

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

**October 10, 2022**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 10, 2022, at City Hall at 6:00 p.m.

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

The meeting was called to order by President Wyatt at 6:10 p.m.

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

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of September 26, 2022 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.

President Wyatt stated that the application period for the Mental Health Advisory Board would be reopened until October 24, 2022 at 4:30 p.m. and the application period for the Complete Streets Advisory Committee would be opened until November 14, 2022 at 4:30 p.m.

At this time, President Wyatt amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 06.10.22 – Request to authorize the Mayor to rescind Resolution No. 22-67 and cancel contract with NAFECO – President Wyatt; and Item No. 07.10.22 – Request to authorize the Mayor to sign a contract for ambulance transport services – President Wyatt.

Councilor Gwaltney moved for the approval of the amended published Agenda. 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.

### **CONSENT AGENDA**

**01.07.22** Request for permission to work within the ROW on 29<sup>th</sup> Avenue South in front of PNC Bank – **Cale Smith, PE (Carried Over 9/19/22)**

**Action Taken: The Public Works Committee met on October 3, 2022 and held discussion on this item. Councilor Hardin moved for approval and Councilor Geer seconded the motion. The motion failed on a vote of 2-3. (Councilors Hardin, Nelms, and Wolverton voted no.)**

Councilor Hardin moved for the approval of the amended published 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. 17.09.22 – Request to authorize the Mayor to sign the Shades Creek Greenway PH II CE & I Contract with GMC – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on October 3, 2022 and voted 5-0 to recommend approval.

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

#### **Resolution No. 22-174**

**(A Resolution to authorize the Mayor to sign the Shades Creek Greenway PH II CE & I Contract with GMC)**

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. 26.09.22 – Request for consideration of financial incentives for Piggly Wiggly development – Murray Legg / President Wyatt.

Councilor Jones stated that the Finance Committee met on October 3, 2022 and voted 5-0 to recommend setting a Public Hearing for October 24, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 27.06.22 – Request for adoption of Ordinance designating annual holiday for employees – President Wyatt and Councilor Alemán.

Councilor Jones stated that the Finance Committee met on October 3, 2022 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 6:17 p.m.:

**Ordinance No.**

**(An Ordinance designating annual holiday for employees)**

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, 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. 2852**

**(An Ordinance designating annual holiday for employees)**

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2852. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, 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. 11.09.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. 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 Wyatt stated that this item would be carried over for the Public Hearing set for October 24, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 18.09.22 – Request to authorize the Mayor to sign agreement with The Alabama Fire College to designate the Homewood Fire Department training center a regional training center – Chief Hill, Fire Department.

Councilor Gwaltney stated that the Public Safety Committee met on October 3, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-175**

**(A Resolution to authorize the Mayor to sign the Shades Creek Greenway PH II CE & I Contract with GMC)**

President Wyatt asked if the Council had any questions or comments regarding the motion from the Public Safety 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. 12.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. 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.

Councilor Gwaltney stated that the Public Safety Committee met on September 19, 2022 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 6:20 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.

Scott Cook 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.

Councilor Smith moved to drop this item. 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 Old Business was Item No. 13.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. 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.

Councilor Gwaltney stated that the Public Safety Committee met on September 19, 2022 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 6:22 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.

Scott Cook addressed the Council regarding this item.

President Wyatt declared the Public hearing closed at 6:23 p.m.

President Wyatt asked if the Council had any questions or comments regarding this item. There was no response from the Council.

Councilor Smith moved to drop this item. 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 Old Business was Item No. 15.06.22 – Request for permission to work within the right-of-way on Reese Street, 16<sup>th</sup> Street, and alleys surrounding 1707 Reese Street – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on October 3, 2022 and voted 4-0-1 to recommend approval pending indemnification and review of traffic study.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 19.09.22 – Request permission to work within the Right-of-Way at 514 Edgeland Place – Twin Construction/Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on October 3, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-176**

**(A Resolution to work within the Right-of-Way at 514 Edgeland Place)**

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. 21.09.22 – Request permission for the Mayor to sign a letter to ALDOT for future conveyance of Right-of-Way along Forest Brook Drive – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on October 3, 2022 and voted 5-0 to recommend approval.

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

**Resolution No. 22-177**

**(A Resolution authorizing the Mayor to sign a letter to ALDOT for future conveyance of Right-of-Way along Forest Brook Drive)**

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. 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.

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 4-0-1 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:26 p.m. and stated that the Public Hearing would be continued.

