

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

**November 30, 2020**

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, November 30, 2020 at City Hall at 6:00 p.m.

At this time, Commissioner Ammons presented the City of Homewood with a check for \$10,000.00 in discretionary money.

Mayor McClusky then addressed the Council and presented a Proclamation for Arbor Day.

The invocation was given by Nic Seaborn from Raleigh Avenue Baptist Church, 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 Andress, John Hardin, 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.

At this time, Councilor Andress moved to dispense with the reading of the Minutes of the Council Meeting of November 9, 2020 and approve them as presented with the correction of one typo. 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 Smith stated that the interviews for the At-Large Park Board position were held on November 18 and 19, 2020 and she then moved to re-appoint Mr. Jody Brant. 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.

President Wyatt amended the published Council Agenda to add the following items to the Other New Business Agenda: Item No. 18.11.20 – Request to authorize the Mayor to sign a contract and to remit FY 20-21 Budget Appropriation to the Exceptional Foundation – Melody Salter, CPA, City Clerk/Assistant Finance Director.

Councilor Andress moved for the approval of the Council Agenda as amended. 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**

**22.09.17** Request for update on Homewood Board of Education Bond Construction Project and Funding – **Walter Jones and Melody Salter, City Clerk/Assistant Finance Director**

**Action Taken: The Finance Committee met on November 16, 2020 and voted 5-0 to take item off the Table. The motion was made by Councilor Smith and seconded by Councilor Gwaltney. The Committee then voted 5-0 to recommend dropping this item. The motion was made by Councilor Smith and seconded by Councilor Gwaltney.**

**05.07.20** Request to address flooding concerns on Hillmoor Drive – **Councilor Andrew Wolverton**

**Action Taken: The Public Works Committee voted 5-0 to recommend dropping this item. The motion was made by Councilor Hardin and seconded by Councilor Nelms.**

Councilor Jones 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.

## **OLD BUSINESS AGENDA**

The first item on the Agenda under Old Business was Item No. 18.08.20 – Public Hearing held on September 14, 2020 at 6:00 p.m. to consider declaring the property located at 1125 Hardwick Lane, PID# 29-00-22-4-013-010.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth”- Scott Cook, Code Enforcement, Police Dept. (Public Hearing Closed 9/14/20 and Item Carried Over 9/14/20, 9/28/20, and October 12, 2020).

Mr. Scott Cook addressed the Council regarding this item and stated that the property was now in compliance.

Councilor Smith moved to drop this item. 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. 12.03.20 – Public Hearing set for November 30, 2020 at 6:00 p.m. for re-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.

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.

The following residents addressed the Council regarding this item: Chris Eckroate, Charles Forlisi, William Siegel, Tim Lucy, and Rich Campbell.

President Wyatt declared the Public Hearing closed at 6:36 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 first reading of the proposed Ordinance for the Council's consideration at 7:01 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 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, Alemán, Wolverton, Sims, Jones, 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. 2788**

**(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 Smith moved for the enrollment and adoption and publication according to law of Ordinance No. 2788. 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 Geer, Alemán, Wolverton, Sims, Jones, Smith, Nelms, and Andress. Nays: Councilor Gwaltney. Abstained: Councilors Hardin and Wyatt.

The motion carried on a vote of 8-1-2.

The next item on the Agenda under Old Business was Item No. 27.10.20 – Request to authorize the Mayor to sign contract for services and pay first quarter FY 20-21 Budget Appropriation for BJCTA – Robert Burgett, Finance Director /Assistant City Clerk and Melody Salter, CPA, City Clerk/Assistant Finance Director (Carried Over November 9, 2020).

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

**Resolution No. 20-172**

**(A Resolution to authorize the Mayor to sign contract for services and pay first quarter FY 20-21 Budget Appropriation for BJCTA)**

Councilor Hardin moved for the adoption and enrollment of Resolution No. 20-172. 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. 05.10.20 – Request for final amendments to FY 19-20 Budgets – Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director.

Councilor Jones stated that the Finance Committee met on November 16, 2020 and voted 5-0 to recommend approval.

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

**Resolution No. 20-173**

**(A Resolution to authorize final amendments to FY 19-20 Budgets)**

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. 21.10.20 – Request to review new lighting at Windsor/Manchester – Jennifer Andress.

Councilor Jones stated that the Finance Committee met on November 16, 2020 and voted 5-0 to recommend approval.

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

**Resolution No. 20-174**

**(A Resolution to add new lighting at 709 Windsor)**

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. 01.11.20 – Request for permission to install a parking pad in city right-of-way at 300 Yorkshire Drive – Bruce McLeod, Agent for Homeowner/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met on November 16, 2020 and voted 5-0 to recommend approval.

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

**Resolution No. 20-175**

**(A Resolution to install a parking pad in city right-of-way at 300 Yorkshire Drive)**

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. 07.11.20 – Request for consideration of temporary structure at Trinity United Methodist Church on December 5 – December 6 – Councilors Andress, Gwaltney, and Smith.

Councilor Smith stated that the Special Issues Committee met on November 16, 2020 and voted 5-0 to recommend approval.

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

**Resolution No. 20-176**

**(A Resolution for temporary structure at Trinity United Methodist Church on December 5 – December 6)**

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. 08.11.20 – Request for consideration of changes to the Zoning Ordinance – Mike Kendrick, City Attorney/President Wyatt/Committee Chair Councilor Andress.

