

## **AGENDA**

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

**January 26, 2010 - - 9:30 A.M.**

**WEB SITE ADDRESS: [www.birminghamal.gov](http://www.birminghamal.gov)**

**INVOCATION: Overseer Awalski Moore, Pastor of Mt. Zion Full Gospel Church**

**PLEDGE OF ALLEGIANCE: Councilmember Johnathan Austin**

**ROLL CALL**

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: August 4 and 11, 2009**

**MINUTES NOT READY: August 18 – December 29, 2009, January 5, 12 and 19, 2010**

**COMMUNICATIONS FROM THE INTERIM 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**

**P(ph)**

**ITEM 1.**

An Ordinance adding and enacting a new Section 11-8-9 of the Code of the City of Birmingham to make it unlawful to park a motor vehicle in the front yard of a residence and or business or upon and or over a sidewalk within the corporate limits of Birmingham, the violation for which a parking citation may be issued, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Public Safety Committee)\*\*

**(ph)**

**ITEM 2.**

An Ordinance annexing into the City limits of Birmingham a 2.446 acre or 0.0038 square mile corridor of land located in Sections 8 and 17, Township 18 South Range 1 West of unincorporated Jefferson County, as petitioned by **the City of Vestavia Hills**, owners, in accordance with the provisions of Act No. 32, Acts of Alabama 1964, 1<sup>st</sup> Special Session, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Planning, Engineering and Permits and the Budget and Finance Committee)\*\*

**CONSENT(ph)**

**ITEM 3.**

A Resolution relative to the application of Laxmi Pooja, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Oporto Food Mart**, 313 Oporto Madrid Boulevard, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph)**

**ITEM 4.**

A Resolution relative to the application of Sakkar Investments LLC for an Off Premise Beer and Wine License to be used at **AM PM Food Mart**, 1617 Finley Boulevard, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 5.**

A Resolution relative to the application of The Plum LLC for a Lounge Retail Liquor Class I License to be used at **The Plum**, 108 – 17<sup>th</sup> Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**(ph) ITEM 6.**

A Resolution relative to the application of Jimmie Banks Williams for an Off Premise Beer and Wine License to be used at **Rod's Store**, 4529 – 7<sup>th</sup> Avenue Wylam, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**

**ITEM 7.**

An Ordinance authorizing the Interim Mayor to enter into an easement agreement whereby **Alabama Power Company** is allowed to enter upon City property leased to The Birmingham Zoo located at 2630 Cahaba Road to install, operate and maintain certain electrical facilities providing electrical service underground and removal of certain existing power poles to the Hoof Stock Exhibit and Haybarn. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)\*\*

**ITEM 8.**

An Ordinance authorizing the Interim Mayor to enter into a Right-of-Way Use Agreement with **Apogee Telecom, Inc.** to install fiber optic cable in the City rights-of-way and authorizing Apogee to operate only as a broadband service provider with the authorization to provide only broadband services within the City and no authorization to provide any local exchange services, interexchange services, switched services, cable television services or in any way provide direct and/or local telecommunications services to private entities for a term of five (5) years, at a cost per linear foot determined by location, but not less than \$3.00 per linear underground or \$10.00 per pole attachment, with option renewal periods to be located in written description. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Public Improvements Committee)\*\*

**ITEM 9.**

An Ordinance authorizing the Interim Mayor to execute a quitclaim and redemption deed to **B. J. Grant** in the amount of \$1,374.14, for the property located at 1006 – 12<sup>th</sup> Street North, Birmingham. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Deputy Director of Finance)

**ITEM 10.**

An Ordinance dedicating **Oak Ridge Park** for use as a public park. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission, the Public Improvements Committee and the Parks and Recreation Committee)\*\*

**ITEM 11.**

A Resolution approving the agreement with **the Alabama High School Athletic Association, the Greater Birmingham Convention and Visitors Bureau and the Birmingham Jefferson Convention Complex**, Birmingham, in the amount of \$150,000.00 per year, subject to the availability of funds, to host the Alabama High School Athletic Association Final 48 Basketball Championships for a term of six (6) years (2010 through 2015), and authorizing the Interim Mayor to execute the agreement. [**Appropriated in the FY2010 Budget; GL Account: 001\_400\_96400\_96413.550-005**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Interim Mayor)

