

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

December 20, 2021

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, December 20, 2021 at City Hall at 6:00 p.m.

At this time, President Wyatt stated that the Storm Water Management Plan was available on the City of Homewood website for public review and comment until January 31, 2022.

Representative David Faulkner then addressed the Council and presented a check for the HVAC system for the West Homewood Park Restrooms.

The invocation was given by Melody Salter, City Clerk, after which the pledge of allegiance was given.

The meeting was called to order by President Wyatt at 6:02 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Melanie Geer, Nick Sims, Walter Jones, Barry Smith, Jalete Nelms, Jennifer Andress, 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, Andrew Wolverton, and John Hardin.

At this time, Councilor Gwaltney moved to dispense with the reading of the Minutes of the Special Called Council Meeting of December 6, 2021 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, Councilor Smith moved to dispense with the reading of the Minutes of the Special Called Council Meeting of December 13, 2021 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.

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

Councilor Nelms moved to appoint David Condon to the Ward 4 Abatement Board. 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.

Councilor Wolverton entered the Council Chambers at 6:07 p.m.

At this time, President Wyatt added the following item to the Committee Referral Agenda: Item No. 20.12 21 – Request to authorize the Mayor to sign franchise agreement with Spectrum – Mr. Kendrick – Finance Committee

Councilor Jones moved for the approval of the amended Council Agenda. 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.

CONSENT AGENDA

18.11.21 Action Taken: The Public Safety Committee met on December 13, 2021 and voted 4-0 to take this item off the Table. The motion was made by Councilor Wolverton and seconded by Councilor Hardin. The Committee then voted 4-0 to recommend dropping this item. The motion was made by Councilor Wolverton and seconded by Councilor Hardin.

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

Action Taken: The Public Works Committee met on December 13, 2021 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Sims and seconded by Councilor Nelms.

Councilor Nelms moved for the approval of the Consent 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.

The first item considered, taken out of order, from the Other New Business Agenda was Item No. 14.12.21 – Request to authorize the Mayor to sign settlement agreement with one opioid manufacturer – President Wyatt.

Councilor Smith moved to enter into Executive Session at 6:10 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.

Mr. Kendrick stated that the sole purpose for the Executive Session was to discuss pending litigation.

Councilor Andress moved to return to Regular Session at 6:29 p.m. Councilor Wolverton seconded the motion.

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

Resolution No. 21-197

(A Resolution to authorize the Mayor to sign settlement agreement with one opioid manufacturer)

Councilor Andress moved for the adoption and enrollment of Resolution No. 21-197. 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.

OLD BUSINESS AGENDA

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.

Councilor Jones stated that the Finance Committee met on December 13, 2021 and voted 4-0 to refer this item back to the full Council without recommendation pending the bid opening. Berkley Squires then reported that there were three applicants and recommended Thrive as lowest responsible bidder.

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

Resolution No. 21-198

(A Resolution to accept bid from Thrive for mowing/landscaping of state right-of-way areas in Homewood)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-198. 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. 26.11.21 – Public Hearing set for December 20, 2021 at 6:00 p.m. 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.

Councilor Smith stated that the Special Issues Committee met on December 13, 2021 and voted 5-0 to refer this item back to the full Council pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:34 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.

Bryant Naile with Father Nature Landscape addressed the Council regarding this item.

President Wyatt declared the Public Hearing closed at 6:35p.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 following Resolution for the Council's consideration.

Resolution No. 21-199

(A Resolution for a fence setback variance on a lot with two front yards to reduce the required setback from 15' to 0' at 3101 Roxbury Road)

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-199. 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. 06.12.21 – Public Hearing set for December 20, 2021 at 6:00 p.m. for consideration of a sign variance at 1811 29th Avenue South – Preston Foy, Wallace-Burke Fine Jewelry / Wyatt Pugh, Building Dept.

Councilor Smith stated that the Special Issues Committee met on December 13, 2021 and voted 5-0 to refer this item back to the full Council pending the Public Hearing.

President Wyatt declared the Public Hearing opened at 6:36 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.

Preston Foy 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. There was no response from the Council.

