

## **AGENDA**

### **REGULAR MEETING OF THE COUNCIL CITY OF BIRMINGHAM, ALABAMA CITY COUNCIL CHAMBERS – THIRD FLOOR CITY HALL**

**February 22, 2011 - 9:30 A.M.**

**WEB SITE ADDRESS: [www.birminghamal.gov](http://www.birminghamal.gov)**

**INVOCATION: Elder Dr. Derrol Dawkins, Pastor of Northside Church of God**

**PLEDGE OF ALLEGIANCE: Councilmember Lashunda Scales**

**ROLL CALL**

**MINUTES NOT READY: January 4 - February 15, 2011**

**COMMUNICATIONS FROM THE MAYOR**

**CONSIDERATION OF CONSENT AGENDA**

**All items designated as “Consent” are considered to be routine and non-controversial and will be approved by one motion. No separate discussion of these items will be permitted unless a Councilmember, the Mayor or Citizen interested in a public hearing so requests, if so, such item(s) will revert to its normal place on the Agenda Order of Business. All matters of permanent operation (“P”) will be read. All other matters will be announced by reading the Item Number only. All Public Hearings will be announced.**

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE**

(ph)

**ITEM 1.**

A public show cause hearing to consider the revocation of the business license(s) issued to **Frederick A. Burkes, d/b/a Burkes Enterprises, LLC d/b/a Burkes Brothers Limousine Service**, 1430 – 8<sup>th</sup> Avenue North, Birmingham, to operate a limousine service and to consider rescinding Resolution No. 1607-06, adopted by the Council July 5, 2006, which granted five (5) Certificates of Public Necessity and Convenience to Frederick A. Burkes, d/b/a Burkes Enterprises LLC, d/b/a Burkes Brothers Limousine Service, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Transportation and Communication Committee)

**CONSENT(ph)**

**ITEM 2.**

A Resolution authorizing the abatement of the nuisances existing on the following properties and the costs of such abatement to be assessed against and constitute a lien upon such properties, and the **hearing** of all interested parties: (Submitted by the City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvements and Beautification Committee)

- 1        29-08-4-41-04.000-RR; 1005 20TH ST SW, LOT 3 BLK 22 EUREKA
- 2        23-15-3-37-02.000-RR; 6511 4TH AVE N, LOTS 19 AND 20 BLK 1 GROVELAND
- 3        29-17-1-09-07.000-RR; 1225 19TH PL SW, LOT 5 JIMMIE E MARABLES RESUR BLK 10 ROSMOOR LD CO SUR
- 4        29-08-4-41-10.000-RR; 1021 20TH ST SW, LOT 11 BLK 22 EUREKA
- 5        22-36-3-12-06.000-RR; 1709 1ST AVE N, W 1/2 LOT 6 & E 1/2 LOT 7 BLK 109-A BHAM
- 6        22-35-4-05-05.000-RR; 14 13TH ST N, LOT 2 HARDINS RES PB 157 PG 41
- 7        22-35-4-20-01.003-RR; NEXT TO 14 13TH ST N, COM SW INT 1ST AVE N & 13TH ST S TH SW 420.1 FT TO POB TH SW 637 FT TH SE 17.2 FT TH SW 199.5 FT TH NW 54.2 FT TH NE CONTINUED
- 8        22-35-4-20-01.000-RR; 1019 1ST AVE N, COM AT SW INTER OF 13TH ST NO & 1ST AVE NO TH SW 860 FT TO POB FT TH SE 328.6 FT TH SW 200 FT TH NW 30 FT TH SW 200 CONTINUED
- 9        22-35-4-20-01.001-RR; 1101 1ST AVE N, LOT 2 LEVENSONS RESUR 170/39
- 10       29-17-1-08-31.000-RR; 1224 19TH PL SW, LOT 3 & S 1/2 OF LOT 2 BLK 15 ROSMOOR LD CO RESUR SEC 17 TP 18 R 3W

