

# Highland Park Neighborhood Association

## July 2023 Minutes

Meeting Date: July 11, 2023

[Link to meeting recording](#)

President Elizabeth Sanfelippo called the July 2023 meeting of the Highland Park Neighborhood Association to order at 6:00 pm. She welcomed everyone and introduced herself as President, Judy Jones as Vice President and Secretary Kelly Marshall.

### Roll Call

Sanfelippo performed a roll call of online attendees as required by the city.

### June Minutes

Sanfelippo asked if there were any corrections or additions to the June meeting minutes. Kathy Byington moved to approve the minutes for the June meeting. Franklin Traver seconded the motion. A vote was taken, no one was opposed, and the minutes were approved.

### Rachel Letcher with Highland Park Community Garden with a Garden Update

Rachel is an intern with the Highland Park Garden as part of her master's program. Tori McDonald, who started the Garden, also started as an intern. Rachel encourages everyone to visit the Gardens as they are a great addition to the neighborhood.

A few updates from the Garden:

- 19 individual plots and 1 large community garden plot
- The 1 community garden used the "square foot" garden technique this summer which had a higher yield of fruits and vegetables but gave more people an opportunity to participate if they didn't have their own plot
- Native plants were planted along the border beds with natives from Ruffner Mountain, Birmingham Botanical Gardens and Turkey Creek
- They have been hosting a series of workshops this past summer including how to compost, companion planting, native plants, critter control and more.
- The Garden is seeking new members for their Garden Committee for people interested in helping the garden continue its success. The duties are: attending monthly meetings, assisting with the lottery for garden plots, helping with garden work days throughout the year, and assisting with fundraising efforts. If interested, please email Tori at [highlandparkgardens@gmail.com](mailto:highlandparkgardens@gmail.com)
- Sign up for their monthly newsletter by emailing Tori at [highlandparkgardens@gmail.com](mailto:highlandparkgardens@gmail.com) above too.

Also, If someone is not chosen in the lottery, they are given double chances the next year.

### George's Restaurant Parking Continued Conversation

Clark Bailey thanked the neighborhood for having George's at the meeting again. He reminded everyone of the basics of the final step in the development process which is with the Zoning Board of Adjustments for a modification since the ZB requires 45 off-site spaces, George's needs a variance or modification in order to move forward. Tonight, he will address parking vehicles coming to the restaurant. He showed the rendering of the restaurant. Next, he went over the parking options for the restaurant which would include free valet parking. The restaurant customers would use the valet service by entering where there is currently the porte cochere, to the right of the building, down the driveway, and then the car would be taken a block away to the TIA property, where there are about 60 marked spaces. The valet can store even more than that there, but that is what is marked. The return of the car would happen in the front of the building along Highland Avenue in a current loading zone. They feel this is an adequate amount of parking spots. Their request to ZBA would address that. Bailey recognizes that there are issues with the ordinance and wants to address them.

The location for George's falls into a gray area since the parking they are providing is not on their property, but rather across the street. They are aware of all the parking concerns so they commissioned a parking occupancy study. They picked a radius within a 5-minute walk around the restaurant to examine available parking spots. He shared a map of the total inventory of on-street parking around the site location. They recognize the scarcity of parking right in front of Hanover Court Condos. The developers looked at Thursday, Friday and Saturday evenings from 5-9 pm and averaged the parking options around the location. Their map illustrated those demands for parking.

A question was asked if this takes into account when Virginia Samford Theatre had an event. Bailey said that one of the studies was during an event, but not a major one.

Bailey reminds everyone the goal of the restaurant is for parking to take place in the valet spaces - not to use on-street parking. They recognize they can't restrict where customers park but say it's pretty common for this type of restaurant to have valet.

### **Morris Newman With Request for Additional Meeting with Zoning Committee with George's Developers**

Morris Newman says that based on what he and the Zoning Committee (ZC) knew in advance of this neighborhood meeting and mindful of what the code says, the ZC is prepared to recommend a vote from the neighborhood to deny the request. Newman said that modifications under the zoning code has specific requirements that must be met, and you must meet at least ONE of these three criteria:

1. the character or use of a building or premises is such as to make unnecessary the full provision of parking
2. If a designated public parking lot or deck is available within walking distance, equal to 1,320 feet,
3. If there is a surplus of on-street parking, in a commercial, mixed-use, manufacturing or industrial district.

The ZC and ZBA believe that our neighborhood is not a commercial, mixed-use, manufacturing or industrial district. According to the law, this parking modification would be against the law. The developers do not meet at least one of the three criteria. If you meet at least one, the ZBA could grant the modification, but according to these criteria and characteristics, the area does not meet the criteria.

Bailey asked how a commercial district is defined? Newman answered that it is straight-up according to the zoning map. Bailey asked if the Highland Park overlay district would determine commercial vs residential? Newman is not sure, but does not believe that commercial applies to the restaurant's location legally.

