

**REGULAR MEETING OF THE COUNCIL**

**OF THE CITY OF BIRMINGHAM**

**APRIL 13, 2010, at 9:30 A.M.**

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The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on April 13, 2010, at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend Rickie L. Crapp, Pastor of St. Luke Missionary Baptist Church.

The Pledge of Allegiance was led by Councilmember Carole Smitherman.

Present on Roll Call:	Council President	Royal
	Councilmembers	Abbott (Arrived as herein indicated)
		Austin
		Parker
		Rafferty
		Roberson
		Scales
		Smitherman

Absent:	Hoyt
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The minutes of February 9, 16, 23, and March 2, 2010 were approved as submitted.

Mayor Bell recognized Charlena Jackson who spoke about the Museum of Urban Art. Ms. Jackson presented a video about Urban Art and announced that there will be an Art Show and Gala on Sunday, April 18, 2010 featuring the Temptations.

Mayor Bell announced that the Hispanic Gala will be held April 24, 2010.

Councilmember Abbott arrived and assumed her seat as a Councilmember.

Mayor Bell thanked each community that had a census parade this weekend.

Mayor Bell announced resurfacing on the Southside will start soon.

Mayor Bell welcomed students that will be taking part in the Village Creek clean up which will take place April 19, 2010 from 8:00 a.m. - 12:00 noon.

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Mayor Bell asked the Council to join him today in Linn Park following the Council meeting concerning Habitat for Humanity.

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

Councilmember Roberson presented a video of his experiences when he worked one day each at the Public Works, Fire and Police Departments in order to understand how the departments work.

The following resolution was introduced by Councilmember Rafferty:

**RESOLUTION NO. 394-10**

**WHEREAS**, the City of Birmingham is fortunate to be the home of individuals who have committed their lives to the physical well being of the community through the nursing profession. The Council of the City of Birmingham pauses in its deliberations to honor the memory of **Mrs. Mary Anne Blake**, a critical care nurse who positively affected the lives of a countless number of patients before her untimely passing on June 2, 2008; and

**WHEREAS**, **Mrs. Mary Anne Blake** was the wife of former Birmingham City Councilman Jimmy Blake and a registered nurse at Brookwood Medical Center where she served the citizens of Birmingham with the greatest dedication and utmost skill. She graduated 1<sup>st</sup> in her class from nursing school at St. Mary's Hospital in Knoxville, Tennessee, and she was president of the Student Nursing Association. Mary Anne worked as a nurse while pursuing advanced degrees and raising two daughters. She later married Dr. James Blake and worked as a nurse at his Hoover Family Medicine practice; and

**WHEREAS**, after the untimely transition of Mrs. Blake, her vibrant spirit of tireless giving and her selfless dedication to all those around her was honored by helping others into the nursing profession. A fund was instated with the intention of providing grants to help support tuition needs of nursing students. Its sole purpose is to facilitate others who desire to become nurses, as Mary Anne was for more than forty years of her life; and

**WHEREAS**, held as a tradition of remembrance, the *Mary Anne Blake Memorial Nursing Fund* will hold this annual fundraiser to collect monies to divide between two worthy and exceptional nursing schools, both located in Birmingham, Alabama, where she studied and served others – the UAB Nursing School and the Ida V. Moffett School of Nursing at Samford University; and

**WHEREAS**, the Mary Anne Blake Memorial Nursing Fund Annual Mother's Wonderland Tea and Auction for 2010 will be held April 17<sup>th</sup>. Supporting this event will pay tribute to her life by contributing to the careers of those who share her same ideals of professionalism and public service.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Birmingham with Mayor William A. Bell, Sr. concurring, that we hereby pause to honor the legacy of **Mrs. Mary Anne Blake** for her many years of resolute dedication to health education and the practice of the healing arts.

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

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

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

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

The following resolution was introduced by Councilmember Royal:

**RESOLUTION NO. 395-10**

**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 to attend the Mary Anne Blake Memorial Nursing Fund Annual Mother's Wonderland Tea and Auction that is being held Saturday, April 17, 2010, at the Wynfrey Hotel serves a public purpose; and

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

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

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

**ADOPTED** this Thirteenth day of April, Two Thousand and Ten.

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

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

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

Councilmember Smitherman absented herself.

Councilmember Austin absented himself.

Councilmember Royal recognized Carl Hughes of the Vulcan Park Foundation who spoke on a new exhibit called "From Factory to Field: The Dream of Baseball in Birmingham" coming to the Vulcan Park and Museum.

Councilmember Austin returned and took his seat as a Councilmember.

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

**RESOLUTION NO. 396-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Mansoor Butt to the City of Birmingham, Alabama, dated December 18, 2009, for a Lounge Retail Liquor Class I License to be used at Times, 7708 Georgia Road, 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. 397-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Bernard Othune to the City of Birmingham, Alabama, dated March 24, 2010, for the transfer of an On and Off Premise Retail Beer and Table Wine License to be used at Jet Pep 419, 9933 Parkway East, 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. 398-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by AAF Inc. to the City of Birmingham, Alabama, for an On and Off Premise Retail Beer and Table Wine License to be used at Shell Fuel Center, 1901 Finley Boulevard, 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. 399-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Tavola LLC to the City of Birmingham, Alabama, dated March 12, 2010 for a Restaurant Retail Liquor License to be used at Brick & Tin, 214 20<sup>th</sup> Street North, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board, provided that this recommendation for grant of such license is hereby conditioned upon said applicant having or obtaining a certificate of occupancy from the Director of Planning, Engineering, and Permits for said premises no later than ninety days from the date of this action.

**RESOLUTION NO. 400-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Gunter Oil Company to the City of Birmingham, Alabama, dated March 16, 2010 for the transfer of an Off Premise Retail Beer and Table Wine License to be used at Brook Highland Shell, 7360 Cahaba Valley Road, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

**RESOLUTION NO. 401-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Culinar LLC to the City of Birmingham, Alabama, for the transfer of a Restaurant Retail Liquor License to be used at Century Restaurant & Bar, 2021 Park Place North, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

**RESOLUTION NO. 402-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Chuy's Opco, Inc. to the City of Birmingham, Alabama, dated March 3, 2010, for a Restaurant Retail Liquor License to be used at Chuy's, 218 Summit Boulevard, 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.

