

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

April 14, 2009, at 9:30 A.M.

The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on April 14, 2009, at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend Dr. James Arthur Rumph, Pastor of Payne Chapel African Methodist Episcopal Church.

The Pledge of Allegiance was led by Councilmember Roderick Royal

Present on Roll Call:	Council President	Smitherman
	Councilmembers	Abbott
		Bell
		Duncan (Arrived as herein indicated)
		Hoyt
		Montgomery
		Parker
		Royal
		Witherspoon

Absent:	None
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Mayor Langford announced that because the Birmingham Fund has lost \$11 million due to the economic problems on Wall Street, The City funds will be moved out of all speculative funds and the monies placed in Treasury bill.

Mayor Langford asked the Council to go into Executive Session to discuss preliminary negotiations being conducted and to discuss policy changes being made.

Whereupon Councilmember President Smitherman made a motion to discuss trade negotiations which motion was seconded by Councilmember Austin, and upon the roll being called, the vote was follows:

Ayes: Abbott, Austin, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman

Nays: None

APR 14 2009

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to go into Executive Session adopted.

The meeting recessed at 9:48 o'clock a.m.

The reconvened at 10:27 o'clock a.m.

ROLL CALL

Council President	Smitherman
Councilmembers	Abbott
	Austin (Arrived as herein indicated)
	Duncan
	Hoyt (Arrived as herein indicated)
	Montgomery
	Parker
	Royal
	Witherspoon

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

Councilmember Austin arrived and assumed his seat as a Councilmember.

The following resolution was introduced by Councilmember Witherspoon:

RESOLUTION NO. 552-09

WHEREAS, the Council of the City of Birmingham proudly applaud and salutes the distinguished men and women of *the Magic City Bar Association* as they celebrate their 25th Anniversary. We are grateful that this organization has remained and continues to be committed and dedicated to provide our citizens with outstanding legal service; and

WHEREAS, born out of a desire to assist in the promotion of the legal profession as a career for minorities, *the Magic City Bar Association* has addressed legal issues regardless of race, creed or color with an aura of integrity, knowledge, and professionalism; and

WHEREAS, the men and women of *the Magic City Bar Association* possess the ability to administer fair and impartial justice under the law and have therefore garnered illustrious legal careers. They mentor minorities who are interested in the legal profession, provide academic scholarships to students attending Miles, Cumberland and the University of Alabama Law Schools, as well as administer legal seminars to churches, schools and other community-based organizations, an act of kindness that heralds true community service around the State of Alabama; and

APR 14 2009

WHEREAS, a viable force in addressing issues pertinent to the Birmingham area, *the Magic City Bar Association* beholds a future broad in spectrum and united in deed to promote the professional and social intercourse of the American Bar and International Bar--a winning combination that satisfies a previously unfulfilled need.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Birmingham, with Mayor Larry P. Langford concurring, does hereby congratulate *the Magic City Bar Association* for providing 25 years of outstanding legal services and for having the vision to "*Address Issues From A Global Point Of View*". We wish each of you success and good fortune in the years to come, and we are encouraged by the fact that your labor is not in vain. *Happy 25th Anniversary!!!!*

ADOPTED this Fourteenth day of April, Two Thousand and Nine at the recommendation of Council President Carole C. Smitherman and Council President Pro-Tempore Miriam D. Witherspoon, members of the Magic City Association Bar for over a decade.

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

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

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

Whereupon Councilmember Witherspoon 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, Austin, Duncan, Montgomery, Parker, Royal, Witherspoon, Smitherman
Nays: None

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

Councilmember Hoyt arrived and assumed his seat as a Councilmember.

Council President Smitherman presented each association member present with the Distinguished Citizens Medal.

APR 14 2009

Councilmember Montgomery absented himself.

Councilmember Witherspoon absented herself.

Councilmember Hoyt recognized juniors of Jackson-Olin High School and who are members of the Youth Leadership Academy. The members of the youth academy will be participating in a Village Creek cleanup on Saturday, April 17, 2009 and invited others to participate.

Councilmember Duncan absented herself.

Councilmember Witherspoon returned and took her seat as a Councilmember.

Councilmember Montgomery returned and took his seat as a Councilmember.

Councilmember Hoyt absented himself.

Councilmember Austin recognized Mr. James Little, Exec. Director of the Five Points South Merchants Group and President of the Five Points South Neighborhood Association who recognized various persons who have helped to beautify Five Points South and others who helped with infrastructure repairs, community improvements and efforts towards effective public safety. Councilmember Austin presented Mr. Little with an Outstanding Citizens Medal.

Councilmember Hoyt returned and took his seat as a Councilmember

Councilmember Duncan returned and took her seat as a Councilmember.

Dr. Artis Murphy, 1305 Avenue L appeared relative to a war for the souls of children, his efforts to fight literacy, the lack of recognition for the results of his efforts, and to ask the Council for an additional \$10,000.00 to help him complete his work in the school system.

Lawrence Mays, 2867 – 41st Court North appeared relative to asking the Council to look into the closing of North Birmingham Elementary School.

Shirley Gavin Floyd, 1701 – 4th Avenue North, President of Smithfield Neighborhood Association appeared relative to speaking about a murder that occurred in Smithfield on April 10, 2009 and to ask for the Council's help and Police's help to restore order in the area until the crime has been resolved.

APR 14 2009

The Consent Agenda was adopted at this time but was reconsidered and readopted at a later time in the meeting.

Councilmember Montgomery returned and took his seat as a Councilmember.

The following ordinance was introduced by Councilmember Smitherman:

“A Resolution of intent by the Council to appropriate \$7,500,000.00 for the construction of a Negro League Baseball Hall of Fame Museum at Rickwood Field.”

The resolution was read by the Deputy City Clerk, whereupon Councilmember Smitherman made a motion to amend the resolution adding the words “Southern Baseball League”... and “within the 2009 – 2010 budget” which motion was seconded by Councilmember Duncan.

Whereupon Councilmember Royal made a substitute motion to amend the resolution adding the words Southern Baseball League but removing the word 2009 – 2010 budget and upon the roll being called the vote was as follows:

Ayes: Austin, Hoyt, Royal, Witherspoon

Nays: Abbott, Duncan, Montgomery, Parker, Smitherman

The vote was then announced by the Deputy City Clerk, whereupon the Presiding Officer declared the substitute motion to amend resolution NOT adopted.

Whereupon the presiding officer called for the vote on the original motion to adopt the following resolution:

RESOLUTION NO 553-09

Be it resolved that the Council hereby intends to appropriate \$7,500,000.00 for the construction of the Negro League and Southern Baseball League Hall of Fame Museum at Rickwood Field.

And upon the roll being called the vote was as follows:

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

Nays: None

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

APR 14 2009

Councilmember Austin absented himself.

The following ordinance was introduced by Councilmember Smitherman:

ORDINANCE NO. _____

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Appropriation:</u>	
<u>500-001</u> Salaries & Wages	\$ (67,915.27)
<u>Non Departmental</u>	
<u>600-001</u> Capital Outlay-Land	<u>67,915.27</u>
	<u>\$ -</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$67,915.27

Respectfully,
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund of the City of Birmingham \$67,915.27. unencumbered and unappropriated, sufficient to meet the additional appropriation of \$67,915.27, provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

APR 14 2009

The ordinance was read by the Deputy 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: Hoyt, Montgomery

Nays: Abbott, Duncan, Royal, Witherspoon, Smitherman

The vote was then announced by the Deputy City Clerk, whereupon the Presiding Officer declared the ordinance NOT adopted.

Councilmember Montgomery absented himself.

Councilmember Austin returned and took his seat as a Councilmember.

The following resolution was introduced by Councilmember Duncan:

“A Resolution rescinding and repealing Resolution No. 460-09 and authorizing the Mayor to execute a Property Sales Contract with **Ralph A. Banks**, as seller, under which the City will purchase property located at 1600 - 8th Avenue West, for a purchase price of \$67,915.27, in connection with the creation of a public park and authorizing the Director of Finance to pay the purchase price, as adjusted for usual and customary closing adjustments, to the seller at closing”.

The resolution was read by the Deputy City Clerk whereupon Councilmember Duncan made a motion which motion was seconded by Councilmember Abbott made a motion to adopt the resolution as amended as follows:

RESOLUTION NO.554-09

WHEREAS, on March 31, 2009, the Council of the City of Birmingham adopted Resolution No. 460-09, which authorized the Mayor to execute a Property Sales Contract with Ralph A. Banks for the purchase of property located at 1600 8th Avenue, West, Birmingham), as more particularly described below (the “Property”), for a price of Sixty-Seven Thousand Nine Hundred Fifteen and 27/100 Dollars (\$67,915.27); and

WHEREAS, it has been determined that at the time Resolution No. 460-09 was adopted, no funds had been appropriated for the purchase of the Property and, accordingly, under the Mayor-Council Act of 1955, as amended, the City could not enter into a valid and binding contract to acquire the Property; and

WHEREAS, it is appropriate to rescind and repeal Resolution No. 460-09.

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

APR 14 2009

Resolution No. 460-09 is hereby rescinded and repealed.

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

Ayes: Abbott, Austin, Duncan, Hoyt, Royal, Witherspoon, Smitherman

Nays: None

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

Councilmember Montgomery returned and took his seat as a Councilmember.

