

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

July 17, 2023

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, July 17, 2023 at City Hall at 6:00 p.m.

At this time David Silverstein addressed the Council regarding his candidacy for the Jefferson County Commission.

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

The meeting was called to order by President Wyatt at 6:10 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, 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; J.J. Bischoff, Chief of Staff; Mayor Patrick McClusky, and Robert Burgett, Finance Director/ Assistant City Clerk. Absent: Andrew Wolverton, and Nick Sims.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of June 26, 2023 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.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Special Called Council Meeting of July 10, 2023 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.

Councilor Geer moved to appoint George Culver to the At-Large Arts Council position. 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.

President Wyatt stated that there were three applicants for the Ward 3 Historic Preservation Commission position so interviews would be set.

President Wyatt then opened the application period for the Ward 4 Historic Preservation Commission position until August 28, 2023.

Mayor McClusky stated that he appointed Gusty Gulas to the Planning Commission

Councilor Alemán moved for the approval of the published Council 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.

CONSENT AGENDA

07.06.23 Request permission work in the Right-of-Way at 2812 18th Street South – **Jeff Robinson / Wyatt Pugh, Building Dept.**

Action Taken: The Public Works Committee met on July 10, 2023 and voted 4-0 to recommend dropping this item. The motion was made by Councilor Nelms and seconded by Councilor Geer.

Councilor Gwaltney moved for the approval of the Consent 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 10.05.23 – Bid Opening held on July 10, 2023 at 4:31 p.m. for the Saulter Road Pocket Park Project – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on July 10, 2023 and voted 4-0 to recommend accepting the bid from CB & A.

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

Resolution No. 23-89

(A Resolution to accept bid from CB & A for the Saulter Road Pocket Park 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 on the Agenda under Old Business was Item No. 14.06.23 – Request to declare various municipal items surplus – Chief Tim Ross, Police Department/Randy Hambley, Traffic Department.

Councilor Jones stated that the Finance Committee met on July 10, 2023 and voted 4-0 to recommend approval and then made an additional recommendation from the floor to add an additional 2015 Chevrolet Tahoe to the surplus list and remove a 2004 Ford Expedition.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:17 p.m.:

Ordinance No.

(An Ordinance to declare various municipal items surplus)

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, 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. 2871

(An Ordinance to declare various City items surplus)

Councilor Jones moved for the enrollment and adoption and publication according to law of Ordinance No. 2871. Councilor Smith seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 15.06.23 – Request to amend FY 22-23 Budgets – Chief Tim Ross, Police Department.

Councilor Jones stated that the Finance Committee met on July 10, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-90

(A Resolution to amend FY 22-23 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. 19.06.23 – Request for consideration to authorize Mayor to sign contract for garbage services – Berkley Squires, Public Services Director.

Councilor Jones stated that the Finance Committee met on July 10, 2023 and voted 5-0 to recommend approval. The Council then held discussion regarding this item.

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

Resolution No. 23-91

(A Resolution to authorize Mayor to sign contract for garbage services)

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. 08.06.23 – Request permission to work in the Right-of-Way at 2844 18th Street South – Chris Jones, Wayne's / Wyatt Pugh, Building Dept.

Councilor Nelms stated that the Public Works Committee met on July 10, 2023 and voted 3-0 to recommend approval.

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

Resolution No. 23-92

(A Resolution approving work in the Right-of-Way at 2844 18th Street South)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Public 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. 10.06.23 – Request permission to vacate a permanent easement at Second Presbyterian Church – Cale Smith, PE

Councilor Andress stated that the Planning and Development Committee met on July 10, 2023 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 6:28 p.m.:

Ordinance No.

