

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

March 31, 2009, at 9:00 A.M.

The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on March 31, 2009 at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend Edward Rogers, Pastor of Hopewell Baptist Church.

The Pledge of Allegiance was led by Councilmember Petty Officer 2nd Class Michael E. A. Smith.

Present on Roll Call:	Council President	Smitherman
	Councilmembers	Abbott
		Austin
		Hoyt
		Montgomery
		Parker
		Royal
		Witherspoon

Absent:	Duncan
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The minutes of December 16, 2008 were approved as submitted.

Mayor Langford spoke on H.U.D.'s call to the City to stop using H.U.D. funds for the citizen's participation program. All community resource officers are being reassigned and can no longer send out community flyers, report on meetings or handle N.U.S.A. travel arrangements. Half of the officers will be used solely for H.U.D. required functions and all others are to be absorbed and funded from the General Fund.

Mayor Langford presented the following proclamation: April 1-15, 2009 as "Birmingham Biggest Book Drive" in Birmingham.

Mayor Langford recognized Bishop Calvin Woods, President of the Birmingham Chapter of the S.C.L.C. who announced that on Friday, April 4, 2009 at the Boutwell Auditorium Exhibition, the SCLC will be presenting the first Martin Luther King Keepers of the Dream

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Awards. Saturday, April 5, 2009, at 10:00 a.m. beginning at City Hall, there will be a memorial march recognizing the assassination of Martin Luther King, Jr.

Mayor Langford reminded the Council of the luncheon being held in Terminal A at the Birmingham-Shuttlesworth Airport this Friday, April 4, 2009.

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

John Davis, President of Shadow Lawn Memorial Maintenance and perpetual Care, Inc., 5117 Farrell Avenue, Fairfield, Alabama appeared relative to thanking the Council, the Mayor, and others who have made a donation to the upkeep of the cemetery and to announce their establishment of a database to record the list of persons with the cemetery.

John L. Lanier, Jr., 5634 – 10th Avenue South appeared relative to thanking the City and neighborhood associations for their funding to help maintain the cemetery. A commercial grade fence and gate has been installed. The association's goal is to have the website to be completely available to all persons by the end of the month which will aid citizens with their genealogical research.

Mildred Powe who requested to speak did not appear.

Rev. Joseph Brown, 4216 – 42nd Avenue South appeared relative to requesting a time as to when the repairs to the roof at the Inglebrook Recreation Center will be completed.

Roderick Kater, 972 Pike Road appeared relative to the loss of his job at the Birmingham Water Works after 25 years of service and to ask the Council to look into his situation.

John C. Harris, 405 Goldwire Street S. W., President of the North Titusville Neighborhood Association appeared relative to providing the Council with a history of the Citizens Participation Plan.

Alison Glascock, 1033 Lakeview crescent, President of Highland Park Neighborhood Association, President and President of the Red Mountain Community, appeared relative to inquiring about the status of the Community Resource Officers and the Citizens Participation Plan.

Bertha Jones, 572 – 64th Place South, President of Oakridge Place Neighborhood Association, appeared relative to asking the Council to consider neighborhood funds, and keeping them available for use within the community for the youth and senior citizens.

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

The following ordinance which was introduced and read at the regular meeting on Tuesday, February 10, 2009 at 9:30 o'clock a.m., for a public hearing on Tuesday, March 31, 2009 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. ZAC2009-00007
ORDINANCE NO. 1872-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 CB-2, CONTINGENCY GENERAL BUSINESS DISTRICT
TO: B-3, COMMUNITY BUSINESS DISTRICT

3600, 3640, 3660 and 3666 Grandview Parkway, and situated in both the SW and NW ¼ of Section 26, Township 18-S, Range 2-West, and in the NW ¼ of Section 35, Township 18-S, Range 2-West. (35243), being more particularly described as follows:

Lot 2-C, Cahaba Center at Grandview, as recorded in Map Book 228, Page 46 in the Office of the Judge of Probate of Jefferson County, Alabama;

Lot 2-D, Cahaba Center at Grandview, as recorded in Map Book 228, Page 46 in the Office of the Judge of Probate of Jefferson County, Alabama;

Lot 2-F, Cahaba Center at Grandview Resurvey No. 1, as recorded in Map Book 228, Page 70 in the Office of the Judge of Probate of Jefferson County, Alabama;

Lot 2-G, Cahaba Center at Grandview Resurvey No. 3, as recorded in Map Book 230, Page 60 in the Office of the Judge of Probate of Jefferson County, Alabama;

Lot 1, HealthSouth 280, as recorded in Map Book 184, Page 46 in the Office of the Judge of Probate of Jefferson County, Alabama

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

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 Parker, 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.

The following ordinance which was introduced and read at the regular meeting on Tuesday, February 10, 2009 at 9:30 o'clock a.m., for a public hearing on Tuesday, March 31, 2009 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. ZAC2009-00008
ORDINANCE NO. 1873-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 CB-2, CONTINGENCY GENERAL BUSINESS DISTRICT

TO: B-3, COMMUNITY BUSINESS DISTRICT

3670 and 3690 Grandview Parkway, and situated in both the SW and SE ¼ of Section 26, Township 18-S, Range 2-West (35243) and being more particularly described as follows:

Lot 1-E, Cahaba Center at Grandview Resurvey No. 3, as recorded in Map Book 230, Page 23 in the Office of the Judge of Probate of Jefferson County, Alabama

Lot 2-H, Cahaba Center at Grandview Resurvey No. 2, as recorded in Map Book 230, Page 23 in the Office of the Judge of Probate of Jefferson County, Alabama

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

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 Parker, 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.

The following resolution which was first introduced at the regular meeting on Tuesday, March 24, 2009 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, March 31, 2009 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 459-09

WHEREAS, an application to the Council of the City of Birmingham, Alabama, for an Itinerant Junk Dealer's License has been filed with the City Clerk by Milton Marshall, 436 West Smithfield Drive Dolomite, Birmingham, AL 35061 in accordance with Title 12, Chapter 11, General Code of the City of Birmingham 1980; and

WHEREAS, said application was NOT recommended by the Chief of Police; and

WHEREAS, the Council has heard all persons who desired to be heard on the issue relevant to the approval or disapproval of the application for said license; now therefore,

BE IT RESOLVED by the Council of the City of Birmingham that the application of Milton Marshall, 436 West Smithfield Drive Dolomite, Birmingham, AL 35061 for an Itinerant Junk Dealer's License be and hereby is DENIED.

The resolution was read by the City Clerk, whereupon Councilmember Parker moved its adoption which motion was seconded by Councilmember Hoyt, 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 City Clerk, whereupon the Presiding Officer declared the resolution adopted.

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The following resolution which was first introduced at the regular meeting on Tuesday, March 3, 2009 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, March 31, 2009 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 460-09

BE IT RESOLVED by the Council of the City of Birmingham that the Mayor be and hereby is authorized to execute, for and as the act of said City, (i) a Property Sales Contract (the "Contract"), in substantially the same form as on file in the Office of the City Clerk, with Ralph A. Banks, as seller, under which the City will purchase property located at 1600 8th Avenue, West, Birmingham, as more particularly described below (the "Property"), for public park purposes and other related recreational uses in connection with the creation of a new public park, for a purchase price of Sixty-Seven Thousand Nine Hundred Fifteen and 27/100 Dollars (\$67,915.27), the City finding that the acquisition of the Property for public park uses is in the public interest and for a public purpose, and (ii) such other documents and instruments required to complete the purchase of the Property; and

BE IT FURTHER RESOLVED that the Director of Finance, on behalf of the City, be and hereby is authorized to pay the purchase price, as adjusted for usual and customary closing adjustments, to the seller at closing.

Property Description:

Lot 15, Block 1, according to the Survey of Ridgewood Park, as recorded in Map Book 14, Page 55, in the Probate Office of Jefferson County, Alabama.

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

Ayes: Austin, Hoyt, Montgomery, Parker

Nays: Abbott

Abstained: Royal, Witherspoon, Smitherman

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

Councilmember Montgomery absented himself.

Councilmember Hoyt absented himself.

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The following resolution which was first introduced at the regular meeting on Tuesday, March 24, 2009 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, March 31, 2009 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 461-09

WHEREAS, the City acquired a 1981 Ford Thunderbird automobile VIN 1Y83N103046, also known as "Batmobile" through the Court Order Granting Sale from Mr. Dorothy Perry, as Administratrix of the estate of Willie J. Perry.