The following ordinance was introduced by Councilmember Duncan:

ORDINANCE NO 09-44

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

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund Budget for the fiscal year ending June 30, 2009 be and the same is hereby amended as follows:

	<u>Amount</u>
<u>Title of Appropriation</u>	<u>Increase/Decrease</u>
<u>Fund 129 2007-A Bonds</u>	
<u>Revenue</u>	
478-005 Miscellaneous Revenue	\$ <u>134,500.00</u>
<u>Appropriation</u>	
_____ PEP129CP 003616 East Lake Library Renovation	\$ <u>134,500.00</u>

Recommendation by Mayor:

I recommend the above appropriation in the amount of 134,500.00.

Respectfully
Larry P. Langford/s/
Larry P. Langford
Mayor

APR 14 2009

Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund Budget of the City of Birmingham \$134,500.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$134,500.00 provided for in the proposed ordinance.

Respectfully
Steve Sayler/s/
Steve Sayler
Director of Finance

The ordinance was read by the Deputy City Clerk, and unanimous consent for its immediate consideration being granted, Councilmember Duncan moved its adoption which motion was seconded by Councilmember Smitherman, and upon the roll being called the vote was as follows:

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

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

Councilmember Duncan absented herself.

The following ordinance was introduced by Councilmember Abbott:

ORDINANCE NO 09-45

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET AND CAPITAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget and Capital Fund Budget for the fiscal year ending June 30, 2009 be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 102 Capital Improvement Fund</u>	
_____ Transfer to Fund 001 General Fund	\$ _____ (21,557.50)

APR 14 2009

Appropriation
680-001 Linn Park \$ (21,557.50)

Fund 001 General Fund

Revenue
_____ Transfer from Fund 102 Capital Improvement \$ 21,557.50

Appropriation
Planning, Engineering & Permits \$ 9,157.50
513-006 Infrastructure – Horticultural 12,400.00
600-010 Capital Outlay – Equipment \$ 21,557.50

Recommendation by Mayor:

I recommend the above appropriation in the amount of \$21,557.50

Respectfully
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund Budget of the City of Birmingham \$21,557.50, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$21,557.50, provided for in the proposed ordinance.

Respectfully
Steve Sayler/s/
Steve Sayler

The ordinance was read by the Deputy City Clerk, and unanimous consent for its immediate consideration being granted, Councilmember Abbott moved its adoption which motion was seconded by Councilmember Austin, and upon the roll being called the vote was as follows:

Ayes: Abbott, Austin, Montgomery, Parker, Royal, Witherspoon, Smitherman
Nays: None
Abstained: Hoyt

The vote was then announced by the Deputy City Clerk, whereupon the Presiding Officer

APR 14 2009

declared the ordinance adopted.

The following ordinance was introduced by Councilmember Abbott:

ORDINANCE NO 09-46

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Appropriation</u>	
Police	
<u>500-01</u> Salaries and Wages	\$ (428,000.00)
Public Works	
<u>511-002</u> Repair & Maintenance-Buildings – Painting	19,000.00
<u>511-003</u> Repair & Maintenance-Buildings – Building Materials	110,000.00
<u>511-004</u> Repair & Maintenance-Buildings – Electrical	130,000.00
<u>511-009</u> Repair & Maintenance- Buildings – HVAC	\$ 169,000.00
	<u>\$.</u>

Recommendation by Mayor:

I recommend the above appropriation in the amount of \$428,000.00

Respectfully
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$428,000.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of

APR 14 2009

\$428,000.00, provided for in the proposed ordinance.

Respectfully
Steve Saylor/s/
Steve Saylor

The ordinance was read by the Deputy City Clerk, and unanimous consent for its immediate consideration being granted, Councilmember Abbott moved its adoption which motion was seconded by Councilmember Austin, and upon the roll being called the vote was as follows:

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

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

Councilmember Duncan returned and took her seat as a Councilmember.

Councilmember Hoyt made a motion which motion was seconded by Councilmember Smitherman and adopted, to reconsider the consent agenda.

Councilmember Royal absented himself.

Councilmember Smitherman made a motion that the Consent Agenda be reconsidered, which motion was seconded by Councilmember Smitherman and adopted.

Whereupon Councilmember Hoyt made a motion that the Consent Agenda be re-adopted, which motion was seconded by Councilmember Abbott, and adopted.

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

RESOLUTION NO. 555-09

WHEREAS, on March 10, 2009 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

APR 14 2009

by Act 91-192 of the Alabama Legislature, 1991; and

WHEREAS, since March 10, 2009 the following described properties have had the nuisances thereon abated:

4. 30-25-3-03-01.000-RR 5301 WATSON AVE 35221 NE 1/2 OF LOT 1 BLK 1 TENN LD COS 1ST ADD TO HILLMAN

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

1.	22-31-2-09-05.001-RR	1413 AVENUE C 35218	PT BLK 14-C ENSLEY DESC AS FOLS-COM INTERSECT AVE C &
2.	23-15-2-26-02.000-RR	6821 5TH TER N 35206	LOT 6 BLK 4 WAHOUMA PARK
3.	13-34-3-02-02.000-RR	9901 WOOD AVE 35217	LOT 16 BLK 4 BOOKERWOOD HEIGHTS
5.	23-23-2-17-01.000-RR-01	6716 INTERLAKEN AVE 35212	LOT 11 & 13 & N 46.7 FT OF LOT 12 BLK 29 GATE CITY 1/378
6.	23-22-3-24-04.000-RR	613 63RD ST S 35212	LOT 4 BLK 10 OAK RIDGE PARK
7.	23-22-3-10-19.000-RR	542 63RD ST S 35212	LOT 27 BLK 8 OAK RIDGE PARK
8.	22-14-2-10-01.000-RR	3933 24TH ST N 35207	POB N Inter Of 24TH ST N & 39TH Ct TH Nw LY 150 FT
9.	23-15-3-26-01.000-RR	435 65TH ST N 35206	LOTS 11 & 12 BLK 3 GROVELAND EXCEPT H/W R/W
10.	23-15-3-26-02.000-RR	431 65TH ST N 35206	LOT 13 BLK 3 GROVELAND EXCEPT H/W R/W
11.	13-23-1-02-06.003-RR	1737 WINEWOOD RD 35215	LOT 8 BLK 6 WINEWOOD 5TH SECT 141/44 AMENDED MAP 146/26
12.	23-11-2-07-29.000-RR	8532 2ND AVE N 35206	LOT 3 LEDBETTERS RESUR OF LOTS 14 & 15 BLK 17-B 16/1 & LOT 13 BLK 17-B EAST LAKE LAND COS 1ST ADD TO EAST LAKE 6/31
13.	23-11-2-07-30.000-RR	8534 2ND AVE N 35206	LOT 2 LEDBETTERS RESUR OF LOTS 14 & 15 BLK 17-B FIRST ADDITION TO EAST LAKE
14.	23-15-3-20-27.000-RR	216 68TH ST N 35206	LOT 47 FULLERS SUB OF BLK 12-G EAST WOODLAWN
15.	22-20-3-35-07.000-RR	185 CHURCH AVE 35214	S 41 FT OF N 121 FT OF LOT 6 BLK 11 MARTIN LOCKHART SURVEY FOSTER
16.	22-20-3-35-08.000-RR	179 CHURCH AVE 35214	N 30 FT OF S 239 FT LOT 6 BLK 11 MARTIN LOCKHART SURVEY
17.	22-20-3-34-02.000-RR	120 CHURCH AVE 35214	LOT 3 JAMES ALLEN JR P O B 135 FT S OF S INTER CROOKED ST & CHURCH ST TH S 68.5 FT ALG CHURCH ST TH W 99.5
18.	22-14-3-08-15.000-RR	2224 35TH AVE N 35207	BEGIN AT A PT 50 FT SW OF W INT OF 35TH AVE & 23RD ST TH CONTINUE 50 FT ON ROW OF 35TH AVE TH NW 140 FT TH NE 50 FT
19.	23-15-1-28-17.000-RR	7332 DIVISION AVE 35206	LOT 9 BLK 18 EAST LAKE
20.	23-15-1-27-05.000-RR	7317 DIVISION AVE 35206	LOT 14 BLK 11 EAST LAKE
21.	23-03-2-09-26.000-RR	1612 90TH PL N 35206	LOT 7 BLK 5 OF HOOVERS RESUR OF BLK 1+3+4 & 5 OF PLEASANT VIEW HEIGHTS
22.	23-03-2-07-85.000-RR	9129 14TH AVE N 35206	LOTS 4 & 5 BLK 1 AIRPORT ESTS 3RD ADD
23.	23-03-2-13-14.000-RR	1408 90TH ST N 35206	LOT 12 BLK 3 NORTH VIEW GARDENS

