

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

November 14, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, November 14, 2022, at City Hall at 6:00 p.m.

The invocation was given by Robert Burgett, Finance Director, after which the pledge of allegiance was given by Junior Girl Scout Troop 26003, Edgewood Elementary Fifth Graders.

The meeting was called to order by President Wyatt at 6:06p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of October 24, 2022 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 Andress moved to appoint Anita Morgan to the Homewood Environmental Commission. 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.

President Wyatt stated that the application period for the Complete Streets Advisory Board position would be reopened until November 28, 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. 11.11.22 – Request for consideration to declare a totaled 2014 Police Tahoe (VIN 1GNLC2E04ER200530) as well as miscellaneous items surplus – Gordon Jaynes, Fleet Maintenance – Finance Committee; Item No. 12.11.22 – Request to set a bid opening for Street Signs – Randy

Hambley – Finance Committee; Item No. 13.11.22 – Request for an update on Saulter Pocket Park – Barry Smith – Planning and Development Committee.

President Wyatt further amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 14.11.22 – Request for consideration of an ABC 020 – Restaurant Retail Liquor for Social Taco located at 1831 28th Avenue S, Suite 175 – Melody Salter, CPA, City Clerk.

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

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

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

None.

OLD BUSINESS AGENDA

The first item on the Agenda under Old Business was Item No. 25.04.17 – Request for consideration of 18th Street Revitalization Project – Councilor Gwaltney.

Councilor Jones stated that the Finance Committee met on November 7, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-191

(A Resolution authorizing contract with Bulls Construction Group, LLC relating to the 18th Street Revitalization Project)

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. 08.10.22 – Request for consideration to deposit public funds with Regions Financial – Robert Burgett, Finance Director.

Councilor Jones stated that the Finance Committee met on November 7, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-192

(A Resolution to deposit public funds with Regions Financial)

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. 15.10.22 – Request to consider street lighting at 121 Henna Street, 105 Marsey Lane, 204 Fairlane Diver, 105 Ridgemoor Drive, & 201 Hillmoor Lane – Councilors Wolverton and Alemán.

Councilor Gwaltney stated that the Public Safety Committee met on November 7, 2022 and voted 3-0 to recommend approval.

Councilor Jones stated that the Finance Committee met on November 7, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-193

(A Resolution to add street lighting at 121 Henna Street, 105 Marsey Lane, 204 Fairlane Diver, 105 Ridgemoor Drive, & 201 Hillmoor Lane)

President Wyatt asked if the Council had any questions or comments regarding the motion from the Public Safety and Finance Committees. 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.

President Wyatt stated that this item would be carried over.

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

Councilor Wolverton stated that the Public Works Committee met on November 7, 2022 and voted 3-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-194

(A Resolution for permission to work in the Right-of-Way to install temporary construction fence, demolish and rebuild sidewalk at 333 Greensprings Hwy)

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

On a voice vote, the motion carried without dissent.

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

Councilor Wolverton stated that the Public Works Committee met on November 7, 2022 and voted 3-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-195

(A Resolution to permit removal and replacement of one tree in the city right-of-way at 531 Oxmoor Road)

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

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.05.22 – Public Hearing 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. 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 – Megan Ellis, Advance Sign & Lighting, LLC / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on November 7, 2022 and voted 5-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:17 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 of Advance Sign addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:17 p.m.

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

Councilor Smith moved for approval. 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.

The motion failed on a vote of 2-8. Councilors Gwaltney, Wolverton, Sims, Jones, Smith, Andress, Hardin and Wyatt voted no.

The next item on the Agenda under Old Business was Item No. 11.10.22 – Public Hearing set for November 14, 2022 at 6:00 p.m. for consideration of a sign variance at 2712 18th Place South – David Brandt, Fravert Signs / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that this item would be carried over.

The next item on the Agenda under Old Business was Item No. 12.10.22 – Public Hearing set for November 14, 2022 at 6:00 p.m. 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.

Councilor Smith stated that the applicant asked to drop this request.

President Wyatt declared the Public Hearing opened at 6:23 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 6:23 p.m.

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

Councilor Smith moved to drop this item. Councilor Andress seconded the motion.

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

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 15.07.22 – Public Hearing set for November 14, 2022 at 6:00 p.m. for consideration of annexation for Board of Education property into the City of Homewood – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Andress stated that the Planning and Development Committee met on August 1, 2022 and voted 3-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:24 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.

Curtis Eatman of LYBD and resident Liz Ellaby addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:30 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 6:31 p.m.:

Ordinance No.

