

**REGULAR MEETING OF THE COUNCIL
OF THE CITY OF BIRMINGHAM
DECEMBER 1, 2009, at 9:30 A.M.**

The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on December 1, 2009, at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend Timothy J. Woods, Sr., Pastor of Hopewell Missionary Baptist Church

The Pledge of Allegiance was led by Councilmember Johnathan Austin.

Present on Roll Call:	President Pro Tem Councilmembers	Hoyt Abbott Austin Parker Rafferty Roberson Scales Smitherman
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Absent:	None
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Interim Mayor Royal announced that he was working on a Plan of Action for the incoming Mayor.

The Announcement of Boards and Agencies Expirations for the month of January 2010 were read by the City Clerk.

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

Councilmember Abbott made a motion to suspend the rules to add Judge Pearson to the speakers list which motion was seconded by Councilmember Austin, and adopted.

Bettie Clayton – 2116 6th Place West – appeared relative her to community.

Juandalynn Givan – 1527 5th Avenue North – appeared relative to announcing that NAACP will be holding a candidate’s forum.

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Anna Brown – 3115 24th Street North – appeared relative to encouraging everyone to go out and vote next Tuesday.

Bishop Calvin Woods - President of the Southern Christian Leadership Conference appeared relative to asking everyone to continue to pray for former Mayor Larry Langford and to announce that a rally will be held December 5, 2009 at 12 noon in Kelly Ingram Park in support of the healthcare initiative.

Gregory Coleman - 20 Woodbrook Road – appeared relative to property located at 4233-46th Avenue North on which the City installed a pipe, causing this property to have flooding at this address.

Robert Walker declined to speak.

Willie Jenkins 4008 -29th Street North – appeared relative to the upcoming Church Anniversary at Oakstreet Baptist Church and the upcoming Christmas program.

Gilbert Klein 3517 Hickory Avenue SW – appeared relative to encouraging the new Council members and the need for implementation of the Disparity Study.

Tracey Muhammad 709 – 81st Place South, Executive Directive of Supreme Youth Academy – appeared relative to announcing that the academy is holding a fundraiser December 3rd at the Boutwell Auditorium, including a workshop for single mothers raising young males.

Councilmember Abbott made a motion to suspend the rules to allow Judge Pearson to speak which motion was seconded by Councilmember Smitherman and adopted.

Judge Pearson appeared relative to the clarity on the ability of Acting Mayor Royal to participate in the vote held last week.

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

**Case No. SUB 2009-00007
RESOLUTION NO. 1779-09**

WHEREAS, there has been exhibited to this Council a duly acknowledged Declaration of Vacation executed by TECO, Inc. (Bill Arnwine, President), being the owner, and the reading in part as follows:

KNOW ALL MEN BY THESE PRESENT, that the undersigned, TECO, Inc. (Bill Arnwine, President), owner of all lands abutting the portion of public way or ways hereinafter

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declared vacated, do hereby declare vacated and divested out of the public the portion or portions of unopened public way or ways described as follows, to-wit:

Unimproved part of 17th Street, located between 22nd Street North and 21st Street North described as follows:

Begin at the NE Corner of Block 373, according to the Resurvey of North Birmingham Land Company's Survey as recorded in Map Book 53, Page 09, in the Probate Office of Jefferson County, Alabama; thence Northeasterly along the east right of way of 22nd Avenue North for a distance of 60.0 feet; thence 89°55' right along the right of way for 17th Street for a distance of 300.24 feet to a point on the right of way of 21st Avenue North; thence 89°54' right and along said right of way for a distance of 60.0 feet; thence 89°54' right and along the boundary of said Block 373 for a distance of 300.22 feet and the Point of beginning. Said Parcel contains 18,013.7 square feet or 0.414 acres more or less.

Unimproved alley way located within Block 372 of said North Birmingham Land Company's Survey described as follows:

Commence at the NE Corner of Block 373, according to the Resurvey of North Birmingham Land Company's Survey as recorded in Map Book 53, Page 09, in the Probate Office of Jefferson County, Alabama; thence Northeasterly along the east right of way of 22nd Avenue North for a distance of 60.0 feet; thence 89°55' right along the right of way for 17th Street for a distance of 140.75 feet the point of beginning; Thence left 89°55' for a distance of 399.96' to a point on the right of way of 18th Street North; thence 90°0' right and along said right of way for 20.0 feet; thence 90°0' right and run 399.96 feet; thence 89°55' right and run 20.0 feet to the point of beginning. Said Parcel contains 7,999.2 square feet or 0.184 acres more or less.

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that under the provisions of Act 785 of 1982 the right-of-way vacation fee has been set at \$11,965.93.

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Case No. SUB 2009-00051
RESOLUTION NO. 1780-09

WHEREAS, there has been exhibited to this Council a duly acknowledged Declaration of Vacation executed by Sherry Tobia, being the owner, and the reading in part as follows:

KNOW ALL MEN BY THESE PRESENT, that the undersigned, Sherry Tobia, owner of all lands abutting the portion of public way or ways hereinafter declared vacated, do hereby declare vacated and divested out of the public the portion or portions of unopened public way or ways described as follows, to-wit:

A 20 foot wide alley located in Block 169 according to the Present Plan and Survey of the City of Birmingham, as made by the Elyton Land Company, situated in Jefferson County, Alabama more particularly described as follows: From the Northwest Corner of said Block 169, also being the Northwest Corner of Lot 10 run Southeasterly along the Westerly line of said Lot 10 a distance of 190.02 feet to the Point of Beginning; thence continue in a straight line a distance of 20.00 feet; thence left 90°01'05" a distance of 400.09 feet; thence left 89°56'48" a distance of 20.00 feet; thence left 90°03'12" a distance of 400.11 feet to the Point of Beginning of said alley. Said alley contains 8,002 square feet or 0.18 acres more or less.

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

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

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

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

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

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best interest of the public that the above described public way or ways or portions thereof be vacated.

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

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

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

BE IT FURTHER RESOLVED that under the provisions of Act 785 of 1982 the right-of-way vacation fee has been set at \$44,891.22.