WHEREAS, the City purchased the referenced automobile after Mr. Perry's death for display at the Fair Park Fairgrounds for the services Mr. Perry provided to the City;

WHEREAS, the automobile has been on display at Fair Park Fairgrounds since 1985; said vehicle has deteriorated to the point it is of no real value and:

WHEREAS, the automobile has been on display at Fair Park Fairgrounds since 1985; the City has determined that the said automobile has deteriorated to the point that it is of no real value, due to its age and condition it is not economical for the City to retool and refit the said vehicle to be placed in service for the City, and with the renovations of Fair Park there is no place to display the vehicle, said vehicle is surplus property and the City has no further uses for said vehicle;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birmingham, Alabama that the 1971 Ford Thunderbird, VIN1Y83N103046 be offered for sale to the surviving family of "Willie J. Perry" in consideration for his valuable and meaningful contributions to the people of Birmingham for a nominal charge of Ten and 00/100 (\$10.00) Dollars.

BE IT FURTHER RESOLVED that the Purchasing Agent of the city is authorized to take the steps necessary to dispose in a manner consistent with the terms and conditions and pursuant to this Resolution in accordance with Section 3-3-10(b)(3) of the Code of the City of Birmingham.

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

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

Nays: None

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

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Councilmember Smitherman made a motion to suspend the rules to hear from students from Auburn University Urban Studies visiting Council meeting which motion was seconded by Councilmember Montgomery and adopted.

Councilmember Hoyt returned and took his seat as a Councilmember.

The following resolution was introduced by Councilmember Royal:

RESOLUTION NO. 462-09

**Resolution to Participate in
NLC Prescription Discount Card Program**

WHEREAS many citizens of Birmingham are among the millions of Americans without health insurance or with limited prescription drug coverage, and;

WHEREAS the National League of Cities is sponsoring a program in collaboration with CVS Caremark to provide relief to city residents around the country from the high cost of prescription drugs, and

WHEREAS NLC Prescription Discount Card Program will be available to member cities of NLC at no cost to those cities, and;

WHEREAS CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support, and;

WHEREAS the discount cards offer an average savings of 20 percent off the retail price of most prescription drugs, has no enrollment form or membership fee, no restrictions based on the resident's age or income level, and may be used by city residents and their families any time their prescriptions are not covered by insurance, and;

Be It Resolved by the City Council of the Birmingham, Alabama, that the City of Birmingham will inform the National League of Cities of its intent to participate in the NLC Prescription Discount Card Program and will work with NLC and CVS Caremark to implement the program to the benefit of the residents of Birmingham.

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

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

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Nays: None

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

The following resolution was introduced by Councilmember Parker:

RESOLUTION NO. 463-09

WHEREAS, Bright House Network, LLC, has filed an application for renewal of its current Cable Franchise agreement originally dated September 12, 1989, which granted then Birmingham Cable Communications, Inc., a franchise to provide cable video services to citizens within the jurisdiction of the City of Birmingham.

WHEREAS, Bright House Network, LLC is the current successor or assign of Birmingham Cable Communications, Inc.;

WHEREAS, City Code Sec. 12-3.9-34(d) provides that public notice shall be issued to advise current and future subscribers of Bright House that a renewal application has been filed and to allow time for public comments to be made and set a public hearing to hear such comments from subscribers, and other interested parties related to the renewal of such cable franchise;

NOW THEREFORE, be it resolved by the Council of the City of Birmingham, that there be made by the City Clerk and other city sources, as applicable, publication of public notice of application for renewal of the Cable Franchise Agreement submitted by Bright House Networks, LLC to the City Clerk to allow for comments from the public to be made; further, the parties regarding the cable provider, to include, services, rates, etc., to be held on May 12, 2009, in the City Council Chambers, during the regularly scheduled meeting of the City Council at 9:30 a.m. until its completion.

The resolution was read by the Deputy City Clerk, whereupon Councilmember Parker moved its adoption which motion was seconded by Councilmember Smitherman, 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 resolution adopted.

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The following resolution was introduced by Councilmember Hoyt:

RESOLUTION NO. 464-09

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Birmingham, that said Council will hold a public show cause hearing to consider the matter of revoking the business license(s) issued to CJ's on the Parkway, 9115 Parkway East, Birmingham, AL 35206, and to consider the matter of rescinding Resolution No. 1329-08, approved on October 21, 2008, at its regular meeting to be held in the Council Chambers, Third Floor, in the City Hall in Birmingham, Alabama on Tuesday, April 21, 2009 at 9:30 a.m.

BE IT FURTHER RESOLVED, that the following notice of said public hearing shall be delivered to licensee and/or an agent or officer thereof, at least 10 days prior to the date of said hearing:

NOTICE OF PUBLIC HEARING RE: Revocation of Business License(s)

You are hereby notified that the City Council of the City of Birmingham will hold a public hearing in the Council Chamber in City Hall on April 21, 2009, commencing at 9:30 a.m., concerning the possible revocation of the business licenses issued for CJ's on the Parkway, 9115 Parkway East, Birmingham, AL 35206. The Council will also consider the possible rescission of Resolution No. 1329-08, approved on October 21, 2008, by which the Council approved an application for the retail sale of alcoholic beverages at this location. You should be present at that meeting and show cause why your business license and approval for the retail sale of alcoholic beverages at this location should not be revoked. You will have the right to introduce witnesses and evidence in your own behalf and the governing body shall hear such witnesses and evidence. If you should fail to appear before the governing body at that time and place, the City Council will hear and consider evidence in support of the proposed revocation and may take action in your absence.

Please be apprised that the purpose of the revocation hearing is to determine whether or not in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement or other misleading statement or omission of a material fact; and whether you have violated any other ordinance or law in connection with the conduct of this business. In this regard, the Council has received allegations that false or misleading information or statements may have been made in order to induce the City of Birmingham to issue the licenses necessary for the conduct of this business. Because of these allegations, I am directed by the City Council to request that you present yourself to the City Council and show cause as to whether or not your business license should be revoked.

Paula Smith,
City Clerk

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The resolution was read by the Deputy City Clerk, whereupon Councilmember Hoyt moved its adoption which motion was seconded by Councilmember Parker, 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 resolution adopted.

The following resolution was introduced by Councilmember Abbott:

Case No. ZAC2009-00001
RESOLUTION NO. 465-09

BE IT RESOLVED By the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, a notice in words and figures as follows:

ZONING NOTICE

Notice is hereby given that at a regular meeting of the Council of the City of Birmingham to be held in the Council Chamber in the City Hall of Birmingham on Tuesday, May 17, 2009, commencing at 9:30 a.m. said Council, will hold a public hearing upon a proposal that it, the said Council, adopt an ordinance in words and figures substantially as follows:

Case No. ZAC2009-00001
ORDINANCE NO. _____

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: PRD, PLANNED RECREATIONAL DISTRICT
TO: B-3, COMMUNITY BUSINESS DISTRICT

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Those public properties generally located at 2331 Bessemer Road and comprising a total of approximately 100 acres in an area extending eastward from Avenue "W" to Lomb Avenue, situated between Bessemer Road (U.S. Highway 11) and Valley Creek, and situated in the NE ¼ of Section 5, Township 18-S, Range 2-West. (35208), being more particularly described as follows:

Parcel One

A parcel of land situated in Section 5, Township 18 South, Range 3 West, Huntsville Meridian, Jefferson County, Alabama being more particularly described as follows:

Commence at the Southeasternmost corner of the Relocated Avenue "W" right of way as recorded in Map Book 162, page 48 in the office of the Judge of Probate, Jefferson County, Alabama; thence run North 63 degrees 05 minutes 42 seconds West along said right-of-way for a distance of 2.23 feet to the northwesterly margin of a CSX right-of-way (right-of-way width: 100 feet) and to the POINT OF BEGINNING; thence leaving said northwesterly margin run North 63 degrees 05 minutes 42 seconds West along said right-of-way for a distance of 145.87 feet to a curve to the right having a central angle of 32 degrees 47 minutes 32 seconds (plat 32 degrees 43 minutes 44 seconds), a radius of 1102.92 feet (measured and plat), and a chord bearing North 46 degrees 49 minutes 31 seconds West for a distance of 622.66 feet; thence run in a northwesterly direction along said right-of-way line and along the arc of said curve for a distance of 631.24 feet (plat 630.02 feet); thence run North 30 degrees 14 minutes 55 seconds West along said right-of-way line for a distance of 406.08 feet (plat 406.09 feet); thence run North 28 degrees 19 minutes 34 seconds West along said right-of-way line for a distance of 208.67 feet; thence North 30 degrees 14 minutes 55 seconds west, for a distance of 42.06 feet (measured and plat) to a curve to the left having a central angle of 05 degrees 19 minutes 15 seconds (measured and plat), a radius of 1195.92 feet (measured and plat), and a chord bearing North 32 degrees 54 minutes 32 seconds West for a distance of 111.02 feet; thence run in a northwesterly direction along said right-of-way line and along the arc of said curve for a distance of 111.02 feet (measured and plat); thence run North 19 degrees 19 minutes 55 seconds East along said right-of-way line for a distance of 21.71 feet; thence run South 47 degrees 30 minutes 42 seconds West along said right-of-way line for a distance of 17.55 feet to a curve to the left having a central angle of 03 degrees 43 minutes 22 seconds (measured and plat), a radius of 1195.92 feet (measured and plat), and a chord bearing North 36 degrees 33 minutes 43 seconds West for a distance of 77.69 feet; thence run in a northwesterly direction along said right-of-way line and along the arc of said curve for a distance of 77.70 feet (measured and plat); thence run North 00 degrees 43 minutes 54 seconds East for a distance of 30.03 feet to the southeasterly right of way line of U.S. Highway No. 11 (right-of-way width varies, also known as Bessemer Road and 3rd Avenue West); thence run North 45 degrees 55 minutes 13 seconds East along said right-of-way line for a distance of 2263.08 feet the southwesterly right-of-way line of Lomb Court (right-of-way width varies); thence leaving said southeasterly right-of-way line run South 88 degrees 22 minutes 55 seconds East along said southwesterly right-of-way line for a distance of 92.26 feet; thence run South 50 degrees 26 minutes 13 seconds East along said right-of-way line for a distance of 188.66 feet; thence run

