

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

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

---

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

The meeting was opened with prayer by Reverend Ralph Frederick Patterson, Jr., Senior Pastor Assistant of Greater Saint John Missionary Baptist Church.

The Pledge of Allegiance was led by Councilmember Reynolds .

Present on Roll Call: Council President	Smitherman
Councilmembers	Montgomery
	Parker
	Reynolds
	Witherspoon

Absent:	Abbott
	Bell
	Hoyt
	Royal

The minutes of February 20, 2007 were approved as submitted.

In the absence of Mayor Bernard Kincaid, Albert Herbert, Chief of Staff noted that there were no items on the Council Agenda being funded with bond fund monies.

Police Chief Annetta Nunn gave her police report for the week.

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

Councilmember Smitherman recognized Carol Forge Hatcher, 1728 – 31<sup>st</sup> Avenue North, C.E.O. and Chair of Forge Company, Inc. a development and construction consulting company,

**MAR 13 2007**

who spoke on her meeting with the BJCC officials on the expansion of the BJCC and her plan to develop the expansion.

Steve Kellogg, Tallahassee, Florida financial consultant for Ms. Hatcher spoke on the BJCC expansion.

Councilmember Montgomery made a motion to suspend the rules to allow Louis King to speak on behalf of the BJCC which motion was seconded by Councilmember Smitherman, and adopted.

Mr. Louis King, Vice-Chairman of the BJCC spoke on the actions of the Board relative to Ms. Hatcher's BJCC Expansion Plan.

Roger Hoffman, President of Nexus Group of Salt Lake City, Utah appeared relative to the BJCC expansion.

The following resolution was introduced by Councilmember Montgomery:

**RESOLUTION NO. 348-07**

**BE IT RESOLVED** that the Council of the City of Birmingham hereby requests that the BJCC Board immediately meet, explore, and engage in discussion with Forge Co., Inc., Aligned, and the Nexus Group in light of the public declaration of intent to invest 1.5 billion dollars in private dollars into an 80,000 seat multipurpose facility, the parking lot of the facility, and the entertainment district including a hotel.

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

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

Ayes: Montgomery, Parker, Reynolds, Witherspoon, Smitherman

**MAR 13 2007**

Nays: None

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

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

**RESOLUTION NO. 349-07**

BE IT RESOLVED by the Council of the City of Birmingham that Resolution No. 2339-06, adopted by the Council October 24, 2006, recommending the application of El Sabor De Mazatlan, Inc. for a Restaurant Retail Liquor License to be used at El Mexicano, 325 – 20<sup>th</sup> Street, North, Birmingham, be and hereby is rescinded and cancelled due to the address being incorrect.

**RESOLUTION NO. 350-07**

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by El Sabor De Mazatlan, Inc. to the City of Birmingham, Alabama, dated August 9, 2006 for a Restaurant Retail Liquor License to be used at El Mexicano, 323 – 20<sup>th</sup> Street, North, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board, provided that this recommendation for grant of such license is hereby conditioned upon said applicant having or obtaining a certificate of occupancy from the Director of Planning, Engineering, and Permits for said premises no later than ninety days from the date of this action.

**RESOLUTION NO. 351-07**

BE IT RESOLVED by the Council of the City of Birmingham that Resolution No. 198-07, adopted by the Council January 30, 2007, recommending the application of SSZ, Inc. for the transfer of an Off Premise Retail Beer License to be used at Wilson's Grocery, 1200 Five Mile Road, Birmingham, be and hereby is rescinded and cancelled due to the applicant having defaulted on their lease and is no longer at this location.

**ORDINANCE NO. 07-43**

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

**MAR 13 2007**

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 the new Dollar General, and;

BE IT FURTHER ORDAINED that Ordinance Number 07-31 and Ordinance No. 07-32 which authorized the easement in a different location is hereby rescinded.

**ORDINANCE NO. 07-44**

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 12, 1997, 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, McArthur Melton 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 McArthur Melton be allowed to purchase the Property for the amount of \$ 1,837.00, 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 \$ 1,837.00 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
McArthur Melton	3219 13 <sup>th</sup> Ave No Blk 21 Lot 1 Survey of Birmingham Realty Cos 4 <sup>th</sup> Add MB 0009 PG 0014 P.I.D. # 22-24-4-27- 1 as Recorded in the Office of the Judge of Probate,	\$1,837.00

**MAR 13 2007**

Jefferson County Account  
#2985

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

**ORDINANCE NO. 07-45**

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, 1997, 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, McArthur Melton 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 McArthur Melton be allowed to purchase the Property for the amount of \$1,418.72, 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 \$ 1,418.72 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
McArthur Melton	1217 30 <sup>th</sup> St No Blk 655 Lot 66 Survey of Elyton Ld Bham MB 0800 PG 001 P.I.D. # 22- 25-1-4-6 as Recorded in the Office of the Judge of Probate, Jefferson County Account #3045	\$1,418.72

**MAR 13 2007**

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

**RESOLUTION NO. 352-07**

WHEREAS, the Alabama Department of Economic and Community Affairs is accepting applications for Fiscal Year 2007 Emergency Shelter Grant Program funding through April 2, 2007, and,

WHEREAS, it is recognized that any award of Emergency Shelter Grant funding will require the City to supplement its Emergency Shelter Grant award with equal amounts of matching funds from sources other than Emergency Shelter Grant funds and the City further recognizes that it is responsible for all match requirements regardless of source; and,

WHEREAS, the City intends to meet its Emergency Shelter Grant matching requirement responsibilities by requiring the sub-recipient agencies referenced herein to meet said matching requirements through either i) Value of any donated material or building; ii) Value of any lease on a building; iii) Any salary paid to staff in carrying out an Emergency Shelter Grant program; iv) Volunteer hours for services at \$5.00 per hour; v) Other un-reimbursed invoices for eligible Emergency Shelter Grant expenses. The City further recognizes that it is responsible for all matching requirements regardless of source.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, Alabama that pending the completion of all application requirements, the Mayor shall be, and hereby is, authorized to submit an application to the Alabama Department of Economic and Community Affairs on or before April 3, 2007 for up to \$200,000.00 in Emergency Shelter Grant Program Funds.

BE IT FURTHER RESOLVED that the Mayor shall be and hereby is further authorized to enter into Emergency Shelter Grant Agreements, in a format prescribed by the Emergency Shelter Grant Program regulations, with the following non-profit organizations to provide Emergency Shelter Grant Operations funding to support ongoing shelter expenses as follows:

-Family Connection, Inc.: Up To \$50,000.00

To provide ESG Operation funding to support ongoing expenses including salaries, rent, utilities and other expenses related to the day shelter as well as the street outreach program.

- Pathways, Inc.: Up to \$50,000.00

To provide ESG Operation funding to support ongoing shelter expenses including salaries, rent, utilities and other expenses.

- Young Women's Christian Association (YWCA): Up to \$50,000.00

To provide ESG Operation funding to provide support for ongoing shelter expenses including salaries, rent, utilities and other expenses.

**MAR 13 2007**

-Cooperative Downtown Ministries, Inc. (Old Firehouse Shelter): Up to \$50,000.00

To provide ESG Operation funding to provide support for ongoing shelter expenses including salaries, rent, utilities and other expenses.

BE IT FURTHER RESOLVED, that the Mayor shall be further authorized to execute any necessary grant application, grant agreement, and related documents necessary to complete this transaction and is further authorized to act as the authorized correspondent of the City of Birmingham, Alabama in all matters relating hereto.

