

AGENDA

REGULAR MEETING OF THE COUNCIL CITY OF BIRMINGHAM, ALABAMA CITY COUNCIL CHAMBERS – THIRD FLOOR CITY HALL

April 22, 2008 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

**INVOCATION: Reverend Anre Faush, Pastor St. Paul A.M.E. Church of Fairfield,
Alabama**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETING: February 26, 2008

MINUTES NOT READY: March 4, 11, 18, 25, April 1, 8, and 15, 2008

COMMUNICATIONS FROM THE MAYOR

CONSIDERATION OF CONSENT AGENDA

All items designated as “Consent” are considered to be 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

- (ph) **ITEM 1.**
An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. **ZAC2008-00022**) to change zone district boundaries from R-3, Single Family Dwelling to R-6, Multiple Dwelling District, filed by Deaundray Mack, applicant, representing the owner, Chrislin, LLC., for properties located at 2420, 2424, and 2426 Pearson Avenue, and situated in the SW1/4 of Section 8 Township 18-S, Range 3-West, and the **hearing** of all interested parties. (Submitted by the City Attorney)(Recommended by the Z.A.C.)(No Recommendation by the Planning and Zoning Committee)**
- (ph) **ITEM 2.**
An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. **ZAC2008-00026**) to change zone district boundaries from R-3, Single Family Dwelling to R-5, Multiple Dwelling District, filed by Barbara Bell, applicant, representing the owner, Ida Swift, for property located at 2300 and 2304 Pearson Avenue, and situated in the SW1/4 of Section 8, Township 18-S, Range 3-West, and the **hearing** of all interested parties. (Submitted by the City Attorney)(Recommended by the Z.A.C.)(No Recommendation by the Planning and Zoning Committee)**
- (ph) **ITEM 3.**
A Resolution relative to the application of Pearson Food Mart Inc. for an Off Premise Beer and Wine License to be used at **Pearson Food Mart Inc.**, 1708 Pearson Avenue, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- (ph) **ITEM 4.**
A Resolution relative to the application of Alsharafi, Mohamed S O for an Off Premise Beer and Wine License to be used at **South Town Convenience Store**, 900 23rd Street South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee)(Recommended by the Public Safety Committee)

(ph) **ITEM 5.**

A Resolution relative to the application of Vonquieneti McDaniel for an On and Off Premise Lounge Retail Liquor Class I License to be used at **Big Poppa's Place**, 4529 Airport Hwy., Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) **ITEM 6.**

A Resolution relative to the transfer of Twelfth Era Inc. for an Off Premise Beer and Wine License to be used at **First Avenue Exxon**, 5901 1st Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) **ITEM 7.**

A Resolution relative to the transfer of Patillo Enterprises LLC for a Restaurant Retail Liquor License to be used at **Club South**, 1102 10th Street South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph) **ITEM 8.**

A Resolution relative to the application of Sheev Inc. for an Off Premise Beer and Wine License to be used at **Jet Pep**, 4607 5th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) **ITEM 9.**

A Resolution relative to the application of Gabrella Manor Inc. for a Division I Dance Permit to be used at **Gabrella Manor Inc.**, 8912 4th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) **ITEM 10.**

A Resolution relative to the application of Gabrella Manor Inc. for a Special Retail Liquor License 160 to be used at Gabrella Manor Inc, 8912 4th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) ITEM 11.

A Resolution relative to the application of Jimmy Lamar Eatmon for a Division I Dance Permit to be used at **Nomtae Entertainment Event Center LLC**, 4600 5th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) ITEM 12.

A Resolution relative to the application of Nomtae Entertainment Event Center LLC for a Special Retail Liquor License 160 to be used at **Nomtae Entertainment Event Center LLC**, 4600 5th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) ITEM 13.

A Resolution relative to the application of Episcopal Housing Foundation Inc. for a Special Events Retail License 140 to be used at **Gumbo Gala** for May 10, 2008, at Caldwell Park, 1124 26th Street South and Rhodes Park 2739 Highland Court, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) ITEM 14.

A Resolution relative to the application of Hooters of Homewood Inc. for a Special Events Retail License 140 to be used at **Hooters of Homewood** for May 30, 2008, at 1278 Oak Grove Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph) ITEM 15.