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**RESOLUTION NO. 403-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Yarbrough Festival Foodservice Corporation to the City of Birmingham, Alabama, dated March 15, 2010, for a Special Events License 140 to be used at Magic City Art Connection 2010, April 23 - 25, 2010 in Linn Park, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

**RESOLUTION NO. 404-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Ascension Event Management LLC to the City of Birmingham, Alabama, dated April 1, 2010, for a Special Events License 140 to be used at Masters of Funk Tour, May 8, 2010 at the Fair Park Arena, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

**RESOLUTION NO. 405-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Rogue Entertainment LLC to the City of Birmingham, Alabama, dated March 23, 2010, for a Special Events License 140 to be used at Paint The Town Red, April 17, 2010 at 2312 – 2<sup>nd</sup> Avenue North, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

**RESOLUTION NO. 406-10**

Whereas, on March 9, 2010 the Birmingham City Council at its regularly scheduled meeting declared the property described below to be a public nuisance existing in the City of Birmingham; and

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

Whereas, since March 9, 2010 the following described properties have had the nuisances thereon abated:

33	23-03-1-28-12.000-RR	9024 11TH AVE N 35206	LOTS 7 & 8 BLK 4 AIRPORT ESTS
77	13-34-4-05-44.000-RR	1020 PENFIELD DR 35217	LOT 14 BLK 2 LST ADD TO PENFIELD PARK.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that after having heard all protests or objections presented, the noxious or dangerous weeds located at the premises listed here in below, which were declared to be abated by the removal of said weeds by the City and the costs of such abatement shall be assessed against and shall constitute a lien on such property:

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1	23-07-4-04-05.001-RR	601 19TH ST N 35203	LOT 18 BLK 8 BOYLES PARK PB 8 PG 64
2	23-03-1-28-14.000-RR	9036 11TH AVENUE NORTH 35206	LOT 10 BLK 4 AIRPORT ESTS
3	23-15-2-09-09.000-RR	3512 66TH ST N 35206	LOT 15 BLK 1 GROVELAND HEIGHTS
4	24-05-1-13-04.000-RR	1029 ETHEL LN 35235	LOTS 30 & 31 BLK 3 ROEBUCK PLAZA
5	23-14-2-20-19.000-RR	7706 7TH AVE S 35206	LOT 13 BLK 2 RUGBY GARDENS SUR
6	23-16-3-04-03.000-RR	1805 50TH DR N 35212	LOT 2 BLK 4 EASTWOOD SUB
7	23-15-3-29-06.000-RR	212 66TH PL N 35206	LOT 24 & 25 FRAZIER AND EBERSOLE SUB OF BLK 13-G
8	23-15-3-19-01.000-RR	232 67TH PL N 35206	LOT 21 FULLERS SUB OF BLK 12-G
9	13-36-2-01-33.000-RR	910 CHARLES CIR 35215	LOT C NELSON HTS RESUR & RESUB OF PT OF LOTS 8-9- 10-11- 13-14-15-16 & 17
10	23-21-1-22-01.000-RR	6125 1ST AVE S 35212	P O B INTER SE LINE 1ST AVE S & SW LINE 62ND ST S TH SE-102 S FT SW- 150.8 FT NW-135.5 FT NE-28 S FT E-123 S FT TO P O B
11	21-36-1-09-06.000-RR	1708 SCRANTON AVE 35224	W 40 FT LOTS 1+2+3+4 & 5 BLK 17-2 SHERMAN HEIGHTS
12	22-31-3-43-02.000-RR	2105 AVENUE I 35218	LOTS 3 & 4 BLK 21-I ENSLEY LAND COS 5TH ADD
13	22-25-2-26-05.000-RR	2205 15TH AVE N 35234	LOT 2 BLK 3 WALNUT HILL
14	23-19-3-22-09.000-RR	3513 17TH AVE N 35234	LOT 9 BLK 14 BHAM RLTY CO 4TH ADD
15	22-24-4-11-03.000-RR	3435 17TH AVE N 35234	W 20 FT LOT 9 & E 30 FT LOT 10 BLK 15 BHAM RLTY COS ADD NO 4
16	29-07-2-20-13.000-RR	1402 44TH ST 35208	LOT 13 BLK 8 BELVIEW HTS
17	23-03-1-29-05.000-RR	9025 11TH AVENUE NORTH 35206	LOT 6 BLK 1 AIRPORT GROVE
18	22-14-4-48-06.000-RR	3114 24TH ST N 35207	LOT 1 BLK 166 NO BHAM
19	22-31-1-38-13.000-RR	1246 AVENUE L 35218	LOTS 18 & 19 BLK 1 MORO PARK
20	22-31-1-23-08.000-RR	1131 AVENUE J 35218	LOT 5 BLK 3-S SEWELLS ADD TO ENSLEY
21	22-31-1-29-17.000-RR	1214 AVENUE H 35218	LOTS 12 & 13 BLK 12-G ENSLEY LD COS 2ND ADD TO ENS
22	22-31-4-17-02.000-RR	1419 AVENUE H 35218	LOTS 9+10 BLK 14-H ENSLEY
23	22-31-4-21-02.000-RR	1505 AVENUE I 35218	LOT 3 BLK 15-I ENSLEY LAND COMPANYS SECOND ADDITION TO ENSLEY
24	22-31-4-21-03.000-RR	1507 AVENUE I 35218	LOT 4 BLK 15-I ENSLEY LAND COMPANYS SECOND ADDITION TO ENSLEY
25	22-31-1-40-03.000-RR	1311 AVENUE I 35218	LOTS 5-6 BLK 13-I ENSLEY LD COS 2ND ADD TO ENSLE
26	22-29-2-16-08.000-RR	116 AVENUE W 35214	POB N W INTER OF 2ND ST & AVE W TH N 89 FT S ALG AVE W TH W
27	22-30-1-05-07.000-RR	315 AVENUE F 35214	LOT 5 BLK 1 ROBERT HUEY ETAL SUR
28	22-30-1-05-06.000-RR	311 AVENUE F 35214	LOT 6 BLK 1 ROBERT HUEY IN SE 1/4 OF NE 1/4 SEC 30
29	23-03-2-07-95.000-RR	9037 14TH AVE N 35206	LOT 3 BLK 8 SUR OF N VIEW GARDENS
30	23-03-2-07-94.000-RR	9041 14TH AVE N 35206	LOT 2 BLK 8 N VIEW GARDENS
31	23-03-1-28-09.001-RR	9000 11TH AVE N 35206	LOTS 1 & 2 BLK 4 AIRPORT ESTS 26/10

