

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

November 28, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, November 28, 2022, at City Hall at 6:00 p.m.

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

The meeting was called to order by President Pro-Tempore Jones at 6:02 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 Andress, John Hardin, 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: Alex Wyatt.

At this time, Councilor Smith moved to dispense with the reading of the Minutes of the Council Meeting of November 14, 2022 and approve them as presented. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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 Sims moved to appoint Whit Sides to the Complete Streets Advisory Board. Councilor Smith seconded the motion.

President Pro-Tempore Jones 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 Pro-Tempore Jones stated that the Ward 2 Beautification Board application period would be re-opened until January 9, 2023 at 4:30 p.m.

At this time, President Pro-Tempore Jones amended the published Council Agenda to add the following items to the Committee Referral Agenda: Item No. 25.11.22 - Request for consideration of a “No Parking Ordinance” for Waverly – Councilors Andress and Smith – Public Safety Committee; Item No. 26.11.22 – Request to sign contract for services and pay FY 22-23 appropriation to the Bell Center – Robert Burgett, Finance Director and Melody Salter, City Clerk – Finance Committee; Item No. 27.11.22

– Request for permission to work within the City ROW along Central at 1722 28th Ave South – Rives Construction and Cale Smith, PE/Engineering Department – Public Works Committee.

President Pro-Tempore Jones then amended the published Council Agenda to add the following item to the Other New Business Agenda: Item No. 28.11.22 – Request to change dates of Council meetings in December– President Pro Tempore/Councilor Walter Jones.

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

President Pro-Tempore Jones 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

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**

Action Taken: The Public Works Committee met November 21, 2022 and voted 3-0 to drop this item. The motion was made by Councilor Geer and seconded by Councilor Hardin.

Councilor Smith moved for the approval of the published Consent Agenda. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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. 01.11.22 – Request for consideration to pay FY 22-23 Budget Appropriation to the Birmingham Zoo –Robert Burgett, Finance Director & Melody Salter, City Clerk.

Councilor Smith stated that the Finance Committee met on November 21, 2022 and voted 3-0 to recommend approval.

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

Resolution No. 22-197

(A Resolution to pay FY 22-23 Budget Appropriation to the Birmingham Zoo)

President Pro-Tempore Jones 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. 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.

Councilor Smith stated that the Finance Committee met on November 21, 2022 and voted 3-0 to recommend approval.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:13 p.m.:

Ordinance No.

(An Ordinance to declare a totaled 2014 Police Tahoe (VIN 1GNLC2E04ER200530) as well as miscellaneous items surplus)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. Councilor Hardin seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2856

(An Ordinance to declare a totaled 2014 Police Tahoe (VIN 1GNLC2E04ER200530) as well as miscellaneous items surplus)

President Pro-Tempore Jones asked if the Council had any questions or comments regarding the motion from Finance. 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, and Hardin.

The motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 12.11.22 – Request to set a bid opening for Street Signs – Randy Hambley.

Councilor Smith moved to set the bid opening for January 23, 2023 at 4:45 p.m. Councilor Hardin seconded the motion.

President Pro-Tempore Jones 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. 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 (Carried Over 11/14/22).

President Pro-Tempore Jones stated that this item would be carried over.

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

Councilor Sims stated that the Public Works Committee met on November 21, 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. 22-198

(A Resolution to work within the Right-of-Way at 911 Westover Drive to remove a pine tree)

President Pro-Tempore Jones 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. 05.11.22 – Request for permission to work within the Right-of-Way at 207 Yorkshire Drive to remove a pecan tree – Cale Smith, PE.

Councilor Sims stated that the Public Works Committee met on November 21, 2022 and voted 3-0 to recommend approval pending indemnification agreement and agreement from homeowner to pay into the Tree Fund.

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

Resolution No. 22-199

(A Resolution to work within the Right-of-Way at 207 Yorkshire Drive to remove a pecan tree)

President Pro-Tempore Jones 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 (Carried Over 11/14/22).