A Resolution relative to the application of Hooters of Trussville LLC for a Special Events Retail License 140 to be used at **Hooters of Trussville LLC** for May 10, 2008, at 1917 Edwards Lake Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT (ph)

ITEM 16.

A Resolution relative to the application of Alabama Symphonic Association Inc. for a Special Events Retail License 150 to be used at **Alabama Symphony Summer Concert Series** from May 23, 2008 to June 13, 2008, at Caldwell Park 1124 26th Street South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

(ph)

ITEM 17.

A Resolution relative to the application of **Robert Ellis** 220 4th Street, Birmingham for an Itinerant Junk Dealer’s License, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Chief of Police and the Public Safety Committee)**

(ph)

ITEM 18.

A Resolution relative to the application of **George Evans** 2308 Beulah Avenue SW, Birmingham for an Itinerant Junk Dealer’s License, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Chief of Police and the Public Safety Committee)**

CONSENT(ph)

ITEM 19.

A Resolution authorizing the abatement of the nuisances existing on the following properties and the costs of such abatement to be assessed against and constitute a lien upon such properties, and the **hearing** of all interested parties: (Submitted by the City Attorney) (Recommended by Councillor Witherspoon, Chairperson, Public Improvements and Beautification Committee)

- | | | |
|-------------------------|---------------------------------|---|
| 1. 22-28-1-06-01.000-RR | 709 FINLEY AVE W 35204 | LOT 2 BLK 71 KEISER SUB OF WADE TRACT |
| 2. 22-34-2-05-38.000-RR | 516 10TH CT W 35204 | LOT 5 BLK 8 COLLEGE HILLS |
| 3. 2-28-4-39-02.000-RR | 945 11TH CT W 35204 | LOTS 13-14 BLK 17 EAST THOMAS |
| 4. 29-20-2-11-15.000-RR | 2709 PARKLAWN AVE SW 35211 | LOTS 7 & 8 BLK 13 PARK LAWN |
| 5. 22-28-1-06-02.000-RR | 713 FINLEY AVE W 35204 | LOT 1 BLK 71 KEISER SUB OF WADE TRACT |
| 6. 29-19-1-09-02.002-RR | NEXT TO 3532 ELLIS AVE SW 35211 | LOTS 14 & 15 D R HARMONS ADD TO POWDERLY BHAM SECT 19 TWSP 18S RANGE 3W |

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7. 22-24-4-22-34.000-RR	1416 31ST ST N 35234	LOT 6 BLK 27 BHAM RLTY COS ADD NO 4
8. 23-20-4-21-09.000-RR	755 45TH PL N 35212	LOT 8 BLK 1 HILL TOP SUR
9. 22-28-4-20-10.000-RR	1204 8TH ST W 35204	LOTS 1-2-3 JOE MARTIN RESUR LOTS 1 TO 6 BLK 1 WM GOULD
10. 22-28-4-20-11.000-RR	1210 8TH ST W 35204	LOTS 4 & 5 JOE MARTIN RESUR OF LOTS 1 THRU 6 BLK 1 WM GOULD
11. 22-27-3-03-20.000-RR	717 13TH AVE W 35204	LOTS 12 & 13 PRATT LAND & IMPROVEMENT COS RESUR OF BLK 3 GOULD SUR
12. 22-27-3-03-21.000-RR	718 13TH AVE W 35204	LOTS 10 & 11 PRATT LAND & IMPROVEMENT COS RESUR OF BLK 3 GOULD SUR
13. 22-33-4-06-17.000-RR	612 9TH ST W 35204	N 36 FT OF LOT 20 BLK 9 OWENTON
14. 22-34-3-29-23.000-RR	410 5TH ST W 35204	S 40 FT LOTS 21 & 22 BLK 10 1ST ADDITION TO EARLE PLACE
15. 22-34-3-30-17.000-RR	424 6TH ST W 35204	N 46.7 FT OF S 93.4 FT OF LOTS 1 AND 2 BLK 13 1ST ADD TO EARLE PLACE
16. 22-33-4-06-16.000-RR	610 9TH ST W 35204	S 45.6 FT OF N 81.6 FT LOT 20 BLK 9 OWENTON
17. 30-02-2-14-01.000-RR	5400 10TH AVE 35224	BEG TH N MOST PT OF LOT SD PT BEING ON TH W/L OF TH NW 1/4 SEC 2 TP 18 R 4W 982 FT N OF TH SW COR OF NW 1/4 SEC 2 TH CONTINUED
18. 30-02-2-02-02.000-RR	4938 7TH AVE 35224	LOT 1 & 2 BLK 1 OAKMONT SURVEY
19. 30-01-2-24-01.000-RR	ACROSS FROM 916 ALBANY ST 35224	BEGIN AT THE NW COR OF PARCEL SAID PT BEING SE INTER OF 9TH AVE & ALBANY ST TH S 665 FT S ALONG E R/W OF ALBANY ST TO CONTINUED
20. 13-23-1-13-29.000-RR	1012 PARKWOOD CIR 35215	LOT 2 BLK 1 WINEWOOD 5TH SECT 141/44 AMENDED 146/26
21. 13-23-1-10-23.000-RR	866 DUNWOODY LN 35215	LOT 16 BLK 2 GARNER & GRABOWSKIS 2ND ADD TO SUN VALLEY 121/27
22. 23-12-3-10-18.000-RR	8217 10TH AVE S 35206	LOT 33 BLK 204 W H HOOD RESUR OF BLKS 205 & 214 & PT OF BLKS 204 & 215 LAKEWOOD
23. 22-32-4-32-01.000-RR	2849 20TH ST W 35208	LOT 15 BLK 6 OWENTON ENSLEY HGLDS
24. 22-32-4-23-18.000-RR	1728 EUFAULA AVE 35208	LOT 12 BLK 2 OWENTON ENSLEY HGLDS
25. 12-30-1-01-09.000-RR	232 NAVAJO TRL NE 35215	LOT 13 BLK 8 WINNETKA ESTATES 56/10