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South 52 degrees 04 minutes 46 seconds East along said right-of-way line for a distance of 30.03 feet to the northernmost corner of Lot 1 according to the Fairview Station Post Office Site as recorded in Map Book 195, Page 13 in the aforementioned office of the Judge of Probate; thence leaving said right-of-way line run South 40 degrees 44 minutes 14 Seconds West (plat-South 40 degrees 44 minutes 55 seconds West) for a distance of 102.66 feet (plat-101.17 feet) to a curve to the left having a central angle of 57 degrees 45 minutes 18 seconds (plat-58 degrees 09 minutes 32 seconds), a radius of 232.03 feet (plat 229.19 feet), and a chord bearing South 11 degrees 52 minutes 16 seconds West for a distance of 224.11 feet; thence run in a southerly direction along the west line of said Lot 1 and along the arc of said curve for a distance of 233.89 feet (measured); thence run South 69 degrees 17 minutes 05 seconds East (measured and plat) along the south line of Lot 1 for a distance of 350.00 feet (measured and plat); thence run North 20 degrees 48 minutes 43 seconds East (plat North 20 degrees 42 minutes 55 seconds East) along the east line of Lot 1 for a distance of 220.06 feet (plat 220.00 feet); thence run North 69 degrees 17 minutes 05 seconds West (measured and plat) along the north line of Lot 1 for a distance of 234.15 feet (measured and plat); thence run North 09 degrees 20 minutes 58 seconds East (plat North 09 degrees 33 minutes 07 seconds East) along the north line of Lot 1 for a distance of 65.81 feet (plat 65.77 feet) to the aforementioned right-of-way line of Lomb Court; thence leaving said Lot 1 run South 84 degrees 05 minutes 03 seconds East along said right-of-way line for a distance of 54.11 feet; thence leaving said right-of-way line run South 01 degrees 50 minutes 40 seconds East for a distance of 41.34 feet; thence run South 43 degrees 48 minutes 40 seconds East for a distance of 56.51 feet to the south line of 20-foot wide alley; thence run North 89 degrees 26 minutes 20 seconds East along said south line for a distance of 334.07 feet to the west line of a 15-foot wide alley; thence leaving said south line run South 01 degrees 38 minutes 26 seconds East along said west line for a distance of 170.74 feet to the south line of said alley; thence leaving said west line run South 89 degrees 54 minutes 08 seconds East along said south line for a distance of 19.17 feet; thence leaving said south line run South 02 degrees 13 minutes 06 seconds East for a distance of 387.95 feet (deed-388.04 feet); thence run South 01 degrees 35 minutes 13 seconds East for a distance of 411.41 feet (deed 411.57 feet); thence run South 02 degrees 08 minutes 01 seconds East for a distance of 161.03 feet (deed 160.92 feet) to the west margin of Fairgrounds Drive; thence run South 08 degrees 12 minutes 57 seconds West along said west margin for a distance of 50.42 feet; thence leaving said west margin run South 03 degrees 43 minutes 18 seconds East for a distance of 315.96 feet (deed 315.27 feet) to the north line of the aforementioned northwesterly margin of a CSX right-of-way (right-of-way width: 100 feet); thence run South 62 degrees 00 minutes 41 seconds West along said north line for a distance of 452.48 feet to a curve to the left having a central angle of 20 degrees 49 minutes 15 seconds, a radius of 3705.60 feet, and a chord bearing South 51 degrees 37 minutes 19 seconds West for a distance of 1339.19 feet; thence run along said north line and along the arc of said curve for a distance of 1346.59 feet to the POINT OF BEGINNING. Containing 92.98 acres more or less.

Parcel Two

A parcel of land situated in Section 5, Township 18 South, Range 3 West, Huntsville Meridian, Jefferson County, Alabama being more particularly described as follows:

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Commence at the Southeasternmost corner of the Relocated Avenue "W" right of way as recorded in Map Book 162, Page 48 in the office of the Judge of Probate, Jefferson County, Alabama; thence run South 58 degrees 13 minutes 41 seconds East for a distance of 99.22 feet to an intersection of the southwesterly margin of a CSX right-of-way (right-of-way width: 100 feet) and the northeasterly margin of Avenue W (right-of-way width varies) and to the POINT OF BEGINNING, said POINT OF BEGINNING also being on a curve to the right having a central angle of 20 degrees 33 minutes 13 seconds, a radius of 3605.60 feet, and a chord bearing North 51 degrees 45 minutes 20 seconds East for a distance of 1286.50 feet; thence run in a northeasterly direction along said right-of-way and along the arc of said curve for a distance of 1293.42 feet; thence run North 62 degrees 00 minutes 13 seconds East along said right-of-way line for a distance of 416.09 feet; thence leaving said right-of-way line run South 01 degrees 37 minutes 06 seconds East for a distance of 274.93 feet to the north line of the Valley Creek Canal (canal width: 126 feet); thence run South 66 degrees 12 minutes 44 seconds West along said north line for a distance of 453.21 feet to a curve to the left having a central angle of 19 degrees 51 minutes 00 seconds, a radius of 637.96 feet, and a chord bearing South 56 degrees 17 minutes 14 seconds West for a distance of 219.92 feet; thence run in a southwesterly direction along said north line and along the arc of said curve for a distance of 221.02 feet; thence run South 46 degrees 20 minutes 53 seconds West along said north line for a distance of 792.41 feet to the aforementioned northeasterly right-of-way line of Avenue W; thence leaving said north line run North 52 degrees 11 minutes 37 seconds West along said right-of-way line for a distance of 30.01 feet (measured and plat) to a curve to the left having a central angle of 10 degrees 59 minutes 30 second (measured and plat), a radius of 978.73 feet (measured and plat), and a chord bearing North 57 degrees 41 minutes 22 seconds West for a distance of 187.47 feet; thence run northwesterly along said right-of-way line and along the arc of said curve for a distance of 187.76 feet (measured and plat); thence run North 63 degrees 11 minutes 07 seconds West along said right-of-way line for a distance of 36.31 feet (plat 19.73 feet) to the aforementioned southwesterly margin of a CSX right-of-way and to the POINT OF BEGINNING. Containing 8.48 acres more or less.

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

Notice is hereby given that at the aforesaid time and place parties in interest and citizens will be heard in relation to the changes set forth by said proposed ordinance.

BE IT FURTHER RESOLVED by the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, an additional insertion of a synopsis of the hereinabove proposed ordinance, one week after the first insertion, which synopsis shall refer to the date on which the proposed ordinance was first published in words and figures as follows:

SYNOPSIS OF ZONING NOTICE

Case No. ZAC2009-00001: The Council of the City of Birmingham will hold a public hearing to

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consider the adoption of an ordinance for a change in zone district boundaries from PRD, Planned Recreational District to B-3, Community Business District, filed by Tarver Consulting and Development Company, applicant, representing the owner, the City of Birmingham, for those City-owned properties comprising the Fair Park complex and generally located at 2331 Bessemer Road, and situated in the NE ¼ of Section 5, Township 18-S, Range 2-West. (35208) , commencing at 9:30 a.m. on Tuesday, May 17, 2009. Public Notice of this public hearing was first published on _____.

The resolution was read by the Deputy City Clerk, whereupon Councilmember Abbott moved its adoption which motion was seconded by Councilmember Parker, 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 resolution adopted.

Councilmember Smitherman absented herself.

