

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

**October 11, 2021**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 11, 2021 at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a Proclamation for Hispanic Heritage Month, after which he presented a Proclamation in recognition of ¡HICA!

Mayor McClusky then presented a Proclamation for Male Victims and Survivors of Domestic Violence.

The invocation was given by Reverend Julie Conrady, of Unitarian Universalist Church, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:15 p.m.

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Regular Called Council Meeting of September 27, 2021 and approve them as presented. 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 voice vote, the motion carried without dissent.

At this time, President Wyatt asked for Board openings and nominations.

President Wyatt stated that the application period for the following positions would be opened until November 8, 2021 at 4:30 p.m.: Ward 1 BZA, Ward 1 Environmental Commission, and Ward 4 Municipal Abatement Board. President Wyatt stated that the Ward 3 Arts Advisory position would be re-opened until October 25, 2021 at 4:30 p.m.

President Wyatt stated that interviews would be set for Ward 2 and Ward 3 Municipal Abatement Board positions.

At this time, President Wyatt added the following item to the Committee Referral Agenda: Item No. 13.10.21 – Request to advertise and set bid date for the Lancaster Sidewalk Project – Cale Smith, PE – Finance Committee; Item No. 14.10.21 – Request to advertise and set a bid date for the Saulter Sidewalk Project – Cale Smith, PE – Finance Committee; Item No. 15.10.21 – Request for consideration to add two Stormwater Inlets on Bonita Drive – Cale Smith, PE – Finance Committee; Item No. 16.10.21 – Request for consideration of tax incentives for Milo’s Tea – President Wyatt – Finance Committee.

Councilor Geer moved for the approval of the amended Council Agenda. Councilor Gwaltney seconded the motion.

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

On a voice vote, the motion carried without dissent.

### **CONSENT AGENDA**

**21.09.21** Request to amend FY 21-22 funding for One Roof – **Andrew Wolverton**

**Action Taken: The Finance Committee met on October 4, 2021 and voted 3-0 to drop 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 Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 10.09.21 – Public Hearing set for November 8, 2021 at 6:00 p.m. for consideration of a vacation a portion of a unnamed alley between 1722 28<sup>th</sup> Ave S and 1715 27<sup>th</sup> Ct S – Mike Mouron/ Wyatt Pugh, Inspections & Permits.

President Wyatt stated that this item would be carried over for the Public Hearing set for November 8, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 11.09.21 – Public Hearing set for November 8, 2021 at 6:00 p.m. for consideration of vacation a portion of 27<sup>th</sup> Terrace South– Mike Mouron/ Wyatt Pugh, Inspections & Permits.

President Wyatt stated that this item would be carried over for the Public Hearing set for November 8, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 12.09.21 – Public Hearing set for October 11, 2021 at 6:00 p.m. for consideration for a variance to permit a front yard masonry wall at 311 East Glenwood Drive– Erin McGarrah, Homeowner/ Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the applicant asked to drop this item because they would be adding on to the project to bring it up to code.

President Wyatt declared the Public Hearing opened at 6:25 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. There was no response from the audience.

President Wyatt declared the Public Hearing closed at 6:25 p.m.

Councilor Jones 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. 15.09.21 – Public Hearing set for October 11, 2021 at 6:00 p.m. for consideration of a variance to permit an internally-illuminated canopy sign in Downtown Sign District #1 at 2821 Central Avenue, Interior Elements– Candice Watson, Signage/ Wyatt Pugh, Inspections & Permits – Special Issues Committee.

Councilor Smith stated that the Special Issues Committee met on October 4, 2021 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:26 p.m.

President Wyatt asked if there was anyone in the audience who wished to speak in favor, or in opposition to, this item.