(An Ordinance to vacate a permanent easement at Second Presbyterian Church)

Councilor Andress 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, 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. 2872

(An Ordinance to vacate a permanent easement at Second Presbyterian Church)

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2872. Councilor Alemán seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Jones, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.07.23** Request to accept FY21-22 Audit from BMSS – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 02.07.23** Request to amend contract with Southeastern Sealcoating, Inc. for College Avenue Stormwater Project – **Cale Smith, PE – Finance Committee**
- 03.07.23** Request permission for Mayor to sign contract with Sain & Associates for PE Services for the Central Avenue TAP Grant Project – **Cale Smith, PE – Finance Committee**
- 04.07.23** Request to terminate contract with Iron Mountain and amend budget for disposal of records – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

- 05.07.23** Request permission to work in right-of-way at 306 Kenilworth Drive – **Father Nature/Cale Smith, PE – Public Works Committee**
- 06.07.23** Request permission to vacate a portion of right-of-way at 25th Court South– **Joey Miller/Cale Smith, PE – Special Issues Committee**
- 07.07.23** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 55 Bagby Dr., PID# 29-00-14-2-004-004.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement, Building Inspections Dept. – Public Safety Committee**
- 08.07.23** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 65 Bagby Dr., PID# 29-00-14-2-004-005.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement, Building Inspections Dept. – Public Safety Committee**
- 09.07.23** **Request to set a Public Hearing and referral to the Planning & Development Committee** for consideration to approve a Final Development Plan for 815 Greensprings Highway (PID # 29-00-23-1-002-002.000) Zoning: GURD (Green Springs Urban Renewal District) Applicant/Owner: Brian Hatcher/Greensprings Development, LLC for the proposed redevelopment of a 4-acre site for a new mixed-use development to be called “the Edge” that is centered around the renovation of two existing buildings designed to contain multiple functions and uses including restaurants and retail space, as well as the planned construction of a new 5,000 sq. ft. retail building, along with associated parking, landscaping, and other site improvements. (The Planning Commission had a vote of 5-0-4 (absent) for a favorable recommendation) – **Cale Smith – Planning & Development Committee**

Councilor Gwaltney moved to approve the Committee Referral Agenda.
Councilor Alemán 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. 07.07.23 – Request to set a Public Hearing to consider declaring the property located at 55 Bagby Dr., PID# 29-00-14-2-004-004.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Building Inspections Dept.

President Wyatt stated that the Public Hearing would be set for July 31, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.07.23 – Request to set a Public Hearing consider declaring the property located at 65 Bagby Dr., PID# 29-00-14-2-004-005.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Building Inspections Dept.

President Wyatt stated that the Public Hearing would be set for July 31, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.07.23 – Request to set a Public Hearing for consideration to approve a Final Development Plan for 815 Greensprings Highway (PID # 29-00-23-1-002-002.000) Zoning: GURD (Green Springs Urban Renewal District) Applicant/Owner: Brian Hatcher/Greensprings Development, LLC for the proposed redevelopment of a 4-acre site for a new mixed-use development to be called “the Edge” that is centered around the renovation of two existing buildings designed to contain multiple fuctions and uses including restaurants and retail space, as well as the planned construction of a new 5,000 sq. ft. retail building, along with associated parking, landscaping, and other site improvements. (The Planning Commission had a vote of 5-0-4(absent) for a favorable recommendation) – Cale Smith.

President Wyatt stated that the Public Hearing would be set for August 14, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.07.23 – Request for consideration of an ABC 020 – Restaurant Retail Liquor License for Otey’s Edgewood LLC dba Otey’s Tavern located at 930 Oxmoor Road – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for approval pending letter of no objection from the Fire Department. Councilor Alemán 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. 11.07.23 – Request for consideration of approval of vouchers for period of June 27, 2023 through July 17, 2023 – 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. 23-93

(A Resolution for approval of vouchers for period of June 27, 2023 through July 17, 2023)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-93. 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.

Mayor McClusky addressed the Council regarding the decision-making process of Item No. 19.06.23.

President Wyatt stated that the Committees would meet on July 24, 2023 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works, Special Issues, and the Planning and Development Committees 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 6:54 p.m.