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32	23-03-1-28-11.000-RR	9016 11TH AVENUE NORTH 35206	LOTS 5 & 6 BLK 4 AIRPORT ESTS
34	23-03-1-28-13.000-RR	9032 11TH AVE N 35206	LOT 9 BLK 4 AIRPORT ESTS
35	23-03-1-28-15.000-RR	9040 11TH AVE N 35206	LOT 11 BLK 4 AIRPORT ESTS
36	23-03-1-28-17.000-RR	9048 11TH AVE N 35206	LOT 13 BLK 4 AIRPORT ESTS
37	23-03-1-28-18.000-RR	9052 11TH AVENUE NORTH 35206	LOTS 14 & 15 BLK 4 AIRPORT
38	22-30-1-05-05.000-RR	307 AVENUE F 35214	LOT 7 BLK 1 ROBERT HUEY ETAL SUR
39	23-03-2-02-01.000-RR	1401 LINE ST 35217	LOT 1 BLK 2 WOODLAND ADD TO AIRPORT ESTS
40	23-03-2-12-26.000-RR	1536 90TH ST N 35206	LOT 22 BLK 4 NORTH VIEW GARDENS
41	23-03-1-24-08.000-RR	9100 11TH AVE N 35206	LOT 12 BLK 1 PENFIELD PARK 2ND ADD
42	23-03-1-29-10.000-RR	9001 11TH AVE N 35206	LOTS 11 & 12 BLK 1 AIRPORT GROVE
43	23-03-1-29-08.000-RR	9013 11TH AVE N 35206	LOT 9 & 10 BLK 1 AIRPORT GROVE
44	23-03-1-29-07.000-RR	9017 11TH AVENUE NORTH 35206	LOT 8 BLK 1 AIRPORT GROVE
45	23-03-1-29-06.000-RR	9021 11TH AVENUE NORTH 35206	LOT 7 BLK 1 AIRPORT GROVE
46	23-03-1-29-04.000-RR	9029 11TH AVENUE NORTH 35206	LOTS 4 & 5 BLK 1 AIRPORT GROVE
47	23-03-1-29-03.000-RR	9037 11TH AVE N 35206	LOT 3 BLK 8 SUR OF N VIEW GARDENS
48	23-03-1-29-02.000-RR	9041 11TH AVE N 35206	LOT 2 BLK 2 AIRPORT GROVE
49	23-03-1-29-01.000-RR	9045 11TH AVENUE NORTH 35206	LOT 1 BLK 1 AIRPORT GROVE
50	23-03-1-23-10.000-RR	9101 11TH AVENUE NORTH 35206	LOT 13 BLK 2 PENFIELD PARK 2ND ADD
51	22-35-3-23-12.000-RR	456 4TH ST N 35204	N 48 FT OF S 143 FT LOTS 15 & 16 BLK 29 TAX B
52	22-26-3-14-12.000-RR	1417 3RD PL N 35204	POB 100 FT S OF THE S E INTER OF 14TH CT N
53	22-26-2-29-01.000-RR	1617 4TH ST N 35204	LOTS 17+18 BLOCK 3 TARRANT & MCMILLAN ADD TO BHAM
54	22-22-4-18-11.000-RR	2116 14TH ST N 35204	LOTS 13 & 14 BLK 376 NO BHAM BHAM
55	22-15-4-23-33.000-RR	1422 35TH AVE N 35207	LOTS 11 THRU 14 SMITH & KIRKLAND SUR
56	22-15-4-23-26.000-RR	1400 35TH AVE N 35207	LOTS 1 & 2 SMTH & KIRKLAND SUR
57	22-15-4-28-14.000-RR	1403 35TH AVE N 35207	E 50 FT LOT 31 SMITH & KIRLAND SUR
58	22-15-4-28-13.000-RR	1405 35TH AVE N 35207	LOT 30 SMITH & KIRKLAND SUR
59	22-15-4-28-12.000-RR	1409 35TH AVE N 35207	LOT 29 SMITH & KIRKLAND SUR
60	22-15-4-28-11.000-RR	1413 35TH AVE N 35207	LOTS 27 & 28 SMITH & KIRKLAND SUR 5/61
61	23-20-1-25-15.000-RR	4920 9TH CT N 35212	LOT 14 BLK 2 G D STATION IN SE 1/4 OF SE 1/4 OF NE
62	23-29-2-11-07.000-RR	4014 MORRIS AVE 35222	LOTS 1 & 2 COKER SUB
63	23-29-2-13-33.000-RR	24 42ND ST N 35222	LOT 13 BALTIMORE PL
64	22-20-4-22-29.000-RR	305 BEECH AVE 35214	LOT 11 G N WILSON SUR TP 17 R 3

