

**REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF BIRMINGHAM**

**February 13, 2007, at 9:30 A.M.**

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The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on February 13, 2007 at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend Cheryl E. Goliday, Pastor of Southside C.M.E. Church.

The Pledge of Allegiance was led by Councilmember Hoyt.

Present on Roll Call:	Council President Councilmembers	Smitherman Abbott Bell Hoyt Parker Reynolds Royal Witherspoon
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Absent:	Montgomery
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The minutes of January 23, 2007 were approved as submitted.

Mayor Bernard Kincaid recognized William Gilchrist, Director of the Planning, Engineering and Permits Department, who noted that Item Nos. 4, 6, 7, 8, 33 and 34 on the agenda are being funded from bond fund monies.

Councilmember Royal absented himself.

Police Chief Annetta Nunn gave an update on the Police Department activities for the week of February 5-11, 2007.

Mayor Bernard Kincaid presented the following proclamations:

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The Mayor presented Dr. George T. French with a proclamation celebrating the Higher Education Initiative at Miles College in partnership with the Birmingham Board of Education.

Saturday, February 17, 2007, in honor of Chinese New Year 2007 is proclaimed "The Year of the Boar" in the City of Birmingham.

The week of February 17 – 23, 2007 is proclaimed "Arbor Week" in the City of Birmingham.

Councilmember Royal returned and took his seat as a Councilmember.

Councilmember Smitherman made a motion to suspend the rules for presentations which motion was seconded by Councilmember Parker, and adopted.

Councilmember Hoyt recognized Dr. George T. French, President of Miles College, who spoke on the art exhibit or display at the Art Museum but will permanently be on display on campus.

**The following resolutions and ordinances designated as Consent Agenda items were introduced by the Presiding Officer:**

**ORDINANCE NO. 07-20**

**AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<b><u>Title of Appropriation</u></b>	<b><u>Amount</u></b>	<b><u>Increase/Decrease</u></b>
<b><u>Fund 45 Capital Improvement Fund</u></b>		
<u>03043</u> Community Projects - 2004	\$	(48.10)
<u>03117</u> Community Projects - 2005		(17,251.90)
<u>03229</u> Community Projects - 2006		(2,074.94)
<u>03366</u> Community Projects - 2007		(13,175.06)
<u>21403</u> ARMS Reach Organization		1,000.00
<u>20212</u> Birmingham Board of Education		10,700.00
_____ B'ham Park and Recreation Board - Crestwood Park		2,000.00
<u>21470</u> B'ham Park and Recreation Board - Fishing Rodeo		600.00
_____ B'ham Park and Recreation Board - Hugo Black Park		5,000.00
<u>20450</u> Fountain Heights Neighborhood Association		500.00

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20956 Highland Park Neighborhood Associaton	9,000.00
20678 New Life Harvest Ministries	750.00
20939 UNCF	3,000.00
	<u>\$ -</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$32,550.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$32,550.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$32,550.00, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-21**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<b>Fund CH Park Improvement Bond Fund</b>	
02863 Pool Rehabilitation	\$ (5,954.30)
_____ North Birmingham Recreation Center Repairs	<u>5,954.30</u>
	<u>\$ -</u>

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Recommendation by the Mayor:

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I recommend the above appropriation in the amount of \$5,954.30.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$5,954.30, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$5,954.30, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-22**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<b><u>Fund CN City Equipment Bond Fund 2002</u></b>	
<u>02892</u> Police Communications	\$ (10,900.00)
<u>      </u> Fire Station #20 - Overhead Doors	<u>10,900.00</u>
	<u>\$ <u>                  -</u></u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$10,900.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$10,900.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$10,900.00, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-23**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount</u> <u>Increase/Decrease</u>
<b><u>Fund CH Park Improvement Bond Fund 2002</u></b>	
<u>02860</u> Legion Field Lighting	\$ (10,500.00)
<u>      </u> East Lake Park - Transformer	<u>10,500.00</u>
	<u>\$ -</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$10,500.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$10,500.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$10,500.00, provided for in the proposed ordinance.

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Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-24**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<b><u>Title of Appropriation</u></b>	<b><u>Amount</u></b>	<b><u>Increase/Decrease</u></b>
<b><u>Fund CE Public Facilities Bond Fund 2002</u></b>		
<u>02821</u> Traffic Engineering Operation Center	\$	(4,195.00)
<u>02802</u> Public Works Construction Division		(6,200.00)
<u>03388</u> Fair Park Improvements		<u>10,395.00</u>
	\$	<u>-</u>

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**Recommendation by the Mayor:**

I recommend the above appropriation in the amount of \$10,395.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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**Certification of the Director of Finance:**

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$10,395.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$10,395.00, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-25**

AN ORDINANCE TO FURTHER AMEND  
THE GENERAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<b><u>Fund 01 General Fund</u></b>	
<b><u>Revenue</u></b>	
<u>7201</u> Bank Excise Tax	\$ <u>2,100,000.00</u>
 <u>Appropriation</u>	
<u>Non-Departmental</u>	
<u>2892</u> Capital Improvement Fund	\$ <u>2,100,000.00</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$2,100,000.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the General Fund of the City of Birmingham \$2,100,000.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$2,100,000.00, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-26**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<b><u>Fund 45 Capital Improvement Fund</u></b>	
01168 Weed Abatement	\$ <u>2,100,000.00</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$2,100,000.00.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$2,100,000.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$2,100,000.00, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-27**

AN ORDINANCE TO FURTHER AMEND  
THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2007, be and the same is hereby amended as follows:

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<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<b><u>Fund CQ Musuems/Cultural Facilities Bond Fund 2002</u></b>	
<u>02899</u> Carver Theatre Roof Repair	\$ (14,838.67)
<u>02900</u> Jazz Hall of Fame Marquee	(8,545.00)
_____ Carver Theatre Repairs	<u>23,383.67</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$23,383.67.

Respectfully,  
Bernard Kincaid/s/  
Bernard Kincaid  
Mayor

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Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$23,383.67, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$23,383.67, provided for in the proposed ordinance.

Respectfully,  
Michael Johnson/s/  
Michael Johnson  
Director of Finance

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**ORDINANCE NO. 07-28**

WHEREAS, pursuant to Chapter 48 of Title 11 of the Code of Alabama (1975), the City of Birmingham (the ACity@) is authorized to sell property to foreclose upon liens in favor of the City for unpaid municipal improvement assessments and to acquire such property at the sale; and

WHEREAS, on or about May 11, 1999, the City acquired the property described below (the "Property" at its sale of such Property upon the failure of the property owner to pay a municipal improvement assessment; and

WHEREAS, the right to redeem the Property from such sales has expired; and

WHEREAS, Section 3-1-4(c) of the General Code of the City of Birmingham of 1980, as amended, authorizes the Director of Finance to investigate the circumstances resulting in the conveyance of the Property to the City and to recommend to the City Council a purchase of the Property for a consideration not less than the amount of the original assessments, plus costs, fees

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and interest thereon at the rate of six percent (6%) per annum; and

WHEREAS, Phillip Samuel has requested to purchase the City's interest in the Property and the Director of Finance has investigated the circumstances resulting in the conveyance of the Property to the City and recommends that Phillip Samuel be allowed to purchase the Property for the amount of \$ 396.00, which represents the total amount of the original assessments plus costs, fees and interest thereon at the rate of six percent (6%) per annum.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that the Mayor be and hereby is authorized to execute, on behalf of the City of Birmingham, a quitclaim deed and redemption deed conveying the Property to the designated grantee upon payment of the amount of \$ 396.00 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
Phillip Samuel	9401 13 <sup>th</sup> Ave N Blk 2 Lot 27 Survey of Airport Estates 2 <sup>nd</sup> Addition MB 26 PG 21 P.I.D. # 23-3-1-8-4 as Recorded in the Office of the Judge of Probate, Jefferson County Account #61217	\$396.00

BE IT FURTHER ORDAINED that in the judgment of said Council the Property is not needed for public or municipal purposes.

**ORDINANCE NO. 07-29**

WHEREAS, pursuant to Chapter 48 of Title 11 of the Code of Alabama (1975), the City of Birmingham (the ACity@) is authorized to sell property to foreclose upon liens in favor of the City for unpaid municipal improvement assessments and to acquire such property at the sale; and

WHEREAS, on or about May 11, 1998, the City acquired the property described below (the "Property") at its sale of such Property upon the failure of the property owner to pay a municipal improvement assessment; and

WHEREAS, the right to redeem the Property from such sales has expired; and

WHEREAS, Section 3-1-4(c) of the General Code of the City of Birmingham of 1980, as amended, authorizes the Director of Finance to investigate the circumstances resulting in the conveyance of the Property to the City and to recommend to the City Council a purchase of the Property for a consideration not less than the amount of the original assessments, plus costs, fees and interest thereon at the rate of six percent (6%) per annum; and

WHEREAS, Diane D. Hinton has requested to purchase the City's interest in the Property and the Director of Finance has investigated the circumstances resulting in the conveyance of the Property to the City and recommends that Diane D. Hinton be allowed to purchase the Property for the amount

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of \$ 491.98, which represents the total amount of the original assessments plus costs, fees and interest thereon at the rate of six percent (6%) per annum.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that the Mayor be and hereby is authorized to execute, on behalf of the City of Birmingham, a quitclaim deed and redemption deed conveying the Property to the designated grantee upon payment of the amount of \$ 491.98 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
Diane D. Hinton	2625 21 <sup>st</sup> ST SW Blk 7 Lot 9 Survey of Garden Highlands Add to Powderly MB 20 PG 0057 P.I.D. # 29-20-4-8-8 as Recorded in the Office of the Judge of Probate, Jefferson County Account #60588	\$491.98

BE IT FURTHER ORDAINED that in the judgment of said Council the Property is not needed for public or municipal purposes.

