

# Highland Park Neighborhood Association

## March 2023 Minutes

Meeting Date: March 14, 2023

[Click here to watch a recording of the meeting.](#)

### **WELCOME AND OPENING**

Vice President Judy Jones called the meeting to order as President Elizabeth Sanfelippo was out of town (but attending virtually).

### **FEBRUARY MINUTES**

John Somerset made a motion to accept the February minutes. Morris Newman seconded. All voted in favor, none in opposition.

### **ROLL CALL**

Judy asked for everyone in person to sign in and Elizabeth Sanfelippo called roll with the Zoom attendees.

### **PRESENTATION ABOUT THE COMMUNITY GARDEN FROM TORI MCDONALD**

Tori McDonald is the cofounder of the Highland Park Community Garden and the current Highland Park Community Garden Chairperson. This is the fourth season of the garden! It's at Rushton Park, across from Rojo and is the first community garden in a Birmingham city park. They broke ground in fall of 2019. It has nineteen 4' x 8' garden beds, including elevated community beds. The beds are leased to neighbors and there is one 8' x 20' bed that we garden as a community. They also just installed two large garden beds that will be turned into pollinator beds.

The committee started as a small group of neighbors in 2016, including Laney DeJonge (Co-owner of Rojo) and David Seaman at Independent Presbyterian Church (IPC). They were interested in turning the old sandlot/volleyball court into a more usable space for community members because Highland Park is one of the most densely populated neighborhoods in the city where 60% rent or are in an apartment with no space for gardens. So they thought having a space for a community garden would be popular. They developed a public-private partnership with the HPNA and Birmingham Parks and Rec and operated from IPC's foundation for two years. Then in 2020, they developed their own 501(c)3 nonprofit, called the Community Food Initiative. It now oversees the operations of the Garden.

The garden was designed pro-bono by Carlos Hernandez at Architecture Works, who also lives in Highland Park, and it was a great community effort! A lot of great donors and partners made it happen! There are seven on the Highland Park Community Garden Committee. Because of limited space, they host a lottery every year for the beds in the growing season. Registration opens in November and ends in March. This is communicated via the Highland Park newsletter and the lottery is held in early March. The gardeners are already selected for this season. The gardeners pay \$45 for maintenance and water costs for the seasons. They've been lucky enough to have great interest but they wish they could accommodate everyone. The beds have produced hundreds of pounds of produce each year.

**Upcoming events:** Spring work day at 9:30 this Saturday – tilling, compost, etc. and repairing the drip irrigation lines that squirrels destroyed. More events coming this season! Follow on social media – [Highland Park Community Garden](#) on Facebook and [Highland Park Garden](#) on Instagram. Or email them at HighlandParkGarden@gmail.com

## **MORE ROLL CALL**

Elizabeth Sanfelippo welcomed a few more people joining virtually.

## **PRESENTATION ABOUT NATIVE PLANTS FROM LANEY DEJONGE**

Laney owns Rojo, and used to live in the neighborhood. She recently attended a native plant conference in Birmingham and wanted to share what she learned so that we could together, as a neighborhood, try to plant more native plants to help support the ecosystem. You can read her full speech by [clicking here](#).

Wildlife evolved alongside the native plants in your region and use those natives as food, shelter, and a place to raise their young. As a result, nearly every living creature on the planet relies on native plants for survival. They are the foundation of local food webs, giving butterflies, birds, and other wildlife what they need to survive.

There is an initiative and movement to return 30% of private land back to native plant habitat, and we can all help that effort by doing these five simple things:

1. **Shrink your lawn.** Try to reduce your lawn area by half.
2. **Plant more natives.** Especially those keystone plants, like oak. 14% of plants make 90% of the food for the ecosystem. Focus on planting those plants. Oaks, golden rods, perennial sunflowers, asters are some great ones.
3. **Remove invasive plants.** The top five we need to remove: Elaeagnus, honeysuckle, privet, nandina, wisteria. But there are others, like the Bradford Pear.
4. You don't have to rip out your other ornamental plants, **just don't have more than 30% of your plants be non-native.**
5. **Visit [Homegrownationalpark.org](http://Homegrownationalpark.org)** On this site you can add your location to a map to add the native plants that you are going to plant.