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65	22-14-4-48-01.001-RR	2325 32ND AVE N 35207	LOT 3 BLK 166 NORTH BHAM LAND CO 1/111
66	22-34-1-10-02.000-RR	301 10TH CT N 35204	N 1/2 LOT 8 BLK 11 (NORTH) SMITHFIELD
67	22-34-1-10-01.000-RR	305 10TH CT N 35204	N 100 FT LOT 7 BLK 11(NORTH) SMITHFIELD
68	22-35-2-16-05.000-RR	313 10TH CT N 35204	W 1/2 OF LOT 5 BLK 11 MAP OF SMITHFIELD (NORTH)
69	22-35-2-16-02.000-RR	323 10TH CT N 35204	N 50 FT S LOT 3 AND N 50 FT S OF W 12 FT S LOT 2 BLK 11 MAP OF SMITHFIELD (NORTH)
70	22-35-2-15-03.000-RR	1031 4TH ST N 35204	POB SE INTER OF 4TH ST N AND 10TH CT N TH E 26 FT
71	22-35-2-16-18.000-RR	1024 4TH ST N 35204	S 1/2 OF N 1/2 OF LOTS 1 THRU 3 BLK 11 MAP OF SMIT
72	22-35-2-15-05.000-RR	1017 4TH ST N 35204	S 50 FT OF LOTS 7 & 8 BLK 4 SMITHFIELD (NORTH)
73	22-35-2-15-06.000-RR	1015 4TH ST N 35204	N 50 FT OF LOTS 9 & 10 BLK 4 MAP OF SMITHFIELD (NO
74	22-34-1-10-06.000-RR	304 10TH AVE N 35204	S 100 FT OF LOT 10 BLK 11 SMITHFIELD (NORTH)
75	22-35-2-16-09.000-RR	316 10TH AVE N 35204	LOT 13 BLK 11 MAP OF SMITHFIELD (NORTH)
76	13-34-4-07-01.000-RR	1013 PENFIELD DRIVE 35217	LOT 14 BLK 1 1ST ADD TO PENFIELD PARK
78	22-24-2-17-09.000-RR	2708 21ST AVE N 35234	P O B 100 FT NE OF NE INTER ALLEY & 27TH ST TH NE
79	22-24-2-17-15.000-RR	2114 28TH ST N 35234	POB NW INTER ALLEY & 28TH ST N TH NW 45 FT ALG 28T
80	22-24-2-16-06.000-RR	2115 28TH ST N 35234	POB NE INTER ALLEY & 28TH ST N TH NW 23S FT ALG 28
81	22-24-3-29-03.000-RR	2516 20TH AVE N 35234	W 1/2 OF LOT 3 BLK 8 HASKELL & MULLER
82	22-23-4-15-06.000-RR	2219 22ND AVE N 35234	E 35 FT OF W 45 FT LOT 2207
83	23-03-1-23-09.000-RR	9105 11TH AVENUE NORTH 35206	LOT 14 BLK 2 PENFIELD PARK
84	23-03-1-23-07.000-RR	9113 11TH AVENUE NORTH 35206	LOT 16 BLK 2 PENFIELD PARK 2ND ADD
85	23-03-1-23-03.000-RR	9137 11TH AVENUE NORTH 35206	LOT 22 BLK 2 PENFIELD PARK 2ND ADD
86	23-03-1-23-02.000-RR	9141 11TH AVENUE NORTH 35206	LOT 23 BLK 2 PENFIELD PARK 2ND ADD
87	23-03-1-23-01.000-RR	9145 11TH AVENUE NORTH 35206	LOT 24 BLK 2 PENFIELD PARK 2ND
88	23-03-1-24-16.000-RR	9140 11TH AVENUE NORTH 35206	LOT 13 BLK 3 AIRPORT ESTATES
89	23-03-1-24-15.000-RR	9136 11TH AVENUE NORTH 35206	LOT 11 & 12 BLK 3 AIRPORT ESTS
90	23-03-1-24-14.000-RR	9132 11TH AVENUE NORTH 35206	LOT 10 BLK 3 AIRPORT ESTS
91	23-11-3-06-03.000-RR	8208 DIVISION AVE 35206	LOT 3 BLK 141 EAST LAKE
92	22-30-2-09-03.000-RR	121 HOLLEY AVE 35214	LOT 1 BLK 3 MURPHY TERRACE
93	23-11-4-04-07.000-RR	8411 6TH AVE S 35206	N 70 FT LOTS 1 & 2 BLK 168 2ND ADD TO SOUTH HGLDS EAST LAKE
94	23-14-2-20-20.000-RR	7710 7TH AVE S 35206	LOT 12 BLK 2 RUGBY GARDENS

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**ORDINANCE NO. 10-48**

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

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

<u>Title of Appropriation</u>	<u>Amount</u> <u>Increase/Decrease</u>
<b><u>Fund 001 General Fund</u></b>	
<u>Appropriation</u>	
Non Departmental	
<u>04230.542-001</u> Council Discretionary, District #3	\$ (650.00)
Fire	
<u>19207.524-040</u> Supplies Other Small Equipment	650.00
	<u>\$ -</u>

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Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$650.00.

Respectfully,  
William A. Bell, Sr. /s/  
William A. Bell, Sr.  
Mayor

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Certification of the Acting Director of Finance:

I hereby certify that there is available in the General Fund Budget of the City of Birmingham \$650.00, unencumbered and unappropriated, sufficient to meet the additional appropriation of \$650.00, provided for in the proposed ordinance.

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

**RESOLUTION NO. 407-10**

**WHEREAS**, the City of Birmingham 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, to increase revenues and to

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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**, The Hollywood, LLC, an Alabama limited liability company (“Developer”) intends to implement a project (the “Project”) involving the development of a restaurant and retail center consisting of a total of approximately 13,300 square feet of leasable space on property to be owned by Developer located at 404 Hollywood Boulevard in the City of Birmingham (the “Project Site”), with possible tenants to include restaurants, a bakery, a salon, a bank, and an alcoholic beverage store; and

**WHEREAS**, Developer’s redevelopment of the Project Site and implementation of the Project are expected to involve an estimated investment by Developer of approximately \$3.2 million for acquisition of the Project Site and capital improvements to the Project Site and are expected to result in the creation of approximately 40 jobs in the City and to generate an estimated \$140,000 annually in sales tax revenue to the City, in addition to new occupational tax revenue, business license revenue and increased ad valorem tax revenue to the City; and

**WHEREAS**, to induce Developer to undertake the Project at the Project Site, the City has agreed to provide certain financial incentives to Developer in an amount not to exceed Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) (the “City Assistance”), to be paid through up to five (5) annual installments from future sales tax revenues generated from the businesses to be located at the Project Site, with each annual installment to be in an amount equal to the lesser of fifty percent (50%) of the sales tax revenues generated from such businesses or Eighty Thousand and No/100 Dollars (\$80,000.00); and

**WHEREAS**, as a result of the City’s inducements, Developer has decided to undertake the Project; and

**WHEREAS**, the City does hereby ascertain, determine, declare and find that implementation of the Project with the City Assistance is in the best interest of the City and will serve a public purpose and will further enhance the public benefit and welfare by, among other things: promoting local economic development; stimulating and diversifying the local economy; increasing employment opportunities in the City; increasing the City’s tax base, which will result in additional tax revenues for the City; promoting the productive re-use of vacant retail property; and promoting the location and expansion of business enterprises in the City, all inuring to the economic health of the City, and the City finds that the above-cited items constitute important public benefits to the City and its citizens; 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

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**WHEREAS**, the City finds, accordingly, that it is necessary, proper and in the public interest, in accordance with Amendment No. 772, that the City should enter an agreement with Developer pursuant to which Developer will undertake the Project and the City will provide certain incentives in the form of the City Assistance in connection with the Project, and that providing the City Assistance in accordance with the terms and conditions of the agreement will promote the economic development of the City and, accordingly, is for a valid and sufficient public purpose and is authorized by, consistent with, and in furtherance of the objectives of Amendment No. 772; and

**WHEREAS**, as required under Amendment No. 772, the City published notice in the April 5, 2010, edition of 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 an agreement with Developer; and

**WHEREAS**, for purposes of the Amendment No. 772, The Hollywood, 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 Mayor be and hereby is authorized to execute, for and as the act of said City, a Project Agreement with The Hollywood, LLC, in substantially the same form as on file in the Office of the City Clerk, under which The Hollywood, LLC will undertake the Project at the Project Site and the City will provide an incentive in the form of the City Assistance in an amount not to exceed Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) to The Hollywood, LLC in support of the Project, to be paid through up to five (5) annual installments from future sales tax revenues generated from the businesses to be located at the Project Site, with each annual installment to be in an amount equal to the lesser of fifty percent (50%) of the sales tax revenues generated from such businesses or Eighty Thousand and No/100 Dollars (\$80,000.00), as provided in the Project Agreement