**RESOLUTION NO. 353-07**

WHEREAS, the City of Birmingham, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on Alabama Department of Transportation – Third Division – Traffic Monitoring Center to Hub Building A, within the City Limits of Birmingham, in accordance with plans prepared by the Alabama Department of Transportation and designated as **Project No.CDAQ-CN07(902) Fiber Optic Trunk Relocation from 3<sup>rd</sup> Division TMC to Hub Building A** in Jefferson County.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of Birmingham that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as

MAR 13 2007

will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

**Please see attached**

---

**Please refer to: Project Notes and Traffic Control Notes** **Sheets 2 – A)**

---

**Please refer to: Sequence of Construction and Traffic Control Plans (Sheets 39-49)**

---

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

### **RESOLUTION NO. 354-07**

WHEREAS, the City of Birmingham has been vested with the power and authority to create and develop “urban renewal projects” and “redevelopment projects” pursuant to Chapter 2 and Chapter 3 of Title 24, Code of Alabama (1975); and

WHEREAS, on September 11, 1979, by Resolution No. 1108-79, the Council of the City of Birmingham adopted and approved the “Community Renewal Plan for the City of Birmingham” (the “Community Renewal Plan”); and

WHEREAS, on May 5, 1981, by Resolution No. 530-81, the Council of the City of Birmingham adopted and approved an urban renewal and redevelopment plan for Downtown

**MAR 13 2007**

Birmingham entitled “Comprehensive Revitalization Strategy, Redevelopment Plan and Urban Renewal Plan for the Master Plan for Downtown Birmingham, Alabama,” which plan was amended and restated by “The City Center Master Plan” adopted and approved by the Council of the City of Birmingham on October 29, 1991, by Resolution No. 2166-91 (the “Master Plan”); and

WHEREAS, both the Community Renewal Plan and the Master Plan identified project areas consisting of those neighborhoods and communities throughout the City of Birmingham which contained blight or blighting factors, and which were in need of renewal and redevelopment; and

WHEREAS, on October 21, 1997, by Resolution No. 2860-97, the Council of the City of Birmingham adopted and approved the “Urban Renewal and Urban Redevelopment Plan for the Downtown East District” (the “Downtown East Plan”); and

WHEREAS, the Downtown East Plan was adopted in furtherance and implementation of the Master Plan and the Community Renewal Plan; and

WHEREAS, the Downtown East Plan describes a project area (the “Project Area”) which is located entirely within the boundaries of the areas covered by the Master Plan and the Community Renewal Plan and which was designated by the Master Plan and the Community Renewal Plan as an area containing blight and blighting factors and influences; and

WHEREAS, the Downtown East Plan also makes findings of the existence of blight and blighting factors within the Project Area so described and, among other things, contemplates the redevelopment of the Project Area in a manner that will enhance the Project Area; and

WHEREAS, Amendment No. 772 to the Constitution of Alabama (1901) (“Amendment No. 772”) authorizes the City to lend its credit to or grant public funds and things of value in aid of or to any corporation or other business entity for the purpose of promoting the economic development of the City; and

WHEREAS, BN Properties, Inc., an Alabama corporation (“Redeveloper”) owns the headquarters facility for *The Birmingham News*, located at 2201 4<sup>th</sup> Avenue North, in Birmingham; and

WHEREAS, Redeveloper has undertaken a project to expand its existing facilities by constructing approximately 110,000 square feet of office space in a new headquarters facility for *The Birmingham News* located on the south side of 4<sup>th</sup> Avenue North, which expansion is anticipated to result in the retention of 394 jobs in the City of Birmingham, at a total investment by Redeveloper of approximately Twenty-Eight Million Dollars (\$28,000,000) (the “Project”); and

WHEREAS, the Project is located entirely within the Project Area; and

WHEREAS, the City has previously determined that, in support of the Project, certain improvements along 22<sup>nd</sup> Street North and 4<sup>th</sup> Avenue North are required including, but not limited

**MAR 13 2007**

to, repairing, replacing or installing sidewalks, lighting, landscaping and storm drainage, installing decorative streetlights and the development of other related improvements; and

WHEREAS, the City and The Birmingham News Company, an Alabama corporation affiliated with Redeveloper and the operator of *The Birmingham News* (“The News”), pursuant to Resolution No.181-05 of the Council of the City of Birmingham, adopted on February 1, 2005, entered into that certain Streetscape and Infrastructure Development Agreement dated February 4, 2005 (the “2005 Agreement”), pursuant to which the City agreed to participate in the development of the Project by providing for payment of a portion of the costs of certain infrastructure improvements in an amount not to exceed Two Hundred Sixty-One Thousand Two Hundred Fifty-Six Dollars (\$261,256), with such amount to be paid through reimbursements to The News from tax revenue generated from The News’ business operations; and

WHEREAS, as part of the Project, certain infrastructure improvements have been made along the east side of 22<sup>nd</sup> Street North and the south side of 4<sup>th</sup> Avenue North including, but not limited to, public right of way improvements, repairing, replacing or installing new sidewalks, curbs, gutters, paving, lighting, landscaping, utilities and storm drainage, and other related improvements (the “South Side Improvements”) for which the City has not heretofore made any payments under or pursuant to the 2005 Agreement; and

WHEREAS, the City and Redeveloper have determined and agreed that further infrastructure improvements are required to be made along the east side of 22<sup>nd</sup> Street North and the north side of 4<sup>th</sup> Avenue North in connection with the Project including, but not limited to, repairing, replacing or installing sidewalks, lighting, a public transportation shelter, landscaping and irrigation, storm drainage, and other public improvements on and along the public rights-of-way of the City, which improvements are estimated to cost approximately \$160,000 (the “Right-of-Way North Side Improvements”); and

WHEREAS, the City and Redeveloper also have determined that certain additional infrastructure improvements are needed in support of the Project along the east side of 22<sup>nd</sup> Street North and the north side of 4<sup>th</sup> Avenue North including, but not limited to, necessary excavation and filling to buttress and support sidewalks and related improvements, concrete walks, curbs and gutters, paving, utilities, landscaping, lighting and other related improvements on the site owned by Redeveloper, which improvements are estimated to cost approximately \$580,000 (the “Non Right-of-Way North Side Improvements”); and

WHEREAS, the City and Redeveloper agree that the Non Right-of-Way North Side Improvements and the Right-of-Way North Side Improvements are necessary to support the Project; and

WHEREAS, the City finds that the construction of the Non Right-of-Way North Side Improvements and the Right-of-Way North Side Improvements in an aesthetically appealing, operationally efficient manner as designed and planned by Redeveloper is important to the continued economic development and growth in and around the Project Area and will promote the

**MAR 13 2007**

economic development of the City and, thereby, will enhance the overall quality of life of the residents thereof; and

WHEREAS, the City further finds that the construction of the Right-of-Way North Side Improvements will eliminate blight and blighting factors in the Project Area, and, accordingly, is consistent with and in furtherance of the objectives of the Downtown East Plan to eliminate blight and blighting factors in the Project Area and to provide appropriate public improvements needed to support and facilitate development designed to improve the aesthetic appearance of the Project Area; and