APR 14 2009

24.	22-13-4-20-01.000-RR	3037 33RD ST N 35207	LOT 1 BLK 1 CRESTVIEW
25.	22-13-4-20-22.000-RR	3040 33RD PL N 35207	LOT 9 BLK 1 CRESTVIEW CO SUR OF CRESTVIEW
26.	22-14-3-08-06.000-RR	2209 36TH AVE N 35207	P O B 100 FT NE OF E INTER 2 36TH AVE N & 22ND ST N TH NE
27.	22-14-3-08-14.000-RR	2220 35TH AVE N 35207	P O B 100 FT SW OF NW INTER 35TH AVE N & 23RD ST N TH SW 47 FT S ALG 35TH AVE N TH NW 140 FT TO ALLEY TH NE 47
28.	22-31-2-09-02.000-RR	1401 AVENUE C 35218	POB 60 FT SW OF S INTER 14TH ST & AVE C TH SW 90 F
29.	22-13-4-14-03.000-RR	3125 33RD PL N 35207	S 33 FT OF LOT 17 BLK 4 MCCARTYS ADD TO NORTH BHAM
30.	23-11-2-18-05.000-RR	8209 1ST AVE N 35206	LOT 22 BLK 141 EAST LAKE LAND CO LESS PT IN HWY R O W
31.	22-13-4-24-01.000-RR	2912 33RD ST N 35207	LOTS 54+52 BLK 4 EBORNS ADD TO NO BHAM
32.	22-13-1-10-53.000-RR	3357 33RD ST N 35207	LOT 28 DOUGLASVILLE GARDENS
33.	22-13-4-15-08.000-RR	3417 33RD AVE N 35207	LOT 8 BLK 3 DOUGLASSVILLE
34.	22-13-4-15-06.000-RR	3429 33RD AVE N 35207	LOT 6 BLK 3 DOUGLASVILLE
35.	22-13-4-16-06.000-RR	3419 32ND AVE N 35207	E 1/2 LOT 6 BLK 4 DOUGLASVILLE
36.	22-13-4-16-07.000-RR	3417 32ND AVE N 35207	W 1/2 LOT 6 BLK 4 DOUGLASVILLE
37.	22-13-4-16-09.000-RR	3413 32ND AVE N 35207	W 1/2 OF LOT 7 BLK 4 DOUGLASSVILLE
38.	29-30-3-15-10.000-RR	4407 WENONAH CT 35221	LOT 3 BLK 3 WENONAH SUB PLAT B
39.	22-31-2-09-03.000-RR	1407 AVENUE C 35218	POB 9.81 S OF INTER AVE C & ALLEY TH SW 85.4 FT AL
40.	22-31-2-09-05.005-RR	300 15TH ST 35218	PT OF BEG SW COR LOT 12 BLK 14-C ENSLEY TH SE 37 FT TH NE
41.	22-31-2-09-05.004-RR	304 15TH ST 35218	PT OF BEG 37 FT SE OF SW COR LOT 12 BLK 14-C ENSLEY TH SE
42.	22-31-2-09-05.003-RR	312 15TH ST 35218	PT OF BEG SE COR LOT 12 BLK 14-C ENSLEY TH NE 84 FT TH NW 37 FT TH SW 84 FT TH SE 37 FT
43.	22-31-2-09-05.002-RR	1417 AVENUE C 35218	COM INTERSECT ALLEY & AVE C IN BLK 14-C ENSLEY TH SE 61.6
44.	22-31-2-09-05.000-RR	308 15TH ST 35218	PT BLK 14-C ENSLEY DESC AS FOL PT OF BEG 37 FT NW OF INTER
45.	22-31-2-09-06.000-RR	1405 AVENUE C 35218	POB 52.5 FT SW OF W INTER 14TH ST & ALLEY TH SW 98FT S TO
46.	29-08-4-20-05.000-RR	1913 PEARSON AVE SW 35211	LOTS 5 & 6 BLK 9 OAKWOOD PLACE 1ST ADD
47.	29-08-4-20-07.000-RR	1917 PEARSON AVE SW 35211	LOT 3 & E 1/2 LOT 2 BLK 4 EUREKA
48.	22-12-3-08-54.000-RR	2934 42ND CT N 35207	P O B 209 FT S W OF NW INTER 42ND CT N & CHEEK RD TH W 40 FT S ALG R/W TH N 87 FT S TH E 37.5 FT TH S 100 FT D 85
49.	23-29-3-09-02.001-RR	4133 42ND ST S 35222	LOT 1-A MAZER RESURVEY OF LOTS 1 & 2 & 3 & 4 BLK 4 AVONDALE PB 192 PG 100
50.	23-28-3-13-05.000-RR	917 47TH WAY S 35222	LOT 5 BLK 8 J R PHILLIPS
51.	29-09-1-08-06.000-RR	1321 COTTON AVE.SW. 35211	POB NE INTER PEARSON AVE & COTTON AVE TH SW 30S FT
52.	29-09-4-08-16.000-RR	1261 15TH WAY SW 35211	LOT 320 BLK 15 CLEVELAND
53.	30-01-2-07-02.000-RR	529 ERIE ST 35064	LOT 1 & THE N 50 FT OF LOT 2 BLK 1 WM MORRIS SUR
54.	30-25-2-15-06.000-RR	5427 WINTERGREEN AVE 35228	W 60 FT OF BLK 55 CAIRO
55.	30-25-2-15-05.000-RR	5423 WINTERGREEN AVE 35020	E 30 FT OF W 90 FT OF BLK 55 CAIRO

APR 14 2009

56.	30-25-2-10-14.000-RR	5428 WINTERGREEN AVE 35020	LOTS 1 & 2 BLK 47 CAIRO
57.	23-07-4-16-10.000-RR	4209 INGLENOOK ST 35217	LOT 26 BLK 2 BENDALE
58.	22-11-4-09-01.000-RR	2867 41ST CT N 35207	LOTS 1 THRU 3 BLK 7 BOYDGA TERRACE
59.	22-12-3-15-16.000-RR	4140 29TH ST N 35207	LOT 11 BLK 1 MTN VIEW ADD TO NO BHAM
60.	22-12-3-15-02.000-RR	4143 FAIRMONT WAY 35207	N 33-1/3 FT LOT 14 BLK 1 MTN VIEW ADD TO NO BHAM & LOT 13-B BLK 1 MCCLUNG RESUR OF MTN VIEW PB 193
61.	22-12-3-08-56.000-RR	2938 42ND CT N 35207	P O B 139 FT S W OF NW INTER 42 ND CT N & CHEEK RD TH W 35 FT S ALG R/W TH N 100 FT D 83 FT S TH E 34 FT S TH S 81
62.	22-14-1-22-07.000-RR	2609 41ST AVE N 35207	LOT 7 F T NORRIS ADD TO NO BHAM
63.	21-27-4-13-11.000-RR	1328 XAVIER ST 35224	LOT 8 BL 1 2ND ADD TO MINOR HGTS
64.	23-15-2-09-04.000-RR	3509 65TH ST N 35212	LOT 3 BLK 1 GROVELAND HTS
65.	23-15-2-08-15.000-RR	3628 66TH ST N 35206	LOT 11 BLK 4 GROVELAND HGTS
66.	30-01-1-11-10.000-RR	2808 AVENUE D 35218	LOT 11 BLK 5 ENSLEY DEV CO
67.	23-15-4-11-11.000-RR	7112 DIVISION AVE 35206	LOT 4 BLK 16 EAST LAKE
68.	22-12-3-03-03.000-RR	3006 46TH AVE N 35207	LOTS 4 & 5 BLK 1 LINCOLN HEIGHTS 15/68
69.	22-12-3-03-05.000-RR	3010 46TH AVE N 35207	LOTS 6 & 7 BLK 1 LINCOLN HEIGHTS
70.	22-12-3-04-91.001-RR	3003 46TH AVE N 35207	W 10 FT OF LOT 2 BLK 2 LINCOLN HEIGHTS
71.	22-12-3-04-90.000-RR	3007 46TH AVE N 35207	LOT 4 BLK 2 LINCOLN HEIGHTS
72.	22-12-3-04-89.000-RR	3011 46TH AVE N 35207	LOTS 5 6 & 7 BLK 2 LINCOLN HEIGHTS
73.	29-02-3-14-02.000-RR	57 3RD AVE S 35205	N 175 FT OF LOT 4 BLK 5 HAGOODS RESUB OF WALKER LAND COS ADD TO BHAM

RESOLUTION NO. 556-09

WHEREAS, on March 10, 2009 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 March 10, 2009 the following described properties have had the nuisances thereon abated:

32.	23-15-1-02-11.000-RR	7718 DIVISION AVE 35206	LOT 5 BLK 91 EAST LAKE
60.	30-25-3-18-02.000-RR	2127 JEFFERSON AVE SW 35221	BEG AT THE INTER OF SE R/W OF AVE K & SW R/W CAIRO ST TH SWLY 226.3 FT TH SE 118.4 FT TH NE 195 FT TH NW 137 FT TO CONTINUED SECTION 25 TOWNSHIP 18S RANGE 4W

