

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

July 10, 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 July 10, 2007 at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Elder Don Thompson, Assistant Pastor of More than Conquerors Faith Church.

The Pledge of Allegiance was led by Councilmember Parker.

Present on Roll Call:	Council President Councilmembers	Smitherman Abbott (Arrived as herein indicated) Bell Duncan (Arrived as herein indicated) Hoyt Montgomery (Arrived as herein indicated) Parker Royal Witherspoon
Absent:		None

Councilmember Royal absented himself.

Mayor Bernard Kincaid stated there were no bond fund items on today's agenda.

Councilmember Abbott arrived and assumed her seat as a Councilmember.

Councilmember Royal returned and took his seat as a Councilmember.

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Police Chief Annetta Nunn gave the preliminary police report for the previous week, and noted that 21 residents graduated from the Citizens Police Academy.

Councilmember Montgomery arrived and assumed his seat as a Councilmember.

Councilmember Smitherman noted that the Water Works Board has filed an injunction relative to the petition filed to return the assets of the Water Works Board back to the City of Birmingham. Due to the injunction the Council will not be able to respond within the 20 day time period.

Councilmember Smitherman made a motion which was seconded by Councilmember Parker and adopted to suspend the rules for presentations and to call the speakers up at this time.

Madison Carter announced the opening of a new UPS Store in the 5 Points West Shopping Center. The ribbon cutting for the store will be Friday, July 13, 2007 at 12 noon.

Councilmember Witherspoon absented herself.

Otis Miller, Jr., 9117 Sherman Drive and Barbara Hollis, 9109 Sherman Drive appeared relative to the Airport buyouts and the problems that have occurred because of the buyout such as flooding, overgrown lots, and large rats. Mrs. Hollins noted that the noise from the airplanes is increasing.

Councilmember Witherspoon returned and took her seat as a Councilmember.

Steve Beal, 100-4th Avenue South, appeared relative to the budget.

Gene Elderman, 3400 Cliff Terrace, appeared relative to the closing of Marconi Park.

Dr. Artis Murphy, 1305 Avenue L, appeared relative to moral rights.

Councilmember Duncan arrived and assumed her seat as a Councilmember.

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Councilmember Hoyt made a motion which was seconded by Councilmember Smitherman and adopted to set the order of the agenda: Consent Agenda, regular agenda items, then Item No. 6.

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

RESOLUTION NO. 1131-07

Whereas, on June 5, 2007 the Birmingham City Council at its regularly scheduled meeting declared the property described below to be a public nuisance existing in the City of Birmingham; and

Whereas, all proper notices were posted and delivered by certified mail to the persons, firms, associations or corporations last assessing the below described property for state taxes as required by Act no. 105 of the Third Special Session of the Alabama Legislature 1971, as amended by Act 91-192 of the Alabama Legislature, 1991; and

Whereas, since June 5, 2007 the following described properties have had the nuisances thereon abated:

30	23-12-3-07-10.000-RR	8409 9TH AVE S 35206	LOT 3 BLK 216 LAKEWOOD
33	23-20-4-04-04.000-RR	929 47TH ST N 35212	LOT 47 PHILLIPS ADD TO BHAM LESS & EXCEPT E-5 FT CONVEYED TO CITY FOR ROW
38	23-21-4-17-36.000-RR	524 60TH ST S 35212	P O B 329.5 FT S S OF SW INTER 5TH AVE S & 60TH ST S TH S
77	23-21-1-10-11.000-RR	6000 1ST AVE N 35212	POB NE INTER 1ST AVE N & 60TH ST N TH NW 190 FT TH NE 210 FT TH SE 135 FT TH SW 212 FT TO POB
78	23-22-1-19-05.000-RR	901 CHESTER AVE S 35212	LOTS 7 THRU 10 BLK 17 WOODLAWN HTS
81	23-27-2-08-17.000-RR	5706 10TH AVE S 35222	LOT 20 BLK 1 CRESTWOOD ADD TO WOODLAWN HGHLDS 4TH SECTOR
88	23-16-4-10-04.000-RR	6224 2ND AVE N 35212	LOTS 6 & 7 BLK 9 W J VANN & CO FULTON SUR CHECKED AS VANN TRACT
93	23-22-1-18-21.000-RR	6812 65TH ST S 35212	LOT 4 OLSHANS ADD TO GATE CITY CITY 65/94
103	23-02-3-12-01.000-RR	302 87TH ST N 35206	SE 70 FT OF LOTS 12 & 13 BLK 18-C EAST LAKE LD COS 1ST ADD TO EAST LAKE
132	23-03-2-05-01.000-RR	1739 TARRANT HUFFMAN RD 35217	P O B 314S FT E OF INTER S LINE TARRANT-HUFFMAN RD & W LINE NW 1/4 SEC 3 T17S R2W TH E 148S FT ALG TARRANT-HUFFMAN
139	23-22-2-18-03.000-RR	6445 3RD AVE S 35212	P O B 47S FT NE OT INTER NE LINE I-20 & SE LINE 3RD AVE S TH NE 45S FT ALG 3RD AVE S TH SE 136S FT TH SW 45S FT TH NW
148	23-15-1-38-02.000-RR	7128 1ST AVE N 35206	S 1/2 LOT 8 BLK 3-A EAST LAKE
155	23-15-2-08-10.000-RR	3604 66TH ST N 35206	LOT 17 BLK 4 GROVELAND HTS

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that after having heard all protests or objections presented, the noxious or dangerous weeds located at the premises listed here in below, which were declared to be abated by the removal of said weeds

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by the City and the costs of such abatement shall be assessed against and shall constitute a lien on such property:

1	23-28-03-04-16.000-RR	1028 50TH PL S 35222	LOT 3 BLK 14 CRESTWOOD HILLS 3RD SEC
2	23-03-1-08-06.000-RR	9412 ZION CITY RD 35217	LOT 3 BLK 2 AIRPORT ESTS 2ND ADD
3	22-12-3-07-01.000-RR	3139 46TH AVE N 35207	LOTS 23+24-25 BLK 6 LINCOLN HEIGHTS
4	23-11-1-27-11.000-RR	8413 4TH AVE S 35206	LOT 21 BLK 166 EAST LAKE
5	13-35-4-16-12.000-RR	41 ROEBUCK DR 35215	LOT 15 KISER & ROBINSON RESUR OF E 1/2 ROEBUCK GARDENS
6	22-25-1-07-06.000-RR	1115 29TH ST N 35234	S 40 FT OF N 80 FT OF LOTS 5-6 BLK 641 BHAM
7	22-14-4-34-05.000-RR	3209 25TH ST N 35207	LOT 11 BLK 144 NO BHAM
8	13-35-1-11-63.000-RR	245 MCCORMICK AVE 35215	LOT 12 BLK 4 MEADOWDALE ESTS
9	23-07-3-10-03.000-RR	3365 43RD AVE N 35207	LOTS 5 & 6 BLK 8 M A HINES 1ST ADD TO HARRIMAN PARK
10	23-22-1-12-05.000-RR	7112 66TH ST S 35212	LOT 5 EX W 10 FT BLK 22 GATE CITY
11	23-22-3-33-04.000-RR	706 ANTWERP AVE 35212	LOT 6 MADDOX SUB OF BLK 2 T T SCOTT
12	23-22-3-13-01.000-RR	6433 5TH CT S 35212	W 40 FT LOT 1 BLK 4 OAKRIDGE PARK
13	23-29-1-02-19.000-RR	4344 POWELL AVE S 35222	LOT 6 BLK B SHEPARD-SLOSS INDUSTRIAL SUB
14	12-30-3-05-10.000-RR	821 HAGWOOD RD 35235	LOT 15 BLK 1 EDGE-O-TOWN ESTATES
15	23-19-3-22-15.000-RR	3510 NORWOOD BLVD 35234	P O B 100 FT NE OF NE INTER NORWOOD BLVD & 35TH ST N TH NE 100 FT ALG NORWOOD BLVD TH N 123.1 FT TO ALLEY TH W 100
16	22-24-4-24-07.000-RR	1328 29TH ST N 35234	S 30 FT LOT 3 & N 20 FT LOT 2 BLK 30 BHAM RLTY COS ADD NO 4
17	22-25-1-07-07.000-RR	1101 29TH ST N 35234	S 160 FT OF LOTS 5-6 BLK 641BHAM
18	22-25-2-03-01.000-RR	1235 13TH AVE N 35234	BEG A PT WHERE S RW OF 13TH AVE N INTER RW OF 27TH ST N FOR POB TH S 48 TH E 110 FT TH N 48 FT TH W 110 FT TO TH P
19	22-24-4-20-28.000-RR	1308 33RD ST N 35234	N 30 FT LOT 2 & S 20 FT LOT 3 BLK 20 BHAM RLTY COS ADD NO 4
20	23-19-3-27-10.000-RR	3400 13TH AVE N 35234	P O B INTER SW COR LOT 7 BLK 5 BHAM RLTY COS 4TH ADD & 13TH AVE N TH SWLY 83 FT S ALG 13 TH AVE N TH N 179 FT S TO ALLEY
21	23-19-4-26-11.000-RR	906 37TH PL N 35222	LOT 3 BLK 19 EAST BHAM
22	12-19-4-03-02.000-RR	1644 LAKE DR NE 35215	COM NW COR OF NW 1/4 OF SE 1/4 SEC 19 TP 16 R 1W TH ELY 514.2 FT TO POB TH CONT ELY 842 FT TH SWLY 225 FT TH NWLY 318.9
23	12-20-3-01-29.000-RR	1601 BREWSTER RD 35235	BEG AT INTER OF N R/W BREWSTER RD & E R/W OF OLD SPRINGVILLE RD TH E 230 FT TH NW 70 FT TH SW 245 FT TH SLY 55 FT TH SE
24	29-15-2-03-10.000-RR	1530 12TH ST SW 35211	S 1/2 OF LOT 10 & ALL LOT 11 BLK B COLLEGE ADD TO MASON CITY
25	29-15-2-02-10.000-RR	1541 12TH ST SW 35211	S 1/2 OF LOT 5 BLK 1 FLIPPENS ADD TO MASON CITY
26	29-15-2-02-09.000-RR	1537 12TH ST SW 35211	N 1/2 OF LOT 5 BLK 1 FLIPPENS ADD TO MASON CITY
27	29-02-3-31-33.000-RR	228 8TH AVE S 35205	LOT 25 BLK 2 TIDDLESVILLE HGTS HGHTS
28	29-02-3-38-16.000-RR	800 BETA ST 35205	LOT 3 LINCOLN PARK 1ST ADD TO BHAM 138/75
29	13-12-1-05-29.001-RR	304 CARLTON CIR 35215	LOT 16 BLK 5 VALLEY BROOK 2ND SECT 95/12