**ORDINANCE NO. 07-30**

WHEREAS, pursuant to Chapter 48 of Title 11 of the Code of Alabama (1975), the City of Birmingham (the "City") is authorized to sell property to foreclose upon liens in favor of the City for unpaid municipal improvement assessments and to acquire such property at the sale; and

WHEREAS, on or about May 11, 1998, the City acquired the property described below (the AProperty@) at its sale of such Property upon the failure of the property owner to pay a municipal improvement assessment; and

WHEREAS, the right to redeem the Property from such sales has expired; and

WHEREAS, Section 3-1-4(c) of the General Code of the City of Birmingham of 1980, as amended, authorizes the Director of Finance to investigate the circumstances resulting in the conveyance of the Property to the City and to recommend to the City Council a purchase of the Property for a consideration not less than the amount of the original assessments, plus costs, fees and interest thereon at the rate of six percent (6%) per annum; and

WHEREAS, Diane D. Hinton has requested to purchase the City's interest in the Property and the Director of Finance has investigated the circumstances resulting in the conveyance of the Property to the City and recommends that Diane D. Hinton be allowed to purchase the Property for the amount of \$ 491.88, which represents the total amount of the original assessments plus costs, fees and interest thereon at the rate of six percent (6%) per annum.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that

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the Mayor be and hereby is authorized to execute, on behalf of the City of Birmingham, a quitclaim deed and redemption deed conveying the Property to the designated grantee upon payment of the amount of \$ 491.88 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
Diane D. Hinton	2625 21 <sup>st</sup> ST SW Blk 7 Lot 8 Survey of Garden Highlands Add to Powderly MB 20 PG 0057 P.I.D. # 29-20-4-8-8 as Recorded in the Office of the Judge of Probate, Jefferson County Account #60587	\$491.88

BE IT FURTHER ORDAINED that in the judgment of said Council the Property is not needed for public or municipal purposes.

**RESOLUTION NO. 236-07**

**WHEREAS**, on March 1, 2005, the City of Birmingham submitted a Pre-Disaster Mitigation Competitive Program grant application, for a total project cost of \$1,396,450, to the Federal Emergency Management Agency to acquire approximately 25 repetitively flood-damaged, floodplain properties located in the Valley Creek Special Flood Hazard Area; and

**WHEREAS**, on November 2, 2006, the Federal Emergency Management Agency notified the City of Birmingham that this grant application has been approved and that the 75% federal share, \$1,047,338, has been obligated; and

**WHEREAS**, to meet the required 25% local match, \$349,112, to receive this grant, the City of Birmingham has agreed to perform certain in-kind services valued at no less than \$221,875 and has appropriated \$127,237 in the FY 2006-2007 Capital Budget;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Birmingham, Alabama, that the Mayor be and hereby is authorized to accept on behalf of the City a grant in the amount of \$1,047,3338, which represents the 75% federal share, and to enter into a State-Subgrantee Agreement with the State of Alabama under the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Competitive Program for the **Valley Creek Floodplain Property Acquisition** Project to acquire approximately 25 repetitively flood-damaged, floodplain properties located in the Valley Creek Special Flood Hazard Area. The Mayor is further authorized to (1) negotiate and execute a Real Estate Purchase Agreement and purchase said properties for a combined total acquisition cost, including property purchases, project management, closing, title, appraisal and miscellaneous acquisition expenses, not to exceed \$1,174,575; (2) direct Public Works Department to perform all required structure demolition, land clearance and re-seeding work and direct Planning Engineering & Permits Department to perform all project management/administration work and direct Community Development Department to provide any necessary relocation assistance services to fulfill the City of Birmingham's in-kind services commitment.

**RESOLUTION NO. 237-07**

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**WHEREAS**, on March 1, 2005, the City of Birmingham submitted a Pre-Disaster Mitigation Competitive Program grant application, for a total project cost of \$3,946,750, to the Federal Emergency Management Agency to acquire approximately 83 repetitively flood-damaged, floodplain properties located in the Village Creek Special Flood Hazard Area; and

**WHEREAS**, on November 1, 2006, the Federal Emergency Management Agency notified the City of Birmingham that this grant application has been approved and that the 75% federal share, \$2,960,063, has been obligated; and

**WHEREAS**, to meet the required 25% local match, \$986,687, to receive this grant, the City of Birmingham has agreed to perform certain in-kind services valued at no less than \$547,525 and has appropriated \$439,162 in the FY 2006-2007 Capital Budget;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Birmingham, Alabama, that the Mayor be and hereby is authorized to accept on behalf of the City a grant in the amount of \$2,960,063 which represents the 75% federal share, and to enter into a State-Subgrantee Agreement with the State of Alabama under the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Competitive Program for the **Village Creek Floodplain Property Acquisition** Project to acquire approximately 83 repetitively flood-damaged, floodplain properties located in the Village Creek Special Flood Hazard Area of the City of Birmingham. The Mayor is further authorized to (1) negotiate and execute a Real Estate Purchase Agreement and purchase said properties for a combined total acquisition cost, including property purchases, project management, closing, title, appraisal and miscellaneous acquisition expenses, not to exceed \$3,399,225; (2) direct Public Works Department to perform all required structure demolition, land clearance and re-seeding work and direct Planning Engineering & Permits Department to perform all project management/administration work and direct Community Development Department to provide any necessary relocation assistance services to fulfill the City of Birmingham's in-kind services commitment.

**RESOLUTION NO. 238-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Paul Lawrence Lucas (Assessed Owner)**  
**Sam & Eleanor Lucas ( Apparent Owners)**  
**John Hatchett & Howard Carver (Apparent Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**2700 Dowell Avenue SW**

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in the City of Birmingham, more particularly described as:

**LOT 16 BLK 5 ORIGINAL TRACT OF PLEASANT VALLEY LAND & MFG CO  
AS RECORDED IN MAP BOOK 1, MAP PAGE 101 IN THE OFFICE OF THE  
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-17-3-23-16).  
LOT SIZE 50 X 155**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**CON2005-00361**

**RESOLUTION NO. 239-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Johnny L. & Stephenie Calhoun & Brunetta Young (Assessed Owners)  
Brunetta Young Alston (Co-Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structure (single family residence & two detached sheds) located at

**1325 Avenue K, Ensley**

in the City of Birmingham, more particularly described as:

**LOTS 13-14 BLK 13-K ENSLEY LAND COMPANYS SECOND ADDITION TO  
ENSLEY AS RECORDED IN MAP BOOK 4, MAP PAGE 37 IN THE OFFICE OF  
THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-31-4-6-9).  
LOT SIZE 50 x 130**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is

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hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2006-00043**

**RESOLUTION NO. 240-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Muni Sass IV (Assessed Owner)**  
**Heartwood 88 Inc. (Co-Owner)**  
**Henry M. & Marie Middlebrooks (Apparent Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage) located at

**4344 Newton Street**

in the City of Birmingham, more particularly described as:

**LOT 8 BLK 9 BOYLES PARK AS RECORDED IN MAP BOOK 8, MAP PAGE 64  
IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,  
ALABAMA (23-7-4-2-20).  
LOT SIZE 50 x 140**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2006-00066**

**RESOLUTION NO. 241-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

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**Ruby Davis (Assessed Owner)**  
**Theodore Warren (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage) located at

**4301 Jackson Street**

in the City of Birmingham, more particularly described as:

**LOT 22 BLK 4 BOYLES PARK AS RECORDED IN MAP BOOK 8, MAP PAGE 64  
IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,  
ALABAMA (23-7-4-11-11). LOT SIZE 50 x 140**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2006-00125**

**RESOLUTION NO. 242-07**

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Mary P. Kennebrew, Agt. (Assessed Owner)**  
**Eddie & Lucinda Hurt (Co-Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**309 Center Street South**

in the City of Birmingham, more particularly described as:

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**LOT 3 BLK 5 SNEDECOR RESUR OF LOTS 16 THRU 19 HAGOOD SUR HAGOOD SUB AS RECORDED IN MAP BOOK 5, MAP PAGE 141 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-3-4-21-13). LOT SIZE 40 x 100**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**CON2006-00273**

**RESOLUTION NO. 243-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Cleveland Jr. & Gloria A. Carter (Assessed Owners)  
Tom Baddley (Co-Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached carport & storage) located at

**5620 Lincoln Avenue**

in the City of Birmingham, more particularly described as:

**BEG AT A PT 161 FT W & 50 FT N OF THE SE COR OF NE 1/4 OF SE 1/4 FOR POB TH N 150 FT W 100 FT S 150 FT E 100 F FOR POB LYING IN THE NE 1/4 OF SE 1/4 SEC 26 TWP 18 RNG 4 AS RECORDED IN MAP BOOK 1000, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-26-4-9-5). LOT SIZE 100 x 150**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein

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described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**PTK# 141658**

**RESOLUTION NO. 244-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Emanuel T. Carter, Heir of (Assessed Owner)  
Henrietta Jackson & Emanuel T. Carter (Apparent Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage & storage) located at

**3535 2nd Street North**

in the City of Birmingham, more particularly described as:

**LOT 17 BL 2 SYX MOXLEY ADD TO DOLOMITE AS RECORDED IN MAP BOOK 1203, MAP PAGE 35 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-16-4-14-15). LOT SIZE 40 x 120**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2005-00389**

**RESOLUTION NO. 245-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Emanuel T. Carter (Assessed Owner)  
Henrietta Jackson & Emanuel T. Carter (Apparent Owners)**

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the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**3535 2nd Street North (Rear)**

in the City of Birmingham, more particularly described as:

**LOT 17 BL 2 SYX MOXLEY ADD TO DOLOMITE AS RECORDED IN MAP BOOK 1203, MAP PAGE 35 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-16-4-14-15). LOT SIZE 40 X 120**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**CON2005-00398**

**RESOLUTION NO. 246-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Antoine Griggs (Assessed Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**William Robertson, Jr.**

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage) located at

**4008 Fairmont Street**

in the City of Birmingham, more particularly described as:

**LOT 16 BLK 9 FAIRMONT NORTH BHAM AS RECORDED IN MAP BOOK 7,**

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**MAP PAGE 35 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-1-2-8). LOT SIZE 50 x 140**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2006-00057**

**RESOLUTION NO. 247-07**

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**First Ebenezer Baptist Church (Assessed Owner)  
Marcia Victoria Reynolds & Kelvin Heard (Apparent Owners)  
Andrea Denise Adams (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage) located at

**515 4th Street North**

in the City of Birmingham, more particularly described as:

**N 1/2 LOT 9 BLK 39 MAP OF SMITHFIELD (NORTH) AS RECORDED IN MAP BOOK 9001, MAP PAGE 149 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-35-3-11-8). LOT SIZE 50 x 95**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**PTK# 141890**

**RESOLUTION NO. 248-07**

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**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**N. D. Edwards (Assessed Owner)**  
**Vera & Don E. Scott (Co-Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**1481 Tin Mill Road**

in the City of Birmingham, more particularly described as:

**LOT 7 BL 5 SYX MOXLEY ADD TO DOLOMITE AS RECORDED IN MAP BOOK 1203, MAP PAGE 35 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-16-4-24-5). LOT SIZE 110 X 122**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**CON2006-00102**

**RESOLUTION NO. 249-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**MTAG (Assessed Owner)**  
**David L. & Mary E. Powers (Apparent Owners)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

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mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence & detached garage) located at

**2216 31st Avenue North**

in the City of Birmingham, more particularly described as:

**LOT 16 BLK 167 BINGHAM LAND CO SURVEY AS RECORDED IN MAP BOOK 6, MAP PAGE 26 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-3-30-12). LOT SIZE 50 x 140**

are unsafe to the extent that they are a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

**CON2006-00022**

**RESOLUTION NO. 250-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Judith J. Pender (Assessed Owner)**  
**Nancy Montagano (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**611 Lexington Street Wylam**

in the City of Birmingham, more particularly described as:

**TH S 70.5 FT LOT 8 BLK 4 RESUR OF ADLER-WEAVER AS RECORDED IN MAP BOOK 4, MAP PAGE 43 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-2-1-7-8.001). LOT SIZE 50 X 70**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is

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hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**CON2005-00292**

**RESOLUTION NO. 251-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that proper notice having been given to

**Dumas & Associates Inc. (Assessed Owner)**  
**Ann Smeraglia (Apparent Owner)**  
**Ronald Jackson (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**N/A**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

**4101 29th Street North (Store)**

in the City of Birmingham, more particularly described as:

**W 100 FT OF LOT 1 W J RYAN'S ADD TO NORTH BHAM AS RECORDED IN MAP BOOK 6, MAP PAGE 119 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-12-3-16-5). LOT SIZE 50 X 100**

is unsafe to the extent that it is a public nuisance.

**BE IT FURTHER RESOLVED** by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

**PTK#139605**

**RESOLUTION NO. 252-07**

**BE IT RESOLVED** by the Council of the City of Birmingham, Alabama, that the lump sum bid of Ten Thousand Eight Hundred Sixty Dollars and no/100 (\$ 10,860.00), submitted by MAGIC CITY OVERHEAD DOOR, 3990 Lorna Road, Birmingham, AL 35244, to remove and

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replace three (3) overhead doors at FIRE STATION #20, Birmingham, AL, received by the Department of Planning, Engineering and Permits on February 6, 2007, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under City Equipment 2002 Bond Fund [approp. YR07]. The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

**BE IT FURTHER RESOLVED** that the Mayor be, and he is hereby authorized to enter into a contract with Magic City Overhead Door, in accordance with said bid, providing that the total contract not exceed the appropriation.

**RESOLUTION NO. 253-07**

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Seventeen Thousand Nine Hundred Eighty-two Dollars and 26/100 (\$17,982.26), submitted by NIXON'S ELECTRIC, INC., 3806-1<sup>st</sup> Avenue, North, Birmingham, AL 35222, for lighting upgrades at CARVER THEATER, 1631-4<sup>th</sup> Avenue, North, Birmingham, AL 35203; PTK# 142371, received by the Department of Planning, Engineering and Permits on January 29, 2007, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under Museums and Cultural 2002 Fund [approp YR07]. The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

BE IT FURTHER RESOLVED that the Mayor be, and he is hereby authorized to enter into a contract with Nixon Electric, Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

**RESOLUTION NO. 254-07**

WHEREAS, Act No. 105 of the Third Special Session of the Alabama Legislature, 1971, as amended by Act No. 87-728 of the Regular Session of the Alabama Legislature, 1987, and Act No. 89-380 of the Regular Session of the Alabama Legislature, 1989, and Act No. 91-192 of the Regular Session of the Alabama Legislature, 1991, provides that noxious or dangerous weeds growing upon private property in a municipality may be found and declared to be a public nuisance and the municipality may abate the nuisance and the cost of the abatement of said nuisance shall constitute a special assessment and create a lien against such private property: and

WHEREAS, the properties listed herein below in the City of Birmingham have growing upon them weeds which have attained such a large growth as to become a fire menace when dry and which are noxious and dangerous:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Birmingham that the real properties described herein below be and are hereby declared to be a public nuisance.

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1	22-34-1-21-14.000-RR	969 1ST ST N 35204	LOTS 9 & 10 BLK 20 SMITHFIELD SMITHFIELD (NORTH)
2	22-30-4-04-05.000-RR	413 5TH ST 35214	LOT 5 BLK 2 ENSLEY LD CO ADD TO PRATT CITY
3	22-25-1-09-11.000-RR	1220 29TH ST N 35234	S 60 FT OF LOTS 1 & 2 OF BLK 657 BHAM
4	29-16-4-04-04.000-RR	1813 15TH ST SW 35211	LOT 13 BLK 23 MASON CITY
5	23-12-3-07-09.000-RR	8413 9TH AVE S 35206	LOT 4 BLK 216 LAKEWOOD
6	22-31-3-49-02.000-RR	2120 AVENUE D 35218	LOTS 13 THUR 16 BLK 21 C ENSLEY
7	23-15-3-27-13.000-RR	6624 3RD AVE N 35206	LOTS 1+2 BLK 2 GROVELAND
8	22-27-3-14-03.000-RR	313 12TH AVE W 35204	LOT 4 BLK 5 SPAULDING
9	22-27-1-15-02.000-RR	10 16TH AVE N 35204	LOT 3 BLK 14 MELVILLE COURT
10	30-01-1-26-05.000-RR	3019 AVENUE B 35218	LOT 5 BLK 11 ENSLEY DEV CO
11	22-35-3-12-08.000-RR	507 5TH ST N 35204	S 49.5 FT OF N 95 FT OF LOTS 9-10 BLK 42 MAP OF SMITHFIELD SOUTH SMITHFIELD
12	22-15-3-22-05.000-RR	3607 3RD ST W 35207	LOTS 8 & 9 BLK 1 MAP OF 6TH ADD TO HOOPER CITY
13	22-15-4-05-20.000-RR	3840 CENTER ST N 35207	LOT 1 BLK 1 ZION HEIGHTS
14	22-15-4-15-05.000-RR	3765 CENTER ST W 35207	LOT 3 BLK 4 J H BERRYS ADD TO HOOPER CITY
15	22-15-4-13-16.000-RR	3754 CENTER PL W 35207	LOTS 5 & 6 BLK 3 ZION HGHTS
16	22-15-1-05-18.000-RR	4 40TH CT N 35207	LOTS 11 & 12 BLK 1 FRANKLIN GARDENS #2
17	29-30-1-15-04.000-RR	3143 GRASSELLI AVE SW 35221	LOT 6 BL 1 SONGO PLACE
18	29-30-1-22-15.000-RR	3205 CARVER AVE SW 35211	LOT 7 BL 3 WENONAH SUB PLAT C
19	29-30-1-28-16.000-RR	3318 WENONAH RD 35211	LOT 19 BL 13 TARPLEY
20	29-30-1-28-17.000-RR	3312 WENONAH RD 35211	LOT 20 BL 13 TARPLEY
21	29-30-1-28-18.000-RR	3310 WENONAH RD 35211	LOT 21 BL 13 TARPLEY
22	22-15-4-07-12.000-RR	3804 1ST ST W 35207	LOTS 24 & 25 & 26 BLK 5 OAKHURST ADD TO NORTH BHAM
23	22-15-1-11-05.000-RR	3913 1ST PL W 35207	LOTS 3 & 4 BLK 4 FRANKLIN GARDENS
24	29-19-3-10-10.000-RR	3816 JEFFERSON AVE SW 35221	LOT 8 BLK 4 PARK PLACE
25	29-08-2-30-01.000-RR	4928 TERRACE S 35211	BLK 30 CENTRAL PARK TRIA TR OF LD LYING NW OF A B & C RR & S
26	23-19-3-14-11.000-RR	3414 11TH AVE N 35234	W 1/2 LOT 7 BLK 646 BHAM MBHAM
27	22-31-4-37-24.000-RR	1704 20TH ST 35218	S 100 FT OF LOT 10 BLK 3 ENSLEY RLTY COS ADD TO ENSLEY
28	22-31-4-28-03.000-RR	816 17TH ST 35218	LOTS 15+16 BLK 16-H ENSLEY
29	29-30-1-23-13.000-RR	3334 TODD AVE SW 35211	LOT 15 BLK 9 TARPLEY