Besides helping feed the insects/caterpillars we need with the right plants, we need to stop killing insects.

1. **Switch your outdoor lights to motion lights or buy the yellow bug lights** that you can get easily at the store. This will help stop the unnecessary killing of moths and insects with light pollution.
2. **Don't use mosquito fogger in your yard.** They kill all the insects, not just mosquitos. If you want to kill mosquitos use the mosquito dunks in water to kill the larvae instead. Turn on a fan if sitting outside.

3. **Keep the ground soft and undisturbed around your trees and others plants.** 94% of caterpillars pupate underground, so we need to either landscape around trees with other plants so that there is soft ground that is undisturbed or leave leaf litter around trees so they can bury themselves undisturbed.

4. **Allow weeds on the side of the road!**

**The good news!** It has been inspiring to see the transformation of people's yards through this initiative and seeing hundred of new species of important insects appear. Check out [www.homwgrownnationalpark.org](http://www.homwgrownnationalpark.org) for more good news and more information on what YOU can do!

**NEW:** [Click here to sign up for more information from Laney about this initiative.](#)

## **UPDATE FROM POLICE DEPARTMENT**

Dan Walls from the Birmingham Police Department. He's a Sergeant at the South Precinct and has been there for 16 years. He asked if there were any concerns or questions from the community.

Judy asked how is the crime in the neighborhood? Sergeant Walls said violent crime is down, but property crimes are running about average. They are still battling car break-ins. Judy asked about exhibition driving and Sergeant Walls said there is some legislation pending. It's an ongoing challenge because of the way the laws are right now.

Laney asked about the string of break-ins of restaurants and bars and if there was an update there. There were charges for one person who broke into Automatic Seafood in Lakeview, but there has not been progress on the other restaurant break-ins. But he offered to follow up with Laney on this so they exchanged numbers.

James Fowler thanked Sergeant Walls for his service and mentioned how hard it has been to recruit police officers so he wanted to recognize Walls and thank him.

A question arose about the one-wheel electric skateboards. Walls does not think they are owned by a specific entity but they are not allowed on sidewalks. A resident said she saw nine on the street at night and that traffic had to stop to let them through. Walls said he will alert the police department about that. Judy asked if we should call that in when we see it and Walls said absolutely.

## **RESIDENTS FROM HANOVER COURT DISCUSSION ABOUT PARKING**

**Note: these notes are not verbatim, but a synopsis of thoughts. To hear direct quotes, [click here.](#)**

Eddie Johnson, a resident / owner at 2620 Highland (Hanover Court): he wasn't prepared with a speech, but he wanted to talk about a possible zoning change. He has been made aware of the zoning change for property next door to them: George's. He says he can speak for everyone in the building that they are very excited about the prospect. The building has been vacant for 15-20 years. The developer has bought that building and two buildings next to it – formerly Highland Package Store and Eats. He is excited about the prospect of a restaurant coming in. But the problem they have is that they are in a historic building built at a time when there were no automobiles. In the past 50-60 years, other places have built up around, and all have been fortunate to include parking for themselves. The building they are in is locked away from any permitted parking. They are the only building with *only* street parking. The concern they have is that they don't have anywhere to park.

He doesn't know the reason, but realizes there is less parking in the area. That has forced them to find themselves illegally parking on the premises of Eats, Highland Package, etc. Once the restaurant is in, there will be no parking for

them. Their building is only 12 units, but safety is a concern for walking in dark areas. The residents initially told the zoning committee they wanted to 'pump the brakes' on the proposal so they could discuss with the Neighborhood Association and they wanted to make a proposal to HPNA and City. Kathleen Rose Byington, a nearby resident, has done some preliminary work to discuss some alternatives that could help the residents tremendously and could also help the developer. Councilwoman Abbott brought up the fact that at a Zoning meeting – Planning and Zoning Committee – an interesting idea was brought up to seek permitted parking through a pilot program, where the residents would do the “policing” themselves. Sydney Blankenship, another resident of the building, has been looking into the pilot program, too.

**Eddie Johnson** said he is aware of the current plan that is concerning in the way in which the developer has proposed using valet for the flow of traffic on Niazuma and Highland. His concern is the path of the valet drivers and it feels convoluted to Eddie. He feels it will create more traffic issues with the valet service's planned route. He would like to discuss this.