ORDINANCE NO. 09-171
AN ORDINANCE TO FURTHER AMEND
THE CAPITAL FUND BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund Budget for the fiscal year ending June 30, 2010, be and the same is hereby amended as follows:

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<u>Title of Appropriation</u>		<u>Amount</u>
<u>Fund 129 2007-A Bond Fund</u>		<u>Increase/Decrease</u>
<u>Appropriation</u>		
<u>PR129CP 003505</u>	Pool Rehabilitation Program	\$ (8,500.00)
<u>PR129CP 002865</u>	Tennis Court Rehab Program	8,500.00
		<hr/>
		\$ -

Recommendation by the Interim Mayor:

I recommend the above appropriation in the amount of \$8,500.00.

Respectfully,
Roderick V. Royal /s/
Roderick V. Royal
Interim Mayor

Certification of the Deputy Director of Finance:

I hereby certify that there is available in the Capital Fund Budget of the City of Birmingham \$8,500.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$8,500.00 provided for in the proposed ordinance.

Respectfully,
Henry Young/s/
Henry Young, III
Deputy Director of Finance

ORDINANCE NO. 09-172

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

WHEREAS, on or about May 15, 1985, the City acquired the property described below (the Property) at its sale of such Property upon the failure of the property owner to pay a municipal improvement assessment; and

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

WHEREAS, Section 3-1-4(c) of the General Code of the City of Birmingham of 1980, as amended, authorizes the Deputy Director of Finance to investigate the circumstances resulting in

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the conveyance of the Property to the City and to recommend to the City Council a purchase of the Property for a consideration not less than the amount of the original assessments, plus costs, fees and interest thereon at the rate of six percent (6%) per annum; and

WHEREAS, the FANNIE MAE/a/k/a Federal National Mortgage Association, has requested to purchase the City's interest in the Property and the Deputy Director of Finance has investigated the circumstances resulting in the conveyance of the Property to the City and recommends that the FANNIE MAE/a/k/a Federal National Mortgage Association be allowed to purchase the Property for the amount of \$592.20, which represents the total amount of the original assessments plus costs, fees and interest thereon at the rate of six percent (6%) per annum.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that the Mayor be and hereby is authorized to execute, on behalf of the City of Birmingham, a Quit Claim Deed and Redemption Deed conveying the Property to the designated grantee upon payment of the amount of \$592.20 to the City within ninety (90) days of City Council approval.

NAME OF GRANTEE	PROPERTY DESCRIPTION	AMOUNT
FANNIE MAE/a/k/a Federal National Mortgage Association	7100 6 th Avenue South Lot 1 East Gate MB 0006 Page 0068 P.I.D. 23-15-4-17-5 as recorded in The Office of the Judge of Probate, Jefferson County Account 55894	\$592.20

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

RESOLUTION NO. 1781-09

WHEREAS, the City of Birmingham (the "City") enthusiastically supports and encourages economic development within the City in order to develop a solid and diverse local economy, to increase employment opportunities in the City, to broaden the City's tax base, and to increase revenues, which enable the City to provide necessary and improved services to the citizens of the City, thereby improving the quality of life of its citizens; and

WHEREAS, Amendment No. 772 to the Constitution of Alabama (1901) (Section 94.01(a)(3) of the Recompiled Constitution of Alabama and hereinafter referred to as "Amendment No. 772"), authorizes the City to lend its credit to or grant public funds and things of value in aid of or to any corporation or other business entity for the purpose of promoting the economic development of the City; and

WHEREAS, pursuant to Ordinance No. 08-191, the City Council created the City of Birmingham Economic Development Stimulus Loan Program (the "Economic Development

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Loan”) in order to make financing available in the form of short term, low interest, bank-guaranteed loans to stimulate economic development while minimizing the risk to the City; and

WHEREAS, Montclair Retail, LLC, a limited liability company, seeks to redevelop property located at 1533 Montclair Road, Birmingham, Alabama, the former Bruno’s grocery property at the southwest corner of Montclair Road and Oporto-Madrid Boulevard (the “Property”); and

WHEREAS, Montclair Retail, LLC has made a request to the City of Birmingham for financial assistance to redevelop the Property into three additional freestanding retail buildings for use as two quick service restaurants and a coffee shop/ice cream parlor and to convert the former grocery store building into a retail climate controlled storage facility (the “Project”); and

WHEREAS, the Project is expected to facilitate the retention of 20 jobs and create 100 new jobs; and

WHEREAS, the City is desirous of having Montclair Retail, LLC undertake the Project and is willing to extend an Economic Development Loan, in the amount of \$1,000,000.00 for a term of two years at an interest rate of 2.5% per annum and which is backed by an irrevocable direct pay letter of credit, to Montclair Retail, LLC for the purpose of inducing Montclair Retail, LLC to undertake the Project; and

WHEREAS, the City finds that it is necessary, proper and in the public interest, in accordance with Amendment No. 772, that the City should enter into an Economic Development Loan Agreement with Montclair Retail, LLC (the “Loan Agreement”) pursuant to which the City will provide financial assistance in an amount not to exceed \$1,000,000.00 in connection with the Project; and

WHEREAS, the Council of the City of Birmingham finds that the public benefits sought to be achieved and the public purpose to be served by the proposed authorization, execution and delivery of the Loan Agreement and the City’s financial assistance to be provided pursuant thereto are the promotion of local economic development and the stimulation of the local economy, increasing employment opportunities in the City, increasing the City’s tax base, which will result in additional tax revenues for the City, and promoting the location, expansion and retention of business enterprises in the City, inuring to the economic health of the City; and

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

WHEREAS, the City finds that the City’s inducements will promote the economic development of the City and, accordingly, are for a public purpose and are authorized by and consistent with Amendment No. 772; and

WHEREAS, as required under Amendment No. 772, at least seven days prior to the public

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meeting at which this Resolution was adopted, the City published notice in The Birmingham News, the newspaper having the largest circulation in the City of Birmingham, concerning the proposed action of the Birmingham City Council to approve the Loan Agreement with Montclair Retail, LLC; and

WHEREAS, for purposes of the Amendment No. 772, Montclair Retail, LLC is the business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or things of value.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that the Acting Mayor be and hereby is authorized to execute, for and as the act of said City, an Economic Development Loan Agreement with Montclair Retail, LLC, in substantially the same form as on file in the Office of the City Clerk, under which the City will provide an interim two-year loan at 2.5% interest per annum in an amount of One Million and No/100 Dollars (\$1,000,000.00), backed by an irrevocable direct-pay letter of credit of One Million and No/100 Dollars (\$1,000,000.00) plus interest, to Montclair Retail, LLC in connection with Montclair Retail, LLC's completion of the redevelopment of property located at 1533 Montclair Road, Birmingham, Alabama, the former Bruno's grocery property at the southwest corner of Montclair Road and Oporto-Madrid Boulevard.