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31	23-20-2-11-28.000-RR	4254 11TH AVE N 35212	LOT 6 BLK 1 NO KINGSTON
32	23-20-2-05-16.000-RR	1137 44TH PL N 35212	LOT 11 LYNN & TEAL
34	23-20-4-04-05.000-RR	925 47TH ST N 35212	LOT 48 EXC E 5 FT PHILLIPS ADD TO BHAM
35	28-06-1-05-12.000-RR	2761 11TH AVE S 35205	LOT 11-A RESUR OF LOTS 6 THRU 11 RHODES PARK TOWNHOUSES 123/45
36	12-30-1-07-06.001-RR	1201 SPRINGVILLE RD 35215	PT OF TRACT 3 SPRING LAKE ESTS 1ST ADD 33/66 DESC AS FOLS: BEG AT NLY COR OF SD TRACT 3 TH SELY 312.7 FT TH SWLY 201.1
37	23-17-2-15-09.000-RR	4205 40TH AVE N 35212	LOTS 1 & 2 ROCKETTS ADD TO BOYLES HGLDS LESS PT OF LOT 1 LYING IN 42ND ST R/W
39	12-32-2-02-01.000-RR	1493 PARAGON PKWY 35235	LOT 1 BLK 8 PARAGON MANOR 3RD & 5TH SECTORS
40	23-14-3-20-13.000-RR-02	7011 LONDON AVE 35206	BEG SW COR OF SE 1/4 OF SW 1/4 TH N 90 FT TH NE 45 FT TH NE 70 FT TH NE 185 FT TH S 181 FT TH W 264 FT TO POB
41	23-14-3-28-05.000-RR	7125 NAPLES AVE 35206	LOT 17 BLK 3 EAST LAKE HGLDS EXC SO 42.0 FT
42	22-14-1-02-11.000-RR	4024 FAIRMONT ST 35207	LOTS 19 & 20 BLK 9 FAIRMONT
43	23-07-3-08-12.000-RR	3621 44TH AVE N 35207	LOT 6 BLK 2 HARRIMAN PARK
44	12-30-1-06-15.000-RR	809 TAMPA LN 35215	LOT 9 BLK 4 SPRING LAKE FARMS 47/65
45	13-13-2-10-12.000-RR	612 23RD TER NW 35215	LOT 6 BLK 5 REDSTONE LAND & DEV COS 4TH SECT
46	22-17-3-01-01.000-RR	1097 DUGAN AVE 35214	COM AT NE COR OF SW 1/4 SEC 17 TWP 17 R 3W TH S 680 FT TO POB TH W 1660 FT TH S 1490 FT TO S/L DUGAN RD TH SWLY ALG SD RD
47	23-12-3-06-22.000-RR	8428 9TH AVE S 35206	LOT 17 BLK 217 LAKEWOOD
48	23-01-4-09-08.000-RR	629 HICKORY ST 35206	LOT 11 ROEBUCK HILLS
49	29-03-4-12-20.000-RR	34 2ND AVE S 35205	LOT 18 BLK 2 SESSIONS LD CO SUB OF BLKS 3-4 WALKER LD CO
50	29-03-4-15-13.000-RR	43 3RD AVE S 35205	LOT 12 BLK 3 SESSIONS LD CO SUB OF BLKS 3 & 4 WALKER LD CO
51	23-23-2-18-02.000-RR	7731 68TH ST S 35212	LOT 12 BLK 3 CENTRAL ADD TO GATE CITY
52	23-23-2-13-06.000-RR	7712 68TH ST S 35212	LOTS 16+17 BLK 2 CENTRAL ADD TO GATE CITY
53	23-14-3-21-01.000-RR	7208 LONDON AVE 35206	LOTS 1 THRU 4 LEON TATE & WIFE SUR
54	12-29-2-09-07.000-RR	1328 OAK TER 35235	LOT 18 BLK F SPRING LAKE MANOR
55	12-29-2-10-05.000-RR	1313 OAK TER 35235	LOT 28 BLK G SPRING LAKE MANOR
56	29-11-3-22-24.000-RR	2312 1ST ST S 35205	LOT 24 BLK 10 GREEN SPRINGS HILLS 6TH ADD 1ST SECTOR 49/95
57	23-28-2-30-12.000-RR	4806 6TH AVE S 35222	SE 1/2 LOT 6 BLK 2 F M WOOD SUR
58	23-27-3-01-01.000-RR	5900 SOUTHCREST RD 35213	LOT 1 BLK 1 CRESTWOOD HIGHLANDS 3RD SEC
59	23-27-4-02-24.000-RR	1332 CRESTHILL RD 35213	LOT 8 BLK 2 CRESTVIEW HILLS ALSO A STRIP 25 FT S BY 63 FTS LYING N W OF & ADJ TO SD LOT BEING IN NW SE 1/4
60	28-06-4-04-04.000-RR	2625 ABERDEEN RD 35223	LOT 16 BLK 9 MILNER LAND COS 4TH ADD TO BHAM
61	29-01-3-14-11.000-RR	1014 14TH AVE S 35205	P O B 130 FT W OF THE N W INTER OF 10TH PL S & 14TH AVE S TH W 40 FT S ALG AVE TO ALLEY TH N 80 FT S TH E 40 FT
62	22-13-4-28-06.000-RR	3408 29TH AVE N 35207	LOT 9 BLK 7 SOUTH DOUGLASVILLE
63	12-32-2-01-18.000-RR	1381 PARAGON PKWY 35235	LOT 17 BLK 10 PARAGON MANOR 6TH & 7TH SECTORS

