

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

July 11, 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 Smith, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:02 p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of June 27, 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.

Councilor Smith moved to re-appoint Eddie Griffith to the Ward 5 Historic Preservation Commission position. 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.

At this time, President Wyatt amended the published Council Agenda to add the following items to the Old Business Agenda: From Public Safety: 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 Alex Wyatt. From Finance: Item No. 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; Item No. 13.06.22 – Request for permission for the Mayor to sign a contract with Schoel Engineering for FEMA Floodplain Management – Cale Smith, PE;

Item No. 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, Item No. 17.06.22 – Request to authorize Mayor to sign 3 year contract with AT&T for City Hall Analog Lines– Robert Burgett, Finance Director. From Public Works: Item No. 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.

Councilor Gwaltney moved for the approval of the amended 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. 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 6/27/22).

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 (Carried Over 6/27/22).

President Wyatt stated that this item would be referred back to the Special Issues Committee.

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.

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 without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:10 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. Ben Watson addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:12 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 6:16 p.m.:

Ordinance No.

(An Ordinance 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))

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, 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. 2844

(An Ordinance 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))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2844. 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, Wolverton, Sims, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

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. 06.06.22 – Public Hearing set for August 8, 2022 at 6:00 p.m. to consider amending the City’s Zoning Ordinance to include the Fence Ordinance – Councilor Andress / Cale Smith, PE.

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

The next item on the Agenda under Old Business was Item No. 18.06.22 – Public Hearing set for July 25, 2022 at 6:00 p.m. for consideration of condemnation of the dwelling structure at 2900 16th PL S – Wyatt Pugh, Building Department.

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

The next item on the Agenda under Old Business was Item No. 19.06 22 – Public Hearing set for July 25, 2022 at 6:00 p.m. for consideration of condemnation of the dwelling structure at 137 West Glenwood Drive – Wyatt Pugh, Building Department.

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

The next item on the Agenda under Old Business was Item No.20.06.22 – Public Hearing set for July 11, 2022 at 6:00 p.m. 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.

Councilor Jones stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, 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 6:21 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. Scott Cook addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:21 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. 22-108

(A Resolution 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)

Councilor Nelms moved for the adoption and enrollment of Resolution No. 22-108. 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. 21.06.22 – Public Hearing set for July 11, 2022 at 6:00 p.m. 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.

Councilor Jones stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, 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 6:24 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 6:25p.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. 22-109

(A Resolution 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")

Councilor Jones moved for the adoption and enrollment of Resolution No. 22-109. 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.

The next item on the Agenda under Old Business was Item No. 22.06.22 – Public Hearing set for July 11, 2022 at 6:00 p.m. 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.

Councilor Jones stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, 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 6:26 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 6:26p.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. 22-110

(A Resolution 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")

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-110. 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. 23.06.22 – Public Hearing set for July 11, 2022 at 6:00 p.m. 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.

Councilor Jones stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, 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 6:27 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 stated that the Public Hearing would be continued, and the Item would be carried over.

The next item considered under Old Business was 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 Alex Wyatt.

Councilor Jones stated that the Public Safety Committee met earlier tonight, prior to the Council meeting, 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 6:30 p.m.:

Ordinance No.

(An Ordinance to add a 3-way stop sign and crosswalks at the intersection of Oxmoor Road and Scott Street)

Councilor Smith 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, Wolverton, Sims, 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. 2845

(An Ordinance to add a 3-way stop sign and crosswalks at the intersection of Oxmoor Road and Scott Street)

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2845. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Wolverton, Sims, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item considered under Old Business was Item No. 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.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 3-0 to recommend approval.

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

Resolution No. 22-111

(A Resolution to amend FY 21-22 Budget for fuel costs)

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 was Item No. 13.06.22 – Request for permission for the Mayor to sign a contract with Schoel Engineering for FEMA Floodplain Management – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 3-0 to recommend approval.

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

Resolution No. 22-112

(A Resolution for permission for the Mayor to sign a contract with Schoel Engineering for FEMA Floodplain Management)

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 was Item No. 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.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 3-0 to recommend approval.

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

Resolution No. 22-113

(A Resolution for permission to submit grant application for Homewood Historic Preservation Commission)

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 was Item No. 17.06.22 – Request to authorize Mayor to sign 3-year contract with AT&T for City Hall Analog Lines – Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met earlier tonight, prior to the Council meeting, and voted 3-0 to recommend approval.

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

Resolution No. 22-114

(A Resolution to authorize Mayor to sign 3-year contract with AT&T for City Hall Analog Lines)

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 was Item No. 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.

Councilor Hardin stated that the Public Works Committee met earlier tonight, prior to the Council meeting, and voted 340 to recommend approval pending indemnification agreement.

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

Resolution No. 22-115

(A Resolution for permission to work within the right-of-way at 2510 18th Street South for construction of 18th Street Townhomes)

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

01.07.22 Request for permission to work within the ROW on 29th Avenue South in front of PNC Bank – **Cale Smith, PE – Public Works Committee**

02.07.22 **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 2709 19th Place South – **Mike Walker, Owner / Wyatt Pugh, Building Department – Special Issues Committee**

03.07.22 **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance(s) at 273 Lakeshore Parkway – **Meighan Ellis/Advance Signs/Chipotle/Wyatt Pugh, Building Department – Special Issues Committee**

Councilor Wolverton moved to approve the amended Committee Referral Agenda. 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 02.07.22 – Request to set a Public Hearing for consideration of a sign variance at 2709 19th Place South – Mike Walker, Owner / 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. 03.07.22 – Request to set a Public Hearing for consideration of a sign variance(s) at 273 Lakeshore Parkway – Meighan Ellis/Advance Signs/Chipotle/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. 04.07.22 – Request for consideration of approval of vouchers for period of June 28, 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. 22-116

(A Resolution for approval of vouchers for period of June 28, 2022 through July 11, 2022)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 22-116. 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.

President Wyatt stated that the Committees would meet on July 18, 2022 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works, and Special Issues Committees meeting immediately following the previous meeting. The Planning and Development Committee would not be scheduled for July 18, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:53 p.m.