Council President Pro-Tempore Witherspoon presided over the meeting in the absence of the President.

Councilmember Montgomery absented himself and did not return.

Councilmember Smitherman returned and took her seat as a Councilmember.

The following resolution was introduced by Councilmember Royal:

RESOLUTION NO. 466-09

WHEREAS, the Council of the City of Birmingham was saddened to learn of the death of **Mrs. Daisy Lee Williams Bell**; we join with family and friends, to mourn her death; and

WHEREAS, **Mrs. Daisy Lee Williams Bell** was born December 12, 1931 in Lowndes County, Alabama, one of seven children to John Van and Lillie Williams; and

WHEREAS, **Mrs. Daisy Lee Williams Bell** attended Lowndes County Training School, she also attended Alabama State University in Montgomery, Alabama; and

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WHEREAS Mrs. Daisy Lee Williams Bell was married to the late Mr. N. J. Bell for thirty years, and to this union six children were born, Linda, Eunice, Norman (deceased), Kenneth, Jerome and Lisa; and

WHEREAS Mrs. Daisy Lee Williams Bell loved to teach; she was the founder of the ABC Kindergarten School in Pratt City, teaching for twenty three years until the onset of her illness; and

WHEREAS Mrs. Daisy Lee Williams Bell was a faithful member of the Lively Hope Baptist Church since 1958. She served as a deaconess, Sunday school teacher, matron, and was member of the missionary society, choir and the Baptist Training Program.

NOW, THEREFORE, BE IT RESOLVED that the Birmingham City Council, with the Mayor concurring, that we hereby express our sincerest condolence to the family of the late **Mrs. Daisy Lee Williams Bell**.

Presented this twenty eighth day of March, Two Thousand and 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 Hoyt, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Austin, 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 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, 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.

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The following resolution was introduced by Councilmember Smitherman:

RESOLUTION NO. 467-09

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 YWCA determining that the 10th Annual Purse & Passion Luncheon that is being held Thursday, April 2, 2009, 11:30 a.m. at the Sheraton Birmingham Ballroom is a valuable and worthy event; and

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

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

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

ADOPTED this Thirty-First day of March, Two Thousand and Nine.

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

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

Nays: None

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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 Royal:

RESOLUTION NO. 468-09

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, the Zeta Phi Beta Sorority Annual Scholarship Fund scheduled for Thursday, April 15, 2009, at the Harbert Center is a valuable and worthy event; and

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

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

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

ADOPTED this Thirty-First day of March, Two Thousand and Nine.

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

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

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Ayes: Abbott, Austin, 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 Council recessed at 1:15 o'clock p.m. until 2:00 p.m.

The Council reconvened at 2:17 o'clock p.m.

Present on Roll Call:	Council President	Smitherman
	Councilmembers	Abbott
		Austin
		Hoyt
		Parker
		Royal
		Witherspoon

Absent:	Duncan
	Montgomery

Councilmember Smitherman made a motion which was seconded by Councilmember Hoyt and adopted to reconsider the Consent Agenda.

Councilmember Smitherman made a motion which was seconded by Councilmember Austin to adopted the Consent Agenda with the addition of the addendum and item number 3.

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

RESOLUTION NO. 469-09

BE IT RESOLVED by the Council of the City of Birmingham that Resolution No. 147-09, adopted by the Council February 10, 2009, be and hereby is amended as follows:

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Sadia Tejada to the City of Birmingham, Alabama, dated December 10, 2008, for an On and Off Premise Retail Beer License to be used at Lempira, 3947 Pinson Valley Parkway,

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Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

RESOLUTION NO. 470-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Sol's Sandwich Shop and Deli LLC to the City of Birmingham, Alabama, dated February 18, 2009 for a Restaurant Retail Liquor License to be used at Sol's, 2 – 20th Street North, Suite 120, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board, provided that this recommendation for grant of such license is hereby conditioned upon said applicant having or obtaining a certificate of occupancy from the Director of Planning, Engineering, and Permits for said premises no later than ninety days from the date of this action.

RESOLUTION NO. 471-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Erik Tu Trinh to the City of Birmingham, Alabama, dated February 9, 2009, for the transfer of an Off Premise Retail Beer and Table Wine License to be used at Hood Qwik Mart, 213 Dugan Avenue P.C., Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

RESOLUTION NO. 472-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Mr. P's Deli, Inc. to the City of Birmingham, Alabama, dated February 12, 2009, for the transfer of an On and Off Premise Retail Beer and Table Wine License to be used at Mr. P's Deli, Inc., 813 Shades Crest Road, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

RESOLUTION NO. 473-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by O and F LLC. to the City of Birmingham, Alabama, dated February 10, 2009, for an On and Off Premise Retail Beer License to be used at Wings Plus #6, 1680 Montclair Road, Suite 1100, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

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RESOLUTION NO. 474-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Sol Garden LLC to the City of Birmingham, Alabama, dated February 10, 2009, for an On and Off Premise Retail Beer and Table Wine License to be used at Crestwood Coffee Company, 5512 Crestwood Boulevard, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

RESOLUTION NO. 475-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Dondees After Dark, Inc. to the City of Birmingham, Alabama, dated February 3, 2009 for a Lounge Retail Liquor Class I License to be used at Mahogany Social Bar and Lounge, 1700 – 3rd Avenue W, Suite B, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board, provided that this recommendation for grant of such license is hereby conditioned upon said applicant having or obtaining a certificate of occupancy from the Director of Planning, Engineering, and Permits for said premises no later than ninety days from the date of this action.

RESOLUTION NO. 476-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by A Steak in That Place LLC. to the City of Birmingham, Alabama, dated February 3, 2009 for a Restaurant Retail Liquor License to be used at Smith's Oysters and Steaks, 1101 Dunston Avenue, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board, provided that this recommendation for grant of such license is hereby conditioned upon said applicant having or obtaining a certificate of occupancy from the Director of Planning, Engineering, and Permits for said premises no later than ninety days from the date of this action.

RESOLUTION NO. 477-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Do Dah Day, Inc. to the City of Birmingham, Alabama, dated February 3, 2009, for a Special Events License 140 to be used at Do Dah Day 2009, May 16, 2009, at Caldwell Park, 1124 – 26th Street South and Rhodes Park, 2739 Highland Court, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

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RESOLUTION NO. 478-09

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Yarbrough Festival Foodservice, Inc. to the City of Birmingham, Alabama, dated February 19, 2009, for a Special Events License 140 to be used at Magic City Art Connection, 2009, April 24-26, 2009, in Linn Park, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

The following resolution which was first introduced at the regular meeting on Tuesday, March 10, 2009 at 9:30 o'clock a.m., which was deferred to the regular meeting on Tuesday, March 24 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, March 31 at 9:30 o'clock a.m., was called by the Presiding Officer and made part of the consent agenda:

RESOLUTION NO. 479-09

WHEREAS, an application to the Council of the City of Birmingham, Alabama, for an Itinerant Junk Dealer's License has been filed with the City Clerk by Willie B. High, 4101 Park Avenue, S.W., Birmingham, AL 35221, in accordance with Title 12, Chapter 11, General Code of the City of Birmingham 1980; and

WHEREAS, said application has been recommended for approval by the Chief of Police; and

WHEREAS, the Council has heard all persons who desired to be heard on the issue relevant to the approval or disapproval of the application for said license; now therefore,

BE IT RESOLVED by the Council of the City of Birmingham that Willie B. High, 4101 Park Avenue, S.W., Birmingham, AL 35221, be and hereby is granted an Itinerant Junk Dealer's License, and that the operation of such business will be in accordance with and in compliance with the requirements of Title 12, Chapter 11 of the General Code of the City of Birmingham, 1980, and all other applicable laws, ordinances, codes, and regulations of the City, Jefferson County Board of Health, and the State of Alabama, and otherwise in a safe manner and so as not to become a nuisance or street obstruction.

The following resolution which was first introduced at the regular meeting on Tuesday, March 17, 2009 at 9:30 o'clock a.m., which was HELD OVER to the regular meeting on Tuesday, March 24 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, March 31 at 9:30 o'clock a.m., was called by the Presiding Officer and made part of the consent agenda:

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RESOLUTION NO. 480-09

WHEREAS, an application to the Council of the City of Birmingham, Alabama, for an Itinerant Junk Dealer's License has been filed with the City Clerk by Ricky Hindman, 221 Costner Street, Talladega, AL 35160, in accordance with Title 12, Chapter 11, General Code of the City of Birmingham 1980; and

WHEREAS, said application has been recommended for approval by the Chief of Police; and

WHEREAS, the Council has heard all persons who desired to be heard on the issue relevant to the approval or disapproval of the application for said license; now therefore,

BE IT RESOLVED by the Council of the City of Birmingham that Ricky Hindman, 221 Costner Street, Talladega, AL 35160, be and hereby is granted an Itinerant Junk Dealer's License, and that the operation of such business will be in accordance with and in compliance with the requirements of Title 12, Chapter 11 of the General Code of the City of Birmingham, 1980, and all other applicable laws, ordinances, codes, and regulations of the City, Jefferson County Board of Health, and the State of Alabama, and otherwise in a safe manner and so as not to become a nuisance or street obstruction.