- 11 22-20-3-18-10.000-RR; 940 TRILBY ST, LOT 11 BLK E NO HIGHLANDS ADD TO PRATT CITY
- 13 22-19-4-05-01.000-RR; 820 AMORY RD, LOT 1 BLK 4 TENN LD COS 5TH ADD TO PRATT CITY
- 14 23-19-4-23-15.000-RR; 822 38TH ST N, LOT 7 BLK 9 EAST BHAM
- 15 23-07-4-02-20.000-RR; 4344 NEWTON ST, LOT 8 BLK 9 BOYLES PARK
- 16 23-08-3-03-49.000-RR; 4404 41ST ST N, LOTS 2 & 3 BLK 4 INGLE TERRACE
- 17 13-25-4-05-08.000-RR; 400 AZALEA WAY, LOT 1 RESUR LOTS A THRU G BLK 15 & LOTS A THRU C BLK 10 ROEBUCK GARDENS ESTATES
- 18 13-35-4-10-02.000-RR; 405 CHERI LN, LOT 26 1ST ADD TO WOODCREST ESTATES
- 19 23-19-4-04-07.000-RR; 3945 RICHARD ARRINGTON BLVD N, LOTS 1 THRU 7 BLK 24 EAST BHAM
- 20 13-26-3-00-231.000-RR; 106 MOONGLOW DR, LOT 13 BLK 6 SUNRISE EAST 4TH SECT AMENDED MAP 128/39
- 21 23-20-1-24-06.000-RR; 4812 9TH TER N, P O B 155 FT S E OF THE S E INTER OF 48TH ST N & 10TH AVE N TH E 52 S FT ALG AVE TH S 124 S FT TO 9TH TERR N TH W 52 CONTINUED
- 22 22-25-1-25-06.001-RR; 2912 8TH AVE N, LOT 6-B PLOTT PARKER RESURVEY 211/69
- 23 22-13-4-42-06.000-RR; 3329 27TH CT N, LOTS 1 & 2 BLK 2 J H POOLS SUR
- 24 22-13-4-42-07.000-RR; 3319 27TH CT N, E 1/2 OF LOT 3 BLK 2 J H POOLS SUR

**INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**

**ITEM 3.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$360,000.00 of Fund 129 12007–A. G. O. Bond Fund Libraries from Slossfield Branch and \$300,000.00 from Woodlawn Library and appropriating \$580,502.00 to Library Repairs and Improvements. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**ITEM 4.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$15,000.00 of Fund 129 12007– A G.O. Bond Fund Public Buildings from Funds Available to E-85 Fueling Station. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**CONSENT**

**ITEM 5.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by unappropriating \$5,139.65 from Fund 121 1998-B Warrants Street Improvements – Ruffner Mountain Nature Center due to the project being complete. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**ITEM 6.**

An Ordinance authorizing the Mayor to enter into an easement agreement whereby **BellSouth Telecommunications, Inc. d/b/a AT&T Alabama** is allowed to enter upon Highland Park in the vicinity of 39<sup>th</sup> Street and 11<sup>th</sup> Avenue South to install, operate and maintain certain communication facilities in addition and adjacent to the existing communication facilities located in Highland Park. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Park and Recreation Board) (No Recommendation by the Public Improvements Committee)\*\*

**ITEM 7.**

A Resolution authorizing the Mayor to execute an Alternative Fuel Infrastructure Project and Funding Agreement with **Alabama Clean Fuels** to amend the October 4, 2007, Alternative Fuel Infrastructure Project and Funding Agreement with the Alabama Clean Fuels Coalition and to execute an amended contract with Alabama Clean Fuels Coalition providing for the deletion of all references to “Two Hundred Eighty Thousand and no/100 (\$280,000.00)” and “\$280,000.00” and replacing the same with “Three Hundred Twelve Thousand Six Hundred Forty-two and No/100 Dollars \$312,642.00)” and “\$312,642.00,” respectively to reflect a higher funding level and to revise the scope of the Project. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)\*\*

**CONSENT****ITEM 8.**

A Resolution authorizing the Mayor to execute the appointment letter to retain the services of **Alabama Newspaper Advertising Service**, in an amount not to exceed \$25,000.00 to provide advertising in newspapers distributed throughout the southeastern region of the United States to attract developers for the redevelopment of approximately seven (7) acres of vacant land and approximately five hundred fifty (550) square feet of space in the indoor track and pool stadium on the Fair Park site for commercial retail use. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Mayor and the Budget and Finance Committee)

**CONSENT****ITEM 9.**

A Resolution authorizing the Mayor to enter into an Agreement whereby **Chick-fil-A, Inc.** is allowed to enter upon City right of way to install and maintain six (6) benches, four (4) trash receptacles, two (2) bicycle racks, and one (1) flag pole located within the right of way of 20<sup>th</sup> Street South and Highland Avenue at a building located at 2200 Highland Avenue, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

