

## **AGENDA**

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

**February 9, 2010 - - 9:30 A.M.**

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

**INVOCATION: Presiding Bishop James L. Davis of the 9<sup>th</sup> Episcopal District of the African Methodist Episcopal Church**

**PLEDGE OF ALLEGIANCE: Councilmember Maxine Herring Parker**

**ROLL CALL**

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: August 25 and September 1, 2009**

**MINUTES NOT READY: September 8 – December 29, 2009, January 5 – 26 and February 2, 2010**

**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

### CONSENT(ph)

#### ITEM 1.

A Resolution relative to the application of Mark Kiptoo for an Off Premise Beer and Wine License to be used at **Brothers Food Mart**, 4120 Messer Airport Highway, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

### CONSENT(ph)

#### ITEM 2.

A Resolution relative to the application of Maybelline Battle Lanier for a Lounge Retail Liquor Class I License to be used at **D and D Pool Hall**, 2900 - 27<sup>th</sup> Street North Suite C, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

### CONSENT(ph)

#### ITEM 3.

A Resolution relative to the application of Do Dah Day, Inc. for a Special Events License 140 to be used at **Do Dah Day**, May 15, 2010 on Highland Avenue and 26<sup>th</sup> Street, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

### CONSENT(ph)

#### ITEM 4.

A Resolution relative to the application of Event Concession, Inc. for a Special Events License 140 to be used at **Schaeffer Crawfish Boil**, April 30-May 1, 2010, on 23<sup>rd</sup> and 24<sup>th</sup> Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

### (ph)

#### ITEM 5.

A Resolution relative to the application of Daniel Day McSweeney for an On and Off Premise Beer and Wine License to be used at **Daniel Day Gallery and Melody Maddett**, 3023-3025 – 6<sup>th</sup> Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

(ph) **ITEM 6.**  
A Resolution relative to the application of DDC Hotel AIG LLC for a Special Retail License 160 to be used at **Drury Inn and Suites Hotel**, 3510 Grandview Parkway, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

(ph) **ITEM 7.**  
A Resolution relative to the application of **Angel Community Development Corporation** for an Annual Bingo Permit to be used at 2400 Ensley Avenue, Birmingham, on Fridays and Saturdays of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

**ITEM 8.**  
A Resolution adopting and approving the 2009 Jefferson County Interim Multi-Hazard Mitigation Plan. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)(Deferred from 2/2/10 to 2/9/10)\*\*

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

**CONSENT** **ITEM 9.**  
An Ordinance amending Ordinance No. 09-14, adopted by the Council February 3, 2009, authorizing the Mayor to execute a quitclaim and redemption deed to **Donald White**, in the amount of \$1,909.11, for the property located at 401 Avenue D, Birmingham, to change the name of the grantee to Earlean Merkerson. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Acting Director of Finance)\*\*

**CONSENT** **ITEM 10.**  
An Ordinance authorizing the Mayor to execute a Quit Claim Deed to the **Greater Birmingham Habitat for Humanity, Inc.**, in the amount of \$695.04, for the property legally described as Lot 6, Block 6, according to the Survey of JW Wilkes recorded in Map Book 1005, Page 26 which was acquired by the City upon foreclosure of municipal improvement liens. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Acting Director of Finance)\*\*

**ITEM 11.**

An Ordinance authorizing the Mayor to apply for **the Enhancing Adult Drug Court Services, Coordination, and Treatment FY2010 Grant** in the amount of \$625,000.00, and if granted, then authorizing the Mayor to accept the grant, authorizing the Director of Finance to process the expenditure of such matching funds as required for the Bureau of Justice Assistance grant funds, up to the maximum amount of \$15,000.00 total for the three (3) year grant period, and authorizing the Mayor to execute any other documents required by the U. S. Department of Justice, Office of Justice Programs Bureau of Justice Assistance and the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment to implement the Enhancing Adult Drug Court Services, Coordination, and Treatment FY2010 Competitive Grant. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Presiding Judge of Municipal Court)\*\*

**CONSENT****ITEM 12.**

A Resolution approving the appointment of **Laura Claussen**, Warrior, Alabama, in an amount not to exceed \$10,000.00, to assist with paralegal services for the City of Birmingham Law Department, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY2010 Budget; GL Account: 001\_028\_01600.527-014**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Acting Chief Assistant City Attorney)

**ITEM 13.**

A Resolution requesting that a member of the Alabama Legislature sponsor a bill requiring the Birmingham Jefferson Civic Center add two (2) voting members from the Birmingham City Council to the Birmingham Jefferson Civic Center Board of Directors. (Submitted and Recommended by Councillor Smitherman)