26. 13-25-1-12-16.000-RR	1135 6TH ST NW 35215	LOT 7 OAKVIEW HILLS
27. 12-32-2-04-16.000-RR	1336 WESTMINSTER PL 35235	LOT 28 BLK 7 PARAGON MANOR 6TH & 7TH SECTORS
28. 23-07-3-06-16.000-RR	4405 F L SHUTTLESWOR DR 35207	LOTS 2 & 3 BLK 1 HARRIMAN PARK
29. 23-07-3-06-15.000-RR	4411 F L SHUTTLESWOR DR 35207	LOT 4 BLK 1 HARRIMAN PARK
30. 22-32-4-32-24.000-RR	2844 20TH PL W 35208	LOT 20 BLK 6 OWENTON-ENSLEY HGLDS LD CO
31. 22-32-4-34-02.000-RR	2855 20TH PL W 35208	LOT 17 BLK 9 OWENTON ENSLEY HGHLDs
32. 22-32-4-34-03.000-RR	2853 20TH PL W 35208	LOT 16 BLK 9 OWENTON ENSLEY HGLDS
33. 22-32-4-34-04.000-RR	2849 20TH PL W 35208	LOT 15 BLK 9 OWENTON ENSLEY HGLDS
34. 22-32-4-27-19.000-RR	2850 20TH ST W 35208	W 1/2 OF LOT 19 & E 1/2 OF LOT 20 BLK 5 OWENTON ENSLEY HIGHLANDS
35. 22-32-4-23-19.000-RR	1724 EUFAULA AVE 35208	LOT 10 BLK 17 SHADYSIDE SHADYSIDE SUR
36. 22-28-2-16-12.000-RR	364 3RD ST 35214	LOT 13 & SW 1/2 OF LOT 14 BLK 8 THOMAS
37. 22-34-3-10-18.000-RR	818 6TH ST W 35204	P O B 200FT S OF THE SW INTER OF 6 TH ST W & 8TH CT W TH S 45S FT ALG 6TH ST W TH S E 75S FT ALG 6TH ST W TH W 220S CONTINUED
38. 13-25-1-03-38.000-RR	1137 ROEBUCK LAWN DR 35215	LOT 10 BLK 1 ROEBUCK LAWN ESTATES 1ST SECTOR
39. 22-34-3-30-09.000-RR	624 4TH AVE W 35204	LOT 11 BLK 13 1ST ADDITION TO EARLE PLACE
41. 22-34-2-15-18.000-RR	920 5TH ST W 35204	LOT 6 BLK 2 COLLEGE HILLS
42. 22-34-2-15-17.000-RR	916 5TH ST W 35204	LOT 5 BLK 2 COLLEGE HILLS
43. 22-32-3-15-03.000-RR	2104 17TH ST 35218	E 43 FT OF W 73 FT LOTS 28 THRU 30 BLK 3
44. 29-15-2-02-32.000-RR	849 NASSAU AVE SW 35211	LOTS 24 THRU 26 BLK 4 MONTEVALLO PARK
45. 29-11-3-17-01.000-RR	2117 CENTER WAY S 35205	LOT 15 BLK 5 GREEN SPRINGS HILLS 4TH ADD & LOT 8 BLK 5 GREEN SPRINGS HILLS 2ND ADD LESS THAT PT OF BOTH LOTS CONTINUED