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30	22-26-2-31-06.000-RR	1545 6TH ST N 35204	LOT 15 A P MCCLOSKEY S/D
31	23-20-2-03-65.000-RR	4412 13TH AVE N 35212	LOT 2-A KENMORE 2ND ADD RESUR OF LOT 2 & ACREAGE
32	23-20-3-03-05.000-RR	900 44TH ST N 35212	LOT 11 BLK 3 KINGSTON
33	22-26-4-22-09.000-RR	1317 16TH ST N 35204	S 41.6 FT OF N 836 FT LOT 4 BLK 21J M WARE E LINE OF 16TH ST N 124.8 FT S OF INTERSEC OF SD LINE WITH S
34	22-26-3-06-05.000-RR	1213 13TH AVE N 35204	LOT 13 & W 1/2 LOT 14 BLK A FOUNTAIN HGTS
35	22-26-3-06-06.000-RR	1209 13TH AVE N 35204	LOT 12 BLK A FOUNTAIN HGTS
36	22-26-3-06-07.000-RR	1205 13TH AVE N 35204	LOT 11 BLK A FOUNTAIN HGTS FOUNTAIN HGHTS
37	23-11-1-04-01.000-RR	220 PINE TREE LN 35206	LOT 8 BLK-B ROEBUCK COURT
38	22-23-1-28-01.000-RR	2429 26TH AVE N 35234	N 100 FT OF LOTS 1 THRU 4 BLK 285 NORTH BHAM
39	29-03-3-14-10.000-RR	837 MCMILLON AVE SW 35211	N 140 FT LOT 33 SILVER MEAD SURVEY
40	29-05-1-23-08.000-RR	2921 AVENUE Z 35208	LOT 15 BLK 5 FAIRVIEW PARK
41	22-28-4-03-06.000-RR	1617 10TH ST W 35204	LOT 18 BLK 2 EAST THOMAS
42	22-34-2-19-12.000-RR	850 6TH ST W 35204	LOT 1 BLK 5 COLLEGE HILLS
43	23-12-3-07-10.000-RR	8409 9TH AVE S 35206	LOT 3 BLK 216 LAKEWOOD
44	29-18-2-11-17.000-RR	1317 MEADOW LN 35228	LOT 10 BLK 10 GARBER COOK & HULSEY 2ND ADD TO GREEN ACRES
45	29-19-1-18-02.000-RR	3305 CEDAR AVE SW 35221	LOT 2 BLK 15 ROSEMONT
46	22-25-1-29-01.000-RR	2831 RICHARD ARRINGTON JR BLVD N 35203	THAT PT OF LOT 1 BLK 599 BHAM LYING N OF R RR/W DESC AS BEG AT SW INTER OF 10TH AVE N & 29TH ST N THENCE SE-28 S FT TO
47	29-30-3-17-03.000-RR	3634 3RD ST NE 35221	LOT 3 BLK 2 WENONAH SUB PLAT B
48	22-32-3-32-01.000-RR	2541 18TH ST 35208	LOTS 1 & 2 BLK 81 BHAM ENSLEY LAND AND IMP CO
49	22-32-3-35-06.000-RR	2538 20TH ST 35208	70 FT OF LOT 22 BLK 79 BHAM ENSLEY
50	22-27-1-22-01.000-RR	131 15TH CT N 35204	LOT 1 BLK 10 MELVILLE COURT
51	22-25-1-30-01.000-RR	931 RICHARD ARRINGTON JR BLVD N 35203	LOTS 1 2 3 & 4 BLK 599 BHAM LYING S OF R R R/W
52	22-25-1-30-02.000-RR	901 28TH ST N 35203	LOTS 5 6 7 & 8 BLK 599 BHAM
53	29-09-4-17-05.000-RR	1635 ALAMEDA AVE 35211	LOT 21-A RESUR J T DEJARNETTS SUBDIV LOTS 21 & 22 115/45
54	22-14-3-24-09.000-RR	2112 32ND AVE N 35207	LOT 14 BLK 148 BINGHAM LAND CO SUR
55	29-15-2-02-01.000-RR	1501 12TH ST SW 35211	P O B E INTER OF MASON AVE & 12 TH ST S W TH S 50 FT 25S ALG ST TH E 150 FT TO ALLEY TH N 50 FT 25S TO MASON AVE
56	29-03-1-28-18.000-RR	17 1ST ST N 35204	LOTS 15 THRU 18 BLK 2 WALKER LAND COS ADD TO ELYTON

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57	29-03-1-28-17.000-RR	21 1ST ST N 35204	LOT 19 & S 25 FT LOT 20 BLK 2 WALKER LAND COS ADD TO ELYTON
58	30-01-1-47-09.000-RR	3016 AVENUE H 35218	LOT 9 BLK 30-G ENSLEY 8TH ADD
59	29-03-4-17-31.000-RR	10 3RD AVE SW 35211	LOTS 3 & 4 BLK 3 LUCY E SMITHS RESUR OF BLK 8 & 9 WALKER LD CO
60	29-02-3-04-18.000-RR	402 4TH AVE S 35205	E 25 FT OF W 50 FT OF LOTS 19 & 20 BLK 2 ELYTON HGLDS HGLDS
61	23-14-3-20-10.000-RR	7023 LONDON AVE 35206	COM 325 FT N OF INTER E/L OF LONDON AVE & S/L SW 1/4 SEC 14 TP 17 R 2W TH E 40 FT TO POB TH CONT E 200 FT TH N 113 FT
62	29-16-4-19-01.000-RR	2007 14TH WAY SW 35211	LOT 14 BLK 38 MASON CITY
63	22-35-2-22-06.000-RR	922 9TH AVE N 35204	W 34 FT OF S 80 FT OF LOT 15 BLK 4 G A KIRK SUR WARE LANDS
64	22-27-3-14-04.000-RR	315 12TH AVE W 35204	LOT 5 BLK 5 SPALDING
65	22-32-4-02-02.000-RR	1419 DECATUR AVE 35208	LOT 12 BLK 6 SHADYSIDE
66	30-25-2-07-09.000-RR	5533 YELLOW WOOD AVE 35020	LOTS 1 & 2 BL 13 CAIRO
67	30-25-2-07-10.000-RR	5537 YELLOW WOOD AVE 35020	LOTS 3 & 4 BL 13 CAIRO
68	22-22-4-15-13.000-RR	2210 12TH ST N 35204	N 52 FT LOTS 14 & 15 BLK 358 NO BHAM 4TH ADD
69	22-26-2-30-16.000-RR	1620 6TH ST N 35204	LOTS 2 & 3 BLK 3 LEONARD HALLS SUR
70	22-14-4-11-04.000-RR	2802 29TH AVE N 35207	LOTS 9 THRU 11 BLK 201 NO BHAM
71	29-29-4-01-14.000-RR	2000 CARRELL ST 35211	LOT 16 BLK 1 WEBBTOWN
72	22-26-2-11-05.000-RR	1521 11TH ST N 35204	COM AT NE INTER 15TH AVE N & 11TH ST N TH N 240 FT TO POB TH E 108 FT TH N 38 FT TH W 52 FT TH N 36 FT TH SW 75 FT TH S
73	29-03-1-28-26.000-RR	24 1ST PL N 35204	LOT 8 BLK 2 WALKER LAND COS Legal 2 ADD TO ELYTON
74	29-15-2-02-02.000-RR	1505 12TH ST SW 35211	P O B 25S FT S OF THE E INTER OF MASON AVE & 12TH ST S W TH S 50S FT ALG ST TH E 150S FT TO ALLEY TH N 50S FT TH W 150
75	29-15-2-02-04.000-RR	1517 12TH ST SW 35211	POB 125 FT(S) S OF THE E INTER OF MASON AVE & 12TH ST SW TH S 00 FT(S) ALONG ST TH E 150 FT S) TO ALLEY TH N 100 FT W
76	29-10-3-00-39.000-RR	1808 MANDELA PL 35211	LOTS 29 & 30 BLK 1 HERITAGE TOWNE CENTRE 165/93 & AMENDED MAP 168/73
77	29-09-1-09-19.000-RR	1301 STEINER AVE 35211	LOT 4-A RESUR LOTS 4-& 5 BRINKMEYER SUB
78	29-09-1-09-03.000-RR	1321 STEINER AVE 35211	N 1/2 LOT 19 BLK 6 WEST END
79	29-03-2-18-14.000-RR	612 ST CHARLES AVE SW 35211	SW 43 FT OF LOTS 1 2 & 3 BLK 8 & NE 7 1/2 OF VACATED ALLEY
80	29-03-2-23-09.000-RR	529 ST CHARLES AVE SW 35211	LOT 14 BLK 6 KENILWORTH
81	29-03-2-24-10.000-RR	620 PRINCETON AVE SW 35211	LOT 5 & E 37 FT LOT 6 BLK 5 PRINCETON
82	29-03-2-24-12.000-RR	606 PRINCETON AVE SW 35211	E 50 FT OF W 100 FT LOTS 1+2+3 BLK 5 KENILWORTH

