

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

June 27, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 27, 2022, at City Hall at 6:00 p.m.

The invocation was given by Councilor Alemán, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:04 p.m.

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

At this time, Councilor Nelms moved to dispense with the reading of the Minutes of the Council Meeting of June 13, 2022 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 re-opened the application period for the At-Large Mental Health Advisory position until July 25, 2022 at 4:30 p.m.

President Wyatt stated that interviews would be set for the Ward 2 Historic Preservation period for July 13, 2022 at 6:00 p.m. and 6:15 p.m.

President Wyatt opened the Ward 2 Beautification Board application period until July 25, 2022 at 4:30 p.m.

President Wyatt opened the Ward 5 Historic Preservation Commission application period until July 11, 2022 at 4:00 p.m.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 27.06.22 – Request for consideration to add a 3-way stop sign and crosswalks at the intersection of Oxmoor

Road and Scott Street – Cale Smith, City Engineer, and Council President Wyatt – Public Safety Committee.

President Wyatt further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 25.06.22 – Request for consideration to amend Grants Fund Budget Fund 02 to add emergency funding for creek wall and storm water repairs – Berkley Squires, Public Services Director, Cale Smith, City Engineer and Robert Burgett, Finance Director; Item No. 26.06.22 – Request to authorize Mayor to sign contract and pay FY 21-22 appropriation to Prescott House Child Advocacy Center – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Smith moved for the approval of the amended published Agenda. 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.

CONSENT AGENDA

01.05.22 Request for Audit Presentation for FY 20-21 – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk**

Action Taken: After report was presented by Jenny Gray, the Committee voted 4-0 to recommend accepting the report. The motion was made by Councilor Smith and seconded by Councilor Hardin.

Councilor Alemán moved for the approval of the published Consent Agenda. 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 22.05.22 – Public Hearing set for June 27, 2022 at 6:00 p.m. to consider creation of entertainment district in West Homewood – Councilors Alemán and Wolverton.

Councilor Gwaltney stated that the Public Safety Committee met on June 6, 2022 and voted 4-0 to recommend approval of setting a Public Hearing for September 27, 2022.

President Wyatt declared the Public Hearing opened at 6:12 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. The following residents addressed the Council: Elizabeth Henderson at 209 Acton Avenue; Mike Grant at 216 Eastwood Drive; Scott Ledbetter at 605 Northmoor Lane; Jackie Theus at 209 Eastwood Drive; Mario Neaver at 224 Hall Avenue; Jenn Giles at 100 Venetian Way; Chadwick Stogner at 234 Crest Drive; Erik Herringer at 616 Cobb Street; and Ashley Green at 1114 Forest Brook Drive.

President Wyatt declared the Public Hearing closed at 6:47 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 first reading of the proposed Ordinance for the Council's consideration at 7:01 p.m.:

Ordinance No.

(An Ordinance to create of entertainment district in West Homewood)

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, 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. 2843

(An Ordinance to create of entertainment district in West Homewood)

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2843. 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, Hardin, and Wyatt.

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 (Carried Over 6/13/22).

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 (6/13/22).

Councilor Smith stated that the Special Issues Committee met on June 6, 2022 and voted 5-0 to recommend approval.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 07.06.22 – Public Hearing set for July 11, 2022 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for July 11, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 08.06.22 – Public Hearing set for June 27, 2022 at 6:00 p.m. for consideration of front yard fence variance at 117 East Glenwood Drive – Kyle Brown, Owner / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on June 20, 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 7:06 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.

Scott Cook and homeowner, Kyle Brown, addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 7:10 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. 22-99

(A Resolution for a front yard fence variance at 117 East Glenwood Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-99. 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. 09.06.22 – Public Hearing set for June 27, 2022 at 6:00 p.m. for consideration of sign variances at 2901 Central Avenue – Chelsea Maniscalco, Owner / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on June 20, 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 7:16 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 7:22 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. 22-100

(A Resolution for sign variances at 2901 Central Avenue)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-100. 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. 12.06.22 – Public Hearing set for June 27, 2022 at 6:00 p.m. 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 declared the Public Hearing opened at 7:24 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.

Scott Cook addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 7:26 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 left the Council Chambers at 7:29 p.m.

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

Resolution No. 22-101

(A Resolution 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”)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-101. 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 on the Agenda under Old Business was Item No. 10.05.22 – Public Hearing set for 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.

President Wyatt stated that this Item would be carried over for the Public Hearing set for September 12, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 01.06.22 – Request to authorize the Mayor to sign agreement to join the Buy Board national purchasing cooperative - Chief Hill, Fire Department.

Councilor Smith stated that the Finance Committee met on June 20, 2022 and voted 4-0 to recommend approval.

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

Resolution No. 22-102

(A Resolution authorizing the Mayor to sign agreement to join the Buy Board national purchasing cooperative)

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. 02.06.22 – Request to change FLSA period for Firefighters from 26 day to 27-day period – Mayor McClusky, Chief Hill, Fire Department.

Councilor Smith stated that the Finance Committee met on June 20, 2022 and voted 4-0 to recommend approval.

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

Resolution No. 22-103

(A Resolution to change FLSA period for Firefighters from 26 day to 27-day period)

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.

Councilor Aleman returned to the Council Chambers.

