

AGENDA

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

January 25, 2011 - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Geraldine Daniels, Pastor of Southside Christian Methodist Episcopal Church

PLEDGE OF ALLEGIANCE: Council President Pro Tempore Steven Hoyt

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: November 30 and December 7, 2010

MINUTES NOT READY: December 14-28, 2010 and January 4-18, 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

P - (ph) ITEM 1.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2010-00136**) to change zone district boundaries from R-3 Single Family District to R-5 Multiple Dwelling District, filed by Vachael Goudy, representing the owner, Mario Berry, for property located at 1200 – 4th Court West, and situated in the SW¼ of Section 33, Township 17 South, Range 3 West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Z.A.C.) (No Recommendation by the Planning and Zoning Committee) (Held Over From 1/11/11 to 1/18/11; and Deferred from 1/18/11 to 1/25/11)**

P - (ph) ITEM 2.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2010-00142**) to change zone district boundaries from R-3 Single Family District to O&I Office and Institutional District, filed by Gayle Cunningham, Executive Director of the Jefferson County Committee for Economic Opportunity (JCCEO), representing the owner, Birmingham Board of Education, for property located at 801 – 46th Street North, and situated in the SE¼ of Section 20, Township 17 South, Range 2 West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Birmingham Planning Commission) (Recommended “Q”O&I by the Planning and Zoning Committee)**

P - (ph) ITEM 3.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2010-00148**) to change zone district boundaries from R-3 Single Family District to R-4 Two-Family and Semi-Attached Dwelling District, filed by Deborah Henderson, representing the owner, Imani Support Services, Inc., for property located at 717 Avenue G, and situated in the SE¼ of Section 30, Township 17 South, Range 3 West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (No Recommendation by the Z.A.C. and the Planning and Zoning Committee)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 4.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by appropriating \$104,136.64 to the Intermodal Facility and \$60,000.00 to Grants Mill Bridge from Fund 102 Capital Improvement Fund - Funds Available which is excess interest earnings on refinanced fleet lease agreement. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 5.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Café Dupont** is allowed to enter upon City right of way to install and maintain two (2) planters to be located within the right of way of 19th Street North attached to the building at 1819 – 5th Avenue North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 6.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Café Dupont** is allowed to enter upon City right of way to install and maintain an awning to be located within the right of way of 19th Street North attached to the building at 1819 – 5th Avenue North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 7.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Leigh Ferguson** is allowed to enter upon City right of way to install and maintain three (3) awnings to be located within the right of way of 20th Street North and 3rd Avenue North attached to the building at 301- 20th Street North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 8.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Sweet Tea Kitchen, L.L.C.** is allowed to enter upon City right of way to install and maintain three (3) awnings to be located within the right of way of 3rd Avenue South attached to the building at 2207 – 3rd Avenue South, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 9.

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **the Board of Trustees of The University of Alabama on behalf of The University of Alabama at Birmingham** is allowed to enter upon City right of way to construct, install and maintain a new distribution and condensate recovery system within the City right of way for the District Steam System for the UAB campus. (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 **Wright Weight Equipment, Inc.** is allowed to enter upon City right of way to install and maintain one (1) sign within the City right of way of First Avenue North on the exterior of the building located at 6510 First Avenue North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

ITEM 11.

A Resolution requesting that City Council Discretionary Funds be appropriated for various projects, 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 12.

A Resolution determining that the meeting with the **Alabama Legislative Delegation** to be held February 22, 2011 at the Boutwell Auditorium serves a public purpose that promotes goodwill and serves a public interest, and requesting that funds be used to pay for the event. (Submitted by Council President Royal, Chairman, Committee of the Whole) (Recommended by the Committee of the Whole)**

CONSENT

ITEM 13.

A Resolution determining that **the Annual Economic Development Summit** to be held March, 2011 in the Sheraton Hotel Ballroom, serves a public purpose that promotes goodwill and serves a public interest, requesting that City funds in an amount not to exceed \$15,000.00 be used to pay for this event and that any unused funds be returned back to the City Council for use in their 2011 budget year, appointing the NAACP Metro Birmingham Chapter as fiscal agent, and authorizing the Mayor to execute the appointment letter. (Submitted by Council President Royal, Chairman, Committee of the Whole) (Recommended by the Committee of the Whole)**

ITEM 14.

A Resolution appointing three (3) members to **the Birmingham Library Board** for five (5) year terms expiring December 31, 2015. (Submitted by Council President Royal, Chairman, Education Committee) (Recommended by the Education Committee)

CONSENT

ITEM 15.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Edna Myers Roper**, the owner or agent of the property located at 4022 – 43rd Avenue North, Birmingham, which was condemned by the Council November 17, 2009 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, no previous permits having been requested. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvements Committee)

ITEM 16.

