

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

**December 11, 2023**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, December 11, 2023 at City Hall at 6:00 p.m.

At this time, Yawanna McDonald, candidate for Probate Judge, addressed the Council regarding her campaign.

The invocation was given by Joyce T. Shevin, Jewish Community Relations Council, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:06 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 Wolverton moved to dispense with the reading of the Minutes of the Council Meeting of November 27, 2023 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 opened the application for the At-Large Park Board position until January 8, 2024 at 4:30 p.m.

Councilor Nelms moved for the approval of the amended Council 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.

## **CONSENT AGENDA**

**30.06.19** Request to consider Ordinance to govern appearance of small cell antennas – **Councilor Britt Thames**

**Action Taken: The Committee voted 3-0 to take this item off the Table. The motion was made by Councilor Gwaltney and seconded by Councilor Nelms. The Committee then voted 3-0 to recommend dropping this item. The motion was made by Councilor Gwaltney and seconded by Councilor Nelms.**

Councilor Gwaltney moved for the approval of the published Consent 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.

## **OLD BUSINESS AGENDA**

The first 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 (Carried Over 11/27/23).

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

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

### **Resolution No. 23-179**

**(A Resolution to authorize the Mayor to sign Flock Camera renewal with the addition of several new cameras)**

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. 03.10.23 – Bid Opening held on November 6, 2023 at 4:31 p.m. for Communication Services – Councilor Smith.

Councilor Jones stated that the Finance Committee met on October 16, 2023 and voted 5-0 to recommend approval.

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

**Resolution No. 23-180**

**(A Resolution for approval of contract with JettyTrip for Communication Services)**

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. 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.

Councilor Smith stated that the Special Issues Committee met on November 13, 2023 and voted 4-0 to refer to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:14 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.

Murray Legg and Mark Clark addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:14 p.m.

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

**Resolution No. 23-181**

**(A Resolution to vacate Drake Street and adjacent alley rights-of-way for Piggly Wiggly development)**

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 23-181. 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 Old Business was Item No. 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.

Councilor Wolverton stated that the Public Works Committee met on December 4, 2023 and voted 5-0 to recommend approval.

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

**Resolution No. 23-182**

**(A Resolution to block a portion of the right-of-way during repairs to building façade at 2823 18<sup>th</sup> Street South)**

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. 12.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. for consideration of a sign variance at 3430 Independence Drive – Len Everts, Amada Senior Care – Wyatt Pugh, Building Official.

Councilor Smith stated that the Special Issues Committee met on December 4, 2023 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:17 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.

Len Everts addressed the Council regarding this item.

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

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

**Resolution No. 23-183**

**(A Resolution for a sign variance at 3430 Independence Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-183. 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 Old Business was Item No. 13.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on December 4, 2023 and voted 4-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

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

President Wyatt then stated that the Public Hearing would be continued, and the item would be carried over.

The next item considered under Old Business, taken out of order, was Item No. 15.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on December 4, 2023 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:21 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.

Don Hawes addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:21 p.m.

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

**Resolution No. 23-184**

**(A Resolution for sign variance(s) for LUCA Restaurant & Market at 1722 28<sup>th</sup> Avenue South)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 23-184. 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 considered under Old Business, taken out of order, was Item No. 16.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. for consideration of sign variances for Slice Pizza at 1010 Oxmoor Road – JJ Thomas, Edgewood Properties / Candice Watson, Signage– Wyatt Pugh, Building Official.

Councilor Smith stated that the Special Issues Committee met on December 4, 2023 and voted 5-0 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.

Don Hawes addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:24 p.m.

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

**Resolution No. 23-185**

**(A Resolution for sign variances for Slice Pizza at 1010 Oxmoor Road)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 23-185. 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. 14.11.23 – Public Hearing set for December 11, 2023 at 6:00 p.m. for consideration of a sign variance at 2800 Highway 280– Bricktop's Restaurant / Diane Foley, Scott Services – Wyatt Pugh, Building Official.

Councilor Smith stated that the Special Issues Committee met on December 4, 2023 and voted 5-0 to refer this item to the full Council without a recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:26 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.

Kim DeGroat addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:26 p.m.

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

**Resolution No. 23-186**

**(A Resolution for a sign variance at 2800 Highway 280)**

Councilor Andress moved for the adoption and enrollment of Resolution No. 23-186. 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.

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 (Carried Over 11/27/23).

Melinda Sellers addressed the Council regarding this item.

President Wyatt stated that this item would be referred to the Planning Commission.

The next item on the Agenda under Old Business was Item No. 18.11.23 – Public Hearing set for January 8, 2024 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for January 8, 2024 at 6:00 p.m.

## COMMITTEE REFERRAL AGENDA

- 01.12.23** Request to set Bid Date on January 8, 2024 for Reese Street Sidewalk Improvements – **Cale Smith, PE – Finance Committee**
- 02.12.23** Request to authorize the Mayor to execute a letter to ALDOT for the addition of exterior lighting at the Greenway PH II parking lot – **Cale Smith, PE – Finance Committee**
- 03.12.23** Request to create and hire IT Director – **J.J. Bischoff, Chief of Staff / Mayor McClusky – Finance Committee**
- 04.12.23** Request to create and hire PC Network Technician – **J.J. Bischoff, Chief of Staff / Mayor McClusky – Finance Committee**
- 05.12.23** Request for consideration to add the position of Administration Supervisor to the Permits and Inspections Department – **Wyatt Pugh, Building Official – Finance Committee**
- 06.12.23** Request for consideration to permit a retaining wall in the right-of-way adjacent to 1629 25<sup>th</sup> Terrace South – **Padilla Malco and Camacho Patricia / Wyatt Pugh, Building Official – Public Works Committee**
- 07.12.23** Request for consideration for Homewood Athletic Foundation to host Cornapalooza on SOHO Plaza – **HAF / Councilor Smith – Special Issues Committee**
- 08.12.23** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of sign variances for SouthPoint Bank at 1720 28<sup>th</sup> Avenue South – **SouthPoint Bank / Melissa Zavaleta, Knight Signs / Wyatt Pugh, Building Official – Special Issues Committee**

Councilor Alemán moved to approve the amended Committee Referral 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.

## **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 09.12.23 – Request for consideration to authorize the Mayor to sign contract and pay FY 23-24 Budget Appropriation for Sims Garden– 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. 23-187**

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

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-187. 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. 10.12.23 – Request for consideration of approval of vouchers for period of November 28, 2023 through December 11, 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. 23-188**

**(A Resolution for approval of vouchers for period of November 28, 2023 through December 11, 2023)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 23-188. 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 18, 2023, prior to the Council Meeting, starting with the Finance Committee at 4:30 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 6:49 p.m.