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

RESOLUTION NO. 1782-09

BE IT RESOLVED by the Council of the City of Birmingham that the agreement with Urban Ministry, Inc., Birmingham, AL, for fiscal year ending June 30, 2010, renewable annually subject to funds availability, in the amount of \$60,600.00, to provide spiritual and character development, encourage academic achievement, and offer various enrichment activities Monday – Thursday from 3:00-6:00 pm during the school year, provide field trips and enrichment activities throughout the year, offer summer Day Camp, implement its Community Kitchen to help low and very low-income persons stretch their financial resources, provide full service mission camp for junior high, high school, college-aged, and older persons, educate youth about gardening, provide better food security by encouraging gardening in the neighborhood, encourage healthy eating practices, teach organic gardening and provide extra vegetables for the children to sell, provide utility and rent assistance once per year to eligible clients through Emergency Care program, provide Christmas assistance to approximately 350 children and 200 senior citizens through the Emergency Care program, and provide case management services to eligible clients age 60 and over, be and the same hereby is approved, and;

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

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RESOLUTION NO. 1783-09

BE IT RESOLVED by the Council of the City of Birmingham that the appointment of Birmingham Sister City Commission, Birmingham, AL, in an amount not to exceed \$16,800.00/year, renewable annually subject to funds availability, to coordinate and implement the City's Sister City program during the fiscal year 2010, 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.

RESOLUTION NO. 1784-09

BE IT RESOLVED that the Council of the City of Birmingham hereby appoints Y-Catering to provide food, drinks, and paper goods for the District 4 Holiday Festival that is being held December 3, 2009 at Shields Conference Center.

BE IT FURTHER RESOLVED that the Interim Mayor is authorized to execute the discretionary contract.

ADOPTED this First day of December, Two Thousand and Nine.

RESOLUTION NO. 1785-09

BE IT RESOLVED by the Council of the City of Birmingham that Resolution No. 1720-09, adopted by the Council November 17, 2009, which assessed properties throughout the City for the abatement of noxious or dangerous weeds, be and hereby is amended to change the following property account number 90676 due to a typing error.

#528 \$579.60 1224 28th St N 22-25-1-12-11.000-RR ----Account No. 90698
Reason: Assessed in error

RESOLUTION NO. 1786-09

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

Birmingham 3 Phase Electric (Assessed Owner)
Gamel Land Inc. (Assessed Owner)
Phil Limbaugh (Apparent Owner)

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

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2900 (A-B-C) Richard Arrington Jr., Blvd. North

in the City of Birmingham, more particularly described as:

LOT 3-A CONSUMER GUARANTY RESUR OF A RESUR OF LOT 1-A OF A RESUR OF PT OF LOTS 5 & 6 BLK 613 & PT OF LOT 8 BLK 614 BHAM & A PORTION OF 29TH ST NO PB 183 PG 26 AS RECORDED IN MAP BOOK 0183, MAP PAGE 0026 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-25-1-28-5.001). LOT SIZE 305'X140'X157.6'X73.7'X205'

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.

RESOLUTION NO. 1787-09

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

NTAC (Assessed Owner)

Amos Hall Jr. (Co-Owner)

Strategic Municipal Servicing Corp. (Apparent Owner)

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

2001 33rd Avenue North

in the City of Birmingham, more particularly described as:

LOT 9 & W 1/2 LOT 10 BLK 149 NORTH BHAM AS RECORDED IN MAP BOOK 0001, MAP PAGE 0111 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-3-25-6). LOT SIZE 50'X140'

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.

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RESOLUTION NO. 1788-09

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

Earl Bell (Assessed Owner)
Curtis Bell (Assessed Owner)

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

Southern Atlantic Financial Services Inc. (Mortgagee)

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

913 5th Street, Pratt City

in the City of Birmingham, more particularly described as:

LOT 2 BLK #1 E G FIELDS AS RECORDED IN MAP BOOK 0003, MAP PAGE 0002 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-29-3-4-1). LOT SIZE 50'X118'

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.

RESOLUTION NO. 1789-09

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

Herman M E Mitchell (Assessed Owner)

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

3213 32nd Street North

in the City of Birmingham, more particularly described as:

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LOT 4 BLK 5 WAGENSLER ADD TO NORTH BHAM AS RECORDED IN MAP BOOK 0006, MAP PAGE 0080 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-13-4-11-4). LOT SIZE 46.4'X140'

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.

RESOLUTION NO. 1790-09

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

Ben & Brenda D. Bogan (Assessed Owner)

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

411 Court E, Pratt City

in the City of Birmingham, more particularly described as:

LOT 2 BLK 2 HUEY PARKER & BARKER AS RECORDED IN MAP BOOK 0001, MAP PAGE 0349 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-30-1-18-3.001). LOT SIZE 50'X138'

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.

RESOLUTION NO. 1791-09

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:

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SALES TAX

ID# 199161 SMT LLC
ATTN TOMAS SARABIA
217 GADSDEN HWY
BIRMINGHAM, AL 35235 \$1,302.63

TOTAL ***\$1,302.63***

RESOLUTION NO. 1792-09

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:

Menisha Baldwin, Senior Revenue Examiner, Finance Department, Auburn, AL, \$505.92, December 9 – 14, 2009, to attend Alabama Municipal Revenue Examiners Conference.