**ITEM 12.**

A Resolution approving the agreement with **Neighborhood Housing Services Birmingham, Inc.**, Birmingham, in a total amount not to exceed \$85,600.00, renewable annually subject to funds availability, to assist homeowners in evaluating their needs and work with them to develop feasible solutions, provide a full “hands on” training program for those interested in learning more about home repair and maintenance, provide counseling and ongoing support to families facing foreclosures; including but not limited to assess mortgage situation and assist in getting an affordable refinance, loan modification, short sale, forbearance agreement, or relocation assistance, assist families that have gone through a foreclosure and are in need of housing to find, qualify and transition into a rental property, and provide home buying classes to first time home buyers about the home buying process, and authorizing the Interim Mayor to execute the agreement. [**Appropriated in the FY2010 Budget; GL Account: 001\_400\_96500\_96536.550-006**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Interim Mayor)

**ITEM 13.**

A Resolution approving the agreement with **Birmingham Center For Affordable Housing, Inc.**, Birmingham, in a total amount not to exceed \$128,000.00, renewable annually subject to funds availability, to assist the City in administering its Homebuyer Assistance Program and the Individual Development Account Program, give priority to connecting prepared homebuyers with housing developments funded by the City, assist at least 50 families per year in purchasing a home in the City of Birmingham, assist homebuyers for a period of at least three (3) years post-purchase, focus on Individual Development Account expansion as down payment assistance program, research and develop proposal for demonstration program for linking neighborhood housing development to high performing schools and local employers, publicize and refer clients to programs available to special needs clients; develop & educate the public on good neighbor standards for multi-family housing/communal living facilities, work to develop Foreclosure Prevention Program with intensive counseling with clients in default or at-risk of foreclosure, assist at least 50 persons who are in default on their mortgage by June 30, 2010, advocate for public policy solutions to foreclosure crisis, and public education campaign encouraging clients to seek assistance in preventing foreclosure and avoid predatory lending, and authorizing the Interim Mayor to execute the agreement. [**Appropriated in the FY2010 Budget; GL Account: 001\_400\_96500\_96529.550-006**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Interim Mayor)

**ITEM 14.**

A Resolution approving an amendment to the appointment of **Birmingham Sister City Commission**, Birmingham, to establish a Sister City relationship and host a delegation from the Republic of Ghana, which is located in West Africa in the additional amount of \$10,000.00, which increases the amount to be paid from \$16,800.00 to \$26,800.00, and authorizing the Interim Mayor to execute the amendment. [**Appropriated in the FY2010 Budget; GL Account: 001\_000.527-014**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent)

**ITEM 15.**

A Resolution amending Resolution No. 1342-09, adopted by the Council September 1, 2009, accepting the dedication of all streets, alleys, and public grounds as shown on the plat or map of George Ward Park, to correct a grammatical error, **Case No. SUB2009-00021**. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

**ITEM 16.**

A Resolution appointing one (1) member to **the Birmingham Jefferson County Transit Authority** to fill the unexpired term of Christopher Lewis, said term expiring August 10, 2013. (Submitted by Councillor Rafferty, Chairperson, Transportation and Communication Committee) (Recommended by the Transportation and Communication Committee)

**ITEM 17.**

A Resolution appointing one (1) member to **the Birmingham Parking Authority** said term expiring October 31, 2013. (Submitted by Councillor Rafferty, Chairperson, Transportation and Communication Committee) (Recommended by the Transportation and Communication Committee)

**ITEM 18.**

A Resolution requesting that a member of the Alabama Legislature sponsor a bill requiring the Birmingham Jefferson Civic Center add two (2) voting members from the Birmingham City Council to the Birmingham Jefferson Civic Center Board of Directors. (Submitted and Recommended by Councillor Smitherman)

**ITEM 19.**

A Resolution authorizing the Interim Mayor to execute a letter of intent to give **ClasTran** an amount not exceed \$243,000.00 for operational, program and capital expenses where the need is so met. (Submitted by Councillor Rafferty, Chairperson, Transportation and Communications Committee) (Recommended by the Transportation and Communication Committee)

**CONSENT**

**ITEM 20.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Eugene Mullins**, the owner or agent of the property located at 900 – 6<sup>th</sup> Place Pratt City, Birmingham, which was condemned by the Council October 12, 2004, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

**CONSENT****ITEM 21.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Terrance L. Carr, Jr.**, the owner or agent of the property located at 4022 – 43<sup>rd</sup> Avenue North, Birmingham, which was condemned by the Council November 17, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, no previous permits having been requested. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

**CONSENT****ITEM 22.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **McArthur Melton**, the owner or agent of the property located at 1229 – 30<sup>th</sup> Street North, Birmingham, which was condemned by the Council May 8, 2007, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

