

COMMITTEE OF THE WHOLE
WEDNESDAY, APRIL 19, 2023 | 3:30 PM
COUNCIL CHAMBERS

MINUTES

COUNCIL PRESIDENT WARDINE T. ALEXANDER, COMMITTEE CHAIR

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

I. CALL TO ORDER

The Meeting was called to order by the Committee Chair, Council President Alexander.

II. APPROVAL OF MINUTES Action Taken:

Councilor Moore Motioned to Approve. Councilor Smitherman Seconded the Motion.

The February 15, 2023 Committee of the Whole Meeting Minutes were approved as recorded.

III. JEFFERSON COUNTY DEPT. OF HEALTH – DARLENE TRAFFANSTEDT, MEDICAL DIRECTOR Darlene Traffanstedt presented an update (slide presentation).

Dr. Mark Wilson, Dr. David Hicks, and Chief Deputy Coroner Bill Yates were also in attendance. Acute and Worsening Public Health Threat of Fentanyl Overdose

Overdoses have killed over 100K U.S. citizens over the past twelve months. The Alabama trend has been the same. More than 1,400 Alabamians have lost their lives to overdose. Jefferson County is experiencing a more significant burden than the rest of the state. Since 2019, there has been a 90% increase in overdose deaths; from 236 in 2019 to 448 for 2022. The fentanyl overdose deaths have increased by 275, going from 95 in 2019 to 356 in 2022. Emergency Room visits for overdoses have also increased. In March 2020, at the onset of the pandemic, Jefferson County only saw 118 ER visits for overdose. In March 2023 the number increased to 244. In March 2020 there were 168 calls for overdose and that number has doubled in March 2023 (322 overdoses). There is no municipality in the County or neighborhood inside the City of Birmingham that has not been impacted by fentanyl overdose. Before the pandemic, there were issues with heroin overdoses. Illicitly-manufactured fentanyl entered the drug supply early on in the pandemic and is the major cause of increase in overdoses. A fatal dose of fentanyl is 2 milligrams the size of a sesame seed or a few grains of salt). It takes very little fentanyl to cause a death. In 2022, the DEA seized 58 million fentanyl-laced, fake prescription pills and more than 13,400 pounds of fentanyl powder. In 2023, the DEA has already seized 16.3 million fentanyl pills and 2,700 pounds of fentanyl powder: enough for over 78 million deadly doses. Illicitly-manufactured fentanyl can appear as powder, eyedroppers and nasal sprays. Fentanyl test strips are available and designed to test for the presence of the drug in urine. The test strips are now legal in 15 states. Free test strips can be obtained at the Jefferson County Health Department. The second harm reduction tool to help prevent drug overdose is Narcan (Naloxone). Kits are also available at the Jefferson County Health Department. To obtain free kits go to the JCDH website: www.jcdh.org. The medication has been deemed to be safe for over-the-counter use and will launch as an over-the-counter drug in late Summer 2023. Currently, State law requires a physician, pharmacist or nurse employed by the County health department to dispense the medication. August 31, 2023 will be recognized as International Overdose Awareness Day. The JCDH has ongoing partnerships with the Birmingham Police Department, Birmingham City Schools and the Housing Authority of the Birmingham District to conduct training for staff, clients and residents.

Action Taken:

President Pro Tem Smitherman would like a pop up at Titusville Day on July 4, 2023. No Action – Information Only.

IV. AVENU UPDATE – ATTORNEY LAWSON

Attorney Yolanda Lawson presented a first quarter update on AVENU ISSUES

The City of Birmingham Administrative Tax Application and Interpretation (New Issue)

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Taxpayers may apply for a business license to operate within the City. The applications will come to the City if it is a new business.

From 2019 – December 2022, Avenu allowed businesses to virtually open, renew and make payments on tax liability accounts.

Avenue allowed the businesses to go through their own thought processes without any direction and choose the type of schedule they determined would fit their business. There are some businesses within the system that are not properly licensed. This is being discovered as staff comes across delinquencies, issues with accounts, or if a vendor or business tries to utilize their license and the license coding is not correct. The Department is trying to correctly license businesses that have been impacted.

Business License Requirements (New Issue)

Prior to January 2023, taxpayers were able to open tax accounts and pay tax liabilities online with Avenu. Taxpayers can still pay ongoing tax liabilities; however, they are not able to open their account initially without going through the City of Birmingham.

If a taxpayer incurs a tax liability, that liability creates a NEXUS within the City. There are some accounts that were open and are ongoing with the City of Birmingham that only have tax liability accounts that do not include a business license. When a business has any operations within the City, it creates what is called NEXUS. That NEXUS then triggers the need for a business license within the City of Birmingham. There are some accounts that were open with Avenu prior to January 2023 that did not purchase a business license.

The City has requested a report from Avenue of all the businesses within the City of Birmingham. The report has not been received.