Joan Moffett, Revenue Examiner, Finance Department, Auburn, AL, \$505.92, December 9 – 14, 2009, to attend Alabama Municipal Revenue Examiners Conference.

RESOLUTION NO. 1793-09

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

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

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

1	23-15-3-31-06.000-RR	6611 DIVISION AVE 35206	LOT 14 BLK 2-C EAST WOODLAWN
2	29-06-2-26-03.000-RR	2609 AVENUE I 35218	LOTS 5 & 6 BLK 26-I ENSLEY 5TH ADD
3	29-16-4-08-07.000-RR	1812 16TH ST SW 35211	LOT 4 BLK 27 MASON CITY

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4	23-14-3-16-11.002-RR	925 73RD ST S 35206	LOT 2-A BLK 6 RESUR OF LOTS 1 & 2 BLK 6 EAST LAKE HIGHLANDS PB 213 PG 32
5	23-18-1-13-04.000-RR	3831 39TH AVE N 35217	LOT 23 BLK 2 HIGH CLIFF LD CO ADD TO BOYLES
6	29-01-3-15-07.000-RR	1413 10TH ST S 35205	N 37 FT OF LOT 4 T V WALTER & A M ROBERTSON SUR
7	23-15-1-28-12.000-RR	7306 DIVISION AVE 35206	LOT 3 BLK 18 EAST LAKE
8	23-15-1-27-10.000-RR	7300 1ST AVE S 35206	LOT 1 BLK 11 EAST LAKE
9	23-17-2-16-21.000-RR	4036 39TH AVE N 35212	LOT 22 BLK 9 INGLENOOK REALTY CO SUR OF BOYLES HG
10	23-08-4-02-30.000-RR	4321 46TH ST N 35217	LOTS 62+63 BLK 4 HUDSON CITY
11	23-08-4-02-24.000-RR	4417 46TH ST N 35217	LOT 46 BLK 4 HUDSON CITY LOT 47 & 48 BLK 4 HUDSON
12	23-08-3-21-10.000-RR	4405 42ND ST N 35217	LOT 2 BLK 6 MOUNTAIN PARK 7/25
13	23-07-4-07-20.000-RR	4342 PULASKI ST 35217	LOT 11 BLK 5 BOYLES PARK
14	23-18-1-12-09.000-RR	3913 39TH AVE N 35217	LOT 21 BLK 9 OAKVIEW
15	23-20-4-13-05.000-RR	825 50TH ST N 35212	LOT 5 BLK 6 WOODLAWN RLTY CO'S 1ST ADD
16	29-16-4-08-08.000-RR	1808 16TH ST SW 35211	LOT 3 BLK 27 MASON CITY
17	23-21-3-03-51.000-RR	122 54TH ST N 35212	LOT 4 BLK 1 WOODLAWN RLTY COS 2ND ADD TO WOODLAWN
18	13-33-4-15-37.000-RR	2045 CUNNINGHAM AVE 35217	LOTS 12 THRU 14 BLK 15 NORTH LANE PARK
19	13-14-4-03-02.000-RR	928 SUN VALLEY RD 35215	LOT 17 BLK 18 REDSTONE LAND & DEVELOPMENT COS 6TH ADD TO THE
20	13-14-1-00-15.016-RR	1068 ALICIA DR 35215	LOT 4 BLK 3 SUNVIEW ACRES
21	13-14-1-00-15.020-RR	1052 ALICIA DR 35215	LOT 21 BLK 1 SUNVIEW ACRES
22	23-02-3-15-12.000-RR	8704 2ND AVE N 35206	LOTS 36+37 BLK 16 ARDEN PARK
23	13-34-1-00-13.021-RR	121 HARVILL LN 35217	LOT 4 BLK 2 BEVERLY HILLS EAST 2ND SECTOR PB 183 PG 35
24	13-35-2-07-04.001-RR	1049 WALKER AVE 35217	LOTS 17 THRU 20 BLK 1 MAPLE GROVE 3RD ADD
25	22-12-3-04-84.000-RR-01	4514 30TH PL N 35207	LOTS 14 THRU 16 BLK 2 LINCOLN HEIGHTS PB 15 PG 68
26	22-12-3-04-81.000-RR	4506 30TH PL N 35207	LOT 18 BLK 2 LINCOLN HEIGHTS
27	22-12-3-04-82.000-RR	4508 30TH PL N 35207	LOT 17 BLK 2 LINCOLN HEIGHTS
28	22-12-3-12-12.000-RR	4216 29TH ST N 35207	LOT 5 & S 16 FT LOT 6 BLK 4 MOUNTAIN VIEW ADD TO N
29	22-12-3-12-13.000-RR	4220 29TH ST N 35207	N 34 FT LOT 6 BLK 4 MOUNTAIN VIEW ADD TO N BHAM
30	29-09-4-20-35.000-RR	1300 16TH ST SW 35211	N 1/2 OF LOTS 1 THRU 3 BLK 1 TODD & FEAGIN 1/105
31	29-06-2-40-10.000-RR	1446 27TH ST 35218	SE 150 FT OF LOT 6 BLK 3 ENSLEY LD COS 11TH ADD
32	30-02-1-31-08.000-RR	4308 9TH AVE 35224	LOT 9 BLK 12 PRATT LAND & IMPROVEMENT CO
33	22-13-4-05-14.000-RR	3324 33RD ST N 35207	LOT 14 BLK 3 WAGENSLERS ADD TO NORTH BHAM
34	22-30-1-15-03.000-RR	405 3RD WAY 35214	POB 300 FT W OF THE S INTER OF AVE E & 3RD WAY LANE TH W 50 FT ALG 3RD WAY LANE TH S 72 FT TH E 50 FT TH N 72 FT TOPOB CONTINUED
35	23-22-2-10-06.000-RR	6501 2ND AVE S 35212	LOT 14 BLK 4-D EAST WOODLAWN
36	23-22-2-11-07.000-RR	117 65TH ST SOUTH 35212	LOT 1 BLK 3-D EAST WOODLAWN

