

AGENDA

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

January 29, 2008 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Stephen A. Davis, Pastor of The Refiner's House

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES NOT READY: December 18, 26, 2007, January 2, 8 15 and 22, 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 AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. **ZAC2007-00201**) to change zone district boundaries from M-2 Heavy Industrial District to M-1 Light Industrial District, , filed by Changed Lives Christian Center, applicant, representing the owner, The Fred Rolling Trust, for property located at 3201 – 6th Avenue North, situated in the SW¼ of Section 30, Township 17 South, Range 2 West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (No Recommendation by the Z.A.C.) (NOT Recommended by the Planning and Zoning Committee)**

(ph)

ITEM 2.

An Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. **ZAC2007-00221**) to change zone district boundaries from MXD Mixed Used District and “C”O&I Contingency Office and Institutional District to R-4 Two Family and Semi-Attached Dwelling District, filed by Kenneth Boyd, applicant, representing the owner, Ensley Church of Christ, for property located at 1001 Dugan Avenue and situated in the NW¼ of Section 20, Township 17 South, Range 3 West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (“Q”R-4 by the Z.A.C. and the Planning and Zoning Committee)**

(ph)

ITEM 3.

A Resolution relative to the application of QA and AAA, Inc. for an Off Premise Beer and Wine License to be used at **31st Street Citgo**, 3100 – 12th Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

ITEM 4.

A Resolution appointing **Formation Methods** to serve as a program manager for the City. (Submitted by Council President Smitherman, Chairperson, Administration, Budget and Finance Committee) (Recommended by the Administration, Budget and Finance Committee) (Deferred from 1/15/08 to 1/29/08)

ITEM 5.

A Resolution accepting the unit price bid of **Good Hope Contracting, Inc.**, Cullman, Alabama, in the amount of \$1,996,158.38, for street resurfacing at 2008 Resurfacing East, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Funded under various municipal funds**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Four Bids Submitted) (Deferred from 12/18/07 to 1/29/08)

ITEM 6.

A Resolution accepting the unit price bid of **Good Hope Contracting, Inc.**, Cullman, Alabama, in the amount of \$1,995,617.88, for street resurfacing at 2008 Resurfacing West, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Funded under various municipal funds**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Four Bids Submitted) (Deferred from 12/18/07 to 1/29/08)

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**CONSENT****ITEM 7.**

An Ordinance authorizing the Mayor to execute a Contract for Sale of Real Estate with **Dunn Construction Company, Inc.**, as buyer, for the sale of certain real property consisting of vacant lots located at 1201 – 9th Place West, 1205 – 9th Place West, 1204 – 9th Street West, 1208- 9th Street West and 1212 – 9th Street West, Birmingham, at a purchase price of \$30,000.00 and authorizing the Mayor to execute a statutory warrant deed and all other documents required to convey the property. (Submitted by the City Attorney) (Recommended by the Mayor and the Committee of the Whole)**

CONSENT**ITEM 8.**

A Resolution approving the agreement with **Central Alabama Chapter – Sickle Cell Disease Association of America**, Birmingham, in the amount of \$21,000.00, for a period of one (1) year beginning February 1, 2008 to January 31, 2009, renewable annually subject to funds availability, to present, free of charge, education programs in schools, at health fairs and to groups interested in knowing more about sickle cell disease, offer, free of charge, testing for the sickle cell disease, counseling and client support services, and authorizing the Mayor to execute the agreement. [**Appropriated in the FY 2008 Budget; Object Code 4591; Condense Code 001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

CONSENT

ITEM 9.

A Resolution determining that the **Annual Senior Citizen Valentine Celebration**, sponsored by the Park and Recreation Board, to be held February 13, 2008 at the Fair Park Arena, serves a public purpose that promotes goodwill and serves a public interest. (Submitted by Council President Smitherman) (Recommended by the Administration, Budget and Finance Committee)**

ITEM 10.