Mr. Scott Hass and Wyatt Pugh 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. 21-145**

**(A Resolution for a variance to permit an internally-illuminated canopy sign in Downtown Sign District #1 at 2821 Central Avenue, Interior Elements)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-145. 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. 16.09.21 – Public Hearing set for October 11, 2021 at 6:00 p.m. for consideration of two front yard fence variances at 214 Edgewood Blvd, – The Mobleys, Homeowners/ Wyatt Pugh, Inspections & Permits – Special Issues Committee.

Councilor Smith stated that the Special Issues Committee met on October 4, 2021 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:29 p.m.

President Wyatt asked if there was anyone in the audience who wished to speak in favor, or in opposition to, this item.

Bob Folks with Maynard Cooper and Lissy Frase with CCR Architecture addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:54 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. 21-146**

**(A Resolution for two front yard fence variances at 214 Edgewood Blvd)**

Councilor Alemán moved for the adoption and enrollment of Resolution No. 21-146. 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. 17.09.21 – Public Hearing set for October 11, 2021 at 6:00 p.m. for consideration of a front yard fence variance at 320 Kenilworth Drive – Huston and Erin Shirley, Homeowners/ Wyatt Pugh, Inspections & Permits – Special Issues Committee.

Councilor Smith stated that the Special Issues Committee met on October 4, 2021 and voted 4-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:05 p.m.

President Wyatt asked if there was anyone in the audience who wished to speak in favor, or in opposition to, this item.

Wyatt Pugh and Eric Shirley (via ZOOM) addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 7:08 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. 21-147**

**(A Resolution for a front yard fence variance at 320 Kenilworth Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-147. 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.

The next item on the Agenda under Old Business was Item No. 19.05.21 – Request for consideration of the sales of property located at 311 Oxmoor Road – President Wyatt.

Councilor Jones stated that the Finance Committee met on October 4, 2021 and voted 3-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 7:09 p.m.:

**Ordinance No.**

**(An Ordinance to surplus property at 311 Oxmoor Road)**

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. 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, Alemán, Sims, Jones, Smith, 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. 2817**

**(An Ordinance to surplus property at 311 Oxmoor Road)**

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2817. 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, Alemán, Sims, Jones, Smith, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.09.21 – Request to consider budget amendments for FY 21-22 Budgets – Robert Burgett, Finance Director and Berkley Squires, Public Services Director.

Councilor Jones stated that the Finance Committee met on October 4, 2021 and voted 3-0 to recommend approval.

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

**Resolution No. 21-149**

**(A Resolution for budget amendments for FY 21-22 Budgets)**

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. 03.09.21 – Request for consideration for work in the City Right-of-Way for Hero Doughnuts at Central Avenue – Cale Smith, PE.

Councilor Hardin stated that the Public Works Committee met on October 4, 2021 and voted 5-0 to approval pending indemnification agreement.

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

**Resolution No. 21-150**

**(A Resolution approving work in the City Right-of-Way for Hero Doughnuts at Central Avenue)**

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.

**COMMITTEE REFERRAL AGENDA**

- 13.02.21** Request to set a Public Hearing and referral to the Planning & Development Committee for consideration of changes to the landscaping and tree requirements – **Councilors Gwaltney and Andress (The Planning Commission had a vote of 8-0 for a favorable recommendation) – Planning and Development Committee**
- 01.10.21** Request for consideration of approval of Shades Creek Greenway Phase 2 – Supplemental Fee Proposal – **Cale Smith, PE – Finance Committee**
- 02.10.21** Request for consideration of adding street lights to Short Oxmoor – **Councilor Sims – Public Safety Committee**
- 03.10.21** Request for consideration of a tent variance for Trinity United Methodist Church in order to keep a tent in the parking lot through Christmas – **Councilor Smith – Special Issues Committee**
- 04.10.21** Request for permission to work in the City Right-of-Way at 208 Oxmoor Road – **Cale Smith, PE – Public Works Committee**