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83	29-28-3-00-15.000-RR	979 WEBB CIR 35211	LOT 7 BLK 3 J W WILKES SURVEY SUR SECS 28 & 33 TP 18 R 3W
84	22-30-4-04-07.000-RR	401 5TH ST 35214	LOT 8 BLK 2 ENSLEY LAND COS ADD TO PRATT CITY
85	22-31-3-38-03.000-RR	2013 AVENUE H 35218	LOTS 7+8 BLK 20-H ENSLEY
86	22-35-2-03-11.000-RR	1004 12TH ST N 35204	P O B 117 FT S N W OF THE NW INTER OF 10TH AVE N & 12TH ST N TH N W 30 FT S ALG 12TH SE N TH S W 108 FT S TH S E 30 FT
87	23-15-3-37-14.000-RR	6524 3RD AVE N 35206	LOT 3 & E 1/2 LOT 4 BLK 1GROVELAND
88	23-15-3-05-04.000-RR	216 69TH PL N 35206	ALL LOT 11 & SE 10 FT OF LOT 12 BLK 1 C J & W R SHARP
89	23-07-4-16-01.000-RR	4253 INGLENOOK ST 35217	LOT 15 BLK 2 BENDALE
90	30-01-3-03-04.000-RR	3523 AVENUE B 35218	LOT 6 BLK 35-B ENSLEY LAND CO 15TH ADD TO ENSLEY
91	23-22-4-10-12.000-RR	642 EXETER AVE 35212	LOTS 15+16 BLK 4 LINCOLN ADD TO WOODLAWN
92	22-26-2-38-02.000-RR	332 14TH CT N 35204	LOT 11 BLK 8 EUBANKS SUB OF PART HUDSON LANDS
93	22-27-1-29-13.000-RR	312 14TH CT N 35204	LOT 14 BLK 3 J O PEEPLES SUR
94	23-19-3-14-09.000-RR	3406 11TH AVE N 35234	S 110 FT OF LOT 5 BLK 646 BHAM OF LOT 5 BLK 646 BHAM
95	22-28-4-02-04.000-RR	908 16TH AVE W 35204	E 90 FT OF LOTS 13 THRU 18 BLK 1 EAST THOMAS
96	22-27-4-02-02.000-RR	241 14TH CT N 35204	O B 53S FT W OF THE S W Legal 2 INTER OF N 3RD ST & N 14TH CT
97	22-34-1-09-03.000-RR	100 10TH CT N 35204	S 50 FT LOTS 9 & 10 & ALL LOT 11 EXC PT IN I-59 BLK 22 NORTH
98	22-27-1-22-10.000-RR	114 15TH AVE N 35204	W 1/2 OF LOT 10 BLK 10 MELVILLE COURT
99	29-09-2-14-32.000-RR	508 16TH ST SW 35211	LOTS 60 & 61 HEWES & BOOTH SUR OF WEST END
100	22-35-2-27-03.000-RR	928 8TH AVE N 35204	PART LOTS 15 & 16 BLK 252 BHAM DESC AS BEG AT NW INT
101	22-35-2-16-03.000-RR	317 10TH CT N 35204	LOT 4 BLK 11 MAP OF SMITHFIELD (NORTH)
102	22-34-1-12-06.000-RR	101 10TH CT N 35204	N 140S FT LOT 8 BLK 21 SMITHFIELD (NORTH)
103	22-34-1-12-03.000-RR	111 10TH CT N 35203	E 20 FT OF LOT 6 BLK 21 SMITHFIELD (NORTH)
104	23-10-4-04-06.000-RR	8004 6TH AVE N 35206	LOT 3 BLK 12-F EAST LAKE
105	29-17-1-08-03.000-RR	2035 JEFFERSON AVE SW 35211	COM SW COR OF NE 1/4 SEC 17 TP 18 R 3W TH N 250 FT TH E 20 FT
106	22-34-3-10-11.000-RR	640 8TH AVE W 35204	P O B 50 FT E OF THE N E INTER OF 7TH ST W & 8TH AVE W TH E
107	22-27-1-13-04.000-RR	108 16TH AVE N 35204	E 45 FT OF LOTS 10+11+12 BLK 12 MELVILLE COURT
108	22-27-4-06-22.000-RR	8 14TH CT W 35204	LOT 12 BLK 3 REVISED MAP OF ROSEWOOD PARK
109	29-03-1-21-19.000-RR	134 MORRIS AVE 35204	W 1/2 LOT 20 & E 1/2 LOT 22 OF J O BANKS SUR
110	22-27-4-43-01.000-RR	1127 2ND ST N 35204	LOTS 4 THRU 8 BLK 12 MAP OF SMITHFIELD LESS & EXC PT FOR

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111	29-04-2-40-12.000-RR	1520 LOMB AVE W 35204	LOT 4 BLK 32 COMPTON PLACE
112	29-17-2-02-02.000-RR	809 26TH ST SW 35211	LOT 4 MYRTLEWOOD
113	22-31-4-05-05.000-RR	1325 AVENUE J 35218	LOT 8 BLK 13-J JOHN CARRETTES
114	22-32-3-12-09.000-RR	2507 16TH ST 35208	LOT 10 BLK 85 BHAM-ENSLEY LAND AND IMP CO
115	22-35-2-28-03.000-RR	921 8TH AVE N 35203	LOT 5 & E 8 FT OF LOT 6 BLK 293 BHAM
116	22-35-2-28-01.000-RR	931 8TH AVE N 35203	LOT 3 BLK 293 BHAM
117	23-29-1-04-65.001-RR	330 46TH ST S 35222	LOT 11 BLK 30 EAST AVONDALE PB 1 PG 106
118	22-33-4-09-04.000-RR	1211 8TH AVE W 35208	LOT 8 BLK 24 BUSH HILLS
119	29-03-1-29-08.000-RR	13 1ST PL N 35204	LOT 15 FELIX E BLACKBURN SUR
120	22-35-2-27-05.000-RR	810 10TH ST N 35204	LOTS 15 & 16 BLK 292 BHAM DESC AS COM NW INTER OF 8TH
121	23-21-3-05-16.000-RR	928 52ND PL N 35212	LOT 15 & N 1/2 LOT 14 W H WILDERS SUB
122	23-21-3-04-04.000-RR	929 52ND PL N 35212	LOT 26 E S GILLETTE LESS PT FOR ALLEY
123	23-21-3-04-06.000-RR	921 52ND PL N 35212	LOT 28 E S GILLETTE LESS PT FOR ALLEY
124	22-20-4-08-04.000-RR	1500 LAFAYETTE ST 7287	LOT 13 BLK 6 TENN LD COS 2ND ADD TO PRATT CITY

Be it resolved that a hearing will be held on March 20, 2007 to hear and consider all objections or protests to the proposed abatement of these nuisances by the City.

**ORDINANCE NO. 07-31**

BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that the Mayor be authorized to enter into an easement agreement in substantially the same form as on file in the Office of the City Clerk, whereby Alabama Power Company is allowed to enter upon property owned by the City of Birmingham located at 1950 Winewood Road to install, operate and maintain certain electrical facilities as shown on Alabama Power Company Plan No. 61520-14-00187, which is on file in the Office of the City Engineer, in providing electrical service to Dollar General.

**ORDINANCE NO. 07-32**

BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that the Mayor be authorized to enter into an easement agreement in substantially the same form as on file in the Office of the City Clerk, whereby Alabama Power Company is allowed to enter upon property owned by the City of Birmingham located at 1950 Winewood Road to install, operate and maintain certain electrical facilities as shown on Alabama Power Company Plan No. 61520-00-00427, which is on file in the Office of the City Engineer, in providing electrical service to Dollar

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General.

The resolutions and ordinances introduced as consent agenda matters were read by the City Clerk, all public hearings having been announced, and unanimous consent having been previously granted, Councilmember Smitherman moved their adoption which motion was seconded by Councilmember Parker, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman  
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolutions and ordinances adopted.

The following ordinance which was introduced and read at the regular meeting on Tuesday, December 5, 2006 at 9:30 o'clock a.m., for a public hearing on Tuesday, January 16, 2007 at 9:30 o'clock a.m., and which was deferred until the regular meeting on Tuesday, February 13, 2007 at 9:30 o'clock a.m., was called by the Presiding Officer, who stated that this is the time and place for all persons interested in said ordinance to be heard in relation to the changes proposed by said ordinance:

**Case No. ZAC2006-0222**

**ORDINANCE NO. 07-33**

**BE IT ORDAINED** by the Council of the City of Article II, "Commercial Classifications", Section 1, "B-1 Neighborhood Business District", Section 2, "B-2 General Business District", Section 3, "B-3 Community Business District", Section 4, "B-4 Central Business District", Article III "Industrial Classifications", Section 1, "M-1 Light Industrial District", and Article VI, "Supplementary Regulations and Modifications", Section 5, "General Yard Modifications" of the Zoning Ordinance of the City of Birmingham (Ordinance No. 90-130 as amended), be and is hereby amended to read as follows:

**Section 1. B-1 Neighborhood Business District**

**Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the B-1 Neighborhood Business District.

**Subsection 2. Use regulations.**

A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-5 Multiple Dwelling District.
2. Greenhouse having a retail outlet on the premises.
3. Bakery with sales of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
4. Barbershop, beauty shop, massage or similar personal service shops.
5. Catering shop, business, music, dancing, or similar school.

