

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

**May 11, 2020**

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, May 11, 2020 at City Hall at 6:00 p.m.

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

The meeting was called to order by President Wright at 6:03 p.m., after which he addressed the Council and audience regarding safety and social distancing measures.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Andrew Wolverton, Patrick McClusky, Walter Jones, Barry Smith, Alex Wyatt, Jennifer Andress, John Hardin, and Peter Wright constituting a quorum of Council members. Also present were: Mike Kendrick, City Attorney; and Melody Salter, City Clerk.

At this time, Councilor Hardin moved to dispense with the reading of the Minutes of the Council Meeting of April 27, 2020 and approve them as amended. Councilor Thames seconded the motion.

President Wright 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 Wright requested Board openings and nominations.

Councilor Thames moved to nominate Mr. Phillip Hodges for the Ward 1 Park Board position who will complete Ms. Kathy Pope's term which would expire in January 2022. Councilor Gwaltney seconded the motion.

President Wright 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 Hardin moved to nominate Ms. Judy Truitt for the Ward 5 Board of Education position. Councilor Andress seconded the motion.

President Wright 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 Wright stated that the application period for the Supernumerary position of the BZA would be opened until June 1, 2020 at 4:30 p.m.

President Wright stated that the application period for the Ward 2 position of the Historic Preservation Commission would be opened until June 1, 2020 at 4:30 p.m.

President Wright stated that interviews for the Library Board Ward 4 position would be held tomorrow via Zoom for two candidates.

Councilor Jones moved for the approval of the Council Agenda as published. Councilor McClusky seconded the motion.

President Wright 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**

**12.02.20** Request to consider options to address flooding on Bonita Drive –  
**Councilors Andress and Hardin<sup>F</sup>**

**Action Taken: The Public Works Committee met remotely via Zoom telephone/video conferencing on May 4, 2020 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Hardin and seconded by Councilor Wyatt.**

**08.03.20** Request for permission to work in the City right-of-way in several locations placing power poles for small cellular service antenna – **Greg Cobb, BEZ**

**Action Taken: The Public Works Committee met remotely via Zoom telephone/video conferencing on May 4, 2020 and voted 5-0 to recommend dropping this item. The motion was made by Councilor Thames and seconded by Councilor Wyatt.**

**18.01.20** Request to consider the ability and importance of the Homewood Cable Commission – **Councilor McClusky (Carried Over 3/16/20)**

**Action Taken: The Special Issues Committee met remotely via Zoom telephone/video conferencing on May 4, 2020 and voted 5-0 to**

**recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Higginbotham.**

**01.04.20** Request for consideration to allow parking area to extend partially into the Right-Of-Way at 401 Sterrett Ave – **Jim Hoye, Builder/Wyatt Pugh/Greg Cobb, BEZ**

**Action Taken: The Special Issues Committee met remotely via Zoom telephone/video conferencing on May 4, 2020 and voted 5-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Andress.**

**08.04.20** **Public Hearing tentatively set for May 11, 2020 at 6:0 p.m.** for a variance to the sign ordinance at 500 Shades Creek Parkway – **Sherry White/Greg Cobb, BEZ Dept.**

**Action Taken: The Special Issues Committee met remotely via Zoom telephone/video conferencing on May 4, 2020 and voted 5-0 to recommend dropping this item. The motion was made by Councilor McClusky and seconded by Councilor Andress.**

Councilor Gwaltney moved for the approval of the Consent Agenda. Councilor Thames seconded the motion.

President Wright 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. 07.01.20 – Public Hearing held on March 9, 2020 at 6:00 p.m. for consideration to rezone property at 1619 Oxmoor Road (PID #29-00-13-1-013-002.000) from a R-5 (Attached Dwelling Unit District) to a C-1c (Office Building District with Proffered Conditions): Applicant: River Brook LLC dba River Brook Design & Construction/Owner(s): Leigh & Kevin Misso for the purpose to permit the utilization of an existing building for a design and construction services business. (The Planning Commission had a vote of 7-0 for an unfavorable recommendation of the rezone) – Wyatt Pugh (Public Hearing closed on 3/9/20 and Item Carried Over).