WHEREAS, the City finds it necessary, proper and in the public interest, in accordance with the stated objectives of the Downtown East Plan and the Master Plan, and in order to promote the economic development of the City, as contemplated by Amendment No. 772, that the City provide assistance to the Project in the form of facilitating and providing financial assistance for a portion of the Non Right-of-Way North Side Improvements in an amount not to exceed One Hundred One Thousand Two Hundred Fifty-Six and No/100 Dollars (\$101,256.00) and for the Right-of-Way North Side Improvements in an amount not to exceed One Hundred Sixty Thousand and No/100 (\$160,000.00), for a total amount of City funding in support of the Project not to exceed Two Hundred Sixty-One Thousand Two Hundred Fifty-Six and No/100 Dollars (\$261,256.00) (the "City Assistance"), with such City Assistance to be paid through reimbursements to Redeveloper from tax revenue generated from The News' business operations under the terms and conditions of an Amended and Restated Streetscape and Infrastructure Development Agreement to be entered into between the City and Redeveloper; and

WHEREAS, the Council of the City of Birmingham further finds that the public benefits sought to be achieved and the public purpose to be served by the proposed authorization, execution and delivery of the Amended and Restated Streetscape and Infrastructure Development Agreement with Redeveloper and the City Assistance to be provided pursuant thereto are (i) the promotion of local economic development and the stimulation of the local economy, increasing employment opportunities in the City, increasing the City's tax base, which will result in additional tax revenues for the City, promoting the expansion and retention of business enterprises in the City, inuring to the economic health of the City, and promoting the development of infrastructure at appropriate locations, and (ii) the elimination of blight and blighting factors in the Project Area in furtherance of the objectives of the Downtown East Plan; and

WHEREAS, the City accordingly finds that the expenditure of the public funds for the purposes described herein will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and

WHEREAS, the City and Redeveloper have determined it necessary and desirable to amend and restate the 2005 Agreement in order to provide (i) that Redeveloper, as the owner of the headquarters facility for *The Birmingham News*, is substituted for The News as the "redeveloper" and (ii) that the City Assistance respecting the Project be the payment of a portion of the costs of the Non Right-of-Way North Side Improvements and the Right-of-Way North Side Improvements in an aggregate amount not to exceed Two Hundred Sixty-One Thousand Two Hundred Fifty-Six

**MAR 13 2007**

and No/100 Dollars (\$261,256.00), such amount to be paid through reimbursements to Redeveloper from tax revenue generated from The News' business operations as provided in the Amended and Restated Streetscape and Infrastructure Development Agreement; and

WHEREAS, as required under Amendment No. 772 to the Constitution of Alabama (1901), the City caused to be published notice concerning the proposed action to be taken pursuant to this Resolution in the March 6, 2007, edition of *The Birmingham News*, the newspaper having the largest circulation in the City; and

WHEREAS, for purposes of the Amendment No. 772 to the Constitution of Alabama (1901), BN Properties, Inc. and The Birmingham News Company are the business entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Birmingham that the Mayor, on behalf of the City, is hereby authorized to execute an Amended and Restated Streetscape and Infrastructure Development Agreement with BN Properties, Inc., in substantially the same form as on file in the Office of the City Clerk, under which BN Properties, Inc. shall undertake the Project, the Non Right-of-Way North Side Improvements and the Right-of-Way North Side Improvements, and the City shall provide funding for a portion of the Non Right-of-Way North Side Improvements in an amount not to exceed One Hundred One Thousand Two Hundred Fifty-Six and No/100 Dollars (\$101,256.00) and for the Right-of-Way North Side Improvements in an amount not to exceed One Hundred Sixty Thousand and No/100 (\$160,000.00), for a total amount of City funding in support of the Project not to exceed Two Hundred Sixty-One Thousand Two Hundred Fifty-Six and No/100 Dollars (\$261,256.00), to be paid through reimbursements to BN Properties, Inc. from tax revenue generated from The Birmingham News Company's business operations, with such reimbursements to be paid in ten equal, annual installments of Twenty-Six Thousand One Hundred Twenty Five and 60/100 Dollars (\$26,125.60) each under the terms and conditions of the Amended and Restated Streetscape and Infrastructure Development Agreement.

BE IT FURTHER RESOLVED, that in case any one or more of the provisions contained in this Resolution shall be held invalid, illegal or unenforceable for any reason, the invalidity, illegality or unenforceability shall not affect any other provision hereof and this Resolution shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**RESOLUTION NO. 355-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that the agreement with the Birmingham Board of Education – Fine Arts Department, Birmingham, AL, in the amount of \$101,000.00 to enrich the students of the Birmingham School System by providing them varied experiences through different art forms be and the same hereby is approved, and;

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the

**MAR 13 2007**

agreement on behalf of the City.

Appropriated for in FY 2004 Budget

Condense Code: 045

Object Code: 4602

Project Code: 02988

**RESOLUTION NO. 356-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that the agreement with Meals on Wheels, Birmingham, AL in the amount of \$25,000.00 to provide a means for hot, nutritious noon meals to be delivered to the homebound senior citizens of the City of Birmingham be and the same hereby is approved, and;

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the agreement on behalf of the City.

Appropriated for in FY 2006-2007 Budget

Condense Code: 001

Object Code: 2980

**RESOLUTION NO. 357-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that the appointment of Bhate Associates, Inc., Birmingham, AL, in the amount of \$8,200.00 to provide asbestos related services for the 1801 10<sup>th</sup> Avenue North – Feldstein Warehouse Project be and the same hereby is approved, and;

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the appointment letter on behalf of the City.

Appropriated for in FY 2006-2007 Budget

Condense Code: DFK

Object Code: 3512

Project Code: 03168

**RESOLUTION NO. 358-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that the appointment of Morgan Title Services, Pelham, AL, in the amount of \$27,500.00 to provide title search services for the City's demolition program be and the same hereby is approved, and;

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the

**MAR 13 2007**

appointment letter on behalf of the City.

Appropriated for in FY 2006-2007 Budget

Condense Code: EBF

Object Code: 2703

Project Code: 03157

**RESOLUTION NO. 359-07**

**BE IT RESOLVED** by the Council of the City of Birmingham that the appointment of Volkert & Associates, Inc., Birmingham, AL, in the amount of \$60,732.50 to provide right-of-way acquisition services for the Lawson Road Project be and the same hereby is approved, and;

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the appointment letter on behalf of the City.

Appropriated for in FY 2006-2007 Budget

Condense Code: EAW

Object Code: 3513

Project Code: 02294

**RESOLUTION NO. 360-07**

**WHEREAS**, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

**WHEREAS**, recently, the Council received an invitation from the Academy of Fine Arts, Inc. declaring their Variety Show and Luncheon, that is being held Saturday, March 17, 2007, 11:30 a.m. at the Birmingham Botanical Gardens is a valuable and worthy event; and

**WHEREAS**, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

**WHEREAS**, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

**BE IT RESOLVED** that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

**ADOPTED** this Thirteenth day of March, Two Thousand and Seven.

**MAR 13 2007**

**RESOLUTION NO. 361-07**

WHEREAS, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

WHEREAS, recently, the Council received an invitation from Councilor Maxine Herring Parker declaring that the District 4 Town Hall Meeting, which is being held Monday, April 30, 2007, 6:00 p.m. at Shields Conference Center is a valuable and worthy event; and

WHEREAS, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

WHEREAS, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

BE IT RESOLVED that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

ADOPTED this Thirteenth day of March, Two Thousand and Seven.

