

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

August 23, 2021

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, August 23, 2021 at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented the Use of Force Policy Task Force(Lee Lavette, Lavona Wormely, Jeff Walker, John McGaha, Mike Higginbotham, George Terry, Mario Naevez, and Mark Quimby) and provided updates from the Task Force.

The invocation was given by Pastor Tracy Hipps, Christian Service Mission after which the pledge of allegiance was given by Boy Scout Troop 95, Shades Valley Lutheran Church.

The meeting was called to order by President Wyatt at 6:07 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Carlos Alemán, Andrew Wolverton, Nick Sims, Walter Jones, Barry Smith, Jaleté Nelms, Jennifer Andress, John Hardin, and Alex Wyatt and 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: None.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of August 9, 2021 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 asked for Board nominations.

Councilor Wolverton moved to appoint Wes Mitchell to a Homewood Environmental Commission At-Large position. 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.

Councilor Wolverton moved to appoint Kristin Trowbridge Alford to a Homewood Environmental Commission At-Large position. 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.

Councilor Wolverton moved to appoint Scott Rezek to the Homewood Environmental Commission Ward 3 position. 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.

Councilor Gwaltney moved for the approval of the Council Agenda. 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.

CONSENT AGENDA

17.06.20 Request for consideration to form a joint task force of community and Homewood Police Department leadership to evaluate current policies concerning use of force and other related matters and make recommendations as needed– **Councilor Mike Higginbotham**

Action Taken: The Public Safety Committee met on August 16, 2021 and voted 5-0 to accept report from Chief Ross. The motion was made by Councilor Jones and seconded by Councilor Hardin.

10.07.21 Request for consideration of park bench donations along Lakeshore Trail – **Mafus Bird / Councilor Andress**

Action Taken: The Special Issues Committee met on August 16, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Andress and seconded by Councilor Geer.

Councilor Nelms moved for the approval of the Consent 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 13.07.21 – Public Hearing set for August 23, 2021 at 6:00 p.m. for consideration to adopt new zoning districts for the Homewood “Downtown District,” amending the City’s Zoning Ordinance to add Article VIII entitled “Downtown District” to Appendix A “Zoning” of Homewood’s Code of Ordinances (The Planning Commission had a vote of 5-3-1 for a favorable recommendation) – President Alex Wyatt and the Planning Commission.

Councilor Andress stated that the Planning and Development Committee met on August 16, 2021 and voted 5-0 to refer this back to the full Council without recommendation pending the Public Hearing after hearing from Lindsey Puckett, Senior Planner with the Regional Planning Commission and Susan Henderson with Placemakers as well as the following residents: Beverly LeBoeuf, Wesley Templeton, Sydney Simmons, Ken Shia, Stephanie Oliver, Kristin Meadows, Carolyn Herr, Ginny Allen, Mary Fitts, Ellis Brazeal, Chris Lane, and Rachel Stone.

President Wyatt declared the Public Hearing opened at 6:15 p.m.

President Wyatt addressed the Council regarding this item.

Lindsey Puckett, Senior Planner with the Regional Planning Commission addressed the Council and spoke about the contract with Homewood for the Master Plan for Homewood regarding a new set of zoning regulations for downtown Homewood to adhere to 11-52-72 of Alabama Code of Law that zoning regulations must be made in accordance with the Master Plan. Ms. Puckett then presented slides. Ms. Puckett further discussed the purpose of the Future Land Use Map, three of which were mixed use categories and stair stepping density. Ms. Puckett added that the Zoning Code recommendations were to allow live-work units to be replaced with the thirteen (13) zoning designations with new mixed use districts. Ms. Puckett further added that Placemakers were hired to write Code which began in November 2018 and Work Sessions were held with business owners, Chamber of Commerce, Planning Commission, and the City Council after which, in December of 2019 the proposed Code was revised again and sent back to the Planning Commission in February 2020 and they voted to table the item in April of 2021, after which the Planning Commission voted to send back to the Council.

Susan Henderson with Placemakers then addressed the Council and reviewed zoning maps presented on overhead monitors. Ms. Henderson stated that due diligence efforts were to make sure they were not taking away property rights in Alabama so this was protected by the Supreme Court to ensure the zoning map was not down zoning people. Ms. Henderson further stated that properties that were called “high rised” (Floor Area Ratio of 2.0 sq footage of lot) could be doubled in square footage of building. Ms. Henderson added that the majority of C4B was just a simple development of site and that eight (8) stories was by right and was nonnegotiable (Regions Bank e.g.). Ms. Henderson further added that they could build three (3) stories today with all the parking out front with six (6) units of high to match density over six (6) units of the development plan. Ms. Henderson further added that the BZA approval came once there was evidence of no negative impact of public services and traffic and after 33 months of public review, and three (3) public hearings.