President Wright stated that the first reading was held on March 9, 2020.

At this time, Mr. Kendrick presented the second reading of the proposed Ordinance for the Council's consideration at 6:12 p.m.:

**Ordinance No.**

**(An Ordinance to rezone property at 1619 Oxmoor Road (PID #29-00-13-1-013-002.000) from a R-5 (Attached Dwelling Unit District) to a C-1c (Office Building District with Proffered Conditions)**

The Council then held discussion regarding this item.

Councilor Jones moved for the enrollment and adoption and publication according to law of the proposed Ordinance. Councilor Thames seconded the motion.

President Wright 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: None. Nays: Councilors Gwaltney, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Address, Hardin, and Wright.

The motion failed on a 0-11 vote.

The next item on the Agenda under Old Business was Item No. 08.10.19 – Public Hearing continued to May 11, 2020 at 6:00 p.m. for consideration for the city to vacate land between 904 Highland Road and 909 Irving Road – Holly Polk and Will Gardner/Wyatt Pugh/Greg Cobb, BEZ (Public Hearing set for March 30, 2020 and continued to May 11, 2020).

President Wright declared the Public Hearing opened at 6:28 pm.

President Wright asked if there was anyone in the audience or participating via Zoom who wished to speak in favor of, or in opposition to, this item.

Mr. Will Gardner addressed the Council regarding this item.

President Wright closed the Public Hearing at 6:31 p.m.

President Wright 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. 20-67**

**(A Resolution for the city to vacate land between 904 Highland Road and 909 Irving Road)**

Councilor Thames moved for the adoption and enrollment of Resolution No. 20-67. Councilor Gwaltney seconded the motion.

President Wright 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. 12.03.20 – Public Hearing continued to May 11, 2020 at 6:00 p.m. for consideration to rezone property at 2927 Central Avenue (PID 28-00-07-3-035-009.000) from a C-1 (Office Building District) to I-2 (Institutional District): Applicant: Chris Eckroate/Owner(s): Catholic Diocese of Birmingham to permit the development of a surface parking lot in support of adjacent Our Lady Sorrows Church (The Planning Commission had a vote of 6-0 for a favorable recommendation of the rezone) – Wyatt Pugh (Public Hearing set for April 13, 2020 and continued to May 11, 2020).

President Wright declared the Public Hearing opened at 6:34 pm.

President Wright asked if there was anyone in the audience or participating via Zoom who wished to speak in favor of, or in opposition to, this item.

Mr. Chris Eckroate and Steven Monk addressed the Council regarding this item.

President Wright closed the Public Hearing at 6:47 p.m.

President Wright 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 6:47 p.m.:

**Ordinance No.**

**(An Ordinance to rezone property at 2927 Central Avenue (PID 28-00-07-3-035-009.000) from a C-1 (Office Building District) to I-2 (Institutional District))**

Councilor Jones moved for the unanimous consent of the proposed Ordinance as read. Councilor McClusky seconded the motion.

President Wright 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, Thames, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Andress, Hardin, and Wright.

The motion for unanimous consent carried.

Councilor Smith moved for the enrollment and adoption and publication according to law of the proposed Ordinance. Councilor Andress seconded the motion.

President Wright 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: Jones, Smith, Andress, and Wright. Nays: Gwaltney, Thames, Higginbotham, Wolverton, and McClusky. Abstentions: Wyatt and Hardin.

The motion failed on a 4-5-2 vote.

The next item on the Agenda under Old Business was Item No. 06.04.20 – Request for Mid-Year Review per Council’s Fiscal Policy – Robert Burgett Finance Director/Assistant City Clerk & Melody Salter – City Clerk/Assistant Finance Director.

Councilor Jones stated that the Council met on May 4, 2020 and, after presentation from Robert Burgett and Melody Salter, voted 5-0 to accept the report and to recommend approving a transfer of \$152,355 from the General Fund to the Cash Reserve for Economic Uncertainty per Fiscal Policy.

President Wright asked if the Council had any questions or comments regarding the Finance Committee’s recommendation and motion. There was no response from the Council.