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

**RESOLUTION NO. 408-10**

**BE IT RESOLVED** by the Council of the City of Birmingham that the appointment of Engineering Design Technologies, Inc., Birmingham, AL, in an amount not to exceed \$54,196.00, to provide construction engineering and inspection services for the East Lake Boulevard Street Improvement Project, be and the same hereby is approved, and;

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

GL Account: 035\_016.527-014  
Project Code: PEP035GR 020032

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**RESOLUTION NO. 409-10**

**BE IT RESOLVED** by the Council of the City of Birmingham that the appointment of Birmingham Health Care, Birmingham, AL, in the amount of \$8,334.00, to provide regular non-emergency physician care and medical services for the Birmingham City Jail's inmates for the period April 1, 2010 through April 30, 2010, in accordance with Section 3-1-7 of the General Code of the City of Birmingham, be and the same hereby is approved, and

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

Appropriated for in FY 2009-2010 Budget  
GL Account: 001\_043\_26000\_26001.527-050

**RESOLUTION NO. 410-10**

**BE IT RESOLVED** by the Council of the City of Birmingham that the Sales Tax Assessment as levied against **PIES INC & JOHN SIMONETTI JR**, the person responsible for the collection and remittance of tax, doing business as (DBA) **JOHNNY RAY'S BBQ** by the Finance Department, dated, **03/08/2010** for the period of **05/2008; 08/2009-02/2010** in the amount of **\$18,962.00** for Sales Tax, is deemed correct and is made final.

**RESOLUTION NO. 411-10**

**BE IT RESOLVED** by the Council of the City of Birmingham that the bid for and the purchase of weed abatement services for overgrown, privately owned lots in Quadrant IV as needed, at the unit price on file in the office of the Purchasing Agent for a period of six (6) months and month to month thereafter, from Sunshine Construction, Birmingham, AL, for the Public Works Department, be and the same hereby is accepted and approved, this being the lowest bid submitted.

Appropriated for in FY 2009-2010 Budget  
GL Account: 060\_000.513-020

**RESOLUTION NO. 412-10**

Be It Resolved by the Council of the City of Birmingham approving payment to Neighborhood, USA, Little Rock, AR, to pay for registration of area neighborhood delegates in an amount not exceed \$20,340.00, to attend the 2010 NUSA Conference on May 26-29, 2010, in Little Rock, Arkansas.

Appropriated for in FY2009 - 2010 Budget

GL Account: 031\_200\_12110\_12112\_15199.540-001    GL Account: 031\_200\_12110\_12113\_15199.540-001  
GL Account: 031\_200\_12110\_12116\_15199.540-001    GL Account: 031\_200\_12170\_12173\_15199.540-001  
GL Account: 031\_200\_12060\_12063\_15199.540-001    GL Account: 031\_200\_12010\_12015\_15199.540-001  
GL Account: 031\_200\_12090\_12096\_15199.540-001    GL Account: 031\_200\_12020\_12026\_15199.540-001  
GL Account: 031\_200\_12090\_12093\_15199.540-001    GL Account: 031\_200\_12180\_12186\_15199.540-001

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GL Account: 031_200_12020_12021_15199.540-001	GL Account: 031_200_12200_12204_15199.540-001
GL Account: 031_200_12070_12072_15199.540-001	GL Account: 031_200_12010_12014_15199.540-001
GL Account: 031_200_12100_12102_15199.540-001	GL Account: 031_200_12180_12185_15199.540-001
GL Account: 031_200_12220_12221_15199.540-001	GL Account: 031_200_12060_12064_15199.540-001
GL Account: 031_200_12220_12223_15199.540-001	GL Account: 031_200_12110_12114_15199.540-001
GL Account: 031_200_12020_12022_15199.540-001	GL Account: 031_200_12050_12052_15199.540-001
GL Account: 031_200_12130_12131_15199.540-001	GL Account: 031_200_12050_12053_15199.540-001
GL Account: 031_200_12040_12042_15199.540-001	GL Account: 031_200_12200_12205_15199.540-001
GL Account: 031_200_12080_12086_15199.540-001	GL Account: 031_200_12130_12133_15199.540-001
GL Account: 031_200_12130_12135_15199.540-001	GL Account: 031_200_12210_12213_15199.540-001
GL Account: 031_200_12020_12024_15199.540-001	GL Account: 031_200_12130_12136_15199.540-001
GL Account: 031_200_12190_12193_15199.540-001	GL Account: 031_200_12060_12065_15199.540-001
GL Account: 031_200_12160_12164_15199.540-001	GL Account: 031_200_12210_12214_15199.540-001
GL Account: 031_200_12100_12104_15199.540-001	GL Account: 031_200_12130_12134_15199.540-001
GL Account: 031_200_12230_12231_15199.540-001	GL Account: 031_200_12080_12085_15199.540-001
GL Account: 031_200_12090_12092_15199.540-001	GL Account: 031_200_12200_12203_15199.540-001
GL Account: 031_200_12090_12094_15199.540-001	GL Account: 031_200_12010_12013_15199.540-001
GL Account: 031_200_12150_12152_15199.540-001	GL Account: 031_200_12180_12184_15199.540-001
GL Account: 031_200_12060_12066_15199.540-001	GL Account: 031_200_12210_12211_15199.540-001
GL Account: 031_200_12080_12082_15199.540-001	GL Account: 031_200_12190_12191_15199.540-001
GL Account: 031_200_12200_12201_15199.540-001	GL Account: 031_200_12080_12081_15199.540-001
GL Account: 031_200_12220_12222_15199.540-001	GL Account: 031_200_12010_12012_15199.540-001
GL Account: 031_200_12050_12051_15199.540-001	GL Account: 031_200_12010_12011_15199.540-001
GL Account: 031_200_12030_12032_15199.540-001	GL Account: 031_200_12090_12091_15199.540-001
GL Account: 031_200_12150_12153_15199.540-001	GL Account: 031_200_12060_12062_15199.540-001
GL Account: 031_200_12070_12071_15199.540-001	GL Account: 031_200_12130_12132_15199.540-001
GL Account: 031_200_12180_12181_15199.540-001	GL Account: 031_200_12210_12212_15199.540-001

