

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

October 24, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, October 24, 2022, at City Hall at 6:00 p.m.

The invocation was given by Ravi Patel, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:07p.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; and Melody Salter, City Clerk; and J.J. Bischoff, Chief of Staff.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of October 10, 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.

Councilor Smith moved to appoint Dr. Jonathan C. Davis to the Jefferson County Mental Health Authority. 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.

President Wyatt stated that the application period for the Ward 2 Beautification Board position would be reopened until November 28, 2022 at 4:30 p.m. and the Ward 5 Homewood Environmental Commission 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 Committee Referral Agenda: Item No. 15.10.22 – Request to consider street lighting at 121 Hena Street, 105 Marsey Lane, 204 Fairlane Drive, 105

Ridgemoor Drive, and 201 Hillmoor Lane – Councilors Wolverton and Alemán – Finance Committee and Public Safety Committee.

Councilor Wolverton moved for the approval of the amended published 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

16.09.22 Request for consideration of Chamber of Commerce Update – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk**

Action Taken: The Finance Committee met on October 17, 2022 and voted 5-0 to accept the report. The motion was made by Councilor Smith and seconded by Councilor Hardin.

Councilor Nelms moved for the approval of the amended published 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.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 26.09.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. 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 set a Public Hearing for October 24, 2022 at 6:00 p.m.

President Wyatt declared the Public Hearing opened at 6:15 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.

Mr. Murray Legg of Eyster and Legg Development addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:18 p.m.

President Wyatt asked if the Council had any questions or concerns 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. 22-184

(A Resolution for financial incentives for Piggly Wiggly development)

Councilor Andress moved for the adoption and enrollment of Resolution No. 22-184. 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 on a vote of 8-3. Councilors Geer, Alemán, and Sims voted no.

The next item on the Agenda under Old Business was Item No. 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.

Councilor Jones stated that the Finance Committee met on October 17, 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 6:34 p.m.:

Ordinance No.

(An Ordinance for Five-Year Adjustment to Municipal Business License Issuance Fee)

Councilor Smith 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, 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. 2853

(An Ordinance for Five-Year Adjustment to Municipal Business License Issuance Fee)

Councilor Nelms moved for the enrollment and adoption and publication according to law of Ordinance No. 2853. 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, Wolverton, Sims, Jones, Smith, Nelms, Address, 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.

Councilor Gwaltney stated that the Public Safety Committee met on October 3, 2022 and voted 5-0 to refer to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:35 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 addressed the Council regarding this item: Wyatt Pugh, John Adkins, Jamelle Northcutt, Beverly LeBoeuf, Mark Driskill, Stephen Kaylor, Matt Oberneder, and Donnie Forrester, and Sergeant Jerry Suttles.

President Wyatt declared the Public Hearing closed at 7:03 p.m.

President Wyatt asked if the Council had any questions or concerns 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. 22-185

(A Resolution condemning the dwelling structure at 117 Hena Street)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-185. 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. 15.06.22 – Request for permission to work within the right-of-way on Reese Street, 16th Street, and alleys surrounding 1707 Reese Street – Cale Smith, PE (Carried Over 10/10/22).

President Wyatt stated that this item would be Carried Over.

The next item on the Agenda under Old Business was Item No. 05.05.22 – Public Hearing continued from October 10, 2022 at 6:00 p.m. for vacation of Right-of-Way of 16th Street adjacent to 2901 Central Avenue – Lee and Chelsea Maniscalco Wyatt Pugh, Building Department.

President Wyatt stated that this item would be Carried Over.

The next item on the Agenda under Old Business was Item No. 09.09.22 – Public Hearing continued from 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.

President Wyatt continued the Public Hearing at 7:05 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 7:08 p.m.

President Wyatt asked if the Council had any questions or concerns regarding this item. The Council then held discussion regarding this item.

Councilor Smith moved for approval. 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 failed on a vote of 0-11.

The next item on the Agenda under Old Business was Item No. 02.10.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. for consideration of a secondary front yard fence variance at 2831 16th Place South – Jason Hale, Willow Homes / Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on October 17, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:10 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 Hale addressed the Council regarding this Item.

President Wyatt declared the Public Hearing closed at 7:11 p.m.

President Wyatt asked if the Council had any questions or concerns 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. 22-186

(A Resolution for a secondary front yard fence variance at 2831 16th Place South)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-186. 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.

The next item on the Agenda under Old Business was Item No. 03.10.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. for consideration of front yard fence variances at 2738 18th Street South –David Lorberbaum/Cale Smith.

Councilor Smith stated that the Special Issues Committee met on October 17, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:12 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.

David Lorberbaum addressed the Council regarding this Item.

President Wyatt declared the Public Hearing closed at 7:18 p.m.