**CONSENT****ITEM 23.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **McArthur Melton**, the owner or agent of the property located at 1219 – 30<sup>th</sup> Street North, Birmingham, which was condemned by the Council April 3, 2007, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

**CONSENT****ITEM 24.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Brenda M. Axle**, the owner or agent of the property located at 949 – 3<sup>rd</sup> Street West, Birmingham, which was condemned by the Council July 8, 2008, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

**CONSENT**

**ITEM 25.**

A Resolution approving payment to **Birmingham Jefferson County Animal Control**, Birmingham, in the amount of \$63,389.02 per month to extend the current animal control services contract for the period beginning February 1, 2010 through February 28, 2010. [**Appropriated in the FY 2010 Budget; 001\_400\_96100\_96101.550-002**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Public Safety Committee)

**CONSENT**

**ITEM 26.**

A Resolution authorizing the Director of Finance to make six (6) refunds in the total amount of \$22,324.31. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)\*\*

**CONSENT**

**ITEM 27.**

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

**CONSENT**

**ITEM 28.**

A Resolution approving the estimated expense accounts of city employees. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)\*\*

**CONSENT**

**ITEM 29.**

A Resolution approving the estimated expense accounts of city employees. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)\*\*

**ITEM 30.**

A Resolution finding that the following seventeen (17) 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 2, 2010** 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 Roberson, Chairman, Public Improvements and Beautification Committee)

1	22-14-1-03-05.000-RR	4023 28TH PL N 35207	LOT 6 BLK 8 FAIRMONT
2	23-08-3-17-03.000-RR-01	4314 45TH AVE N 35217	LOTS 3 & 4 BLK 10 MOUNTAIN PARK RESUR 13/10
3	30-02-2-16-12.000-RR	5431 11TH AVE 35224	LOTS 16 & 17 CHEMICAL HILL
4	22-32-2-07-09.000-RR	1920 10TH ST 35214	W 1/2 LOT 7 BLK 3 HUEY LD CO
5	29-06-1-13-05.000-RR	1849 PIKE RD 35218	LOTS 14 & 15 BLK 1 ENSLEY 7TH ADD
6	24-09-3-08-05.000-RR	2233 MAIN ST 35210	LOTS 5 THRU 8 BLK 14 MAP OF 1ST ADD LIBERTY HIGHLANDS
7	22-23-4-04-29.000-RR	2215 20TH PL N 35234	P O B 100 FT NW OT NW INTER 20TH PL N & 22ND AVE N TH NW 100 FT ALG 20TH PL N TH NE 93 FT S TH SE 100 FT TH SW 95 FT CONTINUED
8	22-23-4-04-34.003-RR	2217 20TH PL N 35234	LOT 10 BLK 2 J C WESTBROOK SUR LYING NE OF 20TH PL N
9	22-23-4-04-28.000-RR	2229 20TH PL N 35234	P O B 300 FT NW OF NW INTER 20TH PL N & 22ND A
10	30-01-1-17-05.000-RR	2923 AVENUE B 35218	LOT 6 BLK 8 ENSLEY DEV CO
11	30-01-1-17-04.000-RR	2913 AVENUE B 35218	LOTS 4 & 5 BLK 8 ENSLEY DEV C
12	30-01-1-17-02.001-RR	2909 AVENUE B 35218	LOT 2 BLK 8 ENSLEY DEV CO
13	30-01-1-17-03.000-RR	2911 AVE B 35218	LOT 3 BLK 8 ENSLEY DEVELOPMENT CO SUR
14	22-14-1-21-14.000-RR	2716 40TH AVE N 35207	LOT 5 BLK 3 M C TYLER & J H BERRYS ADD TO FAIRMONT
15	22-01-3-11-04.000-RR	5313 LEWISBURG RD 35207	LOT 5 BLK 8 G R HARSH SUR 5/44
16	22-13-4-29-06.000-RR	3425 30TH AVE N 35207	LOT 6 BLK 6 SOUTH DOUGLASVILLE
17	22-13-4-35-01.000-RR	3157 28TH AVE N 35207	LOT 38 BLK 2 WHITNEY-GAYLE & VANN ADD

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUESTS FROM THE PUBLIC**

**ADJOURNMENT**

**NOTE: The following matter was withdrawn:**

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a taxicab service issued to Emadeldin Khamis, d/b/a Award Cab Company, 1708 – 13<sup>th</sup> Court South #301, Birmingham, AL 35205.