APR 14 2009

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

1.	23-14-2-31-03.000-RR	7625 4TH AVE S 35206	LOT 12 BLK 86 EAST LAKE
2.	23-19-1-28-05.000-RR	1116 COOSA ST 35234	LOT 7 BLK 45 EAST BHAM LAND CO
3.	23-10-4-02-06.000-RR	8033 5TH AVE N 35206	LOT 18 BLK 12-D EAST LAKE
4.	22-32-2-09-22.001-RR	2212 10TH PL 35214	LOT 22 BLK 5 HUEY LAND CO
5.	22-14-1-13-02.000-RR-01	3704 27TH ST N 35207	Lot 16-A Blk 43 Of A Resur Of Lots 16, 17, & 18 Bl
6.	22-14-1-13-01.000-RR	3708 27TH ST N 35207	P O B 150S FT NW OF NW INTER 37TH AVE N & 27 TH
7.	22-13-3-03-03.000-RR	2901 28TH PL N 35207	LOTS 9 THRU 12 BLK 200 NORTH BHAM
8.	22-13-3-03-02.000-RR	2909 28TH PL N 35207	LOTS 6 & 7 & 8 BLK 200 NORTH BHAM
9.	22-13-3-04-01.000-RR	2827 29TH AVE N 35207	P O B INTER W LINE SO RAILWAY SYSTEM & L & N R R
10.	22-14-4-29-06.000-RR	2600 28TH AVE N 35207	Lot 11 Blk 1 ESTes Holding Co Resur Of S 1/2 Of B
11.	29-02-2-02-03.000-RR	635 1ST CT N 35203	POB 263 FT SW OF TH N INTER OF 1 ST CT N & 1ST AVE N TH W 50 S
12.	22-35-4-29-11.000-RR	920 1ST AVE N 35203	LOTS 18 THRU 20 BLK 299 BHAM
13.	22-26-3-04-07.000-RR	1313 13TH ST N 35204	POB 180S FT N OF THE NE INTER OF 13TH AVE N & 13TH ST
14.	22-26-3-04-06.000-RR	1315 13TH ST N 35204	S 2 FT LOT 4 N 48 FT LOT 5 BLK C FOUNTAIN HTS
15.	22-26-3-10-01.000-RR	1201 13TH ST N 35204	P O B S E INTER OF 13TH ST N & 12TH CT N TH E 303.1 FT ALG CT TO E LINE S W 1/4 SEC 26 T 17 S R 3 W TH S 110 FT
16.	22-26-3-06-16.000-RR	1226 12TH CT N 35204	W 30 Ft Lot 2 & E 45 Ft Lot 3 Blk A Fountain Hgts
17.	29-09-2-25-08.000-RR	1729 PRINCETON AVE 35211	LOT 5 BLK 69 WEST END
18.	22-14-1-17-05.000-RR	3603 26TH ST N 35207	POB 205 205 Ft SE Of SW Inter 37TH AVE N & Alley T
19.	22-14-1-17-04.000-RR	3609 26TH ST N 35207	POB 150 Ft SE Of SW Inter 37TH AVE N & Alley TH SE
20.	22-14-1-17-03.000-RR	3615 26TH ST N 35207	POB 100 FT SE Of SW Inter 37TH AVE N & Alley TH SE
21.	22-14-1-17-02.000-RR	3621 26TH ST N 35207	POB 50 FT SW Of SW Inter 37TH AVE N & Alley TH SW
22.	22-14-4-02-01.000-RR	3109 28TH PL N 35207	LOTS 1 THRU 4 BLK 180 NO BHAM ALSO VACATED ST LOCATED BETWEEN BLKS 160 & 180 NO BHAM
23.	30-16-4-04-03.000-RR	1221 Circle St 35061	DOLOMITE VILLAGE 5TH ADD LOT: 28
24.	30-16-1-04-05.000-RR	1338 CIRCLE ST 35061	LOT 4 BL 2 HENRY HUDSONS 1 ST ADD TO DOLOMITE
25.	22-35-2-16-18.000-RR	1024 4TH ST N 35204	S 1/2 of N 1/2 of Lots 1 thru 3 Blk 11 Map of Smit
26.	22-35-2-15-03.000-RR	1031 4TH ST N 35204	POB SE Inter of 4th St N and 10th Ct N Th E 26 Ft
27.	22-35-2-15-05.000-RR	1017 4TH ST N 35204	S 50 FT OF LOTS 7 & 8 BLK 4 SMITHFIELD (NORTH)
28.	22-35-2-15-06.000-RR	1015 4TH ST N 35204	N 50 FT OF LOTS 9 & 10 BLK 4 MAP OF SMITHFIELD (NO
29.	22-35-2-16-14.000-RR	1010 4TH ST N 35204	S 1/2 OF N 76 FT S OF LOTS 15-16 BLK 11 MAP OF SMITHFIELD (NORTH)

APR 14 2009

30.	22-35-2-16-13.000-RR	1006 4TH ST N 35204	N 40 Ft S of S 124 Ft S of Lots 15 & 16 Blk 11 Map
31.	23-10-4-02-05.000-RR	8037 5TH AVE N 35206	LOT 17 BLK 12-D EAST LAKE
33.	23-11-3-08-12.000-RR	8113 1ST AVE S 35206	LOT 27 BLK 133 EAST LAKE
34.	22-35-2-18-07.002-RR	957 4TH ST N 35204	POB 75 FT S OF NW COR OF LOT 8 BLK 5 (NORTH) SMITHFIELD 1/149
35.	22-14-1-24-03.000-RR	2643 40TH AVE N 35207	LOT 3 BLK 2 NO BHAM LAND COS ADD NO 6
36.	22-14-1-24-17.000-RR	3936 27TH ST N 35207	LOT 4 BLK 2 EX N 100 FT NORTH BHAM LAND COS ADD NO 6
37.	22-14-1-25-01.000-RR	3919 27TH ST N 35207	P O B W INTER 27TH TERRACE N & ALLEY TH SW 178.1 FT ALG 39TH TERRACE TH E 101.5 FT TO ALLEY TH N
38.	22-14-1-24-15.000-RR	3928 27TH ST N 35207	LOT 8 BLK 2 NORTH LAND COS ADD NO 6
39.	22-14-1-25-02.000-RR	3917 27TH ST N 35207	P O B 200 FT N OF E INTER LOUISVILLE & NASHVILLE R R TH N 50 FT ALG 39 TERRACE TH E 101.5 FT TO ALLEY TH S 50 FT
40.	22-14-1-24-01.000-RR	2708 40TH AVE N 35207	LOTS 11-12 BLK 4 M C TYLER & J H BERRYS ADD TO FAIRMONT
41.	22-14-1-24-05.000-RR	2635 40TH AVE N 35207	LOT 5 & E 50 FT OF LOT 6 BLK 2 NO BHAM LD COS ADD NO 6
42.	22-14-1-24-04.000-RR	2639 40TH AVE N 35207	N 100 FT OF LOT 4 BLK 2 NO BHAM LAND COS ADD NO 6
43.	23-17-2-18-02.000-RR	4037 39TH AVE N 35212	LOTS 2 & 3 BLK 11 INGLENOOK RLTY CO SUR BOYLES HIGHLANDS
44.	23-08-3-29-12.000-RR	4308 42ND AVE N 35217	LOT 7 BLK 3 MOUNTAIN PARK
45.	23-08-3-29-11.000-RR	4304 42ND AVE N 35217	LOT 8 BLK 3 MTN PARK RESUR RESUR SEC 8 TP 17 R 2
46.	22-35-2-18-08.000-RR	953 4TH ST N 35204	S 1/2 OF LOT 9 BLK 4 MAP SMITHFIELD
47.	22-34-1-12-19.000-RR	1020 2ND ST N 35204	N 50 FT OF S 100 FT OF LOTS 1+ 2+3 BLK 21 EX 10 FT OFF WLY SIDE OF LOT 3 RESERVED AS AN ALLEY SMITHFIELD (NORTH)
48.	22-34-1-12-18.000-RR	1016 2ND ST N 35204	N 140 FT LOTS 5-6 BLK 3 MAP OF SMITHFIELD (NORTH)
49.	22-34-1-12-17.000-RR	1012 2ND ST N 35204	N 78 FT OF LOT 16 BLK 21 SMITHFIELD (NORTH)
50.	22-23-2-37-07.000-RR	1706 26TH AVE N 35204	LOTS 19 & 20 BLK 272 NORTH BHAM
51.	22-26-2-21-09.000-RR	1647 5TH ST NORTH 35204	LOT 12 BLK 2 LEONARD HALLS SUR
52.	23-21-4-01-10.001-RR	5905 3RD AVE S 35000	LOT 2 HABITAT-WOODLAWN SURVEY #2 PB 171 PG 10
53.	23-21-4-01-04.000-RR	232 59TH PL S 35212	LOTS 11 THRU 13 IDEAL LAND & IMP CO
54.	23-21-1-23-15.000-RR	5984 GEORGIA RD 35212	P O B 132 FT S W OF INTER N LINE GEORGIA RD & E LINE NE 1/4 SEC 21 T17S R2W TH W 125 FT N 192.7 FT NE 80 S FT S 10
55.	23-19-4-23-08.000-RR	805 37TH PL N 35222	LOT 19 BLK 9 EAST BHAM
56.	29-21-2-25-01.000-RR	1805 LAUREL AVE 35211	LOTS 9 & 10 BLK 17 PLAT A ISHKOODA
57.	29-08-4-45-01.000-RR	1820 ALMEDA AVE SW 35211	LOT 1 & SW 17-1/2 FT OF LOT 2 BLK 2 C W BANTA SUR
58.	21-35-3-15-05.000-RR	4822 5TH AVE 35224	W 50 FT LOTS 6 THRU 8 BLK 10 HOBSON
59.	22-17-4-01-03.001-RR	1300 REPUBLIC RD 35214	N 330 FT OF NW 1/4 OF SE 1/4 SEC 17 TP 17 R 3W LYING W OF CHERRY AVE LESS COM NW COR OF SD NW 1/4 TH E 290 FT TH S 230 CONTINUED
61.	30-26-1-08-15.000-RR	5301 MOLTON GRAY DR 35020	LOT 4 ROOSEVELT-CAIRO VILLAGE ADD #4
62.	30-25-2-12-10.000-RR	2953 ROGERS DR 35228	LOT 7 BL 34 CAIRO
63.	22-14-4-29-01.000-RR	2800 27TH ST N 35207	Lots 1 & 2 Blk 1 ESTes Holding Co Resur Of S 1/2 O