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64	13-25-3-04-02.000-RR	945 MEG DR 35215	LOT 14 BLK 7 VON DALES 1ST SECT
65	22-26-1-28-11.000-RR	1305 20TH ST N 35234	LOT 5 VANN & HENRY SURVEY
66	23-02-3-04-01.000-RR-01	8928 8928 WEST BLVD 35206	LOTS 1 & 2 GRAYS CONST CO RESUR OF PT LOTS 54 & 55 ROEBUCK TERRACE ALSO BEG SW COR SD LOT 1 TH E 149.7 FT TH
67	29-02-4-25-07.000-RR	424 10TH AVE S 35205	LOT 15 BLK 10 BHAM RLTY COS 11TH ADD
68	23-22-2-09-09.000-RR	316 66TH ST S 35212	LOT 3 & NW 1/2 OF LOT 2 BLK 22 WOODLAWN HEIGHTS
69	23-15-4-12-07.000-RR	7109 DIVISION AVE 35206	LOT 16 BLK 13 EAST LAKE
70	23-20-1-07-05.000-RR	1311 46TH WAY N 35212	LOT 6 ROARK SUB NE 1/4 SEC 20 TP 17 R 2
71	13-35-1-11-55.000-RR	308 PINE ST 35215	LOT 20 BLK 4 MEADOWDALE ESTS
72	22-23-3-25-07.000-RR	2200 16TH ST N 35204	LOTS 1 & 2 BLK 6 MUNGER RLTY CO 1ST ADD TO ACIPCO
73	13-34-3-09-08.000-RR	9816 MILLER AVE 35217	LOTS 5-7 BLK 5 BOOKERWOOD HEIGHTS
74	23-16-4-09-01.000-RR	230 64TH ST N 35212	LOT 12 BLK 10 W J VANN
75	23-16-4-09-08.000-RR	6308 2ND AVE N 35212	LOT 3 BLK 10 W J VANN & CO
76	23-16-4-10-03.000-RR	6216 2ND AVE N 35212	LOT 5 BLK 9 W J VANN & CO LESS PT IN I-59 R/W
79	12-30-1-06-15.000-RR	809 TAMPA LN NE 35215	LOT 9 BLK 4 SPRING LAKE FARMS 47/65
80	29-01-3-13-19.000-RR	1112 11TH ST S 35205	LOT B CHICHESTER & COS RESUR OF LOTS 1-2 & THE N 26.70 FT OF LOT 3 OF BLK 10 WAVERLY PLACE
82	29-12-2-06-12.000-RR	1714 CULLOM ST S 35205	LOT 11 BLK 2 SYLVAN HEIGHTS
83	29-01-3-06-03.000-RR	1301 10TH AVE S 35205	LOT 2 BLK 22 MEDICAL CENTER EXPANSION PROJECT R-70 3RD SECTOR
84	23-22-2-09-08.000-RR	318 66TH ST S 35212	LOT 3 & NW 1/2 OF LOT 2 BLK 22 WOODLAWN HEIGHTS
85	23-22-2-08-01.000-RR	324 66TH ST S 35212	N 3 FT LOT 5 & ALL LOTS 6 THUR 10 BLK 21 WOODLAWN HTS
86	23-22-1-01-07.000-RR	6821 FRANKFORT AVE 35212	LOT 6 BLK 2 HIGDON HILL
87	23-22-1-01-08.000-RR	6717 FRANKFORT AVE 35212	LOT 7 BLK 2 HIGDON HILL
89	29-11-2-22-12.000-RR	48 19TH AVE S 35205	LOTS 14 & 15 POLAKOWS ADD TO GREEN SPRINGS
90	29-11-2-07-02.000-RR	21 17TH AVE S 35205	LOT 14 BLK 4 BENJAMINS ADD TO BHAM
91	23-21-1-24-12.000-RR	5944 GEORGIA RD 35212	LOT 10 AND 8-1/2 FT LOT 11 BLK A MRS M M GILLESPIE
92	22-13-4-07-04.000-RR	3329 HUNTSVILLE RD 35207	BEG AT NW COR LOT 6 BLK 1 TH SW ALONG HUNTSVILLE RD 35S FT TH E 134.1 FT TH NE 39 FT TH W 135 FT TO P O B BEING PT LOT 6
94	12-29-2-01-39.000-RR	773 VAUGHN CIR 35235	LOT 4 BLK 2 SPRING LAKE HILLS 1ST SECTOR
95	13-26-3-00-01.026-RR-01	1120 MOONGLOW CIR 35215	LOTS 52 & 53 SUNRISE EAST 3RD SECT 124/13 A & B
96	23-34-4-08-06.000-RR	4237 MOUNTAINDALE RD 35213	LOT 10 BLK 4 MOUNTAINDALE 4TH SECTOR
97	23-22-3-33-03.000-RR	710 ANTWERP AVE 35212	LOT 5 MADDOX SUB OF T T SCOTT SEC 22 TP 17 R 2
98	22-13-4-14-17.000-RR	3130 34TH ST N 35207	LOT 1 BLK 4 MCCARTYS ADD TO NORTH BHAM
99	22-13-4-14-17.000-RR	3130 34TH ST N 35207	LOT 1 BLK 4 MCCARTYS ADD TO NORTH BHAM