The next item on the Agenda under Old Business was Item No. 09.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 1604 Roseland Drive – Debbie Freeman / Wyatt Pugh, Inspections and Permits.

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 4-0-1 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:27 p.m. and stated that the Public Hearing would be continued.

The next item on the Agenda under Old Business was Item No. 10.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. for consideration of a sign variance at 1919 28<sup>TH</sup> Ave S, Suite 141– Wyatt Pugh, Inspections and Permits.

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:28 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.

Scott Services representative, Kim DeGrout, and Wyatt Pugh addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:29 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 following Resolution for the Council's consideration.

**Resolution No. 22-178**

**(A Resolution for a sign variance at 1919 28<sup>TH</sup> Ave S, Suite 141)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 22-178. 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 on a vote of 8-1-1. Councilor Hardin abstained. President Wyatt voted no.

The next item on the Agenda under Old Business was Item No. 22.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. for consideration of front yard fence variance(s) at 501 Oxmoor Road – Cindy Kirkpatrick/Wyatt Pugh, Inspections and Permits.

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:36 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.

Cindy Kirkpatrick of 501 Oxmoor Road addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:38 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 following Resolution for the Council's consideration.

**Resolution No. 22-179**

**(A Resolution for a front yard fence variance(s) at 501 Oxmoor Road)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-179. 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. 23.09.22 – Public Hearing set for October 10, 2022 at 6:00 p.m. for consideration of a secondary front yard fence variance at 320 Oxmoor Road – Jason Russell, Homewood Hardware /Wyatt Pugh, Inspections and Permits.

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:46 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.

Jason Russell of 320 Oxmoor Road and Sandy Bergeron of 330 Carr Avenue addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:47 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 following Resolution for the Council's consideration.

**Resolution No. 22-180**

**(A Resolution for a secondary front yard fence variance at 320 Oxmoor Road)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-180. 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 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 Wyatt 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. 08.09.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. 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

President Wyatt stated that this item would be carried over for the Public Hearing set for October 24, 2022 at 6:00 p.m.

**COMMITTEE REFERRAL AGENDA**

- 01.10.22** Request for consideration of Five-Year Adjustment to Municipal Business License Issuance Fee – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 02.10.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a secondary front yard fence variance at

2831 16<sup>th</sup> Place South – **Jason Hale, Willow Homes / Wyatt Pugh, Inspections & Permits – Special Issues Committee**

**03.10.22 Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of front yard fence variances at 2738 18<sup>th</sup> Street South –**David Lorberbaum/Cale Smith – Special Issues Committee**

**04.10.22 Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variance(s) at 2808 18<sup>th</sup> Street South – **Megan McCurry, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department – Special Issues Committee**

Councilor Smith moved to approve the amended Committee Referral Agenda. 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.

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 02.10.22 – Request to set a Public Hearing for consideration of a secondary front yard fence variance at 2831 16<sup>th</sup> Place South – Jason Hale, Willow Homes / Wyatt Pugh, Inspections & Permits.

President Wyatt 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. 03.10.22 – Request to set a Public Hearing for consideration of front yard fence variances at 2738 18<sup>th</sup> Street South –David Lorberbaum/Cale Smith.

President Wyatt 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. 04.10.22 – Request to set a Public Hearing for consideration of sign variance(s) at 2808 18<sup>th</sup> Street South – Megan McCurry, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department.

President Wyatt 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. 05.10.22 – Request for consideration of approval of vouchers for period of September 27, 2022 through October 10, 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. 22-181**

**(A Resolution approving of vouchers for period of September 27, 2022 through October 10, 2022)**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-181. 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 considered under Other New Business was Item No. 06.10.22 – Request to authorize Mayor to rescind Resolution 22-67 and cancel contract with NAFECO – President Wyatt.

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

**Resolution No. 22-182**

**(A Resolution to authorize Mayor to rescind Resolution 22-67 and cancel contract with NAFECO)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-182. 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.

The next item considered under Other New Business was Item No. 07.10.22 – Request to authorize Mayor to sign a contract for ambulance transport services – President Wyatt.

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

**Resolution No. 22-183**

**(A Resolution to authorize Mayor to sign a contract for ambulance transport services)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-183. 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.

President Wyatt stated that the Committees would meet on October 17, 2022 starting with the Finance Committee at 5:00 p.m. with Public Works, Special Issues, and Planning and Development Committees meeting immediately following the previous meeting. The Public Safety Committee would not meet on October 17, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:00 p.m.

