

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

**November 8, 2021**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, November 8, 2021 at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a Proclamation in recognition of service on the BZA and Planning Commission to Mr. Ty Cole.

Mayor McClusky then presented a check for Red Mountain Park to T.C. McLemore, Executive Director.

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, Carlos Alemán, Andrew Wolverton, Nick Sims, Walter Jones, Barry Smith, Jaleté Nelms, Jennifer Address, 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.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Regular Called Council Meeting of October 25, 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.

Councilor Gwaltney moved to appoint Mr. David Lorberbaum to the Ward 1 Historic Preservation Commission. 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.

The Mayor then appointed Ms. Rachel Mobley to the Historic Preservation Commission.

Councilor Alemán moved to appoint Mr. Tyler McIntyre to the Ward 2 Municipal Housing Abatement Board. 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.

Councilor Jones moved to re-appoint Mr. Gabe Harris to the Ward 3 Municipal Housing Abatement Board. 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.

Councilor Gwaltney moved to appoint Mr. Houston Wurtele to the Ward 1 BZA. 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.

President Wyatt stated that the application period for the Ward 1 Environmental Commission would be re-opened until November 22, 2021 at 4:30 p.m. and the application period for the Ward 4 Municipal Housing Abatement Board would be re-opened until December 6, 2021 at 4:30 p.m.

At this time, President Wyatt added the following items to the Committee Referral Agenda: Item No. 15.11.21 – Request to hear updates from the Chamber of Commerce – Councilor Hardin – Finance Committee; Item No. 16.11.21 – Request to authorize the Mayor to sign contract and to remit FY 21-22 Budget Appropriation to the Birmingham Zoo – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee; and Item No. 17.11.21 – Request for permission to work in the right-of-way to install BJCTA bus shelter at 2601 18TH Street South – Barbara Williams, CP Construction / Wyatt Pugh, Building Dept. – Public Works Committee.

Councilor Gwaltney moved for the approval of the amended Council 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.

## **CONSENT AGENDA**

- 21.10.21** Request for consideration to revise City Email Policies – **Robert Burgett, Finance Director**

**Action Taken: The Finance Committee met on November 1, 2021 and voted 5-0 to drop this item. The motion was made by Councilor Gwaltney and seconded by Councilor Smith.**

- 19.10.21** Request for permission to remove five or more protected trees at 1572 Berry Road – **Zia Khan, Homeowner / Wyatt Pugh, Inspections and Permits**

**Action Taken: The Special Issues Committee met on November 1, 2021 and voted 5-0 to drop this item. The motion was made by Councilor Andress and seconded by Councilor Alemán.**

Councilor Nelms moved for the approval of the Consent Agenda. 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.

## **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.

Councilor Smith stated that the Special Issues Committee met on November 1, 2021 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 6:21 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. Mike Mouron addressed the Council regarding his request and confirmed proffer to allow vacated right-of-way to continue to be used for public easement for traffic flow.

Ms. Carolyn Herr at 3108 Overton Drive then addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:26 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. 21-168**

**(A Resolution to vacate a portion of an unnamed alley between 1722 28<sup>th</sup> Ave S and 1715 27<sup>th</sup> Ct S)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-168. 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. 11.09.21 – Public Hearing set for November 8, 2021 at 6:00 p.m. for consideration of vacation of a portion of 27<sup>th</sup> Terrace South – Mike Mouron/Wyatt Pugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on November 1, 2021 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 6:29 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. Mike Mouron addressed the Council regarding his request.

The following residents then addressed the Council regarding this item: Mr. Chris Lane at 1763 Mayfair Drive; Ms. Carolyn Herr at 3108 Overton Drive; Roger Harbison of Harbison Lock and Key; and Paul Bello of Executive Office.

President Wyatt declared the Public Hearing closed at 6:48 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. 21-169**

**(A Resolution to vacate a portion of 27<sup>th</sup> Terrace South)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-169. 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. 13.02.21 – Public Hearing set for November 8, 2021 at 6:00 p.m. 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).

Councilor Andress stated that the Planning and Development Committee met on November 1, 2021 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

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 for changes to the landscaping and tree requirements)**

Mr. Cale Smith addressed the Council regarding this item.

President Wyatt declared the Public Hearing opened at 7:02 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. Matt Rich and Ms. Amy Milam of the Homewood Environmental Commission addressed the Council regarding this item.

