

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

December 21, 2020

The City Council of the City of Homewood, Alabama convened in Special Session on Monday, December 21, 2020 at City Hall at 6:00 p.m.

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

The meeting was called to order by President Wyatt at 6:41 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 (via Zoom), 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 Gwaltney moved to dispense with the reading of the Minutes of the Council Meeting of December 14, 2020 and approve them as presented. 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.

President Wyatt stated that the Ward 4 position of the BZA would be opened until January 25, 2021 at 4:30 p.m.

President Wyatt amended the published Council Agenda to add the following items to the Old Business Agenda from the Special Issues Committee: Item No. 03.06.20 – Request permission to place tables on City Sidewalk at 2801 18th Street South for the Maple Street Biscuit Company – Chris Sears/Greg Cobb, BEZ; Item No. 02.12.20 - Request for a variance to install a front-yard fence along the creek and request permission to work in ROW to continue the fence along the top of the concrete guard adjacent to the street at 328 Kenilworth Drive – Tori Anderson, agent for Vicki Pappas, homeowner/Wyatt Pugh, BEZ; Item No. 03.12.20 – Request permission to install a fence which extends 11 feet into the ROW at 401 Sterrett Avenue – Cole & Katherine Cubelic, homeowners//Wyatt Pugh, BEZ; Item No. 07.12.20 – Request for permission to install a parking pad in City Right-of-Way at 506 Kenilworth Drive – Bruce McLeod, agent for homeowner/Wyatt Pugh, BEZ.

President Wyatt further amended the published Council Agenda to add the following new items to the Committee Referral Agenda: Item No. 12.12.20 – Request to declare the 1998 Pierce Fire Engine (VIN #4P1CT02S1WA000845) surplus – Gordon Jaynes/Fleet Maintenance/Chief Nick Hill and Batt Chief Broadhead, Fire Department – Finance Committee; Item No. 13.12.20 – Request to refund unused building permit per City Code to Rives Construction – Wyatt Pugh/BEZ Department Head/Robert Burgett, Finance Director/Assistant City Clerk/Melody Salter, City Clerk/Assistant Finance Director – Finance Committee; Item No. 14.12.20 – Request to authorize the Mayor to sign revised agreement with ALDOT related to project #STPBH-9802(916); CPMS Ref#100029563 – Additional Lanes on Oxmoor Boulevard from Summit Parkway to Columbiana Road (Turkey Foot)– Wyatt Pugh/BEZ Department Head– Finance Committee.

President Wyatt then amended the published Council Agenda to add the following to the Other New Business Agenda: Item No. 15.12.20 – Request to authorize the Mayor to sign contract with Tyler Technologies to move the accounting software from a server to cloud based – James Yates, IT Director/ Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director– Finance Committee.

CONSENT AGENDA

17.09.20 Request for consideration to vacate the alley adjacent to 329 Sterrett Ave. **Michael Thomason / Greg Cobb, BEZ**

Action Taken: The Special Issues Committee met December 21, 2020 and voted to recommend dropping this Item. The Motion to recommend to drop was made by Councilor Andress and seconded by Councilor Alemán and was approved 5-0.

Councilor Gwaltney moved for the approval of the amended 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. 08.11.20 – Public Hearing set for January 11, 2021 at 6:00 p.m. for consideration of changes to the Zoning Ordinance – Mike Kendrick, City Attorney/President Wyatt/Committee Chair Councilor Andress.

President Wyatt stated that this item would be carried over for the Public Hearing set for January 11, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 13.11.20 – Public Hearing set for January 11, 2021 at 6:00 p.m. for consideration to rezone property at 2510 18th 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 this item would be carried over for the Public Hearing set for January 11, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 14.11.20 – Public Hearing set for January 11, 2021 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for January 11, 2021 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 15.11.20 – Public Hearing set for January 11, 2021 at 6:00 p.m. 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 this item would be carried over for the Public Hearing set for January 11, 2021 at 6:00 p.m.