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6. Dressmaking and tailoring; provided, that all work is done for individuals, at retail only, and on the premises.
7. Drugstore limited to size to that which is of service to the immediately surrounding neighborhood only.
8. Dwelling, jointly with other uses or as a principal use.
9. Laundromat or shop for the delivery or picking up of laundry or dry cleaning.
10. Medical or dental office or clinic and other professional or business office.
11. Parking lot or parking garage.
12. Restaurant or coffee shop; provided that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.
13. Retail store, limited in character and size to that which is of service to the immediately surrounding neighborhood only, except for any such use listed for the first time in the B-2 or B-3 districts.
14. Service station, except, no up shall be located within fifty feet of a dwelling district, nor any portion of a structure within fifteen feet of a dwelling district.
15. Shoe repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
16. Telephone exchange or outdoor public telephone booth.
17. Tourist home.
18. Utility installations.
19. Adult Care Facility or Child Care Center.
20. Accessory structures and uses, including signs subject to the following conditions:
  - a. Signs shall pertain to goods, products or services sold or offered on the premises.
  - b. Signs shall be attached to a vertical surface of the building or extend not more than eighteen inches there from.
  - c. Such signs shall not exceed in the aggregate forty square feet of gross surface area for any lot having forty feet or less of street frontage. On lots having a frontage greater than forty feet, such sign or signs shall not exceed in the aggregate one square foot in area for each linear foot of principal street frontage, but in no case shall the aggregate area of such sign or signs exceed sixty square feet, provided, however, in developments consisting of two or more establishments each use shall be allowed signs not to exceed the frontage occupied by such establishment, but in no case to exceed sixty square feet.

**Subsection 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure Feet	Minimum Yards			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		

35 feet	None, except where the frontage between two intersecting streets is partly in an "E" or "R" district, in which case the front yard requirements of the "E" or "R" district shall apply.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 5 feet.	5,000 square feet for single family dwellings.	50 feet when lot is used solely for dwelling purposes, except that in attached and semi-attached dwellings the minimum lot width shall be not less than 16 feet.
Or the height of an abutting residential district which ever is least restrictive.				2,500 square feet for two-family dwellings.	
				1,800 square feet for attached and semi-attached dwellings.	
				1,000 square feet for multiple dwellings	

**Subsection 4. Site Development Plan.**

1. Except for Single Family and Two Family Dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least fifty percent of its current floor area. At a minimum, the Site Development Plan, must show:
  - a. The direction of north, appropriate scale and existing and finished topography in not greater than two foot contour intervals.
  - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
  - c. The use of all structures and premises.
  - d. The location of proposed driveways and marked off-street parking spaces.
  - e. The edge of pavement for existing and proposed streets, driveways and walkways.
  - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with Article VI, Section 5.
  - g. Location and areas of illumination of all exterior lighting.
  - h. The location, size, number and character of all exterior signs.
  - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The Landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in Article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five (5) percent. Said landscaping shall include a combination of shrubs, trees, and ground cover.
  - j. Plans and facilities for stormwater drainage of the premises.
  - k. Any proposed re-subdivision of the subject property; when applicable.
2. Any proposed condominium must also conform to Article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

**Subsection 5. Parking and loading regulations.**

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Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article V.

**Subsection 6. Other Regulations.**

Attached and semi-attached dwellings must comply with the requirements set forth in Article VI, Section 15.

**Section 2. B-2 General Business District**

**Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the B-2 General Business District.

**Subsection 2. Use regulations.**

A building or premises shall be used only for the following purposes:

1. Any use permitted in the B-1 Neighborhood Business District; except that the limitations upon extent of service area shall not apply.
2. Signs or billboards.
3. Automobile or trailer display and sales room.
4. Public garage.
5. Amusement or recreation service except drive-in theater or practice golf driving range.
6. Business, dancing or music school.
7. Display room for merchandise to be sold at wholesale.
8. Dwellings, jointly with other uses or as a principal use.
9. Frozen food lockers.
10. Farm implement display and sales room.
11. Hotel, motel or motor court.
12. Hospital or clinic for animals, but not including open kennels.
13. Radio or television broadcasting station, studio or office.
14. Retail store or shop.
15. Self-storage structure.
16. Tavern or drive-in restaurant.
17. Undertaking establishment or mortuary.
18. Used car lot.
19. Bank or lending institution.
20. Utility service buildings.
21. Medical or dental laboratory.
22. The following uses provided all materials stored and all work done on the premises is done within a building:
  - a. Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
  - b. Painting decorators.
  - c. Radio or television repair shop.
  - d. Dressmaking, millinery, or tailoring establishment.

- e. Upholstering shop, not involving furniture manufacturing.
  - f. Plumbing and electrical shops.
  - g. Any other general service or repair establishment of similar character.
23. A shopping center or facility composed of any one or more of the foregoing uses or any combination thereof.
24. Accessory structures and uses.

**Subsection 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure Feet	Minimum Yards			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		
75 feet	None, except where the frontage between two intersecting streets is partly in an "E" or "R" district, the front yard requirements of the "E" or "R" district shall apply to the "B" district.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 5 feet.	5,000 square feet for single family dwellings. 2,500 square feet for two-family dwellings. 1,600 square feet for attached and semi-attached dwellings. 1,000 square feet for multiple dwellings	50 feet, when lot is used solely for dwelling purposes, except that in attached and semi-attached dwellings the minimum lot width shall not be less than 16 feet.

**Subsection 4. Site Development Plan.**

1. Except for Single Family and Two Family Dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least fifty percent of its current floor area. At a minimum, the Site Development Plan, must show:
- a. The direction of north, appropriate scale and existing and finished topography in not greater than two foot contour intervals.
  - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
  - c. The use of all structures and premises.
  - d. The location of proposed driveways and marked off-street parking spaces.
  - e. The edge of pavement for existing and proposed streets, driveways and walkways.
  - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with

Article VI, Section 5.

- g. Location and areas of illumination of all exterior lighting.
  - h. The location, size, number and character of all exterior signs.
  - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The Landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in Article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five (5) percent. Said landscaping shall include a combination of shrubs, trees, and ground cover.
  - j. Plans and facilities for stormwater drainage of the premises.
  - k. Any proposed re-subdivision of the subject property; when applicable.
2. Any proposed condominium must also conform to Article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

#### **Subsection 4. Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article V.

#### **Subsection 5. Other Regulations.**

Attached and semi-attached dwellings must comply with the requirements set forth in Article VI, Section 15.

### **Section 3. B-3 Community Business District**

#### **Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in the Ordinance, when referred to in this Section, are the regulations in the B-3 Community Business District.

#### **Subsection 2. Use regulations.**

A building or premises shall be used only for the following purposes:

1. Retail store.
2. Restaurant (including drive-in restaurant) or tavern.
3. Automotive, farm implement or trailer display or sales.
4. Service station; except, no pump shall be located within fifty feet of a dwelling district or any portion of a structure within fifteen feet of a dwelling district.
5. Hardware or building material sales.
6. Hotel or motel.
7. Amusement or recreation service, such as theater, dance hall or bowling alley.

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8. Laundry, dry cleaning or dyeing plant.
9. Personal service shop, such as barbershop or beauty shop, photographic studio or massage establishment.
10. Business service shop, such as blueprinting, accounting, duplicating or employment agency.
11. Business, music or dancing school.
12. Office.
13. Repair service for such items as radios, televisions, shoes, watches or jewelry.
14. Bank or lending institution.
15. Parking lot or garage.
16. Automotive, farm implement or trailer repair or servicing.
17. Radio or television broadcasting station, studio or office.
18. Undertaking establishment or mortuary.
19. Wholesale establishment, including storage and display.
20. Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.
21. Testing or research laboratory.
22. Millinery, dressmaking or tailoring.
23. On-premise signs.
24. Printing or engraving.
25. Light manufacturing limited to the following:
  - a. Furniture.
  - b. Jewelry.
  - c. Cosmetics.
  - d. Candy.
  - e. Fur goods, except tanning or dyeing.
  - f. Medical, dental, or drafting instruments.
  - g. Optical equipment, clocks, watches and similar precision instruments.
26. Other manufacturing, processing, fabricating or assembling operations which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare, but only when the manufacturing, processing, fabricating, or assembling is incidental to a retail business conducted on the premises.
27. Mini-Warehouse.
28. Dwelling, jointly with other uses or as a principal use, including Family Day/Night Care or Family Group Day/Night Care facilities.
29. Church, hospitals or other institutions, but not including mental hospitals or penal institutions.
30. Private club or lodge.
31. Public buildings.
32. Parks.
33. Telephone exchange or service buildings.
34. Utility Installation or service building.
35. Adult Care Facility or Child Care Center.
36. Wireless communications facility, in accordance with Article VI, Section 18.
37. Accessory structures and uses, including Accessory Use Child Care Centers.

**Subsection 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure Feet	Minimum Yards			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		
None, except where Federal Aviation Administration (FAA) Restrictions apply, in which case a waiver must be granted by the FAA to exceed FAA limitations.	None.	None.	None.	None.	None.