**Sydney Blankenship:** The biggest thing to her is that every time it is brought up, she is told, “Oh it's Highland Park; there's no way this can happen,” and she wants to find solutions. Looking at different college towns or other places with parking issues, they self-enforce. She feels like if residents can be in contact with a towing company and if there is proper signage, the residents of Hanover Court can do something similar. She thinks a little can go a long way.

Someone asked for an explanation of self-enforcements.

Sydney describes that in a city like Auburn, there's a sign that says “No Parking” and the people who live there call the tow company and have the car towed themselves. If you're in a spot owned by the property owner, you have the right to call a tow company. You don't need to burden the police. She hasn't found any specific research study for numbers, but she personally feels like if she sees a no parking sign, she won't park there. The concern is the restaurant says it is relying on the valet service, but personally she would pick a parking spot over valet if a space is open, so she feels like other people would feel that way, too. She thinks having the option for street parking will overload the problem they already have.

**Kathleen Rose Byington** wanted to clarify the pilot program. Taking a look at 27th street, a short block between Highland Avenue and 11th Avenue South, there are 12 parking places on that street. If we had a pilot program with, for example purple parking passes and signs, that the residents could self-police. That would free up three spots on Highland Avenue in front of Hanover Court which would be restaurant patrons and would ensure Hanover Court had their own spaces. Kathy wants to focus on our neighbors at Hanover Court. George's didn't cause that parking problem, but our neighbors need our help. The city has helped us before, like with Hanover Circle, which made it impossible for people at St. Vincent's to park in those spots. Kathy recognizes that Elizabeth talked about the residents on 28th Street wanting private parking. The city has done some things and not done some things. Can the City help us on this one short block to come up with a pilot program for residential parking at Hanover Court?

**Sandra Bailey:** no, that is not fair. She has been fighting this battle for 30 years and does not feel like it is fair for one part of the neighborhood to get designated parking, but not all.

**Laney DeJonge:** if the pilot program works, maybe other parts of the neighborhood could be included.

**Adam Ward:** It's important to realize that the developer had not purchased Eats and Highland Package buildings when he presented in November. For the benefit of those that walk to restaurants, George's is a nice new restaurant with great landscaping.

**Morris Newman:** The developers of this location now control the building next door and that is very important. It was not a part of the project earlier. Now we must look at the whole project holistically. He feels that the City should not approve anything until there is a holistic design and we can see what the full plan is, including both properties. Morris is urging that the neighborhood and the City need to see this project as one project. It cannot be viewed in isolation. If it's an idea to put permanent parking or not can be figured out later, but we need to address George's as a whole.

**Kathleen** said Miller Mobley denied looking at buying the Eats building twice in the neighborhood meeting where the zoning change was presented.

**Adam** – I'm confused. The biggest complaint from the neighborhood was parking. So that piece of property was not included and now he has bought it?

**John Somerset:** he has to come back to the neighborhood if he wants to do anything with that building.

**Morris** – no, he won't have to, only if he wants to rezone that property. Let's assume the City approves the zoning request, that has nothing to do with this other property (Eats). He has two separate properties, and he now controls a big potential solution to the problem, and this should be incorporated together into ONE plan. He may have room for 20 parking spaces on that property. Here's a little more about what's next: first, he (Mobley) gets the zoning change, but now he won't have parking. The parking is not a part of the zoning change unless City Council says they want to look at that. Instead, you don't have adequate parking so you have to get permission from the Zoning Board of Adjustment, which is a different entity not through City Council. There will be some shifting around to get what he wants through ZBA. He may get a parking modification but because of the way the code is written, it won't be allowed. The reason is with inadequate parking, ZBA first looks at the nature of your business such that you don't need the parking. Then, Is there a city parking lot or deck within 1,320 feet, which is walking distance? No. Next, is there a surplus of on street legal parking within 1320 feet in a non-residentially zoned district? No. So there is no grounds for modification. But he can still do it via a special exception from the Zoning Board. It allows for remote parking, as long as it goes into a zoning district that allows it (commercial) and within a certain amount of feet. That requires the other property owner (commercial) to put a sort of "lien" on the property that is legally binding that they have to allow this special parking. The only way to get out of that is by action of the Zoning Board. The ZB has to find that granting that exception will not "impair the health, safety, comfort or convenience of the people". The point is: he doesn't know how they are going to do it, but they must HOLISTICALLY involve all the property owned by the developer.

