

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

August 2, 2022 – 9:30 A.M.

WEBSITE ADDRESS: www.birminghamal.gov

INVOCATION

PLEDGE OF ALLEGIANCE: Councilor Darrell O’Quinn

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETING: March 1, 2022

MINUTES NOT READY: March 8, 2022 – July 26, 2022

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – September 2022

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

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

CONSENT

ITEM 1.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$1,293,532.28 to 3rd Avenue West Streetscape, \$675,000.00 to Carver Avenue SW, \$168,503.89 to City Park (Mountaindale Road Park), \$109,413.00 to Eastlake Park (Fitness Court), \$50,372.21 to Fire Facilities Improvement, \$20,278.84 to Fire Facilities Improvement, \$750,000.00 to Forest Park Avondale Business District Streetscape, \$96,477.20 to Germania Park Improvements, \$475,000.00 to Hanover Circle Repaving, \$37,561.19 to Henry Crumpton Recreation Center Improvements, \$598,615.00 to Hooper City Phase V Drainage Improvement, \$150,000.00 to Museum of Art Elevator Repair, \$815,000.00 to Pine Knoll Vista Drainage, \$583,337.80 to Tuggle Elementary School Access Improvements, \$400,000.00 to 19th Street Ensley Improvement, \$150,000.00 to Cahaba Road Roundabout, \$1,500,000.00 to 41st Street Streetscape and Drainage, \$1,200,000.00 to Greensprings Highway Streetscape Phase II, \$500,000.00 to Richard Arrington Jr. Blvd Streetscape, \$1,250,000.00 to City Walk, \$500,000.00 to 2nd Avenue South Streetscape, \$500,000.00 to Hawkins Golf Course Repairs, \$400,000.00 to Vulcan Park Improvements, \$375,000.00 to Rickwood Field Improvement and \$500,000.00 to Interstate Greenway Project. (Submitted and Recommended by the Mayor and the Budget and Finance Committee) **

CONSENT

ITEM 2.

A Resolution, pursuant to §11-47-19, Code of Alabama, and Amendment 772 of the Alabama Constitution of 1901, authorizing the Mayor to execute and deliver an agreement with the **Birmingham Host Committee 2025 World Police and Fire Games** (the “Corporation”), under which the Corporation will provide organization, promotion, management, hosting, planning, recordkeeping, facilitation and other services related to the 2025 World Police and Fire Games (“2025 WPFG”) to be held in Birmingham, Alabama between June 27, 2025 and July 6, 2025, and the City will provide funding in the amount of \$2,000,000.00 to be used by Corporation to facilitate the 2025 WPFG. The compensation shall be paid, subject to appropriations, in four (4) equal annual installments as follows: (1) \$500,000.00 to be paid on or after July 1, 2022; (2) \$500,000.00 to be paid on or after July 1, 2023; (3) \$500,000.00 to be paid on or after July 1, 2024; and (4) \$500,000.00 to be paid on or after July 1, 2025. **[Funding Source: 057_400_96100_96122.550-002 – Annual Contributions Contractual]** (Submitted and Recommended by the Mayor)

CONSENT**ITEM 3.**

A Resolution authorizing the Mayor to execute an agreement with **Economic Modeling, LLC dba (Emsi)**, under which Emsi shall provide workforce analytics data and subscription services to the Innovation and Economic Opportunity Department of the Mayor's Office at a cost of \$10,000.00 for a term of one (1) year. **[Funding Source: 001_037_01920_01922.531-020]** (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

CONSENT**ITEM 4.**

A Resolution authorizing the Mayor to execute a Project Agreement with **the Women's Foundation of Alabama** for a period not to exceed one (1) year, under which the City of Birmingham will pay the Women's Foundation of Alabama \$37,500.00 for the administration of a Home-Base Child Care Accelerator program to provide training, technical assistance and financial resources for up to five (5) child care operations to start and maintain sustainable child care programs to improve access and availability to high quality child care in the City of Birmingham. **[Funding Source: G/L Account 001_003_00930.545-001]** (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

CONSENT**ITEM 5.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **F.F., LLC** is allowed to install twenty (20) blade signs, for the purpose of advertising proposed business locations at and in the 20 Midtown Apartments Development Complex, located at 200 - 20th Street South. All signs will encroach into, over and upon the rights of way of 20th Street South, 2nd Avenue South, Richard Arrington Jr. Boulevard and 3rd Avenue South. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT**ITEM 6.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **FM Birmingham, LLC and Express Oil Development, LLC** are allowed to install one (1) blade sign, for the purpose of an all-day café, in the building located at 2320 2nd Avenue North. The sign will encroach into, over and upon the rights of way of 2nd Avenue North. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 7.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Total on 1st Dermatology & Advanced Clinical Spa** is allowed to install one (1) round, blade sign, for the purpose of offering services for advanced non-invasive treatments for the body, face and skin in the building located at 1931 1st Avenue North. The sign will encroach into, over and upon the rights of way of 20th Street North. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 8.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Troy A. Whetstone** is allowed to install a blade sign, for the purpose of advertising proposed office space in the building located at 703 19th Street Ensley. The sign will encroach into, over and upon the rights of way of 19th Street Ensley. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

ITEM 9.