When Bailey looks at the Highland Park overlay districts Zone 3-5, he believes that the commercial applies to the restaurant location and that there is adequate on-street parking available in those zones according to their study. They want to find a legal path to meet the requirements of the ZBA.

Newman reminds everyone of what happened 30 years ago when development was coming into Highland Park frequently and they wouldn't meet with the Zoning Committee in enough time to work together before meeting with the ZBA. At that time, they formed a Zoning Committee. Newman wants the developers of George's to meet with the ZC to deeply and thoughtfully discuss these plans. He's not sure why the developers haven't met with the ZC yet, but is very interested in making that happen now. Newman is recommending the developers ask for a continuance with the ZBA and meet with the ZC quickly. Newman wants a holistic plan created with the developers and the Zoning Investigative Committee - together.

Bailey is certainly willing to consider that. The developers want to remind they have met with the neighborhood several times and are not trying to blindside anyone with this project. Newman says that he wants to have that meeting because the current plan will not pass the ZBA since it does not fit one of the above three criteria.

There was further discussion about parking around Highland Avenue.

John Tomlinson, a resident and representative of 76 properties on Hanover Circle, agrees with Newman that under the right conditions, this restaurant will be great for the neighborhood. He also agrees with Newman specifically on the parking modification request. Tomlinson is troubled by the response from George's in reference to asking for a continuance from the ZBA in order to fully discuss with the ZC. He's also troubled about not knowing about the other properties the developers have purchased.

Tomlinson wants to remind everyone of what we've discussed in the past about the parking at Hanover Circle. Those spots should never be considered in any parking studies and he is concerned they were highlighted in George's parking study. He also wants everyone to consider that restaurants have a high rate of failure, regardless of the developer's intent. He's worried if the restaurant fails and this variance goes through, we will have a bigger problem with parking.

Tomlinson stresses that he wants the developers to meet with the ZC to discuss the parking concerns holistically.

Bailey points out that he has not responded to Newman's request and has not declined any invite to the zoning committee and they are not pitching to use any of the parking in Hanover Circle for their restaurant. Before committing to meeting with the ZC, Bailey wants to know what the specific problem/solution is that would be discussed at a meeting with the ZC. Is it to find a legal pathway to allow George's to have the parking modification?

Newman says the problem is: George's have requested modification from the ZBA. In order to get that, you must have to show one of the three criteria discussed above and George's does not. There are questions about the overlay map of districts to discuss, too. But as of now, the ZBA cannot support it because it does not fit one of the three criteria so they won't support the modification.

There was further discussion of some hypotheticals, and Bailey stated he really wants to find a solution and move forward. Sanfelippo asks Kim Speorl if she has some insight about the overlay map of the districts of Highland Park they are discussing. Speorl says yes, they have that map that has the radius around the location, and that there were properties zoned commercial and mixed-use within that area. Speorl can't find the map on her phone right now, but she does confirm there are commercial and mixed-use districts within that zone. Newman says George's would need to demonstrate there are 45 parking spots within those zones then.

Newman again asks if the developers would work with the ZC to discuss creative ways to make this work as quickly as possible to find a viable solution. Bailey agrees they will ask for a continuance and will work to find a date to meet with the ZC. Newman asks if Speorl heard that official request for a continuance and she says she did.

Judy Jones wants to point out that nothing really HAS changed since the first time George's presented to the neighborhood. The support from the neighborhood is still there, but we've just bumped up against a legality with the parking modification. She wants George's to know the neighborhood still supports their arrival! She also doesn't want a parking lot on Highland Avenue.

Newman states again he wants to explore these sites holistically, knowing what is available.

There was a suggestion to set a date for that meeting tonight, when everyone is together. They will do that after the meeting adjourns.

### **A representative from Birmingham Police Department from Officer Dominic Menendez**

This is not Officer Menedez's typical beat neighborhood, but he was asked to speak on behalf of our representative who could not attend. He stated that the police department is aware of the rise in numbers of the homeless population in the area. He states it's because the Supreme Court decided not to allow the arrest of unhoused people if they are panhandling, which is not illegal. Menendez says that made them come out of the woodwork. If they are a traffic hazard, the police can do something about that. He says supposedly someone is building shelters somewhere, but it

is only a drop in the bucket of housing the homeless people. If a homeless person wants help, he can help them – only if it is during the day. No shelters are open overnight now. That needs to be addressed by the City Council, and police have no control over it. The homeless situation is only going to get worse, according to Menendez. He also thinks homelessness and crime go hand in hand.

The police department now has a Homeless Outreach Officer - Officer Adams and if you or someone you know encounters a homeless person who needs help, call the South Precinct at 205-254-2793 and ask for the Homeless Outreach Officer who helps with permanent and temporary housing, food, substance abuse, etc.