**RESOLUTION NO. 413-10**

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

**SALES TAX**

ID# 146818 LEWIE'S APPLIANCE REPAIR INC  
ATTN: PAMELA SWANN  
3115 12<sup>TH</sup> AVENUE NORTH  
BIRMINGHAM, AL 35234 \$2,880.27

**CONSUMERS USE TAX**

ID# 194697 BRIGHT HOUSE NETWORKS LLC  
ATTN: CLIFFORD E JACKSON  
5000 CAMPUSWOOD DRIVE  
EAST SYRACUSE, NY 13057 \$12,556.29

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**OCCUPATIONAL TAX**

ID# 111926	WALTER COKE INC ATTN: KATRICE PLEASANT 3500 35 <sup>TH</sup> AVE NO BIRMINGHAM, AL 35207-2918	\$1,545.82
ID# 106429	REES E OLIVER 714 46 <sup>TH</sup> ST SO BIRMINGHAM, AL 35222	\$2,697.54

**SELLERS USE TAX**

ID# 162608	TELLABS OPERATIONS INC ATTN: AMANDA VALIEN 1415 W DIEHL RD MS 119 NAPERVILLE, IL 60563	\$1,934.67
<b><i>TOTAL</i></b>		<b><i>\$21,614.59</i></b>

**RESOLUTION NO. 414-10**

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

Chris Hartsell, Chief of Operations, Mayor's Office, \$727.20, November 18 – 20, 2010, to attend meeting with Alabama Congressional Delegation in Washington, D.C.

Steven Hoyt, Councilor, City Council, \$126.40, March 16 – 17, 2010, to attend National League of Cities in Washington, D.C.

Iris Kimbrough, Committee Assistant, City Council, \$197.04, March 3 – 4, 2010, to meet with Alabama State Legislature in Montgomery, AL.

Kimberly Jeanty, Committee Assistant, City Council, \$2,206.26, March 12 – 17, 2010, to attend National League of Cities in Washington, D.C.

Jay Roberson, Councilor, City Council, \$2,534.01, March 13 – 18, 2010, to attend National League of Cities in Washington, D.C.

Michael Shine, Committee Assistant, City Council, \$1,964.24, March 13 – 17, 2010, to attend National League of Cities in Washington, D.C.

**RESOLUTION NO. 415-10**

**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:

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Renita Higgins, Director/Weed and Seed, Mayor's Office, \$1,813.40, May 16 – 21, 2010, to attend The Grantsmanship – program planning and grant writing workshop in Atlanta, GA.

Susan A. Palmer, Community Resource Representative, Mayor's Office, \$844.77, May 26 – 29, 2010, to attend Neighborhood USA Conference in Little Rock, AK.

Florencie J. Underwood, Community Resource Representative, Mayor's Office, \$844.77, May 26 – 29, 2010, to attend Neighborhood USA Conference in Little Rock, AK.

Melony J. Martin, Community Resource Representative, Mayor's Office, \$844.77, May 26 – 29, 2010, to attend Neighborhood USA Conference in Little Rock, AK.

Willie A. Watson, Site Coordinator/Weed and Seed, Mayor's Office \$1,763.40, May 16 – 21, 2010, to attend The Grantsmanship – program planning and grant writing workshop in Atlanta, GA.

**RESOLUTION NO. 416-10**

**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:

Tracey Morant Adams, Director, Mayor's Office Economic Development, \$1,715.54, May 23 – 26, 2010, to attend 2010 International Council of Shopping Centers Conference in Las Vegas, NV.

Griffin Lassiter, Senior Project Manager, Mayor's Office Economic Development, \$1,715.54, May 23 – 26, 2010, to attend the 2010 International Council of Shopping Centers Conference in Las Vegas, NV.

**RESOLUTION NO. 417-10**

**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:

David Allen, Network Administrator, Police Department, \$605.00, April 11 – 15, 2010, to attend Coban Mobile Data Users Conference in Sugar Land, TX.

Janice M. Blackwell, Police Lieutenant, Police Department, \$.00, June 6 – 10, 2010, to attend Assessment Center for the Louisville Metro Police Merit Board in Louisville, KY.

Cedric Boswell, Police Sergeant, Police Department, \$65.00, May 2 – 7, 2010, to attend an interview and interrogation in Meridian, MS.

Michael Freeman, Police Officer, Police Department, \$50.00, April 18 – 23, 2010, to attend Patrol Officer Response to Street Drugs in Meridian, MS.

Edward G. Hull, Police Officer, Police Department, \$.00, March 30 – April 2, 2010, to attend Alcohol, tobacco and Firearms (ATF) "All Hands Conference" in Nashville, TN.

Mark D. Johnson, Police Officer, Police Department, \$.00, April 4 – 9, 2010, to attend an interview and interrogation in Meridian, MS.

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Alonzo McKinstry, Police Officer, Police Department, \$.00, May 2 – 10, 2010, to attend and interview and interrogation in Meridian, MS.

Sandra J. Tucker, Police Officer, Police Department, \$.00, March 30 - -April 2, 2010, to attend Alcohol, Tobacco and Firearms (ATF) “All Hands Conference” in Nashville, TN.

SiDonald Wiley, Police Officer, Police Department, \$835.00, April 11 – 15, 2010, to attend Coban Mobile Data Users Conference in Sugar Land, TX.

**RESOLUTION NO. 418-10**

**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:

Lee Frazier, Deputy City Clerk, City Council, \$1,040.74, May 15 – 18, 2010, to attend 2010 Alabama League of Municipalities Convention in Mobile, AL.

Thomas Ryan, Police Officer, Police Department, \$50, April 25 – 30, 2010, to attend Officer Safety, High Risk Operational Skills: Level II in Meridian, MS.

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

**Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Royal**

**Nays: None**

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

Councilmember Smitherman returned and took her seat as a Councilmember.

**The following resolution which was first introduced at the regular meeting on Tuesday, February 23, 2010 at 9:30 o'clock a.m., which was deferred to the regular meeting on Tuesday, March 9, 2010 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, April 13, 2010 at 9:30 o'clock a.m., was called by the Presiding Officer:**

**RESOLUTION NO. 419-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by El Centenario LLC to the City of Birmingham, Alabama, dated October 13, 2009, for an Club Liquor Class II License to be used at El Centenario LLC, 1118 3<sup>rd</sup> Avenue West, Birmingham, be and the same is hereby NOT approved and NOT recommended for grant by the Alabama Alcoholic Beverage Control Board.