**RESOLUTION NO. 362-07**

WHEREAS, on June 24, 2003, by Resolution No., 940-03 the Council of the City of Birmingham, at its regularly scheduled meeting declared the property described below to be a public nuisance; and

WHEREAS, on July 29, 2003, by Resolution No. 1150-03, the Council of the City of Birmingham, having heard all protests or objections presented, declared the noxious or dangerous weeds on said property to be a public nuisance and directed that said nuisance be abated by the removal of said weeds by the City ; and

WHEREAS, the Resolution No. 2113-06 adopted on October 10, 2006, declaring an assessment against the property described below at a cost of \$300.00 was made due to documentation did not support the proper notification of pending action against the property occurred, which caused on parcel to be cut and parcel to be erroneously assessed;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham;

That Resolution No. 2113-06 declaring an assessment and lien against the below described property in the amount \$300.00 is hereby rescinded and does not constitute a lien upon said

MAR 13 2007

property:

NAME: Anne Grant Weil

ADDRESS: 104 Gillon Drive

Birmingham, AL 35209

LEGAL DESCRIPTION AND PARCEL ID: 22-31-3-52-02.000-RR 2207 Avenue F, 35218, Lots 3+4 Blk 22-F Ensley

L03-136

Cost: \$300

**RESOLUTION NO. 363-07**

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

**Sharlene Hatten & Larry Darnell Bland, Jr. (Assessed Owners)**

**Eugene Hatten (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

**4509 43rd Avenue North**

in the City of Birmingham, more particularly described as:

**LOTS 43 & 44 BLK 3 HUDSON CITY AS RECORDED IN MAP BOOK 9, MAP PAGE 18 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-8-4-9-10). LOT SIZE 62.5 X 157.7 X 50 X 157**

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.

**CON2006-00145**

MAR 13 2007

**RESOLUTION NO. 364-07**

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

**Lucy Ransfer AKA Lucy F. Walker (Assessed 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 storage) located at

**3804 11th Avenue North**

in the City of Birmingham, more particularly described as:

**738 FT S SE & 15 FT S N OF INTER OF NLY ROW SOUTHERN RAILROAD ROW WITH W LINE OF SE 1/4 TH NLY 100 FT S E 62 FT S SW 120 FT S NW 37 FT S TO P O B IN NW 1/4 OF SE 1/4 AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-19-4-21-4). LOT SIZE 47 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.

**CON2006-00152**

**RESOLUTION NO. 365-07**

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

**Wachovia Cust for Plym Pk (Assessed Owner)**

**Eric Fleming (Apparent Owner)**

**MAR 13 2007**

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

**204 Avenue W Pratt City**

in the City of Birmingham, more particularly described as:

**LOT 2 F B BENNETT SUR SEC 29 TP 17 R 3 AS RECORDED IN MAP BOOK 801, MAP PAGE 205 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-29-2-25-14). LOT SIZE 42 X 127**

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.

**CON2006-00156**

**RESOLUTION NO. 366-07**

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

**Mae Bryant Yelder (Assessed 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

**428 Gamma Street South**

in the City of Birmingham, more particularly described as:

MAR 13 2007

**LOT 7 BLK 4 ELYTON HGLDS AS RECORDED IN MAP BOOK 8, MAP PAGE 94  
IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,  
ALABAMA (29-2-3-20-12). LOT SIZE 36 X 129 X 166 X 135**

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.

**CON2005-00265**

**RESOLUTION NO. 367-07**

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

**Derrick Barlow (Assessed 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 storage) located at

**1624 18th Place North**

in the City of Birmingham, more particularly described as:

**LOT 6 H A & J W TUCKER SUR AS RECORDED IN MAP BOOK 3, MAP PAGE  
42 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,  
ALABAMA (22-26-1-13-10). LOT SIZE 50 x 135**

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.

**CON2005-00273**

MAR 13 2007

**RESOLUTION NO. 368-07**

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

**Rudene L. Burton (Assessed 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

**3404 31st Street North**

in the City of Birmingham, more particularly described as:

**LOTS 12 - 15 I M CRUM ADD AS RECORDED IN MAP BOOK 13, MAP PAGE 51  
IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,  
ALABAMA (22-13-2-19-7.001). LOT SIZE 154 X 110**

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.

**CON2005-00246**

**RESOLUTION NO. 369-07**

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

**NTAC (Assessed Owner)**

**Crusader Servicing Corporation (Apparent Owner)**

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

MAR 13 2007

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

**249 Meadowdale Avenue**

in the City of Birmingham, more particularly described as:

**LOT 3 BLK 3 MEADOWDALE ESTS AS RECORDED IN MAP BOOK 40, MAP PAGE 97 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (13-35-1-12-3). LOT SIZE 71.5 X 140**

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.

**CON2006-00166**

**RESOLUTION NO. 370-07**

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

**Rosie Minter (Assessed Owner)**

**Emmitt B. Jr. & Naomi Kirkland Jackson (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 & attached garage) located at

**57 19th Avenue South**

in the City of Birmingham, more particularly described as:

**POB 215 FT W OF THE SW INTER OF 1ST ST S & 19TH AVE TH S 70 FT TH E**

MAR 13 2007

**95 FT TH N FT TO AS RECORDED IN MAP BOOK 25, MAP PAGE 48 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-11-2-23-2). LOT SIZE 95 X 67 X 95 X 70**

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.

**CON2006-00171**

**RESOLUTION NO. 371-07**

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

**Cedric Dewayne Jackson (Assessed Owner)**

**JCSC Cust for Strategic (Co-Owner)**

**Cynthia Johnson (Apparent Owner)**

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

**Long Beach Mortgage Co.**

**AMC Mortgage Services**

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

**4333 Pulaski Street**

in the City of Birmingham, more particularly described as:

**LOT 16 BLK 8 BOYLES PARK AS RECORDED IN MAP BOOK 8, MAP PAGE 64 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-7-4-4-3). LOT SIZE 50 x 140**

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

**MAR 13 2007**

**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.

**CON2005-00352**

**RESOLUTION NO. 372-07**

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

**Mark Lee (Assessed Owner)**

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

**Anthony V. Palumbo**

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

**130 75th Street North (A & B)**

in the City of Birmingham, more particularly described as:

**LOTS 10+11 BLK 6-A EAST LAKE AS RECORDED IN MAP BOOK 1, MAP PAGE 217 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-15-1-19-1). LOT SIZE 100 X 200**

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.

**CON2006-00163**

**RESOLUTION NO. 373-07**

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

MAR 13 2007

**CSC Custodian For Strategic (Assessed Owner)**

**Crusader Servicing Corporation (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

**5120 9th Avenue North**

in the City of Birmingham, more particularly described as:

**LOT 1 EX E 50 FT S LOT 2 EX W 6 FT S MAUCLINE SUB AS RECORDED IN MAP BOOK 7, MAP PAGE 109 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-21-3-6-18). LOT SIZE 50 X 150**

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.

**CON2006-00164**

**RESOLUTION NO. 374-07**

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

**CSC Custodian for Strategic (Assessed Owner)**

**Crusader Servicing Corporation (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

**MAR 13 2007**

building or structure located at

**5120 9th Avenue North (Rear)**

in the City of Birmingham, more particularly described as:

**LOT 1 EX E 50 FT S LOT 2 EX W 6 FT S MAUCLINE SUB AS RECORDED IN MAP BOOK 7, MAP PAGE 109 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-21-3-6-18). LOT SIZE 56 X 150**

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.

