

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

**September 12, 2022**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, September 12, 2022, at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a Proclamation recognizing GYN Cancer Awareness Month.

The invocation was given by Pastor Tom Sanders of Dawson Memorial Baptist Church, after which the pledge of allegiance was given.

The meeting was called to order by President Pro Tempore, Walter Jones at 6:01 p.m.

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

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of August 22, 2022 and approve them as presented. 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.

Councilor Hardin moved for the approval of the published 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.

## **CONSENT AGENDA**

**04.05.21      Bid Opening set for August 16, 2021 at 4:31 p.m. for Spring Tree Planting – Abraham Odrezin/City Arborist**

**Action Taken: The Finance Committee met on August 29, 2022 and voted 3-0 to take this item off the Table. The motion was made by Councilor Smith and seconded by Councilor Hardin. The Committee then moved to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Hardin.**

Councilor Smith moved for the approval of the Consent Agenda. 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.

## **OLD BUSINESS AGENDA**

The first 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.

Councilor Andress stated that the Planning and Development Committee met on May 16, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:12 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.

Jeffrey and Jama Ketchum addressed the Council regarding this item.

Councilor Aleman entered the Council Chambers at 6:25 p.m.

The Council then held discussion regarding this item.

President Pro Tempore Jones continued the Public Hearing and Carried Over this item.

The next item on the Agenda under Old Business was Item No. 06.08.22 – Public Hearing set for September 12, 2022 at 6:00 p.m. 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.

Councilor Andress stated that the Planning and Development Committee met on August 15, 2022 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:42 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.

Joseph Miller addressed the Council regarding this item.

President Pro Tempore Jones declared the Public Hearing closed at 6:45 p.m.

President Pro Tempore Jones 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 first reading of the proposed Ordinance for the Council's consideration at 6:46 p.m.:

**Ordinance No.**

**(An Ordinance to remove zoning restriction (PR-2 C, Planned Residential District (Conditional) from 1116 Hollywood Manor Drive (PID 28-00-18-1-002-016.009)**

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, Sims, Jones, Smith, Nelms, Andress, Hardin.

The motion for unanimous consent carried.

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

**Ordinance No. 2848**

**(An Ordinance to remove zoning restriction (PR-2 C, Planned Residential District (Conditional) from 1116 Hollywood Manor Drive (PID 28-00-18-1-002-016.009)**

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2848. 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, Sims, Jones, Smith, Nelms, Andress, Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 08.08.22 – Public Hearing set for September 12, 2022 at 6:00 p.m. for consideration for condemnation of the structure at 2562 18<sup>th</sup> Street South – Wyatt Pugh, Building Department.

Councilor Gwaltney stated that the Public Safety Committee met on August 15, 2022 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:50 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.

Wyatt Pugh addressed the Council regarding this item and recommended dropping this item.

President Pro Tempore Jones declared the Public Hearing closed at 6:52 p.m.

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

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

President Pro Tempore Jones asked if the Council had any questions or comments regarding the motion.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 14.08.22 – Public Hearing set for September 12, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 207 Mecca Avenue – Debbie Petitto, Owner / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on August 29, 2022 and voted 4-0 refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 6:54 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.

Debbie Petitto addressed the Council regarding this item and recommended dropping this item.

President Pro Tempore Jones declared the Public Hearing closed at 7:02 p.m.

President Pro Tempore Jones 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. 22-140**

**(A Resolution for a front yard fence variance at 207 Mecca Avenue)**

Councilor Alemán moved for the adoption and enrollment of Resolution No. 22-140. Councilor Hardin 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. 15.08.22 – Public Hearing set for September 12, 2022 at 6:00 p.m. to consider declaring the property located at 327 East Glenwood Drive, PID# 29-00-13-1-019-022.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth”– Scott Cook.

Councilor Gwaltney stated that the Public Safety Committee met on August 29, 2022 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Pro Tempore Jones declared the Public Hearing opened at 7:07 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.

Scott Cook addressed the Council regarding this item.

President Pro Tempore Jones declared the Public Hearing closed at 7:09 p.m.

President Pro Tempore Jones 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. 22-141**

**(A Resolution declaring the property located at 327 East Glenwood Drive, PID# 29-00-13-1-019-022.000 a public nuisance due to a violation of Ordinance 1910 & 1750 "Excessive Growth")**

Councilor Geer moved for the adoption and enrollment of Resolution No. 22-141. Councilor Nelms 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. 09.07.22 – Bid Opening held on September 12, 2022 at 4:00 p.m. for Mecca Avenue Sidewalks – Cale Smith, PE.

