

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

**November 27, 2023**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, November 27, 2023 at City Hall at 6:00 p.m.

At this time, Mayor McClusky presented a proclamation for Arbor Day, Tree City USA.

Mayor McClusky then presented a proclamation recognizing Small Business Saturday on November 25, 2023.

The invocation was given by Councilor Hardin, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:08 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 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.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of November 6, 2023 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 Joshua Quattlebaum to the Ward 4 Historic Preservation Commission position. 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.

At this time, President Wyatt amended the published council agenda to drop the following item from the Committee Referral Agenda and the Other New Business agenda: Item No. 17.11.23.

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**

**03.11.23** Request for update on City Garbage Service – **Mayor McClusky**

**Action Taken: After hearing from Rick Swinney and Paul Barber of AmWaste, the Committee voted 5-0 to recommend accepting the report. The motion was made by Councilor Smith and seconded by Councilor Gwaltney.**

Councilor Smith moved for the approval of the published Consent 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.

### **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 01.11.23 – Request to authorize the Mayor to sign agreement with ADEM to accept a stormwater grant for \$150,000 – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on November 13, 2023 and voted 4-0 to recommend approval.

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

#### **Resolution No. 23-169**

**(A Resolution to authorize the Mayor to sign agreement with ADEM to accept a stormwater grant for \$150,000)**

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. 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.

Councilor Jones stated that the Finance Committee met on November 13, 2023 and voted 5-0 to recommend approval.

President Wyatt stated that this item would be carried over for further review.

The next item on the Agenda under Old Business was Item No. 04.11.23 – Request permission to remove two pine trees located in the City right-of-way at 308 Devon Drive – Cale Smith, PE.

Councilor Wolverton stated that the Public Works Committee met on November 13, 2023 and voted 4-0 to recommend approval.

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

**Resolution No. 23-170**

**(A Resolution for permission to remove two pine trees located in the City right-of-way at 308 Devon Drive)**

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. 05.11.23 – 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.

Councilor Wolverton stated that the Public Works Committee met on November 13, 2023 and voted 4-0 to recommend approval.

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

**Resolution No. 23-171**

**(A Resolution for permission to work in the right-of-way to install an accessible parking space at Urology Centers of Alabama)**

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. 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.

Councilor Wolverton stated that the Public Works Committee met on November 13, 2023 and voted 4-0 to recommend approval.

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

**Resolution No. 23-172**

**(A Resolution to permit front yard retaining walls in right-of-way at 3019 Firefighter Lane)**

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 on a vote of 6-5. Councilors Jones, Smith, Nelms, Address, and President Wyatt voted no.

The next item on the Agenda under Old Business was Item No. 07.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for December 11, 2023 at 6:00 p.m.

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.

Councilor Gwaltney stated that the Public Safety Committee met on October 16, 2023 and voted 5-0 to refer to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:32 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.

Wyatt Pugh addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:34 p.m.

Councilor Jones 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. 10.10.23 – Public Hearing held on 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 (Public Hearing held and closed 11/6/23 and Item Carried Over).

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.

At this time, President Wyatt asked Melinda Sellers to address the Council regarding this item.

President Wyatt stated that this item would be carried over for further negotiations.

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.

Councilor Andress stated that the Planning and Development Committee met on November 13, 2023 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 6:37 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.

Meghan Harrison addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:39 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 approve the Final Development Plan at 501 Scott Street (PID # 29-00-23-2-004-002.000))**

Councilor Smith 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. 2883**

**(An Ordinance to approve the Final Development Plan at 501 Scott Street (PID # 29-00-23-2-004-002.000))**

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2883. Councilor Wolverton seconded the motion.

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.

## COMMITTEE REFERRAL AGENDA

- 10.11.23** Request for permission to block a portion of the right-of-way during repairs to building façade at 2823 18<sup>th</sup> Street South– **Leslie Kanner / DISK Real Estate – Wyatt Pugh, Building Official – Public Works Committee**
- 11.11.23** Request to consider proposed amendments to the Homewood Sign Ordinance – **Wyatt Pugh, Building Official – Planning and Development Committee**
- 12.11.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a sign variance at 3430 Independence Drive – **Len Everts, Amada Senior Care – Wyatt Pugh, Building Official – Special Issues Committee**
- 13.11.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of sign variance(s) for Hero Restaurant at 1726 28<sup>th</sup> Avenue South – **Pihakis Restaurant Group / Don Hawes, Signage – Wyatt Pugh, Building Official – Special Issues Committee**
- 14.11.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a sign variance at 2800 Highway 280– **Bricktop’s Restaurant / Diane Foley, Scott Services – Wyatt Pugh, Building Official – Special Issues Committee**
- 15.11.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of sign variance(s) for LUCA Restaurant & Market at 1722 28<sup>th</sup> Avenue South – **Pihakis Restaurant Group / Don Hawes, Signage– Wyatt Pugh, Building Official – Special Issues Committee**
- 16.11.23** Request to set a Public Hearing and referral to the Special Issues Committee for consideration of sign variances for Slice Pizza at 1010 Oxmoor Road – **JJ Thomas, Edgewood Properties / Candice Watson, Signage– Wyatt Pugh, Building Official – Special Issues Committee**
- 18.11.23** Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to approve the Amended Development Plan at 800 Lakeshore Drive (PID # 29-00-13-4-010-003.000 and 28-00-18-3-001.009.003) for Samford University to permit

