

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

August 14, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, August 14, 2023 at City Hall at 6:00 p.m.

The invocation was given by Councilor Barry Smith, after which the pledge of allegiance was given.

The meeting was called to order by President Pro Tempore Jones at 6:05 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, Nick Sims, Walter Jones, Barry Smith, and Jennifer Andress, 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, Jaleté Nelms, John Hardin, and Alex Wyatt.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of July 31, 2023 and approve them as presented. Councilor Gwaltney seconded the motion.

Councilor Wolverton entered the Council Chambers at 6:06 p.m.

President Pro Tempore Jones 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 Sims moved to appoint Gary Johnson to the Ward 3 Historic Preservation Commission position. Councilor Smith seconded the motion.

President Pro Tempore Jones 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 Wolverton moved for the approval of the published Council Agenda. Councilor Alemán seconded the motion.

President Pro Tempore Jones 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

15.08.20 Request for consideration of a Memorial donation policy – **Councilors Andress and Smith**

Action Taken: The Special Issues Committee met on August 7, 2023 and voted 5-0 to take this item off the Table. The motion was made by Councilor Andress and seconded by Councilor Alemán. The Committee then voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Alemán.

Councilor Smith moved for the approval of the Consent Agenda. Councilor Andress seconded the motion.

President Pro Tempore Jones 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. 06.07.23 – Public Hearing set for September 11, 2023 at 6:00 p.m. for permission to vacate a portion of right-of-way at 25th Court South– Joey Miller/Cale Smith, PE.

President Pro Tempore Jones stated that this item would be carried over for the Public Hearing 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.

Councilor Andress stated that the Planning and Development Committee met on July 24, 2023 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:10 p.m.

President Pro Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Cale Smith and J.J. Thomas then addressed the Council regarding this item.

President Pro Tempore Jones declared the Public Hearing closed at 6:11 p.m.

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

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:13 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. Councilor Andress seconded the motion.

President Pro Tempore Jones 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, and Andress.

The motion for unanimous consent carried.

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

Ordinance No. 2873

(An Ordinance 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))

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2873. Councilor Smith seconded the motion.

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

The motion carried without dissent.

The next item on the agenda under Old Business was Item No. 15.07.23 – Public Hearing set for August 14, 2023 at 6:00 p.m. for consideration of sign variance(s) at 300 Oxmoor Road, Suite 101 – Advance America / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on August 7, 2023 and voted 5-0 to recommend dropping this item.

President Pro Tempore Jones declared the Public Hearing opened at 6:17 p.m.

President Pro Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item. There was no response from the audience.

President Pro Tempore Jones declared the Public Hearing closed at 6:17 p.m.

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

Councilor Andress moved to drop this item. Councilor Smith seconded the motion.

President Pro Tempore Jones 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. 16.07.23 – Public Hearing set for August 14, 2023 at 6:00 p.m. for consideration of sign variance(s) at 1831 28TH Avenue South Suite N101 – Ashley Mac's / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on August 7, 2023 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:19 p.m.

President Pro Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Don Hawes then addressed the Council regarding this item.

President Pro Tempore Jones declared the Public Hearing closed at 6:20 p.m.

President Pro Tempore Jones 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. 23-104

(A Resolution approving a sign variance(s) at 1831 28TH Avenue South Suite N101)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-104. Councilor Alemán seconded the motion.

President Pro Tempore Jones 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. 05.04.23 – Bid Date held on July 25, 2023 at 2:00 p.m. for the City Hall parking deck repair and restoration project – Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Finance Committee met on August 7, 2023 and, after hearing from Wyatt Pugh, the Committee voted 3-0 to recommend accepting bid from JJ Morley for \$583,060.

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

Resolution No. 23-105

(A Resolution accepting bid for City Hall parking deck repair and restoration project from JJ Morley)

President Pro Tempore Jones 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. 13.07.23 – Request for consideration to finalize Republic Services recycling contract– Berkley Squires, Public Services Director.

Councilor Smith stated that the Finance Committee met on August 7, 2023 and, after hearing from Berkley Squires, the Committee voted 3-0 to recommend negotiated final payment amount of \$81,574.74.

