

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

November 6, 2023

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

At this time, Mayor McClusky presented a check for Red Mountain Park to Carlee Sanford, who then addressed the Council.

Representative David Faulker presented a check to the City of Homewood for Pickle Ball Courts.

The Mayor McClusky then presented a Proclamation to the BAPS Swaminarayan Temple recognizing Diwali.

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

The meeting was called to order by President Wyatt at 6:17 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Andrew Wolverton, Nick Sims, Walter Jones, Barry Smith, Jalet Nelms, Jennifer Address, 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. Absent: Carlos Alemán.

At this time, Councilor Nelms moved to dispense with the reading of the Minutes of the Council Meeting of October 23, 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 Smith moved for the approval of the published 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

18.10.23 Request for consideration of update from Homewood Chamber of Commerce – **Meredith Drennen / President Wyatt and Councilor Hardin**

Action Taken: The Finance Committee met on October 30, 2023 and voted 5-0 to recommend accepting report. The motion was made by Councilor Smith and seconded by Councilor Gwaltney.

Councilor Gwaltney moved for the approval of the published 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. 02.08.23 – Bid Opening held on October 30, 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 30, 2023 and voted 5-0 to recommend accepting bid from Central Alabama Asphalt for \$689,115.

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

Resolution No. 23-160

(A Resolution accepting bid for revised paving projects from Central Alabama Asphalt)

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 – Bid Opening held on October 30, 2023 at 4:31 p.m. for As-Needed Drainage Pipe Rehab – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on October 30, 2023 and voted 5-0 to recommend accepting bid from Video Industrial Services for the unit prices of \$9,500.

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

Resolution No. 23-161

(A Resolution accepting bid for as-needed drainage pipe rehab from Video Industrial Services)

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. 13.09.23 – Request to amend FY 22-23 budgets – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met on October 30, 2023 and voted 5-0 to recommend approval of items presented and to carry over in Committee for further items.

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

Resolution No. 23-162

(A Resolution amending the FY 22-23 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. 14.09.23 – Request to consider changes to credit card purchasing policies – Councilor Smith.

Councilor Jones stated that the Finance Committee met on October 30, 2023 and voted 5-0 to recommend amending the presented draft, then voted 5-0 to recommend approval of the new Credit Card Policy. The Finance Committee then voted 5-0 to recommend amending meal reimbursement to \$75.00.

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

Resolution No. 23-163

(A Resolution adopting new Credit Card Purchasing Policy)

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. 23-164

(A Resolution modifying Reimbursement Policy)

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. 14.10.23 – Request to set a Bid Date for Delcris Drive Sidewalk Phase II – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on October 30, 2023 and voted 5-0 to recommend setting the Bid Opening for December 11, 2023 at 4:31 p.m. with the deadline for submissions set for 4:30 p.m.

President Wyatt stated that the Bid Opening would be set for December 11, 2023 at 4:31 p.m. with the deadline for submissions set for 4:30 p.m.

The next item on the Agenda under Old Business was Item No. 19.10.23 – Request for consideration for a one-time offer concerning retiree health insurance – Mayor McClusky.

Councilor Jones stated that the Finance Committee met on October 30, 2023 and voted 5-0 to recommend approval.

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

Resolution No. 23-165

(A Resolution for a one-time offer concerning retiree health insurance)

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. 03.10.23 – Bid Opening set for November 6, 2023 at 4:31 p.m. for Communication Services – Councilor Smith.

Councilor Jones stated that the Finance Committee met on October 16, 2023 and voted 5-0 to recommend setting the Bid Opening for November 6, 2023 at 4:31 p.m. with the deadline for submissions set for 4:30 p.m.

President Wyatt stated that this item would be referred to the Finance Committee for consideration.

The next item on the Agenda under Old Business was Item No. 07.03.23 – Request for consideration of adjustments to criteria for approval of events impacting normal street flow and access – Councilor Gwaltney.

Councilor Gwaltney stated that the Public Safety Committee met on October 30, 2023 and voted 4-0 to recommend approval.

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

Resolution No. 23-166

(A Resolution adjusting criteria for approval of events impacting normal street flow and access)

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. 05.10.23 – Public Hearing set for November 27, 2023 at 6:00 p.m. for consideration of condemnation of the accessory structure at 2819 Crescent Avenue –Wyatt Pugh, Building Official.

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

The next item on the Agenda under Old Business was Item No. 08.10.23 – Public Hearing set for November 6, 2023 at 6:00 p.m. 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.

Councilor Andress stated that the Planning and Development Committee met on October 30, 2023 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 6:28 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.

Murray Legg and Slade Blackwell then addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:37 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 6:39 p.m.:

Ordinance No.