At this time, Councilor Alemán moved to amend the zoning map to remove light purpose/medium intensity area between 27th Avenue and Rosedale Drive. 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.

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

The following residents spoke in favor of the item: Jenny Allen Overton, David Chapman, and Jane Chapman.

The following residents spoke in opposition of the item: Bernice Hawkins, Reverend Edward Steel, Mary Edwards, Melinda Williams, Bevely LeBoeuff, Ben Wogleiton, Linda Neighbors, Tom Fitts, Trish Cannon, Ken Shaia, Babbie Seibels, Ellis Brazeal, Carolyn Herr, Ann Allen, Shawn Barakat, George Williams, Jeff Foster, Nan Smith, Amelia Jones, Sydney Simmons, Steven Bode, Marlene Burnett, Barbara Wheeler, and John Krontiras.

President Wyatt declared the Public Hearing closed at 8:32 p.m.

The Council then held discussion regarding the item.

Councilor Sims moved to refer this item back to the Planning Commission to address north sections of downtown and for Historic Rosedale.

The motion failed due to lack of a second.

Councilor Geer moved to remove church from zoning plan for future consideration, deleting most West bound 26th and 27th Avenue South. 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.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 9:05 p.m.:

Ordinance No.

(An Ordinance to adopt new zoning districts for the Homewood "Downtown District;" amending the City's Zoning Ordinance to add Article VIII entitled "Downtown District" to Appendix A "Zoning" of Homewood's Code of Ordinances)

President Wyatt asked if the Council had any questions or comments regarding this item.

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: Councilor Gwaltney. Nays: Councilor Geer.

The motion for unanimous consent failed.

President Wyatt stated that a Special Called Council Meeting would be held on August 30, 2021 at 5:00 p.m. prior to the Committee Meetings.

The next item on the Council Agenda under Old Business was Item No. 04.08.21 – Public Hearing set for August 23, 2021 at 6:00 p.m. for consideration of a front yard fence variance at 873 Forest Drive – Tom and Wynne Speir/Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on August 16, 2021 and voted 5-0 to refer this back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 9:12 p.m.

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

President Wyatt declared the Public Hearing closed at 9:12 p.m.

President Wyatt asked if the Council had any questions or comments regarding the item.

The Council then held discussion regarding the item.

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

Resolution No. 21-107

(A Resolution approving a front yard fence variance at 873 Forest Drive)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 21-107. 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. 05.08.21 – Public Hearing set for August 23, 2021 at 6:00 p.m. for consideration of a sign variance at 2614 19th Street South (Wealth Management) to permit two internally-illuminated signs (1 extra wall sign) – Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on August 16, 2021 and voted 5-0 to refer this back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 9:15 p.m.

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

President Wyatt declared the Public Hearing closed at 9:15 p.m.

President Wyatt asked if the Council had any questions or comments regarding the item.

The Council then held discussion regarding the item.

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

Resolution No. 21-108

(A Resolution approving a sign variance at 2614 19th Street South (Wealth Management) to permit two internally-illuminated signs (1 extra wall sign))

Councilor Alemán moved for the adoption and enrollment of Resolution No. 21-108. 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. 01.08.21 – Requests to surplus IT Equipment – James Yates, IT.

Councilor Jones stated that the Finance Committee met on August 16, 2021 and voted 5-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 9:18 p.m.:

Ordinance No.

(An Ordinance to surplus IT Equipment)

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, Alemán, 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. 2812

(An Ordinance to surplus IT Equipment)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2812. 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, 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. 07.08.21 – Request for consideration to amend the FY 20-21 Capital Projects Fund Budget and accept lowest responsive bidder for library parking lot paving project – Deborah Fout, Library Director.

Councilor Jones stated that the Finance Committee met on August 16, 2021 and voted 5-0 to recommend approval.

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

Resolution No. 21-109

(A Resolution to amend the FY 20-21 Capital Projects Fund Budget and accept lowest responsive bidder for library parking lot paving 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. 08.07.21 – Request for consideration of a Downtown Entertainment District – President Wyatt and Councilors Andress and Gwaltney.

Councilor Gwaltney stated that the Public Safety Committee met on August 16, 2021 and voted 5-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 9:23 p.m.:

Ordinance No.

(An Ordinance to approve Downtown Entertainment District)

The Council then held discussion regarding this item.

Councilor Andress moved for the unanimous consent of the proposed Ordinance as read. 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. Nays: Geer.

The motion for unanimous consent failed.

The next item on the Agenda under Old Business was Item No. 02.08.21 – Request to plant trees in the Right-of-Way at the corner of Ventura and La Prado – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on August 16, 2021 and voted 5-0 to recommend approval pending indemnification agreement.