APR 14 2009

64.	22-14-4-29-02.000-RR	2622 28TH AVE N 35207	Lots 3 & 4 Blk 1 Estes Holding Co Resur of S 1/2 o
65.	22-14-4-13-04.000-RR	2725 27TH ST N 35207	N 50 Ft Of Lots 13 THru 16 Blk 242 N Bham
66.	22-14-4-13-05.000-RR	2721 27TH ST N 35207	Lot 13 THru 16 Blk 242 Exc THe N 50 Ft
67.	22-14-4-29-05.000-RR	2608 28TH AVE N 35207	Lots 9 & 10 & 12 Blk 1 ESTes Holding Co Resur Of S
68.	21-26-4-05-19.000-RR	1130 INDIANA ST N 35224	LOTS 9+10 BLK 3 OAK RIDGE ADD TO ENSLEY
69.	21-26-4-05-20.000-RR	1132 INDIANA ST N 35224	LOTS 7 & 8 BLK 3 OAK RIDGE ADD TO ENSLEY
70.	21-26-4-01-124.000-RR	1416 NORTH INDIANA PL 35224	POB 74 Ft S Ne of NW Inter No Indiana PL & Oman AV
71.	21-26-4-01-124.002-RR	1422 NORTH INDIANA PL 35224	POB 190 FT S NE of NW Inter NO Indiana PI & Oman A
72.	30-01-4-12-01.000-RR	3324 AVENUE E 35218	LOTS 7 & 8 BLK 33-D ENSLEY LD COS 15TH ADD TO ENSLEY
73.	22-14-4-14-10.000-RR	2700 28TH AVE N 35207	Lots 17 THru 32 Blk 222 No Bham
74.	22-23-1-01-01.000-RR	2701 27TH ST N 35204	LOTS 17 THRU 32 BLK 242 NORTH BHAM ALSO VACATED ALLEY LYING
75.	22-14-4-29-04.000-RR	2612 28TH AVE N 35207	Lots 6 & 7 & 8 Blk 1 ESTes Holding Co Resur Of S 1
76.	22-14-4-29-03.000-RR	2616 28TH AVE N 35207	Lot 5 Blk 1 ESTes Holding Co Resur Of S 1/2 Of Blk
77.	22-14-4-14-09.000-RR	2813 27TH ST N 35207	LOT 14 BLK 4 DOUGLASVILLE
78.	21-26-4-07-09.000-RR	1104 KNOXVILLE ST N 35224	LOT 14 BLK 4 DOUGLASVILLE
79.	21-26-4-07-12.000-RR	1120 KNOXVILLE ST N 35224	LOT 14 BLK 4 DOUGLASVILLE
80.	21-26-4-07-10.000-RR	1110 KNOXVILLE ST N 35224	LOTS 20 & 21 BLK 7 OAK RIDGE ADD TO ENSLEY EXC PT TAKEN BY
81.	21-26-4-05-18.000-RR	1128 INDIANA ST N 35224	LOTS 11 & 12 BLK 3 OAK RIDGE ADD TO ENSLEY
82.	23-11-1-27-17.000-RR	8408 5TH AVE S 35206	LOT 3 BLK 166 EAST LAKE
83.	22-26-3-06-15.000-RR	1222 12TH CT N 35204	Lot 4 & W 5 Ft Of Lot 3 & E 20 Ft Of Lot 5 Blk A F
84.	22-26-4-19-11.000-RR	1618 11TH CT N 35204	P O B 172.5 FT N E OF THE INTER OF N E LINE E ROW
85.	22-26-4-26-09.000-RR	1530 12TH CT N 35204	LOTS 16 & 17 & S 1/2 FT LOT 15 BANFILL TRACT
86.	22-26-4-26-08.000-RR	1510 12TH CT N 35204	E 1/2 OF LOTS 18-19 & E 1/2 OF S 1/2 OF LOT 20 BANFILL TRACT
87.	22-26-4-20-08.000-RR	1205 16TH ST N 35204	NAME: WARE J M SURVEY BLOCK: 19 LOT: 7
88.	22-23-4-21-04.000-RR	2311 21ST AVE N 35234	LOT 2307 M A MAY SUR
89.	22-23-4-07-14.000-RR	2207 21ST ST N 35234	POB SE CORNER OF LOT 12 J C WEST BROOK SURVEY TH SE 25 FT ALG 21ST ST N TH NE 35 FTS TH SE 5 FT S TH NE 115 FT TO
90.	23-14-1-05-01.000-RR	734 80TH PL S 35206	LOT 11 BLK 32 SOUTH HIGHLANDS OF EAST LAKE
91.	23-21-1-10-08.000-RR	125 60TH ST N 35212	LOT 4 EDWIN FULTON JR ADD TO WOODLAWN
92.	22-23-4-21-13.000-RR	2008 24TH ST N 35234	P O B 100 FT NW OF NW INTER 20TH AVE N & 24TH ST N TH NW 40 FT ALG 24TH ST N TO ALLEY TH SW 140 FT TO ALLEY

RESOLUTION NO. 557-09

WHEREAS, there has been exhibited to this Council a duly acknowledged Declaration of Vacation executed by Southside Investors II, LLC and Sterling Capital IV, LLC, being the owners,

APR 14 2009

and the reading in part as follows:

KNOW ALL MEN BY THESE PRESENT, that the undersigned, Southside Investors II, LLC and Sterling Capital IV, LLC, owners of all lands abutting the portion of public way or ways hereinafter declared vacated, do hereby declare vacated and divested out of the public the portion or portions of unopened public way or ways described as follows, to-wit:

BLOCK 896

PART OF 11TH AVENUE SOUTH RIGHT-OF-WAY BETWEEN BLOCKS 748 AND 896, BIRMINGHAM SURVEY (UNRECORDED) AND NORTH OF HIGHLAND AVENUE AND SOUTH OF 24TH STREET SOUTH SITUATED IN THE NE ¼ OF THE NW ¼ OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A REBAR IRON FOUND AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHLAND AVENUE AND THE EAST RIGHT-OF-WAY LINE OF SAID 11TH AVENUE SOUTH, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 7 OF BLOCK 896 BIRMINGHAM SURVEY (UNRECORDED); THENCE RUN NORTHEASTERLY ALONG THE WEST LINE OF SAID LOT 7 AND THE EAST RIGHT-OF-WAY LINE OF SAID 11TH AVENUE SOUTH FOR 152.83 FEET TO A REBAR IRON FOUND AT THE NORTHWEST CORNER OF THAT PART OF LOT 7 IN TAX PARCEL ID NO. 28-06-2-009-006.000; THENCE FROM SAID RIGHT-OF-WAY LINE TURN A LEFT DEFLECTION ANGLE OF 98°51'32" AND RUN NORTHWESTERLY FOR 26.14 FEET TO A PK NAIL SET IN THE CENTERLINE OF THE RIGHT-OF-WAY OF 11TH AVENUE SOUTH; THENCE TURN AN INTERIOR ANGLE OF 99°22'37" AND RUN SOUTHWESTERLY ALONG THE CENTERLINE OF SAID 11TH AVENUE SOUTH FOR 161.18 FEET TO A SET 5/8" REBAR IRON, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHLAND AVENUE; THENCE TURN AN INTERIOR ANGLE OF 65°05'47" AND RUN SOUTHEASTERLY ALONG SAID HIGHLAND AVENUE RIGHT-OF-WAY LINE FOR 29.96 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 4,163 SF.

BLOCK 748

PART OF 11TH AVENUE SOUTH RIGHT-OF-WAY BETWEEN BLOCKS 748 AND 896, BIRMINGHAM SURVEY (UNRECORDED), AND NORTH OF HIGHLAND AVENUE AND SOUTH OF 24TH STREET SOUTH SITUATED IN THE NE ¼ OF THE NW ¼ OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A REBAR IRON FOUND AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHLAND AVENUE AND THE WEST RIGHT-OF-WAY LINE OF SAID 11TH AVENUE SOUTH, SAID POINT BEING THE SOUTHEAST CORNER OF THE REMAINDER OF LOT 1, BLOCK 748, BIRMINGHAM SURVEY; THENCE RUN NORTHEASTERLY ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE WEST

APR 14 2009

RIGHT-OF-WAY LINE OF SAID 11TH AVENUE SOUTH FOR 169.54 FEET TO A REBAR IRON FOUND AT THE NORTHEAST CORNER OF SAID LOT 1 AND AT THE INTERSECTION OF THE WEST LINE OF SAID 11TH AVENUE SOUTH AND THE SOUTH RIGHT-OF-WAY LINE OF SAID 24TH STREET SOUTH; THENCE FROM SAID RIGHT-OF-WAY LINE TURN A RIGHT DEFLECTION ANGLE OF 80°09'23" AND RUN SOUTHEASTERLY FOR 26.14 FEET TO A PK NAIL SET IN THE CENTERLINE OF THE RIGHT-OF-WAY OF 11TH AVENUE SOUTH; THENCE TURN AN INTERIOR ANGLE OF 80°37'23" AND RUN SOUTHWESTERLY ALONG THE CENTERLINE OF SAID 11TH AVENUE SOUTH FOR 161.18 FEET TO A SET 5/8" REBAR IRON, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHLAND AVENUE; THENCE TURN AN INTERIOR ANGLE OF 114°54'13" AND RUN NORTHWESTERLY ALONG SAID HIGHLAND AVENUE RIGHT-OF-WAY LINE FOR 29.96 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 4,373 SF.

The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Birmingham may see fit to specify in a resolution of assent.