Cale Smith addressed the Council and stated that no bids were received so they would need to negotiate with contractors.

President Pro Tempore Jones stated that this item would be carried over and referred to Budget Meetings.

The next item on the Agenda under Old Business was Item No. 10.07.22 – Bid Opening held on September 12, 2022 at 4:10 p.m. for Delcris Drive Sidewalks – Cale Smith, PE.

Cale Smith addressed the Council and stated that one bid was received from CB & A Construction for \$558,766.00 so they would need to negotiate with that contractor.

President Pro Tempore Jones stated that this item would be carried over and referred to Budget Meetings.

The next item on the Agenda under Old Business was Item No. 11.07.22 – Bid Opening held on September 12, 2022 at 4:20 p.m. for Huntington Stormwater Culvert Replacement – Cale Smith, PE.

Cale Smith addressed the Council and stated that one bid was received from Southeastern Sealcoating for \$1,041,220.00 so they would need to negotiate with that contractor.

President Pro Tempore Jones stated that this item would be carried over and referred to Budget Meetings.

The next item on the Agenda under Old Business was Item No. 03.08.22 – Bid Opening held on September 12, 2022 at 4:30 p.m. for College Avenue Stormwater Improvements – Cale Smith, PE.

Cale Smith addressed the Council and stated that one bid was received from Southeastern Sealcoating for \$776,433.00 with a deductive alternate of \$15,652.00 for a total bid amount of \$760,781 so they would need to negotiate with that contractor.

President Pro Tempore Jones stated that this item would be carried over and referred to Budget Meetings.

The next item on the Agenda under Old Business was Item No. 05.08.22 – Public Hearing set for September 26, 2022 at 6:00 p.m. to consider revisions to the Tree and Landscape Ordinance – Cale Smith, PE.

President Pro Tempore Jones stated that this item would be carried over for the Public Hearing set for September 26, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.05.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. for vacation of Right-of-Way of 16<sup>th</sup> Street adjacent to 2901 Central Avenue – Lee and Chelsea Maniscalco Wyatt Pugh, Building Department (Carried Over 8/8/22).

President Pro Tempore Jones stated that this item would be carried over for the Public Hearing set for October 10, 2022 at 6:00 p.m.

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.

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

The next item on the Agenda under Old Business was Item No. 09.08.22 – Request to accept grant item for Historic Preservation Commission – Eddie Griffith / Councilor Smith.

Councilor Smith stated that the Finance Committee met on August 29, 2022 and voted 3-0 to recommend accepting the grant.

Eddie Griffith then addressed the Council regarding this Item.

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

**Resolution No. 22-142**

**(A Resolution to accept grant item for Historic Preservation Commission)**

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. 11.08.22 – Request to amend FY 21-22 Budget for the Parks & Rec Department – Berkley Squires, Public Works Director.

Councilor Smith stated that the Finance Committee met on August 29, 2022 and voted 3-0 to recommend approval.

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

**Resolution No. 22-143**

**(A Resolution to amend FY 21-22 Budget for the Parks & Rec Department)**

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. 12.08.22 – Request to amend FY 21-22 Budget for the Fleet Department – Gordon Jaynes, Fleet Maintenance Superintendent.

Councilor Smith stated that the Finance Committee met on August 29, 2022 and voted 3-0 to recommend approval.

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

**Resolution No. 22-144**

**(A Resolution to amend FY 21-22 Budget for the Fleet Department)**

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. 13.08.22 – Request for consideration of an amendment to easement requested by Freshwater Land Trust – Council President Wyatt / Freshwater Land Trust.

Councilor Andress stated that the Planning and Development Committee met on August 29, 2022 and voted 4-0 to recommend approval with compensation removed.

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

**Resolution No. 22-145**

**(A Resolution amending easement requested by Freshwater Land Trust)**

President Pro Tempore Jones asked if the Council had any questions or comments regarding the motion from the Planning and Development Committee. There was no response from the Council.

On a voice vote, the motion carried without dissent.

