

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

October 9, 2023

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 9, 2023 at City Hall at 6:00 p.m.

The invocation was given by Councilor Sims, 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, Andrew Wolverton, Nick Sims, Walter Jones, 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.

At this time, Councilor Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of September 25, 2023 and approve them as presented. 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.

At this time, President Wyatt stated that the application period for the Ward 5 Historic Preservation Commission would be re-opened until November 27, 2023 at 4:30 p.m. and the application period for the Ward 5 Library Board would be opened until October 23, 2023 at 4:30 p.m.

At this time, President Wyatt amended the published Council Agenda to add the following item to the Old Business Agenda: Item No. 02.08.23 – Bid opening held on October 2, 2023 at 4:31 p.m. for revised paving projects – Berkley Squires, Public Services Director.

Councilor Alemán moved for the approval of the amended Council 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.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item considered under Old Business was Item No. 02.08.23 – Bid opening held on October 2, 2023 at 4:31 p.m. for revised paving projects – Berkley Squires, Public Services Director.

Councilor Jones stated that the Finance Committee met on October 2, 2023 and the proper motion should have been to refer to the full Council to reset bid date.

Councilor Jones then moved to set the Bid Opening for October 30, 2023 at 4:31 p.m. with a deadline of for submissions at 4:30 p.m. 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.

The next item on the Agenda under Old Business was Item No. 11.09.23 – Request to surplus various municipal items – Gordon Jaynes, Fleet Maintenance.

Councilor Jones stated that the Finance Committee met on October 2, 2023 and voted 4-0 to recommend approval.

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 surplus various municipal items)

Councilor Hardin 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, 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. 2876

(An Ordinance to surplus various municipal items)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2876. Councilor Geer seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 12.09.23 – Request to add amendment to Cahaba Solid Waste contract to allow for fuel rebate – Berkley Squires / J.J. Bischoff.

Councilor Jones stated that the Finance Committee met on October 2, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-147

(A Resolution to add amendment to Cahaba Solid Waste contract to allow for fuel rebate)

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. 14.08.23 – Request for consideration of traffic signage at the intersection of Lucerne Blvd and Parkway Drive – Councilor Sims.

Councilor Gwaltney stated that the Public Safety Committee met on October 2, 2023 and voted 4-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:15 p.m.:

Ordinance No.

(An Ordinance for traffic signage at the intersection of Lucerne Blvd and Parkway Drive)

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 2877

(An Ordinance for traffic signage at the intersection of Lucerne Blvd and Parkway Drive)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2877. Councilor Nelms seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, 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. 07.09.23 – Public Hearing set for October 9, 2023 at 6:00 p.m. for consideration of sign variance(s) at 160 State Farm Parkway – Drury Inn / Wyatt Pugh, Building Dept. (Carried Over 9/25/23).

Councilor Andress stated that the Special Issues Committee met on September 18, 2023 and voted 5-0 to refer to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:19 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.

Graham Ruopp from Drury Inn then addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:21 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. 23-148

(A Resolution for sign variance(s) at 160 State Farm Parkway)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-148. 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.

The next item on the Agenda under Old Business was Item No. 15.09.23 – Request to set a Public Hearing for consideration of sign variance(s) at 2713 18th Place South – Dunn Real Estate / David Brandt, Fravert / Wyatt Pugh, Building Dept.

President Wyatt stated that the Public Hearing would be set for October 23, 2023 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 16.09.23 – Request to set a Public Hearing for consideration of sign variance(s) at 169 State Farm Parkway, Suite 101 – Stanton Optical / RME Signs Pro LLC / Wyatt Pugh, Building Dept.

President Wyatt stated that the Public Hearing would be set for October 23, 2023 at 6:00 p.m.

The next item considered under Old Business, taken out of order, 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.

Councilor Andress stated that the Planning and Development Committee met on September 18, 2023 and voted 5-0 to refer to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:24 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.

The following then addressed the Council regarding this item: Randall Minor, representing Farris Properties; John Chapman, Farris Properties; Scott Burnett, CCR Architecture, and Karen Musgrove, Magic City Acceptance Academy.

President Wyatt declared the Public Hearing closed at 6:33 p.m.

President Wyatt 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 6:33 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Alemán 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, 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. 2878

(An Ordinance 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))

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2878. Councilor Andress seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Nelms, Andress, and Wyatt. Councilor Hardin abstained.

