

COMMITTEE OF THE WHOLE  
TUESDAY, OCTOBER 16, 2024 | 2:00 PM  
COUNCIL CHAMBERS

MINUTES

COUNCIL PRESIDENT DARRELL B. O'QUINN, COMMITTEE CHAIR

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

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – SEPTEMBER 18, 2024

Action Taken:

Councilor Smitherman Motioned to Approve.

Councilor Tate Seconded the Motion.

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

3. Council Administrator's Report- Cheryl Kidd, Council Administrator  
Departmental Budget Update

1<sup>st</sup> Quarter Performance

- Most spending is at its 25% or less target.
- The district's budgets with current account balances were provided.

**Renovation Quotes - quotes have been received for the following items:**

- Credenza for Conference Room A
- The seat cushions and wall panels for the Council Chambers
- Conference Room A curtain fabric selection
- Wall panel and bench fabrics
- Workstations will be installed for interns or additional seating for district or Central Staff

Several of the file cabinets that were in the Central Staff area will be retained in the office. The remaining ones will be re-distributed throughout the City.

The content in the file cabinets is labeled for each office to review. Once reviewed, it will be moved to the off-site storage. If the files are original documents and meet the qualifications for permanent archives, they will be moved to permanent archive location.

The furniture should be delivered within 3-6 weeks after the purchase order is received.

Ms. Kidd is working with the off-site storage facility management and City staff. The office has access to the units as the City's staff continue to correct the application of money that was paid by the company. The payment was applied to the incorrect account and the storage company could not obtain their business license.

The PIO Team is training on the new Meltwater platform and will launch it entirely in the coming weeks.

Kim will schedule an overview for all staff to become familiar with the new platform.

Kim Garner is managing the V94.9 contract. The engagement of Council has been very supportive.

Kim Garner and the PIO staff continues to seek ways to advance awareness of educational opportunities for constituents.

- As soon as the platform's oversight is evaluated, a Roku platform will be established.
- Kim is working collaboratively with the City's website process to support input on what is needed for the Council's platform.
- The expected launch date is late 2024 or early 2025.

Council President O'Quinn indicated that the Council wants to collaborate with Chris Hatcher on the ARPA projects to get a comprehensive summary in terms of potential future mailers.

Staff continues seeking support for expanding the Gallery of Distinguished Citizens. The Administration is reviewing alternate location possibilities. Message Point has been asked to provide an on-site demonstration of a digital platform as an alternative.

**Departmental Concerns:**

Each district office is asked to assess their fleet vehicle tires and/or batteries for winterization purposes.

**Constituent Complaints:**

None received.

**Departmental Travel:**

The Economic Development Academy Graduation is October 30<sup>th</sup> – November 1<sup>st</sup>.

The NLC Summit is November 12<sup>th</sup> – November 17<sup>th</sup>.

- Staff is encouraged to secure travel plans.

MINUTES

**4. Update on Implementation of Municipal Code Lien Enforcement Bill - Katrina Thomas, Department of Planning, Engineering, and Permits and Attorney Jim Stanley, Office of City Attorney**

The City of Birmingham was awarded the Code Enforcement Technical Assistance Scholarship. It will provide approximately \$40K of assistance from the Center for Community Progress to assist with code enforcement efforts.

The Center for Community Progress mission is to create more equitable, efficient and effective ways of handling code enforcement so vacant, abandoned, and deteriorated properties are put back to use and re-purposed within the community.

The Center for Community Progress is also educating citizens in the community on how to turn problem properties into assets to the neighborhood and advocating for equitable policy and practice.

The City's Code Enforcement Department is seeking ways to be more efficient and effective with their code enforcement and supporting communities that are in need.

Code Enforcement is trying to move away from their current complaint-driven system.

Vacant and abandoned properties can tend to cause physical harm and emotional health issues within communities.

Communities with high levels of vacancy can also increase violent crime, reduce surrounding property values, decrease municipal tax revenues, and increase municipal cost of code enforcement and maintaining the properties.

One of the core policies with the Center of Community Progress is their notion of fix it up, pay it up, or give it up. The owners are expected to fix and take care of their properties.