**CONSENT****ITEM 10.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **General Services Administration** is allowed to enter upon City right of way to install and maintain stairs to be located within the right of way of 5<sup>th</sup> Avenue North attached to the Robert S. Vance building located at 1800 – 5<sup>th</sup> Avenue North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

**ITEM 11.**

A Resolution authorizing the Mayor to execute a Loan Agreement with **Railroad Square, LLC** under which the City will provide a Birmingham Business Development Loan to Railroad Square, LLC in an amount not to exceed \$1,000,000.00 for a term of two (2) years at an interest rate of 2.5% per annum, said loan to be secured by an irrevocable, direct pay letter of credit, to be used in connection with Railroad Square, LLC's acquisition of the former National Biscuit Co. building located at 120 18<sup>th</sup> Street, South along with an adjoining warehouse at 1720 2<sup>nd</sup> Avenue, South and conversion of the property into a mixed-use building featuring offices, retail space and lofts. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 12.**

A Resolution authorizing the Mayor to submit an application to **the United States Department of Housing and Urban Development** requesting an allocation of \$2,576,151.00 under the Neighborhood Stabilization Program (NSP3) funds. (Submitted by the Mayor) (Recommended by the Mayor and the Director of Community Development and the Budget and Finance Committee)\*\*

**ITEM 13.**

A Resolution authorizing the Mayor, by and through the Birmingham Municipal Court, to submit a grant application to **the United States Department of Justice Domestic Violence Against Women, Grants to Encourage Arrest Policies and Enforcement of Protection Orders** and if awarded, authorizing the Mayor to accept the award in the amount of \$400,000.00 for twenty-four (24) months for Birmingham Municipal Domestic Violence Court to enhance its implementation of the Domestic Violence Court program and which does not require matching funds from the City. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)\*\*

**ITEM 14.**

A Resolution authorizing the Mayor to enter into an agreement with **Old Car Heaven** to house, refurbish and display the “Batmobile” at Old Car Heaven, 115 – 35<sup>th</sup> Street South, Birmingham, until such time that the City requests to have the car returned to the City. (Submitted and Recommended by Council President Royal)\*\*

**ITEM 15.**

A Resolution approving the agreement with **Amsher Collection Services, Inc.**, Birmingham, for the collection of delinquent business licenses and sales, use, occupational and lease taxes owed to the City, for a fee of thirty percent (30%) of actual collections of accounts, for a period of one (1) year and renewable for an additional two (2) year term, and authorizing the Mayor to execute the agreement. [**Appropriated in the FY2011 Budget; GL Account: 001\_019\_00050\_00054.527-009**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Finance)

**ITEM 16.**

A Resolution approving the appointment of **Lewis and Associates**, Cooper City, Florida, in the amount of \$10,000.00, inclusive of any reimbursable expenses, to perform franchise fee compliance examination on the books of Bright House Networks, covering the calendar years 2009 and 2010, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY2011 Budget; GL Account: 001\_019\_00001.527-014**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Finance)

**CONSENT****ITEM 17.**

A Resolution authorizing the Mayor to execute agreements with the **Leslie Brown Holloway “No Limits” Foundation, Inc.** to help fund transportation for students to attend a summit to be held at Lawson State Community College, which serves a public purpose, and the expenditure of the total amount of \$200.00 in City funds, including \$100.00 from the Riley Travellick Neighborhood Association and \$100.00 from the Jones Valley Neighborhood Association, payable to the Leslie Brown Holloway “No Limits” Foundation, Inc. for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**CONSENT****ITEM 18.**

A Resolution authorizing the Mayor to execute an agreement with the **Leslie Brown Holloway “No Limits” Foundation, Inc.** for the Birmingham Abstinence Education Program and finding that the expenditure of the total amount of \$500.00 in City funds from the Zion City Neighborhood Association, payable to the Leslie Brown Holloway “No Limits” Foundation, Inc. for the provision of these goods and services, constitutes a public purpose. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**CONSENT****ITEM 19.**

A Resolution authorizing the expenditure of the total amount of \$1,000.00 in City funds from the Industrial Center Neighborhood Association, payable to the **Leslie Brown Holloway “No Limits” Foundation, Inc.** to help fund upcoming programs which constitute a public purpose, and the Mayor to execute an agreement with the Leslie Brown Holloway “No Limits” Foundation, Inc. for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**ITEM 20.**

