

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

**August 3, 2021 – 9:30 A.M.**

**WEBSITE ADDRESS: [www.birminghamal.gov](http://www.birminghamal.gov)**

**INVOCATION**

**PLEDGE OF ALLEGIANCE: Councilor Valerie Abbott**

**ROLL CALL**

**MINUTES NOT READY: May 4, 2021 – July 27, 2021**

**COMMUNICATIONS FROM THE MAYOR**

**ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – September 2021**

**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 Operating Authority Permit with one (1) Certificate of Public Necessity and Convenience to **Ayce Transportation**, 1600 Lomb Avenue, 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)

**P**

**ITEM 2.**

An Ordinance to amend Title 2, “General Government”, Chapter 5, “Boards, Commissions, and Committees”, Article N, “Arlington Antebellum Home and Gardens Board”, Section 2-5-213, “Membership; Appointment; Term of Office”, and Section 2-5-214, “Bylaws; Meetings; Quorum”, of the General Code of the City of Birmingham to further provide for the membership and meetings of the Board. [**Second Reading**] (Submitted by the City Attorney) (Recommended by the Mayor and Council President Parker) (Did Not Receive Unanimous Consent; Held Over From 7/27/21 to 8/3/21) \*\*

**INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**

**CONSENT**

**ITEM 3.**

An Ordinance “TO FURTHER AMEND THE DONATION FUND” for the fiscal year ending June 30, 2022, by appropriating \$5,000.00 to Bush Hills Neighborhood Association per donation received from Jefferson County Community Service Fund from State Representative Juandalynn Givan. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 4.**

An Ordinance “TO FURTHER AMEND THE NEIGHBORHOOD ALLOCATIONS FUND BUDGET” for the fiscal year ending June 30, 2022, by transferring \$4,000.00 from Norwood Neighborhood Association, Capital Projects and appropriating \$4,000.00 to Transfer to Fund 001 General Fund; and “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$4,000.00 to Transportation, Infrastructure Street Maintenance for Speed Hump/Bump for the Norwood Neighborhood Association. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 5.**

An Ordinance “TO FURTHER AMEND THE NEIGHBORHOOD ALLOCATIONS FUND BUDGET” for the fiscal year ending June 30, 2022, by transferring \$200.00 from Highland Park Neighborhood Association and appropriating \$200.00 to Transfer to Fund 001 General Fund; and “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$200.00 to Public Works, Horticulture Supplies (i.e. for plants and shrubs for planter and green space at Highland Drive and Highland Avenue). (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 6.**

An Ordinance “TO FURTHER AMEND THE NEIGHBORHOOD ALLOCATIONS FUND BUDGET” for the fiscal year ending June 30, 2022, by transferring \$5,000.00 from Forest Park-South Avondale Neighborhood Association, Capital Projects to Transfer to Fund 001 General Fund; and “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$5,000.00 to Park and Recreation, Horticulture (i.e. soft landing materials for Triangle Park). (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 7.**

An Ordinance “TO FURTHER AMEND THE GRANTS FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$1,504,398.00 to PEP, Bus Rapid Transit (BRT): TIGER CMAQ Grant per award received; “TO FURTHER AMEND THE CAPITAL FUND BUDGET” for the fiscal year ending June 30, 2022, by transferring \$376,100.00 from TIGER CMAQ Grant Match and appropriating \$376,100.00 to Transfer to Fund 036 Grant Match; and “TO FURTHER AMEND THE GRANTS MATCH FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$376,100.00 to Bus Rapid Transit (BRT): TIGER CMAQ Grant Match. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 8.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2022, by transferring \$10,000.00 from Non Departmental, District 6 Discretionary Projects and appropriating \$10,000.00 to Non Departmental, Transfer to Fund 031 Neighborhood Allocations; and “TO FURTHER AMEND THE NEIGHBORHOOD ALLOCATIONS FUND BUDGET” for the fiscal year ending June 30, 2022, by appropriating \$10,000.00 to Mason City Neighborhood Association for beautification projects. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**P**

**ITEM 9.**

An Ordinance approving, and authorizing the Mayor to execute, a Redevelopment Agreement between the City of Birmingham and **First Light, Inc.**, under which First Light will undertake a project at real property located at 2230 Fourth Avenue North, Birmingham, which is the site of the Granada Building, to renovate the Granada Building and to increase its square footage and programming in order to serve the increasing single homeless population. The City will transfer title to and make the property available for redevelopment at a use value of \$1.00, in support of the project. [**First Reading**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

