

COMMITTEE OF THE WHOLE
TUESDAY, SEPTEMBER 18, 2024 | 2:00 PM
COUNCIL CHAMBERS

MINUTES

COUNCIL PRESIDENT DARRELL B. O'QUINN, COMMITTEE CHAIR

Councilor(s) Present: O'Quinn, Abbott, Alexander, Clarke, Smitherman, Williams

1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES – JULY 17, 2024**

Action Taken:

Councilor Alexander Motioned to Approve.

Councilor Smitherman Seconded the Motion.

The July 17, 2024 Committee of the Whole Meeting Minutes were Approved as Recorded.

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

Deputy Administrator Jeffery McDaniels presented the Council Administrator's report.

Since July 2024, one of the three vacancies within Central Staff has been filled.

Miss Kidd in consultation with the City Council's leadership is looking to fill the remaining positions before the end of the 2024 calendar year.

Staff is finishing the first quarter of this year. There are approximately 47 transactions that have been paid or that are being processed, including salaries and benefits. Less than 10% of our annual budget has been expended.

Councilor Abbott has directed Central staff to reprogram all her FY2024 transactions for this fiscal year. Councilors are reviewing and/or discussing funding opportunities with schools, nonprofits and neighborhood associations.

The Birmingham Promise interns have entered into week two of 12 of their internship, and are acclimating into the City very well. Data has been collected from the students to include knowing more about their families, backgrounds, interests, etc. A thank you is extended to partners across the City who have spent time with the interns, either within their department or in some aspect throughout the City. Six of the interns have returned consent forms signed by their parents to make them eligible to travel in a city-owned vehicle.

Staff has continued to engage the Administration with revisions to Executive Order 2077, which is the revised travel procedures, and is asking the Administration to utilize more adaptive tools that could possibly help save reasonable cost, including short term rentals. There are employers, city governments included, who are allowing the use of short-term rentals or a travel agency who helps employees reduce their upfront cost, conference registrations and/or booking hotels of comparable price.

Constituent Complaints

The city of Birmingham is one of three recipients to receive the Center for Community Progress Technical Assistance Grant. Councilors Clarke and Smitherman are actively working with Planning, Engineering and Permits, as well as other departments and the Center for Community Progress to expand the city's efforts to address vacant and distressed properties.

FY25 Legislative Session

Currently, 54 pre-filed bills dating back to June 2024 have been filed. A total of 44 are House bills, and 10 are Senate bills (Copies of three particular bills are provided).

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A recurring bill filed by Senator Barfoot is related to the appointment of local police chiefs.

- This bill would authorize the Attorney General or the Governor to appoint an interim police chief in certain municipalities.

Senate Bill 6 – filed by Senator Elliot

This bill relates to local library boards. This bill will allow local library board members to serve at the pleasure of the respective appointing authority. By a two-thirds vote, the individual can be removed from the library board.

House Bill 36 – Sales Use Tax

Birmingham's disbursement of simplified sales tax last year was \$16 million. This bill would add an additional sales use tax to be distributed amongst the participating municipalities. It could possibly compromise what Birmingham is currently collecting.

Council Travel, Events, and Invitations

The Birmingham Bowl Game Kickoff is scheduled for Thursday, October 17th at the B&A Warehouse. The deadline to RSVP is September 18th.

The Birmingham Business Alliance Leadership Exchange in Raleigh, North Carolina is scheduled for September 30th - October 1st. The registration should be completed on or before Friday, September 20th. Councilors O'Quinn and Clarke have confirmed.

The League of Municipality Standing Committee meeting is scheduled for Wednesday, October 9th, 9:00 a.m. – 1:00 p.m. in Montgomery. If Councilors have not received the notice, it should be forthcoming. The meeting will be held at Frazier Memorial United Methodist Church.

National League of Cities City Summit is scheduled for November 13th - 16th in Tampa, Florida.

Please see Connie Horn as soon as possible to initiate travel plans. With this being the centennial year of NLC's existence, a large number of conference attendees and guests are expected. Some conference hotels have shuttles. It is advisable to make lodging reservations as soon as possible. If not, there is a possibility that attendees will have to choose a hotel that does not have a shuttle to the Convention Center.

Action Taken:

Councilor Abbott requested a copy of the report for review prior to the meeting.

No Action – Information Only.

