

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

June 28, 2021

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, June 28, 2021 at City Hall at 6:00 p.m.

The invocation was given by Dr. Bill Johnston from Dawson Memorial Baptist Church, 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: Melanie Geer, Carlos Alemán, Andrew Wolverton, Nick Sims, Walter Jones, Jalete Nelms, Jennifer Andress, John Hardin, and Alex Wyatt and constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; and Robert Burgett, Finance Director/Assistant City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Patrick McClusky. Absent: Andy Gwaltney and Barry Smith.

At this time, Councilor Alemán moved to dispense with the reading of the Minutes of the Council Meeting of June 14, 2021 and approve them as presented. Councilor Nelms seconded the motion.

Councilor Gwaltney entered the Council Chambers at 6:10 p.m.

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 Homewood Environmental At-Large and Ward 3 application periods until July 26, 2021 at 4:30 p.m.

Mayor McClusky then appointed Abby Chadwell to the Beautification Board.

Councilor Alemán moved to re-appoint Virginia Bugg to the Library Board Ward 2 position. 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.

Councilor Alemán moved to appoint Paul Simmons to the Ward 2 Park Board position. 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 on a vote of 9-0-1. President Wyatt abstained.

At this time, President Wyatt amended the published Council Agenda to amend Item 09.06.21 to be referred to both Public Works and Special Issues Committees.

Councilor Nelms moved for the approval of the amended Council 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

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 04.04.21 – Public Hearing set for June 28, 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.

President Wyatt opened the Public Hearing at 6:16 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.

The following residents addressed the Council regarding this item: Beverly LeBoeuf at 617 Edgemoor Drive, Liz Ellaby at 612 Cobb Street, Michael Eady at 133 Gillon Drive, Jeremy Love at 1626 27th Avenue South, Ash Patel at 260 Oxmoor Road, and Mike Patel at 260 Oxmoor Road. The following residents then addressed the Council

via Zoom: Erik Gibson at 301 Huntington Parc Road, Charles Borders at 672 Edgemoor Drive, and Stephen Norris at 201 Vulcan Road.

President Wyatt closed the Public Hearing at 6:25 p.m.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:25 p.m.:

Ordinance No.

(An Ordinance 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))

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 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, Jones, 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. 2807

(An Ordinance 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))

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2807. 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, Jones, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 16.01.15 – Update on past, present and future Sidewalk Projects – Greg Cobb/Building, Engineering and Zoning Department.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and, after hearing report from Cale Smith, the Committee voted 5-0 to recommend budget transfer from Engineering to New Sidewalk Construction.

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.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and, after hearing Mid-Year review from Robert Burgett and Audit report from Melody Salter, voted 5-0 to recommend moving \$14,171.00 to Raymond James and to carry the item over in Committee.

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

Resolution No. 21-86

(A Resolution to approve moving \$14,171.00 to Raymond James)

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. 01.06.21 – Request to authorize the Mayor to sign a grant with KultureCity Training Program – Mayor McClusky.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and voted 5-0 to recommend approval.

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

Resolution No. 21-87

(A Resolution to authorize the Mayor to sign a grant with KultureCity Training Program)

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. 02.06.21 – Request for consideration to surplus obsolete and/or equipment no longer needed for general municipal purposes – Deborah Fout, Library Director; Chief Nick Hill, Fire Chief and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on June 21, 2021 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 6:39 p.m.:

Ordinance No.

(An Ordinance to surplus obsolete and/or equipment no longer needed for general municipal purposes)

President Wyatt asked if the Council had any questions or comments regarding this item.

Councilor Hardin moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 2808

(An Ordinance to surplus obsolete and/or equipment no longer needed for general municipal purposes)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2808. 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, Sims, Jones, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No.03.06.21 – Request to consider funding Deputy Fire Chief Position – Mayor McClusky, Councilor Walter Jones, Robert Burgett – Finance Director/Assistant City Clerk and Fire Chief Nick Hill.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and voted 5-0 to recommend approval.

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. 04.06.21 – Request to consider retro pay for increased property taxes on past years for parking lot leased by the City to the Estate of Buddy Wade – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and voted 5-0 to recommend approval of payment for 2018 in the amount of \$125.00 and 2019 in the amount of \$4,081.00 for a total of \$4,206.00 from Contractual Services (01-11-520400).

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

Resolution No. 21-88

(A Resolution to retro pay for increased property taxes on past years for parking lot leased by the City to the Estate of Buddy Wade)

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. 05.06.21 – Request to consider releasing funds held in escrow for environmental testing on the former Jiffy Lube property – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on June 21, 2021 and voted 5-0 to recommend approval.

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

Resolution No. 21-89

(A Resolution for releasing funds in the amount of \$15,627.50 held in escrow for environmental testing on the former Jiffy Lube property)

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. 07.02.21 – Request for adoption of franchise ordinance for Spire – Wyatt Pugh, BEZ.

Councilor Wolverton stated that the Public Works Committee met on June 21, 2021 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 6:45 p.m.:

Ordinance No.

(An Ordinance for adoption of franchise ordinance for Spire)

President Wyatt asked if the Council had any questions or comments regarding this item.

Councilor Gwaltney moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 2809

(An Ordinance for adoption of franchise ordinance for Spire)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2809. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 08.06.21** Request to consider annexation into the City of Homewood from Unincorporated Jefferson County for 1621 Lakewood Road – **Melody Salter, City Clerk and Robert Burgett, Assistant City Clerk – P&D Committee**
- 09.06.21** Request to consider work in the Right-of-Way and variance to the sign ordinance at 2611 18th Place South (Robertson Banking) – **Cale Smith, Engineering / Sain & Associates – Public Works Committee and Special Issues Committee**
- 10.06.21** Request for consideration to permit ground-level deck to extend 6’ into Right-of-Way to provide a level surface for existing outdoor seating area at 1830 29th Ave So, SoHo Standard – **Gavin Prier of Prier Construction and Wyatt Pugh, BEZ Department Head – Public Works Committee**
- 11.06.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 112 Hollywood Boulevard – **Christopher Allison, Homeowner / Wyatt Pugh, Building – Special Issues Committee**

Councilor Geer 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. 11.06.21 – Request to set a Public Hearing for consideration of a front yard fence variance at 112 Hollywood Boulevard – Christopher Allison, Homeowner / Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for July 12, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.06.21 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses for Sonesta International Hotels Corporation d/b/a Sonesta Es Suites Birmingham Homewood located at 50 State Farm Parkway – Melody Salter, CPA, City Clerk/Assistant Finance Director (Letters of No Objection have been received from Fire and Police).

Councilor Nelms moved for approval. 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 Other New Business was Item No. 13.06.21 – Request for consideration of approval of vouchers for period of June 15, 2021 through June 28, 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. 21-90

(A Resolution for approval of vouchers for period of June 15, 2021 through June 28, 2021)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 21-90. 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.

Councilor Jones stated that the Finance Committee would meet on July 12, 2021 at 5:00 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on July 12, 2021 at 5:30 p.m.

Councilor Andress stated that the Special Issues Committee would meet on July 12, 2021 at 4:30 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on July 12, 2021 at 5:45 p.m.

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

Resolution No. 21-91

(A Resolution appointing J.J. Bischoff as representative to the Waste Authority)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-91. 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.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:08 p.m.