Elizabeth asked on Zoom – would the Hanover Court residents need to essentially purchase the spots on 27th St. S. in order to have legal authority to enforce this idea by calling towing companies?

## **JAMES FOWLER, BIRMINGHAM DEPARTMENT OF TRANSPORTATION**

**James Fowler** - He's the Director of Birmingham Department of Transportation and is also a Highland Park neighbor.

Using the example of Auburn parking, the towing that occurs there is from private property - not the public right of way. Similarly, in Birmingham, in our commercial and residential lots with privately owned parking, there are agreements with towing companies, but we do not have that arrangement or legal authority to have that arrangement with the city or state on the public right of way. Secondly, let's say we *did* have that authority, we have a consistent policy that goes back for years that we do not designate spaces to specific users because it opens a can of worms that is hard to regulate. For example, which developments are worthy to get a public asset? That's a rabbit hole

and we don't even do that for city facilities (art museum, city hall, etc.) We are strict about that policy to not designate on-street public right of way. Therefore, there is no mechanism for a private pilot program like that.

Any questions there?

**Eddie:** I don't know anything about the pilot program. Is there such a thing? Are you aware of one?

**James:** Are you asking, is there a residential on-street permit program in the works here in Birmingham?

**Eddie:** No, are you aware of one? I am aware one may exist.

**James:** I am not aware of one exactly as the one described here, but it is our intent at BDOT to create a broader parking management system that would include Highland Park where there is high demand for parking where we have a system for management that parking but it looks a little different than what has been described here. We can't designate parking towards one building, but we might could have zones for parking with a pass that was purchased. We hope to create that type of a system which could help in this case, but there are quite a few steps to take before we implement it.

**Eddie:** are you currently working on that?

**James:** Yes but it looks a little different than how it sounds. He's been with the city for four and a half years. We've implemented changes and programs. It's a complex set of problems that must be solved, in particular with parking enforcement. Of all the thousands of tickets, only about 25% of those get paid, because there is no backend enforcement if you don't pay. They want to solve that problem so there is back end accountability people feel if they go too long not paying parking tickets. That's the first piece to solve and that's where they are starting.

**Eddie:** You've been working on that for how long?

**James:** It hasn't been solved in four and a half years for the same reason it hasn't been solved in the last 50 years. The barriers: parking enforcement officers are different from police officers so only a sworn police officer can tow or boot currently and as we know, the police department is short staffed. We have to go through an ordinance change to allow parking enforcement officers the ability to do that. Secondly, there are other tools that are effective for holding people accountable such as holding up renewals of driver licenses, license plates, etc. But before we get there, at the policy level, we must agree as a community on how to hold people accountable. It has been hard to come to agreement on this because law enforcement has the side where it can be interpreted unfairly for certain populations. These are solvable problems, but a very significant administrative lift to solve those problems. We must have the correct technologies to track this information and the patterns. One ticket vs. three tickets? The enforcement officers need the real time data and it needs to be accurate and well managed.

It sounds like a lot of excuses, but in order to make these changes, we must have legislative changes. We have to have actual management to design those programs and to guide it to completion with public input. When I got there, there was zero management, no staff associated with the parking system, and there was nobody set up to design the policy. We've created that position to a degree, and we implemented the electronic payment system recently (ParkMobile), but that person has a broad range of issues to work on so what we need to as a city is invest in parking management that can design and implement a program.

All that to say, the City has put it in their budget proposal this year to put in place the proper management and skill sets to guide that policy to completion. It may take a year or two to get there. There are a lot of moving pieces and only a few are in the control of BDOT. James is fully committed to helping solve this issue city-wide.

**Kathleen** – so we are 24-36 months away from any solution, so is it too bad for Hanover Court?

**James** – unfortunately, yes, the timing is bad.

**Rick Hubbard via chat:** Why does the city allow Bottega to block city parking spaces for their valet cars?

**James** – that is a police enforcement issue but that's not a problem that is a big enough complaint.

**Sandra** – is there a plan for permitted parking anywhere?

**James** – yes, the first step is the legislative issues.

**Jim Carnes & Erin Kellen via chat:** As Air-BnBs proliferate around the neighborhood, how is the city looking at the resulting parking challenges?