When the City has to intervene, the property owner is expected to pay the cost.

The "give it up" involves when the City has to fix it or the owner does not do anything with the property or pay, the City will be able to transfer the property to a responsible owner.

The legislation will not apply to owner-occupied property, only to vacant, abandoned and deteriorated properties that the City has placed liens on that have gone uncollected. It will allow the City to foreclose on the properties at an auction and place the properties in the hands of someone who will care for them.

Local legislation is necessary to implement the bill and lay out the administrative processes.

**Senate Bill 9 (SB9)**

SB9 was passed during the last Legislative Session and codified in the Code of Alabama, Title 11, Chapter 70-B.

The purpose of the bill is to create a more equitable, efficient, and effective code enforcement system for the City of Birmingham to foreclose on assessment liens.

Currently, there is no means to effectively enforce liens and assessments, which results in City assessments piling on to properties that become less marketable because of the amount of the liens exceeding the value of the property. The bill will create a mechanism for the City to foreclose on code enforcement liens against property that is not owner-occupied and to transfer titles to responsible owners.

The City currently deals with three different types of liens: property, demolition and weed.

The property maintenance code allows the City to stabilize property or expend cost to address a code violation, a lien can be placed on the property to recover cost.

The demolition lien allows the City to demolish the property, assess cost pursuant to State law, and record the lien on the property in the Probate Office.

Under State law, weed assessments are sent to Jefferson County to be added to the tax bill. If the property is tax-delinquent, no bills are created.

SB9 will allow the City to record in the Probate Office liens for any of the properties, go to court, and do a judicial foreclosure on the property that ensures the due process is met. Anyone with an interest will be notified, given an opportunity to pay the amount of the assessment, or the property is foreclosed for it to be sold.

The key stages in the enforcement and foreclosure system would be:

- perfection of the lien in the real property records, with the lien having super-priority status, subordinate only to taxes.
- comprehensive title examination to identify all interested parties to ensure due process.
- filing of a petition (for one or more parcels) in the Circuit Court.
- notice to all interested parties of the petition.
- judicial hearing on non-remediation of code lien violations and on the adequacy of notice.
- judicial authorization for sale.
- sale.
- confirmation of sale by the Circuit Court and order for issuance of a deed. The deed should convey clear and insurable title to the purchaser, which will greatly enhance the likelihood of the property being returned to productive use.

**Action Taken:**

**No Action – Information Only.**

MINUTES

5. **Update on Parking Reform – Director James Fowler and Deputy Director Christina Argo, Birmingham Department of Transportation**  
**Director Fowler gave an overview of steps identified to building an effective on-street parking system.**

One of the weakest links that has been identified in the system is accountability when parking tickets are not paid.

BDOT is proposing a policy/accountability rule:

If a person has three unpaid parking violations, their vehicle will be towed on their fourth violation.

This policy will go into effect in April 2025.

BDOT does not actively intend to search for vehicles with unpaid parking tickets. Vehicles will only be towed if there is a current violation and three prior violations.

A publicity campaign will be launched. Notifications will be mailed to individuals with three outstanding parking violations.

- If a person's car gets towed, they can go to the BPD Property Desk, pay their fees in total, including the parking violations, and have their vehicle release and their record cleared.
- If a person cannot afford to pay the total fees, they will need to go to the BPD Property Desk, pay just the towing fee, and get their car released. They would have to set up a time to meet with Municipal Court to clear up their affairs.
- The system is not designed to place anyone in jail. The worst penalty that a person would face is if they are not in compliance, their vehicle is seen and are actively in a parking violation, their vehicle can be towed.

BDOT is actively working on drafting a formal ordinance based on the current policy, and seeking feedback and a recommendation from the Committee.

**Action Taken:**

**Councilor Abbott Motioned to Endorse the Ordinance.**

**Councilor Tate Seconded the Motion.**

**Item Recommended to the City Council Agenda.**

6. **OLD/NEW BUSINESS**

None

7. **ADJOURNMENT**

**Councilor Clarke Motioned to Adjourn.**

**Councilor Tate Seconded the Motion.**

**Meeting Adjourned.**