P

**ITEM 10.**

An Ordinance approving, and authorizing the Mayor to execute, a Redevelopment Agreement between the City of Birmingham and the **Jones Group, LLC**, under which the Jones Group will undertake a project at real property located at 1445 Hibernian Street, Birmingham, which is the site of the former Scott Elementary School, to remodel the property and surrounding grounds to use as its company headquarters, converting the property into a useful and attractive commercial office space. The City will transfer title to and make the property available for redevelopment at a use value of \$30,000.00, in support of the project. **[First Reading]** (Submitted by the City Attorney) (Recommended by the Mayor, the Budget and Finance Committee and the Economic Development Committee) \*\*

CONSENT

**ITEM 11.**

An Ordinance authorizing the Mayor to execute a right of way deed (sub-surface) conveying at nominal cost sanitary sewer easement under and upon City of Birmingham property at Oxmoor (Sandridge) Park, located at 2320 Wenonah Oxmoor Road, to **Ruby B. Jackson and Florida C. Brown**, owners of property located at 2391 Wenonah Oxmoor Road for the installation of sanitary sewer field lines. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee) \*\*

CONSENT

**ITEM 12.**

A Resolution approving, and authorizing the Mayor to execute, a Third Amendment to Master Contract for Public Safety Services (Surveillance Equipment – Governmental) with **Alabama Power Company (APC)** to provide that APC will install and maintain 62 HD fixed dome cameras with 30-day storage and associated equipment, 1 HD pan, tilt, zoom camera and all associated networking equipment - outdoors, power connection, broadband connection, and 3 Genetec Security Center Video Management System servers and associated subscriptions/fees, for use by the Birmingham Fire and Rescue Service Department at an estimated monthly cost of \$8,394.50, for a term of 60 months. (Submitted by the City Attorney) (Recommended by the Fire Chief and the Public Safety Committee) \*\*

CONSENT**ITEM 13.**

A Resolution authorizing the Mayor to execute any and all documents necessary to enter into a Standard Project Resolution and Plans with **the State of Alabama; acting by and through the Alabama Department of Transportation** for Project Number: CMAQ-3716() (CPMS Ref#100065798) Congestion Mitigation and Air Quality Improvement Program in the City of Birmingham to perform assessments relating to the Advanced Traffic Management System receiving \$336,323.22 in Federal CMAQ Funds, \$42,040.40 in State of Alabama Public Road and Bridge Funds and requiring \$42,040.40 in City funds towards the overall project total cost of \$420,404.02. [**Funding Source: COB.052-527-050 Professional Fees Other Professional Services**] (Submitted by the City Attorney) (Recommended by the Mayor), the Utilities/Technology Committee and the Budget and Finance Committee)

CONSENT**ITEM 14.**

A Resolution approving, and authorizing the Mayor to execute, an Agreement for Grading and/or Landscaping on Right of Way with the **Alabama Department of Transportation (ALDOT)**, under which ALDOT will grant to the City the right to install transit stops, passenger shelters and amenities, bus and transit signage and related hardware, litter receptacles, benches, and other project enhancements on or impacting certain ALDOT rights-of-way in connection with the Bus Rapid Transit (BRT) Project. (Submitted by the City Attorney) (Recommended by the Director of Transportation) \*\*

CONSENT**ITEM 15.**

A Resolution approving, and authorizing the Mayor to execute, an Agreement for Cooperative Maintenance of Public Right of Way and Continued Control of Federally Assisted Property with the **Alabama Department of Transportation (ALDOT)**, under which the City, as part of the Bus Rapid Transit (BRT) project, will develop a ten mile corridor between the BRT east and west termini or Transit Centers in the Woodlawn Community and Five Points West Community near the Birmingham CrossPlex, and the City will agree to maintain continuing control of the improvements funded by the Federal Transportation Administration (FTA) and to maintain such improvements as specified in the Agreement. (Submitted by the City Attorney) (Recommended by the Director of Transportation) \*\*

**CONSENT**

**ITEM 16.**

A Resolution authorizing the Mayor to execute a Management Agreement between the City of Birmingham and **Birmingham Civil Rights Institute Board of Directors (BCRI)**, under which BCRI shall manage, operate, supervise and maintain all property comprising the Institute, for a term of three (3) years, and each year the City shall provide operational funding to BCRI in the amount of \$1,000,000.00 payable in four (4) equal installments, subject to an appropriation by the City in each corresponding fiscal year budget. [**Funding Source: 001\_400\_96300\_96301.550-004**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

