

**REGULAR MEETING OF THE COUNCIL
CITY OF BIRMINGHAM, ALABAMA
VIRTUAL MEETING
PRE-COUNCIL MEETING – 9:00 A.M.**

February 23, 2021 – 9:30 A.M.

WEBSITE ADDRESS: www.birminghamal.gov

Event Address for Attendees:

<https://birmingham.webex.com/birmingham/onsstage/g.php?MTD=ef502e0b10704b773a80a3ba4da9350b4>

Audio conference: United States Toll: +1-415-655-0002

Access code: 146 634 7903

INVOCATION

PLEDGE OF ALLEGIANCE: Councilor Hunter Williams

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: August 11, 18, 25 and 31, 2020

MINUTES NOT READY: September 1, 2020 – February 16, 2021

COMMUNICATIONS FROM THE MAYOR

CONSIDERATION OF CONSENT AGENDA

All items designated as “Consent” are routine and non-controversial and will be approved by one motion. No separate discussion of these items will be permitted unless a Councilmember, the Mayor or Citizen interested in a public hearing so requests, if so, such item(s) will revert to its normal place on the Agenda Order of Business. All matters of permanent operation (“P”) will be read. All other matters will be announced by reading the Item Number only. All Public Hearings will be announced.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE**CONSENT****ITEM 1.**

A Resolution granting an Operating Authority Permit with two (2) Certificates of Public Necessity and Convenience to **New Horizon**, 200 Oporto Madrid Boulevard North, Birmingham, to be used in the operation of a Non-Emergency Medical Transport upon the public streets of Birmingham and to and from locations within the City in accordance with the provisions of Title 12, Chapter 16 of the General Code of the City of Birmingham, 1980, as amended or may be amended. (Submitted by Councilor Hoyt, Chairman, Transportation Committee) (Recommended by the Transportation Committee)

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**CONSENT****ITEM 2.**

A Resolution approving and authorizing the Mayor to execute Lease Purchase Schedule No. 3 with **Connection Financial Services** that is subject to and incorporates the terms and conditions of the Master Lease Agreement No. 100-5729969-001 dated on or about April 17, 2020, under which the City of Birmingham will lease purchase Cisco computer and related equipment from PC Connections, Inc. necessary for the Real Time Crime Center in the amount not to exceed \$18,977.72 for a period not to exceed sixty-one (61) months in accordance with Code of Alabama 1975 Section 41-16-57(f). [**Funding Source: 153_000.525-010**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

ITEM 3.

A Resolution amending the Citizens Participation Plan (the “CP Plan”) only with respect to the election of Neighborhood Association officers which would have been scheduled under the Citizens Participation Plan to occur in October 2020 to provide that the election date for Neighborhood Association officers will be March 30, 2021, and to make corresponding modifications to the election-related deadlines and procedures otherwise provided for in the Citizens Participation Plan. (Submitted and Recommended by the Mayor) **

CONSENT**ITEM 4.**

A Resolution authorizing the City Attorney, pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, as amended, upon her recommendation, to settle all claims against the City arising from an incident occurring on November 16, 2018, wherein the Claimant allegedly suffered injuries when involved in a motor vehicle accident while performing his duties as an employee of the City of Birmingham, and authorizing the Mayor, the City Attorney, or one of her assistants, to execute all documents necessary to accomplish the settlement of this claim in an amount not to exceed \$22,000.00, with said funds to come from Account Number 001-042-02300.527-045. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT**ITEM 5.**

A Resolution pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, as amended, authorizing the City Attorney, upon her recommendation, to settle the lawsuit of *Cordell Mobley v. Cullen Stafford, et al.*, Docket No. 20-14654-B, presently pending in the United States Court of Appeals for the Eleventh Circuit, on appeal from the United States District Court for the Northern District of Alabama, Southern Division, Docket No. 2:17-cv-00871-MHH, and authorizing the Mayor to execute all documents necessary to accomplish the settlement of the lawsuit in an amount not to \$22,500.00, said funds to come from General Ledger Number: 001-028-01600-534-013. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT**ITEM 6.**

A Resolution pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, as amended, authorizing the City Attorney, upon her recommendation, to settle the lawsuit of *Kenneth Ellis v. City of Birmingham, et al.*, presently pending in the Circuit Court of Jefferson County, Alabama, Docket No. CV-2019-903683, and authorizing the Mayor to execute all documents necessary to accomplish the settlement of the lawsuit in an amount not to exceed Seventy Five Thousand Dollars and 00/100 (\$75,000.00). Said funds to come from General Ledger Number: 001-028-01600-534-013. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 7.

A Resolution fixing a special assessment in the amount of \$4,631.25 against the property located at 1228 – 57th Street, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 8.

A Resolution fixing a special assessment in the amount of \$12,678.52 against the property located at 2805 – 17th Street Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 9.

A Resolution fixing a special assessment in the amount of \$4,748.57 against the property located at 2603 – 21st Street West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 10.