The motion carried on a vote of 9-0-1.

The next item considered 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 – Cale Smith, PE.

Councilor Andress stated that the Planning and Development Committee met on October 2, 2023 and voted 4-0 to refer to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:37 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.

The following then addressed the Council regarding this item: Randall Minor, representing Farris Properties; John Chapman, Farris Properties; Gray Plosser, KPS Group; Karen Musgrove, Magic City Acceptance Academy; Beth Zaiontz, Triumph Services; and Tricia Kirk.

President Wyatt declared the Public Hearing closed at 7:01 p.m.

President Wyatt 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 7:06 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. Councilor Address 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, Nelms, Address, 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. 2879

(An Ordinance 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))

Councilor Address moved for the enrollment and adoption and publication according to law of Ordinance No. 2879. Councilor Nelms seconded the motion.

On a roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Nelms, Address, and Wyatt. Councilor Hardin abstained.

The motion carried on a vote of 9-0-1.

COMMITTEE REFERRAL AGENDA

- 01.10.23** Request to fund the Senior Engineering Inspector position – **Mayor McClusky/ Cale Smith, PE – Finance Committee**
- 02.10.23** Request permission to submit an ATRIPP II Grant Application for access management along the US 31 corridor – **Councilor Address / Cale Smith, PE – Finance Committee**
- 03.10.23** Request to set a Bid Opening for Communication Services – **Councilor Smith – Finance Committee**
- 04.10.23** Request for consideration of Public Safety Building elevator maintenance – **Lt. Peterson, Police Dept. – Finance Committee**
- 05.10.23** **Request to set a Public Hearing and referral to the Public Safety Committee** for consideration of condemnation of the accessory structure

at 2819 Crescent Avenue –**Wyatt Pugh, Building Official – Public Safety Committee**

06.10.23 Request for consideration of Wine 10k event on City Hall Plaza for March 2, 2024 – **Councilor Andress – Special Issues Committee**

07.10.23 **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of proposed revisions to the City’s Zoning Ordinance (Planning Commission voted 9-0 in favor of recommending approval) –**Cale Smith, PE – Planning and Development Committee**

08.10.23 **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 1906 Courtney Drive (PID # 28-00-07-3-032.023.000) from C-1 (Office Building District) to C-2 (Neighborhood Shopping District). Applicant: McConnell White & Terry Realty and Insurance Company to facilitate the proposed redevelopment of the Homewood Piggly Wiggly grocery store (The Planning Commission had a vote of 8-1 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

09.10.23 **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to approve a Final Development Plan for 3030 Independence Drive (PID # 28-00-23-07-3-031-001.000); 3008 Drake Street (28-00-07-3-032-025.002; 1909 Oxmoor Road (28-00-07-3-032-001.000; and 1906 Courtney Drive (28-00-07-3-032-023.000 Zoning: C-1 (Office Building District) and C-2 (Neighborhood Shopping District) Applicant/Owner: McConnell White & Terry Realty and Insurance Company for the proposed redevelopment of a 3.21-acre site centered around the planned construction of a new 27,650 sq. ft. Piggly Wiggly grocery store, a new 6,000 sq. ft. retail building, as well as associated parking, landscaping, and other site improvements. (The Planning Commission had a vote of 7-2 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

10.10.23 **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 1300 Columbiana Road (PID # 29-00-23-4-003-004.00, 29-00-24-3-008-001.000, & 23-00-24-3-008-002.000) from I-2 (Institutional District) to C-1 (Office Building District). Applicant: Eric Rogers/Progressive Properties, PLLC; Owner: Second Presbyterian Church to permit the construction of a 20,125 sq. ft., single-story medical office building (The Planning Commission had a vote

of 4-5 for an unfavorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

11.10.23 Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to approve an Amended Development Plan at 202 State Farm Parkway (PID # 29-00-23-3-001-001.019 Zoning: PMUD (Planned Mixed-Use District) Applicant/Owner: Homewood Property Outparcel Owner, LLC to permit the proposed construction of a new 3,726 sq. ft., single-story urgent care medical clinic (Fast Pace Urgent Care), as well as associated parking, landscaping and other site improvements. The Planning Commission had a vote of 9-0 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