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The resolution was read by the Deputy City Clerk, whereupon Councilmember Austin made a motion to approve the application which motion was seconded by Councilmember Roberson, and upon the roll being called the vote was as follows:

Ayes: None

Nays: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal

The vote was then announced by the Deputy City Clerk, whereupon the Presiding Officer declared the motion to approve the application NOT adopted and the above resolution adopted.

The following resolution was introduced by Councilmember Roberson:

**RESOLUTION NO. 420-10**

**BE IT RESOLVED** by the Council of the City of Birmingham, that the application submitted by Jefferson Avenue Inc. to the City of Birmingham, Alabama, dated February 17, 2010 for a Lounge Retail Liquor Class II License to be used at Jefferson Avenue Spirits, 1900 Jefferson Avenue SW Suite A, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson

Nays: Scales, Smitherman, Royal

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

The following ordinance was introduced by Councilmember Abbott:

**ORDINANCE NO. 10-49**

**AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF BIRMINGHAM, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY**

**WHEREAS**, a certain petition signed by **Virginia B. Anton**, being the owner of all of the land within the territory therein described and proposed to be annexed to the City, together with a map of said territory showing its relationship to the corporate limits of the City has been filed with the City Clerk of the City of Birmingham; and,

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**WHEREAS**, this Council has determined and found that the matters set forth and alleged in said petition are true, that said territory is contiguous to the corporate limits of the City of Birmingham, and that it is in the public interest that said property be annexed to the City of Birmingham to the extent that such territory lies closer to the present boundary line of the City of Birmingham than to the present boundary line of any other municipality;

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

Section 1. That said Council hereby assents to the annexation of said contiguous territory to the City of Birmingham, Alabama, and the corporate limits thereof are hereby extended and rearranged pursuant to the provisions of Chapter 42, Article 2, Code of Alabama 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said contiguous territory within the corporate area of said City, which said territory, while it may be within police jurisdiction of another municipality, the new boundary line does not lie at any point beyond the point which is equidistant between the old City boundary of the City of Birmingham and the present corporate boundary of any other municipality. Said territory is described in **Attachment A** hereto.

Section 2. The provisions of this ordinance are intended to be severable and the invalidity of any provision hereof shall not be deemed to affect the validity of any other provision herein.

Section 3. That the City Clerk shall file a certified copy of this ordinance containing an accurate description of said annexed territory, together with a map of such territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this ordinance to be published in a newspaper of general circulation in the City of Birmingham.

#### ATTACHMENT A

##### PROPOSED ANNEXATION LEGAL DESCRIPTION

The parcels of land proposed to be annexed herein are situated in the Southwest Quarter of the Southwest Quarter of Section 29, Township 16 South, Range 1 West, Huntsville Meridian, and Jefferson County, Alabama and are more particularly described as follows:

**Parcel 1:** Commencing at the Southeast corner of the Southeast Quarter of, the Southwest Quarter of, Section 29, Township 16 South, Range 1 West, Jefferson County, Alabama, run North along the East line of the said  $\frac{1}{4}$ - $\frac{1}{4}$  Section for a distance of 664.05 feet to the POINT OF BEGINNING of the PRIVATE PROPERTY proposed to be annexed herein, the said point also being the Southeast corner of the said property. From the point of beginning thus obtained, turn an angle of 89 degrees, 32 minutes, 30 seconds to the left and run in a Westerly direction along the South line of the said property for a distance of 227.16 feet to the Southwest corner of the property, thence; turn an angle of 89 degrees, 35 minutes, 30 seconds to the right and run North along the West line of the property for a distance of 469.32 feet to the Northwest corner of the property, the said corner also being a point on the Southerly right of way line of Edwards Lake Road as described in Real Volume 1409, Page 0239 as recorded in the Office of Probate of Jefferson County, Alabama, thence; turn an angle of 99 degrees, 22 minutes, 00 seconds to the right and run in a Southeasterly

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direction along the Southerly right of way line of Edwards Lake Road for a distance of 229.84 feet to the Northeast corner of the said property, the said point also being a point on the East line of the said ¼-¼ Section, thence; turn an angle of 80 degrees, 35 minutes, 00 seconds to the right and run South along the said ¼-¼ section line for a distance of 433.54 feet back to the POINT OF BEGINNING,

Together with;

**Parcel 2:** A parcel of PUBLIC LAND being a portion of the right of way of Edwards Lake Road lying within the originally (first) established boundaries of same which has remained, until the effective date of this Ordinance, un-annexed, but adjacent to, and abutting the Northernmost property line of the above described PRIVATE PROPERTY proposed to be annexed herein. The following description of the said PUBLIC LAND to be additionally annexed AS REQUIRED is recited per its original configuration prior to the widening, and realignment of, Edwards Lake Road under City of Birmingham Public Street Improvement Projects. The property as described below closes seamlessly with the previously executed annexations of those parts of Edwards Lake Road lying North of and abutting the centerline of its said originally established right of way boundaries. The Annexation of the properties situated North side of Edwards Lake Road included the annexation of the half of the right of way lying north of the centerline of Edwards Lake Road at that time. Hence, the portion of PUBLIC LAND to be additionally annexed herein is thus, all of the remaining property situated between the Northerly property line of the above described PRIVATE PROPERTY, and the centerline of Edwards Lake Road “as originally established” and is more particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of, the Southwest quarter of, Section 29, Township 16 South, Range 1 West, run in a Northerly direction along the said ¼,-¼ section line for a distance of 1097.59 feet to a point on the first established Southerly right of way line of Edwards Lake Road as described in Real Volume 1409, Page 0239 as recorded in the Office of Probate of Jefferson County, Alabama, the said point also the Northeast corner of the PRIVATE LAND being annexed herein, the Southeast corner of the PUBLIC LAND being annexed herein, and the POINT OF BEGINNING of the PUBLIC LAND to be annexed herein. From the point of beginning thus obtained, turn an angle of 80 degrees, 35 minutes, 00 seconds to the left and run in a Northwesterly direction along the Southerly line of the said previous right of way of Edwards Lake Road, and most Northerly property line of the PRIVATE LAND to be annexed herein, for a distance of 229.84 feet to the Southeast corner of the PUBLIC LAND being annexed herein, the said point also being a point on the Southerly line of the said previous right of way of Edwards Lake Road, thence; turn an angle of 80 degrees, 38 minutes, 00 minutes to the right and run a Northerly direction along a Northerly straight line extension of the most Westerly line of the PRIVATE PROPERTY being annexed herein for a distance of 46.75 feet to a point on the previous centerline of the right of way of Edwards Lake Road as shown on the Plat Map of the Posey East Subdivision as recorded, Map Book -114, Map Page 0065, as recorded in the Office of Probate of Jefferson County, Alabama, the said point also being a point on a curve to the right having a central angle of 3 degrees 38 minutes, 36 seconds and a radius of 1500.0 feet, and a point on the existing City Limit Line of the City of Birmingham, Alabama, thence; turn an angle 96 degrees, 38 minutes 40 seconds to the right of the tangent of the said curve, and run in an Easterly direction along the arc of the said curve and existing City Limit line for an arc distance of 95.38