**James** – similar answer. Highland Park is popular, with that demand, it creates parking pressure so that speaks to the importance of getting this issue solved.

**Sydney Blankenship via chat :** Could Hanover Court purchase or rent those spots in order to privately enforce?

**James** – we have not done that before, but during pandemic, we did allow for some restaurants to create curb spots and some on-street dining took some parking spots but that's the only time we've done that.

**Ralph Crowe via chat:** you promised that after the World Games that the 28th St parking problems would be paramount. It sounds like nothing has been done.

**James:** I'm really sorry folks are experiencing problems. We have limited tools (signage) and it isn't effective if there isn't back end enforcement.

**Sydney Blankenship :** Has the city thought about the enforcement or cost issue to adding more lighting to the neighborhood for when people have to walk 4 blocks just to get home?

**James:** We spend \$7 million a year on street lighting. Highland Park is one of the better-lit neighborhoods and is very walkable.

The city-wide policy is a street light at every intersection. Beyond that, about every 500 feet or less and in Highland Park there is quite a bit more than that. Lighting within a park, like the three parks along Highland, is managed by Parks and Rec, not BDOT. If you think any spot is unsafe or uncomfortable, please call BDOT and they can investigate.

**Laney:** but are the lights bug-friendly?

**James:** that's an Alabama Power question!

**Kathleen:** Since there's a lack of enforcement if I put out two parking cones in front of my house, what are the consequences?

**James:** You would probably frustrate your neighbors. The streets are shared by a broader group than just your neighbors, like visitors, delivery people, etc. You'd be violating some ordinance and police may come to address that issue. If someone causes a parking violation, improperly parking, there is a database of those tickets but not a backdoor mechanism to follow up.

**Sandra:** Can 28th street get anything like 29th has or even like the street next to Bogue's? (Parking spaces painted on street)

**James:** We did that on 29<sup>th</sup> Street, a very wide street, but that's a different category of street. I do think traffic calming is appropriate on 28<sup>th</sup>. We get hundreds of requests and we are addressing that. It's probably already on our list but if it is not, please reach out to the city.

There was more conversation about what the George's location was before.

**Person in room:** November last year we had a conversation about traffic calming and speed humps on 31<sup>st</sup> street. Is there an update there?

**James:** Yes, we just had a shipment come in and our vendor left out some, but we can start placing those. We are starting with streets with significant crash issues and within the next few months, you should see them.

**Person in room:** Does that include the stop signs and striping?

**James:** During winter, we try not to do any striping as it doesn't last. We are starting back on the striping now. We will start on one end of Highland to do crosswalks and all way stops. You will see those this spring and summer. We don't paint the curbs because it is hard enough to maintain striping on the roadways. There are a lot of creative solutions out there.

**Elizabeth via chat:** Our April meeting will have an update on sidewalk striping efforts and stanchions from Friends of Highland Park.

**James:** In closing, anytime we talk about creating a walkable neighborhood, like Highland Park, as we continue with in-field development, we will have some uncomfortable tension within the system. That's natural. Where communities run into bigger challenges is when we seek through regulation to address parking concerns, we end up with an auto-centric result. I hate you're on the front end of feeling that tension, but there are some benefit trade-offs, like property value increases. All concerns are completely valid and understandable.

**Eddie:** do you have any of that uncomfortable tension where you live?

**James:** Great question, yes, I battle some parking issues with the IPC church parking on Sundays and other event days. But he feels the benefit outweighs the negative.

**Eddie:** That's one day a week at a certain time as opposed to every day.



**Judy:** to be fair, I live on 13<sup>th</sup> and we don't have parking either. We have Rojo patrons that take our parking too. We have an emotional reaction to doing something on one street, because we all feel this tension. We need a holistic way to address the issue.

**Eddie:** but we don't have a holistic plan yet.

**Kathleen:** it seems we benefit the church, but not the people who live next to the church, the restaurant and not the people who live next to the restaurant. And I understand we don't want to tear down pretty houses and buildings to build parking lots and we have a tension where once the restaurant opens, the closest parking place is four blocks away?

