

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

November 22, 2021

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, November 22, 2021 at City Hall at 6:00 p.m.

The invocation was given by Dr. Andy Wolfe, Pastor Emeritus, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:07 p.m.

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

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Regular Called Council Meeting of November 8, 2021 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.

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

President Wyatt then stated that the application period for the Ward 1 Homewood Environmental Commission opening would be extended 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. 29.11.21 – Request for consideration for work in the right-of-way at 126 Barbers Ct – Cale Smith, City Engineer – Public Works Committee and Item 30.11.21 – Request for consideration in reduction of sales for 307 Oxmoor Road due to Jeff. Co. Sewer Issues – Mayor McClusky – Finance Committee.

President Wyatt then added the following items to the Other New Business Agenda: Item No. 28.11.21 – Request to authorize the Mayor to sign contract for temporary construction easement for striping changes at the Publix entrance of Greensprings Highway – Berkley Squires, Public Works Director; Item 13.10.21 –

Amend the Bid Opening Date for Lancaster Sidewalks; and Item No. 14.10.21 – Amend the Bid Opening Date for Saulter Road Sidewalks.

Councilor Nelms 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

06.10.21 Request to authorize the Mayor to execute the Certificate of Estoppel for Brookwood Mall property – **Mike Kendrick (Carried Over 11/1/21)**

Action Taken: The Finance Committee met on November 15, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Alemán.

15.11.21 Request to hear updates from the Chamber of Commerce – **Councilor Hardin**

Action Taken: The Finance Committee met on November 15, 2021 and voted 5-0 to accept the report. The motion was made by Councilor Smith and seconded by Councilor Alemán.

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.**

Action Taken: The Public Works Committee met on November 15, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Sims and seconded by Councilor Hardin.

Councilor Gwaltney moved for the approval of the Consent Agenda. Councilor Sims 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. 15.08.21 – Request for consideration of a Memorial donation policy – Councilors Andress and Smith (Carried Over 11/8/21).

Councilor Smith asked for this item to be referred back to the Special Issues Committee.

The next item on the Agenda under Old Business was Item No. 08.11.21 – Public Hearing set for November 22, 2021 at 6:00 p.m. for the removal of five protected trees from 1505 Manhattan Street as required by Tree Conservation Ordinance #2422 – Thomas Irwin/Scott Cook Inspections Dept.

Councilor Smith stated that the Special Issues Committee met on November 15, 2021 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

Mr. Scott Cook addressed the Council regarding this item and stated that the application was applied for under the old Tree Ordinance.

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. There was no response from the audience.

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 to drop this item and homeowner would have to reapply under new Tree Ordinance. 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. 09.11.21 – Public Hearing set for November 22, 2021 at 6:00 p.m. for the removal of nine protected trees from 1796 Murray Hill Rd. as required by Tree Conservation Ordinance #2422 – Drab & Melissa Gunnells/Scott Cook Inspections Dept.

Councilor Smith stated that the Special Issues Committee met on November 15, 2021 and voted 5-0 to refer this item back to the full Council without recommendation pending the Public Hearing.

Mr. Scott Cook addressed the Council regarding this item and stated that this application was also applied for under the old Tree Ordinance.

President Wyatt declared the Public Hearing opened at 6:19 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.

Mr. Dra Gunnels at 1796 Murray Hill Road addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:21 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 Geer asked to reconsider Item No. 08.11.21. 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, Mr. Kendrick presented the following Resolution for the Council's consideration.

Resolution No. 21-177

(A Resolution for the removal of five protected trees from 1505 Manhattan Street)

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-177. 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.

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

Resolution No. 21-178

(A Resolution for the removal of nine protected trees from 1796 Murray Hill Rd)

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-178. 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. 10.11.21 – Public Hearing set for November 22, 2021 at 6:00 p.m. for the removal of six protected trees from 908 Shades Rd. as required by Tree Conservation Ordinance #2422 – Leslie Anastasia/Scott Cook Inspections Dept.

Mr. Scott Cook addressed the Council regarding this item and stated the applicant requested to drop this request.

President Wyatt declared the Public Hearing opened at 6:31 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 6:31 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 to drop this item. 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. 11.11.21 – Public Hearing set for December 6, 2021 at 6:00 p.m. for consideration to rezone 1832 25th 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 this item would be carried over for the Public Hearing set for December 6, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 27.10.21 – Bid Opening held on November 15, 2021 at 4:40 p.m. for camera system – Chief Tim Ross/Police and Mayor Patrick McClusky.

Councilor Jones stated that the Finance Committee met on November 15, 2021 and voted 5-0 to recommend accepting bid from only bidder, Flock Safety, for five cameras with additional \$1,250 for first year then \$13,750 and \$12,500 for 3 year contract.

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

Resolution No. 21-179

(A Resolution to accept bid for Police cameras from Flock Safety)

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. 01.11.21 – Bid Opening set for December 20, 2021 at 4:31 p.m. for mowing/landscaping of state right-of-way areas in Homewood – Berkley Squires.

President Wyatt stated that this item would be carried over for the Public Hearing set for December 20, 2021 at 4:31 p.m.

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

Councilor Jones stated that the Finance Committee met on November 15, 2021 and voted 5-0 to recommend approval of funding of \$42,500.

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

Resolution No. 21-180

(A Resolution to authorize the Mayor to sign a contract with Sain Associates for professional engineering design services for a sidewalk project on Mecca Avenue)

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. 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.

Councilor Jones stated that the Finance Committee met on November 15, 2021 and voted 5-0 to recommend approval of funding.