RESOLUTION NO. 481-09

WHEREAS, an application to the Council of the City of Birmingham, Alabama, for a Junk Dealer's License has been filed with the City Clerk by Worley Brothers Scrap Iron and Metal of Alabama, LLC, 1838 Vanderbilt, Birmingham, AL 35234, in accordance with Title 12, Chapter 11, General Code of the City of Birmingham 1980; and

WHEREAS, said application has been recommended for approval by Director of Planning, Engineering Permits and the Fire and Rescue Chief; and

WHEREAS, said application received a neutral recommendation for the Chief Health Officer and no recommendation was received from the Chief of Police; and

WHEREAS, the Council has heard all persons who desired to be heard on the issue relevant to the approval or disapproval of the application for said license; now therefore,

BE IT RESOLVED by the council of the City of Birmingham that Worley Brothers Scrap Iron and Metal of Alabama, LLC, 1838 Vanderbilt, Birmingham, AL 35234, be and hereby is granted a Junk Dealer's License, and that the operation of such business will be in accordance with and in compliance with the requirements of Title 12, Chapter 11 of the General Code of the City of Birmingham, 1980, and all other applicable laws, ordinances, codes, and regulations of the City,

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Jefferson County Board of Health, and the State of Alabama, and otherwise in a safe manner and so as not to become a nuisance or street obstruction.

ORDINANCE NO. 09-42

**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 ad the same is hereby amended as follows:

<u>Fund 01 General Fund</u>			<u>Amount</u> <u>Increase/Decrease</u>
<u>Title of Appropriation</u>			
Non-Departmental			
<u>534-013</u>	Claims	\$	50,000.00
Public Works			
<u>500-001</u>	Salaries and Wages		(100,000.00)
Fire			
<u>500-001</u>	Salaries and Wages		(150,000.00)
Police			
<u>500-001</u>	Salaries and Wages		(100,000.00)
		<u>\$</u>	<u>-</u>

Recommendation by the Mayor:

I recommended the above appropriation in the amount of \$350,000.00.

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 Council of Birmingham \$350,000.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$350,000.00 provided for in the proposed ordinance.

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

RESOLUTION NO. 482-09

RESOLUTION

WHEREAS, the City of Birmingham, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on State Route 269 within the City Limits of Birmingham, in accordance with plans prepared by the Alabama Department of Transportation and designated as **Project No: BRF-0269(500) Bridge Replacement and Approaches on SR-269 over Birmingham Southern Railroad.**

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.

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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:

N/A

Please refer to: Project Notes (Sheets 2M – 2N)
Please refer to: Sequence of Construction and Traffic Control Plans (Sheets 37-44B)

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

RESOLUTION NO. 483-09

Be It Resolved by the Council of the City of Birmingham that the appointment of Bhat Environmental Associates, Inc., Birmingham, AL, in an amount not to exceed \$3,680.00, to provide asbestos related services for the Eastlake Library Project in accordance with Section 3-1-7 of the Birmingham City Code, be and the same hereby is approved, and;

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Be It Further Resolved that the Mayor is hereby authorized to execute the appointment letter on behalf of the City.

Appropriated for in FY2008 - 2009 Budget
GL Account: 129_324.527-048

RESOLUTION NO. 484-09

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

John Sterling & Edna Thompson (Assessed Owner)
Ilene P Field (Co-Owner)

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

349 Avenue E, Pratt City

in the City of Birmingham, more particularly described as:

LOT 1 FEAGINS SUB DIVISION OF HUEYS ADD TO PRATT MINES AS RECORDED IN MAP BOOK 0003, MAP PAGE 0054 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-30-1-13-5). LOT SIZE 40' X 200'

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

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

CON2007-00289

RESOLUTION NO. 485-09

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

Reginald J McGary (Assessed Owner)

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

2206 Avenue H, Ensley

in the City of Birmingham, more particularly described as:

LOTS 21 & 22 BLK 22-G ENSLEY AS RECORDED IN MAP BOOK 0904, MAP PAGE 0003 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-31-3-53-8). LOT SIZE 50' X 150'

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

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

CON2007-00290

RESOLUTION NO. 486-09

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

Willie G Sr & Adele Henry (Assessed Owner)

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

1423 19th Street, Ensley

in the City of Birmingham, more particularly described as:

LOT 5 BLK 15 FINNEY ET-AL ADD TO ENSLEY AS RECORDED IN MAP BOOK 0001, MAP PAGE 0301 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-31-4-39-6). LOT SIZE 50' X 150'

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

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

CON2008-00004

RESOLUTION NO. 487-09

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

Leon Ward (Assessed Owner)

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

3510 33rd Terrace North

in the City of Birmingham, more particularly described as:

LOTS 41 & 42 BLK 1 VULCAN CITY AS RECORDED IN MAP BOOK 0006, MAP PAGE 0009 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-18-2-4-20). LOT SIZE 50' X 110'

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

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

CON2008-00010

RESOLUTION NO. 488-09

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

Long Hoang (Assessed Owner)

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

1729 24th Street SW (Commercial Bldg)

in the City of Birmingham, more particularly described as:

LOTS 109 & 110 NABERS LD CO 2ND ADD TO COLLEGE PARK AS RECORDED IN MAP BOOK 0012, MAP PAGE 0091 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-17-4-14-21). LOT SIZE 82' X 128'

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

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

CON2008-00026

RESOLUTION NO. 489-09

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

Ronald T Barnes, Agent for Heirs of Thomas S Barnes (Assessed Owner)

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

2405 20th Street North

in the City of Birmingham, more particularly described as:

N 40 FT OF S 80 FT OF LOTS 17 THRU 20 BLK 309 NO BHAM LESS 10 FT ALLEY OFF E SIDE OF LOT 20 AS RECORDED IN MAP BOOK 0001, MAP PAGE 0111 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-23-3-1-6). LOT SIZE 40' X 90'

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

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

CON2008-00044

RESOLUTION NO. 490-09

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

Barbara Stubbs Brackett & Janatha Grant (Assessed Owner)

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

721 Omega Street

in the City of Birmingham, more particularly described as:

N 25 FT OF LOT 18 BLK 2 SUR TIDDLESVILLE HGTS AS RECORDED IN MAP BOOK 0008, MAP PAGE 0081 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-2-3-31-20). LOT SIZE 25' X 127'

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

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

CON2008-00066

RESOLUTION NO. 491-09

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

Norwood Plaza Apts LLC (Assessed Owner)

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

4101 F L Shuttlesworth Drive

in the City of Birmingham, more particularly described as:

LOT 32-A & 33-A ROSE PARK RESUR OF LOTS 32-34 BLK 1 AS RECORDED IN MAP BOOK 0066, MAP PAGE 0023 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-12-4-6-4). LOT SIZE 90' X 114.7'

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

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

CON2008-00133

RESOLUTION NO. 492-09

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

**Wachovia Cust Agt/Sass Muni V (Assessed Owner)
Conseco Financial Corp AKA Green Tree AL LLC (Co-Owner)**

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

3013 33rd Terrace North

in the City of Birmingham, more particularly described as:

LOT 2 & 3 BLK 1 HUDSON PARK AS RECORDED IN MAP BOOK 0030, MAP PAGE 0082 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-13-3-1-10.000-RR-01). LOT SIZE 54.3' X 115'

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

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

CON2008-00014

RESOLUTION NO. 493-09

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

Willie Jr & Phylanda Y Harris (Assessed Owner)

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

1437 Miles Street, Dolomite

in the City of Birmingham, more particularly described as:

LOT 103 DOLOMITE VILLAGE 4TH ADD AS RECORDED IN MAP BOOK 1007, MAP PAGE 0031 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-16-4-6-18). LOT SIZE 112' X 354'

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

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

CON2008-00027

RESOLUTION NO. 494-09

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

Kim F Parker (Assessed Owner)
Steven Ryals (Apparent Owner)

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William D Dyston (Co-Owner)

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

The Parker Company LLC

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

7809 Division Avenue

in the City of Birmingham, more particularly described as:

LOT 20 BLK 102 EAST LAKE AS RECORDED IN MAP BOOK 0001, MAP PAGE 0217 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-11-3-29-9). LOT SIZE 50' X 165'