46. 23-14-2-08-09.000-RR	7801 5TH AVE S 35206	SW 1/2 LOTS 1&2 BLK 24 SO HGLDS EAST LAKE FACING 85 FT ON 78TH ST & RUN-NING BACK OF UNIFORM WIDTH
48. 23-23-2-02-06.000-RR	6820 OPORTO MADRID BLV S 35206	LOTS 2 & 3 DAVIS ADD TO GATE CITY LESS E 8 FT FOR MADRID
49. 23-14-3-14-04.000-RR	7339 KIMBERLY AVE 35206	LOTS 20 & 21 BLK 12 EAST LAKE 2 HGLDS
50. 23-23-2-13-02.000-RR	6801 KIMBERLY AVE 35212	POB NE INTER 68TH ST & KIMBERLY AVE TH N 390(S) FT TH
51. 23-22-1-06-04.000-RR	6627 4TH AVE S 35212	LOT 5 BLK 2 BOWDEN-BISHOP ADD TO WOODLAWN HTS 1ST SECT
52. 22-15-4-22-05.000-RR	1400 36TH AVE N 35207	LOT 8 BLK 4 MABLE V ELKINS SUR
54. 29-03-2-07-01.001-RR	229 3RD AVE W 35204	COM SW COR 3RD AVE W & 2ND ST W TH SW ALG RD R/W 215 FT TO
56. 22-34-3-30-13.000-RR	608 4TH AVE W 35204	LOT 15 BLK 13 1ST ADDITION TO EARLE PLACE
57. 22-27-4-09-21.000-RR	132 15TH AVE W 35204	LOT 4 BLK 4 RESUBDIVISION OF BLKS 1 THRU 6 ST MARKS VILLAGE
58. 22-27-4-09-29.000-RR	100 15TH AVE W 35204	LOT 12 BLK 4 RESUBDIVISION BLKS 1 THRU 6 ST MARKS VILLAGE
59. 13-35-2-07-07.000-RR	1021 WALKER AVE 35217	LOT 6 GEORGIA MILLERS ADD TO MAPLE GROVE
60. 13-34-3-06-11.002-RR	9704 PAPE AVE 35217	LOT 5 BLK 1 BOOKERWOOD HTS 15/84
61. 13-33-4-09-05.000-RR	2049 CEDAR ST 35217	LOT 6 BLK 10 CARVER HIGHLANDS
62. 13-33-4-08-16.000-RR	1918 EVERGREEN ST 35217	LOT 36 BLK 9 CARVER HGLDS
63. 22-27-4-37-04.000-RR	21 12TH AVE W 35204	LOT 6 BLK 41 MAP OF SMITHFIELD (NORTH)
64. 22-34-1-03-03.000-RR	112 11TH AVE N 35204	LOT 12 BLK 23 SMITHFIELD (NORTH)
65. 22-28-1-05-17.000-RR	800 FINLEY AVE W 35204	LOT 7 AND E 1/2 LOT 6 THOMAS MCLAUGHLIN SUB OF BLKS 67 & 68
66. 22-34-3-30-11.000-RR	616 4TH AVE W 35204	LOT 13 BLK 13 1ST ADDITION TO EARLE PLACE
67. 29-19-3-47-10.000-RR	3721 WILLOW AVE SW 35221	LOT 2 BLK 35 PARK PLACE
68. 22-27-3-07-03.000-RR	245 14TH CT W 35204	LOT 4 BLK 1 RESUB BLKS 1 2 3 4 5 & 6 ST MARKS VILLAGE
69. 22-27-4-33-13.000-RR	1204 CENTER ST N 35204	N 50 FT OF S 1/2 LOTS 13 THRU 16 BLK 42 MAP OF SMITHFIELD