A Resolution finding that the payment of \$600.00 to **New Rising Star Missionary Baptist Church** to provide facility usage for the East Lake Neighborhood Association meetings constitutes a public purpose; authorizing the expenditure of the total amount of \$600.00 in City funds, which have been allocated to the East Lake Neighborhood Association, payable to New Rising Star Missionary Baptist Church, for this purpose and authorizing the Mayor to execute an agreement with New Rising Star Baptist Church for this purpose. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**ITEM 21.**

A Resolution finding that the expenditure of \$21,991.00 from funds allocated to the North Titusville Neighborhood Association on behalf of the **Regional Planning Commission of Greater Birmingham** to develop a proposed neighborhood plan for the North Titusville Neighborhood Association, constitutes a public purpose, and authorizing the Mayor to execute an agreement with Regional Planning Commission of Greater Birmingham for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 22.**

A Resolution requesting that City Council Discretionary Fund be appropriated for various organizations, declaring them a public purpose, and authorizing the Mayor to execute the contracts. (Submitted by Councillor Hoyt, Chairman, Budget and Finance Committee) (Recommended by the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 23.**

A Resolution determining that **Cox Media Group's Best in Minority Business Awards Event**, to be held February 24, 2011 at the Harbert Center, serves a public purpose that promotes goodwill and serves a public interest, and requesting that City funds in the amount of \$320.00 per table to be used to pay for this event. (Submitted by the Mayor) (Recommended by the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 24.**

A Resolution determining that the **5<sup>th</sup> Annual Raising Dollars for Scholars Luncheon** sponsored by Holy Family Cristo Rey Catholic High School, to be held April 15, 2011 at the Harbert Center, serves a public purpose that promotes goodwill and serves a public interest, and requesting that City funds in the amount of \$500.00 per table be used to pay for this event. (Submitted by the Mayor) (Recommended by the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 25.**

A Resolution approving the proposal of **Southern LINC Wireless**, Montgomery, Alabama, to provide push to talk radio communication service for the City for a period of three (3) years and month to month thereafter at unit prices on file in the Office of the Purchasing Agent, this being the lowest priced most advantageous proposal submitted, and authorizing the Mayor to execute any necessary agreements. [**Appropriated in the FY 2011 Budget; GL Account: 001\_037\_01930\_01932.529-003**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Information Management Services)

**ITEM 26.**

A Resolution accepting the lump sum bid of **Bryant and Company, Inc.**, 3709 – 3<sup>rd</sup> Avenue South, Birmingham, in the amount of \$318,818.00, for E-85 Fueling Stations at 515 – 6<sup>th</sup> Avenue South and 2413 – 27<sup>th</sup> Street North, Birmingham, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**PEP117CP 22200 and EM035GR 22200**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Two Bids Submitted)

**CONSENT**

**ITEM 27.**

A Resolution determining that the building or structure located at 52 Kappa Avenue, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 28.**

A Resolution determining that the building or structure located at 312 – 27<sup>th</sup> Street S.W. and Garage, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 29.**

A Resolution determining that the building or structure located at 5408 Gordon Avenue S.W., Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 30.**

A Resolution determining that the building or structure located at 2519 Snavely Avenue S.W., Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 31.**

A Resolution determining that the building or structure located at 3913 Mineral Avenue S.W., Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 32.**

A Resolution determining that the building or structure located at 338 – 14<sup>th</sup> Terrace North, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 33.**

A Resolution determining that the building or structure located at 1729 – 31<sup>st</sup> Avenue North, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 34.**

A Resolution determining that the building or structure located at 2521 Snavely Avenue S.W., Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 35.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Corry Harris**, the owner or agent of the property located at 1387 Circle Street, Birmingham, which was condemned by the Council January 16, 2007, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 36.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Tawana Fay Newton**, the owner or agent of the property located at 904 Avenue E, Apartment A-H, Birmingham, which was condemned by the Council December 14, 2010, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 37.**

A Resolution rescinding Resolution No. 113-11, adopted by the Council February 1, 2011, revoking the Certificates of Public Necessity and Convenience issued to **Magic City Limousine Service**, 825 Oakleaf Circle Apartment B, Birmingham, due to the liability insurance having been filed and in compliance. (Submitted by Councillor Rafferty, Chairperson, Transportation and Communications Committee)

**CONSENT**

**ITEM 38.**

A Resolution amending Resolution No. 1753-10, adopted by the Council November 30, 2010, fixing a special assessment against various properties throughout the City for the abatement of noxious or dangerous weeds, to remove the following property due to the account number being changed and the new owner being notified: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

\$407.90      4321 74<sup>th</sup> PL N 35206, Parcel ID: 23-10-3-19-07.000-RR, Acct #: 93111

