

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

August 8, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, August 8, 2022, at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented Judith Wright with a Proclamation in Honor of her Outstanding Youth Service Award.

The Mayor then presented Deborah Fout with a Proclamation in Honor of her retirement and for her 36 years of service as Library Director.

The invocation was given by Michael Ent of Raleigh Baptist Church, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:11 p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of July 25, 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.

President Wyatt stated that Historic Preservation Commission At-Large interviews would be set this week.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Committee Referral Agenda: Item No. 08.08.22 – Request to set a Public Hearing and referral to the Public Safety Committee for consideration for condemnation of the structure at 2562 18th Street South– Wyatt Pugh, Building Department – Public Safety Committee.

Councilor Gwaltney 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

02.01.21 Request for presentation of APPLE study for East Central Avenue improvements – **Councilors Andress and Gwaltney**

Action Taken: The Planning and Development Committee met on August 1, 2022 and voted 3-0 to take this item off the Table. The motion was made by Councilor Wolverton and seconded by Councilor Sims. The Committee then voted 3-0 to recommend dropping this item. The motion was made by Councilor Wolverton and seconded by Councilor Sims.

Councilor Andress moved for the approval of the amended published 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.

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 7/25/22).

President Wyatt stated that this item would be carried over.

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.

Councilor Andress stated that the Planning and Development Committee met on July 11, 2022 and voted 5-0 to refer this item back to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:18 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.

President Wyatt stated that this item would need to be discussed by the BZA.

President Wyatt declared the Public Hearing closed at 6:18 p.m.

President Wyatt stated that this item would be referred back to the Planning and Development Committee.

The next item on the Agenda was Item No. 23.06.22 – Public Hearing held on 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. (Carried over 7/25/22).

Scott Cook addressed the Council regarding this item.

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

Resolution No. 22-125

(A Resolution 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”)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-125. 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. 12.07.22 – Public Hearing set for August 8, 2022 at 6:00 p.m. for consideration of a sign variance(s) at 1831 28th Ave S, Suite 175 – Taylor Hughes, Social Taco / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on August 1, 2022 and voted 5-0 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.

Wyatt Pugh and Taylor Hughes addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:23 p.m.

President Wyatt asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

Resolution No. 22-126

(A Resolution for a sign variance(s) at 1831 28th Ave S, Suite 175)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-126. 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.

The next item on the Agenda under Old Business was Item No. 13.07.22 – Public Hearing set for August 8, 2022 at 6:00 p.m. for consideration of a sign variance(s) at 333 Greensprings Highway – Brenda Daniel, Daniel Signs / Chase Bank / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on August 1, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:25 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.

Wes Daniel 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 regarding this item.

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

Resolution No. 22-127

(A Resolution for a sign variance(s) at 333 Greensprings Highway)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-127. 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 Old Business was Item No. 14.07.22 – Public Hearing set for August 8, 2022 at 6:00 p.m. for consideration of a sign variance(s) at 1722 27th Court South – Dogtopia / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on August 1, 2022 and voted 5-0 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.

Carlton Millsap addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:29 p.m.

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

President Wyatt recommended carrying over this item. Councilor Geer objected.

On a voice vote, the motion to carry this item over carried on a vote of 8-1-1. Councilor Geer voted no. Councilor Hardin abstained.

The next item on the Agenda under Old Business was Item No. 15.07.22 – Public Hearing set for November 14, 2022 at 6:00 p.m. for consideration of annexation for Board of Education property into the City of Homewood – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Andress stated that the Planning and Development Committee met on August 1, 2022 and voted 3-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt stated that this item would be carried over for the Public Hearing set for November 14, 2022 and 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 25.04.22 – Request for consideration of 18th Street Revitalization Project – Councilor Gwaltney.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend approval after hearing from Keith Strickland from GMC.

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

Resolution No. 22-128

(A Resolution approving 18th Street Revitalization)

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. 06.07.22 – Request to declare the following items surplus: 2016 Tahoe (VIN 1GNLCDEC5GR128469) and 2020 Harley Davidson Road King (VIN 1HD1FHP10LB609581) – Gordan Jaynes, Fleet Maintenance / Chief Ross, Police Dept.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:40 p.m.:

Ordinance No.

(An Ordinance to declare the following items surplus: 2016 Tahoe (VIN 1GNLCDEC5GR128469) and 2020 Harley Davidson Road King (VIN 1HD1FHP10LB609581))

Councilor Hardin 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, 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. 2846

(An Ordinance to declare the following items surplus: 2016 Tahoe (VIN 1GNLCDEC5GR128469) and 2020 Harley Davidson Road King (VIN 1HD1FHP10LB609581))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2846. 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, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 07.07.22 – Request for consideration of Budget Amendments – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend approval.