12.10.23 Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to approve the Final Development Plan at 501 Scott Street (PID # 29-00-23-2-004-002.000 Zoning: WHD (West Homewood District) Applicant: Erik Hendon / Hendon-Huckestein Architects, PC; Owner: Dr. Michael G. Kilgore, DVM centered around the interior and exterior renovation of the existing Homewood Animal Hospital that would be expanded in size to 3,511 sq. ft. to accommodate a combination of office, examination and treatment services, as well as expanded parking, landscaping and other site improvements (The Planning Commission had a vote of 9-0 for a favorable recommendation) – **Cale Smith, PE – Planning and Development 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. 08.10.23 – Request to set a Public Hearing for consideration to rezone 1906 Courtney Drive (PID # 28-00-07-3-032.023.000) from C-1 (Office Building District) to C-2 (Neighborhood Shopping District). Applicant: McConnell White & Terry Realty and Insurance Company to facilitate the proposed redevelopment of the Homewood Piggly Wiggly grocery store

(The Planning Commission had a vote of 8-1 for a favorable recommendation) – Cale Smith, PE.

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

The next item on the Agenda under Other New Business was Item No. 09.10.23 – Request to set a Public Hearing for consideration to approve a Final Development Plan for 3030 Independence Drive (PID # 28-00-23-07-3-031-001.000); 3008 Drake Street (28-00-07-3-032-025.002; 1909 Oxmoor Road (28-00-07-3-032-001.000; and 1906 Courtney Drive (28-00-07-3-032-023.000 Zoning: C-1 (Office Building District) and C-2 (Neighborhood Shopping District) Applicant/Owner: McConnell White & Terry Realty and Insurance Company for the proposed redevelopment of a 3.21-acre site centered around the planned construction of a new 27,650 sq. ft. Piggly Wiggly grocery store, a new 6,000 sq. ft. retail building, as well as associated parking, landscaping, and other site improvements. (The Planning Commission had a vote of 7-2 for a favorable recommendation) – Cale Smith, PE.

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

The next item on the Agenda under Other New Business was Item No. 10.10.23 – Request to set a Public Hearing for consideration to rezone 1300 Columbiana Road (PID # 29-00-23-4-003-004.00, 29-00-24-3-008-001.000, & 23-00-24-3-008-002.000) from I-2 (Institutional District) to C-1 (Office Building District). Applicant: Eric Rogers/Progressive Properties, PLLC; Owner: Second Presbyterian Church to permit the construction of a 20,125 sq. ft., single-story medical office building (The Planning Commission had a vote of 4-5 for an unfavorable recommendation) – Cale Smith, PE.

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

The next item on the Agenda under Other New Business was Item No. 11.10.23 – Request to set a Public Hearing for consideration to approve an Amended Development Plan at 202 State Farm Parkway (PID # 29-00-23-3-001-001.019 Zoning: PMUD (Planned Mixed-Use District) Applicant/Owner: Homewood Property Outparcel Owner, LLC to permit the proposed construction of a new 3,726 sq. ft., single-story urgent care medical clinic (Fast Pace Urgent Care), as well as associated parking, landscaping and other site improvements The Planning Commission had a vote of 9-0 for a favorable recommendation) – Cale Smith, PE.

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

The next item on the Agenda under Other New Business was Item No. 12.10.23 – Request to set a Public Hearing for consideration to approve the Final Development Plan at 501 Scott Street (PID # 29-00-23-2-004-002.000 Zoning: WHD (West Homewood District) Applicant: Erik Hendon / Hendon-Huckestein Architects, PC; Owner: Dr. Michael G. Kilgore, DVM centered around the interior and exterior renovation of the existing Homewood Animal Hospital that would be expanded in size to 3,511 sq. ft. to accommodate a combination of office, examination and treatment services, as well as expanded parking, landscaping and other site improvements (The Planning Commission had a vote of 9-0 for a favorable recommendation) – Cale Smith, PE.

President Wyatt stated that the Public Hearing would be set for November 27, 2023 at 6:00 p.m.

The next item on the Agenda under New Business was Item No. 13.10.23 – Request for consideration of approval of vouchers for period of September 26, 2023 through October 9, 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. 23-149

(A Resolution for approval of vouchers for period of September 26, 2023 through October 9, 2023)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-149. Councilor Jones 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 16, 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 7:23 p.m.