A Resolution approving payment to **Herman Miller, Inc.**, Birmingham, for Herman Miller seating products as needed for a period of three (3) months and month to month thereafter for the City Council based on a bid awarded contract by the State of Alabama Contract No. 4008386, T-number T390. **[Appropriated in the FY 2008 Budget; Object Code 3401; Condense Code CE4; Project Code 02798]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the City Council Administrator)

ITEM 11.

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

ITEM 12.

A Resolution finding that the following sixty-eight (68) properties have noxious or dangerous weeds growing thereon declaring said properties to be a public nuisance and providing that notice shall be posted on each of said properties and notice sent by certified mail to the last person assessing these properties for state taxes and further providing for a public hearing **March 4, 2008** to hear and consider all objections or protests to proposed abatement of these nuisances by the City: (Submitted by the City Attorney) (Recommended by Councillor Witherspoon, Chairperson, Public Improvements and Beautification Committee)

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|-------------------------|---------------------------|---|
| 1. 23-15-1-15-07.000-RR | 17 75TH ST N 35206 | S 50 FT OF LOTS 16+17+18 BLK 7-B EAST LAKE |
| 2. 3-34-4-01-40.001-RR | 800 NORTHWOOD DR 35217 | LOT 5 BLK 5 1ST ADD TO PENFIELD PARK |
| 3. 13-35-1-07-51.000-RR | 324 GLYNN DR 35215 | LOT 7 BLK 2 CLOVERDALE ESTS 1 ST ADD |
| 4. 29-20-2-08-08.001-RR | 2733 LAWN AVE SW 35211 | LOT 2 BLK 8 PARK LAWN 5/91 |
| 5. 29-19-3-48-05.000-RR | 3920 MINERAL AVE SW 35221 | LOT 2 BLK 36 PARK PLACE |
| 6. 9-20-2-09-06.000-RR | 2525 LAWN AVE SW 35211 | LOT 4 BLK 7 PARK LAWN |

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7. 22-25-3-10-05.000-RR	1121 21ST ST N 35203	S 40 FT LOT 4 BLK 633 BHAM BHAM
8. 23-20-1-01-16.000-RR	1400 50TH ST N 35212	LOTS 1-2 & 3 BLK 8 WHALEYS ADD TO BHAM
9. 29-19-3-19-07.001-RR	3836 ELLIS AVE SW 35221	LOT 6 BLK 17 PARK PLACE
10. 23-10-4-19-08.000-RR	7600 5TH AVE N 35206	LOT 1 BLK 8-E EAST LAKE
11. 22-25-3-10-04.000-RR	1125 21ST ST N 35203	S 90 OF N 200 FT OF LOT 4 BLK 633 BHAM
12. 22-12-3-01-04.000-RR	3132 46TH AVE N 35207	Lots 13 & 14 Blk 3 Lincoln
13. 22-12-3-01-05.000-RR	3128 46TH AVE N 35207	LOTS 11+12 BLK 3 LINCOLN HEIGHTS
14. 23-15-2-10-05.000-RR	3513 66TH ST N 35206	LOTS 3 & 4 BLK 2 GROVELAND HTS
15. 23-19-1-32-03.000-RR	1225 38TH ST N 35234	Lots 26+27 Blk 55 Klondyke
16. 23-02-4-03-04.000-RR	8905 PARKWAY E 35206	P O B 187 FT S NE OF N INTER 89TH ST S & 1ST AVE T
17. 23-11-1-04-01.000-RR	220 PINE TREE LN 35206	LOT 8 BLK-B ROEBUCK COURT
18. 22-11-4-03-08.000-RR	4228 28TH WAY N 35207	Lots 15+16 Blk 3 Boydga TERR
19. 22-11-4-04-05.000-RR	4421 28TH WAY N 35207	Lot 4 & N 1/2 of Lot 3 Maple Springs Resur
20. 23-22-3-13-12.000-RR	564 ANTWERP AVE 35212	LOT 9 BLK 4 OAK RIDGE PARK
21. 23-08-4-09-08.000-RR	4517 43RD AVE N 35217	LOTS 39 & 40 BLK 3 HUDSON CITY
22. 23-07-4-07-06.000-RR	4317 GREENWOOD ST 35217	LOT 20 BLK 5 BOYLES PARK
23. 23-15-2-24-15.000-RR	572 68TH PL N 35206	P O B W INTER 68TH PL N & I-59 TH S 55 FT ALG 68 TH
24. 23-11-4-23-05.000-RR	501 82ND ST S 35206	P O B SE INTER 82ND ST S & 5TH AVE S TH NE 150 FT
25. 23-07-3-10-34.000-RR	3668 42ND AVE N 35207	Lot 10 Blk 8 MA Hines 1ST Add To Harriman Park
26. 23-07-3-10-30.000-RR	3652 42ND AVE N 35207	Lot 14 Blk 8 M A Hines 1ST Add Harriman Park
27. 23-07-3-07-14.000-RR	3528 43RD AVE N 35207	LOT 26 BLK 3 HARRIMAN PARK
28. 23-07-3-11-11.000-RR	3513 43RD AVE N 35207	LOTS 10 & 11 4 HARRIMAN PARK
29. 22-26-3-06-14.000-RR	1220 12TH CT N 35204	w 30 ft Lot 5 & E 20 Ft Lot 6 Blk A Fountain Hgts
30. 22-26-3-06-15.000-RR	1222 12TH CT N 35204	Lot 4 & W 5 Ft Of Lot 3 & E 20 Ft Of Lot 5 Blk A F
31. 22-26-3-06-16.000-RR	1226 12TH CT N 35204	W 30 Ft Lot 2 & E 45 Ft Lot 3 Blk A Fountain Hgts