President Wyatt asked if the Council had any questions or concerns 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. 22-187

(A Resolution for a front yard fence variances at 2738 18th Street South)

Councilor Wolverton moved for the adoption and enrollment of Resolution No. 22-187. 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. 04.10.22 – Public Hearing set for October 24, 2022 at 6:00 p.m. for consideration of sign variance(s) at 2808 18th Street South – Meighan Ellis, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on October 17, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:19 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.

Meighan Ellis addressed the Council regarding this Item.

President Wyatt declared the Public Hearing closed at 7:20 p.m.

President Wyatt asked if the Council had any questions or concerns regarding this item. The Council then held discussion regarding this item.

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

Resolution No. 22-188

(A Resolution for a sign variance(s) at 2808 18th Street South)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-188 pending proffer of unlit rear sign. 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.

President Wyatt stated that a new Item would need to be added to the Committee Referral Agenda and Other New Business Agenda to address signage on the front of the building.

Councilor Jones moved to add the following Item to the Committee Referral Agenda and Other New Business Agenda. Councilor Wolverton seconded the motion: Item No. 16.10.22 – Public Hearing set for November 14, 2022 at 6:00 p.m. for consideration of sign variance(s) to the front of 2808 18th Street South – Meighan Ellis, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department – Special Issues Committee.

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.

Councilor Andress stated that the Planning and Development Committee met on October 3, 2022 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:28 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.

The following residents addressed the Council regarding this item: Tom Walker, Amy Cristofani, George Sarris, Mark Driskill, Beverly LeBoeuf, Matt Oberneder, and Kristin Trowbridge.

President Wyatt declared the Public Hearing closed at 7:36 p.m.

President Wyatt asked if the Council had any questions or concerns 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 7:39 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Alemán moved for the unanimous consent of the proposed Ordinance as read. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Smith, 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. 2854

(An Ordinance 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))

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2854. 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 roll call vote, the votes were: Yeas: Councilors Gwaltney, Geer, Alemán, Wolverton, Sims, Jones, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried on a vote of 10-0-1. Councilor Hardin abstained.

The next item on the Agenda under Old Business was Item No. 06.06.22 – Public Hearing held on August 8, 2022 at 6:00 p.m. to consider amending the City's Zoning Ordinance to include the Fence Ordinance – Councilor Address / Cale Smith, PE.

Councilor Address stated that the Planning and Development Committee met on October 17, 2022 and voted 5-0 to recommend setting a Public Hearing on November 28, 2022 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

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| 08.10.22 | Request for consideration to deposit public funds with Regions Financial – Robert Burgett, Finance Director – Finance Committee |
| 09.10.22 | Request for permission to work in the Right-of-Way to install temporary construction fence, demolish and rebuild sidewalk at 333 Greensprings Hwy – Alex Breeze, Project Manager, Chase Bank / Wyatt Pugh, Inspections & Permits – Public Works Committee |

- 10.10.22** **Request** for consideration to permit removal and replacement of one tree in the city right-of-way at 531 Oxmoor Road – **Jason Hale / Wyatt Pugh, Inspections & Permits – Public Works Committee**
- 11.10.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 2712 18th Place South – **David Brandt, Fravert Signs / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 12.10.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration to allow a monument sign in the City Right-of-Way at 1856 Lancaster Road – **David Brandt, Fravert Signs / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 15.10.22** Request to consider street lighting at 121 Henna Street, 105 Marsey Lane, 204 Fairlane Drive, 105 Ridgemoor Drive, & 201 Hillmoor Lane – **Councilors Wolverton and Alemán – Finance Committee and Public Safety Committee**
- 16.10.22** **Public Hearing set for November 14, 2022 at 6:00 p.m.** for consideration of sign variance(s) to the front of 2808 18th Street South – **Meighan Ellis, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department – Special Issues Committee**

Councilor Nelms moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 11.10.22 – Request to set a Public Hearing for consideration of a sign variance at 2712 18th Place South – David Brandt, Fravert Signs / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for November 14, 2022 and 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 12.10.22 – Request to set a Public Hearing for consideration to allow a monument sign in the City Right-of-Way at 1856 Lancaster Road – David Brandt, Fravert Signs / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for November 14, 2022 and 6:00 p.m.

The next item on the Agenda was Item No. 13.10.22 – Request for the Mayor to sign the termination agreement for contract with Cypress Partners for work within the plaza and the parking deck – Councilor Jones.

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

Resolution No. 22-189

(A Resolution authorizing the Mayor to sign the termination agreement for contract with Cypress Partners for work within the plaza and the parking deck)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-189. 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. 14.10.22 – Request for consideration of approval of vouchers for period of October 11, 2022 through October 24, 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. 22-190

(A Resolution approving of vouchers for period of October 11, 2022 through October 24, 2022)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-190. 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. 16.10.22 – Request to set a Public Hearing for consideration of sign variance(s) to the front of 2808 18th Street South – Meighan Ellis, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department.

President Wyatt stated that the Committees would meet on November 7, 2022 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works,

Special Issues, and Planning and Development 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 7:55 p.m.