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feet to the end of the said curve, and point of tangency of the said curve, thence; continue in an Easterly direction along said centerline, existing City Limit Line, and tangent of the said curve, for a distance of 134.57 feet to a point on the centerline and existing City Limit Line to the point of its intersection with a 46.08 foot long Northerly straight line projection of the most Easterly line of the PRIVATE PROPERTY being annexed herein, thence; turn an angle of 79 degrees, 39 minutes, 45 seconds to the right of the said centerline, departing the centerline and existing City Limit Line, run a Southerly direction along last described straight line projection for a distance of 46.08 feet back to the POINT OF BEGINNING

The above described portions of land proposed to be annexed by this Ordinance contain 102,336 Square Feet. (2.35 Acres) more or less of PRIVATE PROPERTY, together with 10,675 Square Feet (0.245 Acres) more or less of PUBLIC PROPERTY acquired as part of the Right of Way of Edwards Lake Road, as shown on the maps labeled **ATTACHMENTS B&C** attached hereto and on file in the Office of the City Clerk of the City of Birmingham, Alabama. is:

113,041 Square Feet, 2.595 Acres, or 0.00405 Square Miles, more or less

Address: **1325 Edwards Lake Road**  
PID: 01-12-29-3-009-001.000-RR

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal  
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 ordinance adopted.

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

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

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

The following resolution was introduced by Councilmember Rafferty:

**Case No. ZAC2010-00025**  
**RESOLUTION NO. 421-10**

**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:

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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 25, 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. ZAC2010-00025  
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:       CB-2, CONTINGENCY GENERAL BUSINESS DISTRICT  
              R-5, MULTIPLE DWELLING DISTRICT

TO:         M-1, LIGHT INDUSTRIAL DISTRICT

7814 and 7834 1st Avenue North and at 7813 2nd Avenue North, and situated in the SE¼ of Section 10, Township 17-S, Range 2 West. (35206, District 4), more particularly described as follows:

Parcel 1: LOT 7-A DANDY R V SALES RESUR

Parcel 2: LOTS 5 & 6 BLK 10-A EAST LAKE LESS PT IN I-59 R/W

Parcel 3: LOT 18 BLK 10-A EAST LAKE LESS PT IN I-59 R/W

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. ZAC2010-00025: The Council of the City of Birmingham will hold a public hearing to consider the adoption of an ordinance for a change in zone district boundaries from CB-2, Contingency General Business and R-5, Multiple Dwelling District to M-1, Light Industrial

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District, filed by Robert Bratton, representing the owners, Electrosouth Leasing, LLC., and Alabama Power, for properties located at 7814 and 7834 1st Avenue North and at 7813 2nd Avenue North, and situated in the SE¼ of Section 10, Township 17-S, Range 2 West. (35206), commencing at 9:30 a.m. on Tuesday, May 25, 2010. Public Notice of this public hearing was first published on \_\_\_\_\_.

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal

Nays: None

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

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

Marva V. Douglas, who requested to speak did not appear.

Willie Jenkins, 4008 29th Street North appeared relative to inviting the Council to Carver High Alumni Picnic.

Gilbert Klein, 3517 Hickory Avenue S.W. appeared relative to the U.S. Justice Department and Civil Rights.

Donald Square, 1444 Chervell Street appeared relative to the refuge collectors.

The following resolution was introduced by Councilmember Royal:

**RESOLUTION NO. 422-10**

**BE IT RESOLVED** by the Council of the City of Birmingham that a resolution expressing sympathy to the family of Jackie Floyd Roosley to be prepared by Council President Roderick Royal and is hereby adopted by reference in a form to be approved by the President of the Council as if set out in full herein.

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal

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.

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

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

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

The following resolution was introduced by Councilmember Royal:

**RESOLUTION NO. 423-10**

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

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

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Birmingham deem that the **Champions for Life Luncheon on Saturday, April 17, 2010**, hosted by the Birmingham Police Department serves a public purpose, and the departments donation funds my be used to pay for such an event, including the purchase of food. The estimated cost for the luncheon is not to exceed \$500.00.

FUNDING SOURCE Charged for Expenditure: BPD Donations and Designations Funds (donations corporations and individuals) 031\_202\_39000\_39004.523-006 (No General Fund money used)

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal  
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 Parker, and upon the roll being called, the vote was as follows:

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

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

The following resolution was introduced by Councilmember Scales:

**RESOLUTION NO. 424-10**

**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 to attend the District 1 Academic All Stars Event that is being held 4:00 p.m. on Sunday, May 16, 2010 at the Cahaba Grand Conference Center serves a public purpose; and

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

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

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

**ADOPTED** this Thirteenth day of April, Two Thousand and Ten.

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

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

Ayes: Abbott, Austin, Parker, Rafferty, Roberson, Scales, Smitherman, Royal  
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 MATTER WAS DEFERRED:**

Councilmember Austin made a motion which motion was seconded by Councilmember Rafferty and adopted, that "A Resolution relative to the application of F & M Store Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Huffman Chevron**, 700 Old Springville Road, Birmingham," and the **hearing** of all interested parties., be deferred to the regular meeting on Tuesday, April 20, 2010 at 9:30 o'clock a.m.

**ALL OTHER MATTERS WENT OVER.**

Upon motion by the Presiding Officer, the Council adjourned at 12:21 o'clock p.m.

**Approved: May 4, 2010.**

**Roderick V. Royal /s/**  
**PRESIDENT OF THE COUNCIL**

**Roderick V. Royal /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**

**NOTE: The following matters were withdrawn:**

Those properties declared by Resolution No. 286-10 on March 9, 2010, to be noxious and dangerous, whereon said weeds have been abated:

33	23-03-1-28-12.000-RR	9024 11TH AVE N 35206	LOTS 7 & 8 BLK 4 AIRPORT ESTS
77	13-34-4-05-44.000-RR	1020 PENFIELD DR 35217	LOT 14 BLK 2 LST ADD TO PENFIELD PARK.