**CON2006-00165**

**RESOLUTION NO. 375-07**

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Thirty-four Thousand Five Hundred Thirty-seven Dollars and no/100 Dollars (\$34,537.00), submitted by BASS TILE, INC., 103 Chestnut Forrest Drive, Helena, AL 35080, for the floor installation at POLICE HEADQUARTERS 1710 BUILDING, 1710 1<sup>st</sup> Avenue North, Birmingham, AL 35203 ; PTK# 142351, received by the Department of Planning, Engineering and Permits on March 20, 2006, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under Capital Improvement Fund [45-03437; 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 Bass Tile, Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

**RESOLUTION NO. 376-07**

BE IT RESOLVED by the Council of the City of Birmingham that the bid for and the purchase of mortgage loan portfolio management services as needed at unit prices on file in the office of the Purchasing Agent for a period of one (1) year and month to month thereafter from AmeriNational Community Services, Inc., Albert Lea, MN, for the Community Development Department, be and the same hereby is accepted and approved, this being the lowest bid submitted; and

**MAR 13 2007**

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the agreement on behalf of the City.

Appropriated for in FY 2006-2007 Budget

**RESOLUTION NO. 377-07**

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of concrete pipe, as needed at unit prices on file in the office of the Purchasing Agent for a period of one (1) year and month to month thereafter, from Hanson Pipe and Precast, Birmingham, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications

Appropriated for in FY 2006-2007 Budget

**SUB2007-00007**

**RESOLUTION NO. 378-07**

BE IT RESOLVED by the City Council of the City of Birmingham, Alabama, that the assent of this body be, and the same hereby is, given to the dedication of the streets, alleys and public grounds as shown on this plat or map of Oxmoor Cove, which said plat or map is certified to have been made by, William H. Sommerville, III, a registered land surveyor, at the instance of TAG, LLC, owner, and has been exhibited to this Council, said plat or map being further identified by a recital of the approval of this Council signed by, Paula R. Smith, City Clerk, of even date herewith. But this shall not be construed as an assumption of dominion by the City over any street, alley, or public grounds shown on said plat or map or impose liability upon the City for the upkeep of same.

**RESOLUTION NO. 379-07**

BE IT RESOLVED by the Council of the City of Birmingham that payment to Capitol Chevrolet, Inc., Montgomery, AL for full size sport utility vehicles as needed for a period of four months and month to month thereafter for the Public Works Department based on bid awarded contract by the State of Alabama Contract No. 4009526, T-Number T-191-A; be and the same hereby is approved.

Appropriated for in Fiscal Year 2007 Budget

Condense Code CCS

MAR 13 2007

Object Code 3402  
Project Code 87498

**RESOLUTION NO. 380-07**

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.

1	29-04-2-26-14.000-RR	1312 1ST CT W 35204	LOT 5 BLK 17 COMPTON RISING
2	22-32-4-25-01.000-RR	3125 17TH ST 35208	LOT 9 BLK 19 CARLES ADD TO SHADYSIDE
3	22-34-4-33-01.000-RR	307 4TH AVE N 35204	DESC AS BEG INT OF E/L OF SE 1/4 & S R/W OF 4TH AVE N TH W 40 FT ALG S R/W OF 4TH AVE N TH S 25 FT TO NW R/W OF
4	29-04-2-26-15.000-RR	1308 1ST CT W 35204	LOT 6 BLK 17 COMPTON RISING
5	22-35-2-13-29.000-RR	1006 6TH ST N 35204	LOT 7 EX N 35-1/2 FT 2ND ADD TO PROSPECT HEIGHTS
6	23-17-2-16-17.000-RR	4020 39TH CT N 35212	LOT 18 BLK 9 INGLENOOK RLTY CO SUR BOYLES HGLDS
7	22-32-3-35-01.000-RR	1910 AVENUE Z 35208	E 103 FT OF LOT 11 BLK B EAST HGLDS ADD TO PRATT CITY
8	22-34-4-22-06.000-RR	5 4TH TER N 35204	LOT 7 BLK 8 MAP OF SMITHFIELD (SOUTH)
9	22-15-4-15-09.000-RR	3751 CENTER ST W 35207	LOT 7 BLK 4 J H BERRYS ADD TO HOOPER CITY
10	29-20-3-11-03.000-RR	2805 29TH ST SW 35211	LOTS 2-3 BLK 2 INDUSTRIAL CENTER
11	23-20-3-05-05.000-RR	4244 RICHARD ARRINGTON BLVD N 35212	LOTS 15 & 16 BLK 7 NO KINGSTON
12	23-20-2-11-32.000-RR	4300 RICHARD ARRINGTON JR BLVD N 35212	LOT 4 BLK 8 NORTH KINGSTON
13	23-30-3-27-02.000-RR-01	205 28TH ST N 35203	LOT 1-A VICKERS RESURVEY PB 182 PG 12
14	23-12-3-09-07.000-RR	8311 12TH AVE S 35206	LOT 10 BLK 4 MTN SIDE ESTS 28/82
15	22-35-3-11-07.000-RR	517 4TH ST N 35204	S 50 FT LOTS 7 & 8 BLK 39 MAP OF SMITHFIELD (SOUTH)

**MAR 13 2007**

16	22-27-3-07-03.000-RR	245 14TH CT W 35204	LOT 4 BLK 1 RESUB BLKS 1 2 3 4 5 & 6 ST MARKS VILLAGE
17	29-04-1-04-01.000-RR	1025 4TH CT W 35204	LOT 6 BLK 13 HGHLD LAKE LD CO RESUR OF BLKS 12-13-16 HIGHLAND LAKE
18	22-26-3-17-04.001-RR	422 12TH TER N 35204	SO 50 FT OF LOT 40 LESS 10 FT OF EAST SIDE OF LOT 40 FOUNTAIN HTS 1/79
19	22-26-3-23-03.000-RR	417 4TH WAY N 35204	P O B INTER E LINE 4TH WAY N & W LINE I-65 TH N E 85S FT ALG I-65 TO ALLEY TH W 45S FT TO 4TH WAY N TH S 75S FT ALG WAY
20	22-36-1-20-03.000-RR	2313 MORRIS AVE 35203	LOT 9 SUB H BLK 107 BHAM
21	23-30-3-27-01.004-RR	NEXT TO 205 28TH ST N 35203	LOT 1-D THE DOWNTOWNER PB 204 PG 9
22	23-30-3-06-01.000-RR-01	3201 6TH AVE N 35203	BEG INTER S/L 6TH AVE & W/L OF 32ND ST TH NELY 414.2 FT TH TO W R/W OF L&N TH SWLY 473.7 FT TH NW 190 FT TO POB
23	29-03-1-26-01.000-RR	37 MORRIS AVE 35204	LOTS 11 & 12 BLK 1 WALKER LAND COS ADD TO ELYTON
24	29-03-1-22-15.000-RR	36 CENTER ST N 35211	LOT 2 BLK 2 2ND ADD TO ARLINGTON
25	29-03-1-22-17.000-RR	44 CENTER ST N 35211	LOTS 4 & 5 BLK 2 2ND ADD TO ARLINGTON
26	29-03-1-26-09.000-RR	25 CENTER ST N 35204	S 40 FT OF LOT 4 BLK 1 WALKER LAND COS ADD TO ELYTON
27	22-34-4-22-12.000-RR	20 4TH CT N 35204	LOTS 13&14 BLK 8 MAP OF SMITHFIELD (SOUTH)
28	22-35-3-37-04.000-RR	413 4TH CT N 35204	W 33-1/3 FT LOT 6 BLK 36 MAP OF SMITHFIELD (SOUTH)
29	22-34-4-24-07.000-RR	216 4TH CT N 35204	LOTS 11 & 12 BLK 23 MAP OF (SOUTH) SMITHFIELD
30	22-34-4-28-14.000-RR	126 4TH AVE N 35204	LOTS 15 & 16 BLK 16 (SOUTH) SITHFIELD DR JOSEPH R SMITHS ADD TO BHAM
31	22-34-4-19-12.000-RR	108 4TH TER N 35204	S 100 FT OF LOT 11 BLK 14 MAP OF (SOUTH) SMITHFIELD
32	22-34-4-19-14.001-RR	114 4TH TER N 35204	S 100 FT OF LOT 12 BLK 14 MAP OF (SOUTH) SMITHFIELD 1/149
33	29-04-2-35-12.000-RR	1316 1ST AVE W 35204	LOT 4 BLK 18 COMPTON RISING
34	29-04-2-26-11.000-RR	1324 1ST CT W 35204	LOT 2 BLK 17 COMPTON RISING
35	22-32-3-35-02.000-RR	2525 PIKE RD 35208	LOTS 16 17 18 BLK 79 LYING SE OF PIKE RD BHAM ENSLEY LAND AND IMP CO
36	22-20-1-06-12.000-RR	Next to 800 Houston Place 35204	LOT 3 LAURA AND JACK ODOM SUR LESS RD R/W
37	22-32-3-36-14.000-RR	2540 20TH PL 35208	LOT 22 BLK 78 BHAM ENSLEY LAND AND IMP CO
38	22-35-3-37-05.000-RR	401 4TH CT N 35204	LOT 7-A RESUR OF LOTS 7 & 8 & PT OF 9 BLK 36 & VAC ALLEY SOUTH SMITHFIELD
39	29-02-3-32-09.000-RR	627 DELTA ST 35205	LOT 7 BLK 1 TIDDLESVILLE HGTS HEIGHTS
40	22-15-3-14-01.000-RR	461 37TH TER W 35207	LOTS 1 & 2 BLK 7 A J HOOPER SUB
41	22-15-4-14-02.000-RR	3765 CENTER PL W 35207	LOT 22 BLK 4 ZION HGHTS
42	22-26-3-22-12.000-RR	432 12TH AVE N 35204	LOT 10 BLK 6 C J MCCARY SUB C J MCCARY TRUSTEE
43	22-34-4-04-17.000-RR	601 CENTER ST N 35204	S 25 FT OF LOTS 9 & 10 BLK 11 MAP OF (SOUTH) SMITHFIELD
44	22-28-4-08-18.000-RR	800 8TH ST 8TH ST	LOT 18 BLK 18 THOMAS