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37	28-01-1-11-02.000-RR	776 OAK ST 35210	LOT 124 OVERTON LAND COS OVERTON NO 2 SUBDIVISION
38	30-35-2-20-02.000-RR	6101 IVY ST 35020	LOT 16 BL 29 BREWER PLACE
39	29-04-2-46-04.003-RR	SIDE IF 7 15TH ST W 35000	LOT 3 DIGIORGIOS RESURVEY PB 209 PG 93
40	29-08-74-22-03.007-RR	709 18TH WAY SW 35211	LOT 12 OAKWOOD SQUARE 152/26
41	29-20-1-10-02.000-RR	2315 ISHKOODA RD 354211	LOTS B THRU F BLK 1NABERS LAND COS 6TH ADD TO COLL
42	29-20-1-10-03.000-RR	2343 ISHKOODA RD 35211	LOTS G & H BLK 1 NABERS LAND COS 6TH ADD TO COLLEGE PARK
43	29-20-1-10-04.000-RR	1857 ISHKOODA LN 35211	LOTS J THRU N BLK 1 NABERS LAND COS 6TH ADD TO COL
44	29-20-1-10-05.000-RR	2365 ISHKOODA RD 35211	LOT O BLK 1 NABERS LD COS 6TH ADD TO COLLEGE PARK
45	12-06-1-00-75.000-RR	2 lots from 281MARTIN DR 35215	LOT 4 MARTINWOOD GARDEN HOMES PHASE I 200/91
46	30-02-1-21-12.000-RR	4608 8TH AVE 35224	LOTS 13 & 14 BLK 8 RESUR OF ADLER WEAVER
47	30-02-1-05-03.000-RR	4617 5TH AVE 35224	LOT 5 BLK 2 RESUR OF ADLER WEAVER
48	23-26-3-05-07.000-RR	0 NO ADDRESS 35000	LOT 4 2ND AMENDED PLAT OF EAST WOOD VILLAGE 225/29 BEING A RESUR OF AMENDED SURVEY OF EASTWOOD
49	22-30-1-15-02.000-RR	409 3RD WAY LN 35214	N 1/2 OF E 1/2 LOT 3 BLK 4 HUEYS ORIGINALSUB LESS THE N 10 FT FOR RD ROW
50	22-30-1-15-04.000-RR	355 AVENUE D 35214	POB 350 FT W OF THE S INTER OF AVE E & 3RD WAY LANE TH W 50 FT ALG 3RD WAYLANE TH S 72 FT TH E 50 FT TH N 72 FT TO POB
51	23-02-3-19-04.000-RR	8623 2ND AVE N 35206	LOTS 13 & 14 BLK 4 ARDEN PARK
52	23-15-2-01-52.000-RR	6521 41ST AVE N 35206	LOT 33 DELMAR TERRACE
53	28-01-1-08-07.003-RR	801 OAK ST 35210	PT LOT 128 OVERTON LAND COS OVERTON #2 SUB 35/1 DESC AS:BEG MOST SLY COR SD LOT 128 TH NE 92 FT TH NW 355 FT TH SW 92 CONTINUED
54	28-01-4-02-03.000-RR	852 OAK ST 35210	LOT 134 OVERTON LD COS OVERTON SUB #2
55	28-01-1-11-10.000-RR	781 WALNUT ST 35210	LOT 159 OVERTON LAND COS OVERTON NO 2 SUBDIVISION
56	29-12-2-07-04.001-RR	NEXT TO 1705 CULLOM ST S 35000	COM SE INTER 17TH AVE S & CULLOM ST TH S 153 FT TO POB TH CONT S 40 FT TH E 132 FT TH N 40 FT TH W 132 FT TO POB
57	13-36-4-12-06.000-RR	668 CAMP CIR 35215	LOT 10 ROEBUCK CREST ESTS
58	23-07-3-10-28.000-RR	3642 42ND AVE N 35207	LOT 16 BLK 8 M A HINES 1ST ADD TO HARRIMAN PARK
59	23-07-3-07-16.000-RR	3536 43RD AVE N 35207	LOT 24 BLK 3 HARRIMAN PARK
60	23-07-3-07-13.000-RR	3524 43RD AVE N 35207	LOT 27 BLK 3 HARRIMAN PARK
61	23-07-3-11-11.000-RR	3513 43RD AVE N 35207	LOTS 10 & 11 BLK 4 HARRIMAN PARK
62	23-07-3-04-05.000-RR	4505 36TH PL N 35207	LOT 2 BLK 1 M A HINES 1ST ADD TO HARRIMAN PARK
63	29-04-2-35-10.000-RR	1324 1ST AVE W 35204	LOT 2 BLK 18 COMPTON RISING
64	29-04-2-39-01.000-RR	1401 1ST AVE W 35204	LOTS 7 & 8 BLK 2 COMPTON RISING
65	29-04-2-35-09.000-RR	107 14TH ST W 35204	LOT 1 BLK 18 COMPTON RISING
66	22-23-3-19-07.000-RR	2207 16TH ST N 35204	S 15 FT OF LOT 11 & N 10 FT OF LOTS 12 & 13 BLK 353 NORTH BHAM
67	30-02-3-05-18.000-RR	1200 SEATTLE ST 35224	LOT 18 PIKES ADD TO MINNIEVILLE