A Resolution appointing four (4) members to **the Zoning Board of Adjustment** for one (1) Non-Affiliated member said term expiring November 25, 2023, one (1) state licensed real estate broker said term expiring November 25, 2028, one (1) Non-Affiliated member said term expiring November 25, 2027, and one (1) member to serve as a second Supernumerary said term expiring November 25, 2029. (Submitted by Councilor Abbott, Chair, Planning and Zoning Committee) (Recommended by the Planning and Zoning Committee)

ITEM 10.

A Resolution confirming the appointment of one (1) member to **the Birmingham Airport Authority Board** as appointed by the Mayor, for a six (6) year term, expiring July 29, 2028. (Submitted and Recommended by the Mayor)

CONSENT

ITEM 11.

A Resolution fixing a special assessment in the amount of \$42,258.00 against the property located at 3405 Avenue E a.k.a. 3405 Avenue E, 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 \$28,652.00 against the property located at 501 34th Street Ensley a.k.a. 3405 Avenue E, 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 \$4,087.92 against the property located at 6116 Grove Avenue, Roosevelt 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 14.

A Resolution fixing a special assessment in the amount of \$24,986.00 against the property located at 2008 Avenue E, 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 15.

A Resolution fixing a special assessment in the amount of \$9,958.52 against the property located at 7413 Naples Avenue, 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 \$12,006.00 against the property located at 1948 Bessemer 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 17.

A Resolution fixing a special assessment in the amount of \$56,512.00 against the property located at 604 8th Avenue 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 18.

A Resolution fixing a special assessment in the amount of \$5,394.56 against the property located at 1220 Portland Street, Wylam, 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 \$6,402.24 against the property located at 5724 Country Club Drive, 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 \$8,458.80 against the property located at 233 51st 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 21.

A Resolution fixing a special assessment in the amount of \$11,117.36 against the property located at 3821 9th Avenue, 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 \$4,690.96 against the property located at 103 26th 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 23.

A Resolution fixing a special assessment in the amount of \$4,289.60 against the property located at 5600 Avenue K, 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 \$6,314.24 against the property located at 1305 Avenue F, Duplex, 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 \$6,984.14 against the property located at 2723 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 26.

A Resolution fixing a special assessment in the amount of \$3,472.26 against the property located at 215 63rd Street South, 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 \$3,669.00 against the property located at 6504 3rd Avenue North, Birmingham, for the cost incurred for the emergency 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 amending Resolution No. 1553-21 adopted by the Council September 21, 2021, fixing a special assessment in the amount of \$2,340.00 against the property located at 839 Washington Avenue, Birmingham, for the cost incurred for the demolition of an unsafe building or structure due to a clerical error in the account number. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 29.

A Resolution accepting and approving the bid renewal of **Industrial Fire & Safety Equipment, Inc.**, Birmingham, for fire extinguishers and maintenance, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year guaranteed with the option of renewal, contingent upon Council approval for the City of Birmingham Fire Department which will begin the 2nd year of the current bid. [**G/L Account: 001_022_17000_17401.512-011**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief) (Three Bids Submitted)

CONSENT

ITEM 30.

A Resolution accepting and approving the bid of **ProLogic ITS, LLC**, Acworth, Georgia, for Police K9 Transport Kennels, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the City of Birmingham Equipment Management Department, this being the lowest most responsive bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Two Bids Submitted)

CONSENT

ITEM 31.

A Resolution authorizing the Purchasing Agent to execute an emergency contract with **CP Construction, LLC**, for emergency repair of an existing storm sewer located at 3448 Cliff Road, in accordance with Title 39, Code of Alabama, and authorizing the Purchasing Agent to extend the term of the emergency agreement for up to 90 days. The total rate of the City shall be on a time and materials basis for \$47,959.56 under the terms of this agreement. [G/L Account: 102_000.513-010] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Capital Projects)

CONSENT

ITEM 32.