**MAR 13 2007**

45	22-28-2-19-02.000-RR	355 3RD ST 35214	LOT 10 BLK 12 THOMAS
46	22-27-3-13-10.000-RR	1145 5TH ST W 35204	N 1/2 OF LOT 9 BLK 6 SPAULDING
47	22-27-3-18-01.000-RR	401 11TH CT W 35204	PT OF LOT 1 BLK 15 SPAULDING DESC AS FOL-BEG NE COR LOT 1 TH S 82 FT ALONG W R/W W 4 <sup>TH</sup> ST TH NW 50 FT TH N 81.1 FT
48	29-08-4-36-17.000-RR	902 19TH PL SW 35211	LOT 22 BLK 14 EUREKA
49	29-08-4-35-02.000-RR	901 19TH PL SW 35211	LOTS 1 & 2 BLK 15 EUREKA
50	22-27-3-20-01.000-RR	601 11TH CT W 35204	LOT 1 BLK 13 SPAULDING
51	22-27-3-19-07.000-RR	525 11TH CT W 35204	LOT 7 BLK 14 SPAULDING
52	22-28-2-04-03.001-RR	1201 BANKHEAD HWY W 35204	LOT 1-A RESUR OF LOT 1 MCBRIDE SUB 162/21
53	29-04-4-16-10.000-RR	1126 TUSCALOOSA AVE 35211	LOTS 17 THRU 23 INCLUSIVE BLK 21 WEST END LAND & IMP CO
54	29-16-2-12-13.000-RR	1409 17TH WAY SW 35211	LOT 5 BLK 6 WEST END ESTS
55	22-35-2-11-01.000-RR	324 10TH CT N 35204	POB INTER N/L 10TH CT N & SW/L BHAM SO RR TH NW 128 FT S ALG BHAM SO RR TH S 76 FT S TO
56	23-14-3-26-08.000-RR	7010 KIMBERLY AVE 35206	P O B 353.5 FT S N OF NE INTER 70TH ST S & KIMBERLY AVE TH N 60 FT ALG KIMBERLY AVE TH E 158.5 FT TO ALLEY TH S 60 FT
57	30-26-3-08-26.000-RR	5601 SUGAR RAY DR 35228	LOT 11 BL 32 EAST ADD TO ROOSEVELT
58	22-27-3-12-07.000-RR	1145 6TH ST W 35204	LOTS 9+10 BLK 7 SPAULDING
59	22-28-2-04-03.000-RR	1205 BANKHEAD HWY W 35204	LOT 1-B RESUR OF LOT 1 MCBRIDE SUB 164/21
60	22-28-1-08-08.000-RR	1117 BANKHEAD HWY W 35204	POB INTER BANKHEAD HWY & 2ND STREET TH ALG THE HWY 144.2 FT TH SW 144 FT S TH NW 144 FT S TO 2ND STREET TH ALG
61	29-18-3-12-11.000-RR	1228 BRIGHTON RD 35228	PT OF LOT 3 GREEN ACRES 3RD ADD 78/99 & TRACT DESC AS FOLS BEG NW COR OF LOT 3 TH E 164.2 FT TH SW 209.2 FT TH SE 157.3
62	29-05-1-24-16.000-RR	2564 29TH PL W 35208	LOT 3 EX E 5 FT BLK 6 FAIRVIEW PARK
63	22-27-4-02-04.000-RR	236 14TH AVE N 35204	P O B N E INTER OF 14TH AVE & N 2ND PL TH N 105S FT ALG PL TH E 50S FT TH S 105S FT TO 14TH AVE TH W 50S FT ALG AVE
64	22-34-4-20-06.000-RR	11 GRAYMONT AVE N 35204	W 37 FT OF LOT 6 BLK 9 MAP OF SMITHFIELD (SOUTH)
65	22-34-4-20-05.000-RR	13 GRAYMONT AVE N 35204	E 13 FT LOT 6 & W 25 FT LOT 5 BLK 9 MAP OF SMITHFIELD (SOUTH)
66	23-20-3-10-19.000-RR	832 42ND ST N 35212	LOT 15 BLK 5 KINGSTON
67	22-35-2-19-22.000-RR	944 6TH ST N 35204	LOTS 13 THRU 16 BLK 3 MAP OF SMITHFIELD (NORTH) LESS RD R/W
68	22-35-2-19-16.000-RR	508 9TH CT N 35204	W 29.5 FT OF S 71 FT OF LOT 11 & E 2 FT OF S 71 FT OF LOT 10 BLK 3 MAP OF SMITHFIELD (NORTH)
69	22-35-2-19-17.000-RR	512 9TH CT N 35204	E 20.5 FT OF S 71 FT LOT 11 & W 11 FT OF S 71 FT LOT 12 BLK 3 MAP OF SMITHFIELD (NORTH)
70	22-35-2-21-01.000-RR	941 6TH ST N 35204	BEG AT SE INT 10TH AVE N & 6 <sup>TH</sup> ST N THENCE NE 140 S TO 10TH ST N SE 130 FT S TO R R R O W SW 216 FT S TO ALLEY SW 77 FT