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100	22-13-1-10-50.000-RR	3369 33RD ST N 35207	LOT 25 DOUGLASVILLE GARDENS
101	22-13-1-18-11.000-RR	3616 HUNTSVILLE RD 35207	LOT 11 BLK 9 FAIRFIELD ADD TO NORTH BHAM
102	22-26-1-16-18.000-RR	2008 15TH AVE N 35234	LOT 3 J THAD MULLINS SUB DIV
104	23-10-1-11-18.000-RR	8314 4TH AVE N 35206	LOT 5 BLK 15-D EAST LAKE
105	23-11-2-11-13.000-RR	8401 4TH AVE N 35206	LOT 24 BLK 16-C EAST LAKE LAND CO
106	23-28-3-02-27.000-RR	740 48TH ST S 35222	LOT 4 BLK 5 FOREST GROVE RESUR OF LOTS 1 TO 8 BLK 5 FOREST GROVE SUR
107	23-22-2-03-05.001-RR	209 66TH ST S 35212	S 45 FT OF LOTS 19 & 20 BLK 4-C EAST WOODLAWN 3/109
108	23-22-1-02-56.000-RR	6824 FRANKFORT AVE 35212	LOT 5 BLK 1 HIGDON HILL
109	13-36-2-05-16.000-RR	700 ROBISON DR 35215	LOT 16 BLK 2 ROEBUCK PARK ESTS
110	13-36-2-05-17.000-RR	704 ROBISON DR 35215	LOT 17 BLK 2 ROEBUCK PARK ESTS
111	29-10-1-02-20.000-RR	732 CENTER PL SW 35211	LOT 3 BLK 5 LINCOLN PARK 1ST ADD OF RESUR OF W PT OF BLKS
112	22-12-2-27-01.000-RR	3012 SUMITON CREST RD 35207	LOTS 16 THRU 18 BLK 8 TOWN OF DAVID LYING SWLY OF CO RD
113	22-14-3-08-03.000-RR	2219 36TH AVE N 35207	P O B 100 FT S SW OF W INTER 36TH AVE N & 23RD ST N TH SW 50 FT ALG 36TH AVE N TH SE 140 FT TO ALLEY TH NE 50 FT TH NW
114	22-14-1-29-30.000-RR	3812 27TH ST N 35207	P O B 100 FT SE OF N INTER 39TH AVE & ALLEY TH SE 40 FT TH NE 150 FT S TO 27TH ST N TH N LY 20 FT S ALG 27TH ST N TH
115	23-22-1-17-06.000-RR	6933 65TH ST S 35212	LOT 16 OLSHANS ADD TO GATE CITY
116	23-10-4-08-13.000-RR	7904 4TH AVE N 35206	LOT 3 BLK 11-D EAST LAKE
117	23-34-2-08-24.000-RR	1114 KINGSBURY AVE 35213	LOT 9 BLK 7 CRESTLINE PARK AMENDED MAP
118	23-22-4-12-02.000-RR	703 EXETER AVE 35212	LOTS 11 & 12 BLK 2 LINCOLN ADD TO WOODLAWN
119	23-22-4-07-04.000-RR	6829 6TH AVE S 35212	LOT 6 BLK 1 DROMGOOLES ADD TO GATE CITY
120	22-13-4-01-01.000-RR	3441 33RD TER N 35207	LOTS 1 AND 2 BLK 1 DOUGLASS-VILLE EXC SO 30 FEET OF EAST 30 FEET OF LOT 1
121	22-13-1-10-01.000-RR	3400 33RD TER N 35207	BEG SE COR NE 1/4 SEC 13 TP 17 S R 3W TH N 927 FT TH W 638.5 FT TH NWLY 45.4 FT TO E/L 34 TH ST N TH SLY ALG RW 920 FT TH E
122	22-13-4-01-04.000-RR	3409 33RD TER N 35207	LOT 8 BLK 1 DOUGLASVILLE
123	22-13-4-01-05.000-RR	3407 33RD TER 35207	LOT 9 BLK 1 DOUGLASVILLE
124	23-21-1-02-06.000-RR	140 63RD ST N 35212	SE 50 FT LOTS 9 & 10 BLK 4 HOOD WOOD & FULTON NORTH LESS PT IN I-20 R/W
125	12-29-1-11-21.000-RR	1428 OAK TRL 35235	LOT 28 BLK F SPRING LAKE MANOR
126	23-29-1-04-39.000-RR	4321 2ND AVE S 35222	LOT 13 BLK C- P G KINGS ADD TO AVONDALE
127	23-29-1-04-27.000-RR	4401 2ND AVE S 35222	LOT 12 F S MOODY & CO
128	23-29-1-02-71.000-RR	4803 1ST AVE S 35222	LOT 9 BLK 15 EAST AVONDALE
129	13-27-1-08-30.000-RR	1100 EASTBROOK LN 35215	LOT 34 BLK 2 EASTBROOK 1ST SECT 120/2
130	12-31-3-01-14.000-RR-01	728 GENE REED RD 35235	LOT 2-B RESUR OF LOT 2 HUFFMAN FARM EST 117/32 EXC COM AT SW COR OF LOT 2-B TH N 275 FT TO POB TH CONT N 132.6 FT TH E
131	12-31-3-01-17.000-RR	736 GENE REED RD 35235	LOT 5 EX N 300 FT HUFFMAN FARMS ESTATES

