

COMMITTEE OF THE WHOLE  
TUESDAY, JULY 17, 2024 | 2:00 PM  
COUNCIL CHAMBERS

## MINUTES

COUNCIL PRESIDENT DARRELL B. O'QUINN, COMMITTEE CHAIR

**Councilor(s) Present:** O'Quinn, Abbott, Alexander, Clarke, Tate, Woods

**1. CALL TO ORDER**

The Meeting was called to order by the Committee Chair, Council President O'Quinn.

**2. APPROVAL OF MINUTES**

**Action Taken:**

**Councilor Alexander Motioned to Approve.**

**Councilor Tate Seconded the Motion.**

**The June 18, 2024 Committee of the Whole Meeting Minutes were Approved as Recorded.**

**3. Council Administrator's Report- Cheryl Kidd, Councilor Administrator  
Department Budget Update**

Staff is working to finalize the expenses for the 2023-2024 fiscal year. Discussions are continuing relative to any balances that remain in district accounts in the 2023-2024 budget. Staff is awaiting the City's reconciliation of all accounts to gain any definitive resolution on unspent balances that can be transferred.

Staff has access to New World to enter requisitions on the 2024-2025 budget.

**District's Budgets**

Staff is working simultaneously on the 2024-2025 budget with some limitations and would like to meet with each office to discuss their plans for discretionary spending within the next week. Felicia Jolly will engage each office to see if there is any interest in providing the same or similar funding from the previous year to each of the respective schools, neighborhood associations, community partners and district initiatives relative to the discretionary spending. Staff will be available to assist with getting all documentation in place when all restrictions are lifted in the utilization of the discretionary funds.

Councilors are to be reminded of their funding obligation deadline for ARPA. The ARPA expenditure deadline is December 31, 2026. The deadline to obligate a project is December 2024.

**Office Staff Concerns**

Welcome Nicholas G Jackson to the PIO Team as videographer.

There remain two unfilled positions in Central Staff with one being slated for a new hire for PIO staff in the administrative area.

**Departmental Concerns**

If anyone has not routinely used the fleet vehicles, please be reminded to have the vehicle serviced.

**Constituent Complaints**

There have not been any complaints reported.

**The 2025 Alabama Legislative Session**

There are 26 pre-filed bills to date.

Senate Bill SB3 was filed by Senator Barfoot and will authorize the Attorney General or Governor to appoint an interim police chief for certain municipal police departments.

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**Council Travel**

The Third Economic Development Academy Cohort meeting is scheduled August 8, 2024. Participating Councilors and Mayor Woodfin should have received a calendar invitation.

The Business Council of Alabama's 24 Governmental Affairs Conference is scheduled for August 9 – August 11, 2024 in Point Clear. Lodging is still available. Those who are interested in registering please see Connie Horn.

The Alabama League of Municipalities 6<sup>th</sup> Congressional District Luncheon is scheduled for August 16, 2024, 11:00 a.m. – 1:00 p.m. at the Vestavia Hills Civil Center. The registration can be completed through the Alabama League of Municipality member portal. Councilors who are certified can receive CMO credits.

The Birmingham Business Alliance Luncheon is scheduled for Thursday August the 22, 2024 at The Club. The speaker is Lieutenant Governor Will Ainsworth. Councilors are encouraged to confirm their attendance as soon as possible; seating is limited.

The National League of Cities City Summit is scheduled for November the 13 – 16, 2024 in Tampa, FL. Registration is currently open.

Board of Director and Advocacy Committee in/or constituents group attendance at ALM and NLC Conferences is required.

**Action Taken:**

**Councilor Abbott would like to receive a copy of the Administrator's Report.**

**4. Proposed Amendments to the Sign Regulations of the City's Zoning Ordinance  
President Darrell O'Quinn**

The proposed changes were presented at the July 10, 2024 Planning and Zoning Committee Meeting.

There is a significant section with respect to cornice signs and how they are affixed to buildings. There are commensurate changes in the Zoning Code regarding square footage of signage, etc. The Planning and Zoning Committee recommended several changes that Planning staff haven't had the opportunity to incorporate into the proposed regulations. That will be coming back to the Committee of the Whole per Councilor Abbott's request.

Councilor Abbott stated that it will be presented back at the Planning and Zoning Committee Meeting.