(An Ordinance 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))

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, 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. 2880

(An Ordinance 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))

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2880. Councilor Nelms seconded the motion.

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. 09.10.23 – Public Hearing set for November 6, 2023 at 6:00 p.m. 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.

Councilor Andress stated that the Planning and Development Committee met on October 30, 2023 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 6:43 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: Murray Legg, Andy Verciglio, Slade Blackwell, Ellen Witt, Cynthia Taylor, Jennifer Nunnelley and Jess Sirkin.

President Wyatt declared the Public Hearing closed at 6:59 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 7:12 p.m.:

Ordinance No.

(An Ordinance 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))

Councilor Andress 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, 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. 2881

(An Ordinance 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))

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2881. Councilor Gwaltney seconded the motion.

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

The motion carried on a vote of 6-4.

The next item on the Agenda under Old Business was Item No. 10.10.23 – Public Hearing set for November 6, 2023 at 6:00 p.m. 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.

Councilor Gwaltney stated that the Planning and Development Committee met on October 30, 2023 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 7:16 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: Melinda Sellers, Mary Clyde Teague, Beverly Seeley, Chadwick Stogner, Patrick Williamson, Brooks Sandlin,

Trevor Pigg, E. Langston Haygood, Trent Ralston, Brent Davis, Leigh Lewis, David Walker, James Daniel Johnstone, Joel Busby, David Rice, Laurel Ware, Melissa Rice, Bill Stribling, Chris Dewberry, Shira Robinowich- Miller, Joseph Genau, Brian Krogsgard, Caroline Atkins, James Martin, Jason Cobb, Ethan Smith, Caleb Houston, Josh Bodiford, Terry Holmes, Ashley George

President Wyatt declared the Public Hearing closed at 8:50 p.m.

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

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 11.10.23 – Public Hearing set for November 6, 2023 at 6:00 p.m. 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.

Councilor Andress stated that the Planning and Development Committee met on October 16, 2023 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 8:54 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: Logan Gandy and Autumn Francis.

President Wyatt declared the Public Hearing closed at 8:57 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 8:59 p.m.:

Ordinance No.

(An Ordinance 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))

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. 2882

(An Ordinance 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))

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2882. Councilor Nelms seconded the motion.

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 motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.10.23 – Public Hearing set for November 27, 2023 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for November 27, 2023 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 01.11.23** Request to authorize the Mayor to sign agreement with ADEM to accept a stormwater grant for \$150,000 – **Cale Smith, PE – Finance Committee**
- 02.11.23** Request to authorize the Mayor to sign Flock Camera renewal with the addition of several new cameras – **Chief Ross, Police Dept. / J.J. Bischoff, Chief of Staff – Finance Committee**
- 03.11.23** Request for update on City Garbage Service – **Mayor McClusky – Finance Committee**
- 04.11.23** Request permission to remove two pine trees located in the City right-of-way at 308 Devon Drive – **Cale Smith, PE – Public Works Committee**
- 05.11.23** Request permission to work in the right-of-way to install an accessible parking space at Urology Centers of Alabama – **Andy Olds / Cale Smith, PE – Public Works Committee**
- 06.11.23** Request for consideration to permit front yard retaining walls in right-of-way at 3019 Firefighter Lane– **Jason Hale, Willow Homes / Wyatt Pugh, Building Official – Public Works Committee**
- 07.11.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for permission to vacate Drake Street and adjacent alley rights-of-way for Piggly Wiggly development – **McConnell, White, and Terry Realty – Cale Smith, PE – Special Issues Committee**

Councilor Smith 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. 07.11.23 – Request to set a Public Hearing for permission to vacate Drake Street and adjacent alley rights-of-way for Piggly Wiggly development – McConnell, White, and Terry Realty – Cale Smith, PE.

President Wyatt stated that the Public Hearing would be set for December 11, 2023 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.11.23 – Request to authorize the Mayor to sign Facilities Use Agreement for movie production company – Chief Ross, Police Dept.

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

Resolution No. 23-167

(A Resolution to authorize the Mayor to sign Facilities Use Agreement for movie production company)

Councilor Sims moved for the adoption and enrollment of Resolution No. 23-167. 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 Other New Business was Item No. 09.11.23 – Request for consideration of approval of vouchers for period of October 24, 2023 through November 6, 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. 23-168

(A Resolution for approval of vouchers for period of October 24, 2023 through November 6, 2023)

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-168. 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.

President Wyatt stated that the Committees would meet on November 13, 2023 starting with the Finance Committee at 5:00 p.m. with Public Works, Special Issues, and Planning and Development meeting immediately following the previous meeting. The Public Safety 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 9:18 p.m.