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

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

CON2008-00034

RESOLUTION NO. 495-09

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

**Clarence & Katherine Taylor (Assessed Owner)
MTAG (Co-Owner)**

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

620 St Charles Avenue SW

in the City of Birmingham, more particularly described as:

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LOT 6 BLK 8 PRINCETON AS RECORDED IN MAP BOOK 0005, MAP PAGE 0003 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-3-2-18-12). LOT SIZE 50' X 140'

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

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

CON2008-00047

RESOLUTION NO. 496-09

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

**Archie & Sharon C Phillips (Assessed Owner)
Dewayne Pettis (Co-Owner)**

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

504 Lexington Street, Wylam

in the City of Birmingham, more particularly described as:

LOT 8 BLK 2 OAKMONT SUR AS RECORDED IN MAP BOOK 0015, MAP PAGE 0051 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-2-2-1-6). LOT SIZE 50' X 150'

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

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

CON2008-00060

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RESOLUTION NO. 497-09

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

Vincent T Hawkins (Assessed Owner)
Carolyn & Nick Holman Jr (Apparent Owner)
TLC America c/o Jeffrey Spielberger (Co-Owner)

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

1120 McMillon Avenue SW

in the City of Birmingham, more particularly described as:

LOT 19 BLK 2 WEST END LAND & IMPROVEMENT CO AS RECORDED IN MAP BOOK 0001, MAP PAGE 0038 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-4-4-18-19). LOT SIZE 50' X 190'

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

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

CON2008-00113

RESOLUTION NO. 498-09

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

Fannie Oliver (Assessed Owner)
City of Birmingham c/o Law Dept (Apparent Owner)
State of Alabama Dept of Revenue c/o Property Tax Division (Apparent Owner)

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

9417 Westfield Road

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in the City of Birmingham, more particularly described as:

LOT 16 BLK 11 PENFIELD PARK AS RECORDED IN MAP BOOK 0027, MAP PAGE 0050 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-3-1-4-4). LOT SIZE 50' X 130'

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

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

CON2008-00139

RESOLUTION NO. 499-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **30th day of March, 2004**, adopted Resolution No. **1093-04**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 13th day of May, 2004 Volume 200406, Page 9258, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$8,060.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$8,060.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

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2. That the sum of **\$8,060.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Faith Outreach for Christ, Inc.

ADDRESS: 2407 - 34th Avenue, North

LEGAL DESCRIPTION: LOT 8 & THE E 20 FT OF LOT 10 BLK 125 NO BHAM AS RECORDED IN MAP BOOK 1, MAP PAGE 111 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-4-41-6).

COST: \$8,060.00 ACCT# 6177 CON2001-00005

RESOLUTION NO. 500-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **4th day of October, 2005**, adopted Resolution No. **2632-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 9th day of November, 2005 Volume 200515, Page 4451, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$1,010.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$1,010.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

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2. That the sum of **\$1,010.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Allen Tucker
ADDRESS: 1221 Avenue G, Ensley

LEGAL DESCRIPTION: LOT 23 BLK 12-G ENSLEY LD COS 2ND ADD TO ENSLEY AS RECORDED IN MAP BOOK 4, MAP PAGE 37 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-31-1-29-11). LOT SIZE: 25 x 130

COST: \$1,010.00 ACCT# 6178 CON2002-00209

RESOLUTION NO. 501-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **16th day of November, 2004**, adopted Resolution No. **3498-04**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 27th day of January, 2005 Volume 200502, Page 0552, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$2,680.40**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

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1. That it is hereby ascertained by the Council that the sum of **\$2,680.40** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$2,680.40** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Andrew Christian
ADDRESS: 1819 - 15th Street, Ensley

LEGAL DESCRIPTION: E 1/2 LOT 16 BLK A UNIT LAND COS 1ST ADD TO ENSLEY AS RECORDED IN MAP BOOK 9, MAP PAGE 17 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-31-4-12-15). LOT SIZE: 20 x 110

COST: \$2,680.40 ACCT# 6179 CON2002-00258

RESOLUTION NO. 502-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **12th day of October, 2004**, adopted Resolution No. **3219-04**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 27th day of January, 2005 Volume 200502, Page 765, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$6,158.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$6,158.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$6,158.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Betty W. Bryant
ADDRESS: 252 - 51st Street, North

LEGAL DESCRIPTION: E 100 FT OF LOT 2 OVENS & LUSTERS SUB ESTATES AS RECORDED IN MAP BOOK 4, MAP PAGE 70 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-21-3-9-12). LOT SIZE: 50 x 100

COST: \$6,158.00 ACCT# 6180 CON2004-00018

RESOLUTION NO. 503-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **29th day of March, 2005**, adopted Resolution No. **680-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 4997, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$7,488.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$7,488.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$7,488.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: R. L. McGhee III
ADDRESS: 52 - 18th Court, South

LEGAL DESCRIPTION: LOT K & E 1/2 LOT J BLK 2 JOHN W COMMONS RESUR LOTS 1 TO 7 & LOTS 21 TO 32 BLK 2 ACE RLTY CO S 2ND ADD TO BHAM AS RECORDED IN MAP BOOK 24, MAP PAGE 50 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-11-2-18-16). LOT SIZE: 67 x 122

COST: \$7,488.00 ACCT# 6181 CON2004-00055

RESOLUTION NO. 504-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **7th day of June, 2005**, adopted Resolution No. **1139-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 4991, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$3,674.00**; and

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WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$3,674.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$3,674.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Marshall Johnson
ADDRESS: 600 Albany Street, Wylam

LEGAL DESCRIPTION: LOT 19 & N 28 FT LOT 18 BLK 1 BAILEY & CUMMINGS RESUR OF LOTS 1 & 5 & 6 BLK 2 TENN LD CO 1ST ADD TO WYLAM AS RECORDED IN MAP BOOK 14, MAP PAGE 65 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-1-2-4-17). LOT SIZE: 83.8 x 130

COST: \$3,674.00 ACCT# 6182 CON2004-00070

RESOLUTION NO. 505-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **29th day of March, 2005**, adopted Resolution No. **691-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 5009, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

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WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$10,255.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$10,255.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$10,255.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.
3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Arthur Lee Martin
ADDRESS: 2520 - 20th Avenue, North

LEGAL DESCRIPTION: E 1/2 LOT 3 BLK 8 HASKELL & MUELLER SUR AS RECORDED IN MAP BOOK 1, MAP PAGE 357 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-24-3-29-4.001). LOT SIZE: 50 x 140

COST: \$10,255.00 ACCT# 6183 CON2004-00152

RESOLUTION NO. 506-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **31st day of May, 2005**, adopted Resolution No. **1100-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 4989, and;

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WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$3,990.80**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$3,990.80** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$3,990.80** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Henry L. Crawford
ADDRESS: 3921 Mineral Avenue, SW

LEGAL DESCRIPTION: LOTS 4 & 5 BLK 37 PARK PLACE AS RECORDED IN MAP BOOK 6, MAP PAGE 74 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-19-3-51-6). LOT SIZE: 100 x 140 x 40 x 75 x 108

COST: \$3,990.80 ACCT# 6184 CON2004-00164

RESOLUTION NO. 507-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **19th day of April, 2005**, adopted Resolution No. **798-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 7th day of June, 2005 Volume 200508, Page 2293, and;

MAR 31 2009

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$10,652.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$10,652.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$10,652.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Arthur J. Farley
ADDRESS: 2925 - 30th Street, SW

LEGAL DESCRIPTION: LOTS 7 & 8 BLK 7 IND CENTER INDUSTRIAL CENTER AS RECORDED IN MAP BOOK 6, MAP PAGE 58 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-20-3-16-16). LOT SIZE: 77 x 120

COST: \$10,652.00 ACCT# 6185 CON2004-00186

RESOLUTION NO. 508-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **19th day of April, 2005**, adopted Resolution No. **799-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 7th day of June, 2005 Volume 200508, Page 2294, and;

MAR 31 2009

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$22,203.80**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$22,203.80** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$22,203.80** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.
3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Sheldon Dumas
ADDRESS: 2633 - 17th Street, Ensley

LEGAL DESCRIPTION: LOT 9 BLK B SHADYSIDE PARK ADD TO BHAM AS RECORDED IN MAP BOOK 13, MAP PAGE 31 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-32-4-18-2). LOT SIZE: 50 x 140 x 34 x 140

COST: \$22,203.80 ACCT# 6186 CON2004-00188

MAR 31 2009

RESOLUTION NO. 509-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **29th day of March, 2005**, adopted Resolution No. **698-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 5018, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$12,623.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$12,623.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$12,623.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.
3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Viking Investments LLC
ADDRESS: 2540 - 25th Street, West

