

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

**July 31, 2023**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, July 31, 2023 at City Hall at 6:00 p.m.

The invocation was given by Bo Seagrist, Senior Revenue Examiner, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:05 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, Nick Sims, Walter Jones, Barry Smith, Jaleté Nelms, Jennifer Address, 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 Melody Salter, City Clerk. Absent: Andrew Wolverton.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of July 17, 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, President Wyatt amended the published Council Agenda to move the following item from the Old Business Agenda to the Consent Agenda: Item No. 01.07.23 – Request to accept FY21-22 Audit from BMSS – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

President Wyatt then added the following item to the Committee Referral Agenda: Item No. 19.07.23 – Request to amend FY 22-23 budget – Judith Wright, Library Director – Finance Committee.

President Wyatt then added the following item to the Other New Business Agenda: Item No. 20.07.23 – Request for consideration of an ABC 050 – Retail Beer (Off Premises Only) and 070 (Retail Table Wine (Off Premises Only) Licenses for Reyan LLC dba Homewood Food Mart located at 2908 Independence Drive – Melody Salter, CPA, City Clerk (Transfer of Ownership).

Councilor Alemán 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**

**01.07.23** Request to accept FY21-22 Audit from BMSS – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk**

**The Finance Committee met July 24, 2023 and after hearing from BMSS Sr. Audit Manager Jenny Gray voted 5-0 to recommend accepting the FY 21-22 Audit and Independent Auditor's Report. The Motion was made by Councilor Smith and seconded by Councilor Hardin**

Councilor Geer moved for the approval of the amended Consent 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.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 07.07.23 – Public Hearing set for July 31, 2023 at 6:00 p.m. 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.

Councilor Gwaltney stated that the Public Safety Committee met on July 24, 2023 and voted 5-0 to refer this item 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.

Scott Cook then 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.

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

**Resolution No. 23-94**

**(A Resolution 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")**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-94. 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 Old Business was Item No. 08.07.23 – Public Hearing set for July 31, 2023 at 6:00 p.m. 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.

Councilor Gwaltney stated that the Public Safety Committee met on July 24, 2023 and voted 5-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:25 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 then addressed the Council regarding this item.

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

President Wyatt asked if the Council had any questions or comments regarding this item. The Council then held discussion.

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

**Resolution No. 23-95**

**(A Resolution 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")**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-94. Councilor Sims 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. 25.04.17 – Request for consideration of 18<sup>th</sup> Street Revitalization Project – Councilor Gwaltney.

Councilor Jones stated that the Finance Committee met on July 24, 2023 and voted 3-0 to recommend approval of change order and budget amendment.

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

**Resolution No. 23-96**

**(A Resolution approving supplement to Goodwyn Mills Contract and budget amendment)**

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.

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

**Resolution No. 23-97**

**(A Resolution approving change order No. 3 with Bulls Construction Group)**

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. 02.07.23 – Request to amend contract with Southeastern Sealcoating, Inc. for College Avenue Stormwater Project – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on July 24, 2023 and voted 3-0 to recommend approval.

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

**Resolution No. 23-98**

**(A Resolution amending contract with Southeastern Sealcoating, Inc. for College Avenue Stormwater 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. 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.

Councilor Jones stated that the Finance Committee met on July 24, 2023 and voted 5-0 to recommend approval.

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

**Resolution No. 23-99**

**(A Resolution authorizing the Mayor to sign contract with Sain & Associates for PE Services for the Central Avenue TAP Grant 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. 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.

Councilor Jones stated that the Finance Committee met on July 24, 2023 and voted 5-0 to recommend approval.

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

**Resolution No. 23-100**

**(A Resolution to terminate contract with Iron Mountain and amend budget for disposal of records)**

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. 05.07.23 – Request permission to work in right-of-way at 306 Kenilworth Drive – Father Nature/Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on July 24, 2023 and voted 4-0 to recommend approval.

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

**Resolution No. 23-101**

**(A Resolution to work in right-of-way at 306 Kenilworth Drive)**

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. 06.07.23 – Request permission and set Public Hearing to vacate a portion of right-of-way at 25<sup>th</sup> Court South– Joey Miller/Cale Smith, PE.

Councilor Smith stated that the Special Issues Committee met on July 24, 2023 and voted 4-0 to recommend setting Public Hearing and referring to full Council without recommendation pending the Public Hearing.

President Wyatt stated that the Public Hearing would be set for September 11, 2023 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.07.23 – Public Hearing set for August 14, 2023 at 6:00 p.m. to 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 this item would be carried over for the Public Hearing set for August 14, 2023 at 6:00 p.m.

#### **COMMITTEE REFERRAL AGENDA**

- 12.07.23** Request to review FY 21-22 audited financial results with Council Fiscal Policy and make any required transfers – **Robert Burgett, Finance Director/Melody Salter, City Clerk – Finance Committee**
- 13.07.23** Request for consideration to finalize Republic Services recycling contract– **Berkley Squires, Public Services Director – Finance Committee**
- 14.07.23** Request for consideration to authorize Mayor to sign contract and to amend FY 22-23 budget for repairs and upgrades to East Glenwood Dr– **Berkley Squires, Public Services Director – Finance Committee**
- 15.07.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 300 Oxmoor Road, Suite 101 – **Advance America / Wyatt Pugh, Inspections & Permits– Special Issues Committee**
- 16.07.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 1831 28<sup>TH</sup> Avenue South Suite N101 – **Ashley Mac’s / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 19.07.23** Request to amend FY 22-23 budget – **Judith Wright, Library Director – Finance Committee**

Councilor Alemán moved to approve the 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. 15.07.23 – Request to set a Public Hearing for consideration of sign variance(s) at 300 Oxmoor Road, Suite 101 – Advance America / Wyatt Pugh, Inspections & Permits.

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. 16.07.23 – Request to set a Public Hearing for consideration of sign variance(s) at 1831 28<sup>TH</sup> Avenue South Suite N101 – Ashley Mac’s / Wyatt Pugh, Inspections & Permits.

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. 17.07.23 – Request for consideration to approve service agreement with Unity to increase internet speed in Rosewood Hall – JJ Bischoff, Mayor’s Chief of Staff.

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

#### **Resolution No. 23-102**

**(A Resolution to approve service agreement with Unity to increase internet speed in Rosewood Hall)**

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-102. 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. 18.07.23 – Request for consideration of approval of vouchers for period of July 18, 2023 through July 31, 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. 23-103**

**(A Resolution for approval of vouchers for period of July 18, 2023 through July 31, 2023)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-103. 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 considered under Other New Business was Item No. 20.07.23 – Request for consideration of an ABC 050 – Retail Beer (Off Premises Only) and 070 (Retail Table Wine (Off Premises Only) Licenses for Reyan LLC dba Homewood Food Mart located at 2908 Independence Drive – Melody Salter, CPA, City Clerk (Transfer of Ownership).

Councilor Gwaltney moved for having no objections to the issuance of the licenses pending letters of no objection from the Fire and Police Departments.

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 August 7, 2023 starting with the Finance Committee at 5:00 p.m. with Public Safety, and Special Issues meeting immediately following the previous meeting. The Public Works and Planning and Development Committee Meetings were not scheduled.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:52 p.m.