The next item on the Agenda under Old Business was Item No. 04.06.22 – Request to apply for TAP Grant along Central Avenue through ALDOT and the RPC – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on June 20, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-104

(A Resolution to apply for TAP Grant along Central Avenue through ALDOT and the RPC)

Councilor Andress moved for the adoption and enrollment of Resolution No. 22-104. 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. 06.06.22 – Request to set a Public Hearing to consider amending the City's Zoning Ordinance to include the Fence Ordinance – Councilor Andress / Cale Smith, PE.

Councilor Gwaltney stated that the Planning and Development Committee met on June 20, 2022 and voted 4-0 to refer this item back to the full Council to set a Public Hearing but carry over in Committee for further discussion.

President Wyatt stated that the Public Hearing would be set for August 8, 2022 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 13.06.22** Request for permission for the Mayor to sign a contract with Schoel Engineering for FEMA.Floodplain Management – **Cale Smith, PE – Finance Committee**
- 14.06.22** Request for permission to submit grant application for Homewood Historic Preservation Commission – **Eddie Griffith/Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 15.06.22** Request for permission to work within the right-of-way on Reese Street, 16th Street, and alleys surrounding 1707 Reese Street – **Cale Smith, PE – Public Works Committee**

- 16.06.22** Request for permission to work within the right-of-way at 2510 18th Street South for construction of 18th Street Townhomes – **John Abernathy/J.J. Bischoff, Chief of Staff – Public Works Committee**
- 17.06.22** Request to authorize Mayor to sign 3-year contract with AT&T for City Hall Analog Lines– **Robert Burgett, Finance Director – Finance Committee**
- 18.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemnation of the dwelling structure at 2900 16th PL S – **Wyatt Pugh, Building Department – Public Safety Committee**
- 19.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemnation of the dwelling structure at 137 West Glenwood Drive – **Wyatt Pugh, Building Department – Public Safety Committee**
- 20.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 701 Grove St., PID# 29-00-23-2-010-001.00 a public nuisance due to a violation of Chapter 11 Health & Sanitation, Article II Litter; Unhealthy Accumulation on Premises”, Section 11-42 “Open Storage of Certain Items”, as codified in the “Code of Ordinances” of the City of Homewood – **Scott Cook, Code Enforcement Officer, Inspections Dept. – Public Safety Committee**
- 21.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 55 Bagby Drive, PID# 29-00-14-2-004-004.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement Officer, Inspections Dept. – Public Safety Committee**
- 22.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 65 Bagby Drive, PID# 29-00-14-2-004-005.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement Officer, Inspections Dept. – Public Safety Committee**
- 23.06.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 464 Cornelius Drive, PID# 29-00-24-1-002-009.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement Officer, Inspections Dept. – Public Safety Committee**

27.06.22 Request for consideration to add a 3-way stop sign and crosswalks at the intersection of Oxmoor Road and Scott Street – **Cale Smith, City Engineer, and Council President Alex Wyatt – Public Safety Committee**

Councilor Wolverton moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 18.06.22 – Request to set a Public Hearing for consideration of condemnation of the dwelling structure at 2900 16th PL S – Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for July 25, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.06.22 – Request to set a Public Hearing for consideration of condemnation of the dwelling structure at 137 West Glenwood Drive – Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for July 25, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 20.06.22 – Request to set a Public Hearing consider declaring the property located at 701 Grove St., PID# 29-00-23-2-010-001.00 a public nuisance due to a violation of Chapter 11 Health & Sanitation, Article II Litter; Unhealthy Accumulation on Premises”, Section 11-42 “Open Storage of Certain Items”, as codified in the “Code of Ordinances” of the City of Homewood – Scott Cook, Code Enforcement Officer, Inspections Dept.

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. 21.06.22 – Request to set a Public Hearing to consider declaring the property located at 55 Bagby Drive, PID# 29-00-14-2-004-004.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement Officer, Inspections Dept.

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. 22.06.22 – Request to set a Public Hearing to consider declaring the property located at 65 Bagby Drive, PID# 29-00-14-2-004-005.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement Officer, Inspections Dept.

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. 23.06.22 – Request to set a Public Hearing to consider declaring the property located at 464 Cornelius Drive, PID# 29-00-24-1-002-009.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement Officer, Inspections Dept.

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. 24.06.22 – Request for consideration of approval of vouchers for period of June 13, 2022 through July 11, 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. 22-105

(A Resolution for approval of vouchers for period of June 13, 2022, through July 11, 2022)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-105. 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 Other New Business was Item No. 25.06.22 – Request for consideration to amend Grants Fund Budget Fund 02 to add emergency funding for creek wall and storm water repairs – Berkley Squires, Public Services Director, Cale Smith, City Engineer and Robert Burgett, Finance Director.

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

Resolution No. 22-106

(A Resolution to amend Grants Fund Budget Fund 02 to add emergency funding for creek wall and storm water repairs)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-106. 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. 26.06.22 – Request to authorize Mayor to sign contract and pay FY 21-22 appropriation to Prescott House Child Advocacy Center – 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. 22-107

(A Resolution to authorize Mayor to sign contract and pay FY 21-22 appropriation to Prescott House Child Advocacy Center)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-107. 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.

President Wyatt stated that due to the Fourth of July Holiday, the Committees would meet on July 11, 2022, prior to the Council Meeting, starting with the Public Safety Committee at 4:30 p.m. with Finance, Public Works, and Planning and Development Committees meeting immediately following the previous meeting. The Special Issues Committee would not be scheduled for July 11, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 8:08 p.m.