LEGAL DESCRIPTION: LOT 23 BLK 72 BHAM-ENSLEY AS RECORDED IN MAP BOOK 1, MAP PAGE 245 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-5-2-14-22). LOT SIZE: 50 x 140

COST: \$12,623.00 ACCT# 6187 CON2004-00226

MAR 31 2009

RESOLUTION NO. 510-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **26th day of April, 2005**, adopted Resolution No. **871-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 23rd day of July, 2005 Volume 200510, Page 4927, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$4,106.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$4,106.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$4,106.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.
3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Johnny & Nellie Brown
ADDRESS: 1404 - 91st Street, North

LEGAL DESCRIPTION: LOT 17 BLK 3 AIRPORT ESTS 3RD ADD AS RECORDED IN MAP BOOK 27, MAP PAGE 17 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-3-2-7-66). LOT SIZE: 50 x 130

COST: \$4,106.00 ACCT# 6188 CON2004-00332

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RESOLUTION NO. 511-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **24th day of January, 2006**, adopted Resolution No. **167-06**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 17th day of May, 2006 Volume LR200608, Page 16048, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$2,960.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$2,960.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$2,960.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.
3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Ernest Lowery
ADDRESS: 513 Oakmont Street, Wylam

LEGAL DESCRIPTION: LOTS 9-10 & 11 BLK 7 ENSLEY LD COS 10TH ADD TO ENSLEY ALA AS RECORDED IN MAP BOOK 905, MAP PAGE 33 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (21-36-2-1-7). LOT SIZE: 150 x 150

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COST: \$ 2,960.00 ACCT# 6189 CON2005-00028

RESOLUTION NO. 512-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **7th day of February, 2006**, adopted Resolution No. **421-06**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 17th day of May, 2006 Volume LR200608, Page 16053, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$5,654.00**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$5,654.00** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$5,654.00** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: Rodney Young Agt for Heirs
ADDRESS: 7212 Naples Avenue

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LEGAL DESCRIPTION: LOT 4 BLK 7 EAST LAKE HGLDS AS RECORDED IN MAP BOOK 6, MAP PAGE 34 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-14-3-19-11). LOT SIZE: 50 x 140

COST: \$ 5,654.00 ACCT# 6190 CON2005-00048

RESOLUTION NO. 513-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **20th day of September, 2005**, adopted Resolution No. **2460-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 18th day of October, 2005 Volume 200514, Page 3456, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$12,886.40**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$12,886.40** was reasonably incurred as the costs of demolition of such unsafe building or structure.

2. That the sum of **\$12,886.40** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

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NAME: W M W LAND
ADDRESS: 20 - 9th Avenue West (Apt Bldg A-G)

LEGAL DESCRIPTION: LOTS 9 THRU 11 BLK 36 SMITHFIELD SMITHFIELD (NORTH) AS RECORDED IN MAP BOOK 1, MAP PAGE 149 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-34-1-26-6). LOT SIZE: 150 x 200

COST: \$ 12,886.40 ACCT# 6191 CON2005-00060

RESOLUTION NO. 514-09

WHEREAS, the Council of the City of Birmingham, Alabama, on the **9th day of August, 2005**, adopted Resolution No. **1826-05**; and recorded same in the Office of the Judge of Probate of Jefferson County, Alabama on the 18th day of October, 2005 Volume 200514, Page 3459, and;

WHEREAS, by said resolution the Council determined that the building or structure described in said resolution and further described herein, was unsafe to the extent that it was a public nuisance; and

WHEREAS, said resolution provided that the Director of Planning, Engineering and Permits was directed to cause such building or structure to be demolished; and

WHEREAS, the said building or structure has been demolished as provided by law and the costs of such demolition has been reported to the Council to be the sum of **\$12,886.40**; and

WHEREAS, notice has been given as required by law that on this date and time the council would consider a resolution fixing the costs and assessing said against the property described herein;

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

1. That it is hereby ascertained by the Council that the sum of **\$12,886.40** was reasonably incurred as the costs of demolition of such unsafe building or structure.
2. That the sum of **\$12,886.40** shall be hereby fixed as a special assessment against the property hereinafter described and that such sum shall constitute a lien upon said property for the amount of such assessment and shall continue in force until paid.

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3. That the name of the person or persons, firm, association or corporation last assessing the said property for state taxes, a description of such assessment for said costs is hereby determined, adjudged and fixed as follows, to wit:

NAME: W M W LAND
ADDRESS: 28 - 9th Avenue, West (Apt Bldg)

LEGAL DESCRIPTION: LOTS 9 THRU 11 BLK 36 SMITHFIELD (NORTH) AS RECORDED IN MAP BOOK 1, MAP PAGE 149 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-34-1-26-6). LOT SIZE: 150 x 200

COST: \$ 12,886.40 ACCT# 6192 CON2005-00058

RESOLUTION NO. 515-09

WHEREAS, the Council of the City of Birmingham, on the **16th day of October, 2007**, by Resolution No. **1688-07**, determined that the building(s) or structure(s) located at **470 4th Street North**, in the City of Birmingham is unsafe and a public nuisance and directed its demolition; and,

WHEREAS, the owner or agent of said property, **Robert M. Johnson**, has filed application for a permit to perform the necessary and required repairs to abate such nuisance and is requesting a stay in the Council's demolition order and requests authorization to conduct such repairs; however, applicant had **No** other repair permits which was/were voided due to lack of substantial repairs; and,

WHEREAS, Section 103.6.2 of the Technical Code of the City of Birmingham, 2005, requires that an applicant for a building permit shall secure the building(s) or structure(s) and remove the weeds and trash from the premises within **ten (10) days** and make substantial repairs to the building(s) or structure(s) within **thirty (30) days** from the date the permit is issued or the permit is invalid; and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that a permit may be issued to **Robert M Johnson** to conduct necessary and required repairs at **470 4th Street North**, and that the demolition directed pursuant to Resolution No. **1688-07** shall be delayed so long as a valid building permit is in effect;

BE IT FURTHER RESOLVED that if said permit is not obtained within **seven (7) days** from the date of this resolution or if the permit becomes invalid, the demolition as directed in Resolution No. **1688-07** shall proceed.

CON2006-00344

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RESOLUTION NO. 516-09

WHEREAS, the Council of the City of Birmingham, on the **3rd day of March, 2009**, by Resolution No. **302-09**, determined that the building(s) or structure(s) located at **1741 Lee Avenue SW**, in the City of Birmingham is unsafe and a public nuisance and directed its demolition; and,

WHEREAS, the owner or agent of said property, **Randolph Jenkins**, has filed application for a permit to perform the necessary and required repairs to abate such nuisance and is requesting a stay in the Council's demolition order and requests authorization to conduct such repairs; however, applicant had **No** other repair permits which was/were voided due to lack of substantial repairs; and,

WHEREAS, Section 103.6.2 of the Technical Code of the City of Birmingham, 2005, requires that an applicant for a building permit shall secure the building(s) or structure(s) and remove the weeds and trash from the premises within **ten (10) days** and make substantial repairs to the building(s) or structure(s) within **thirty (30) days** from the date the permit is issued or the permit is invalid; and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that a permit may be issued to **Randolph Jenkins** to conduct necessary and required repairs at **1741 Lee Avenue SW**, and that the demolition directed pursuant to Resolution No. **302-09** shall be delayed so long as a valid building permit is in effect;

BE IT FURTHER RESOLVED that if said permit is not obtained within **seven (7) days** from the date of this resolution or if the permit becomes invalid, the demolition as directed in Resolution No. **302-09** shall proceed.

CON2005-00104

RESOLUTION NO. 517-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Forty-Nine Thousand Nine Hundred Fifty Dollars and NO/100 (**\$49,950.00**), submitted by **BASS TILE**, 105 Chestnut Forest Circle, Helena, AL 35080 (NOT IN CITY), to **install porcelain tile on the third floor at BIRMINGHAM POLICE DEPARTMENT HEADQUARTERS BUILDING**, Birmingham, AL 35203; received by the Department of Planning, Engineering and Permits on March 26, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **102_000.600-002 [approp. FY08]**. 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.