71. 29-08-4-23-04.000-RR	1821 PEARSON AVE SW 35211	LOTS 1 & 2 BLK 1 EUREKA
72. 29-08-4-23-05.000-RR	1808 STEINER AVE 35211	LOTS 16 & 17 BLK 1 EUREKA
73. 22-14-3-02-02.000-RR	2220 36TH AVE N 35207	LOT 16 & W 1/2 LOT 17 J H BERRYS SUB OF BLK 67 NORTH
74. 22-23-1-05-01.000-RR	2618 26TH AVE N 35234	LOTS 26 & 27 & 28 & 29 & 30 & 31 & 32 BLK 263 NO BHAM
75. 22-14-3-12-04.000-RR	2317 35TH AV N 35207	LOT 5 BLK 106 NORTH BHAM
76. 22-34-2-07-06.000-RR	633 10TH AVE N 35204	LOT 11 BLK 7 COLLEGE HILLS
77. 22-32-3-15-04.000-RR	2108 17TH ST 35218	E 67 FT OF LOT 28 BLK 3 TUXEDO PARK
78. 13-14-1-00-15.015-RR	1077 ALICIA DR 35215	LOT 8 BLK 2 SUNVIEW ACRES
79. 13-13-2-09-08.000-RR	2341 6TH PL NW 35215	LOT 6 BLK 3 REDSTONE LAND & DEV COS 4TH SECT
80. 29-08-3-03-09.000-RR	2709 SOUTH PARK DR 35211	LOT 14-A BLK 2 SOUTH CENTRAL BELL TELEPHONE COS & EBSCO INV SERVICES INC RESUR PART FIVE POINTS WEST INDUSTRIAL PARK CONTINUED
81. 29-08-3-03-10.000-RR	2715 SOUTH PARK DR 35211	LOT 15 BLK 2 FIVE POINTS WEST INDUSTRIAL PARK 4TH SECT 100/102
82. 23-15-1-14-03.000-RR	7513 2ND AVE N 35206	LOT 15 BLK 7-A EAST LAKE
84. 23-10-4-07-13.000-RR	7920 5TH AVE N 35206	LOT 4 BLK 11-E EAST LAKE
86. 23-03-3-02-01.000-RR	1500 89TH PL N 35206	LOTS 11 & 12 BLK 1 SPRING HGHLDS
88. 13-25-1-20-02.000-RR	445 ORCHID RD 35215	LOT 2 BLK 14 ROEBUCK GARDEN ESTS
89. 13-36-1-07-08.000-RR	913 MEADOWBROOK DR 35215	LOT 25 BLK 6 MEADOWBROOK ESTS
90. 29-01-4-06-24.000-RR	1440 18TH ST S 35205	PT OF LOT 1 BLK C ANDERSON PLACE 5/79 DESC AS COM SE COR
91. 22-27-4-10-19.000-RR	224 14TH CT W 35204	LOT 9 BLK 2 RESUB OF BLKS 1 TO 6 ST MARKS VILLAGE
92. 13-25-1-15-12.000-RR	1213 FIVE MILE RD 35215	LOT 12 BLK 16 ROEBUCK GARDEN ESTS
93. 23-19-4-16-05.000-RR	713 38TH ST N 35222	LOT 16 BLK 3 EAST BHAM

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ITEM 20.

An Ordinance amending Title 12 “Licensing and Regulation,” Division 5, “Rates of Fare,” Sec.12-16-72, “Rate,” (1) Taxicab Rates,” and (5) “Waiting Time” of the General Code of the City of Birmingham 1980. (Submitted by the City Attorney) (Recommended by the Transportation and Communications Committee) (Held over from 4/15/08 to 4/22/08)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 21.

An Ordinance to establish a one-month Amnesty Program for the payment of outstanding traffic and parking tickets.(Submitted by the City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 22.

An Ordinance authorizing the Mayor to enter into an Easement Agreement whereby **Alabama Power Company** conveys two storm sewer easements for \$1.00 and other valuable consideration to the City for the purpose of installing and maintaining a storm sewer on two parcels of land known as Parcel No. 6 and Parcel No. 7 in the 6th Avenue South Storm Sewer Improvement Project at Municipal Garage, in the vicinity of University Boulevard and 6th Street South. [**Fund CG, Project 02911**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

CONSENT

ITEM 23.