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133	23-03-2-05-15.000-RR	1732 OVERLOOK CIR 35217	LOT 14 & THE W 16 FT OF LOT 13 & THE E 17 FT OF LOT 15 BLK 1 BROWNSVILLE HEIGHTS
134	22-13-4-32-13.000-RR	3360 28TH AVE N 35207	LOT 8 MCCARTY-REESE SUR
135	22-13-4-32-10.000-RR	3346 28TH AVE N 35207	LOTS 3 THRU 5 MCCARTY-REESE SUR
136	22-13-4-32-09.000-RR	3334 3008 33RD WAY N 35207	LOTS 1 & 2 MCCARTY REESE SUR
137	22-13-4-14-10.000-RR	3101 33RD PL N 35207	LOT 10 BLK 4 MCCARTY ADD TO NORTH BHAM
138	22-13-1-21-02.000-RR	3344 32ND PL N 35207	LOT 7 BLK 16 FAIRFIELD ADD TO NO BHAM
140	23-15-2-07-07.000-RR	3601 66TH ST N 35206	LOT 1 BLK 5 GROVELAND HTS
141	23-20-3-07-03.000-RR	4108 RICHARD ARRINGT BLVD N 35212	LOT 5 BLK 4 NORTH KINGSTON
142	23-29-3-16-09.000-RR	3919 3rd AVE S 35222	LOT 24 BLK 14 AVONDALE
143	23-29-3-16-10.000-RR	3915 3RD AVE S 35222	LOT 23 BLK 14 AVONDALE
144	23-29-3-16-11.000-RR	3911 3RD AVE S 35222	LOT 22 BLK 14 AVONDALE
145	29-15-2-01-34.000-RR	960 MASON AVE SW 35211	LOT 5 EFFIE MCALLISTERS ADD TO MONTEVALLO PARK
146	29-02-3-31-38.000-RR	720 DELTA ST 35205	LOT 30 BLK 2 TIDDLESVILLE HGTS
147	23-01-1-12-01.000-RR	618 BISCAYNE DR 35206	LOT 14 BLK C BISCAYNE HIGHLANDS
149	23-18-1-08-20.000-RR	3936 39TH CT N 35217	LOT 10 BLK 7 OAKVIEW
150	23-17-2-10-19.000-RR	4204 40TH CT N 35212	LOT 14 BLK 2 M D ROCKETTS 1ST ADD TO INGLENOOK
151	23-17-2-04-03.000-RR	4036 41ST AVE N 35212	LOT 3 BLK 1 INGLENOOK RLTY CO SUR OF BOYLES HGLDS
152	13-13-2-01-10.000-RR	2337 6TH ST NW 35215	LOT 10 BLK 2 REDSTONE LAND & DEV COS 4TH SECT
153	23-22-2-18-04.000-RR	6441 3RD AVE S 35212	POB INTER N E LINE I-20 & S E LINE 3RD AVE S TH N E 47S FT ALG 3RD AVE S TH SE 200S FT TO KENTUCKY AVE TH W 65S FT ALG
154	23-22-2-17-09.000-RR	6436 3RD AVE S 35212	LOTS 2 & 3 BLK 4-E EAST WOODLAWN LESS PT IN I-20 RW
156	23-16-4-10-01.000-RR	6231 3RD AVE N 35212	LOT 9 BLK 9 W J VANN & CO EXC PT IN HWY
157	23-16-4-01-14.000-RR	6316 4TH CT N 35212	POB INTER OF S/L OF L&N RR & W/L OF I-59 TH SW 130 FT ALG I-59 TH NW 147 FT TH NE 7 FT E 160 FT ALG RR R/W TO POB LYING
158	23-16-4-01-12.000-RR	6308 4TH CT N 35212	LOT 3 BLK 2 PINE GROVE
159	23-21-1-30-03.000-RR	6005 GEORGIA RD 35212	E 25 FT OF W 80 FT OF LOTS 1 & 2 WILLIAM ANDERSON WOODLAWN
160	23-21-1-23-16.000-RR	6004 GEORGIA RD 35212	LOTS 2+3 W B COPELAND
161	23-29-2-17-01.000-RR	4306 POWELL AVE 35222	LOTS 13 THRU 17 BLK B SHEPHERD SLOSS INDUSTRIAL SUB
162	23-29-1-02-21.000-RR	4332 POWELL AVE 35222	LOTS 8 & 9 BLK B SHEPHERD & SLOSS INDUSTRIAL SUB
163	23-29-1-02-17.000-RR-01	4360 POWELL AVE 35206	LOT A OF PREMIER REFRACTORIES & CHEMICAL INCS ADD TO BHAM 167/30
164	13-25-1-12-21.000-RR	1205 FIVE MILE RD 35215	LOT 1 GREGORY ESTS
165	23-02-3-06-02.000-RR	214 88TH PL N 35206	N 30.1 FT OF LOT 90 & ALL LOT91 ROEBUCK TERRACE
166	22-25-1-07-05.000-RR	1119 29TH ST N 35234	N 40 FT LOTS 5 & 6 BLK 641 BHAM

JULY 10 2007

ORDINANCE NO. 07-112

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>
Fund 45 – Capital Improvement Fund	
<u>03366</u> Community Projects – 2007	\$ (1,000.00)
<u>03117</u> Community Projects - 2005	(2,500.00)
<u>21507</u> Supreme Leadership Youth Academy	(1,500.00)
<u>21247</u> April Lynn Jamerson Organization	500.00
_____ Birmingham Park & Recreation Board (Inglenook Rec. Ctr)	1,000.00
<u>21464</u> Main Street Birmingham, Inc.	1,500.00
<u>21485</u> WOW Community Outreach, Inc.	500.00
<u>03366</u> Community Projects-2007	<u>1,500.00</u>
	<u>\$ -</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$5,000.00.

Respectfully,
Bernard Kincaid/s/
Bernard Kincaid
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$5,000.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$5,000.00, provided for in the proposed ordinance.

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

JULY 10 2007

RESOLUTION NO. 1132-07

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of ready-mix concrete, 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 Sherman Ready Mix, 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 2007-2008 Budget

RESOLUTION NO. 1133-07

BE IT RESOLVED by the Council of the City of Birmingham that the Director of Finance be and is hereby authorized to make the following refunds:

SALES TAX

ID#177917	Strategic Technologies, Inc. Attn: Phyllis Davis 301 Gregson Drive Cary, NC 27511	\$4,384.24
ID#177917	Strategic Technologies, Inc. Attn: Phyllis Davis 301 Gregson Drive Cary, NC 27511	\$23,171.01
TOTAL		<u>\$27,555.25</u>

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

**Ayes: Abbott, Bell, Duncan, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman
Nays: None**

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

JULY 10 2007

The following ordinance which was first introduced and read at the regular meeting on Tuesday, May 29, 2007 at 9:30 o'clock a.m., for a public hearing on Tuesday, July 10, 2007 at 9:30 o'clock a.m., was called up 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. ZAC2007-00058

ORDINANCE NO. 1834-G

BE IT ORDAINED by the Council of the City of Birmingham as follows:

Section 1. That the Zoning District Map of the City of Birmingham as described in Section 2., "Zone Districts and Boundaries" of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 90-130 as amended) be, and said Zone Map hereby is, amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: M-1, LIGHT INDUSTRIAL DISTRICT

TO: M-2, HEAVY INDUSTRIAL DISTRICT

Located at 2020 Vanderbilt Road and 1730 Drennen Street, and situated in the SW ¼ of Section 18, Township 17-S, Range 2-West and in the SE ¼ of Section 18, Township 17-S, Range 2-West. (35217), more particularly described as follows:

ALL OF LOT 1 OF THE METAL MANAGEMENT RESURVEY

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 Smitherman moved its adoption which motion was seconded by Councilmember Abbott, and upon the roll being called the vote was as follows:

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

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

Councilmember Royal absented himself.