**Judy:** well we haven't seen a holistic approach yet. We can't say it doesn't benefit the resident because we haven't seen it yet.

**Kathleen:** but the discussions are always about we can't do anything to stop them from making money and being successful, so one thing is ok for intervention and one thing isn't ok for intervention?

**Judy:** I don't think the conversation has had that tone. We are all trying to figure it out together and we just haven't figured it out yet. We are here discussing.

**Kathleen:** What is the proposal for helping Hanover Court residents?

**Morris:** I have a proposal. That the neighborhood Zoning Investigative Committee convenes a meeting with George's developers in light of them owning the Eats property and we will make sure the nearby residents are invited to attend.

**Djovan Oliver via chat :** How do we make sure parking concerns are addressed before this restaurant proposal is approved?

**Sydney Blankenship via chat:** Plus no loading zone for groceries, etc....if parking is off the table, I'm assuming loading zone is too?

**Glenn Kinstler via chat:** Is the subject of George's closed?

**Councilwoman Abbott in chat:** Not from the City's point of view. The rezoning request will come before the Council in April.

**James Fowler:** We can look at loading zone spaces. In a residential area that can benefit folks unloading groceries, Amazon driver, etc. If that's a request, please submit it in an email to our office.

**Eddie:** that reminds me, I see the postman park at the property because of no parking.

Conversation that is unclear...

**Morris:** Basically, there is a mandate if anyone asks for a zoning change or variation, they come before the independent committee or residents and they make a recommendation to this body (HPNA). It strikes me that is the

perfect group that should invite in the impacted residents and George's to come together, even if it is to agree to disagree, but there will be dialogue and proposals. If it just goes to the city, they just make a decision.

## **FIRST MOTION MADE**

**Morris:** I make a motion that the Neighborhood Zoning Investigative Committee take under consideration to invite the principals of the George's restaurant project to meet with directly affected neighbors to consider a holistic view approach to the two properties that they own specifically to ameliorate parking problems and anything else of concern to the residents

**Kathleen seconded the motion.**

**Elizabeth Sanfelippo via chat :** Clark Bailey, are you open to that?

**Clark Bailey via chat (Parking Engineering Consultant for George's):** I am happy to present that to the property owner

## **VOTE**

9 in the room and 4 on chat vote yes.

2 on chat vote no, none in the room.

The motion carries!

## **COUNCILWOMAN VALERIE ABBOTT'S REPORT FROM CITY COUNCIL**

**We spent a lot of money, but not on anything interesting.**

1. The ARPA funding is being spread around. Each district got \$3 million. Highland Park took \$2 million of it. The remainder of the funding will go to the other neighborhoods.
2. The City has gotten several grants to help with street paving but none of that is in District 3. As we talk about parking solutions, it's unfortunate, but the city has not provided a lot of solutions for residents and has tended to help businesses get what they want. She reminds the Mayor the residents are the ones who vote, not the businesses! Her hope is that before we overload neighborhoods with commercial parking, we will first take care of residents. It's not rocket science but difficult for elected officials to relate to. We must take care of our residents. THIS Council she is serving on is the most responsive to residents than any other Council thus far. They truly believe that helping residents first is important and she is hopeful we can come up with a good solution. She's an advocate for residents first. When she votes in her own neighborhood, she considers how would I feel if this was right in front of my house?

There is a District 3 website so people can keep up with what is happening. [www.bhamdistrict3.com](http://www.bhamdistrict3.com)

No questions for Councilwoman Abbott.

## **OLD BUSINESS**

Elizabeth is following up with the Alethia House owned Monterey Apt. Building question about any plans for upgrades, better upkeep, repairing the unit that burned, etc.

New trees purchased with Neighborhood funds are being planted now by the city!

## **NEW BUSINESS**

None

## **ANNOUNCEMENTS**

Next meeting is Tuesday, April 11 at 6 pm and will be hybrid.

## **ADJOURNMENT**

Morris moved to adjourn. John Somerset seconded. The meeting was adjourned.

Minutes By Kelly Marshall, Secretary, Highland Park Neighborhood Association