

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

December 12, 2022

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, December 12, 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 Wyatt at 6:04 p.m.

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

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of November 28, 2022 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.

President Wyatt stated that the application period for the BZA Ward 1 and Ward 5 positions would be opened until January 30, 2023 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. 04.12.22 – Request for consideration of changes to City’s Workers Compensation Occupational Medical Clinic – President Wyatt – Finance Committee.

Councilor Smith 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

- 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**
- Action Taken: The Public Works Committee met on December 5, 2022 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Sims and seconded by Councilor Nelms.**
- 19.11.22** Request for report on proposed banners for City use in Downtown – **Councilor Sims**
- Action Taken: The Special Issues Committee met on December 5, 2022 and voted 5-0 to recommend accepting report. The motion was made by Councilor Andress and seconded by Councilor Alemán.**
- 13.11.22** Request for an update on Saulter Pocket Park – **Barry Smith**
- Action Taken: The Planning and Development Committee met on December 5, 2022 and voted 5-0 to recommend accepting the report. The motion was made by Councilor Wolverton and seconded by Councilor Sims.**

Councilor Nelms moved for the approval of the Consent 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.

OLD BUSINESS AGENDA

The first item considered under Old Business, taken out of order, 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 11/28/22).

Councilor Smith stated that the Special Issues Committee met on October 3, 2022 and voted 4-0-1 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:10 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.

Trip Galloway and John Blaylock addressed the Council regarding this item.

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

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

President Wyatt stated that this item would be carried over.

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

Councilor Smith stated that the Finance Committee met on December 5, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-209

(A Resolution to authorize the Mayor to sign plan document with Spectrum for the Alerus employee 457 employer sponsored voluntary retirement savings plan)

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. 16.11.22 – 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.

Councilor Smith stated that the Finance Committee met on December 5, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-210

(A Resolution to add monthly utility service to Fire Department at Fire Station #3 classroom building and sign easement agreement with Alabama Power to provide service)

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. 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.

Councilor Smith stated that the Finance Committee met on December 5, 2022 and voted 5-0 to recommend approval.

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

Resolution No. 22-211

(A Resolution to sign contract for services and pay FY 22-23 appropriation to the Bell Center)

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. 25.11.22 – Request for consideration of a “No Parking Ordinance” for Waverly – Councilors Andress and Smith.

Councilor Gwaltney stated that the Public Safety Committee met on December 5, 2022 and voted 5-0 to recommend approval pending Randy Hambley's measurements.

At this time, Mr. Kendrick presented the first reading of the proposed Ordinance for the Council's consideration at 6:23 p.m.:

Ordinance No.

(An Ordinance for a “No Parking Ordinance” for Waverly)

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, Sims, Smith, Nelms, 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. 2858

(An Ordinance for a “No Parking Ordinance” for Waverly)

Councilor Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2858. 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, Sims, Smith, Nelms, Andress, Hardin, and Wyatt.

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 11/28/22).

After hearing from Glenn Shannon, President Wyatt stated that this item would be carried over.

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

Councilor Sims stated that the Public Works Committee met on December 5, 2022 and voted 4-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-212

(A Resolution for permission to work within the Right-of-Way at 1501 Roseland Drive to remove a pine tree)

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. 17.11.22 – Request for permission to work within the Right-of-Way at 2510 18th Street South – Cale Smith, PE.

Councilor Sims stated that the Public Works Committee met on December 5, 2022 and voted 4-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-213

(A Resolution for permission to work within the Right-of-Way at 2510 18th 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. 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.

Councilor Sims stated that the Public Works Committee met on December 5, 2022 and voted 4-0 to recommend approval pending indemnification agreement.

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

Resolution No. 22-214

(A Resolution for permission to work within the City ROW along Central at 1722 28th Ave 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. 20.11.22 – Public Hearing set for December 12, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 1625 Oxmoor Road – David Lorberbaum / Cale Smith, PE.

Councilor Smith stated that the Special Issues Committee met on December 5, 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 6:31 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.

David Lorberbaum addressed the Council regarding this item.

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.

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

Resolution No. 22-215

(A Resolution for a front yard fence variance at 1625 Oxmoor Road)

Councilor Geer moved for the adoption and enrollment of Resolution No. 22-215. 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.

The next item on the Agenda under Old Business was Item No. 21.11.22 – Public Hearing set for December 12, 2022 at 6:00 p.m. for consideration of a front yard fence variance at 1714 Ridge Road – William Mattison / President Wyatt.

Councilor Smith stated that the Special Issues Committee met on December 5, 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 6:33 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.

William Mattison addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:38 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 following Resolution for the Council's consideration.

Resolution No. 22-216

(A Resolution for a front yard fence variance at 1714 Ridge Road)

Councilor Smith moved for the adoption and enrollment of Resolution No. 22-216. 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.

The next item on the Agenda under Old Business was Item No. 22.11.22 – Public Hearing set for December 12, 2022 at 6:00 p.m. for consideration of a sign variance at 320 Oxmoor Road – Jason Russell, Homewood Hardware, LLC / Wyatt P ugh, Inspections & Permits.

Councilor Smith stated that the Special Issues Committee met on December 5, 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 6:44 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.

Jason Russell addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:47 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 Andress moved for approval. 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 failed on a vote of 0-8.

Councilor Wolverton entered the Council Chambers at 6:47 p.m.

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 (Carried Over 11/28/22).

Councilor Andress stated that the Planning and Development Committee met on November 7, 2022 and voted 4-0 to refer this item to the full Council without recommendation pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 7:00 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.

Cale Smith addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 7:01 p.m.

President Wyatt 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 first reading of the proposed Ordinance for the Council's consideration at 7:01 p.m.:

Ordinance No.

(An Ordinance revisioning the Tree and Landscape Ordinance)

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, Wolverton, Sims, Smith, Nelms, 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. 2859

(An Ordinance revisioning the Tree and Landscape Ordinance)

Councilor Andress moved for the enrollment and adoption and publication according to law of Ordinance No. 2859. 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, Andrew Wolverton, Sims, Smith, Nelms, Andress, Hardin, and Wyatt.

The motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 01.12.22** Request to authorize the Mayor to sign an agreement and remit FY 22-23 Budget Appropriation with the Homewood Chamber of Commerce – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 02.12.22** Request to authorize the Mayor to sign an agreement and remit FY 22-23 Budget Appropriation with the Exceptional Foundation – **Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**

04.12.22 Request for consideration of changes to City's Workers Compensation Occupational Medical Clinic – **President Wyatt – Finance Committee**

Councilor Gwaltney moved to approve the amended Committee Referral Agenda. Councilor Andres 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. 10.11.22 – Request for consideration of approval of vouchers for period of November 29, 2022 through December 12, 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. 22-217

(A Resolution approving of vouchers for period of November 29, 2022 through December 12, 2022)

Councilor Gwaltney moved for the adoption and enrollment of Resolution No. 22-217. 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 Finance Committee would meet on December 19, 2022 at 5:30 p.m. before the Special Called Council Meeting scheduled for 6:00 p.m. The Public Safety, Public Works, Special Issues, and Planning and Development Committees did not schedule meetings for December 19, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:25 p.m.