A Resolution fixing a special assessment in the amount of \$7,827.57 against the property located at 1107 – 4th Terrace West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 11.

A Resolution fixing a special assessment in the amount of \$3,891.64 against the property located at 800 – 45th Street Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 12.

A Resolution fixing a special assessment in the amount of \$7,187.26 against the property located at 2504 – 36th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 13.

A Resolution fixing a special assessment in the amount of \$7,041.52 against the property located at 4122 – 29th Street North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 14.

A Resolution fixing a special assessment in the amount of \$8,214.08 against the property located at 1214 – 4th Terrace West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 15.

A Resolution fixing a special assessment in the amount of \$5,738.74 against the property located at 2649 Pike Road Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 16.

A Resolution fixing a special assessment in the amount of \$9,027.60 against the property located at 4000 Fairmont Place, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 17.

A Resolution fixing a special assessment in the amount of \$5,893.86 against the property located at 1507 – 51st Street Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 18.

A Resolution fixing a special assessment in the amount of \$9,772.68 against the property located at 1134 – 4th Terrace West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 19.

A Resolution fixing a special assessment in the amount of \$4,026.08 against the property located at 216 Avenue V Pratt City, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 20.

A Resolution fixing a special assessment in the amount of \$10,370.00 against the property located at 2708 – 40th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 21.

A Resolution fixing a special assessment in the amount of \$4,515.19 against the property located at 4708 Court S, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 22.

A Resolution fixing a special assessment in the amount of \$6,013.84 against the property located at 2000 – 34th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 23.

A Resolution fixing a special assessment in the amount of \$4,534.92 against the property located at 2801 Pike Road Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 24.

A Resolution approving payment to **Jefferson County Department of Health**, Birmingham, in an amount not to exceed \$600.75, for grease control program permit renewals for Arlington Historical House, for the Arlington House, in accordance with Section 3-1-7 of the Birmingham City Code. [**G/L Account: 001_074_01020_01022.534-062**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and Director of Arlington)

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ITEM 25.

A Resolution setting a public hearing **March 23, 2021** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2020-00023**) to change zone district boundaries from “Q”C-2 (Qualified General Commercial District) to HID (Health and Institutional District) to allow for a new College (Biblical Higher Education Institution), filed by Cole Williams, representing the owner, Church of the Highlands, Inc., for the property located at 3660 Grandview Parkway and situated in the SW ¼ of Section 26, Township 18-S, Range 2-West, Birmingham. The hearing will be held in City Council Chambers, Third Floor, City Hall, unless the Governor’s State of Emergency Proclamation and authorization for electronic meetings are extended past March 8, 2021, due to the continuing COVID-19 pandemic. In the event that the Governor’s Proclamation is extended beyond March 8, the Council meeting and this hearing will be held virtually via Cisco WebEx.

To participate in this meeting, you will need to follow the link provided below or use the call-in information provided. This link will also be available for public participation even if the Council meets in the Council Chambers.

If you would like to attend via your computer, follow this link:

<https://birmingham.webex.com/birmingham/onstage/g.php?MTID=e5627d4d103266f95c9f7b906b5dd3595>

If you would like to attend via phone, dial 1-415-655-0002, and then enter: 187 053 6519##.

If you have joined by computer and wish to speak to the item, please use the “raise hand button” in the WebEx application. If you have joined by phone, you will be given the opportunity to speak after recognition of the speakers using the online platform. If you have joined the meeting by telephone and would like to request to speak, dial *3 when prompted during the hearing.

Please be patient. Speakers will be given the usual three-minute limit for comments.

If you have any questions about participation in one of these hearings, you may contact The Council's Public Information Office by e-mailing Kimberly.garner@birminghamal.gov [**First Reading**] (Submitted by Council President Parker, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C.) (No Recommendation by the Planning and Zoning Committee) **

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ITEM 26.

A Resolution setting a public hearing **March 23, 2021** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2020-00024**) to change zone district boundaries from R-3 (Single Family District) to “Q”I-1 (Qualified Light Manufacturing District), filed by C. Randall Minor, representing the owner, Resun Modspace, LLC., for the property located at 3701 65th Street North and situated in the NW ¼ of Section 17, Township 17-S, Range 2-West, Birmingham. The hearing will be held in City Council Chambers, Third Floor, City Hall, unless the Governor’s State of Emergency Proclamation and authorization for electronic meetings are extended past March 8, 2021, due to the continuing COVID-19 pandemic. In the event that the Governor’s Proclamation is extended beyond March 8, the Council meeting and this hearing will be held virtually via Cisco WebEx.

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COMMUNICATIONS FROM THE CITY CLERK

ITEM 27.

Receiving the Emergency Purchase Notice from the Purchasing Agent relative to the flat roof on the fire equipment bay at Fire Station No. 19. **

OLD AND NEW BUSINESS

PRESENTATIONS

REQUEST FROM THE PUBLIC

ADJOURNMENT