**Subsection 4. Site Development Plan.**

1. Except for Single Family and Two Family Dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least fifty percent of its current floor area. At a minimum, the Site Development Plan, must show:
  - a. The direction of north, appropriate scale and existing and finished topography in not greater than two foot contour intervals.
  - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
  - c. The use of all structures and premises.
  - d. The location of proposed driveways and marked off-street parking spaces.
  - e. The edge of pavement for existing and proposed streets, driveways and walkways.
  - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with Article VI, Section 5.
  - g. Location and areas of illumination of all exterior lighting.
  - h. The location, size, number and character of all exterior signs.
  - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The Landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in Article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five (5) percent. Said landscaping shall include a combination of shrubs, trees, and ground cover.
  - j. Plans and facilities for stormwater drainage of the premises.
  - k. Any proposed re-subdivision of the subject property; when applicable.
  
2. Any proposed condominium must also conform to Article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

**Subsection 4. Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in an amount equal to one half the requirements of Article V. Off-street loading shall be in accordance with the requirements of Article V.

**Section 4. B-4 Central Business District**

**Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the B-4 Central Business District.

**Subsection 2. Use regulations.**

The use regulations are the same as those in the B-3 Community Business District.

**Subsection 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure Feet	Minimum Yards			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		
None, except where Federal Aviation Administration (FAA) Restrictions apply, in which case a waiver must be granted by the FAA to exceed FAA limitations.	None.	None.	None.	None.	None.

**Subsection 4. Parking and loading regulations.**

Off-street parking is not required in the B-4 Central Business District. Off-street loading shall be provided in accordance with the requirements of Article V.

**Section 1. M-1 Light Industrial District**

**Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the M-1 Light Industrial District.

**Subsection 2. Use regulations.**

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A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-7 Multiple Dwelling District or the B-3 Community Business District.
2. Contractor's or construction equipment dealer's yard.
3. Grain and feed storage.
4. Heating fuel or building material storage or wholesaling; provided, that the materials shall not be extracted or processed on the premises.
5. Lumber yard.
6. Truck terminal.
7. Railroad installation.
8. Warehouse.
9. Dairy, veterinary clinics, kennels, dog training and boarding facilities.
10. Assembly of parts for production of finished equipment.
11. Manufacturing, fabricating, processing, or assembling uses which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, such as the following:
  - a. Boats (less than five tons.)
  - b. Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples and similar items.
  - c. Clothing.
  - d. Food.
  - e. Pharmaceuticals.
  - f. Furniture and wood products.
  - g. Glass products, but not including glass manufacture.
  - h. Hand tool and hardware products.
  - i. Ice.
  - j. Musical instruments, games or toys.
  - k. Office machines.
  - L. Plastic products, not including processing of raw materials.
  - m. Plating of silverware or utensils.
  - n. Signs.
  - o. Sporting goods.
  - p. Other similar uses.
12. Accessory structures and uses:
  - a. except that no outside storage of materials shall be permitted, when adjacent to a residential or agricultural zone district, except through grant of a special exception by the Zoning Board of Adjustment. Said Board may limit the type, area and height, and require enclosure by walls, fences, berms, shrubs, or trees, pre-existing or newly planted, sufficient to substantially screen its effects or visibility from nearby streets and any residential or agricultural zone districts;
  - b. including outside kennels or dog runs subject to submission of an overall site development plan to be reviewed and approved by the Zoning Advisory Committee prior to any grading, clearing, site improvements or issuance of related permits; provided, however, that no outside kennels or dog runs shall be permitted when within 1,000 feet of a residential zone district. The Zoning Advisory Committee will require enclosure by walls, fences, berms, shrubs or trees, pre-existing or newly planted, and may limit the type, area and height to sufficiently screen its effects or visibility from nearby streets and any adjacent uses.

**Section 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structure Feet	Front	Minimum Yards Rear	Side	Minimum Lot Area Per Family	Minimum Lot Width
100 feet  Where a structure is located upon a lot abutting any dwelling district, then any structure exceeding 35 feet shall be set back from the required yards abutting the dwelling district an additional distance of one foot for each foot of structure height above 35 feet.	None, except where the frontage between two intersecting streets is located partly in an "E" or "R" district and partly in an "M" district, the front yard requirements of the "E" or "R" district shall apply to the "M" District.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard not less than 25 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard not less than 10 feet.	None.	None.

**Subsection 4. Site Development Plan.**

1. Except for Single Family and Two Family Dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least fifty percent of its current floor area. At a minimum, the Site Development Plan, must show:
  - a. The direction of north, appropriate scale and existing and finished topography in not greater than two foot contour intervals.
  - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
  - c. The use of all structures and premises.
  - d. The location of proposed driveways and marked off-street parking spaces.
  - e. The edge of pavement for existing and proposed streets, driveways and walkways.
  - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with Article VI, Section 5.
  - g. Location and areas of illumination of all exterior lighting.
  - h. The location, size, number and character of all exterior signs.
  - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The Landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in Article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five (5) percent. Said landscaping shall include a combination of shrubs, trees, and ground cover.
  - j. Plans and facilities for stormwater drainage of the premises.

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- k. Any proposed re-subdivision of the subject property; when applicable.
2. Any proposed condominium must also conform to Article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

**Subsection 5. Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article V.

**Subsection 6. Attached and semi-attached dwellings.**

Attached and semi-attached dwellings must comply with the requirements set forth in Article VI, Section 15.

**Article VI- Supplementary Regulations and Modifications**  
**Section 5. General Yard Modifications**

1. Every part of a required yard shall be open to the sky unobstructed by any structure or part hereof, and unoccupied for storage, servicing or similar use except as provided herein.
2. Sills, belt courses or ornamental features may project into any yard not to exceed six inches.
3. Cornices or eaves may project into any required yard not to exceed eighteen inches.
4. Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five feet above grade may project into a required yard, provided such projections shall not be closer than two feet to any lot line.
5. More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations. For multiple dwellings the open space between buildings measured at the closest point shall not be less than twenty feet for one-story buildings, thirty feet when one or both are two-story buildings, and forty feet when one or both are three or more story buildings.
6. Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty feet for one-story buildings, thirty feet when one or both are two-story buildings, and forty feet when one or both are three or more story buildings.
7. In residential districts, no required yard except the rear yard shall be used for the location of a private swimming pool, and if constructed, said pool shall be enclosed by a fence of not less than four feet in height. No mechanical appurtenance or pool shall be within ten feet of any lot line.
8. The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be twenty feet.
9. Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six feet.
10. As an additional limitation of an accessory use, the following shall apply:
  - a. For the purposes of the Subsection (10), the term "disabled motor vehicle" shall refer to any motor vehicle regardless of size which is incapable or being self-propelled upon the public streets of the City of Birmingham, or when such motor vehicle cannot safely be

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- moved on any public street under its own power, or which does not meet the requirement for operation upon the public streets.
- b. Disabled motor vehicles shall not be permitted in a front or side yard in a residential district; provided, however, that on a driveway crossing the front or side yard of a lot in a residential zone district, one disabled motor vehicle may be parked for a reasonable time to allow for the servicing or removal of said disabled vehicle, but in no case shall a disabled vehicle be allowed to remain on a driveway crossing a front or side yard for a period exceeding five days from the time the vehicle became disabled.
  - c. One disabled motor vehicle may be permitted in a rear yard in a residential district as an accessory use to the main use of the lot; provided that such vehicle is not located in any open space required by this Article. Service and repair work may be performed on such vehicle, and parts, tools, and equipment incidental to such service and repair thereto may be stored and used; provided, however, that a disabled vehicle shall not be permitted to remain outside of a building for a period in excess of thirty days on any lot regardless of how zoned, except a lot upon which is operating a junk dealer or scrap metal processor in compliance with the requirements of the General City Code, or on that portion of any lot within twenty feet of an abutting lot used or zoned for residential purposes.
  - d. Storage, service and repair in a residential district of a disabled motor vehicle which is conducted entirely within the confines of a completely enclosed garage (not to include open carports) shall be permitted, provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property.
  - e. It shall be the responsibility of the owner of a disabled vehicle, the person in possession of property or the property owner on whose property a disabled vehicle is located to meet the requirements of this Subsection (10).
11. New and expanded structures shall provide an area for solid waste containers adequate to house garbage and any other type of waste on site; not in the public right-of-way. The container must be located on the same lot as the principle building and no closer than 25 feet to dwellings off-site. Except for uses within M-2 and M-4 zoned districts and uses having small containers serviced by the City of Birmingham's Public Works Department, solid waste containers also must be: (1) in rear or side yards or within the principal building; AND (2) exterior sites must be below grade OR have a solid opaque screening walls or gate on all sides made of concrete, masonry material and/or wood at a height taller than the container. (When residential the enclosure must have a veneer similar to the dwelling's veneer.); AND, 3) when a proposed use includes a food service establishment enclosure must be compliant with county health department regulations.

**Section 2.** This ordinance shall become effective when published as required by law.

The ordinance was read by the City Clerk and all interested parties who desired to be heard in relation thereto having been heard and considered, Councilmember Abbott moved its adoption which motion was seconded by Councilmember Reynolds and upon the roll being called, the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman

Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

**The following resolution which was first introduced at the regular meeting on Tuesday, February 6, 2007 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, February 13, 2007 at 9:30 o'clock a.m., was called by the Presiding Officer:**

**RESOLUTION NO. 255-07**

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Dhanani Brothers, Inc. to the City of Birmingham, Alabama, dated November 21, 2006, for the transfer of an Off Premise Retail Beer and Table Wine License to be used at Best Convenience Store, 1744 Pearson Avenue, S.W., Birmingham, be and the same is hereby NOT approved and NOT recommended for grant by the Alabama Alcoholic Beverage Control Board.