An Ordinance authorizing the Mayor to enter into an Easement Agreement whereby **Alabama Power Company** is allowed to relocate and provide electrical services to the New Georgia Landfill at I-65 and 47th Avenue North due to Corridor X (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

CONSENT

ITEM 24.

A Ordinance authorizing the Mayor to execute a quit claim deed and redemption deed to **Immanuel Group Inc.** in the amount of \$2,525.92 for the property located at 1906 13th Avenue North Birmingham (Submitted by the City Attorney) (Recommended by the Director of Finance)**

CONSENT

ITEM 25.

A Resolution authorizing the Mayor to accept funds in the amount of \$67,080.00 from **the State of Alabama Gulf Coast High Intensity Drug Trafficking Area (HIDTA) 2008 Program**, and authorizing the Director of Finance to process expenditure of such funds in accordance with grant guidelines. (Submitted by the City Attorney) (Recommended by the Chief of Police)

CONSENT

ITEM 26.

A Resolution authorizing the Mayor to accept funds in the amount of \$32,830.88 from the **Bureau of Justice Assistance Bulletproof Vest Partnership (BVP) Program**, and authorizing the Director of Finance to process expenditure of such funds in accordance with grant guidelines (Submitted by the City Attorney) (Recommended by the Chief of Police)

CONSENT

ITEM 27.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Laser Cutting Service, Inc.** is allowed to enter up City right of way to install and maintain 6 canopies, 1 concrete ramp, 1 concrete block building, 1 silo, 1 metal dock, 1 flag pole, 250 feet of chain link fence and 664 square feet of asphalt paved parking lot located within the right of way at 3201 7th Avenue North Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

CONSENT

ITEM 28.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **John Lauriello** is allowed to enter up City right of way to install and maintain a deck, an air conditioning unit and a planter located within the right of way at 3825 9th Court South Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

ITEM 29.

A Resolution authorizing the Mayor to execute a Agreement with **Birmingham Jefferson Civic Center Authority (“BJCCA”)**, Birmingham under which the City will agree that certain funds in the amount of \$3,205,689.97 which represent “fees in lieu of taxes” being held in escrow by BJCC and which both the City of Birmingham and BJCCA have claimed, may be used by BJCCA in connection with certain repairs to the Birmingham Jefferson Convention Complex, and future funds representing “fees in lieu of taxes” will be held in escrow by BJCCA pending future resolution of the disposition of such funds by the parties (Submitted by the Mayor) (Recommended by the City Attorney)

ITEM 30.

A Resolution authorizing the Mayor to enter into a Contract with **Brooks Firm** to perform all necessary legal services to collect unpaid traffic and parking/non-moving violation tickets, in consideration of twenty-five percent (25%) of all funds collected as a result of the Brooks Firm’s collection efforts, plus all reasonable expenses the Brooks Firm may incur in undertaking its collection efforts, including postage, copying costs, court costs and all other reasonable costs associated with the filing of civil collections actions which will run from August 1, 2008 through July 31, 2009. (Submitted by the City Attorney) (Recommended by the Mayor)

ITEM 31.

A Resolution approving the agreement with **Monumental Contracting Services, LLC**, Birmingham an amount not to exceed \$284,750.00, effective upon its execution by both parties to provide property acquisition and appraisal services for the Flood Plain Property Acquisition Program 2005 HMGP and 2007 PDM and authorizing the Mayor to execute the agreement. **[Object Code 2703; Condense Code DFK; Project Code 03170, 03600]** (Submitted by the Mayor) (Recommended by Purchasing Agent and Director of Planning, Engineering and Permits)

CONSENT**ITEM 32.**

A Resolution approving the appointment of **Blalock Design Associates**, Birmingham, in an amount not to exceed \$39,000.00, to provide architectural, landscape and engineering design services for the Tennis Court Rehab Program Project, and authorizing the Mayor to execute the appointment letter. **[Appropriated in the FY2007-228 Budget; Condense Code DC1; Object Code 2703; Project Code 02865]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and Director of Planning, Engineering and Permits)

CONSENT**ITEM 33.**

A Resolution approving the appointment of **Building and Earth Sciences, Inc**, Birmingham, in an amount not to exceed \$180,560.70, to provide construction material testing and inspection services for the Parking Deck #3 Project, and authorizing the Mayor to execute the appointment letter. **[Appropriated in the FY2007-2008 Budget; Condense Code 1CY; Object Codes 2703; Project Code 03425]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and Director of Planning, Engineering and Permits)