- 05.10.21** Request for consideration of an ABC 010 – Lounge Retail Liquor – Class I license for The Grocery Brewpub LLC d/b/a The Grocery located at 2823 Central Avenue, Suite 107 – **Melody Salter, CPA, City Clerk/Robert Burgett, Finance Director (Currently licensed for 020 – Restaurant Retail Liquor and requesting to change to 010 – Lounge Retail Liquor – Class I) – Public Safety Committee**
- 13.10.21** Request to advertise and set a bid date for the Lancaster Sidewalk Project – **Cale Smith - Finance Committee**
- 14.10.21** Request to advertise and set a bid date for the Saulter Sidewalk Project – **Cale Smith – Finance Committee**
- 15.10.21** Request for consideration to add two Stormwater Inlets on Bonita Drive – **Cale Smith – Finance Committee**
- 16.10.21** Request for consideration of tax incentives for Milo’s Tea – President Wyatt – **Finance Committee**

Councilor Smith moved to approve the amended Committee Referral Agenda. Councilor Andress seconded the motion.

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

On a voice vote, the motion carried without dissent.

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 13.02.21 – Request to set a Public Hearing for consideration of changes to the landscaping and tree requirements – Councilors Gwaltney and Andress (The Planning Commission had a vote of 8-0 for a favorable recommendation).

President Wyatt stated that the Public Hearing would be set for November 8, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 06.10.21 – Request to authorize the Mayor to execute the Certificate of Estoppel for Brookwood Mall property – Mike Kendrick.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Other New Business was Item No. 07.10.21 – Request to authorize the Mayor to sign a contract with T-Mobile for mobile network data – Chief Hill/Deputy Chief Broadhead.



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

**Resolution No. 21-151**

**(A Resolution to authorize the Mayor to sign a contract with T-Mobile for mobile network data)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-151. 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 voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 08.10.21 – Request to authorize the Mayor to sign Red Mountain Park contract and pay 2021-2022 Budget Appropriations – 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. 21-152**

**(A Resolution to authorize the Mayor to sign Red Mountain Park contract and pay 2021-2022 Budget Appropriations)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-152. 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 Other New Business was Item No. 09.10.21 – Request to authorize the Mayor to sign contract for Alternate 1 Greensprings – Berkley Squires.

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

**Resolution No. 21-153**

**(A Resolution to authorize the Mayor to sign contract for Alternate 1 Greensprings)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-153. 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 Other New Business was Item No. 10.10.21 – Request to authorize the Mayor to advertise and set a bid date for the 18th Street Improvement West Project pending approval by ALDOT– President Wyatt.

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

**Resolution No. 21-154**

**(A Resolution to authorize the Mayor to advertise and set a bid date for the 18th Street Improvement West Project pending approval by ALDOT)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 21-154. 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 voice vote, the motion carried without dissent.

The next item on the Agenda under Other New Business was Item No. 11.10.21 – Request for consideration of an ABC 020 – Restaurant Retail Liquor license for Little Donkey Taqueria LLC d/b/a Little Donkey located at 2701 18<sup>th</sup> Street South, Suite 200 – Melody Salter, CPA, City Clerk/Robert Burgett, Finance Director (Currently licensed for 020 – Restaurant Retail Liquor but are moving to a new location) (Letter of No Objection Received from Police).

Councilor Gwaltney moved for approval pending letter of no objection from Fire Department. 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.

The next item on the Agenda under Other New Business was Item No. 12.10.21 – Request for consideration of approval of vouchers for period of September 28, 2021 through October 11, 2021 – 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. 21-155**

**(A Resolution for approval of vouchers for period of September 28, 2021 through October 11, 2021)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-155. 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 voice vote, the motion carried without dissent.

Councilor Jones stated that the Finance Committee would meet on October 18, 2021 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on October 18, 2021 at 5:30 p.m.

Councilor Smith stated that the Special Issues Committee would meet on October 18, 2021 at 5:45 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on October 18, 2021 at 6:00 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on October 18, 2021 at 6:15 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:36 p.m.