A Resolution approving payment to **Advance Stored Company, Inc.**, Roanoke, Virginia, in the amount of \$70,000.00 for miscellaneous automotive parts, in accordance with U.S. Communities Purchasing Program, Contract #2017000280 for the Equipment Management Department. [G/L Account: 001.151-004] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 33.

A Resolution approving payment to **Brindlee Mountain Fire Apparatus**, Union Grove, Alabama, in the amount of \$23,789.32 for the wreck repair of a rescue unit, equipment number 182225, for the Equipment Management Department in accordance with 3-1-7 of the Birmingham City Code. [G/L Account: 001.151-004] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT**ITEM 34.**

A Resolution approving payment to **Ernest McCarty Ford**, Alabaster, Alabama, for the purchase of miscellaneous OEM Ford automotive parts and service as needed, for a period of one (1) year, in accordance with Sourcwell Purchasing Program, Contract #101520-FMC for the Equipment Management Department. [G/L Account: **001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT**ITEM 35.**

A Resolution approving payment to **Grainger, W.W., Inc.**, Lake Forest, Illinois, in the amount of \$25,000.00 for miscellaneous parts and fittings, in accordance with Sourcwell Purchasing Program, Contract #121218-WWG for the Equipment Management Department. [G/L Account: **001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT**ITEM 36.**

A Resolution approving payment to **Ingram Equipment Company, LLC**, Pelham, Alabama, in the amount of \$458,544.00 for the purchase of two (2) Heil Environmental 20CY rear loaded refuse trucks and one (1) Heil Environmental 24YD automated refuse truck, in accordance with Sourcwell Purchasing Program, Contract #091219-THC for the Equipment Management Department. [G/L Account: **102_000.600-007**; Project Code: **EM102CP 004007_001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT**ITEM 37.**

A Resolution approving payment to **O'Reilly Automotive Stores, Inc.**, Springfield, Missouri, in the amount of \$100,000.00 for miscellaneous automotive parts, in accordance with Sourcwell Purchasing Program, Contract #032521-ORA for the Equipment Management Department. [G/L Account: **001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 38.

A Resolution approving payment to **Terex USA, LLC**, Westport Connecticut, in the amount of \$20,000.00 for di-electric testing and hydraulic repairs on Terex equipment, in accordance with Sourcwell Purchasing Program, Contract #110421-TER for the Equipment Management Department. **[G/L Account: 001.151-004]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 39.

A Resolution approving payment to **Town and Country Ford**, Pell City, Alabama, for the purchase of miscellaneous OEM Ford automotive parts and service as needed, for a period of one (1) year in accordance with Sourcwell Purchasing Program, Contract #101520-FMC for the Equipment Management Department. **[G/L Account: 001.151-004]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 40.

A Resolution approving payment to **Tractor & Equipment**, Birmingham, Alabama, for the purchase of a Komatsu PC360LC-11 Excavator, in the amount of \$369,400.00 as needed, at the unit price on file in the office of the Purchasing Agent, in accordance with Sourcwell, Contract #032119-KOM for the Equipment Management Department. **[Appropriated for in FY 2022-2023 Budget, G/L Account: 102_000.600-007, Project Code: EM102CP 004007_001]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 41.

A Resolution approving payment to **Tractor & Equipment Company**, Birmingham, Alabama, in the amount of \$107,760.93 for Komatsu parts, in accordance with Sourcwell Purchasing Program, Contract #032119-KOM for the Equipment Management Department. **[G/L Account: 001.151-004]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 42.

A Resolution approving the itemized expense accounts of elected and appointed officials. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 43.

A Resolution approving the advanced expense accounts of an elected and appointed officials. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 44.

A Resolution approving the itemized expense accounts of city employees. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 45.

A Resolution approving the advanced expense accounts of city employees. (Submitted by the Mayor) (Recommended by the Director of Finance)**

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ITEM 46.

A Resolution setting a public hearing **August 23, 2022** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2022-00008**) to change zone district boundaries from C-I-1 Contingency Light Manufacturing District to Q-C2 Qualified General Commercial District, filed by Brian Hatcher of LBYD Engineers applicant, representing the owner David Hewitt, for properties located at 102 West Oxmoor Road and 12 Oxmoor Road, situated in the SW¼ of Section 22, Township 18-S, Range 3-West, Birmingham. [**First Reading**] (Submitted by Councilor Abbott, Chair, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)**

COMMUNICATIONS FROM THE CITY CLERK

ITEM 47.

Receiving the Emergency Repair Notice from the Purchasing Agent relative to repairs due to Storm Sewer failure at 3448 Cliff Road.**

OLD AND NEW BUSINESS

PRESENTATIONS

REQUEST FROM THE PUBLIC

ADJOURNMENT