Business License Schedule Shopping (New Issue)

If a business has already been licensed within the City of Birmingham, they are able to renew their license online. It also gives them the ability to go in and change their schedules. When they change their schedule, they can go in and choose a schedule that may or may not fit their business. They may opt for a cheaper schedule, a schedule that will allow them to pay lower taxes, or they may inadvertently choose the wrong schedule and overpay for their taxes.

Tax Remittance Requirement/Frequency (New Issue)

Taxpayers are able to register their accounts and pay applicable tax liabilities on the Avenue website. Different taxes for the City of Birmingham have different payment frequency requirements. Business licenses are traditionally due annually. There are some alcohol and liquor taxes that are due annually and monthly. Taxpayers are able to go in and pay those taxes based on the tax frequency that was set up by the City of Birmingham or by the third-party vendor. Some of those accounts are set up with the classification of "O" (Occasional). The classification was created/implemented by Avenu, but not approved by the City Council. As it relates to Occasional taxpayers/tax filers, there is no prompting of any system that would notify taxpayers that their payments are late, delinquent or not paid at all because of the Occasional status (for business license). Occupational, sales and lease taxes are due monthly on the average. A taxpayer has to complete a list of requirements before they can be converted to quarterly. If they are classified as "O", notifications are not going to the taxpayer as necessary. Consumer Use and Sellers taxes are traditionally paid quarterly. Some are classified as "O" because they taxpayer may or may not have remitted one payment over the last two and a half years.

Transfer/Correction of Payment (New Issue)

If the City discovered that a payment has been improperly applied to the account or to the incorrect account, the City notifies Avenu that the payments either need to be moved from one license type to another, that payment goes away for the City of Birmingham to see it. The City has to rely on any documentation they house within the City of Birmingham to know that has happened. It is same situation if it is transferred from one account to another; the payment goes away completely for the City of Birmingham. Only Avenu can see the payments for their system.

Designated Avenu Contact for Taxpayers and the City (Ongoing Issue)

This is an ongoing concern. The City does have a designated number and email address. The ongoing problem is calls are being placed on hold and long wait times. There are also long periods of time before Avenu will respond and provide the requested information. If a taxpayer contacts Avenu about their account, they are often told to contact the City of Birmingham to discuss the account. The City of Birmingham has to notify the taxpayer. The City cannot provide the answer without contacting Avenu.

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General License Verification Hold (Ongoing Issue)

Since November 2022, most of the licenses are coming to the City of Birmingham. This is the same issue of the licenses being released by Avenu to the taxpayer.

City of Birmingham Full Access to the Avenu System (Ongoing Issue)

This is an ongoing concern. Because the City does not have full access to the system, a lot of the issues that are occurring, the City is not able to completely assist the taxpayer, not able to correct the issue, nor instantly provide feedback taxpayers are looking for.

New Business License Renewal (Ongoing Issue)

The taxpayer is supposed to come to City Hall to purchase a new business license and may renew them online. They continue to purchase new business licenses online through Avenu. Avenu informed the City that they are working on this issue with their development team.

Avenu Billing Invoices

Avenu has to bill the City of Birmingham for their services. The services that are being billed, the City is not able to verify the amounts that are being billed. Since February 2023 when the billing was implemented, the City has not remitted a payment to Avenu, because Avenu has not submitted sufficient information to support the billing and the City is not able to verify the bills.

Action Taken:

Due to the nature of the issues, the Administration was unable to publically answer al questions asked by the Committee.

The Administration will present additional information and provide answers to the concerns the Council discussed during the meeting (Executive Session).

No Action – Information Only

V. DNAT PRESENTATION – ATTORNEY KING

Attorney King provided an update on Drug-Nuisance-Abatement-Team

The goal of DNAT is to hold property holders accountable while also enhancing the quality of life for residents. DNAT is in partnership with the Birmingham Police Department, neighborhood associations, and other entities.

Statistics

DNAT has received more than 400 reports of drug and public nuisance incidence regarding properties. Of those complaints, 93 locations have executed search warrants.

A total of 17 lawsuits have been filed in the Circuit Court of Jefferson County. DNAT has also handled cases in all nine Council districts.

Fines assessed in excess of \$49K have gone towards Neighborhood Revitalization Fund. 700 properties have been identified in Environmental Court for adjudication.

DNAT has presented to the Birmingham Bar Association and the League of Municipalities. Other municipalities are asking what the City of Birmingham is doing with DNAT and requested training sessions to help them in their municipalities.

Salera Perkins serves as an Investigator for the City Attorney Office.

Joseph Abrams discussed the public nuisance

With public nuisance, the team specifically targets properties that are having an adverse impact on the surrounding communities use and enjoyment of their properties. They are targeting properties where the homeowners are often out of state and allowing their properties to into squalors.