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

**Resolution No. 20-68**

**(A Resolution to approve a transfer of \$152,355 from the General Fund to the Cash Reserve for Economic Uncertainty per Fiscal Policy)**

President Wright 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. 17.03.20 – Request to consider adding crosswalks at the intersection of Forest Drive and Cliff Place in Edgewood– Clark Bailey/Councilor Patrick McClusky.

Councilor McClusky stated that the Public Safety Committee met on May 4, 2020 and voted 5-0 to recommend approval.

President Wright asked if the Council had any questions or comments regarding the Public Safety Committee's recommendation. 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 6:58 p.m.:

Councilor Thames left the Council Chambers at 6:58 p.m.

**Ordinance No.**

**(An Ordinance adding crosswalks at the intersection of Forest Drive and Cliff Place in Edgewood)**

Councilor McClusky moved for the unanimous consent of the proposed Ordinance as read. Councilor Gwaltney seconded the motion.

President Wright 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, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Address, Hardin and Wright.

The motion for unanimous consent carried.

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

**Ordinance No. 2773**

**(An Ordinance adding crosswalks at the intersection of Forest Drive and Cliff Place in Edgewood)**

Councilor McClusky moved for the enrollment and adoption and publication according to law of Ordinance No. 2773. Councilor Gwaltney seconded the motion.

Councilor Thames returned to the Council Chamber at 7:00 p.m.

President Wright 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, Higginbotham, Wolverton, McClusky, Jones, Smith, Wyatt, Address, Hardin and Wright. Abstentions: Councilor Thames.

The motion carried on a vote of 10-0-1.

The next item on the Agenda under Old Business was Item No. 18.03.20 – Request to consider permission to install a parking pad in the City Right-of-Way at 1200 Roseland Drive – Ryan Thompson and Wyatt Pugh/BEZ.

Councilor Smith stated that the Special Issues Committee met on May 4, 2020 and voted 5-0 to recommend approval pending indemnification agreement.

President Wright asked if the Council had any questions or comments regarding the Special Issues Committee's recommendation.

Mr. Gary Busey, architect, addressed the Council regarding this item.

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

**Resolution No. 20-69**

**(A Resolution for permission to install a parking pad in the City Right-of-Way at 1200 Roseland Drive)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-69. Councilor McClusky seconded the motion.

President Wright 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 on a vote of 9-2. Councilors Thames and Gwaltney voted no.

**COMMITTEE REFERRAL AGENDA**

- 01.05.20** Request for permission to allow parking area to extend partially into the Right-of-Way at 401 Sterrett Ave – **Jim Hoye/Wyatt Pugh and Greg Cobb, BEZ – Special Issues Committee**
- 02.05.20** Request to consider adopting a Donated Sick Leave Policy for City Employees– **Mayor Scott McBrayer, Melody Salter, CPA (City Clerk/Assistant Finance Director), Robert Burgett (Finance Director/Assistant City Clerk) and the Employees Benefit Committee – Finance Committee**
- 03.05.20** Request to consider revisions to the Employee Handbook– **Mayor Scott McBrayer, Melody Salter, CPA (City Clerk/Assistant Finance Director), Robert Burgett (Finance Director/Assistant City Clerk) and the Employees Benefit Committee – Finance Committee**
- 04.05.20** Request to consider Ordinance to call and provide for the General Municipal Election to be held in the City of Homewood, Alabama on Tuesday, August 25, 2020 and to provide for a runoff election if required on Tuesday, October 6, 2020 if required– **City Attorney and Melody Salter, CPA – City Clerk/Assistant Finance Director – Special Issues Committee**



- 05.05.20** Request to consider compensation for the Absentee Election Manager as allowed by the Code of Alabama – **City Attorney and Melody Salter, CPA – City Clerk/Assistant Finance Director – Finance Committee**
- 06.05.20** Request to consider approving use of the ES&S DS-200 tabulator system and ExpressVote, or an Electronic Vote Counting System as will be supplied by Jefferson County, Alabama for the 2020 City of Homewood Municipal Election as complies with the Code of Alabama– **City Attorney and Melody Salter, CPA – City Clerk/Assistant Finance Director – Special Issues Committee**
- 07.05.20** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration of property at 720 Shades Creek Parkway (PID 28-00-17-1-005-004.001) from a I-2 (Institutional District) to C-1 (Office Building District): Applicant: Schoel Engineering Company Inc./Owner(s): Shades Valley Evangelical Lutheran Church for the purpose to rezone the eastern portion (1.289 acres). **(On May 5<sup>th</sup>, 2020, the Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – Wyatt Pugh – Planning and Development Committee**

Councilor Higginbotham then moved for the approval of the Committee Referral Agenda. Councilor Wyatt seconded the motion.