Councilor Gwaltney moved for the unanimous consent of the proposed Ordinance with proposed changes. 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. 2818**

**(An Ordinance for changes to the landscaping and tree requirements)**

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2818. 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, Smith, Nelms, Address, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 17.02.21 – Request to authorize the Mayor to sign a contract with Kimley Horn for professional services for a stormwater masterplan in the Griffin Brook Creek basin – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met and voted 5-0 to recommend approval of funding of \$331,931.00 from Fund 02-11-589146.

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

**Resolution No. 21-170**

**(A Resolution to authorize the Mayor to sign a contract with Kimley Horn for professional services for a stormwater masterplan in the Griffin Brook Creek basin)**

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. 18.10.21 – Request to authorize the Mayor to sign a contract with Volkert, Inc. for professional services for Reese Street Plan updates and Bidding Assistance – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met and voted 5-0 to recommend approval of funding of \$17,723.00 from Fund 02-11-589146.

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

**Resolution No. 21-171**

**(A Resolution to authorize the Mayor to sign a contract with Volkert, Inc. for professional services for Reese Street Plan updates and Bidding Assistance)**

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. 30.10.21 – Request to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering services for College Avenue Storm Infrastructure – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met and voted 5-0 to recommend approval of funding of \$43,500.00 from Fund 02-11-584135.

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

**Resolution No. 21-172**

**(A Resolution to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering services for College Avenue Storm Infrastructure)**

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. 31.10.21 – Request to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering services for Huntington Road Culvert – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met and voted 5-0 to recommend approval of funding of \$37,500.00 from Fund 02-11-584135.

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

**Resolution No. 21-173**

**(A Resolution to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering services for Huntington Road Culvert)**

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. 20.10.21 – Request to add a stop sign at the intersection of Saulter Lane and Crest Drive – Randy Hambley.

Councilor Gwaltney stated that the Public Safety Committee met on November 1, 2021 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 7:15 p.m.:

**Ordinance No.**

**(An Ordinance to add a stop sign at the intersection of Saulter Lane and Crest Drive)**

Councilor Hardin moved for the unanimous consent of the proposed Ordinance. 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, 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. 2819**

**(An Ordinance to add a stop sign at the intersection of Saulter Lane and Crest Drive)**

Councilor Alemán moved for the enrollment and adoption and publication according to law of Ordinance No. 2819. 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, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 15.08.21 – Request for consideration of a Memorial donation policy – Councilors Andress and Smith.



Councilor Smith requested to carry over this item.

President Wyatt stated that this item would be carried over.

### **COMMITTEE REFERRAL AGENDA**

- 01.11.21**      **Request to set a Bid Date** for mowing/landscaping of state right-of-way areas in Homewood – **Berkley Squires – Finance Committee**
- 02.11.21**      Request for consideration of budget amendments to the FY 21-22 budget – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 03.11.21**      Request to authorize the Mayor to sign a contract with Sain Associates for professional engineering design services for a sidewalk project on Mecca Avenue – **Cale Smith, PE – Finance Committee**
- 04.11.21**      Request to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering design services for a stormwater project on Kenilworth Drive – **Cale Smith, PE – Finance Committee**
- 05.11.21**      Request to set a bid opening date and authorize the Mayor to sign a contract for stormwater pipe rehabilitation at LaPrado Place and Parkridge – **Cale Smith, PE – Finance Committee**
- 06.11.21**      Request for consideration of resolution requesting the Alabama Legislature to authorize two entertainment districts, one in West Homewood Business District and one in Edgewood Business District – **Councilors Gwaltney, Aleman, and Wolverton – Public Safety Committee**
- 07.11.21**      **Request** for consideration for the city to vacate a portion of an unnamed alley between 1703 Shades Park Drive and 1610 Shades Park Cove – **William Siegel, Twin Properties / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 08.11.21**      **Request to set a Public Hearing and referral to the Special Issues Committee** for the removal of five protected trees from 1505 Manhattan Street as required by Tree Conservation Ordinance #2422 – **Thomas Irwin- Scott Cook Inspections Dept. – Special Issues Committee**
- 09.11.21**      **Request to set a Public Hearing and referral to the Special Issues Committee** for the removal of nine protected trees from 1796 Murray Hill Rd. as required by Tree Conservation Ordinance #2422 – **Dra & Melissa Gunnells/Scott Cook Inspections Dept. – Special Issues Committee**