A Resolution accepting the lump sum bid of **Leeds Seating Company**, Leeds, Alabama, in the amount of \$32,544.46, for Legion Field stadium seat re-upholstery and skybox curtains, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY 2010 Budget; MO121CP 003696**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

ITEM 17.

A Resolution accepting the unit price bid of **Bob Smith Construction, Inc.**, Trussville, Alabama, in the amount of \$1,097,175.10, for Grants Mill Road Bridge Replacement, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY2011 Budget; PEP131CP 003719 and PEP105CP 002514**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Two Bids Submitted)

CONSENT

ITEM 18.

A Resolution accepting and approving the bid of **E-Staff, Inc.**, Birmingham, for the purchase of temporary employee service as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, this being the lowest. [**Appropriated in the FY 2011 Budget; GL Account: 001_043_26200_26204.527-016**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Two Bids Submitted)

CONSENT

ITEM 19.

A Resolution authorizing the Director of Finance to pay \$1,395.00 to **the Center Point Fire District** for annexed property located at 893 Dunwoody Lane, pursuant to Act No. 604 of the Alabama Acts, 1976 Regular Session. [**Municipal Expansion 001-000.534-044**] (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Planning, Engineering and Permits and the Budget and Finance Committee)**

CONSENT

ITEM 20.

A Resolution authorizing the Director of Finance to pay \$1,149.00 to **the Center Point Fire District** for annexed property located at 1227 Woodslee Street, pursuant to Act No. 604 of the Alabama Acts, 1976 Regular Session. [**Municipal Expansion 001-000.534-044**] (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Planning, Engineering and Permits and the Budget and Finance Committee)**

ITEM 21.

A Resolution approving payment to **Birmingham Jefferson County Animal Control**, in an amount not to exceed \$63,389.02 per month to extend the current animal control services contract for the period beginning February 1, 2011 through February 28, 2011. [**Appropriated in the FY 2011 Budget; GL Account: 001_400_96100_96101.550-002**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Public Safety Committee)

CONSENT

ITEM 22.

A Resolution approving the following **Expense Accounts:** (Submitted by the Mayor) (Recommended by the Director of Finance)**

Kimberly Rafferty, Councilor, City Council, \$290.00, January 16-17, 2011, to attend a reception for Governor Elect Bentley in Montgomery, Alabama.

Roderick Royal, Council President, \$1,277.80, December 1-4, 2010, to attend National League of Cities 87th Congress of Cities in Denver, Colorado.

CONSENT

ITEM 23.

A Resolution approving the following **Estimated Expense Accounts:** (Submitted by the Mayor) (Recommended by the Director of Finance)**

Cheryl Kidd, Administrator, City Council, \$661.30, January 26-28, 2011, to attend Alabama City/County Management Association Winter Conference in Tuscaloosa, Alabama.

Jay Roberson, Councilor, City Council, \$2,017.32, January 24-27, 2011, to attend National Mentoring Summit and Congressional Meeting in Washington, District of Columbia.

CONSENT

ITEM 24.

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

CONSENT

ITEM 25.

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

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ITEM 26.

A Resolution setting a public hearing **March 8, 2011** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. ZAC2010-00160) to change zone district boundaries from “Q”B-1 Qualified Neighborhood Business District to B-2 General Business District, filed by Linda Henckell of Cat Haven Veterinary Clinic, representing the owner Vitemb Construction, LLC, for property located at 829 – 38th Street South and situated in the NW¼ of Section 32, Township 17 South, Range 2 West, Birmingham. **[First Reading]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended “Q”B-2 by the Z.A.C.)**

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ITEM 27.

A Resolution setting a public hearing **March 8, 2011** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. ZAC2010-00167) to change zone district boundaries from “Q”B-2 Qualified General Business District and “C”B-2 Contingency General Business District to M-1 Light Industrial District, filed by W. Howard Donovan, III, representing the owner, James Taylor, for properties located at 7705, 7721 and 7800 – 2nd Avenue North and situated in the SE¼ of Section 10, Township 17 South, Range 2 West, Birmingham. **[First Reading]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended “Q”M-1 by the Z.A.C.)**

ITEM 28.