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

Resolution No. 23-106

(A Resolution to finalize Republic Services recycling contract)

President Pro Tempore Jones 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. 14.07.23 – Request for consideration to amend FY 22-23 budget for repairs and upgrades to East Glenwood Dr – Berkley Squires, Public Services Director.

Councilor Smith stated that the Finance Committee met on August 7, 2023 and voted 3-0 to recommend approval to sign contract for \$94,500 and amend the budget for Small Infrastructure but needed to amend the motion to take out of the General Fund..

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

Resolution No. 23-107

(A Resolution to amend FY 22-23 budget for repairs and upgrades to East Glenwood Dr)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-107. Councilor Gwaltney seconded the motion.

President Pro Tempore Jones 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. 19.07.23 – Request to amend FY 22-23 budget – Judith Wright, Library Director.

Councilor Smith stated that the Finance Committee met on August 7, 2023, and after hearing from Judith Wright, the Committee voted 4-0 to recommend approval of a line-item transfer from building maintenance to supplies of \$13,000.00.

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

Resolution No. 23-108

(A Resolution to amend FY 22-23 budget)

President Pro Tempore Jones 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.

COMMITTEE REFERRAL AGENDA

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| 01.08.23 | Request to accept stormwater masterplan from Kimley Horn – Kirk Mills/Kandace Kea, Kimley Horn / – Cale Smith, PE – Finance Committee |
| 02.08.23 | Request to set bid opening date for revised paving projects – Berkley Squires, Public Services Director – Finance Committee |
| 03.08.23 | Request to purchase ad in Business Alabama for JeffCo Spotlight – Hal Cain/ Councilor Smith – Finance Committee |
| 04.08.23 | Request to present a transportation plan – Robert Burgett, Finance Director – Finance Committee |

- 05.08.23** Request for permission to install bollard at the corner of Oxmoor Road/ St. Charles Street and amend the dumpster license agreement for city parking lots – **Jack Little, Red Rock Realty / Cale Smith, PE – Public Safety Committee**
- 06.08.23** Request permission to grant easement to Telepak Networks d/b/a C Spire for Lakeshore Drive Soccer Complex – **Berkley Squires – Public Works Committee**
- 07.08.23** Request for permission to vacate the Irving/Frisco alley Right-of-Way – **Cale Smith, P.E. – Special Issues Committee**
- 08.08.23** **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, Building Dept. – Special Issues Committee**
- 09.08.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 2844 18th Street S – **Howell Family, LLC, Once Upon a Time / Wyatt Pugh, Building Dept. – Special Issues Committee**

Councilor Alemán moved to approve the Committee Referral Agenda. Councilor Andress seconded the motion.

President Pro Tempore Jones 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. 08.08.23 – Request to set a Public Hearing for consideration of sign variance(s) at 300 Oxmoor Road, Suite 101 – Advance America / Wyatt Pugh, Building Dept.

President Pro Tempore Jones stated that the Public Hearing would be set for August 28, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.08.23 – Request to set a Public Hearing for consideration of sign variance(s) at 2844 18th Street S – Howell Family, LLC, Once Upon a Time / Wyatt Pugh, Building Dept.

President Pro Tempore Jones stated that the Public Hearing would be set for August 28, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.08.23 – Request for consideration of an ABC 020 – Restaurant Retail Liquor License for Ace C LLC dba Cantina Tortilla Grill located at 162 Oxmoor Road – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for having no objection to the issuance of the license. Councilor Andress seconded the motion.

President Pro Tempore Jones 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. 11.08.23 – Request for consideration of approval of vouchers for period of July 31, 2023 through August 14, 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. 23-109

(A Resolution for approval of vouchers for period of July 31, 2023 through August 14, 2023)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-109. Councilor Alemán seconded the motion.

President Pro Tempore Jones 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 Pro Tempore Jones stated that the Committees would meet on August 21, 2023 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works, and Special Issues meeting immediately following the previous meeting. The Planning and Development Committee Meeting was not scheduled.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:39 p.m.