0 (4 absent) for a favorable recommendation of the rezone) – **Cale Smith – Planning and Development Committee**
- 08.06.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of front yard fence variance at 117 East Glenwood Drive – **Kyle Brown, Owner / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 09.06.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variances at 2901 Central Avenue –

**Chelsea Maniscalco, Owner / Wyatt Pugh, Inspections & Permits –
Special Issues Committee**

- 12.06.22 Request to set a Public Hearing** to consider declaring the property located at 3016 Firefighter Lane (PID# 28-00-07-3-011.000) a public nuisance due to a violation of Ordinance 1098 “Litter on Private Property,” Ordinance 1310 “Open and Unenclosed Storage,” Ordinance 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement, Inspections Department – Public Safety Committee**

Councilor Andress 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. 07.06.22 – Request to set a Public Hearing for consideration to rezone 2738 18th Street South (PID 28-00-07-3-013-008.000) from C-4 (Central Business District) to C-4 (a) (Retail Shopping District): Applicant/Owner: LMS – Wilkerson Enterprises, LLC in order to adjust to the impact of the City’s planned streetscape improvements to 18th Street South, and as a means to establish a more appropriate zoning classification consistent with that of other adjacent and nearby commercial properties fronting on 18th Street South (The Planning Commission had a vote of 5-0 (4 absent) for a favorable recommendation of the rezone) – Cale Smith.

President Wyatt stated that the Public Hearing would be set for July 11, 2022, at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.06.22 – Request to set a Public Hearing for consideration of front yard fence variance at 117 East Glenwood Drive – Kyle Brown, Owner / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for June 27, 2022, at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.06.22 – Request to set a Public Hearing for consideration of sign variances at 2901 Central Avenue – Chelsea Maniscalco, Owner / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for June 27, 2022, at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.06.22 – Request to authorize the Mayor to sign a Interlocal Cooperation Agreement for World Games 2022– Mayor McClusky.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council’s consideration at 6:33 p.m.:

Ordinance No.

(An Ordinance to authorize the Mayor to sign a Interlocal Cooperation Agreement for World Games 2022)

Councilor Jones moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Jones, Smith, 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. 2842

(An Ordinance to authorize the Mayor to sign a Interlocal Cooperation Agreement for World Games 2022)

Councilor Jones moved for the enrollment and adoption and publication according to law of Ordinance No. 2842. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 11.06.22 – Request for consideration of approval of vouchers for period of May 23, 2022, through June 13, 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. 22-98

(A Resolution for approval of vouchers for period of May 23, 2022, through June 13, 2022)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-98. 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 Other New Business was Item No. 12.06.22 – Request to set a Public Hearing to consider declaring the property located at 3016 Firefighter Lane (PID# 28-00-07-3-011.000) a public nuisance due to a violation of Ordinance 1098 “Litter on Private Property,” Ordinance 1310 “Open and Unenclosed Storage,” Ordinance 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Inspections Department.

President Wyatt stated that the Public Hearing would be set for June 27, 2022, at 6:00 p.m.

President Wyatt stated that the Committees would meet on June 20, 2022, starting with the Finance Committee at 5:00 p.m. with the Public Works, Special Issues, Planning and Development, and Public Safety 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 6:49 p.m.