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

Resolution No. 21-181

(A Resolution to authorize the Mayor to sign a contract with Schoel Engineering for professional engineering design services for a stormwater project on Kenilworth Drive)

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. 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.

Councilor Jones stated that the Finance Committee met on November 15, 2021 and voted 5-0 to recommend authorizing the contract and authorizing the Mayor to negotiate terms.

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

Resolution No. 21-182

(A Resolution to authorize the Mayor to sign contract and negotiate terms and to remit FY 21-22 Budget Appropriation to the Birmingham Zoo)

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. 25.10.21 – Bid opening held on November 12, 2021 at 2:01 p.m. for the Old Montgomery Highway project – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on November 15, 2021 and voted 5-0 to recommend rejecting sole bid of \$414,000 and authorize the Mayor to negotiate terms.

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

Resolution No. 21-183

(A Resolution to authorize the Mayor to negotiate terms for Old Montgomery Highway 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. 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.

Councilor Gwaltney stated that the Public Safety Committee met on November 15, 2021 and voted 4-1 to recommend approval with changes to map.

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

Resolution No. 21-184

(A Resolution requesting the Alabama Legislature to authorize two entertainment districts, one in West Homewood Business District and one in Edgewood Business District)

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

The Council then held discussion regarding this item.

Councilor Jones stated that the public would have input in a Public Hearing when deciding if they wanted to proceed with an Entertainment District in Edgewood.

On a voice vote, the motion carried on a vote of 7-2. Councilors Geer and Sims voted no.

COMMITTEE REFERRAL AGENDA

- 18.11.21** Request for consideration for discussion of city residential rental ordinance and enforcement – **Councilor Gwaltney – Public Safety Committee**
- 19.11.21** Request permission to work in the right-of-way at 1608 Ridge Road, **Jason and Meredith Price, Homeowners / Wyatt Pugh, Building Department – Public Works Committee**
- 20.11.21** Request for consideration of amendment to the indemnity agreement for work in the right-of-way at 201 East Linwood Avenue – **Adam Thrower / President Wyatt – Public Works Committee**

- 21.11.21** Request for Mayor to sign Multi-Jurisdictional Hazard Mitigation Plan with FEMA – **Mayor McClusky and J.J. Bischoff, Chief of Staff – Special Issues Committee**
- 22.11.21** Request for Mayor to sign Memorandum of Understanding between the Jefferson County Commission and the City of Homewood regarding debris removal and monitoring services following a natural disaster – **Mayor McClusky and J.J. Bischoff, Chief of Staff – Special Issues Committee**
- 23.11.21** Request to authorize the Mayor to sign a loan agreement with Bryant Bank for FY 21-22 Capital Vehicle Purchases – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 24.11.21** Request to authorize the Mayor to sign a contract with Hixson Consultants in the amount of \$16,730 to create the scope of work and bid package for City Hall repairs – **Wyatt Pugh, Building Dept. / Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 25.11.21** **Request to set a Bid Opening Date and Referral to Finance Committee** for two Police Harley-Davidson motorcycles – **Chief Ross and Corporal Self – Finance Committee**
- 26.11.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a fence setback variance on a lot with two front yards to reduce the required setback from 15’ to 0’ at 3101 Roxbury Road – **Joey Miller, Homeowner / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 29.11.21** Request for Consideration for work in ROW at 126 Barbers Ct – **Cale Smith, City Engineer – Public Works Committee**
- 30.11.21** Request for Consideration in reduction of sales 307 Oxmoor Road due to Jeff Co Sewers Issue – **Mayor McClusky – Finance Committee**

Councilor Smith moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 25.11.21 – Request to set a Bid Opening Date for two Police Harley-Davidson motorcycles – Chief Ross and Corporal Self.

President Wyatt stated that the Bid Opening would be set for December 6, 2021 at 5:30 p.m. with bids due by 4:30 p.m.

The next item on the Agenda under Other New Business was Item No. 26.11.21 – Request to set a Public Hearing for consideration of a fence setback variance on a lot with two front yards to reduce the required setback from 15’ to 0’ at 3101 Roxbury Road – Joey Miller, Homeowner / Wyatt Pugh, Inspections & Permits.

President Wyatt stated that the Public Hearing would be set for December 20, 2021 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 27.11.21 – Request for consideration of approval of vouchers for period of November 9, 2021 through November 22, 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. 21-185

(A Resolution for approval of vouchers for period of November 9, 2021 through November 22, 2021)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-185. 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. 28.11.21 – Request to authorize the Mayor to sign contract for temporary construction easement for striping changes at the Publix entrance of Greensprings Highway – Berkley Squires, Public Works Director.

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

Resolution No. 21-186

(A Resolution to authorize the Mayor to sign contract for temporary construction easement for striping changes at the Publix entrance of Greensprings Highway)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-186. 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 considered under Other New Business was Item No. 13.10.21 – Amend Bid Opening for Lancaster Sidewalks.

Councilor Jones moved to change the bid opening date to December 17, 2021 at 2:10 p.m. with bids due by 2:00 p.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 considered under Other New Business was Item No. 14.10.21 – Amend Bid Opening for Saulter Sidewalks.

Councilor Jones moved to change the bid opening date to December 17, 2021 at 2:01 p.m. with bids due by 2:00 p.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.

Councilor Jones stated that the Finance Committee would meet on November 29, 2021 at 5:30 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on November 29, 2021 at 5:45 p.m.

Councilor Smith stated that the Special Issues Committee would meet on November 29, 2021 at 5:55 p.m.

President Wyatt stated that the Public Works Committee would meet on November 29, 2021 at 6:30 p.m.

Councilor Andress stated that the Planning and Development Committee would not meet on November 29, 2021.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:11 p.m.