Councilor Andress stated that the Planning and Development Committee met on November 16, 2020 and voted 5-0 to set the Public Hearing for January 11, 2021 at 6:00 p.m.

## COMMITTEE REFERRAL AGENDA

- 09.11.20** Request to authorize the Mayor to sign an agreement with Crown Castle for tower space to connect a radio system microwave link to the 911 center. – **Chief Hill, Battalion Chief Broadhead/ Fire Department-E-911 – Finance Committee**
- 10.11.20** Request to work in public right-of-way adjacent to 521 Cliff Place – **Lauren and Patrick McDavid, homeowners/Stephen Boehme, Phoenix Builders Group /Greg Cobb, BEZ – Special Issues Committee**
- 11.11.20** Request for consideration of changes to crosswalk at Oxmoor and St. Charles – **Councilor Andy Gwaltney – Public Safety**
- 12.11.20** Request to authorize Mayor to sign contract with Sprint for 10M MPLS Sales Amendment – **James Yates/IT Director – Finance Committee**
- 13.11.20** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone property at 2510 18<sup>th</sup> Street South (PID 28-00-07-2-008-001.000) from a C-2 (Neighborhood Shopping District) to R-7 (Attached Dwelling Unit District): Applicant/Owner: Gold Nugget, LLC to permit the construction of an 8 Unit Townhouse Development (The Planning Commission had a vote of 8-0 for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**
- 14.11.20** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone property at 75 Bagby Drive (PID 29-00-14-2-004-006.000) from a C-1 (Office Building District) to MXD (Mixed Use District): Applicant: Melinda Sellers/Burr Forman, LLP/Owner: Addison Investments, LLC for use as a Charter School/Institutional Facility (The Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**
- 15.11.20** **Request to set a Public Hearing and referral to the Planning and Development Committee** for consideration to rezone property at 55 and 65 Bagby Drive (PID 29-00-14-2-004-004.000; 29-00-14-2-004-005.000, 29-00-15-1-005-001.000) from a C-5 (General Business District) to MXD (Mixed Use District): Applicant: Melinda Sellers/Burr Forman, LLP/Owner: 5565 Bagby Associates, LLC for use as a potential college (The Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – **Wyatt Pugh – Planning and Development Committee**

Councilor Gwaltney moved for the approval of the Committee Referral 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.

### **OTHER NEW BUSINESS**

The next item on the Agenda under Other New Business was Item No. 13.11.20 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to rezone property at 2510 18<sup>th</sup> Street South (PID 28-00-07-2-008-001.000) from a C-2 (Neighborhood Shopping District) to R-7 (Attached Dwelling Unit District): Applicant/Owner: Gold Nugget, LLC to permit the construction of an 8 Unit Townhouse Development (The Planning Commission had a vote of 8-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Wyatt stated that the Public Hearing would be set for January 11, 2020 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 14.11.20 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to rezone property at 75 Bagby Drive (PID 29-00-14-2-004-006.000) from a C-1 (Office Building District) to MXD (Mixed Use District): Applicant: Melinda Sellers/Burr Forman, LLP/Owner: Addison Investments, LLC for use as a Charter School/Institutional Facility (The Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Wyatt stated that the Public Hearing would be set for January 11, 2020 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 15.11.20 – Request to set a Public Hearing and referral to the Planning and Development Committee for consideration to rezone property at 55 and 65 Bagby Drive (PID 29-00-14-2-004-004.000; 29-00-14-2-004-005.000, 29-00-15-1-005-001.000) from a C-5 (General Business District) to MXD (Mixed Use District): Applicant: Melinda Sellers/Burr Forman, LLP/Owner: 5565 Bagby Associates, LLC for use as a potential college (The Planning Commission had a vote of 7-0 for a favorable recommendation of the rezone) – Wyatt Pugh.

President Wyatt stated that the Public Hearing would be set for January 11, 2020 at 6:00 p.m.



The next item on the Agenda under Other New Business was Item No. 16.11.20 – Request to release lien on the following property: 1624 Mountain Gap Circle (Res. No. 17-11) – Melody Salter, City Clerk/Robert Burgett, Finance Director.

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

**Resolution No. 20-177**

**(A Resolution to release lien on the following property: 1624 Mountain Gap Circle (Res. No. 17-11))**

Councilor Smith moved for the adoption and enrollment of Resolution No. 20-177. 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.

The next item on the Agenda under Other New Business was Item No. 17.11.20 – Request for consideration of approval of vouchers for period of November 10, 2020 through November 30, 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. 20-178**

**(A Resolution for approval of vouchers for period of November 10, 2020 through November 30, 2020)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-178. 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 Other New Business was Item No. 18.11.20 – Request to authorize Mayor to sign contract and to remit FY 20-21 Budget Appropriation to the Exceptional Foundation– Melody Salter, CPA, and City Clerk/Assistant Finance Director.

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

**Resolution No. 20-179**

**(A Resolution to authorize Mayor to sign contract and to remit FY 20-21 Budget Appropriation to the Exceptional Foundation)**

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-179. 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.

Councilor Gwaltney stated that the Public Safety Committee would meet on December 7, 2020 at 5:30 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on December 7, 2020 at 6:00 p.m.

Councilor Jones stated that the Finance Committee would meet on December 7, 2020 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on December 7, 2020 at 6:30 p.m.

Councilor Andress stated that the Planning and Development Committee would meet on December 7, 2020 at 6:45 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:41p.m.