JULY 10 2007

The following resolution which was first introduced at the regular meeting on Tuesday, June 19, 2007 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, July 10, 2007 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 1134-07

WHEREAS, the City of Birmingham (hereinafter at times referred to as City) is desirous of having certain improvements made on **Interstate 20/59** within the City Limits of Birmingham, in accordance with plans prepared by the Alabama Department of Transportation and designated as **Project No. STPBHF-PE06(908) I-20/59 Lighting Phase I-from West of Arkadelphia Road to East of E.B. Stephens Expressway.**

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 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:

JULY 10 2007

N/A

Please refer to: Project Notes

(Sheets 2-2C)

Please refer to: Traffic Control Plans

(Sheets 37-49)

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.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or if the existing road is not used, the City has the option of vacating the same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separation along the roadway to the end of the bridge, or the denied access fence, whichever the case.

JULY 10 2007

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

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

Ayes: Abbott, Bell, Duncan, Hoyt, Montgomery, Parker, 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. 1135-07

BE IT RESOLVED by the Council of the City of Birmingham that the appointment of CRS Engineering, Inc., Birmingham, AL, in the amount of \$12,000.00 to provide electrical and mechanical engineering design services for the E-85 Fueling Stations 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 2007-2008 Budget
Condense Code: GMD
Object Code: 2716

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

Ayes: Abbott, Bell, Duncan, Hoyt, Montgomery, Parker, Witherspoon, Smitherman
Nays: None

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

JULY 10 2007

The following resolution was introduced by Councilmember Smitherman:

RESOLUTION NO. 1136-07

BE IT RESOLVED by the Council of the City of Birmingham that the employee expense accounts of the following be and the same is hereby approved for payment:

Cheryl Kidd, Administrator, City Council, Orange Beach, Alabama, \$1,047.67, May 2-5, 2007, to attend the 2007 City and County Government Conference.

Cheryl Kidd, Administrator, City Council, Washington, District of Columbia, \$1,611.42, March 11-13, 2007, to attend the National League of Cities Conference.

Iris Kimbrough, Committee Assistant, City Council, Montgomery, Alabama, \$252.25, May 16-17, 2007, to attend the State Legislature.

Iris Kimbrough, Committee Assistant, City Council, Montgomery, Alabama, \$238.99, May 23-24, 2007, to attend meeting with City Lobbyists and Legislators.

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

Ayes: Abbott, Bell, Duncan, Hoyt, Parker, Witherspoon, Smitherman

Nays: None

Abstained: Montgomery

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

The following resolution was introduced by Councilmember Hoyt:

RESOLUTION NO. 1137-07

BE IT RESOLVED by the Council of the City of Birmingham that the employee expense accounts of the following be and the same is hereby approved for payment:

Sharon Johnson, Court Clerk, Municipal Court, Tuscaloosa, Alabama, \$350.83, May 10-11, 2007, to attend the Alabama Municipal Court Clerks and Magistrates Certification Training Institute I.

Alice Jones, Accounting Assistant, Municipal Court, Tuscaloosa, Alabama, \$288.53, May 10-11, 2007, to attend the Alabama Municipal Court Clerks and Magistrates Certification Training Institute I.

JULY 10 2007

Barbara McGrue, Principal Accountant, Finance Department, Orange Beach, Alabama, \$1,046.56, June 19-22, 2007, to attend the Government Finance Officers Associations Summer Conference.

Jerrold C. Nemeth, Principal Accountant, Finance Department, Orange Beach, Alabama, \$1,129.89, June 19-22, 2007, to attend the Government Finance Officers Associations 2007 Summer Conference.

Rodney Sullen, Officer, Police Department, Meridian, Mississippi, \$50.00, March 4-9, 2007, to attend training.

Tom Tiffin, Grants Administrator, Community Development, San Francisco, California, \$1,869.92, June 18-22, 2007, to attend the National Community Development Association 2007 Annual Conference.

Adlai Trone, Principal Administrative Analyst, Public Works, Phoenix, Arizona, \$1,961.72, April 19-26, 2007, to attend the National Forum for Black Public Administrators.

Cecil O. Willis, Traffic Systems Engineer, Traffic Engineering, Gulf Shores, Alabama, \$829.88, June 6-8, 2007, to attend the Institute for Transportation Engineers..

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

Ayes: Abbott, Bell, Duncan, Hoyt, Parker, Witherspoon, Smitherman

Nays: None

Abstained: Montgomery

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

Councilmember Royal returned and took his seat as a Councilmember.

The following resolution was introduced by Councilmember Hoyt:

RESOLUTION NO. 1138-07

BE IT RESOLVED by the Council of the City of Birmingham that a resolution honoring Bessie Johnson Mosley on her 98th birthday be prepared by Councilmember Steven Hoyt and is hereby adopted by reference in a form to be approved by the President of the Council as if set out in full herein.

JULY 10 2007

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

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

Ayes: Abbott, Bell, Duncan, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman

Nays: None

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

The following resolution was introduced by Councilmember Bell:

RESOLUTION NO. 1139-07

BE IT RESOLVED by the Council of the City of Birmingham that a resolution expressing sympathy to the family Julie Mae Norman be prepared by Councilmember William Bell and is hereby adopted by reference in a form to be approved by the President of the Council as if set out in full herein.

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

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

Ayes: Abbott, Bell, Duncan, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman

JULY 10 2007

Nays: None

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

The following ordinance was read by the City Clerk, "An Ordinance adopting the General Fund Budget." Whereupon Councilmember Smitherman made a motion to recess until the call of the chair which motion was seconded by Councilmember Hoyt and adopted.

The meeting recessed at 10:48 o'clock a.m.

The Council reconvened at 3:30 o'clock p.m.