Cars are also being broken into more frequently lately. He calls on citizens to help with this. Here are things we can do to help lower the amount of cars being broken into:

- Don't leave valuables in your car
- Don't leave weapons in your car, like handguns
  - If you must leave something like this in your car, put it in the trunk or under the seat
- Leave your doors locked. Officer Menendez says most criminals will just look for an unlocked door.
- Park in a well-lit area

Officer Menendez says Hyundais and Kias are being broken into more frequently too so be aware of that. If you have a garage and have one of those cars, park in the garage.

A resident asked about the issues at the Monterey Apartments, across from Independent Presbyterian Church. It's owned by Alethia House and provides low-income housing as they recover. She has had to call the police twice a month since she has lived there. She has seen prostitution deals, drug deals, a hearse carrying a dead body out. She is worried something very bad is going to happen. A few units are burned out, they are loud, and they have parties in the parking lot with alcohol. She doesn't know what else to do about it. She says there are some who bully others into violence, etc. She doesn't feel safe in her condo unit anymore and wants to know what else she can do? The conditions are declining rapidly.

Sanfelippo said she will call a meeting with the Aletheia House representatives and the South Precinct.

Officer Menendez says he has never seen the homeless problem and mental illness and drug overdose problems like he has seen now and thinks it is only going to get worse. He likes to tell people: obviously, they can't be everywhere all the time and there is a police officer shortage in the country, and that is not going to get better either. So, the police need community members to help them. Residents are the police's eyes and ears to help catch the bad guys. You can get security cameras for your houses and if you see something, say something. Call the police when you see something suspicious. If you have a gun, keep it with you, and don't leave it in your car, because that is something criminals are looking for. If you see someone walking late at night with a backpack, that's suspicious.

### City Council Update/Councilwoman Valerie Abbott

Sanfelippo introduced Councilwoman Abbott. Abbott said today was Council day. She said they approved a \$5 million dollar budget for a new amphitheater at the old Carraway Hospital. She was the one lone vote against it and she reminded us that she will always vote against projects that don't take into account sufficient parking, like the football stadium.

She discusses the need for more parking in Birmingham and how the current administration is trying to create a path to do away with parking requirements, even though our city residents are heavily dependent on their cars. She says the amphitheater will be paid for with our tax money, from city, county and state taxes. She is also concerned about the residents of Druid Hills who will return home to a bunch of cars parked in front of their house.

We accepted \$3.125 million from Walmart in an opioid settlement that requires that funding be used to help those with drug addiction issues. We also hope to receive money from Walgreens, CVS, etc. who assisted in the proliferation of opioids. There may be more help for those drug-addicted than there used to be.

A resident asked why did the city council give \$1 million to Yo Mama's Restaurant? Abbott said the City has several programs to increase the number of minority businesses, and this is one of them. Abbott wonders if it fails, does the city get anything back? There's not a good answer for that. A resident asked if there is any way to get an accounting of how much our neighborhood taxes provide to the City.

Abbott says to look at Open Data on the City's website, and that she will ask.

The resident then asked how much of that money comes BACK to our neighborhood?

Abbott reminded what the City Council does, which is approve ordinances, but she has no authority over any other city employee. The Mayor is in charge of the other employees, which handle sidewalks, derelict houses, budgets, etc. The resident wondered if the Mayor could attend our neighborhood meeting to hear our concerns? Abbott said she can help pass ordinances, but she will also talk about neighborhood funding income and expenses.

The resident then asked about the \$58,000 funds for Highland Park and asked if that was real money. Abbott said that yes that is real money and that Highland Park has a history of wisely spending our budgeted money, rather than on events or frivolous activity. She says Highland Park does capital projects that are meaningful and will still be around in ten or more years. The resident then asked how do projects happen or get approved? Abbott explained that in a nutshell, the Highland Park Neighborhood Association discusses a project at a meeting, then votes to approve, that project is then submitted to the community development department and that project then goes through the slow grind of getting done. The resident then asked how we spend our budget? Abbott says you vote to spend it, then the city bids the projects out, etc. Judy Jones reminds the resident that we also have the Friends of Highland Park non-profit organization where you can also

present ideas and then if accepted, can complete projects. This is a path that can be explored outside of the City's red tape.

### **OLD BUSINESS**

Sanfelippo said the lights in Rushton Park have been replaced, which is great news.

Rushton Park also finally has the mulch about to be delivered!

The bollards by the Sirotte building have been removed.

Sanfelippo has now been tasked with finding contractors to solicit bids for fixing the sidewalks.

Please send any names of potential companies to the neighborhood email.

Traffic calming is about to get underway but the timelines are unclear.

There will be a Community Meeting July 31 at 6 pm at Birmingham Botanical Gardens. The neighborhoods include: Redmont, Forest Park, South Avondale, Highland Park. Joshua Yates will be there to discuss the new trash can system. There will also be a virtual option.

Crosswalk stripes were restriped!

Next meeting is August 8. [This was canceled because of the Community Meeting]

### **NEW BUSINESS**

None

The meeting was adjourned at 7:35 pm.

Respectfully Submitted,

Kelly Marshall

Secretary, Highland Park Neighborhood Association