President Pro-Tempore Jones stated that this item would be carried over.

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.

Councilor Smith stated that the Special Issues Committee met on November 21, 2022 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones continued the Public Hearing at 6:22 p.m.

President Pro-Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Cale Smith and David Brandt addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:25 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

Resolution No. 22-200

(A Resolution a sign variance at 2712 18th Place South)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-200. Councilor Andress seconded the motion.

President Pro-Tempore Jones 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. 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.

Councilor Smith stated that the Special Issues Committee met on November 21, 2022 and voted 4-0 to recommend approval with a caveat that they are taken down on December 28, 2022.

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

Resolution No. 22-201

(A Resolution for variances to the Tent Ordinance and permission for tents in the Right-of-Way at 1830 29th Avenue S, Suite 160)

President Pro-Tempore Jones asked if the Council had any questions or comments regarding the motion from the Special Issues 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. 22-202

(A Resolution to work in the Right-of-Way at 1830 29th Avenue S, Suite 160)

President Pro-Tempore Jones asked if the Council had any questions or comments regarding the motion from the Special Issues 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. 07.11.22 – Public Hearing set for November 28, 2022 at 6:00 p.m. for consideration of a secondary front yard fence setback variance at 1632 28th Ave S – April Bloomingburg / Wyatt Pugh, Building Department.

Councilor Smith stated that the Special Issues Committee met on November 21, 2022 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:30 p.m.

President Pro-Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Cale Smith addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:35 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

Resolution No. 22-203

(A Resolution for a secondary front yard fence setback variance at 1632 28th Ave S)

Councilor Alemán moved for the adoption and enrollment of Resolution No. 22-203. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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. 08.11.22 – Public Hearing set for November 28, 2022 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on November 21, 2022 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:37 p.m.

President Pro-Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Cale Smith addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:39 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

Resolution No. 22-204

(A Resolution a secondary front yard fence setback variance at 1400 Roseland Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-204. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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. 22-205

(A Resolution for work in the Right-of-Way at 1400 Roseland Drive)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-205. Councilor Gwaltney seconded the motion.

President Pro-Tempore Jones 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. 09.11.22 – Public Hearing set for November 28, 2022 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on November 21, 2022 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:41 p.m.

President Pro-Tempore Jones asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this item.

Stewart Robinson addressed the Council regarding this item.

President Pro-Tempore Jones declared the Public Hearing closed at 6:43 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council.

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

Resolution No. 22-206

(A Resolution for a commercial front yard fence variance and permission to work in the Right-of-Way at 217 Oxmoor Circle)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-206. Councilor Hardin seconded the motion.

President Pro-Tempore Jones 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. 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 (Carried Over 11/14/22).

Councilor Andress stated that the Planning and Development Committee met on October 17, 2022 and voted 5-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Pro-Tempore Jones declared the Public Hearing opened at 6:44 p.m.

President Pro-Tempore Jones 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 Council.

President Pro-Tempore Jones declared the Public Hearing closed at 6:45 p.m.

President Pro-Tempore Jones asked if the Council had any questions or comments regarding this item. There was no response from the Council. 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 6:50 p.m.:

Ordinance No.

(An Ordinance amending the City’s Zoning Ordinance to include the Fence Ordinance)

Councilor Smith moved for the unanimous consent of the proposed Ordinance as read. Councilor Geer seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion for unanimous consent carried.

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

Ordinance No. 2857

(An Ordinance amending the City's Zoning Ordinance to include the Fence Ordinance)

Councilor Hardin moved for the enrollment and adoption and publication according to law of Ordinance No. 2857. Councilor Address seconded the motion.

President Pro-Tempore Jones 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, and Hardin.

The motion carried on a voted of 9-0-1. Councilor Gwaltney abstained.

The next item on the Agenda under Old Business was Item No. 05.08.22 – Public Hearing set for December 12, 2022 at 6:00 p.m. to consider revisions to the Tree and Landscape Ordinance – Cale Smith, PE.