The said owner does further declare that after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes, and,

WHEREAS, it has been made to appear to this Council that said declarant is the owner of all the land abutting on the portion or portions of public way or ways declared vacated by said Declaration of Vacation and that after the vacation of the said portion or portions of said public way or ways convenient means of ingress and egress to and from their property will be afforded to all other property owners by the remaining public grounds dedicated to the public for public way purposes; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham as follows:

1. After hearing all parties and considering all information presented, the assent of this Council be, and hereby is given and granted to the vacation of the portion, or portions, of public way or ways declared vacated in the above quoted Declaration of Vacation, subject to the conditions and reservations hereinafter set out, and further, this Council finds that all other property owners will have convenient means of ingress and egress to and from their property by the remaining public grounds dedicated to the public for public way purposes and that it is in the best interest of the public that the above described public way or ways or portions thereof be vacated.

2. That the foregoing assent be and is hereby given upon condition that any entity, including the City of Birmingham, which may now own or rightfully maintain any public utility, facility, line or installation, including any open or closed storm or sanitary sewer, in any portion of

APR 14 2009

any public way hereinabove mentioned, shall have a right and easement to continue to maintain same in its present location therein and to repair, cleanse, improve and reconstruct the same and to have convenient storm water drainage and sanitary sewer means thereto and there from for said purposes, and that there be and is hereby reserved and excluded from the said foregoing assent any assent of this Council to the vacation, annulment or impairment of the right, easement or privilege of any such entity to continue to own, maintain, repair, cleanse, improve, reconstruct and have convenient means of ingress and egress to and from such utility, facility, line or installation.

3. The foregoing provisions for maintenance and for ingress and egress shall mean, among other things and without limitation, that in case any building or edifice shall be constructed or placed in any portion of any of said vacated ways, it shall be constructed, placed or arranged therein so as to avoid damage to any presently existing concealed or unconcealed or patent or latent public utility, facility, line or installation in any such public way and so as to afford ways and means of ingress and egress to and from such utility, facility, line or installation for purpose of reconstruction, repair, cleansing or improvement of service of same, substantially equal to and as convenient as presently existing ways and means of ingress and egress thereto and there from such purposes, or such as shall be approved in writing by the owner or operator of such utility, facility, line or installation.

4. This resolution shall be effective only upon the payment of the right-of-way fee within sixty (60) days of the date of this resolution, the recording in the Office of the Judge of Probate of Jefferson County, Alabama, of a map or plat approved by the City Engineer and the Birmingham Planning Commission showing the vacated portion or portions of public way or ways as described above and the boundary lines of the abutting property resulting from the vacation, and notice of the governing body's action being published once in a newspaper in the county no later than 14 days after its adoption.

BE IT FURTHER RESOLVED that under the provisions of Act 785 of 1982 the right-of-way vacation fee has been set at \$59,126.03.

ORDINANCE NO 09-47

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget and Capital Fund Budget for the fiscal year ending June 30, 2009 be and the same is hereby amended as follows:

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Appropriation</u>	

APR 14 2009

Equipment Management
500-001 Salaries and Wages \$ (39,600.00)

Personnel
527-050 Other Professional Service 39,600.00

\$

Recommendation by Mayor:

I recommend the above appropriation in the amount of \$39,600.00

Respectfully
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$39,600.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$39,600.00, provided for in the proposed ordinance.

Respectfully
Steve Sayler/s/
Steve Sayler

ORDINANCE NO. 09-48

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

APR 14 2009

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
Revenue	
Non Departmental	
<u>445-018</u> FEMA Reimbursement	\$ 56,379.91
Public Works	
<u>501-001</u> Overtime	\$ 41,734.24
Equipment Management	
<u>600-010</u> Capital Outlay - Equipment	14,645.67
	<u>\$ 56,379.91</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$56,379.91.

Respectfully,
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$56,379.91 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$56,379.91 provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

ORDINANCE NO. 09-49

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

APR 14 2009

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Revenue</u>	
<u>415-011 Use Tax</u>	<u>\$ 195,021.00</u>
<u>Appropriation</u>	
Non Departmental	
<u>601-035 Redevelopment Infrastructure Incentives (Honda Project)</u>	<u>\$ 195,021.00</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$195,021.00.

Respectfully,
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$195,021.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$195,021.00 provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

ORDINANCE NO. 09-50

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

APR 14 2009

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Revenue</u>	
<u>415-011 Use Tax</u>	<u>\$ 95,000.00</u>
<u>Appropriation</u>	
<u>Non Departmental</u>	
<u>550-008 TCHA</u>	<u>\$ 95,000.00</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$95,000.00.

Respectfully,
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$95,000.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$95,000.00 provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

ORDINANCE NO. 09-51

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

APR 14 2009

<u>Title of Appropriation</u>	<u>Amount</u> <u>Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Appropriation</u>	
Non Departmental	
<u>542-001</u> District #4 Council Discretionary Projects	\$ (250.00)
Museum of Art	
<u>524-007</u> Educational Supplies	250.00
	<hr/>
	\$ -
	<hr/> <hr/>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$250.00.

Respectfully,
Larry P. Langford/s/
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$250.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$250.00 provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

ORDINANCE NO. 09-52

**AN ORDINANCE TO FURTHER AMEND
THE GENERAL FUND BUDGET**

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the General Fund Budget for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

APR 14 2009

<u>Title of Appropriation</u>	<u>Amount Increase/Decrease</u>
<u>Fund 001 General Fund</u>	
<u>Appropriation</u>	
Finance Department	
<u>527-062 Professional Fees - Consulting</u>	\$ (10,000.00)
Mayor's Office	
<u>527-062 Professional Fees - Consulting</u>	10,000.00
	<u>\$ -</u>

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$10,000.00.

Respectfully,
Larry P. Langford
Larry P. Langford
Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$10,000.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$10,000.00 provided for in the proposed ordinance.

Respectfully,
Steve Sayler/s/
Steve Sayler
Director of Finance

RESOLUTION NO. 558-09

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 Mayor's Office determining that the City of Birmingham's Weed and Seed Program community based U.S. Department of

APR 14 2009

Justice innovative, comprehensive, multi-agency approach to law enforcement, crime prevention and community revitalization strategies that is currently located at 1528 Carraway Boulevard Suite 600 is a valuable and worthy program; 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 in this worthy program 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 programs 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 support these events.

ADOPTED this Fourteenth day of April, Two Thousand and Nine.

RESOLUTION NO. 559-09

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 American Red Cross determining that the Paint the Town Red art festival that is being held Friday, June 13, 2009, in The Loft District of Downtown Birmingham 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 in the amount of \$10,000.00 be used to pay for this event. Five Thousand Dollars will come from the City Council (\$5,000.00 GL Account: 001_010_04200.527-014 Consulting) and Five Thousand Dollars will come from the Mayor's Office.**

ADOPTED this Fourteenth day of April, Two Thousand and Nine.

APR 14 2009

RESOLUTION NO. 560-09

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 American Cancer Society determining that the Relay for Life of Urban Birmingham Event that is being held Friday, May 8, 2009, at Linn Park 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 in the amount of \$5,000.00 be used to pay for this event. Twenty-Five Hundred Dollars will come from the City Council (\$2,500.00 GL Account: 001_010_04200.527-014 Consulting) and Twenty-Five Hundred Dollars will come from the Mayor's Office.**

ADOPTED this Fourteenth day of April, Two Thousand and Nine.

RESOLUTION NO. 561-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from Central Paper Company Inc, Birmingham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications.

Appropriated for in the FY 2008 – 2009 Budget

RESOLUTION NO. 562-09

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied against **COSMOS INC AND WILLIAM W DEASON**, the person responsible for the collection and remittance of tax, doing business as (DBA) **COSMOS PIZZA** by the Finance Department, dated, **02/11/2009** for the period of 12/2005; 02/2006; 03/08, 10/08-

APR 14 2009

12/08 in the amount of **\$12,861.60** for Sales Tax, is deemed correct and is made final.

RESOLUTION NO. 563-09

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied against **SAVAIGAEA, ROSLYN A**, the person responsible for the collection and remittance of tax, doing business as (DBA) **TYME 2 SHYNE** by the Finance Department, dated, **02/11/2009** for the period of **8/07-12/08** in the amount of **\$1,885.00** for Sales Tax, is deemed correct and is made final.

RESOLUTION NO. 564-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Ninety-Seven Thousand Eight Hundred Ten Dollars and NO/100 (**\$97,810.00**), submitted by **COATING SYSTEMS, LLC.**, 24884 Highway 31, Jemison, AL 35085, **to make structural repairs at LEGION FIELD**, 400 Graymont Avenue West, Birmingham, AL 35204; received by the Department of Planning, Engineering and Permits April 6, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **PR129CP 003502 [approp. YR09]**. 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 Coating Systems, LLC., in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. 565-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Fifteen Thousand Sixty Dollars and 02/100 (**\$15,060.02**), submitted by **TECH SYSTEMS, INC.**, 3400 Corporate Way, Suite F, Duluth, GA 30096, **to install security management system for the fourth floor (narcotics) of the BIRMINGHAM POLICE DEPARTMENT ADMINISTRATION BUILDING**, Birmingham, AL 35203; received by the Department of Planning, Engineering and Permits on March 24, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **031_202_39000_39001.600-010 [approp. YR08]**. 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 Tech Systems, Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

APR 14 2009

RESOLUTION NO. 566-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from American Osment, Birmingham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications.

