

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

September 11, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, September 11, 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 6:04 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; J.J. Bischoff, Chief of Staff; Mayor Patrick McClusky, Melody Salter, City Clerk; and Bo Seagrist, Senior Revenue Examiner. Absent: Andrew Wolverton.

At this time, Councilor Sims moved to dispense with the reading of the Minutes of the Council Meeting of August 28, 2023 and approve them as presented. 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.

President Wyatt stated that the application period for the Ward 4 Historic Preservation Commission position would be re-opened until October 9, 2023 at 4:30 p.m.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Committee Referral Agenda from the Finance Committee: Item No. 12.08.23 – Request to amend FY 22-23 budget –Berkley Squires, Public Works / Gordon Jaynes, Fleet Maintenance; Item No. 13.08.23 – Request to surplus various municipal items –Justin Bush, IT / Gordon Jaynes, Fleet Maintenance / Wyatt Pugh, Building Dept; Item No. 19.08.23 – Request to pay holiday pay to command staff in Police –Mayor McClusky; From the Special Issues Committee: Item No. 15.08.23 – Request for permission to declare surplus portion of right-of-way along Forest Brook Circle – Tonya Gary / Cale Smith, PE; Item No. 16.08.23 – 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 Wyatt then amended the published Council Agenda to add the following item to the Consent Agenda: Item No. 07.08.23 - Request for permission to vacate the Irving/Frisco alley Right-of-Way – Cale Smith, P.E.

Councilor Smith 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

07.08.23 Request for permission to vacate the Irving/Frisco alley Right-of-Way – Cale Smith, P.E. (Carried Over 8/21/23)

Action Taken: The Special Issues Committee met on September 11, 2023 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Alemán and seconded by Councilor Sims.

Councilor Geer moved for the approval of the amended 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. 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.

Councilor Smith stated that the Special Issues 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 Wyatt declared the Public Hearing opened at 6:05 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.

Joey Miller then addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:19 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. 23-117

(A Resolution to vacate a portion of right-of-way at 25th Court South)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-117. 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 considered under Old Business was Item No. 12.08.23 – Request to amend FY 22-23 budget –Berkley Squires, Public Works / Gordon Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met on September 11, 2023 and voted 5-0 to recommend approval of a \$29,500 amendment for vehicle maintenance.

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

Resolution No. 23-118

(A Resolution to amend FY 22-23 budget)

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 considered under Old Business was Item No. 13.08.23 – Request to surplus various municipal items –Justin Bush, IT / Gordon Jaynes, Fleet Maintenance / Wyatt Pugh, Building Dept.

Councilor Jones stated that the Finance Committee met on September 11, 2023 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 6:20 p.m.:

Ordinance No.

(An Ordinance to surplus various municipal items)

Councilor Sims 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, 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. 2874

(An Ordinance to surplus various municipal items)

Councilor Jones moved for the enrollment and adoption and publication according to law of Ordinance No. 2874. Councilor Sims seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Sims, Jones, Smith, Nelms, Andress, Hardin, and Wyatt The motion carried without dissent.

The motion carried without dissent.

The next item considered under Old Business was Item No. 19.08.23 – Request to pay holiday pay to command staff in Police –Mayor McClusky.

Councilor Jones stated that the Finance Committee met on September 11, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-119

(A Resolution to pay holiday pay to command staff in Police)

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 considered under Old Business was Item No. 15.08.23 – Request for permission to declare surplus a portion of right-of-way along Forest Brook Circle – Tonya Gary / Cale Smith, P.E.

Councilor Smith stated that the Special Issues Committee met on September 11, 2023 and voted 5-0 to recommend approval of declaring surplus for \$6,424.00 and to carry this item over in Committee.