President Pro-Tempore Jones stated that this item would be carried over for the Public Hearing set for December 12, 2022 at 6:00 p.m.

COMMITTEE REFERRAL AGENDA

- 15.11.22** Request to authorize the Mayor to sign plan document with Spectrum for the Alerus employee 457 employer sponsored voluntary retirement savings plan – **Robert Burgett, Finance Director and Melody Salter, City Clerk – Finance Committee**
- 16.11.22** Request for consideration to add monthly utility service to Fire Department at Fire Station #3 classroom building and sign easement agreement with Alabama Power to provide service– **Deputy Chief Brandon Broadhead – Finance Committee**
- 17.11.22** Request for permission to work within the Right-of-Way at 2510 18th Street South – **Cale Smith, PE – Public Works Committee**
- 18.11.22** Request for permission to work within the Right-of-Way to plant and maintain vegetation adjacent to 514 Edgeland Place – **Mike Simmons / Scott Cook & Wyatt Pugh, Inspections & Permits – Public Works Committee**

- 19.11.22** Request for report on proposed banners for City use in Downtown –
Councilor Sims – Special Issues Committee
- 20.11.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 1625 Oxmoor Road – **David Lorberbaum / Cale Smith, PE – Special Issues Committee**
- 21.11.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a front yard fence variance at 1714 Ridge Road – **William Mattison / President Wyatt – Special Issues Committee**
- 22.11.22** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of a sign variance at 320 Oxmoor Road – **Jason Russell, Homewood Hardware, LLC / Wyatt Pugh, Inspections & Permits – Special Issues Committee**
- 25.11.22** Request for consideration of a “No Parking Ordinance” for Waverly –
Councilors Andress and Smith – Public Safety Committee
- 26.11.22** Request to sign contract for services and pay FY 22-23 appropriation to the Bell Center – **Robert Burgett, Finance Director and Melody Salter, City Clerk – Finance Committee**
- 27.11.22** Request for permission to work within the City ROW along Central at 1722 28th Ave South – **Rives Construction and Cale Smith, PE/Engineering Department – Public Works Committee**

Councilor Smith moved to approve the amended Committee Referral Agenda.
Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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. 20.11.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 1625 Oxmoor Road – David Lorberbaum / Cale Smith, PE.

President Pro-Tempore Jones stated that the Public Hearing would be set for December 12, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 21.11.22 – Request to set a Public Hearing for consideration of a front yard fence variance at 1714 Ridge Road – William Mattison / President Wyatt.

President Pro-Tempore Jones stated that the Public Hearing would be set for December 12, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 22.11.22 – Request to set a Public Hearing for consideration of a sign variance at 320 Oxmoor Road – Jason Russell, Homewood Hardware, LLC / Wyatt Pugh, Inspections & Permits.

President Pro-Tempore Jones stated that the Public Hearing would be set for December 12, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 23.11.22 – Request for consideration of an ABC 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) for Sorelle, LLC located at 903 Broadway Street – Melody Salter, CPA, City Clerk.

Councilor Smith moved to having no objections to the issuance of the license. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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. 24.11.22 – Request for consideration of approval of vouchers for period of November 15, 2022 through November 28, 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. 22-207

(A Resolution for approval of vouchers for period of November 15, 2022 through November 28, 2022)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-207. Councilor Smith seconded the motion.

President Pro-Tempore Jones 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. 28.11.22 – Request to change dates of Council meetings in December – President Pro Tempore / Councilor Walter Jones.

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

Resolution No. 22-208

(A Resolution to change dates of Council meetings in December)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-208. Councilor Nelms seconded the motion.

President Pro-Tempore Jones 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 Pro-Tempore Jones stated that the Committees would meet on December 5, 2022 starting with the Finance Committee at 5:00 p.m. with Public Safety, Public Works, Planning and Development, and Special Issues, meeting immediately following the previous meeting.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:09 p.m.