CONSENT**ITEM 34.**

A Resolution approving the appointment of **Who's Who in Black Birmingham**, Columbus, Ohio, in an amount not to exceed \$12,500.00, to give the City a comprehensive section that highlights community outreach initiatives as well as provide exposure for top level city administrators and elected officials, and authorizing the Mayor to execute the appointment letter. **[Condense Code CCN; Object Code 2716]** (Submitted by Council President Smitherman, Chairperson Administration, Budget, and Finance Committee) (Recommended by the Administration, Budget, and Finance Committee)

ITEM 35.

A Resolution confirming the appointment of 10 members to the **Birmingham Arts and Culture Commission** one person representing the Board of Education and one person representing the Citizen Advisory Board, and one person representing Council District one (1) through eight (8) said terms expiring August 4, 2010. (Submitted Councillor Parker) (Recommended by Parks, Recreational and Cultural Arts Committee)

ITEM 36.

A Resolution appointing one (1) member to the **Industrial Development Board** to fill the unexpired term of Bob McKenna, said term expiring April 10, 2012. (Submitted by Councillor Hoyt, Chairperson, Economic Development Committee) (Recommended by Economic Development Committee)

CONSENT**ITEM 37.**

A Resolution determining that the **Shadow Lawn Memorial Gardens Maintenance and Perpetual Care Association**, for projecting a positive image serve a public purpose that promotes goodwill and serves a public interest. (Submitted by the Mayor) (Recommended by the Mayor and Administration, Finance and Budget Committee of the Whole)**

CONSENT

ITEM 38.

A Resolution determining that the **District Four Town Hall Meeting** that is being held Thursday, May 29, 2008 at Shields Conference Center located at W.C. Patton Park serve a public purpose that promotes goodwill and serves a public interest. (Submitted and Recommended by Councillor Parker)**

CONSENT

ITEM 39.

A Resolution determining that the **Hayes High School Honors and Awards Day Reception** that is being held Friday May 9, 2008 at Hayes High School serve a public purpose that promotes goodwill and serves a public interest. (Submitted and Recommended by Councillor Parker)**

CONSENT

ITEM 40.

A Resolution determining that the **Woodlawn Magnet High School Honors and Award Day Reception** that is being held Wednesday, May 14, 2008 at Woodlawn Magnet High School serve a public purpose that promotes goodwill and serves a public interest. (Submitted and Recommended by Councillor Parker)**

CONSENT

ITEM 41.

A Resolution determining that the building or structure located at 963 52nd Place North, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 42.

A Resolution determining that the building or structure located at 1220 North Knoxville Street, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 43.

A Resolution determining that the building or structure located at 728 47th Street North, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 44 .

A Resolution determining that the building or structure located at 1501 Trilby Street, Pratt City and Garage, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 45.

A Resolution determining that the building or structure located at 4249 Inglenook Street, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 46.

A Resolution determining that the building or structure located at 8324 5th Avenue South and Garage, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 47.

A Resolution determining that the building or structure located at 915 3rd Place, Pratt City, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 48.

A Resolution determining that the building or structure located at 800 Ozark Avenue and Garage, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 49.

A Resolution determining that the building or structure located at 310 Court U, Pratt City, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 50.

A Resolution accepting and approving the bid for and the purchase of bread goods from Flowers Baking Company of Birmingham LLC as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for Police Department, this being the lowest bid submitted. [**Appropriated in the FY 2007-2008 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Chief of Police) (3 Bids Submitted)

ITEM 51.

A Resolution accepting the dedication of all streets, alleys, and public grounds as shown on the plat or map of Oxmoor Clubhouse Townhomes, **Case No. SUB2008-00038** (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee and the Birmingham Planning Commission)**

CONSENT

ITEM 52.

A Resolution approving payment to **Birmingham City Schools**, in the amount of \$10,240.00 for bus rental services for the Birmingham Police Department G.R.E.A.T. Program.(Submitted by the City Attorney) (Recommended by the Chief of Police)

ITEM 53.