**CONSENT**

**ITEM 39.**

A Resolution amending Resolution No. 9-11, adopted by the Council January 4, 2011, fixing a special assessment against various properties throughout the City for the abatement of noxious or dangerous weeds, to remove the following property due to the lot being assessed in error: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

\$200.40      2113 25<sup>th</sup> Ave N 35234, Parcel 22-23-1-52-04.000-RR, Acct #: 93286

**CONSENT**

**ITEM 40.**

A Resolution rescinding Resolution No. 27-11, adopted by the Council January 4, 2011, fixing a special assessment against various properties throughout the City for the abatement of noxious or dangerous weeds, to remove the following property due to the resolution having been submitted in error and the lots having already been submitted under another resolution. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

**CONSENT**

**ITEM 41.**

A Resolution authorizing the Director of Finance to make three (3) refunds in the total amount of \$41,908.47. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**CONSENT**

**ITEM 42.**

A Resolution approving the estimated expense accounts of city employees. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**ITEM 43.**

A Resolution setting a public hearing **March 29, 2011**, to consider the adoption of a resolution assenting to the vacation of 4<sup>th</sup> Street North that runs parallel to and between 3<sup>rd</sup> Street North and 5<sup>th</sup> Street North and runs perpendicular to and between 8<sup>th</sup> Avenue North (Rev. Abraham Woods Jr. Boulevard) and 9<sup>th</sup> Court North, and the twenty (20) foot wide alley that runs parallel to and between 8<sup>th</sup> Avenue North (Rev. Abraham Woods Jr. Boulevard) and 9<sup>th</sup> Court North and perpendicular to and between 3<sup>rd</sup> Street North and 5<sup>th</sup> Street North, on behalf of **the Birmingham Board of Education, Dr. Craig Witherspoon**, owner, so that the construction for the new Parker High School can continue for the Field House and related parking areas, **Case No. SUB2010-00054**. (Submitted by Councillor Roberson, Chairman, Public Improvements and Beautification Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements and Beautification Committee)\*\*

**P**

**ITEM 44.**

A Resolution setting a public hearing **April 5, 2011** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2010-00132**) to change zone district boundaries from R-3 Single Family District to B-1 Neighborhood Business District, filed by Randall Morgan Smith, representing the owner Rufus Biggs, for property located at 2102 – 12<sup>th</sup> Street North, and situated in the SE¼ of Section 22, Township 17 South, Range 3 West, Birmingham. **[First Reading]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended “Q”B-1 by the Z.A.C.)\*\*

**ITEM 45.**

A Resolution finding that the following thirty-two (32) properties have noxious or dangerous weeds growing thereon declaring said properties to be a public nuisance and providing that notice shall be posted on each of said properties and notice sent by certified mail to the last person assessing these properties for state taxes and further providing for a public hearing **March 29, 2011** to hear and consider all objections or protests to proposed abatement of these nuisances by the City: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvements and Beautification Committee)