A Resolution finding that the following twenty-eight (28) 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 1, 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 22-15-4-15-08.000-RR; 3755 CENTER ST W, LOT 6 BLK 4 J H BERRYS ADD TO HOOPER CITY
- 2 23-13-2-01-15.000-RR; 1008 81ST ST S, LOT 3 BLK 204 LAKEWOOD
- 3 23-08-4-03-01.000-RR; 4467 45TH AVE N, LOTS 30 THRU 33 BLK 7 HUDSON CITY
- 4 23-08-3-05-02.000-RR-01; 4225 48TH AVE N, LOTS 16 THRU 18 BLK 3 BOYLES HGLDS 7/107

- 5 29-19-2-07-13.000-RR; 3528 JEFFERSON AVE SW, LOT 12 BLK 8 PARK PLACE SEC 19 TP 18 R 3
- 6 29-05-4-10-15.000-RR; 1812 MADISON AVE SW, LOT 4 BLK 1 OAKWOOD PLACE 2ND ADD RESUR
- 7 29-07-2-39-04.000-RR; 1321 47TH ST, LOT 8 BLK 21 BELVIEW HTS 1ST ADD
- 8 22-23-3-10-01.000-RR; 1729 23RD AVE N, LOT 1-A BLK 352 RESURVEY OF LOTS 1-7 & PT OF VACATED ALLEY BLK 352 NORTH BHAM 1/111 PB 228 PG 93
- 9 22-23-3-10-09.000-RR; 1705 23RD AVE N, TH ELY 33 FT OF TH WLY 98 FT OF THE N 1/2 OF BLK 352 NORTH BHAM 1/111 BEING PT OF LOTS 8 & 10 & 10 FT STRIP OF VACATED CONTINUED
- 10 28-06-2-04-02.000-RR; 2405 10TH AVE S, COM AT INTER S R/W 24TH ST S & W R/W OF 10TH CT S
- 11 28-06-2-04-11.000-RR; 1015 23RD ST S, POB 77.3 FT SE OF THE INTER OF SE R/W 10TH AVE S &
- 12 22-20-3-17-08.000-RR; 1017 TRILBY ST, E 1/2 OF LOT 16 & W 1/2 OF LOT 17 BLK C NO HIGHLANDS ADD TO PRATT CITY
- 13 22-20-3-29-12.000-RR; 312 MAPLE AVE, P O B 103S FT N OF NW INTER LEGAL 2 BEALL ST & MAPLE AVE TH N 83.5
- 14 22-20-3-28-09.000-RR; 1306 BEALL ST, P O B 105S FT E OF NE INTER BEALL ST & MAPLE AVE TH E 48S FT ALG MAPLE AVE TH N 100 FT 105S FT TH W 48 FT TH S 100 FT
- 15 22-20-3-28-10.000-RR; 1308 BEALL ST, P O B 153S FT E OF NE INTER BEALL ST & MAPLE AVE T
- 16 22-14-1-30-11.000-RR; 2516 37TH AVE N, LOT 2 BLK 43 PARK PLACE EXCEPT THE NWLY 55.5 FT
- 17 22-14-1-30-12.000-RR; 2520 37TH AVE N, LOT 3 BLK 43 EX NW 55.5 FT PARK PLACE
- 18 22-14-4-36-05.000-RR; 2511 35TH AVE N, LOT 7 BLK 104 NO BHAM
- 19 22-14-1-11-03.000-RR; 2808 38TH AVE N, LOT 4 BLK 41 PARK PLACE SEC 14 TP 17 R 3
- 20 22-14-4-23-07.000-RR; 2620 33RD AVE N, LOTS 17 THRU 20 BLK 123 NORTH BHAM
- 21 23-08-4-04-01.000-RR; 4404 46TH AVE N, LOTS 9 & 10 BLK 8 HUDSON CITY
- 22 22-31-3-01-07.000-RR; 1517 AVENUE G, LOT 9 BLK 15-G ENSLEY
- 23 23-20-3-10-09.000-RR; 829 41ST ST N, LOT 9 EXCEPT N 2 FT BLK 5 KINGSTON

- 24 23-19-3-12-01.000-RR; 3513 12TH AVE N, POB INTER OF 12TH AVE N & VANDERBILT RD TH SW 315 FT ALG 12TH AVE N TH SE 155 FT TH NE 228 FT TH N 278 FT TO POB CONTINUED
- 25 23-19-3-20-08.000-RR; 1501 36TH PL N, LOT 16 SNEDECOR ADD TO BHAM
- 26 22-23-4-07-04.000-RR; 2214 STOUTS RD, LOT 4 BLK 1 J C WESTBROOK LESS RD RW
- 27 22-14-1-31-02.000-RR; 2525 37TH AVE N, LOT 7 BLK 44 PARK PLACE
- 28 22-14-1-31-09.000-RR; 2504 36TH AVE N, E 50 FT OF W 100 FT OF BLK 64 PARK PLACE

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matter was withdrawn:

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a taxicab service issued to Emadeldin Khamis, d/b/a Award Cab Company, 1708 – 13th Court South #301, Birmingham, AL 35205.