A Resolution approving payment to **Motorola Inc.**, Birmingham, in an amount \$20,757.00 for two way radios and related supporting equipment for the Police Department based on bid awarded by the State of Alabama contract No. 4007520 T-number T300. (Submitted by the Mayor) (Recommended by the Purchasing Agent, Acting Director of Information Management Services and the Police Chief)

CONSENT

ITEM 54.

A Resolution authorizing the Director of Finance to make four (4) refunds in the total amount of \$44,443.66. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 55.

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

ITEM 56.

A Resolution setting a public hearing **May 27, 2008** to consider the adoption of a resolution assenting to the vacation of 258 square feet of air rights and 18.75 feet of alley parallel to and between 3rd Avenue North and 4th Avenue North and perpendicular to and between 19th Street North and 20th Street North on behalf of Burger-Phillips Building, LLC, 1901 4th Avenue Parking, LLC, and 1917 4th Avenue North, LLC, owners, so that the applicant can construct a crosswalk, **Case No. SUB2008-00017** (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 57.

A Resolution setting a public hearing **May 27, 2008** to consider the adoption of a resolution assenting to the vacation of 201,182 square feet of unopened right-of-way situated between I-459, the Northeastern Area Landfill and Clayton Street on behalf of Michael Craig Armstrong, Donna Armstrong, Brasfield and Gorrie, LLC and the City of Birmingham as owners, so that the applicant can expand their operations, **Case No. SUB2008-00037** (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 58.

A Resolution setting a public hearing **June 3, 2008** to consider the adoption of a resolution assenting to the vacation of 8,712 square feet of unopened right-of-way parallel to and between 35th Street and 33rd Street and perpendicular to and between I-59 and Pike Road on behalf of Truelove Missionary Baptist Church, owner, so that the applicant can construct a parking lot, **Case No. SUB2008-00039**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 59.

A Resolution setting a public hearing **June 3, 2008** to consider the adoption of a resolution assenting to the vacation of 544 square feet of 7th Avenue North between 25th Street North and 26th Street North on behalf of Metropolitan Gardens Partnership II, LP, owner, so that the applicant can correct building encroachments, **Case No. SUB2008-00042**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 60.

A Resolution setting a public hearing on **June 3, 2008** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2008-00062**) to change zone district boundaries from R-3, Single Family District to B-1, Neighborhood Business District, filed by Clinton Harris, applicant, for Ruthie Mae Motley owner, for property located at 1445 Spaulding Ishkooda Road and, situated in the SE1/4 of Section 16, township 18-S, Range 3-West, Birmingham. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)**

OLD AND NEW BUSINESS

REQUESTS FROM THE PUBLIC

PRESENTATIONS

ADJOURNMENT

**** - Attachments**

P – Items of Permanent Operation

(ph) – Public Hearing

NOTE: The following matters were withdrawn:

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Burkes Brothers Limousine Service, 1430 8th Avenue North, Suite B, Birmingham, AL 35203.

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Larry’s Limo, 3651 St. Clair Road, Springville, AL 35146.

Those properties declared by Resolution No. 266-08 on March 11, 2008 to be noxious and dangerous, whereon said weeds have been abated:

47. 28-07-1-04-13.000-RR	2100 PEACOCK LN 35223	LOT 35-A OF HOOD-BOYD RESURVEY 162/42
53. 22-15-4-22-07.000-RR	1410 36TH AVE N 35207	LOT 6 BLK 4 MABLE V ELKINS SUR
55. 22-15-4-22-06.000-RR	1406 36TH AVE N 35207	LOT 7 BLK 4 MABLE V ELKINS SUR
70. 29-01-4-06-25.000-RR	1436 18TH ST S 35205	LOT 1-A BLK C ANDERSON PLACE RESUR PART OF LOTS 1 & 2 BLK C
40. 13-33-4-08-15.000-RR	1920 EVERGREEN ST 35217	LOT 37 BLK 9 CARVER HGLDS SURVEY
83. 23-15-3-09-18.000-RR	308 68TH PL N 35206	LOT 24 & N 1/2 LOT 25 BLK 4 LAKEWOOD PARK
85. 23-11-2-11-23.000-RR	300 85TH ST N 35206	S 50 FT LOTS 10 THRU 12 BLK 16-C EAST LAKE LAND CO
87. 13-26-2-01-23.000-RR	448 VALLEY CREST LN 35215	LOT 3 BLK 4 VALLEY CREST ESTATES 2ND SECTOR UNIT I 134/7