The next item considered under Old Business was Item No. 16.08.23 – 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 Wyatt stated that the Public Hearing would be set for September 25, 2023 and 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 01.09.23 Request to set a Bid Date for As-Needed Drainage Pipe Rehab – Cale Smith, PE – Finance Committee**
- 02.09.23 Request to amend FY 22-23 budget to increase Vehicle Maintenance – Chief Ross, Police Dept. / Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 03.09.23 Request for consideration to become an “Official Fan Guide Sponsor” for the Annual Birmingham Bowl – Mark Meadows/ Councilor Smith – Finance Committee**
- 04.09.23 Request for consideration of Cobbs Allen becoming agent of record for employee voluntary benefits on 10/01/2023 – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

- 05.09.23** Request to consider paying tiered year-end bonus contingent upon the City completing Fiscal Year 2022-2023 with a General Fund surplus – **Mayor Patrick McClusky – Finance Committee**
- 06.09.23** Request for consideration to place tent in the Right-of-Way at 2846 18th Street South – **Gilbert Mouyal, Bearden Design / Wyatt Pugh, Building Dept. – Special Issues Committee**
- 07.09.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 160 State Farm Parkway – **Drury Inn / Wyatt Pugh, Building Dept. – Special Issues Committee**
- 08.09.23** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 55 Bagby Drive (PID # 29-00-14-2-004-004.000) & 65 Bagby Drive & PID # 29-00-14-2-004-005.000) from C-5 (General Business District) to a MXD (Mixed Use District). Applicant: John Chapman /Owner: 5655 Capital Partners, LLC to facilitate the rehabilitation of two existing, vacant office buildings for a new mixed-use development containing residential apartments for LGBTQ+ Seniors and individuals with Intellectual and Development Disabilities, as well as office space for various mental health and life services organizations (The Planning Commission had a vote of 7-0-1 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**
- 09.09.23** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 85 Bagby Drive (PID # 29-00-14-2-004-007.000) from C-1 (Office Business District) to a MXD (Mixed Use District). Applicant: John Chapman /Owner: 85 Capital Partners, LLC to facilitate an expansion of the adjacent Magic City Acceptance Academy through the rehabilitation of an existing office building to accommodate additional educational activities and teaching space, as well as office space for various mental health and life services organizations (The Planning Commission had a vote of 7-0-1 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

Councilor Gwaltney moved to approve the 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. 07.09.23 – Request to set a Public Hearing for consideration of sign variance(s) at 160 State Farm Parkway – Drury Inn / Wyatt Pugh, Building Dept.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Other New Business was Item No. 08.09.23 – Request to set a Public Hearing for consideration to rezone 55 Bagby Drive (PID # 29-00-14-2-004-004.000) & 65 Bagby Drive & PID # 29-00-14-2-004-005.000) from C-5 (General Business District) to a MXD (Mixed Use District). Applicant: John Chapman /Owner: 5655 Capital Partners, LLC to facilitate the rehabilitation of two existing, vacant office buildings for a new mixed-use development containing residential apartments for LGBTQ+ Seniors and individuals with Intellectual and Development Disabilities, as well as office space for various mental health and life services organizations (The Planning Commission had a vote of 7-0-1 for a favorable recommendation) – Cale Smith, PE.

President Wyatt stated that the Public Hearing would be set for October 9, 2023 and 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.09.23 – Request to set a Public Hearing for consideration to rezone 85 Bagby Drive (PID # 29-00-14-2-004-007.000) from C-1 (Office Business District) to a MXD (Mixed Use District). Applicant: John Chapman /Owner: 85 Capital Partners, LLC to facilitate an expansion of the adjacent Magic City Acceptance Academy through the rehabilitation of an existing office building to accommodate additional educational activities and teaching space, as well as office space for various mental health and life services organizations (The Planning Commission had a vote of 7-0-1 for a favorable recommendation) – Cale Smith, PE.

President Wyatt stated that the Public Hearing would be set for October 9, 2023 and 6:00 p.m.

The next item on the Agenda under New Business was Item No. 10.09.23 – Request for consideration of approval of vouchers for period of August 29, 2023 through

September 11, 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. 23-120

(A Resolution for approval of vouchers for period of August 29, 2023 through September 11, 2023)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-120. 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.

President Wyatt stated that the Committees would meet on September 18, 2023 starting with the Finance Committee at 5:00 p.m. with Special Issues and Planning and Development meeting immediately following the previous meeting. The Public Safety and Public Works 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 6:36 p.m.