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

Resolution No. 22-129

(A Resolution approving Budget Amendments)

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, Councilor Smith moved amend Resolution No. 22-129 to include approval of 20-510 Wages to 2-540-100 Building for two main AC units for \$44,000.00. Councilor Jones seconded the motion.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.07.22 – Request for consideration of Shades Creek Greenway Phase II – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend approval of accepting Chilton Contractor as lowest responsive bidder.

President Wyatt stated that this item would be carried over for review of invoice.

The next item on the Agenda under Old Business was Item No. 09.07.22 – Request to set a Bid Date for Mecca Avenue Sidewalks – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend setting the Bid Date for September 12, 2022 at 4:00 p.m.

The next item on the Agenda under Old Business was Item No. 10.07.22 – Request to set a Bid Date for Delcris Drive Sidewalks – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend setting the Bid Date for September 12, 2022 at 4:10 p.m.

The next item on the Agenda under Old Business was Item No. 11.07.22 – Request to set a Bid Date for Huntington Stormwater Culvert Replacement – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend setting the Bid Date for September 12, 2022 at 4:20 p.m.

The next item on the Agenda under Old Business was Item No. 17.07.22 – Request to authorize the Mayor to sign a contract for services for FY 21-22 for The Bell Center from Budget Appropriations – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met on August 1, 2022 and voted 4-0 to recommend approval of \$5,000.00.

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

Resolution No. 22-130

(A Resolution to authorize the Mayor to sign a contract for services for FY 21-22 for The Bell Center from Budget Appropriations)

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. 29.05.22 – Request for consideration for mile markers, signage, and for Lakeshore Trail – Councilor Andress and Berkley Squires, Public Works Director.

Councilor Smith stated that the Special Issues Committee met on August 1, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-131

(A Resolution for mile markers, signage, and for Lakeshore Trail)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Special Issues Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.08.22** Request to consider State Act #2022-229 to allow for a onetime bonus for retired Homewood City employees – **Mayor McClusky – Finance Committee**
- 02.08.22** Request for consideration to become an “Official Fan Guide Sponsor” for the Annual Birmingham Bowl – **Mark Meadows/Barry Smith – Finance Committee**
- 03.08.22** Request to set a Bid Date for College Avenue Stormwater Improvements – **Cale Smith, PE – Finance Committee**
- 04.08.22** Request to amend FY 21-22 Budgets – **Berkley Squires, Public Works Director/ Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 05.08.22** Request to consider revisions to the Tree and Landscape Ordinance – **Cale Smith, PE – Planning and Development Committee**
- 06.08.22** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to remove zoning restriction (PR-2 C, Planned Residential District (Conditional) from 1116 Hollywood Manor Drive (PID 28-00-18-1-002-016.009): Applicant: Joseph A. Miller, III, MTTR Engineers, Inc. Owner: Rose Sarris – in order to permit the construction of a single-family house (The Planning Commission had a vote of 7-0 (2 absent) for a favorable recommendation) – **Cale Smith – Planning and Development Committee**
- 08.08.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration for condemnation of the structure at 2562 18th Street South– **Wyatt Pugh, Building Department – Public Safety Committee**

Councilor Hardin 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. 06.08.22 – Request to set a Public Hearing for consideration to remove zoning restriction (PR-2 C, Planned Residential District (Conditional) from 1116 Hollywood Manor Drive (PID 28-00-18-1-002-016.009): Applicant: Joseph A. Miller, III, MTTR Engineers, Inc. Owner: Rose Sarris – in order to permit the construction of a single-family house (The Planning Commission had a vote of 7-0 (2 absent) for a favorable recommendation) – Cale Smith.

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

The next item on the Agenda under Other New Business was Item No. 07.08.22 – Request for consideration of approval of vouchers for period of July 26, 2022 through August 8, 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. 22-132

(A Resolution approving of vouchers for period of July 26, 2022 through August 8, 2022)

Councilor Jones moved for the adoption and enrollment of Resolution No. 22-132. 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.

At this time, Councilor Andress moved to further amend the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 08.08.22 – Request to set a Public Hearing for consideration for condemnation of the structure at 2562 18th Street South – Wyatt Pugh, Building Department. Councilor Sims seconded the motion.

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

President Wyatt stated that the Committees would meet on August 15, 2022 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works, and Planning and Development Committees meeting immediately following the previous meeting. The Special Issues Committee would not be scheduled for August 15, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:04 p.m.