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68	30-35-2-13-01.000-RR	6001 PRATT ST 35228	LOT 16 BL 25 BREWER PLACE
69	30-35-2-19-05.000-RR	2211 LANE ST 35020	LOT 5 BL 1 HUDSON GROVE
70	23-15-1-21-13.000-RR	7422 1ST AVE S 35206	LOT 6 BLK 10 EAST LAKE
71	23-15-4-26-09.000-RR	7001 1ST AVE S 35206	LOT 18 BLK 1 EAST LAKE
72	21-36-2-08-03.000-RR	2817 JACKSON ST 35224	LOT 8 BLK A JAKE JACKSON SUR
73	23-15-3-14-01.000-RR	6825 1ST AVE S 35206	LOT 12 BLK 3-A EAST WOODLAWN
74	29-04-4-10-15.000-RR	417 11TH ST SW 35211	P O B 150 FT N W OF THE N INTE R OF FULTON AVE S W & S W 11TH ST TH N W 40 FT ALONG S W 11T H ST TO ALLEY TH N E 130 FT AL CONTINUED
75	23-02-3-12-08.000-RR	8611 4TH AV N 35206	LOT 18 BLK 18-C EAST LAKE LD COS 1ST ADD TO EAST LAKE
76	23-02-3-12-12.000-RR	8601 4TH AVE N 35206	LOT 22 BLK 18-C EAST LAKE LD COS 1ST ADD TO EAST L
77	23-15-2-01-50.000-RR	6529 41ST AVE N 35206	LOT 35 DELMAR TERR
78	23-15-2-01-51.000-RR	6525 41ST AVE N 35206	LOT 34 DELMAR TERR
79	23-15-2-01-54.000-RR	6513 41ST AVE N 35206	LOT 31 DELMAR TERRACE
80	30-25-3-12-02.000-RR	5405 WATSON AVE 35221	LOTS 31-32 BL 4 DOWNEYS 1ST ADD TO HILLMAN
81	23-15-3-14-03.000-RR	6817 1ST AVE S 35206	LOT 14 BLK 3-A WALKER LD CO ADD TO EAST WOODLAWN
82	21-36-2-08-02.000-RR	2813 JACKSON ST 35224	LOT 9 BLK A JAKE JACKSON SUR
83	22-24-3-18-09.000-RR	2708 19TH AVE N 35234	E 52 FT LOT 2 BLK 18 HASKELL & MULLERS
84	23-14-3-30-11.000-RR	753 70TH PL S 35206	LOT 14 BLK 5 HAWKINS ADD TO GATE CITY 6/25
85	22-24-3-02-05.000-RR	2909 NORWOOD BLVD 35234	P O B 300.4 FT SW OF SW INTER NORWOOD BLVD & 30TH ST N TH SW
86	29-30-2-16-10.000-RR	4224 GEORGE AVE SW 35221	LOT 10 BL 14 BEARDENDALE ADD
87	22-32-4-07-07.000-RR	2606 16TH ST 35208	LOTS 14 15 16 17 & 18 BLK 3 ENSLEY TERRACE LESS I-59 R/W
88	29-10-3-00-06.003-RR	IN FRONT OF1721 DENNISON DR 35000	LOT 3C BLK 2 RESURVEY OF LOTS 2 & 3 & 4 BLK 2 HERITAGE TOWNE CENTRE SUB 168/80
89	23-21-3-10-21.000-RR	5104 1ST AVE N 35212	LOT 6 BLK 1 MONTGOMERY & PARKS SURVEY
90	30-02-4-02-15.000-RR	1226 FRISCO ST 35224	LOTS 12 13 14 AND S 3 FT OF LEGAL 2 LOT 11 BLK 1 ANDREW BURGIN SUR
91	22-24-4-21-27.000-RR	1314 32ND AVE N 35234	N 60 FT OF SE 1/4 OF BLK 676 BHAM
92	22-25-2-27-04.000-RR	1500 WALNUT HILL CIR 35234	LOT 19 AND A STRY OF LAND 4 FT WIDE OFF OF S SIDE
93	23-19-4-13-04.000-RR	819 39TH ST N 35222	LOT 15 BLK 7 EAST BHAM
94	23-19-4-13-03.000-RR	823 39TH ST N 35222	LOT 14 BLK 7 EAST BHAM
95	23-19-4-09-09.000-RR	1104 COOSA ST 35234	LOT 2 BLK 45 EAST BHAM
96	23-19-4-25-16.000-RR	800 37TH PL N 35222	LOT 1 BLK 10 EAST BHAM
97	23-21-3-26-06.000-RR	5333 5TH AVENUE SOUTH 35212	LOT F- O M ALEXANDERS SUB OF LOTS 4 TO 9 BLK 12 MO
98	29-30-2-16-11.000-RR	4222 GEORGE AVE SW 35221	LOT 11 BL 14 BEARDENDALE ADD
99	23-20-4-34-02.000-RR	4761 1ST AVE N 35212	LOT 5 BLK 1 ELINOR