President Wright 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. 07.05.20 – Request to set a Public Hearing for consideration of property at 720 Shades Creek Parkway (PID 28-00-17-1-005-004.001) from a I-2 (Institutional District) to C-1 (Office Building District): Applicant: Schoel Engineering Company Inc./Owner(s): Shades Valley Evangelical Lutheran Church for the purpose to rezone the eastern portion (1.289 acres). (The Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Wright stated that, without objections, the Public Hearing would be set for June 8, 2020 at 6:00 p.m. There were no objections.

The next item on the Agenda under Other New Business, taken out of order, was Item No. 09.05.20 – Request to authorize the Mayor to sign contract for services and pay

FY 19-20 budgeted appropriation to the “Prescott House” – Melody Salter, City Clerk/Assistant Finance Director.

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

**Resolution No. 20-70**

**(A Resolution to authorize the Mayor to sign contract for services and pay FY 19-20 budgeted appropriation to the “Prescott House”)**

Councilor Higginbotham moved for the adoption and enrollment of Resolution No. 20-70. Councilor McClusky seconded the motion.

President Wright 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, taken out of order, was Item No. 10.05.20 – Request to allow SoHo Social to place tables in the plaza for use by all restaurants– Mayor’s Office.

The next item on the Agenda under Other New Business, taken out of order, was Item No. 11.05.20 – Request to authorize the Mayor to sign ALDOT agreement for the Diverging Diamond Project – Mayor’s Office and Melody Salter, CPA (City Clerk/Assistant Finance Director).

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

**Resolution No. 20-71**

**(A Resolution to authorize the Mayor to sign ALDOT agreement for the Diverging Diamond Project)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-71, pending Mr. Kendrick’s review. Councilor McClusky seconded the motion.

President Wright 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, taken out of order, was Item No. 08.05.20 – Request to reconsider reimbursement for pump rental and property repair costs related to flooding at 2832 Linden Avenue –Mark and Darby Westfall,

Hummingbird Properties, LLC (Resolution #20-63 was passed at 4/27/20 Council Meeting).

Mr. Mark Westfall addressed the Council regarding this item.

Mr. Greg Cobb addressed the Council 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. 20-72**

**(A Resolution for reimbursement for pump rental and property repair costs related to flooding at 2832 Linden Avenue for the amount of \$6,100)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-72. Councilor Andress seconded the motion.

President Wright 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 on a vote of 9-0-2. Councilors Smith and Wright abstained.

The next item on the Agenda under Other New Business was Item No. 12.05.20 – Request to change the date of the second Council meeting in May due to the Memorial Day Holiday – Council President Wright and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

**Resolution No. 20-73**

**(A Resolution to change the date of the second Council meeting in May due to the Memorial Day Holiday to May 18, 2020)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 20-73. Councilor Thames seconded the motion.

President Wright 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. 13.05.20 – Request for consideration of approval of vouchers for period of April 28, 2020 through

May 11, 2020 – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director.

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

**Resolution No. 20-74**

**(A Resolution for approval of vouchers for period of April 28, 2020 through May 11, 2020)**

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-74. Councilor Thames seconded the motion.

President Wright 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 Gwaltney stated that the Public Works Committee would meet on May 18, 2020 at 4:30 p.m.

Councilor Thames stated that the Planning and Development Committee would meet on May 18, 2020 at 4:45 p.m.

Councilor McClusky stated that the Public Safety Committee would not meet on May 18, 2020.

Councilor Jones stated that the Finance Committee would meet on May 18, 2020 at 4:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on May 18, 2020 at 5:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:57 p.m.