RESOLUTION NO. 567-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from Budget Janitorial Supply Inc, Pelham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications.

RESOLUTION NO. 568-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from Central Paper Company Inc, Birmingham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications.

RESOLUTION NO. 569-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from Mac Paper, Birmingham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted.

RESOLUTION NO. 570-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of paper products as needed, at the unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, from Strickland Paper Company Inc, Birmingham, AL, for City Stores Warehouse, be and the same hereby is accepted and approved, this being the lowest bid submitted.

APR 14 2009

RESOLUTION NO. 571-09

Be It Resolved by the Council of the City of Birmingham that the bid for and the purchase of abatement services for overgrown, privately owned lots in Quadrant III, as needed at the unit price on file in the office of the Purchasing Agent for a period of six (6) months and month to month thereafter, from Davlin, LLC, Columbiana, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest, remaining bid submitted meeting specifications.

RESOLUTION NO. 572-09

Be It Resolved by the Council of the City of Birmingham that the bid for and the purchase of abatement services for overgrown, privately owned lots in Quadrant IV, as needed at the unit price on file in the office of the Purchasing Agent for a period of six (6) months and month to month thereafter, from DKM Enterprises, Inc., Birmingham, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest, remaining bid submitted meeting specifications.

RESOLUTION NO. 573-09

Be It Resolved by the Council of the City of Birmingham that the bid for and the purchase of abatement services for overgrown, privately owned lots in Quadrant I, as needed at the unit price on file in the office of the Purchasing Agent for a period of six (6) months and month to month thereafter, from Tater Creek Farms, Birmingham, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest bid submitted

RESOLUTION NO. 574-09

Be It Resolved by the Council of the City of Birmingham that the bid for and the purchase of abatement services for overgrown, privately owned lots in Quadrant II, as needed at the unit price on file in the office of the Purchasing Agent for a period of six (6) months and month to month thereafter, from X-treme Brushcutters, Birmingham, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest bid submitted.

RESOLUTION NO. 575-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the bid for and the purchase of one (1), 2009 Compressed Natural Gas Powered Honda Civic GX, in the amount of \$24,213.18 from Brannon Honda, Birmingham, AL, for the Mayor's Office to be funded under the master lease agreement with Regions Equipment Finance Corporation, be and the same hereby is accepted and approved, this being the lowest bid submitted meeting specifications.

APR 14 2009

RESOLUTION NO. 576-09

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:

Michael Acton, Police Lieutenant, Police Department, Raleigh, NC, \$1,697.00, March 17 – 22, 2009, to attend Commission on Accreditation for Law Enforcement Agencies (CALEA).

Ivor J. Brooks, Fire Chief, Fire and Rescue, Memphis, TN, \$1,048.72, March 12 – 15, 2009, to attend Black Chief Officer's Committee Annual Meeting.

Emily Hanna, Curator, Museum of Arts, Washington, D.C., \$451.40, February 26 – 27, 2009, to visit collection of African Art – Potential Gift to Museum.

Patrick A. Johnson, Police Officer, Police Department, St. Petersburg, FL, \$1,874.25, June 15 – 21, 2008, to attend a Forensic training class for advance latent development and blood detection techniques.

Steven Long, Police Officer, Police Department, Meridian, MS, \$39.00, December 7 – 12, 2008, to attend Clandestine Lab Investigations Course held at the Regional Counterdrug Training Academy.

Tom Magee, Chief Planner, Planning, Engineering & Permits, Orange Beach, AL, \$734.54, March 23 – March 27, 2009, to attend 2009 Annual Spring Conference, Alabama Chapter American Planning Association.

Ellen Meadows, GIS Manager, Planning Engineering & Permits, Huntsville, AL, \$639.56, November 18 – 20, 2008, to attend Rocket City Geospatial Conference, seminar and workshops for GIS Professionals.

John Morris, Urban Forester, Public Works, Shreveport, LA, \$862.57, March 6 – 11, 2009, to attend International Southern Chapter-Annual Convention & Board Meeting.

Katrina Scales, Planner, Planning, Engineering & Permits, Orange Beach, AL, \$714.54, March 25 – 27, 2009, to attend 2009 Annual Spring Conference of Alabama Chapter of American Planning Association.

Kim Speorl, Planner, Planning, Engineering & Permits, Orange Beach, AL, \$1,015.94, March 25 – 27, 2009, to attend 2009 Annual Spring Conference of Alabama Chapter of American Planning Association.

Paige Wainwright, Curator, Sloss Furnace, Auburn, AL, \$562.52, February 4 -6, 2009, to attend Alabama Museums Association Annual Meeting.

Daniel Walls, Police Officer, Police Department, Meridian, MS, \$40.00, February 22 – March 6,

APR 14 2009

2009, to attend Basic Narcotics Investigation class.

RESOLUTION NO. 577-09

BE IT RESOLVED by the Council of the City of Birmingham that the agreement with Audiostate 55 Entertainment, d/b/a Companion Enterprises, LLC, Birmingham, AL, in the amount of \$75,000.00, to provide two (2) performances featuring Kurt Carr, Kurt Carr Singers, and a 150 voice choir made up of singers from Birmingham on May 1 and 2, 2009, will make necessary arrangements for the concert performances (including transportation), provide recognition of the City's sponsorship for events, and shall involve Birmingham's student age citizens at entry level behind the scenes creative, technical, and marketing activities, 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.

RESOLUTION NO. 578-09

WHEREAS, the Birmingham Police Department is hosting a luncheon and tour for Champions for Life, City leaders and citizens, and the department has in the past utilized a portion of donation funds provided to them for the purpose of improving police-community relations, increasing public awareness of the criminal justice system, and encouraging citizen participation.

WHEREAS, the Council finds that the continuation of such event is in the interest of the citizens of the City of Birmingham, and

WHEREAS, the funds for this event are received through donations from businesses and individual citizens;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Birmingham deem that the **Champions for Life Luncheon on Saturday, April 18, 2009**, hosted by the Birmingham Police Department serves a public purpose, and the departments donation funds may be used to pay for such an event, including the purchase of food. The estimated cost for the luncheon is not to exceed \$500.00.

RESOLUTION NO. 579-09

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:

David Marable, Police Sergeant, Police Department, Morrow, GA, \$9,725.98, April 19 – June 12, 2009, to attend Professional Polygraph Examiner's Training Program.

APR 14 2009

Stephen W. Sanders, Police Officer, Police Department, Mobile, AL, \$.00, April 6 - 10, 2009, to attend Weapons of Mass Destruction (WMD) Basic Course-1000(C10017).

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

Ayes: Abbott, Austin, Duncan, Hoyt, Montgomery, Parker, Witherspoon, Smitherman

Nays: None

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

Councilmember President Smitherman absented herself.

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

Councilmember Montgomery absented himself.

Councilmember Royal returned and took his seat as a Councilmember.

The following resolution was introduced by Councilmember Duncan:

“A Resolution to support the Southern High-Speed Rail Commission in the creation of a high-speed rail intercity passenger service and allocate matching funds for federal intercity passenger rail planning and construction programs.”

The resolution was read by the Deputy City Clerk, whereupon Councilmember Duncan made a motion to amend the resolutions removing the words “and allocate matching funds” which motion was seconded by Councilmember Austin, and upon the roll being called the vote was as follows:

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

Nays: None

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

Whereupon Councilmember Duncan made a motion which motion was seconded by

APR 14 2009

Councilmember Austin to adopt the resolution as amended as follows:

RESOLUTION NO. 580-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama that the City of Birmingham desires to work with the Southern High-Speed Rail Commission to educate and inspire the Alabama State Legislature, and other private and political leadership within the State, to pursue high-speed rail intercity passenger services and federal intercity passenger rail planning and construction programs.

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

Ayes: Abbott, Austin, Duncan, Hoyt, Parker, Royal, Witherspoon,
Nays: None

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

The following resolution was introduced by Councilmember Duncan:

RESOLUTION NO. 581-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, John Meehan of 3404 Avenue H Ensley, Birmingham, Alabama 35218 be and hereby is reappointed as a member of the Transit Advisory Committee of the Birmingham-Jefferson County Transit Authority; and

BE IT FURTHER RESOLVED that the above appointment shall be for a term of two (2) years, and

BE IT FURTHER RESOLVED by the Council of the City of Birmingham, Alabama, that the above appointment is hereby made pursuant to Section 15 of the Certificate of Incorporation of the Birmingham-Jefferson County Transit Authority, as amended by Resolution No. 245-95

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

Ayes: Abbott, Austin, Duncan, Hoyt, Parker, Royal, Witherspoon
Nays: None

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

APR 14 2009

Councilmember Smitherman returned and took her seat as a Councilmember

Councilmember Montgomery returned and took his seat as a Councilmember

Councilmember Duncan absented herself.

Councilmember Montgomery absented himself

The following resolution was introduced by Councilmember Abbott:

RESOLUTION NO. 582-09

WHEREAS, the Council of the City of Birmingham is always proud to recognize those individuals whose service to our community and citizens has been exemplary; and

WHEREAS, *Mr. Booker Brown* is such an individual. A driver for MAX Transit Services for thirty-two years, he drove Route Number 17 in Woodlawn for many years. Bus riders and citizens alike remember his skill, enthusiasm, and friendly demeanor; and

WHEREAS, now, at the time of Mr. Booker's retirement, his friends and family will host a celebration in honor of his many contributions to their lives. The festivities will be held at Harris Homes on April 11, 2009 at four o'clock in the afternoon; and

WHEREAS, the Oak Ridge Park Neighborhood, led by Ms. Bertha Jones, Ms. Barbara Merchant, and Ms. Joyce Thomas, will come together to offer their best wishes for a long and happy retirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Larry P. Langford concurring, that we hereby salute

MR. BOOKER BROWN

for a job well done, and we offer him our congratulations and gratitude for being an exemplary public servant. It is our desire that you will enjoy your new job, RETIREMENT!!!