## MAR 13 2007

71	22-35-2-20-01.000-RR	949 6TH ST N 35204	P O B N E INTER OF 6TH ST N & 10TH AVE N TH N E 97 FT S ALG 10TH AVE N TO 10TH ST N TH N W 163 FT S ALG 10TH ST N TO 6TH
72	23-30-4-19-01.000-RR	3720 3RD AVE S 35222	P O B INTER OF THE N W LINE 3RD AVE S & E LINE SEC 30 T 17 S R 2 W TH N 344 FT S ALG E LINE SEC 30 TO 2ND AVE S TH
73	22-14-3-25-09.000-RR	2008 32ND AVE N 35207	LOT 14 BLK 149 NORTH BHAM
74	29-07-3-60-04.000-RR	5621 MONTE SANO RD 35208	LOT 1 BLK 49 MONTE SANO-EXC W 16.1 FT FOR STREET TO CITY OF BHAM
75	29-07-3-42-08.000-RR	5508 TERRACE J 35208	LOT 4 BLK 41 MONTE SANO
76	22-35-2-13-35.001-RR	1020 6TH ST N 35204	COM AT INTER OF 6TH ST & I-59 TH NW 78 FT TO POB TH W 125 FT TH N 41.5 FT TH E 82 FT TH SE 60 FT TO POB
77	22-35-2-13-36.000-RR	1022 6TH ST N 35204	POB INTER OF SW R/W BHAM SO RR & E/L 5TH ST N TH S 60 FT ALG 5TH ST N TH E 72 FT S TH N 30 FT S TO RR R/W TH NW 79 FT S
78	22-35-2-13-35.000-RR	1018 6TH ST N 35204	COM AT INTER OF 6TH ST & I-59 TH NW 138 FT TO POB TH W 35 FT TH N 63 FT TH SE 75 FT TO POB
79	22-35-2-19-18.000-RR	516 9TH CT N 35204	THE W 31 FT OF THE E 39 FT OF THE S 71 FT OF LOT 12 BLK 3 NO SMITHFIELD (NORTH)
80	23-29-3-25-08.000-RR	204 38TH ST S 35222	S 35 FT OF N 70 FT OF LOTS 3 & 4 BLK 29 SUR OF AVONDALE LD CO
81	29-04-4-10-15.000-RR	417 11TH ST SW 35211	P O B 150 FT N W OF THE N INTE R OF FULTON AVE S W & S W 11TH ST TH N W 40 FT ALONG S W 11T H ST TO ALLEY TH N E 130 FT AL
82	29-04-4-11-01.000-RR	301 11TH ST SW 35211	N 50 FT LOTS 11 THRU 13 BLK 32 WEST END LAND & IMPROVEMENT CO
83	29-30-2-33-08.000-RR	4428 WILLARD AVE SW 35221	LOT 10 BLK 7 J W WILKS SURVEY SEC 30 TP 18 R 3 MAP B 5 P 26 BH
84	22-35-2-19-05.000-RR	505 10TH AVE N 35204	N 140 FT LOT 7 BLK 3 MAP OF SMITHFIELD (NORTH)
85	23-21-4-08-06.000-RR	5500 1ST AVE S 35212	LOTS 8 THRU 10 BLK 6 A B JOHNSTON RESUR
86	22-35-2-19-02.000-RR	521 10TH AVE N 35204	LOT 3 BLK 3 MAP OF SMITHFIELD (NORTH)
87	22-35-2-13-34.000-RR	1016 6TH ST N 35204	P O B INTER OF W LINE 6TH ST N & SW LY LINE I-59 TH N W 78 FT S ALG I-59 TH W 128 FT S TH S 50 FT S TH E 186 FT S TO
88	22-35-2-13-27.000-RR	516 10TH TER N 35204	LOTS 4 & 5 SECOND ADD TO PROSPECT HEIGHTS & 8 FT PROPOSED ALLEY & 20 FT STRIP OF LAND USED FOR RD ON S END
89	22-35-2-13-28.000-RR	518 10TH TER N 35204	LOT 6 2ND ADD TO PROSPECT HEIGHTS
90	22-35-2-15-14.000-RR	1012 5TH ST N 35204	LOTS 15 & 16 BLK 4 EX SO 124 FT MAP OF SMITHFIELD (NORTH) & LESS RR R/W (NORTH)
91	23-28-2-38-03.000-RR	4737 6TH AVE S 35222	P O B 95 FT S E OT E INTER 47TH PL S & U S HWY 78 TH E 36 FT S ALG U S HWY 78 TH SE 160 FT S TO ALLEY TH SW 40 FT
92	29-08-3-26-21.000-RR	620 27TH ST SW 35211	LOT 6 BLK 2 GERMANIA PLACE
93	29-30-2-14-11.000-RR	3941 GEORGE AVE SW 35221	LOT 11 BLK 4 TARPLEY
94	29-30-2-14-24.000-RR	3900 HOWARD AVE 35221	LOT 24 BL 4 TARPLEY

**MAR 13 2007**

95	22-35-2-19-03.000-RR	519 10TH AVE N 35204	N 140 FT LOTS 5-6 BLK 3 MAP OF SMITHFIELD (NORTH)
96	22-35-2-19-21.000-RR	942 5TH PL N 35204	E 46 FT OF N 52 FT OF LOT 11 & W 42 FT OF N 52 FT OF LOT 12 BLK 3 MAP OF SMITHFIELD (NORTH)
97	22-35-2-19-20.000-RR	940 5TH PL N 35204	S 34 FT OF N 86 FT OF W 42 FT OF LOT 12 & TH S 34 FT OF TH N 86 FT OF TH E 546 FT OF LOT 11 BLK 3 MAP OF SMITHFIELD (NORTH)
98	22-35-2-19-19.000-RR	938 5TH PL N 35204	S 35 FT OF THE N 121 FT OF THE W 42 FT OF LOT 12 & THE S 35 FT OF THE N 121 FT OF THE E 46 FT OF LOT 11 BLK 3 MAP OF
99	22-34-1-10-04.000-RR	1011 3RD ST N 35204	S 50 FT OF LOTS 7 & 8 BLK 11 (NORTH) SMITHFIELD ON E SIDE OF JOSEPH ST & RUNNING BACK OF UNIFORM WIDTH
100	22-34-2-09-11.000-RR	404 10TH AVE W 35204	LOTS 15 & 16 BLK 64 MAP OF (NORTH) SMITHFIELD
101	22-35-2-23-16.000-RR	518 9TH AVE N 35204	E 25 FT OF S 100 FT OF LOT 13 BLK 2 MAP OF SMITHFIELD (NORTH)
102	22-34-2-01-09.000-RR	NEXT TO 224 10TH CT W 35204	LOTS 11 & 12 BLK 56 MAP OF SMITHFIELD (NORTH)
103	29-04-2-35-02.000-RR	1305 1ST CT W 35204	LOT 10 BLK 18 COMPTON RISING
104	22-27-1-11-09.000-RR	318 16TH AVE N 35204	LOT 2 BLK 2 MELVILLE COURT
105	22-27-1-11-10.000-RR	320 16TH AVE N 35204	LOT 1 BLK 2 MELVILLE COURT
106	22-27-1-19-09.000-RR	310 15TH CT N 35204	LOT 14 EX E 5 FT BLK 1 J O PEEBLES SUR
107	22-27-1-28-03.000-RR	201 15TH AVE N 35204	BLK 8 MELVILLE COURT
108	22-15-4-15-08.000-RR	3755 CENTER ST W 35207	LOT 6 BLK 4 J H BERRYS ADD TO HOOPER CITY
109	22-15-4-14-14.000-RR	3754 CENTER ST W 35207	LOT 6 BLK 4 ZION HTS SUR
110	22-15-4-14-15.000-RR	3758 CENTER ST W 35207	LOT 5 BLK 4 ZION HTS
111	29-19-1-19-05.000-RR	3349 WALNUT AVE SW 35221	LOTS 5 & 6 BLK 13 ROSEMONT
112	29-17-3-22-11.000-RR	2521 DAWSON AVE SW 35211	LOT 107 COLLEGE PARK
113	22-35-3-24-09.000-RR	318 4TH CT N 35204	LOT 14 BLK 30 MAP OF (SOUTH) SMITHFIELD
114	22-35-3-24-11.000-RR	326 4TH CT N 35204	E 1/2 LOT 15 BLK 30 MAP OF SMITHFIELD (SOUTH)

Be it resolved that a hearing will be held on April 17, 2007 to hear and consider all objections or protests to the proposed abatement of these nuisances by the City.