Present on Roll Call:	Council President	Smitherman
	Councilmembers	Abbott
		Bell
		Duncan (arrived as herein indicated)
		Hoyt
		Montgomery
		Parker
		Royal
		Witherspoon
Absent:		None

Councilmember Duncan arrived and assumed her seat as a Councilmember.

Councilmember Smitherman made a motion which was seconded by Councilmember Hoyt requesting the Council's financial consultant determine the prorated amount in salary from each department that would support the additional initiatives without cutting any unfilled positions, and upon the roll being called the vote was as follows:

Ayes: Bell, Duncan, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman
Nays: Abbott

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

Whereupon Councilmember Royal made a motion which was seconded by Councilmember Hoyt to strike the \$1.2 million, and upon the roll being called, the vote was as follows:

JULY 10 2007

Ayes: Abbott, Duncan, Hoyt, Parker, Royal, Witherspoon

Nays: Bell, Montgomery, Smitherman

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

Councilmember Bell made a motion which was seconded by Councilmember Hoyt and adopted to reconsider the motion on prorated salaries.

Councilmember Royal made a motion which was seconded by Councilmember Parker requesting that the Director of Finance and the Council's financial consultant work together to find the funds to support the additional initiatives by looking across the board, however no vote was taken.

Councilmember Royal made a motion which was seconded by Councilmember Hoyt requesting that \$30,000.00 for property acquisition for the Wylam Library be taken from the General Operating Budget and not from the Capital Budget, and upon the roll being called, the vote was as follows:

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

Nays: Montgomery

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

The Council recessed Tuesday, at 3:57 o'clock p.m., until Wednesday, July 11, 2007 at 9:00 a.m. or until the call of the chair.

THE FOLLOWING MATTER WAS DEFERRED:

Councilmember Royal made a motion which was seconded by Councilmember Montgomery and adopted that, "An Ordinance "TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM" (Case No. ZAC2007-00064) to change zone district boundaries from R-3 Single Family District to R-5 Multiple Family District, filed by Connie Bryant Perkins, applicant, representing the owners, Mary and Otis Bryant, for property located at 3633 Ishkooda-Wenonah Road, and situated in the SW 1/4 of Section 30, Township 18-South, Range 3-West, Birmingham, and the hearing of all interested parties", be deferred to the regular meeting Tuesday, July 17, 2007, at 9:30 o'clock a.m.

JULY 10 2007

THE FOLLOWING MATTER WAS INTRODUCED, READ AND DEFERRED:

Councilmember Montgomery made a motion which was seconded by Councilmember Duncan and adopted that, "A Resolution appointing one (1) member to the Emergency Medical Services Committee to fill the unexpired term of Fire Chief Dwayne Murray, retired, said term expiring February 6, 2009", be deferred to the regular meeting Tuesday, July 17, 2007, at 9:30 o'clock a.m.

ALL OTHER MATTERS WENT OVER.

Approved: July 17, 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:

Tamara Harris Johnson/s/
CITY ATTORNEY

Tamara Harris Johnson
Printed Name

The following matters were withdrawn:

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Need A Ride Service, Inc., 436 – 13th Street, Pleasant Grove, AL 35127.

JULY 10 2007

Those properties declared by Resolution No. 972-07 on June 5, 2007 to be noxious and dangerous, whereon said weeds have been abated:

30. 23-12-3-07-10.000-RR	8409 9TH AVE S 35206	LOT 3 BLK 216 LAKEWOOD
33. 23-20-4-04-04.000-RR	929 47TH ST N 35212	LOT 47 PHILLIPS ADD TO BHAM LESS & EXCEPT E-5 FT CONVEYED TO CITY FOR ROW
38. 23-21-4-17-36.000-RR	524 60TH ST S 35212	P O B 329.5 FT S S OF SW INTER 5TH AVE S & 60TH ST S TH S
77. 23-21-1-10-11.000-RR	6000 1ST AVE N 35212	POB NE INTER 1ST AVE N & 60TH ST N TH NW 190 FT TH NE 210 FT TH SE 135 FT TH SW 212
78. 23-22-1-19-05.000-RR	901 CHESTER AVE S 35212	LOTS 7 THRU 10 BLK 17 WOODLAWN HTS
81. 23-27-2-08-17.000-RR	5706 10TH AVE S 35222	LOT 20 BLK 1 CRESTWOOD ADD TO WOODLAWN HGHLD 4TH SECTOR
88. 23-16-4-10-04.000-RR	6224 2ND AVE N 35212	LOTS 6 & 7 BLK 9 W J VANN & CO FULTON SUR CHECKED AS VANN TRACT
93. 23-22-1-18-21.000-RR	6812 65TH ST S 35212	LOT 4 OLSHANS ADD TO GATE CITY CITY 65/94
103. 23-02-3-12-01.000-RR	302 87TH ST N 35206	SE 70 FT OF LOTS 12 & 13 BLK 18-C EAST LAKE LD COS 1ST ADD TO EAST LAKE
132. 23-03-2-05-01.000-RR	1739 TARRANT	P O B 314S FT E OF INTER S LINE HUFFMAN RD 35217 TARRANT-HUFFMAN RD & W LINE NW 1/4 SEC 3 T17S R2W TH E 148S FT ALG TARRANT-HUFFMAN
139. 23-22-2-18-03.000-RR	6445 3RD AVE S 35212	P O B 47S FT NE OT INTER NE LINE I-20 & SE LINE 3RD AVE S TH NE 45S FT ALG 3RD AVE S TH SE 136S FT TH SW 45S FT TH NW
148. 23-15-1-38-02.000-RR	7128 1ST AVE N 35206	S 1/2 LOT 8 BLK 3-A EAST LAKE
155. 23-15-2-08-10.000-RR	3604 66TH ST N 35206	LOT 17 BLK 4 GROVELAND HTS