**Action Taken:**

**Additional information forthcoming.**

**No Action - Information Only.**

**5. Short-Term Rental Ordinance- Kimberly Speorl, Zoning Administrator, PEP and Attorney Julie Barnard,  
Assistant City Attorney, Office of City Attorney  
Definition being proposed to use in the regulations.**

A short-term rental is the transient use of any dwelling or any part of a dwelling for overnight occupancy of less than 30 consecutive days. This is not going to be the apartment complex that has 3,6,9or 12-month leases. They will be rentals where persons do not stay over 30 nights for occupancy.

There are currently no regulations specific to short-term rentals. The only requirement in place is that a short-term rental operator has a City of Birmingham business license. The new proposal will require a short-term rental permit in addition to a City of Birmingham business license. If there is a permit in addition to the business, this will give the City a mechanism to suspend or revoke the license if there is a bad operator. The new regulations will open additional enforcement opportunities for the City of Birmingham. Zoning is also proposing that the regulations be in the City Code and the use and zoning districts allowed will be in the Zoning Ordinance. This will allow additional opportunities not to make it just a zoning issue, but a City Code violation will open other enforcement opportunities.

**Permit Requirements (included in draft that will be added to the City Code, Title 12, Chapter 23)**

Local responsible party within a 50-miles radius of the property – there have been requests to reduce the distance to 25-30 miles.

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Site plan – make sure that the property is the correct property when applying for a permit.  
Smoke detectors, carbon monoxide detectors, fire extinguishers – provide locations of each apparatus.  
Proof of insurance – spoken with policy advocate with Airbnb. Airbnb does offer insurance for all short-term rental operators that are on their platform.  
Provide HOA statement – the HOA president provides a statement that the applicant does or does not meet their requirements.  
Information booklet on-site at the property – the booklet will contain the City Codes, Ordinance, a copy of an approved short-term rental permit, approved business license for the city of Birmingham.  
Permit fee –the operators will be required to post their business license and permit on their rental platform site.  
Provide Zoning a list of all rental platforms where property is advertised at the time of their application.

**General Requirements and Restrictions**

They must meet the City's parking requirements.  
They must adhere to the City's signage regulations; small signs are allowed in residential areas.  
Short-term rentals must retain the residential character of the neighborhood.  
Short-term rental operators must adhere to the City's noise and solid waste ordinances.  
The maximum number of occupants shall not exceed more than two (2) times the number of bedrooms plus two (2).  
Short-term rentals should only be rented to one (1) party at a time.  
The minimum stay of two (2) consecutive nights is required.  
Parties, special events, weddings, receptions or concerts are prohibited.  
Short-term rentals have been added into the Zoning Ordinance.  
The proposal is to allow short-term rentals permitted with conditions.  
Short-term rentals were not included in the health and institutional district.  
UAB would like short-term rentals permitted as accessory to a campus use added/considered.  
Having a permit allows the City to have a database to who is operating. The City does not have this type of database in place.

**Proposed Suspension or Revocation of the Permit**

The City is proposing to have a process in place that gives Planning, Engineering and Permits permission to suspend permits.  
Procedures and processes will be implemented to suspend, modify or revoke business license.  
If a permit is revoked, the business license will be revoked as well.  
The City is moving their permitting system into Accela, which is the online permitting system. They have a short-term rental permit. Accela may also have a site that the general public could utilize to see if a short-term rental in on a particular street and meet all the City requirements.  
The Zoning Advisory Committee (ZAC) of the Birmingham Planning Commission met on July 16, 2024. The ZAC voted to table the item until next month's meeting to go back to the Citizen Advisory Board CAB, present the draft of the City Code, zoning changes, and facture in some of the comments received from the neighborhood officers, residents and short-term rental operators into the draft.

**ADDITIONAL COMMENTS**

- Consider permitting by special exception, which would require the owner to meet with the neighborhood association, present their plan and get a recommendation from the neighborhood association.
- A special exception in the current ordinance requires that the applicant demonstrate that their proposal will not tend to impair the health, safety or welfare of the public.
- Moving towards special exception would increase the ZBA case load.
- Licenses are required for renting property, which includes long-term rental, apartment leasing, banquet hall rentals, event centers, self-storage, etc.
- There are no distance requirements in place.
- Revocations will be forwarded to the committee of the Council's choosing.

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- The Council is not obligated to adopt the draft in the presented form. The draft was presented for discussion.
- The noise measurement devices need to be a requirement.

**Action Taken:**

**The Council reviewed and suggested edits, modification to the Ordinance.**

**There was not official action taken – information only.**

**6. OLD/NEW BUSINESS**

None

**7. ADJOURNMENT**

**Councilor O’Quinn Motioned to Adjourn.**

**Councilor Alexander Seconded the Motion.**

**Meeting Adjourned.**