**RESOLUTION NO. 381-07**

BE IT RESOLVED by the Council of the City of Birmingham that the amended appointment to LaVeeda Morgan Battle, Birmingham, AL, to provide additional legal counsel to the Birmingham City Council in the additional amount of \$25,000.00 bringing the total not to exceed amount to \$50,000.00 be and the same hereby is approved, and;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the amended appointment on behalf of the City.

**MAR 13 2007**

Appropriated for in FY 2007 Budget  
Condense Code: CCN  
Object Code: 2716

**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 Montgomery, and upon the roll being called, the vote was as follows:**

**Ayes: Montgomery, Parker, Reynolds, 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 resolution was introduced by Councilmember Smitherman:

“A Resolution approving the agreement with **Alcoholism Recovery Services, Inc.**, Birmingham, in the amount of \$10,500.00, to provide substance abuse treatment services at Olivia’s House, and authorizing the Mayor to execute the agreement.”

The resolution was read by the City Clerk, whereupon Councilmember Smitherman moved to adopt the resolution which motion was seconded by Councilmember Witherspoon.

Whereupon Councilmember Reynolds made a motion to NOT adopt the resolution which motion was seconded by Councilmember Montgomery.

Whereupon Councilmember Witherspoon made a motion which motion was seconded by Councilmember Parker to defer said resolution for one (1) week, and upon the roll being called the vote was as follows:

**Ayes: Parker, Witherspoon, Smitherman  
Nays: Montgomery, Reynolds**

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to defer the resolution one (1) week NOT adopted.

Whereupon Councilmember Reynolds made a motion to reconsider the resolution which motion was seconded by Councilmember Parker, and upon the roll being called, the vote was as follows:

**MAR 13 2007**

Ayes: Parker, Reynolds, Witherspoon, Smitherman  
Nays: Montgomery

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

Whereupon Councilmember Reynolds made a motion to defer said resolution for one (1) week which motion was seconded by Councilmember Parker, and upon the roll being called, the vote was as follows:

Ayes: Parker, Reynolds, Witherspoon, Smitherman  
Nays: Montgomery

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to defer said resolution one (1) week adopted.

The following resolution was introduced by Councilmember Reynolds:

**RESOLUTION NO. 382-07**

BE IT RESOLVED by the Council of the City of Birmingham, Alabama that the following persons be and they hereby are reappointed to the Transit Advisory Committee of the Birmingham-Jefferson Transit Authority for a term expiring July 31, 2008, as representatives of the City of Birmingham to said committee:

James Clark  
Lee Loder, Sr.  
James Edward Carroll  
Robert Christian

And

BE IT FURTHER RESOLVED by the Council of the City of Birmingham, Alabama that the following persons be and they hereby are appointed members of the Transit Advisory Committee of the Birmingham-Jefferson Transit Authority for a term expiring July 31, 2008, as representatives of the City of Birmingham to said committee:

John C. Harris  
Robin Williams  
Russell Dunlap  
Joe Ann Askew

And

**MAR 13 2007**

BE IT FURTHER RESOLVED by the Council of the City of Birmingham, Alabama that John Carroll Meehan be and he hereby is appointed a member of the Transit Advisory Committee of the Birmingham-Jefferson Transit Authority for a term expiring March 13, 2009, as a representative of the City of Birmingham to said committee; and

BE IT FINALLY RESOLVED that the above appointments are made in accordance with Article XI of the By-Laws of the Birmingham-Jefferson County Transit Authority, as amended.

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

Ayes: Montgomery, Parker, Reynolds, Witherspoon, Smitherman

Nays: None

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

La'Shun Henderson, 2447 30<sup>th</sup> Street, Apartment F, appeared relative to identity theft and being a victim of identity theft.

Audrey Lewis, 2905 Wilson Road, Birmingham, appeared relative to the children suffering from a lack of knowledge.

Yvonne Harris, 2905 Wilson Road, Birmingham, appeared relative to having more tutoring classes in the schools that focus on reading.

**THE FOLLOWING MATTERS WERE DEFERRED:**

Councilmember Montgomery made a motion which motion was seconded by Councilmember Reynolds and adopted, that "A resolution relative to the application of Quality Foods, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Piggly Wiggly #258**, from 2612 – 30<sup>th</sup> Avenue North to 2500 – 29<sup>th</sup> Avenue, North, Birmingham, and the **hearing** of all interested parties", be deferred to the regular meeting on Tuesday, March 27, 2007 at 9:30 o'clock a.m.

Councilmember Montgomery made a motion which motion was seconded by Councilmember Reynolds and adopted, that "A resolution relative to the application of Quality Foods, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Piggly Wiggly #264**, from 5401 – 1<sup>st</sup> Avenue, North, to 6501 – 1<sup>st</sup> Avenue, North, Birmingham, and the **hearing** of all interested parties", be deferred to the regular meeting on Tuesday, March 27, 2007 at 9:30 o'clock a.m.

**MAR 13 2007**

Councilmember Smitherman made a motion which was seconded by Councilmember Montgomery and adopted that, "A Resolution granting five (5) Certificates of Public Necessity and Convenience to **Acton Limousine, Inc.**, 5128 Valleybrook Circle, Birmingham, to operate five (5) limousines as public service vehicles, and the hearing of all interested parties", be deferred to the regular meeting on Tuesday, March 20, 2007 at 9:30 o'clock a.m.

**THE FOLLOWING MATTER WAS INTRODUCED, READ AND DEFERRED:**

Councilmember Reynolds made a motion which motion was seconded by Councilmember Smitherman that "a resolution approving the agreement with **Alcoholism Recovery Services, Inc.**, Birmingham, in the amount of \$10,500.00, to provide substance abuse treatment services at Olivia's House, and authorizing the Mayor to execute the agreement", be deferred to the regular meeting on Tuesday, March 20, 2007 at 9:30 o'clock a.m., and upon the roll being called the vote was as follows:

Ayes: Parker, Reynolds, Witherspoon, Smitherman

Nays: Montgomery

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to defer said resolution one (1) week adopted.

**ALL OTHER MATTERS WENT OVER**

Upon motion by the Presiding Officer, the Council adjourned at 11:03 o'clock a.m.

**Approved: April 3, 2007.**

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

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

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

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

**MAR 13 2007**

**APPROVED AS TO FORM:**

**Tamara Harris Johnson/s/**  
**CITY ATTORNEY**

**Tamara Harris Johnson**  
**Printed Name**

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

A Resolution revoking the Certificate of Public Necessity and Convenience to operate a taxicab service issued to Greater Birmingham Transportation Services, LLC, d/b/a Yellow Cab, 5804 Oporto Madrid Boulevard, Birmingham, AL 35210.