The next item considered under Old Business was Item No. 03.06.20 – Request permission to place tables on City Sidewalk at 2801 18th Street South for the Maple Street Biscuit Company – Chris Sears/Greg Cobb, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval of four tables with adding the City to Maple Street Biscuit Company's P & C Insurance with \$1 million in coverage and proper indemnification agreement.

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

Resolution No. 20-187

(A Resolution for permission to place tables on City Sidewalk at 2801 18th Street South for the Maple Street Biscuit Company)

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 considered under Old Business was Item No. 02.12.20 – Request for a variance to install a front-yard fence along the creek and request permission to work in ROW to continue the fence along the top of the concrete guard adjacent to the street at 328 Kenilworth Drive – Tori Anderson, agent for Vicki Pappas, homeowner/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend setting a Public Hearing for January 11, 2021 at 6:00 p.m.

President Wyatt stated that the Public Hearing would be set for January 11, 2021 at 6:00 p.m.

The next item considered under Old Business was Item No. 03.12.20 – Request permission to install a fence which extends 11 feet into the ROW at 401 Sterrett Avenue – Cole & Katherine Cubelic, homeowners//Wyatt Pugh, BEZ.

President Wyatt stated that the Public Hearing would be set for January 11, 2021 at 6:00 p.m.

The next item considered under Old Business was Item No. 07.12.20 – Request or permission to install a parking pad in city right-of-way at 506 Kenilworth Drive – Bruce McLeod, agent for homeowner/Wyatt Pugh, BEZ.

Councilor Smith stated that the Special Issues Committee met earlier tonight, prior to the Council Meeting, and voted 5-0 to recommend approval with indemnification agreement.

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

Resolution No. 20-188

(A Resolution to install a parking pad in city right-of-way at 506 Kenilworth 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.

COMMITTEE REFERRAL AGENDA

- 10.12.20** Request for a variance to the sign ordinance at 2711 18th Street South – **Daniel Signs Inc. / Greg Cobb, BEZ – Special Issues Committee**
- 12.12.20** Request to declare the 1998 Pierce Fire Engine (VIN #4P1CT02S1WA000845) surplus – **Gordon Jaynes/Fleet Maintenance/Chief Nick Hill and Lt. Broadhead, Fire Department – Finance Committee**
- 13.12.20** Request to refund unused building permit per City Code to Rives Construction – **Wyatt Pugh/BEZ Department Head/Robert Burgett, Finance Director/Assistant City Clerk/Melody Salter, City Clerk/Assistant Finance Director – Finance Committee**
- 14.12.20** Request authorize the Mayor to sign revised agreement with ALDOT related to project #STPBH-9802(916); CPMS Ref#100029563 – Additional Lanes on Oxmoor Boulevard from Summit Parkway to Columbiana Road – **Wyatt Pugh/BEZ Department Head– Finance Committee**

Councilor Jones moved to approve the amended Committee Referral 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.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 11.12.20 – Request for consideration of approval of vouchers for period of December 15, 2020 through December 21, 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. 20-189

(A Resolution for approval of vouchers for period of December 15, 2020 through December 21, 2020)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-189. 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. 15.12.20 – Request to authorize the Mayor to sign contract with Tyler Technologies to move the accounting software from a server to cloud based – James Yates, IT Director/ Robert Burgett, Finance Director/Assistant City Clerk and Melody Salter, City Clerk/Assistant Finance Director – Finance Committee.

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

Resolution No. 20-190

(A Resolution to authorize the Mayor to sign contract with Tyler Technologies to move the accounting software from a server to cloud based)

Councilor Jones moved for the adoption and enrollment of Resolution No. 20-190. 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 January 4, 2021 at 5:30 p.m.

Councilor Wolverton stated that the Public Works Committee would meet on January 4, 2021 at 5:45 p.m.

Councilor Jones stated that the Finance Committee would meet on January 4, 2021 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on January 4, 2021 at 6:00 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 7:24 p.m.