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32. 22-26-3-06-08.000-RR	1201 12TH ST N 35204	S 46 FT OF N 143 FT OF LOT 10 BLK A FOUNTAIN HEIGH
33. 29-11-2-10-11.000-RR	1733 1ST PL S 35205	LOT 11 BLK 5 GREEN SPRINGS 1ST ADD
34. 29-10-4-05-16.000-RR	216 GREEN SPRINGS AVE SW 35211	LOT 4 WALKER LAND COS RESUR OF LOT 23 OF A RESUR OF LOT 44
35. 23-14-3-23-04.000-RR	700 72ND ST S 35206	E 10 Ft Lot 33 & All Lot 34 Brownsville
36. 23-11-4-32-07.000-RR	8121 RUGBY AVE 35206	LOT 3 BLK 37 SO HGLDS OF EAST LAKE
37. 23-15-3-07-02.000-RR	6834 5TH CT N 35206	LOT I BLK 6 OUTLAW RESUR LOTS 2-3 & 4 & 6 LAKEWOOD
38. 23-15-2-20-18.000-RR	212 72ND ST N 35206	N 50 FT OF LOTS 8 & 9 BLK 3-B EAST LAKE
39. 23-19-1-32-04.000-RR	1223 38TH ST N 35234	Lots 28+29+30+31+32+33 Blk 55 Klondyke
40. 23-22-3-23-02.000-RR	613 64TH ST S 35212	LOTS 2 & 3 BLK 11 OAK RIDGE PARK
41. 23-19-1-32-02.000-RR	1227 38TH ST N 35234	Lots 24+25 Blk 55 Klondyke
42. 23-19-1-32-01.000-RR	1229 38TH ST N 35234	Lots 21+22+23 Blk 55 Klondyke
43. 22-11-4-03-13.000-RR	4400 28TH WAY N 35207	LOT F MAPLE SPRINGS ADD TO NORTH BHAM RESUR OF LOTS 8 THRU 12
44. 22-11-4-03-14.000-RR	4410 28TH WAY N 35207	LOT E MAPLE SPRINGS ADD TO NORTH BHAM RESUR OF LOTS 8-9-10-11 & 12
45. 22-11-4-03-09.000-RR	4232 28TH WAY N 35207	Lot 17 Blk 3 Boydga TERR
46. 13-35-1-07-42.000-RR	252 GLYNN DR 35215	LOT 19 BLK 2 CLOVERDALE ESTS
47. 23-23-2-23-01.000-RR	6413 MADRID AVE 35210	BEG AT NE INT OF DAVID AVE & MADRID AVE TH N-160 FT E-45 FT SE-60S FT S-100 FT W-60 FT TO POB BEING L & N PT OF LT 6 CONTINUED
48. 23-16-3-16-04.000-RR	5101 16TH AVE N 35212	LOT 1 BLK 12 EASTWOOD SUB
49. 23-16-3-14-03.000-RR	5021 16TH CT N 35212	LOT 6 BLK 9 EASTWOOD SUB
50. 23-16-3-11-06.000-RR	5009 17TH AVE N 35212	LOT 3 BLK 7 EASTWOOD SUB
51. 23-15-2-05-17.000-RR	3708 68TH ST N 35206	LOT 10 BLK 3 WAHOUMA PARK
52. 13-35-1-11-10.000-RR	398 FERNBROOK AVE 35215	LOT 11 BLK 3 CLOVERDALE ESTS 2 ND ADD
53. 23-20-1-02-08.000-RR	4805 14TH AVE N 35212	LOT 12 BLK 5 WHALEYS ADD TO BHAM LESS PT IN I-59 R/W
54. 23-07-3-09-21.000-RR	3709 43RD AVE N 35207	LOT 3 BLK 9 M A HINES 1ST ADD TO HARRIMAN PARK