A component of DNAT is opioid usage. On December 29, 2021, the Council approved for outside Counsel to represent the City in pursuing litigation to hold certain pharmaceutical companies accountable for misconduct related to opioid distribution and addiction. The Council was informed in 2022 that there was a settlement that negotiations were being entered into with the State of Alabama and local municipalities. As a result of the settlement, the City has received a settlement in the amount of \$1,288,762.75. A Resolution will be forthcoming to accept the funds. Information call be reported by called 205.254.2369 or emailing information to problemproperty@birminghamal.gov

Action Taken:

No Action – Information Only

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VI. CITIZENS PARTICIPATION PLAN (CPP PLAN) – DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT, ALICE WILLIAMS

Working Session between members of the Council and selected members of CAB, led by Alice Williams. Dialogue and discussion between the Council and members of the CAB.

Prior to the pandemic, the CAB began meeting to discuss potential changes to the CP Plan in accordance to the 2013 revised version of the plan. They were looking at issues and concerns that were a part of the plan. The CAB submitted the proposed changes to the City Council in November 2022.

Theodore Debro

The CAB would like to update the history of the Citizen Participation Plan to make it to be effective with the current operations. Over time, the effectiveness of the plan was depleted through not following some of the regulation changes of the plan without coming before the CAB. Several years ago, the Citizen Participation Plan was submitted with an application the CAB has not approved.

Changes: Page 6

If an officer is elected or appointed to a local, State, or Federal office, he/she must give up his/her position as a neighborhood officer. A City of Birmingham employee may not serve a neighborhood officer nor as a representative to a Neighborhood Association i.e., NUSA. Any neighborhood officer elected to represent the City shall be funded from the Mayor or City Council's Discretionary funds for travel and related expenses to carry out his/her duties from funds other than the persons neighborhood association.

Putting the language in the CP plan may be a challenge because it would potentially commit funds. A clause should be added, "contingent upon funds being available."

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If the position of president becomes vacant, it, will be filled automatically by the vice president for the remainder of the unexpired term. If the vice president does not wish to serve as NA president, he/she is to preside over the meetings until a new president can be elected. In that case, and if either of the positions, vice president or secretary, becomes vacant, the vacancy will be filled through an election by secret ballot, following nominations from the floor during a regularly scheduled meeting. **This vacancy shall be announced at the next regularly scheduled neighborhood meeting following the occurrence of the vacancy and the election will take place at the regularly scheduled neighborhood meeting of the following month. If there is a tie in ANY position and candidates do not meet the required meeting criteria, then the four meeting qualifications will be waived and the person attending the most meetings will be elected to the position. Moreover, if each candidate has met all meeting requirements, a special election will be held and moderated by the Community Resource Representative (CRR).**

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- A. All meetings of all NAs and its committee shall be open to the public.
 - ī **Should the meeting requirements be consistent with the AL Open Meetings Act?**
- B. Boundary Changes
 - ī Is GIS mapping utilized?
 - ī What source is used for those neighborhood boundaries?

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12. Bilingual - edits

Since the City of Birmingham does ~~not possess a significant~~ have a growing number of low-and moderate-income non-English speaking residents, or blighted neighborhoods of same, bilingual requirements are ~~not~~ applicable at this time. The Community Development Department is presently devising procedures to address the increasing number of non-English speaking residents.

13. Contingency and Local Option Activities

If the City of Birmingham establishes a contingency fund and/or fund for local option activities or designates in the application, activities to be substituted in the event of a denial by HUD of certain activities, adequate notice shall be given to all aspects of the Citizen Participation Program for selection of new projects to be funded. The Citizens Advisory Board will have the opportunity to meet with city officials to discuss such before a final decision is made.

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Attorney Scruggs stated there were some changes made to the Standards in 2016 that require affirmative steps on the part of the City to determine the actual percentage or number of non-English speaking persons. There has to be some research and review of the Census results to determine the non-English speaking persons and whether or not there is a sufficient amount that requires the City to take another step. The language needs to be included. ADDECA and HUD that will comply with it have provided sample language; the City will conduct a review and four-step analysis to determine whether additional actions are required.

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This section should include language similar that requires state issued identification to accompany any candidate for elected office. (Similar to the addition on page # 6).

Petitioners/Absentee Balloting

Who verifies and certifies the petitioners?

When the petition ballots are received, Community Resource Services requires verifiable identification.

Display of Copies of Maps

The computers will be used to verify addresses as opposed to using paper maps.

Contested Results

Has a referee ever been asked to or volunteered additional guidelines and/or procedures?

Because they are volunteering, they have not asked to go back and make additional changes to the plan.

This is something the Committee can recommend.

Action Taken:

The edits/changes will be compiled and emailed to the CAB.

No Action – Information Only

VII. OLD/NEW BUSINESS

None

VIII. ADJOURNMENT

Councilor Williams Motioned to Adjourn.

Councilor Alexander Seconded the Motion.

Meeting Adjourned.