(An Ordinance for annexation for Board of Education property into the City of Homewood)

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, 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. 2855

(An Ordinance for annexation for Board of Education property into the City of Homewood)

Councilor Gwaltney moved for the enrollment and adoption and publication according to law of Ordinance No. 2855. 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, Andress, Hardin, and Wyatt.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 06.06.22 – Public Hearing set for November 28, 2022 at 6:00 p.m. to consider amending the City’s Zoning Ordinance to include the Fence Ordinance – Councilor Andress / Cale Smith, PE.

President Wyatt stated that this item would be carried over for the Public Hearing set for November 28, 2022 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 05.08.22 – Request to set a Public Hearing to consider revisions to the Tree and Landscape Ordinance – Cale Smith, PE.

Councilor Andress stated that the Planning and Development Committee met on November 7, 2022 and voted 4-0 to recommend setting a Public Hearing for December 12, 2022 at 6:00 p.m.

President Wyatt then stated that the Public Hearing would be set for December 12, 2022 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 01.11.22** Request for consideration to pay FY 22-23 Budget Appropriation to the Birmingham Zoo –**Robert Burgett, Finance Director & Melody Salter, City Clerk – Finance Committee**
- 02.11.22** Request for permission to work within the Right-of-Way to construct a parking pad at 906 Saulter Road – **Joel Davis, homeowner/Cale Smith, PE – Public Works Committee**
- 03.11.22** Request for permission to work within the Right-of-Way at 911 Westover Drive to remove a pine tree – **Cale Smith, PE – Public Works Committee**
- 04.11.22** Request for permission to work within the Right-of-Way at 1501 Roseland Drive to remove a pine tree – **Cale Smith, PE – Public Works Committee**

- 05.11.22** Request for permission to work within the Right-of-Way at 207 Yorkshire Drive to remove a pecan tree – **Cale Smith, PE – Public Works Committee**
- 06.11.22** Request for consideration of variances to the Tent Ordinance and permission for tents in the Right-of-Way at 1830 29th Avenue S, Suite 160 – **Oscar Padro, SoHo Social / Wyatt Pugh, Building Department – Special Issues Committee**
- 07.11.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a secondary front yard fence setback variance at 1632 28th Ave S – **April Bloomingburg / Wyatt Pugh, Building Department – Special Issues Committee**
- 08.11.22** **Request to set a Public Hearing and referral to the Special Issues and Public Works Committees** for consideration of a secondary front yard fence setback variance and permission to work in the Right-of-Way at 1400 Roseland Drive – **Cara Prann / Wyatt Pugh, Building Department – Special Issues and Public Works Committees**
- 09.11.22** **Request to set a Public Hearing and referral to the Special Issues and Public Works Committees** for consideration of a commercial front yard fence variance and permission to work in the Right-of-Way at 217 Oxmoor Circle – **Stewart Robinson, The Pennington Group / Wyatt Pugh, Building Department – Special Issues and Public Works Committees**
- 11.11.22** Request for consideration to declare a totaled 2014 Police Tahoe (VIN 1GNLC2E04ER200530) as well as miscellaneous items surplus – **Gordon Jaynes, Fleet Maintenance – Finance Committee**
- 12.11.22** Request to set a bid opening for Street Signs – **Randy Hambley – Finance Committee**
- 13.11.22** Request for an update on Saulter Pocket Park – **Barry Smith – Planning and Development Committee**

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

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 07.11.22 – Request to set a Public Hearing for consideration of a secondary front yard fence setback variance at 1632 28th Ave S – April Bloomingburg / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for November 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 08.11.22 – Request to set a Public Hearing for consideration of a secondary front yard fence setback variance and permission to work in the Right-of-Way at 1400 Roseland Drive – Cara Prann / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for November 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 09.11.22 – Request to set a Public Hearing for consideration of a commercial front yard fence variance and permission to work in the Right-of-Way at 217 Oxmoor Circle – Stewart Robinson, The Pennington Group / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for November 28, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 10.11.22 – Request for consideration of approval of vouchers for period of October 25, 2022 through November 14, 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. 22-196

(A Resolution approving of vouchers for period of October 25, 2022 through November 14, 2022)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-196. 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. 14.11.22 – Request for consideration of an ABC 020 – Restaurant Retail Liquor license for Social Taco located at 1831 28th Avenue S, Suite 175 – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for having no objections to the issuance of the license pending letters of no objection from Fire and Police as well as final approval from the ABC Board. Councilor Wolverton seconded the motion.

The motion carried without dissent.

President Wyatt stated that the Committees would meet on November 21, 2022 starting with the Finance Committee at 5:00 p.m. with Public Works, Special Issues, and Planning and Development Committees meeting immediately following the previous meeting. A Public Safety Committee meeting was not set for November 21, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:51 p.m.