55. 23-28-2-12-17.000-RR	5004 6TH AVE S 35212	S 1/2 OF LOT 3 BLK 2 EX W 65 FT S M G WOOD
56. 23-08-4-02-30.000-RR	4321 46TH ST N 35217	LOTS 62+63 BLK 4 HUDSON CITY
57. 13-33-4-12-02.000-RR	1925 EVERGREEN ST 35217	LOT 10 BLK 12 CARVER HGLDS
58. 23-22-2-35-04.000-RR	6104 GEORGIA RD 35212	P O B 27S FT E LY OF E INTER GEORGIA RD & 61ST ST S TH E LY 50S FT ALG GEORGIA RD TH NW 116S FT TH SW 50S FT TH SE 90S CONTINUED
59. 23-10-3-10-12.000-RR	4700 74TH PL N 35206	LOT 20 SMITH WAY 2 RESUR OF GANZINIS 1ST ADD TO EAST LAKE
60. 23-11-4-20-06.000-RR	720 83RD ST S 35206	LOT 15 BLK 45 SO HGLDS OF EAST LAKE
61. 23-11-4-27-14.000-RR	8146 RUGBY AVE 35206	LOT 7 BLK 40 SO HGLDS OF EAST LAKE
62. 23-11-4-33-13.000-RR	701 81ST ST S 35206	LOT 38 BLK 38 SO HGLDS OF EAST LAKE
63. 23-07-3-11-10.000-RR	3517 43RD AVE N 35207	LOT 12 BLK 4 HARRIMAN PARK
64. 23-07-3-08-19.000-RR	3612 43RD AVE N 35207	LOTS 19 & 20 BLK 2 HARRIMAN PARK
65. 22-13-4-05-01.000-RR	3337 32ND PL N 35207	LOT 10 BLK 3 WAGENSLERS ADD TO NORTH BHAM
66. 22-13-2-22-14.000-RR	3364 31ST ST N 35207	LOT 23 WATFORDS ADD TO NO BHAM
67. 22-13-4-10-05.000-RR	3213 31ST PL N 35207	LOT 3 BLK 6 WAGENSLERS ADD TO NORTH BHAM
68. 21-36-3-06-07.000-RR	309 BIRD AVE 35224	LOTS 5 THRU 9 D B BIRD

OLD AND NEW BUSINESS

REQUESTS FROM THE PUBLIC

PRESENTATIONS

ADJOURNMENT

**** -Attachments**

P – Items of Permanent Operation

(ph) – Public Hearing