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100	29-18-1-02-60.000-RR	6221 COURT O 35228	LOT 1 BLK 7 DOBBINS BROS CENTRAL PARK ADD 2ND SEC
101	29-06-2-06-05.000-RR	2317 AVENUE I 35218	LOTS 9 & 10 BLK 23 I ENSLEY 5TH ADD
102	29-06-2-07-07.000-RR	2318 AVENUE I 35218	LOT 8 BLK 23-H ENSLEY 1ST ADD
103	29-30-2-16-12.000-RR	4216 GEORGE AVE SW 35221	LOT 12 BL 14 BEARDENDALE ADD
104	29-30-2-02-10.000-RR	3941 RUTLEDGE AVE 35221	LOTS 3 & 4 BL 1 M A HINES 1ST ADD TO POWDERLY
105	22-19-2-06-07.000-RR	905 PRATT HWY 35214	POB N INTER OF RUSSELL ST & PRATT HWY TH E 147 FT
106	21-25-4-07-01.000-RR	417 IRVING ST 35224	LOTS 11+12 BLK 13 ENSLEY 10TH ADD
107	29-06-2-20-08.000-RR	2518 AVENUE H 35218	LOT 8 BLK 25-G ENSLEY 1ST ADD
108	23-20-4-07-02.001-RR	4539 9TH CT N 35212	LOT 10 BLK 2 B H MATHEWS 4/92
109	23-20-2-13-03.000-RR	4456 9TH TER N 35212	LOTS 11 + 12 BLK 5 T Y CAIN
110	23-20-4-34-01.000-RR	4767 1ST AVE N 35212	P O B S W INTER OF 1ST AVE N & 48TH ST N TH S E 220 FT S ALG ST TO S LINE S E 1/4 SEC 20 T 17 S R 2W TH W 59 FT S ALG CONTINUED
111	23-31-1-43-01.000-RR	2915 6TH AVE S 35233	LOTS 1 THRU 8 BLK 441 BHAM
112	28-01-1-08-02.000-RR	729 OAK ST 35228	LOT 119 OVERTON LAND COS OVERTON NO 2 SUBDIVISION
113	28-01-1-08-04.001-RR-01	753 OAK ST 35210	PT OF LOT 121 OVERTON LD CO SUB 35/1 DESC AS FOLS BEG SE COR OF SD LOT 121 TH SW 138.9 FT TH NW 153 FT TH NE 116 FT CONTINUED
114	13-36-3-11-30.000-RR	204 GARDEN CIR 35215	LOT 4 RESURVEY OF RED LANE GARDEN
115	29-04-2-45-03.000-RR	1517 LOMB AVE SW 35204	E 25 FT LOT 5 & W 11 FT OF LOT 6 BLK 31 COMPTON PLACE 10/17 LESS & EXC RD R/W
116	29-04-3-04-01.000-RR	11 15TH ST SW 35204	POB INTER OF E/L OF 16TH ST W & NW R/W OF RR TH
117	22-13-3-01-59.000-RR	2950 27TH AVE N 35207	LOTS 15 THRU 17 BLK 417 NO BHAM 1ST ADD
118	22-13-3-01-65.000-RR	2918 27TH AVE N 35207	LOT 9 B F POOLES SUB OF BLK 418 N BHAM
119	23-02-3-12-10.000-RR	8607 4TH AVE N 35206	LOT 20 BLK 18-C EAST LAKE LD COS 1ST ADD TO EAST LAKE
120	23-11-3-20-02.000-RR	7900 DIVISION AVE 35206	LOT 1 BLK 111 EAST LAKE
121	29-18-1-13-08.000-R	6220 COURT O 35228	LOT 12 BLK 1 DOBBINS BROS CENTRAL PARK 2ND SECTOR
122	24-05-1-19-07.001-RR	929 PARRISH LN 35235	COM SW COR OF NE 1/4 SEC 5 TP 17 R 1W TH E 206 FT TH N 460 FT TO SELY R/W TH NELY 83.6 FT TO POB TH 100.5 FT TH SLY CONTINUED
123	29-07-1-15-02.000-RR	1541 43RD ST 35208	LOT 2 BLK 7 STEINERS ADD TO BHAM-ENSLEY
124	30-16-1-01-39.000-RR	1131 ALEXANDER ST 35061	POB 308 FT W OF THE NW INTER OF ALEXANDER ST &
125	30-02-1-46-04.000-RR	4115 10TH AVE 35224	LOT 2 BLK 22 PRATT LAND & IMPROVEMENT CO
126	13-12-1-04-24.000-RR	429 WESTCHESTER DR 35215	LOT 21 BLK 10 VALLEY BROOK 3RD SECT

BE IT RESOLVED that a hearing will be held on January 19, 2010 to hear and consider all objections or protests to the proposed abatement of these nuisances by the City.

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RESOLUTION NO. 1794-09

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 benefits from various projects and programs; and

WHEREAS, recently, the Council received an request declaring the District 1 Holiday Festival that is being held December 11, 2009 from 7-9 P.M. at the Northeast YMCA is a valuable and worthy event; and

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

WHEREAS, the Council finds that participation and representation at such 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 interest. Therefore, we request that the City of Birmingham funds in the amount of **\$5,000.00 (Five Thousand Dollars and No/100) GL Account 001_000_4210_542.001** be used to pay for this event and request the Mayor to execute the discretionary contract and appointing Creative Catering by Ambrosia as the fiscal agent.

ADOPTED this First day of December, Two Thousand and Nine.

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

Ayes: Abbott, Austin, Hoyt, Parker, Rafferty, Roberson, Scales, 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 resolution was introduced by Councilmember Austin.

RESOLUTION NO. 1795-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIRMINGHAM, ALABAMA, APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY (THE "ISSUER"); APPROVING

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THE ISSUANCE BY THE ISSUER OF ITS HEALTH CARE FACILITIES REVENUE NOTE (LIFESOUTH COMMUNITY BLOOD CENTERS, INC. PROJECT), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, OF WHICH \$1,800,000 WILL BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO LIFESOUTH COMMUNITY BLOOD CENTERS, INC. TO FINANCE OR REFINANCE ALL OR A PART OF THE COSTS OF THE ACQUISITION, CONSTRUCTION, EQUIPPING, RENOVATION AND EXPANSION OF CERTAIN HEALTH CARE FACILITIES LOCATED OR TO BE LOCATED IN THE CITY OF BIRMINGHAM, ALABAMA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LifeSouth Community Blood Centers, Inc., (the "Borrower"), a Florida not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), desires to finance or refinance the costs of the acquisition, construction, equipping, renovation and expansion of the certain health care facilities of the Borrower located in the City of Birmingham, Alabama (the "City"), as more particularly described in Exhibit A hereto (the "Birmingham Project"); and

WHEREAS, the Borrower is undertaking certain capital projects consisting of the financing or refinancing all or a part of the costs of the acquisition, construction, equipping, renovation and expansion of certain health care facilities located in Gainesville, Lecanto, Lake City, Ocala, Palatka and Brooksville, Florida, Dunwoody, Atlanta and Gainesville, Georgia, and Birmingham, Opelika, Mobile, Montgomery and Madison, Alabama, including the Birmingham Project (collectively, the "Projects");

WHEREAS, the Borrower will recognize substantial cost savings by financing all of the Projects through a single plan of finance consisting of the issuance by the Alachua County Health Facilities Authority (the "Issuer") of its Health Care Facilities Revenue Note (LifeSouth Community Blood Centers, Inc. Project) (the "Revenue Note") to finance or refinance all of the Projects; and

WHEREAS, the Borrower has requested that the City authorize the execution and delivery of an Interlocal Agreement to be entered into between the City and the Issuer (the "Interlocal Agreement"), in substantially the form attached hereto as Exhibit B, to allow the issuance by the Issuer of the Revenue Note to pay the cost of the Birmingham Project, the amount thereof not to exceed \$30,000,000; and

WHEREAS, the City is willing to enter into the Interlocal Agreement as herein described in order to permit the Borrower to recognize the cost savings from a consolidated financing;

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

SECTION 1. Findings. The City hereby finds, determines and declares as follows:

A. Notice of a public hearing to be held before the City, inviting comments and

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discussions concerning the issuance of the Revenue Note by the Issuer to finance the Birmingham Project, was published in The Birmingham News, a newspaper of general circulation in the City, at least fourteen days prior to such hearing date, a copy of the publisher's affidavit of proof of publication is attached hereto as Exhibit C and incorporated herein by reference.