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

RESOLUTION NO. 518-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Twenty-Eight Thousand Fifty Dollars and NO/100 (**\$28,050.00**), submitted by **COMPETITION ATHLETIC SURFACES, INC.**, 3205 North Hawthorne Street, Chattanooga, TN 37406 (NOT IN CITY), **to repair and resurface twelve (12) tennis courts at LYNN PARK**, Birmingham, AL 35203; received by the Department of Planning, Engineering and Permits on March 17, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **001_049_40200_40205.511-022**. 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 Competition Athletic Surfaces, Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. 519-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Four Hundred Ninety-Seven Thousand Two Hundred Sixty-Six Dollars and NO/100 (**\$497,266.00**), submitted by **COSTON GENERAL CONTRACTORS, INC.**, 5944 Pocahontas Road, Bessemer, AL 35022 (NOT IN CITY), **to perform the GEORGE WARD PARK TENNIS CENTER RENOVATION**, 331 16th Avenue South, Birmingham, AL 35205; received by the Department of Planning, Engineering and Permits March 19, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **PR129CP 003500 [approp. YR08] and PR129CP 002865 [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 Coston General Contractors, Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

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RESOLUTION NO. 520-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Forty-Six Thousand Four Hundred Seventy-Five Dollars and NO/100 (**\$46,475.00**), submitted by **TOMLIN EXCAVATING CO., INC.**, 625 Springdale Road, Tarrant, AL 35217 (NOT IN CITY), **for demolition and removal of hazardous material at the FORMER A.G. GASTON NURSING HOME**, Birmingham, AL 35203; received by the Department of Planning, Engineering and Permits March 19, 2009, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **PR105CP 003660 [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 Tomlin Excavating Co., Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. 521-09

BE IT RESOLVED by the Council of the City of Birmingham that the bid for and the purchase of asbestos abatement services as needed at unit prices on file in the office of the Purchasing Agent for a period of one (1) year and month to month thereafter from Montgomery Environmental, Birmingham, AL for the Planning Engineering and Permits Department, be and the same hereby is accepted and approved, this being the lowest bid submitted.

Appropriated for in FY2008-2009
G/L Account: 102_000.513-025

RESOLUTION NO. 522-09

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:

OCCUPATIONAL TAX

ID# 132633	UNIVERSITY OF ALABAMA SYSTEMS	
	ATTN: STAN ACKER DIR FIN	
	#7 PINEHURST	
	TUSCALOOSA, AL 35401	\$1,845.74

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SALES TAX

ID#	178081 R & R FIREPLACE INC AND CITY OF IRONDALE ATTN: ROY HADAWAY P.O. BOX 1747 CALERA, AL 35040-1747	\$3,370.32
	<i>TOTAL</i>	<i>\$5,216.06</i>

RESOLUTION NO. 523-09

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

Anne Forschler, Curator, Museum, New York, Berlin, Germany, 2,533.25, April 23 – May 3, 2009, to attend American Ceramic Circle Board Meeting/printing of museum book.

Peggy Washington Polk, Quality Enhancement Employee Development Division Manager, Personnel Department, Atlanta, GA, \$3,740.75, May 3 – 9, 2009, to attend Employee Relations Conference.

RESOLUTION NO. 524-09

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

Rachelle Christion, Senior Accountant, Municipal Court, San Francisco, CA, \$1,126.85, April 20-23, 2009, to attend Government Revenue Collections Association Annual Conference.

Narvella Glover, Administrative Assistant III, Municipal Court, San Francisco, CA, \$1,047.25, April 20 – 23, 2009, to attend Government Revenue Collections Association Annual Conference.

Bettye King, Court Administrator, Municipal Court, San Francisco, CA, \$1,226.85, April 20-23, 2009, to attend Government Revenue Collections Association Annual Conference.

Clara Wesley, Court Coordinator, Municipal Court, San Francisco, CA, \$1,126.85, April 20 – 23, 2009, to attend Government Revenue Collections Association Annual Conference.

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RESOLUTION NO. 525-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama that Resolution 350-09 approving One (1) Certificate of Public Necessity and Convenience to Apex Valet and Limousine Service, Inc., at 2450 Indian Lake Drive, Birmingham, Alabama 35244, to operate a Limousine Service upon the street of the City of Birmingham, and to and from any location within the City, be and is hereby rescinded;

BE IT FURTHER RESOLVED that One (1) Certificate of Public Necessity and Convenience be and is hereby granted to Apex Valet, Inc., at 2450 Indian Lake Drive, Birmingham, Alabama 35244, to operate a Limousine Service upon the streets of the City of Birmingham, and to and from any location within the City.

BE IT ALSO FURTHER RESOLVED that the said Certificate of Public Necessity and Convenience is granted subject to compliance with all laws of the City of Birmingham herefore or hereinafter enacted and is revocable by the City Council at its pleasure.

BE IT ALSO FURTHER RESOLVED that the provisions of Title 12, Chapter 16 of the General Code of the City of Birmingham, 1980, as amended, shall apply and govern the operation of the public service vehicles operated under these certificates.

BE IT ALSO FURTHER RESOLVED that the Public Service Vehicle used in this operation shall consist of one (1) bus seating sixteen (16) or more passengers automobile as defined in Title 12, Chapter 16 of the General Code of the City of Birmingham, 1980, as amended, and it shall bear a current and valid State of Alabama commercial license plate.

RESOLUTION NO. 526-09

Be It Resolved by the Council of the City of Birmingham that the appointment of Volkert & Associates, Inc., Birmingham, AL, in an amount not to exceed \$13,400.00, to provide Professional Engineering Services relating to environmental compliance concerning the modification of the Title V Air Permit at the Eastern Area Landfill, 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 FY2008 - 2009 Budget
GL Account: 001_049_40400_40499.527-050

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RESOLUTION NO. 527-09

BE IT RESOLVED that the Council of the City of Birmingham hereby requests that all businesses located in Physicians Medical Center Carraway continue to serve the North Birmingham Community by relocating their branches or offices to sites in the North Birmingham Business District. Having served the community for many years, these businesses are vital to the health and well-being of the residents of the North Birmingham Community.

BE IT FURTHER RESOLVED that the Council of the City of Birmingham understands the needs of this Community and recognizes that it will be underserved if all of the businesses located in Physicians Medical Center Carraway are allowed to relocate to other areas.

ADOPTED this Thirty-First day of March, Two Thousand and Nine.

RESOLUTION NO. 528-09

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

Carol Duncan, Councilor, City Council, Portland, OR, \$1,991.00, April 19 – 23, 2009, to attend Green Cites Conference National League of Cities.

Deontenese Guin, Councilor, City Council, Las Vegas, NV, \$971.40, May 16 – 20, 2009, to attend International Council of Shopping Centers.

Steven Hoyt, Councilor, City Council, Las Vegas, NV, \$1,192.40 – 20, 2009, to attend International Council of Shopping Centers Conference.

Ashley Lett, Committee Assistant, City Council, Las Vegas, NV, \$1,819.40, May 17 – 20, 2009, to attend International Council of Shopping Centers Conference.

Vaneatria McKinnon, Committee Assistant, City Council, Las Vegas, NV, \$1,066.20, May 16 – 20, 2009, to attend International Council of Shopping Centers Conference.

Harhonda Pinkney, Committee Assistant, City Council, Oakland, CA, \$2,402.24, April 24 – 30, 2009, to attend National Forum for Black Public Administrators.

The resolutions and ordinances introduced as consent agenda matters were read by the Deputy City Clerk, all public hearings having been announced, and unanimous consent having been previously granted, Councilmember Smitherman moved their adoption which

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motion was seconded by Councilmember Austin, and upon the roll being called, the vote was as follows:

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

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

THE FOLLOWING MATTER WAS REFERRED TO THE ADMINISTRATION, BUDGET AND FINANCE COMMITTEE:

Councilmember Hoyt made a motion which was seconded by Councilmember Witherspoon and adopted that, "A Resolution requiring all individuals, agencies, non-profits, partnerships, corporations, limited liability companies, and other groups or entities, with the exception of contracts and transactions already covered by state competitive bid laws, seeking to do business with the City, to provide services to the City, or obtain funding of any sort from the City to complete the Transparency in City Government Disclosure Form prior to entering into any contract or agreement with or accepting any appointment or funds from the City", be referred to Administration, Budget and Finance Committee.

ALL OTHER MATTERS WENT OVER

Upon motion by the Presiding Officer, the Council adjourned at 2:21 o'clock p.m.

Approved: September 22, 2009.

Carole Smitherman /s/
PRESIDENT OF THE COUNCIL

Carole Smitherman /s/
Printed Name

Lee Frazier /s/
DEPUTY CITY CLERK

Lee Frazier /s/
Printed Name

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APPROVED AS TO FORM:

Thomas Bentley III /s/
ACTING CHIEF ASSISTANT CITY ATTORNEY

Thomas Bentley III /s/
Printed Name

NOTE: The following matters were withdrawn:

A Resolution revoking the Junk Dealer's Permit issued to Bagwell Auto, Inc., 3540 – 4th Street West, Birmingham, AL 35207.

A Resolution revoking the Junk Dealer's Permit issued to Standard Iron and Metal, 1933 Vanderbilt Road, Birmingham, AL 35234.