PRESENTED this Eleventh day of April, Two Thousand and Nine at the recommendation of Councilor Valerie A. Abbott.

APR 14 2009

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

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

Nays: None

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

Whereupon Councilmember Abbott 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: Abbott, Austin, Duncan, Hoyt, Parker, Royal, Witherspoon, Smitherman

Nays: None

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

Councilmember Montgomery returned and took his seat as a Councilmember

The following resolution was introduced by Councilmember Royal:

RESOLUTION NO. 583-09

WHEREAS, Birmingham, Alabama is the largest city in the State of Alabama, founded in 1871, known as "The Magic City" for its growth and one of the most important centers in the southeastern United States today; and

WHEREAS, Birmingham, Alabama received national and international attention for its watershed role in the transformation of human rights and justice, resulting in the landmark Civil Rights Act of 1964, when thousands of youth stood up, led by their mentor, Dr Martin Luther King Jr., in a massive non-violent campaign known as "Project C" to confront institutionalized inequality and to remove suffering from their town and country; and

WHEREAS, Urged on by Dr. King's words "Injustice anywhere is a threat to justice everywhere." written April 16th, 1963 in Letter from Birmingham Jail they, and peoples across the country and across the globe since have gained courage to stand up to unequal treatment and have broken the bonds of oppression; and

APR 14 2009

WHEREAS, Mr. Hinton Johnson, Sr. The Soka Gakkai International (SGI) under the warm leadership of third President Daisaku Ikeda, has also grown to become a highly respected organization of Peace, Culture and Education active in 192 countries and regions throughout the world, including membership in Birmingham, Alabama, and throughout the South; and

WHEREAS, The Soka Gakkai, under the leadership of its three presidents, has upheld and protected the hope filled teachings of Nichiren Daishonin that affirm the absolute sanctity of all human life, and has staunchly opposed all forces that diminish human life or place one human over another. All three presidents were also jailed for their beliefs in equality, persecuted by authorities and cowardly priests as well, and third president Dr. Ikeda was forced to step down also on an April day, the 24th, in 1979; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with the Mayor concurring, that the period April 16th thru April 24th shall be proclaimed the time to honor "Soka Justice for All Humanity" throughout the city of Birmingham, Alabama in celebration of Dr. Martin Luther King's and Dr. Daisaku Ikeda's work.

Presented this twenty sixth day of April, Two Thousand Nine at the recommendation of Councillor Roderick V. Royal, M.P.A

The resolution was read by the Deputy City Clerk, whereupon Councilmember Royal 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, Austin, Duncan, Hoyt, Montgomery, Parker, Royal, Witherspoon, Smitherman
Nays: None

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

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

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

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

Councilmember Montgomery absented himself and did not return to the meeting.

APR 14 2009

The following resolution was introduced by Councilmember Austin:

RESOLUTION NO. 584-09

BE IT RESOLVED by the Council of City of Birmingham that a resolution expressing condolences to the family of William Zarori to be prepared by Councilmember Johnathan Austin 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 Deputy City Clerk, whereupon Councilmember Austin 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, Austin, Duncan, Hoyt, Parker, Royal, Witherspoon, Smitherman
Nays: None

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

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

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

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

The following resolution was introduced by Councilmember Witherspoon:

RESOLUTION NO. 585-09

WHEREAS, the Council of the City of Birmingham was deeply saddened to learn of the home going of *Ms. Lillian G. Calhoun*, who departed this life on April 9, 2009; and

WHEREAS, *Ms. Calhoun* was a dedicated member of First Baptist Church, West End in Birmingham, Alabama; and

WHEREAS, the Birmingham City Council desires to pay homage to its citizens whose voice has been silenced and whose earthly bodies have been stilled; we take note of *Ms. Calhoun's* life, her service to others and her citizenship, and extend our deepest sympathies to those who are affected by this loss; and

APR 14 2009

WHEREAS, we know that the memory of *Ms. Calhoun* will forever live in the hearts of her daughter, Michelle D. Calhoun; sisters, Lula M. Grace and Cathy Y. (Wilbert O.) Shanklin; niece, Shanese Shanklin; nephew, Wilbert E. Shanklin, other relatives, friends and many others who knew her and will miss her dearly;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Larry P. Langford concurring, that we hereby celebrate the life and memory of

Ms. Lillian G. Calhoun

PRESENTED this Fourteenth day of April, Two Thousand and Nine at the recommendation of Council President Pro-Tem Miriam D. Witherspoon.

The resolution was read by the Deputy City Clerk, whereupon Councilmember Witherspoon 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, Austin, Duncan, Hoyt, Parker, Royal, Witherspoon, Smitherman

Nays: None

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

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

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

Nays: None

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

THE FOLLOWING MATTER WAS DEFERRED:

Councilmember Abbott made a motion which motion was seconded by Councilmember Montgomery and adopted, that "An Ordinance to annex two parcels of privately held residential land and the adjacent right of way totaling 2.389 acres the properties proposed to be annexed are currently located in unincorporated Jefferson County at 4708 Lewisburg Road and 2820 48th Avenue North respectively. This property consists of a tract of land upon which the petitioner resides in a single family home 4708 Lewisburg Road together with a smaller tract of land upon which an additional single family residence is situated behind the petitioners' house and is a rental

APR 14 2009

investment. The property owners Harold and Linda May have petitioned the City of Birmingham to annex this property into the City to receive municipal services, including police, fire protection and emergency services as well as garbage pickup” be deferred to the regular meeting on Tuesday, April 21, 2009 at 9:30 o’clock a.m.

THE FOLLOWING MATTERS WERE INTRODUCED, READ, AND DEFERRED:

Councilmember Abbott made a motion, which motion was seconded by Councilmember Montgomery, that “An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$575,000.00 of Fund 001 General Fund to Non Departmental, Telephone” be deferred one week to the regular meeting on Tuesday, April 21, 2009, at 9:30 o’clock a.m., and upon the roll being called the vote was as follows:

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

Nays: None

Abstained: Royal

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

Councilmember Montgomery made a motion, which motion was seconded by Councilmember Abbott and a adopted that a “An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$93,893.00 of Fund 001 General Fund to Non Departmental, Animal Control” be deferred two weeks to the regular meeting on Tuesday, April 28, 2009 at 9:30 o’clock a.m.

THE FOLLOWING MATTER WAS REFERRED TO COMMITTEE

Councilmember Witherspoon made a motion which motion was seconded by Councilmember Duncan and adopted that “An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET AND HUD BLOCK GRANT FUND BUDGET” by reducing the appropriations of Salaries and Benefits for positions transferred to the Mayor’ Office and to amend the General Fund Budget by appropriating \$48,192.32 of Fund 081 HUD Block Grant Fund to the Mayor’s Office for the cost of those positions” be referred to the Committee of the Whole.

ALL OTHER MATTERS WENT OVER

Upon motion by the Presiding Officer, the Council adjourned at 1:48 o’clock p.m.

Approved: October 27, 2009.

APR 14 2009

Carole Smitherman /s/
PRESIDENT OF THE COUNCIL

Carole Smitherman /s/
Printed Name

Lee Frazier /s/
DEPUTY CITY CLERK

Lee Frazier /s/
Printed Name

APPROVED AS TO FORM:

Carole Smitherman /s/
ACTING CHIEF ASSISTANT CITY ATTORNEY

Carole Smitherman /s/
Printed Name

NOTE: The following matters were withdrawn:

An Ordinance "TO FURTHER AMEND THE CAPITAL FUND BUDGET" by transferring \$7,500,000.00 of Fund various projects and appropriating \$7,500,000.00 to Negro League Baseball Museum.

An Ordinance "TO FURTHER AMEND THE GENERAL FUND BUDGET AND HUD BLOCK GRANT FUND BUDGET" by reducing the appropriations of Salaries and Benefits for positions transferred to the Mayor' Office and to amend the General Fund Budget by appropriating \$48,192.32 of Fund 081 HUD Block Grant Fund to the Mayor's Office for the cost of those positions

Those properties declared by Resolution No. 388-09 on March 10, 2009 to be noxious and dangerous, whereon said weeds have been abated:

- 4. 30-25-3-03-01.000-RR 5301 WATSON AVE 35221 NE 1/2 OF LOT 1 BLK 1 TENN LD COS 1ST ADD TO HILLMAN

Those properties declared by Resolution No. 389-09 on March 10, 2009 to be noxious and dangerous, whereon said weeds have been abated:

- 32. 23-15-1-02-11.000-RR 7718 DIVISION AVE 35206 LOT 5 BLK 91 EAST LAKE
- 60. 30-25-3-18-02.000-RR 2127 JEFFERSON AVE BEG AT THE INTER OF SE R/W OF SW 35221 AVE K & SW R/W CAIRO ST TH SWLY 226.3 FT TH SE 118.4 FT TH NE 195 FT TH NW 137 FT TO CONTINUED SECTION 25 TOWNSHIP 18S RANGE 4W