The resolution was read by the City Clerk, whereupon Councilmember Bell moved its adoption which motion was seconded by Councilmember Parker, and upon the roll being called the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Councilmember Smitherman made a motion to suspend the rules for a presentation to Julius White, which motion was seconded by Councilmember Hoyt, and adopted.

The following resolution was introduced by Councilmember Smitherman:

**RESOLUTION NO. 256-07**

WHEREAS, the Council of the City of Birmingham is pleased to recognize a renowned veteran newsman, Mr. Julius (Juice) White. Mr. White is leaving Birmingham and commercial radio to become Senior News Correspondent at WVAS FM, on the campus of Alabama State University in Montgomery, Alabama; and

WHEREAS, Mr. White is an award winning journalist and native of Birmingham, Alabama; he is a proud 1987 graduate of Jackson-Olin High School and Alumnus of Alabama State University. Mr. White first became interested in radio at the age of 13; in 1994, he moved from the DJ booth to the newsroom, where he later became News Director at three radio stations; and

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WHEREAS, for more than 7 years, Mr. White has informed and empowered the community as a News Anchor/Reporter for Cox Radio's 98.7 KISS FM, 95.7 Jamz and 610 WAGG; and

WHEREAS, Mr. White is a member of Sixth Avenue Baptist Church, where he is active in the youth mentoring programs and has led Sunday School discussions. He is a former officer of the Birmingham Association of Black Journalists; and

WHEREAS, Mr. White recently married the former Brigitte Duncan of New Orleans and they are the proud parents of two children, Patrice and Ethan. Most weekends you can find Mr. White surfing the classic movie channels, ESPN, C-SPAN and/or watching good comedy DVD's. He also enjoys listening to music;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Bernard Kincaid concurring, that we hereby commend, congratulate and salute Mr. Julius White on the continuation of a successful career.

BE IT FURTHER RESOLVED that we wish Mr. White good fortune and bid him farewell as he embarks upon this new phase of life. He will be missed by his family, friends and fans.

ADOPTED this Thirteenth day of February, Two Thousand and Seven at the recommendation of Council President Carole C. Smitherman.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman made a motion that unanimous consent be granted to adopt said resolution, which motion was seconded by Councilmember Parker, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman  
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to give unanimous consent for adoption of said resolution adopted.

Whereupon Councilmember Smitherman, made a motion that said resolution be adopted, which motion was seconded by Councilmember Reynolds, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman  
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolution adopted.

Councilmember Royal recognized John Henry Jackson, Sr., Vice President of North

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Birmingham Neighborhood Association. Mr. Jackson received a proclamation from the Mayor honoring him on the celebration of his 86th birthday.

Councilmember Bell absented himself.

The following resolution was introduced by Councilmember Royal:

**RESOLUTION NO. 257-07**

**WHEREAS**, on June 1, 2005, the City of Birmingham submitted a Hazard Mitigation Grant Program grant application, for a total project cost of \$2,572,370, to the Federal Emergency Management Agency to acquire approximately 37 repetitively flood-damaged floodplain properties located in the City of Birmingham; and

**WHEREAS**, on November 17, 2006, the Federal Emergency Management Agency notified the City of Birmingham that this grant application has been approved and that the 75% federal share, \$1,929,278, and \$28,715 in sub-grantee administrative expenses have been obligated; and

**WHEREAS**, to meet the required 25% local match, \$643,092, to receive this grant, the City of Birmingham has agreed to perform certain in-kind services valued at no less than \$273,600 and has appropriated \$369,492 in the FY 2006-2007 Capital Budget;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Birmingham, Alabama, that the Mayor be and hereby is authorized to accept on behalf of the City a grant in the amount of \$1,929,278, which represents the 75% federal share, and an additional \$28,715 for project administration expenses, and to enter into a State-Subgrantee Agreement with the State of Alabama under the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program for the **City of Birmingham Floodplain Property** Acquisition Project to acquire approximately 37 floodplain properties located in the Village, Valley and Five Mile Creek Special Flood Hazard Areas. The Mayor is further authorized to (1) negotiate and execute a Real Estate Purchase Agreement and purchase said properties for a combined total acquisition cost, including property purchases, project management, closing, appraisal, title and miscellaneous expenses, not to exceed \$2,298,770; (2) direct Public Works Department to perform all required structure demolition, land clearance and re-seeding work and direct Planning Engineering & Permits Department to perform all project management/administration work and direct Community Development Department to provide any necessary relocation assistance service to fulfill the City of Birmingham's in-kind services commitment.

The resolution was read by the City Clerk, whereupon Councilmember Royal moved its adoption which motion was seconded by Councilmember Reynolds, and upon the roll being called the vote was as follows:

Councilmember Bell returned and took his seat as Councilmember.

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Ayes: Abbott, Bell, Hoyt, Parker, Reynolds, Royal, Witherspoon, Smitherman  
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution, adopted.

The following resolution was introduced by Councilmember Smitherman:

**RESOLUTION NO. 258-07**

**BE IT RESOLVED** by the Council of the City of Birmingham, Alabama, that the lump sum price of Fifty-three Thousand Five Hundred Eighteen Dollars and no/100 (**\$53,518.00**), be submitted by the City of Birmingham to **THE BIRMINGHAM WATER WORKS & SEWER BOARD**, 3600 First Avenue, North, Post Office Box 830110, Birmingham, AL 35283-0110 to **install water main along 9th AVENUE, NORTH between a connection located in 13th Street, North and a point west of 14th Street, North** located in the City of Birmingham, Alabama, be and the same is hereby accepted. The project will be funded under **BWWB Proceeds-Escrow School [CS-03146; approp. YR05]**

**BE IT FURTHER RESOLVED** that the Mayor be, and he is hereby authorized to enter into an agreement with The Birmingham Water Works & Sewer Board, providing that the total contract not exceed the appropriation.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman moved its adoption which motion was seconded by Councilmember Hoyt, and upon the roll being called the vote was as follows:

Ayes: Abbott, Bell, Hoyt, Parker, Royal, Witherspoon, Smitherman  
Nays: None  
Abstained: Reynolds

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution, adopted.

The following Emergency Repair Notice received from the Director of Planning, Engineering and Permits was read by the City Clerk:

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**CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS**

220 CITY HALL  
BIRMINGHAM, ALABAMA 35203

**BERNARD KINCAID**  
MAYOR

**MEMORANDUM**

**WILLIAM A. GILCHRIST**  
DIRECTOR

**TO:** Mayor Bernard Kincaid

**FROM:** William A. Gilchrist, Director  
Planning, Engineering & Permits

**DATE:** February 5, 2007

**RE:** Emergency Repairs at Fire Station No. 1

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During the excavation and repair of the Sanitary Sewer line, the contractor uncovered additional damage to the sewer line that exceeded the original scope for the repairs. Additional repairs are necessary to restore the sewer service to keep the Fire Station operational.

Therefore, I have requested that Holiday Plumbing Services, Inc. perform all necessary repairs on an emergency basis at an estimated cost not to exceed \$6,240, which shall be sourced from fund AW-Sanitary Sewer 1997-B; Project No. 02050.

I will forward a copy of this declaration to the City Clerk to spread on the minutes of the City Council.

**Cc:** Albert Herbert  
Michael Johnson  
Paula Smith  
William Gilchrist  
Andre Bittas  
Terry Burney  
Sam Schifanella  
Paul Jennings  
John Hackett  
Chief Harper

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**BIRMINGHAM FIRE AND RESCUE SERVICE DEPARTMENT  
MEMORANDUM**

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TO: Bill Gilchrist, Director  
Planning, Engineering & Permits

FROM: Carl J. Harper, Acting Fire Chief

DATE: February 5, 2007

SUBJECT: Sewer Problems

Fire Station No. 1 which houses emergency response personnel, as well as the Administrative Staff has had a sewer problem for some time. A purchase order was issued to Holiday Plumbing in the amount of \$1,986.00 to fix the problem. On Friday, February 2nd they began work on the problem; however, it was determined that the situation was more costly than originally estimated. Additional funding is needed to complete the project. We are awaiting an estimate from Jeff Morgan at this time.

This is an emergency situation and we would appreciate your prompt response. If you have any further questions, please don't hesitate to contact me.

/rdh

Council President Smitherman absented herself.

In the absence of the Council President, President Pro Tempore Witherspoon presided over the meeting.

Councilmember Parker absented herself.

Willie Jenkins, 4008 29th Street North, appeared to announce the North Birmingham Recreation Center- Shout Out Against Crime scheduled to take place February 15, 2007 at 6:00 o'clock p.m.

Councilmember Smitherman returned and took her seat as Council President.

Councilmember Parker returned and took her seat as a Councilmember.

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Gilbert Klein who requested to speak did not appear.

Police Chief Annetta Nunn appeared relative to the importance of learning to read.

**ALL OTHER MATTERS WENT OVER**

Upon motion by the Presiding Officer, the Council adjourned at 11:39 o'clock p.m.

**Approved: February 27, 2007.**

**Carole Smitherman/s/**  
**PRESIDENT OF THE COUNCIL**

**Carole Smitherman**  
**Printed Name**

**Paula R. Smith/s/**  
**CITY CLERK**

**Paula R. Smith**  
**Printed Name**

**APPROVED AS TO FORM:**

**Lawrence Cooper/s/**  
**CHIEF ASSISTANT CITY ATTORNEY**

**Lawrence Cooper**  
**Printed Name**