- 10.11.21      Request to set a Public Hearing and referral to the Special Issues Committee** for the removal of six protected trees from 908 Shades Rd. as required by Tree Conservation Ordinance #2422 – **Leslie Anastasia-Scott Cook Inspections Dept. – Special Issues Committee**
  
- 11.11.21      Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone 1832 25<sup>th</sup> Court South (PID 28-00-07-2-001-065.000) from a I-2 (Institutional District) to NPD (Neighborhood Preservation District): Applicant: Trent Beasley/Owner: HBI, LLC to permit the renovation of an existing non-conforming, single-family house (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning & Development Committee**
  
- 15.11.21      Request to hear updates from the Chamber of Commerce – Councilor Hardin – Finance Committee**
  
- 16.11.21      Request to authorize the Mayor to sign contract and to remit FY 21-22 Budget Appropriation to the Birmingham Zoo – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
  
- 17.11.21      Request** for permission to work in the right-of-way to install BJCTA bus shelter at 2601 18TH Street South – **Barbara Williams, CP Construction / Wyatt Pugh, Building Dept. – Public Works Committee**

Councilor Geer moved to approve the amended 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. 08.11.21 – Request to set a Public Hearing for the removal of five protected trees from 1505 Manhattan Street as required by Tree Conservation Ordinance #2422 – Thomas Irwin/Scott Cook Inspections Dept.

President Wyatt stated that the Public Hearing would be set for November 22, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.11.21 – Request to set a Public Hearing for the removal of nine protected trees from 1796 Murray Hill Rd. as required by Tree Conservation Ordinance #2422 – Dra & Melissa Gunnells/Scott Cook Inspections Dept.

President Wyatt stated that the Public Hearing would be set for November 22, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.11.21 – Request to set a Public Hearing for the removal of six protected trees from 908 Shades Rd. as required by Tree Conservation Ordinance #2422 – Leslie Anastasia/Scott Cook Inspections Dept.

President Wyatt stated that the Public Hearing would be set for November 22, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 11.11.21 – Request to set a Public Hearing for consideration to rezone 1832 25<sup>th</sup> Court South (PID 28-00-07-2-001-065.000) from a I-2 (Institutional District) to NPD (Neighborhood Preservation District): Applicant: Trent Beasley/Owner: HBI, LLC to permit the renovation of an existing non-conforming, single-family house (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

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

The next item on the Agenda under Other New Business was Item No. 12.11.21 – Request to advertise and set a Bid Date for the 18<sup>th</sup> Street Alley Improvements Project – Cale Smith, PE.

Councilor Jones moved to set the Bid Date for December 7, 2021 at 10:00 a.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 Other New Business was Item No. 13.11.21 – Request for consideration of an ABC 020 – Restaurant Retail Liquor license for Miranda Brothers Enterprise Inc d/b/a Tacos Don Tacho 2 located at 437 Green Springs Hwy Ste 141 – Melody Salter, CPA, City Clerk/Robert Burgett, Finance Director (Letter of No Objection Received from Police and Fire).

Councilor Gwaltney moved to have no objection to the issuance of the ABC license. 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.

The next item on the Agenda under Other New Business was Item No. 14.11.21 – Request for consideration of approval of vouchers for period of October 26, 2021 through November 8, 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. 21-174**

**(A Resolution for approval of vouchers for period of October 26, 2021 through November 8, 2021)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-174. 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. 33.10.21 – Request to authorize the Mayor to sign a contract with LBYD for Demolition of Citation Court – Berkley Squires.

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

**Resolution No. 21-175**

**(A Resolution to authorize the Mayor to sign a contract with LBYD for Demolition of Citation Court)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 21-175. 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 Jones stated that the Finance Committee would meet on November 15, 2021 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on November 15, 2021 at 5:30 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on November 15, 2021 at 5:45 p.m.

Councilor Smith stated that the Special Issues Committee would meet on November 15, 2021 at 5:55 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on November 15, 2021 at 6:25 p.m.

The Council then held discussion regarding the holiday meeting schedule.

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

**Resolution No. 21-176**

**(A Resolution to change the City Council Meeting currently scheduled for Monday, December 13, 2021 to Monday, December 6, 2021 and to change the date of the City Council Meeting currently scheduled for Monday, December 27, 2021 to Monday, December 20, 2021 with Committees meeting on Monday, November 29, 2021 and Monday, December 13, 2021)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-176. 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.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:44 p.m.