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

Resolution No. 21-200

(A Resolution for a sign variance at 1811 29th Avenue South)

Councilor Smith moved for the adoption and enrollment of Resolution No. 21-200. 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. 02.11.21 – Request for consideration of budget amendments to the FY 21-22 budget – Robert Burgett, Finance Director and Melody Salter, CPA, City Clerk.

Councilor Jones stated that the Finance Committee met on December 13, 2021 and voted 4-0 to recommend approval as distributed by Robert Burgett, Finance Director.

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

Resolution No. 21-201

(A Resolution to approve budget amendments to the FY 21-22 budget)

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. 05.11.21 – Request to set a bid opening date and authorize the Mayor to sign a contract for two stormwater pipe rehabilitation projects at LaPrado Place and Parkridge – Cale Smith, PE.

Councilor Jones stated that the Finance Committee met on December 13, 2021 and voted 4-0 to set bid opening for January 24, 2022 at 4:45 p.m. with bids due at 4:30 p.m.

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. 04.12.21 – Request for consideration of amending the Zoning Ordinance to include the Fence Regulations – Councilor Alemán.

Councilor Smith stated that the Special Issues Committee met on December 13, 2021 and voted 5-0 to refer this item to the Planning Commission.

President Wyatt 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. 05.12.21 – Request for consideration of amending the Zoning Ordinance to include the Sign Regulations – Councilor Alemán.

Councilor Smith stated that the Special Issues Committee met on December 13, 2021 and voted 5-0 to refer this item to the Planning Commission.

President Wyatt 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.

COMMITTEE REFERRAL AGENDA

- 10.12.21** Request for consideration of Budget Amendments – Robert **Burgett, Finance Director and Melody Salter, CPA, City Clerk – Finance Committee**
- 11.12.21** Request for permission to install a stormwater manhole in the right-of-way at 231 Ridge Road – Cale Smith, PE – **Public Works Committee**
- 12.12.21** **Request to set a Public Hearing and referral to the Special Issues Committee** for consideration of three sign variances at 1724 27th Court S – **Faris Malki, Cahaba Cycles / Wyatt Pugh, Building Department – Special Issues Committee**
- 16.12.21** Request to consider that members of the Historic Preservation Society as Ward representatives be appointed by the Council and extend Mayoral appointees’ terms to three years – **Councilor Smith – Special Issues Committee**
- 20.12.21** Request to authorize the Mayor to sign franchise agreement with Spectrum – **Mr. Kendrick – Finance Committee**

Councilor Gwaltney 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. 12.12.21 – Request to set a Public Hearing for consideration of three sign variances at 1724 27th Court S – Faris Malki, Cahaba Cycles / Wyatt Pugh, Building Department.

President Wyatt stated that the Public Hearing would be set for January 10, 2022 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 15.12.21 – Request for consideration of approval of vouchers for period of December 7, 2021 through December 20, 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. 21-202

(A Resolution for approval of vouchers for period of December 7, 2021 through December 20, 2021)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-202. 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. 17.12.21 – Request to change January Council and Committee Meetings due to Martin Luther King Day – President Wyatt.

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

Resolution No. 21-203

(A Resolution to change January Council and Committee Meetings due to Martin Luther King Day)

Councilor Sims moved for the adoption and enrollment of Resolution No. 21-203. 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. 18.12.21 – Request to authorize the Mayor to sign a contract with Nextiva from State Bid List for VOIP Phone Service – 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. 21-204

(A Resolution to authorize the Mayor to sign a contract with Nextiva from State Bid List for VOIP Phone Service)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-204. 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. 19.12.21 – Request to authorize the Mayor to sign a contract with AT & T from State Bid List for VOIP Phone Service – 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. 21-205

(A Resolution to authorize the Mayor to sign a contract with AT & T from State Bid List for VOIP Phone Service)

Councilor Jones moved for the adoption and enrollment of Resolution No. 21-205. 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.

Councilor Jones stated that the Finance Committee would meet on January 3, 2022 at 5:00 p.m.

Councilor Gwaltney stated that the Public Safety Committee would meet on January 3, 2022 at 5:15 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on January 3, 2022 at 5:30 p.m.

Councilor Smith stated that the Special Issues Committee would meet on January 3, 2022 at 5:45 p.m.

Councilor Andress stated that the Planning and Development Committee would not meet on January 3, 2022.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:15 p.m.