**CONSENT**

**ITEM 17.**

A Resolution authorizing and empowering to execute and deliver an agreement between the City of Birmingham and **Cycom Data Systems, Inc.**, for the purpose of entering into a License Agreement for the use of certain proprietary software by the City's Information Management Services Division, in the total amount of \$7,976.00 and shall expire June 30, 2022, pursuant to §11-40-1, Code of Alabama 1975. (Submitted by the City Attorney) (Recommended by the Mayor) \*\*

**CONSENT**

**ITEM 18.**

A Resolution authorizing the Mayor to execute an agreement with **JCCEO**, under which JCCEO shall provide professional services assisting the City with the management and supervision of the summer jobs and employment program for Birmingham youths ages 14 through 21, for a term of three (3) years and each year the City shall pay JCCEO an amount not to exceed \$210,000.00 subject to an annual appropriation in the City's corresponding fiscal year budget. [**Funding Source: 001\_400\_96400\_96405.550-005**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

CONSENT

**ITEM 19.**

A Resolution approving and authorizing the Mayor to execute a Limited Release of Repurchase Rights and Right of First Refusal, under which the City will release its right to repurchase and right of first refusal with respect to approximately 9.554 acres of property located in the Daniel Payne Industrial Park, which repurchase rights were included in a Statutory Warranty Deed dated May 21, 2001, from the City to **W.W. Williams Company**, a predecessor in interest to the current owner, **Gradyco, LLC**, in order to accommodate the sale of the property by Gradyco, LLC to **Scannell Properties, LLC**, which will develop a building having a minimum of 30,000 square feet on the property. The release will apply to this conveyance only and the City's repurchase rights will continue until Scannell Properties commences and completes construction of the building on the property. (Submitted by the City Attorney) (Recommended by the Mayor and the Economic Development Committee) \*\*

CONSENT

**ITEM 20.**

A Resolution authorizing the Mayor to expend funds in an amount not to exceed \$4,970.00 to **the Birmingham Board of Education**, pursuant to §11-40-1 and §16-11-9.1 Codes of Alabama, 1975, in support of Carver High School to assist with expenses associated with a basketball shooting machine, said funds to come from District 9 Discretionary Funds. (Submitted by the City Attorney) (Recommended by the Mayor) \*\*

CONSENT

**ITEM 21.**

A Resolution determining that the **Morehouse Tuskegee Football Classic** event to be held on Saturday, October 9, 2021 at Legion Field, 400 Graymont Avenue West, 35204, serves a public purpose that promotes goodwill and services a public interest, and authorizing and empowering the Mayor to expend funds to pay for goods and services for this event related to City costs in an amount not exceed \$300,000.00, in accordance with Section 3-1-7 of the General Code of the City of Birmingham. [**Funding Source: MO057CP 004039 - Sports and Event Recruitment (Fund 057)**] (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 22.**

A Resolution fixing a special assessment in the amount of \$2,970.66 against the property located at 801 Avenue H, 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 \$4,222.24 against the property located at 805 – 8<sup>th</sup> Street 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 24.**

A Resolution fixing a special assessment in the amount of \$3,882.80 against the property located at 610 – 6<sup>th</sup> Street Thomas, 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 25.**

A Resolution fixing a special assessment in the amount of \$4,063.48 against the property located at 1226 Indiana 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 26.**

A Resolution fixing a special assessment in the amount of \$3,918.24 against the property located at 512 Lorain 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 27.**

A Resolution fixing a special assessment in the amount of \$2,853.84 against the property located at 409 – 4<sup>th</sup> 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 28.**

A Resolution fixing a special assessment in the amount of \$1,994.00 against the property located at 411 – 4<sup>th</sup> 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 29.**

A Resolution fixing a special assessment in the amount of \$5,666.20 against the property located at 367 – 3<sup>rd</sup> Street Thomas, 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 30.**

A Resolution fixing a special assessment in the amount of \$4,268.64 against the property located at 120 – 4<sup>th</sup> Terrace North aka 116 – 4<sup>th</sup> Terrace 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 31.**

A Resolution fixing a special assessment in the amount of \$4,308.64 against the property located at 122 – 4<sup>th</sup> Terrace North aka 116 – 4<sup>th</sup> Terrace 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 32.**

A Resolution fixing a special assessment in the amount of \$7,458.08 against the property located at 4438 – 42<sup>nd</sup> Place 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 33.**

A Resolution fixing a special assessment in the amount of \$4,401.28 against the property located at 404 Lansing 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 34.**