4. Update on the Ramsay McCormack and Masonic Temple Redevelopment Projects - Irv Henderson, Henderson & Company

The City is in agreement with Historic District Developers to redevelop the Ramsay McCormack Building and the Masonic Temple.

Attorney King recommended the Committee go into an Executive Session under Alabama State Code 3625A783 to discuss ramification and pending litigation.

Action Taken:

Councilor Smitherman motioned for Executive Session.

Councilor Clarke Seconded the Motion.

The Committee entered into an Executive Session.

The Committee Reconvened from Executive Session

Irv Henderson presented an update.

Masonic Temple

Motion cameras were installed due to vandalisms to the building.

The windows have been boarded at least five times.

A request was submitted for more surveillance, as well as asking neighbors to report suspicious activities to the authority.

The redevelopment of the Masonic Temple, Prince Hall Grand Lodge is for the free and accepted Masons of Alabama.

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Update on the Progress of the Re-development

The developers are applying to a discretionary fund with the Ford Foundation

The developers received \$670,000.00 for archiving and exhibits from A. W. Mellon.

The architects are Lord Aeck Sargent.

All the architectural plans are finished.

An overlay planning district is recommended for the entire area.

A micromesh hot spot zone has been promoted for the entire area.

An application is being submitted to the Environmental Protection Agency for Brownfields help.

Asbestos remediation will be necessary.

The Greenhouse Gas Reduction Funds (GGRF) with Calvert Impact will be a part of the Masonic Temple, and the debt for the building will be based on the lowest interested rates offered by the GGRF.

Some of the debt will be done in conjunction with the new markets.

The State tax credits have been secured.

The Community Development Financial Institution Fund has indicated that the area is no longer eligible for new market tax credits.

The Masonic Temple was highlighted during the Main Street Conference.

The African American Cultural Action Fund is aware of the importance of the building.

5. Short-Term Rental Ordinance - Kimberly Speorl, Zoning Administrator, PEP and Attorney Julie Barnard, Assistant City Attorney, Office of City Attorney

President O'Quinn stated the presentation is for information only, and the Committee is not seeking any action to be taken.

The Ordinance must go through the Planning and Zoning Committee, and they will make a recommendation on the Ordinance to advance it to the full Council.

Update by Kim Speorl and Attorney Julie Barnard

The original draft was presented at the Zoning Advisory Committee and the Committee of the Whole in July 2024. The zoning allowed short-term rentals as permitted with conditions. The conditions include the applicant must meet the requirements written in the City Code section. Zoning received feedback from short-term rental property owners and neighborhood residents. With the second draft, Zoning attempted to merge the comments. Additional language was added for more restrictions and regulations for the permit. For the Zoning component in the single-family residential districts, Zoning proposed that short-term rentals would only be allowed by special exception. A special exception is run through the Zoning Board of Adjustment (ZBA). A short-term rental property owner would have to submit all their materials that are required for a permit as part of the application.

When Zoning receives the application, it would be Zoning's policy to notify the neighborhood association officers. The officers would include the ZBA request on their monthly agenda. Some hold a special-called meeting to address the request, or the neighborhood has an advisory committee that will meet and make a recommendation to the neighborhood. As it relates to the ZBA process, once the neighborhood completes their action and provides their comments regarding their request to Zoning, the request will be placed on the ZBA agenda. The ZBA has three functions they review: modifications, variances, and special exceptions. This would be a special exception. The language the applicant would be responsible for adhering to is "the use, if approved would not tend to impair the health, safety or welfare of the public." Variances have their own set of standards. Modifications have different standards. The special exception is related to the use. The ZBA would hold a public hearing. The neighborhood officers and adjacent property owners would be notified of the public hearing for the property in question. The ZBA is a quasi-judicial board, and their decision is final unless an agreed party would appeal to Circuit Court.

The next step in the process would be to attend the Planning and Zoning Committee meeting. The ZAC met and originally motioned to send it to Planning and Zoning without a recommendation, and amended the vote to send it to Planning and Zoning with a NO recommendation.

Action Taken:

No Action – Information Only.

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6. **OLD/NEW BUSINESS**

None

7. **ADJOURNMENT**

Councilor Williams Motioned to Adjourn.
Councilor Smitherman Seconded the Motion.
Meeting Adjourned.