1            22-14-1-01-12.000-RR; 4032 FAIRMONT PL N, LOT 9 BLK 6 TARRANT & MCMILLAN ADD TO NO BHAM 6/47

2            22-13-2-05-02.000-RR-02; 4031 FAIRMONT PL N, LOT 12 BLK 3 TARRANT & MCMILLIANS ADD TO N BHAM

- 3 22-12-2-27-01.000-RR; 3012 SUMITON CREST RD, LOTS 16 THRU 18 BLK 8 TOWN OF DAVID LYING SWLY OF CO RD
- 4 22-35-1-19-01.000-RR; 836 15TH ST N, LOTS 1 THRU 3 BLK 12 BHAM
- 5 23-08-3-29-12.000-RR; 4308 42ND AVE N, LOT 7 BLK 3 MOUNTAIN PARK
- 6 23-29-3-13-04.000-RR; 101 40TH ST S, N 100 FT LOT 1 BLK 5 AVONDALE
- 7 23-28-3-02-11.000-RR; 4724 9TH AVE S, LOT 8 BLK 4 J R PHILLIPS
- 8 22-23-4-30-04.000-RR; 1619 19TH AVE N, LOTS 5 & 6 & 7 BLK 9 E A WESTBROOK
- 9 22-25-2-31-15.000-RR; 2214 13TH AVE N, LOT 15 BLK 2 SUDDUTH REALTY COS SUB OF BLK 667 BHAM
- 10 22-25-2-31-16.000-RR; 2216 13TH AVE N, LOT 16 BLK 2 SUDDUTH REALTY COS SUB OF BLK 667 BHAM
- 11 22-25-2-37-04.000-RR; 1320 22ND ST N, LOT 43 SUDDUTH REALTY COS SUB OF BLK 666 BIRMINGHAM
- 12 30-16-1-01-27.000-RR; 3626 ALEXANDER ST, LOT 2 BL 1 TERRY FURNITURE & LOAN COS SUB
- 13 22-35-1-20-01.000-RR; 901 14TH ST N, P O B INTER OF N W LINE OF 9TH AVE N & S E R/W OF S C L R R TH N E 310 FT S ALG 9TH AVE N TH NW LY 10 FT S TO I-59 TH CONTINUED
- 14 29-06-4-18-10.000-RR; 1713 33RD ST, LOT 9 BLK 10 BHAM ENSLEY
- 15 22-24-3-32-01.000-RR; 1710 26TH ST N, LOT 2 CARRAWAY METHODIST HEALTH SYSTEMS RESURVEY PB 185 PG 37
- 16 23-12-02-07.000-RR; 9190 PARKWAY E, LOT 25-B MOLLY O'DELL 1ST ADD TO ROEBUCK RESUR OF LOTS 25 & 26 & LOT 1-A STANDARD OIL COS RESUR OF LOTS 1 & 2 MOLLY CONTINUED
- 17 12-31-4-06-13.000-RR; 826 SHERWOOD FOREST DR, LOT 6 BLK 14 BARNISDALE FOREST 5TH SECTOR
- 18 22-12-3-07-30.000-RR; 3148 45TH AVE N, LOTS 29+30 BLK 6 LINCOLN HEIGHTS
- 19 22-24-1-04-44.000-RR; 1740 34TH PL N, LOTS 14 & 15 VANN REED & WILSON
- 20 29-07-2-09-01.000-RR; 1349 41ST ST, LOTS 1 & 2 BLK 3 BELVIEW HTS
- 21 22-13-2-10-03.000-RR; 3501 29TH ST N, POB NE INTER 35TH AVE N & 29TH ST TH N 111 FT ALG 29TH ST TH E 147 FT TH S 50 FT TO 35TH AVE N TH SW 160 FT ALG 35TH CONTINUED
- 22 22-01-3-09-10.000-RR; 3044 54TH AVE N, LOT 12 BLK 5 G R HARSH SURVEY

- 23 22-12-3-07-31.000-RR; 3152 45TH AVE N, LOTS 27 & 28 BLOCK 6 LINCOLN HEIGHTS
- 24 29-07-3-46-09.000-RR; 5540 AVENUE M, LOTS 3 THRU 6 BLK 44 MONTE SANO
- 25 30-12-4-40-02.000-RR; 5605 COURT H, S 10 FT OF LOT 7 & N 17-1/2 FT OF LOT 8 BLK 52 MON
- 26 30-13-1-03-11.000-RR; 5708 COURT H, LOT 12 BLK 1 DONALDS 1ST ADD TO VINESVILLE
- 27 23-14-1-19-97.000-RR; 808 79TH ST S, LOT 23 PINE HILL ADD TO HOWARD COLLEGE ESTATES
- 28 22-12-3-07-29.000-RR; 3146 45TH AVE N, LOT 31 BLK 6 LINCOLN HEIGHTS
- 29 22-12-3-07-28.000-RR; 3140 45TH AVE N, LOTS 32+33 BLK 6 LINCOLN HEIGHTS
- 30 13-34-4-05-35.000-RR; 1116 PENFIELD` DR, LOT 5 BLK 2 1ST ADD TO PENFIELD PARK
- 31 23-03-3-01-25.700-RR; Next to 8830 ZION CITY RD, UND 3/4 INT IN FOL: POB INTER N/L 12TH AVE N & E/L SW 1/4 SEC 3 TP 17 R 2 TH SW 171 FT ALG 12TH AVE N TH N 532 FT TH CONTINUED
- 32 22-31-3-44-07.000-RR; 812 22ND ST, N 50 FT LOTS 13 THRU 16 BLK 21-H ENSLEY

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUESTS FROM THE PUBLIC**

**ADJOURNMENT**

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

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Rare Transportation, LLC, 2481 Valleydale Road Suite C, Birmingham, AL 35244.

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Pinnacle Limousine Service, LLC, 204 Sam Pate Drive, Birmingham, AL 35215.