

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

September 25, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, September 25, 2023 at City Hall at 6:00 p.m.

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

The meeting was called to order by President Wyatt at 6:05 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 constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; J.J. Bischoff, Chief of Staff; Mayor Patrick McClusky, and Bo Seagrist, Senior Revenue Examiner.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of September 11, 2023 and approve them as presented. 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.

Councilor Alemán moved for the approval of the Council Agenda. Councilor Geer 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

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.**

Action Taken: The Special Issues Committee met on September 18, 2023 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Sims and seconded by Councilor Andress.

Councilor Gwaltney moved for the approval of the Consent Agenda. Councilor Geer 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. 18.08.23 – Request for consideration of Mayor’s Budget Presentation for FY 23-24 –Mayor Patrick McClusky.

Councilor Jones provided an overview of the budget and stated that the Finance Committee voted 3-0 to recommend approval of all items.

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

Resolution No. 23-121

(A Resolution approving a 4 percent COLA)

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, Mr. Kendrick presented the following Resolution for the Council’s consideration:

Resolution No. 23-122

(A Resolution adopting Jefferson County Personnel Board Option C for Police/Fire Upgrades)

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, Mr. Kendrick presented the following Resolution for the Council’s consideration:

Resolution No. 23-123

(A Resolution adopting the General Fund 2023/2024 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.

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

Resolution No. 23-124

(A Resolution adopting the Grants Fund 2023/2024 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.

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

Resolution No. 23-125

(A Resolution adopting the 7 Cent Gas Tax Fund 2023/2024 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.

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

Resolution No. 23-126

(A Resolution adopting the 4 and 5 Cent Gas Tax Fund 2023/2024 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.

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

Resolution No. 23-127

(A Resolution adopting the BOE Fund 2023/2024 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.

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

Resolution No. 23-128

(A Resolution adopting the Debt Service Fund 2023/2024 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.

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

Resolution No. 23-129

(A Resolution adopting the Capital Projects Fund 2023/2024 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.

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

Resolution No. 23-130

(A Resolution adopting the Environmental Escrow Fund 2023/2024 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.

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

Resolution No. 23-131

(A Resolution adopting the Insurance Fund 2023/2024 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.

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

Resolution No. 23-132

(A Resolution adopting the E 911 Fund 2023/2024 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.

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

Resolution No. 23-133

(A Resolution adopting the Corrections Fund – Jail Fund 2023/2024 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.

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

Resolution No. 23-134

(A Resolution adopting the Correction Fund - Court Fund 2023/2024 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.

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

Resolution No. 23-135

(A Resolution adopting the Municipal Court Fund 2023/2024 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.

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

Resolution No. 23-136

(A Resolution adopting the Inspection Technology Fund 2023/2024 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.

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

Resolution No. 23-137

(A Resolution adopting the GOW Construction Fund 2023/2024 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.

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

Resolution No. 23-138

(A Resolution adopting the Judicial Administration Fund 2023/2024 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.

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

Resolution No. 23-139

(A Resolution creating Records Management Manager position with the Jefferson County Personnel Board for promotion in 2023/2024 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 on the Agenda under Old Business was Item No. 20.06.23 – Request for consideration of City Manager – Mayor Patrick McClusky.

Councilor Jones stated that the Finance Committee met on September 18, 2023 and voted 5-0 to recommend the City Manager Model.

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. 01.09.23 – Request to set a Bid Date for As-Needed Drainage Pipe Rehab – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on September 18, 2023 and voted 5-0 to recommend setting the Bid Opening for October 30, 2023 at 4:31 p.m. with submissions due by 4:30 p.m.

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.

President Wyatt stated that the Bid Opening would be set for October 30, 2023 at 4:31 p.m. with submissions due by 4:30 p.m.

The next item on the Agenda under Old Business was Item No. 02.09.23 – Request to amend FY 22-23 budget – Chief Ross, Police Dept. / Gordon Jaynes, Fleet Maintenance.

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

Resolution No. 23-140

(A Resolution amending the FY 22-23)

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. 03.09.23 – Request for consideration to become an “Official Fan Guide Sponsor” for the Annual Birmingham Bowl – Mark Meadows/ Councilor Smith.