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

Resolution No. 21-110

(A Resolution to plant trees in the Right-of-Way at the corner of Ventura and La Prado)

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. 03.08.21 – Request to repeal and replace the Flood Damage Ordinance – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on August 16, 2021 and voted 5-0 to refer this item back to the full Council without a recommendation.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 9:34 p.m.:

Ordinance No.

(An Ordinance to repeal and replace the Flood Damage Ordinance)

Councilor Hardin moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, 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. 2813

(An Ordinance to repeal and replace the Flood Damage Ordinance)

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2813. 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, Alemán, 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. 13.02.21 – Request for consideration of changes to the landscaping and tree requirements – Councilors Gwaltney and Andress.

Councilor Andress stated that the Planning and Development Committee met on August 16, 2021 and voted 5-0 to refer this item to the Planning Commission with added language of permits being posted on site.

President Wyatt stated that this item would be referred to the Planning Commission.

The next item on the Agenda under Old Business was Item No. 04.07.21 – Request to consider annexation into the City of Homewood from Unincorporated Jefferson County for 1629 Sunset Drive – Abdulla Azzam/Melody Salter, City Clerk and Robert Burgett, Assistant City Clerk.

Councilor Andress stated that the Planning and Development Committee met on August 16, 2021 and voted 5-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 9:41 p.m.:

Ordinance No.

(An Ordinance for annexation into the City of Homewood from Unincorporated Jefferson County for 1629 Sunset Drive)

Councilor Hardin moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, 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. 2814

(An Ordinance for annexation into the City of Homewood from Unincorporated Jefferson County for 1629 Sunset Drive)

Councilor Hardin moved for the enrollment and adoption and publication according to law of Ordinance No. 2814. 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, Andress, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 09.08.21** Request for permission to work in the City Right-of-Way at 186 Oxmoor Road – **Adam Thrower / Councilor Wolverton – Public Works Committee**
- 10.08.21** Request for permission to work in the City Right-of-Way to replace trees at 201 East Linwood – **Adam & Katherine Thrower/Councilor Gwaltney – Public Works Committee**
- 11.08.21** Request for permission to work in the City Right-of-Way and extend road to the east of 913 Frisco Street – **Cale Smith, PE – Public Works Committee**
- 12.08.20** Request for consideration of a tent variance for Trinity United Methodist Church – **Councilors Andress and Smith - Special Issues Committee**
- 13.08.20** Request to consider paying one-time payment to employees per the American Rescue and Recovery Act – **Mayor McClusky - Finance Committee**
- 14.08.20** Request to amend Resolution 10-117 to pay down comp time to all employees above 80 hours and holiday pay balances for public safety

employees to 96 hours and capping balances allowable to be carried to 96 hours and/or before promotions – **Mayor McClusky - Finance Committee**

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

16.08.21 **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 1 West Lakeshore Drive (Ascension – St. Vincent’s) – **Kelly Higgins, Certified Lighting / Wyatt Pugh, Inspections & Permits – Special Issues Committee**

Councilor Alemán 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. 16.08.21 – Request to set a Public Hearing for consideration of a sign variance at 1 West Lakeshore Drive (Ascension – St. Vincent’s) – Kelly Higgins, Certified Lighting / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for September 13, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 17.08.21 – Request to consider the Mayor’s FY 21-22 Budget for All Funds – Robert Burgett, Finance Director / Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

Mayor McClusky stated that the Budgets were ready but due to the lengthy Public Hearing, he would do a high-level overview at the Finance Committee meeting next week.

President Wyatt stated that this item would be referred to the Finance Committee to set Budget Hearing dates.

The next item on the Agenda under Other New Business was 18.08.21 – Request for consideration of approval of vouchers for period of August 10, 2021 through August 23, 2021 – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

Resolution No. 21-111

(A Resolution approving vouchers for period of August 10, 2021 through August 23, 2021)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 21-111. 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 Gwaltney moved to amend the published Other New Business Agenda to add the following item: Item No. 19.08.21 – Request to authorize the Mayor Mayor to sign temporary Construction easement at 2710 18th Street South (Homewood Post Office) – President Wyatt.

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

Resolution No. 21-112

(A Resolution to authorize the Mayor Mayor to sign temporary Construction easement at 2710 18th Street South (Homewood Post Office))

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 21-112. 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.

Councilor Jones stated that the Finance Committee would meet on August 30, 2021 at 5:15 p.m.

Councilor Gwaltney stated that the Public Safety Committee would not meet on August 30, 2021.

Councilor Wolverton stated that the Public Works Committee would meet on August 30, 2021 at 5:45 p.m.

Councilor Smith stated that the Special Issues Committee would meet on August 30, 2021 at 6:05 p.m.

Councilor Andress stated that the Planning and Development Committee would not meet on August 30, 2021 at 6:05 p.m..

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 10:01 p.m.