B. Following such notice, a public hearing was held by the City during which comments and discussions concerning the issuance of the Note by the Issuer to finance the Birmingham Project were requested and allowed.

C. The Birmingham Project and the issuance of the Revenue Note by the Issuer to finance the Birmingham Project will have a substantial public benefit in the City.

D. The Council is the elected legislative body of the City, and the City has jurisdiction over the Birmingham Project.

E. The Revenue Note and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the City, the Issuer, the State of Florida, the State of Alabama or any political subdivision thereof but shall be payable solely from the revenues pledged therefore pursuant to a loan agreement entered into by and between the Issuer and the Borrower prior to or contemporaneously with the issuance of the Revenue Note.

SECTION 2. Authorization of Interlocal Agreement. The form of the Interlocal Agreement attached hereto as Exhibit B is hereby approved. The Mayor of the City and the City Clerk, or any other appropriate officers of the City, are hereby authorized in the name and on behalf of the City pursuant to this Resolution to execute and deliver the Interlocal Agreement on behalf of the City in substantially the form attached to this Resolution, with such changes, insertions and deletions as the Mayor may approve, his execution thereof to be conclusive evidence of such approval. The officers executing the Interlocal Agreement are hereby further authorized to do all things which may be required or advisable with respect to or in any way related thereto, including, but not limited to, filing the Interlocal Agreement with the Office of the Judge of Probate in and for Jefferson County, Alabama. The Mayor of the City and the City Clerk are hereby further authorized to take such further action and execute such further instruments as may be necessary or appropriate to fully effectuate the purpose and intention of this Resolution and the Interlocal Agreement.

SECTION 3. Approval. Solely for the purposes of Section 147(f) of the Code and other applicable provisions of law, the City hereby approves the issuance of the Revenue Note by the Issuer in a principal amount not exceeding \$30,000,000, with up to \$1,800,000 to be applied to finance or refinance the cost of the Birmingham Project. The approval given herein shall not be construed as (i) an endorsement of the creditworthiness of the Borrower or the financial viability of the Projects, (ii) a recommendation to any prospective purchaser to purchase the Revenue Note, (iii) an evaluation of the likelihood of the repayment of the debt service on the Revenue Note, or (iv) approval of any necessary rezoning applications or approval or acquiescence to the alteration of existing zoning or land use nor approval for any other regulatory permits relating to the Birmingham Project, and the City shall not be construed by reason of its adoption of this

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Resolution to make any such endorsement, finding or recommendation to have waived any right of the City or stopping the City from asserting any rights or responsibilities it may have in such regard. Further, the approval by the City of the issuance of the Revenue Note by the Issuer shall not be construed to obligate the City to incur any liability, pecuniary or otherwise, in connection with either the issuance of the Revenue Note or the acquisition and construction of the Birmingham Project.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon its passage.

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

Ayes: Abbott, Austin, Hoyt, Parker, Rafferty, Roberson, Scales, 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 Austin:

Case No. ZAC2009-00132
RESOLUTION NO. 1796-09

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, January 19, 2010, 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. ZAC2009-00132
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

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of districts to another class of districts as follows, to wit:

FROM: R-3, SINGLE FAMILY DISTRICT

TO: B-1, NEIGHBORHOOD BUSINESS DISTRICT

Located at 1544 Bessemer Road, and situated in the SE¹/₄ of Section 7, Township 18-S, Range 3 West. (35208, District 8), more particularly described as follows:

LOT 18 & E 1/2 OF LOT 17 BLK 24 MARTIN ADD TO BHAM ENSLEY

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:

The resolution was read by the Deputy City Clerk, whereupon Councilmember Austin, 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, Parker, Rafferty, Roberson, Scales, 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 Austin.

RESOLUTION NO. 1797-09

BE IT RESOLVED by the Council of the City of Birmingham, Alabama that Lajuana Bradford be and she hereby is confirmed a member of the Board of Directors of the Birmingham Civil Rights Institute, Inc. for a term expiring September 21, 2010; and

BE IT FURTHER RESOLVED by the Council of the City of Birmingham, Alabama that Robert Kelly be and he hereby is confirmed a member of the Board of Directors of the Birmingham Civil Rights Institute, Inc. for a term expiring September 1, 2011; and

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BE IT FURTHER RESOLVED by the Council of the City of Birmingham, Alabama that Jay Grinney and Myrna Carter Jackson be and they hereby are confirmed members of the Board of Directors of the Birmingham Civil Rights Institute, Inc. for a term expiring September 2, 2012; and

BE IT FINALLY RESOLVED that the above confirmations are made in accordance with the By-Laws of the Articles of Incorporation of the Birmingham Civil Rights Institute, Inc., as amended by Resolution No. 1466-92.

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

Ayes: Abbott, Austin, Hoyt, Parker, Rafferty, Roberson, Scales, Smitherman
Nays: None

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

ALL OTHER MATTERS WENT OVER

Upon motion by the Presiding Officer, the Council adjourned at 11:28 o'clock p.m.

Approved: March 23, 2010.

Steven Hoyt /s/
PRESIDENT PRO TEMPORE

Steven Hoyt /s/
Printed Name

Lee Frazier /s/
DEPUTY CITY CLERK

Lee Frazier /s/
Printed Name

APPROVED AS TO FORM:

Thomas Bentley III /s/
ACTING CHIEF ASSISTANT CITY ATTORNEY

Thomas Bentley III /s/
Printed Name