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

Resolution No. 23-141

(A Resolution for an “Official Fan Guide Sponsorship” for the Annual Birmingham Bowl)

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. 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.

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

Resolution No. 23-142

(A Resolution approving Cobbs Allen as agent of record for employee voluntary benefits on 10/01/2023)

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. 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.

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

Resolution No. 23-143

(A Resolution to pay tiered year-end bonus contingent upon the City completing Fiscal Year 2022-2023 with a General Fund surplus)

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. 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.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:25 p.m.:

Ordinance No.

(An Ordinance to declare surplus a portion of right-of-way along Forest Brook Circle)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. 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 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. 2875

(An Ordinance to declare surplus a portion of right-of-way along Forest Brook Circle)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2875. Councilor Nelms seconded the motion.

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 motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 16.08.23 – Public Hearing set for September 25, 2023 at 6:00 p.m. for consideration of sign variance(s) at 2844 18th Street S – Howell Family, LLC, Once Upon a Time / Wyatt Pugh, Building Dept.

Councilor Smith stated that the Special Issues Committee met on September 11, 2023 and voted 5-0 to recommend setting Public Hearing for September 25, 2023 at 6:00 p.m.

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.

Reel Howell then addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:28 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. 23-144

(A Resolution for sign variance(s) at 2844 18th Street S)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-144. 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.

The next item on the Agenda under Old Business was Item No. 07.09.23 – Request to set Public Hearing for consideration of sign variance(s) at 160 State Farm Parkway – Drury Inn / Wyatt Pugh, Building Dept.

Councilor Smith stated that the Special Issues Committee met on September 18, 2023 and voted 5-0 to recommend setting Public Hearing for October 9, 2023 at 6:00 p.m.

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

The next item on the Agenda under Old Business was Item No. 08.09.23 – Public Hearing set for October 9, 2023 at 6:00 p.m. 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 8-0-1 for a favorable recommendation) – Cale Smith, PE

President Wyatt stated that this item would be carried over for the Public Hearing set for October 9, 2023 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 09.09.23 – Public Hearing set for October 9, 2023 at 6:00 p.m. 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 7-1-1 for a favorable recommendation) – Cale Smith, PE

President Wyatt stated that this item would be carried over for the Public Hearing set for October 9, 2023 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 11.09.23** Request to surplus various municipal items – **Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 12.09.23** Request to add amendment to Cahaba Solid Waste contract to allow for fuel rebate – **Berkley Squires / J.J. Bischoff – Finance Committee**
- 13.09.23** Request to amend FY 22-23 budgets – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 14.09.23** Request to consider changes to credit card purchasing policies – **Councilor Smith – Finance Committee**
- 15.09.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of sign variance(s) at 2713 18th Place South – **Dunn Real Estate / David Brandt, Fravert / Wyatt Pugh, Building Dept. – Special Issues Committee**

16.09.23 Request to set a Public Hearing and referral to the Special Issues Committee for consideration of sign variance(s) at 169 State Farm Parkway, Suite 101 – Stanton Optical / RME Signs Pro LLC / Wyatt Pugh, Building Dept. – Special Issues Committee

Councilor Alemán moved to approve the Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 17.09.23 – Request to authorize the Mayor to execute documents related to Jefferson County’s Community Block Grant award for the Rosedale Sidewalk Project – Cale Smith, PE.

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

Resolution No. 23-145

(A Resolution to authorize the Mayor to execute documents related to Jefferson County’s Community Block Grant award for the Rosedale Sidewalk Project)

Councilor Jones moved for the adoption and enrollment of Resolution No. 23-145. 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 New Business was Item No. 18.09.23 – Request for consideration of approval of vouchers for period of September 12, 2023 through September 25, 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. 23-146

(A Resolution for approval of vouchers for period of September 12, 2023 through September 25, 2023)

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-146. 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 October 2, 2023 starting with the Finance Committee at 5:00 p.m. with Public Safety, Special Issues and Planning and Development meeting immediately following the previous meeting. The Public Works 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 6:54 p.m.