A Resolution accepting the lump sum proposal of **P&M Mechanical, Inc.**, 325 Carson Road North, Birmingham, in the amount of \$49,754.00 for the NSLM Auxiliary Room and Office HVAC Modifications and Additions, this being the lowest and best proposal submitted, and authorizing the Mayor to enter into a contract with P&M Mechanical, Inc. in substantially the form contained within the proposal documents and in accordance with said proposal, providing that the total compensation payable under that contract not exceed the appropriation. [**G/L Account: 102\_000.511-022; Project Code: DCP102CP 003999\_006**] (Submitted by the Mayor) (Recommended by the Director of Capital Projects) (One Proposal Submitted)

CONSENT

**ITEM 35.**

A Resolution accepting and approving the renewal bid of **Strickland Paper Company, Inc.**, Birmingham, for copier/printing paper as needed at unit prices on file in the office of the Purchasing Agent for a period one (1) year for the City Stores Warehouse, which will be the 3<sup>rd</sup> year of the current bid. [**Appropriated for in FY 2021 - 2022 Budget; G/L Accounts: 001.152-003 and 001.152.007**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

CONSENT**ITEM 36.**

A Resolution accepting and approving the bid of **B2B Supplies USA, LLC. d/b/a Printing Supplies USA, LLC.**, Plainsboro, New Jersey, for the purchase of remanufactured toner cartridges as needed at unit prices on file in the office of the Purchasing Agent for a period one (1) year for the Purchasing Stores Warehouse and various other Departments, this being the lowest bid submitted. [**Appropriated for in FY 2021 - 2022 Budget; G/L Accounts: 001.152-003 and 001-152.007**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Eight Bids Submitted)

CONSENT**ITEM 37.**

A Resolution accepting and approving the bid of **The Office Pal Inc.**, Freehold, New Jersey, for the purchase of new toner cartridges as needed at unit prices on file in the office of the Purchasing Agent for a period one (1) year for the Purchasing Stores Warehouse and various other Departments, this being the lowest bid submitted. [**Appropriated for in FY 2021 - 2022 Budget; G/L Accounts: 001.152-003 and 001-152.007**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Eight Bids Submitted)

CONSENT**ITEM 38.**

A Resolution authorizing the Director of Finance to pay \$2,000.00 from the fund for Project No. PEP144CP 003984 – Finley Avenue Access Road Grant Match, to **Theo P. Hontzas** for street right of way and temporary construction easement to Parcel No. 2, Farmers Market – 4th Street West Realignment Street Improvements, (Finley Blvd to West Finley Avenue) No. ST-037-999-022, located at 351 – 22<sup>nd</sup> Avenue West, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT**ITEM 39.**

A Resolution authorizing the Director of Finance to make five (5) refunds in the total amount of \$410,490.00. (Submitted by the Mayor) (Recommended by the Director of Finance) \*\*

**ITEM 40.**

A Resolution setting a public hearing to consider the adoption of an Ordinance granting a renewal of a cable franchise to **Spectrum Southeast, LLC** as an existing Franchisee pursuant to Section 12-3.9-35 of the General Code of the City of Birmingham and Section 626(h) of the Cable Communications Act of 1984 for a period not to exceed five (5) years. (Submitted by the City Attorney) (Recommended by the Mayor, the Utilities/Technology Committee and the Budget and Finance Committee)\*\*

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**ITEM 41.**

A Resolution setting a public hearing **August 31, 2021** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2020-00036**) to change zone district boundaries from O&I Office & Institutional District to “Q”C-2 Qualified General Commercial District in order to construct new multiple-family apartment units), filed by Robert A. McCann, representing the owner, HCP Midcity, LLC., for the property located at 1110 Beacon Parkway East and situated in the SE ¼ of Section 11, Township 18-S, Range 3-West, Birmingham. [**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) \*\*

P

**ITEM 42.**

A Resolution setting a public hearing **August 31, 2021** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2021-00001**) to change zone district boundaries from MXD Planned Mixed-Use District to “Q”D-5 Qualified Multiple Dwelling District in order to construct a new multi-family development along Lakeshore Parkway, filed by Andrew Phillips, representing the owner, The UAB Research Foundation, for the property located at 2800 Milan Court and situated in the NE ¼ of Section 31, Township 18-S, Range 3-West, Birmingham. [**First Reading**] (Submitted by Council President Parker, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee) \*\*

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUEST FROM THE PUBLIC**

**ADJOURNMENT**