the proposed construction of a new five-story, 515-bed Freshman Residence Hall, comprising a total of 142,737 GSP, intended to accommodate the University's on-going student housing needs. (Zoning: I-3 (Institutional District) Applicant: Caleb Martin, PE / LBYD Engineers, Inc./ Owner: Samford University / Jeff Poleshek (The Planning Commission had a vote of 8-0 for a favorable recommendation) – **Cale Smith, PE – Planning and Development Committee**

Councilor Alemán 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. 12.11.23 – Request to set a Public Hearing for consideration of a sign variance at 3430 Independence Drive – Len Everts, Amada Senior Care – Wyatt Pugh, Building Official.

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. 13.11.23 – Request to set a Public Hearing for consideration of sign variance(s) for Hero Restaurant at 1726 28<sup>th</sup> Avenue South – Pihakis Restaurant Group / Don Hawes, Signage – Wyatt Pugh, Building Official.

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. 14.11.23 – Request to set a Public Hearing for consideration of a sign variance at 2800 Highway 280– Bricktop's Restaurant / Diane Foley, Scott Services – Wyatt Pugh, Building Official.

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. 15.11.23 – Request to set a Public Hearing for consideration of sign variance(s) for LUCA Restaurant & Market at 1722 28<sup>th</sup> Avenue South – Pihakis Restaurant Group / Don Hawes, Signage– Wyatt Pugh, Building Official.

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. 16.11.23 – Request to set a Public Hearing for consideration of sign variances for Slice Pizza at 1010 Oxmoor Road – JJ Thomas, Edgewood Properties / Candice Watson, Signage– Wyatt Pugh, Building Official.

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. 18.11.23 – Request to set a Public Hearing for consideration to approve the Amended Development Plan at 800 Lakeshore Drive (PID # 29-00-13-4-010-003.000 and 28-00-18-3-001.009.003) for Samford University to permit the proposed construction of a new five-story, 515-bed Freshman Residence Hall, comprising a total of 142,737 GSP, intended to accommodate the University’s on-going student housing needs. (Zoning: I-3 (Institutional District) Applicant: Caleb Martin, PE / LBYD Engineers, Inc./ Owner: Samford University / Jeff Poleshek (The Planning Commission had a vote of 8-0 for a favorable recommendation) – Cale Smith, PE.

President Wyatt stated that the Public Hearing would be set for January 8, 2024 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 19.11.23 – Request for consideration of an ABC 020 – Restaurant Retail Liquor License for Mexi Kings LLC dba Mexi Kings Grill located at 801 Green Springs Highway – Melody Salter, CPA, City Clerk.

Councilor Gwaltney moved for having no objections to the issuance of the ABC license pending letter of no objection from the Police Department. 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. 20.11.23 – Request for consideration to authorize the Mayor to sign contract and pay FY 23-24 Budget Appropriation for United Way / Meals on Wheels, Exceptional Foundation and Birmingham Zoo– 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. 23-173**

**(A Resolution to authorize the Mayor to sign contract and pay FY 23-24 Budget Appropriation for United Way / Meals on Wheels)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-173. 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.

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

**Resolution No. 23-174**

**(A Resolution to authorize the Mayor to sign contract and pay FY 23-24 Budget Appropriation for The Exceptional Foundation)**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 23-174. 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.

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

**Resolution No. 23-175**

**(A Resolution to authorize the Mayor to sign contract and pay FY 23-24 Budget Appropriation for The Birmingham Zoo)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-175. 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. 21.11.23 – Request to change Council Meeting dates for January 2024 – President Wyatt.

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

**Resolution No. 23-176**

**(A Resolution to change Council Meeting dates for January 2024)**

Councilor Alemán moved for the adoption and enrollment of Resolution No. 23-176. 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. 22.11.23 – Request to authorize Mayor to sign engagement letter with Carr Riggs Ingram – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk. The

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

**Resolution No. 23-177**

**(A Resolution to authorize Mayor to sign engagement letter with Carr Riggs Ingram)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 23-177. 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. 23.11.23 – Request for consideration of approval of vouchers for period of November 7, 2023 through November 27, 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. 23-178**

**(A Resolution for approval of vouchers for period of November 7, 2023 through November 27, 2023)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-178. 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 December 4, 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 6:57 p.m.