**COMMITTEE REFERRAL AGENDA**

- 01.09.22** Request for consideration to declare the following items surplus: 2014 Chevrolet Tahoe (VIN 1GNLC2E02ER201997), 2021 Dodge Durango (1C4SDHFT9MC639852) and Miscellaneous IT Equipment– **Gordon Jaynes, Fleet Maintenance/Chief Tim Ross, Police Department/Justin Bush, IT Department – Finance Committee**
- 02.09.22** Request to amend FY 22-22 Budget for the Police Department – **Chief Tim Ross, Police Department – Finance Committee**
- 03.09.22** Request for additional funding to make repairs to sanitation truck (VIN 3ALHG30V0LDLF5638) – **Gordan Jaynes, Fleet Maintenance – Finance Committee**
- 04.09.22** Request to authorize Mayor to sign ALDOT supplemental agreement number 1 for CMAQ-9802(911), Shades Creek Greenway PH II – **Cale Smith, PE – Finance Committee**
- 05.09.22** Request for consideration to permit removal and replacement of two trees in the city right-of-way at 713 Morris Boulevard – **Geoffrey Ketcham / Wyatt Pugh, Inspections and Permits – Special Issues Committee**

- 06.09.22** Request to amend Ordinance 2754, An Ordinance to Regulate Stormwater Management Post-Construction – **Cale Smith, PE – Planning and Development Committee**
- 07.09.22** Request for consideration for work in the Right-of-Way adjacent to 407 Hollywood Blvd and 2305 Montevallo Road – **Melinda Sellers / President Wyatt – Public Works Committee**
- 08.09.22** Request for consideration to rezone 536 Cobb Street (PID # 29-00-23-2-003-030.000) from GURD (Green Springs Urban Renewal District) to a WHD (West Homewood District). Applicant: James Parsons, PE, Schoel Engineering. Owner: Village Creek Development to facilitate potential future development. (The Planning Commission had a vote of 8-0 (1 absent) for a favorable recommendation) – **Cale Smith – Planning and Development Committee**
- 09.09.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 1604 Roseland Drive – **Debbie Freeman / Wyatt Pugh, Inspections and Permits – Special Issues Committee**
- 10.09.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 1919 28<sup>TH</sup> Ave S, Suite 141– **Wyatt Pugh, Inspections and Permits – Special Issues Committee**
- 11.09.22** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of the Homewood Abatement Board’s recommendation for condemnation of the dwelling structure at 117 Hena Street – **Wyatt Pugh, Inspections and Permits – Public Safety Committee**
- 12.09.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 121 Summit Pkwy, PID# 29-00-15-4-006-003.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – **Scott Cook, Code Enforcement, Inspections Department - Public Safety Committee**
- 13.09.22** **Request to set a Public Hearing and referral to the Public Safety Committee** to consider declaring the property located at 139 State Farm Pkwy, PID# 29-00-23-4-008-004.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth”– **Scott Cook, Code Enforcement, Inspections Department - Public Safety Committee**

Councilor Smith moved to approve the Committee Referral Agenda. 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.

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 09.09.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 1604 Roseland Drive – Debbie Freeman / Wyatt Pugh, Inspections and Permits.

President Pro Tempore Jones stated that the Public Hearing would be set for October 10, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.09.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 1919 28<sup>TH</sup> Ave S, Suite 141– Wyatt Pugh, Inspections and Permits.

President Pro Tempore Jones stated that the Public Hearing would be set for October 10, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.09.22 – Request to set a Public Hearing for consideration of the Homewood Abatement Board’s recommendation for condemnation of the dwelling structure at 117 Hena Street – Wyatt Pugh, Inspections and Permits.

President Pro Tempore Jones stated that the Public Hearing would be set for October 24, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.09.22 – Request to set a Public Hearing to consider declaring the property located at 121 Summit Pkwy, PID# 29-00-15-4-006-003.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement, Inspections Department.

President Pro Tempore Jones stated that the Public Hearing would be set for October 10, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 13.09.22 – Request to set a Public Hearing to consider declaring the property located at 139 State Farm Pkwy, PID# 29-00-23-4-008-004.000 a public nuisance due to a violation of Ordinance 1910 & 1750 “Excessive Growth”– Scott Cook, Code Enforcement, Inspections Department.

President Pro Tempore Jones stated that the Public Hearing would be set for October 10, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 14.09.22 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and an ABC 060 – Retail Table Wine (On or Off Premises) for Buka, LLC d/b/a Buka located at 186 Oxmoor Road, Suite 100 and 104 – Melody Salter, CPA, City Clerk.

Councilor Smith moved for having no objections to the issuance of the license. Councilor Nelms 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. 15.09.22 – Request for consideration of approval of vouchers for period of August 23, 2022 through September 12, 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. 22-146**

**(A Resolution approving of vouchers for period of August 23, 2022 through September 12, 2022)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 22-146. Councilor Geer 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 29, 2022 starting with the Finance Committee at 5:00 p.m. with Public Safety, Special Issues, Planning and Development, and Public Works Committees meeting immediately following the previous meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:38 p.m.