**ITEM 14.**

A Resolution amending Resolution No. 113-10, adopted by the Council February 2, 2010, assenting to the vacation of 8,864 square feet of the cul-de-sac of Goldwire Circle that runs perpendicular to Goldwire Street and runs parallel to and between 4<sup>th</sup> Avenue S.W. and 5<sup>th</sup> Avenue S.W., to change the name of the property from the City of Birmingham to NSNR Birmingham, LLC, **Case No. SUB2009-00057**. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)

**ITEM 15.**

A Resolution amending Resolution No. 125-10, adopted by the Council February 2, 2010, accepting the dedication of Goldwire Terrace as shown on the Final Plat Goldwire Heights Subdivision – Sector II, to change the name of the property owner to NSNR Birmingham, LLC, **Case No. SUB2009-00057.** (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

**CONSENT**

**ITEM 16.**

A Resolution accepting and approving the bid of **Hayes Shoes**, Birmingham, for the purchase of safety shoes as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the City Stores Warehouse, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2010 Budget; G/L Account 152-003**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Six Bids Submitted)\*\*

**ITEM 17.**

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

Roderick Royal, Interim Mayor, Office of the Mayor, \$484.69, January 6-10, 2010, to attend Public Funds Summit in Scottsdale, Arizona.

**ITEM 18.**

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

Iris Kimbrough, Committee Assistant, City Council, \$193.35, February 17-18, 2010, to meet with Alabama Department of Transportation in Montgomery, Alabama.

Iris Kimbrough, Committee Assistant, City Council, \$186.16, February 3-4, 2010, to meet with Legislature in Montgomery, Alabama.

**CONSENT**

**ITEM 19.**

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

**CONSENT**

**ITEM 20.**

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

**ITEM 21.**

A Resolution finding that the following sixty-four (64) 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 16, 2010** 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 | 23-15-4-18-05.002-RR | 7109 6TH AVE S 35206        | LOT 13 BLK 38 EAST GALE 6/68  |
| 2 | 22-25-3-10-03.000-RR | 2101 12TH AVE N<br>35234    | W 1/2 OF LOT 3 & 110 FT OF LOT 4<br>BLK 633 BHAM  |
| 3 | 29-30-2-32-02.000-RR | 4409 CARVER AVE<br>SW 35221 | LOTS 10-11 BL 5 DONALDS ADD<br>TO GRASELLI  |
| 4 | 29-15-2-04-20.000-RR | 1500 13TH ST SW 35211       | LOT 1 BLK A COLLEGE ADD TO<br>MASON CITY 7/24   |
| 5 | 29-01-4-03-19.000-RR | 1756 13TH CT S 35205        | W 15 FT OF LOT 24 MALONE &<br>SMYER SUBDIV OF BLK 779<br>BHAM -TAX E-   |
| 6 | 30-02-1-31-09.000-RR | 4304 9TH AVE 35224          | LOT 8 BLK 12 PRATT LAND &<br>IMPROVEMENT CO   |
| 7 | 22-20-3-28-09.000-RR | 1306 BEALL ST 35214         | P O B 105S FT E OF NE INTER<br>BEALL ST & MAPLE AVE TH E<br>48S FT ALG MAPLE AVE TH N 100<br>FT 105S FT TH W 48 FT TH S 100<br>FT |

8	22-20-3-32-03.000-RR	1113 HIXON ST 35214	P O B 53S FT SE OF INTER NE COR LOT 1A GAS WORLD PLAZA RES 171/61 & HIXON ST TH E 69S FT ALG HIXON ST TH S 145S FT TH W
9	22-20-3-32-01.000-RR	1123 HIXON ST 35214	P O B 163S FT E LY OF INTER NE COR LOT 1 WAINWRIGH
10	22-20-3-24-06.000-RR	401 NELSON AVE 35214	POB E INTER HIXON ST & NELSON AVE TH N 52 FT ALG NELSON AVE TH E 82 FT TH S 52 FT TO HIXON ST TH W 82 FT ALG HIXON ST TO
11	23-07-4-27-03.000-RR	3835 43RD AVE N 35217	LOT 3 BLK 5 BENDALE
12	23-07-4-27-04.000-RR	3831 43RD AVE N 35217	LOT 4 BLK 5 BENDALE
13	23-07-4-31-03.000-RR	4321 GADSDEN ST 35217	LOT 13-A E BOYLES REALTY COS RESUR & RESUB OF LOTS
14	23-07-4-31-03.001-RR	4329 GADSDEN ST 35217	LOT 14-A EAST BOYLES REALTY COS RESUR & RESUB OF L
15	23-02-3-04-07.000-RR	408 90TH ST N 35206	PAR BEG AT NW COR LOT 50 TH S 218.4 FT E 60.2 FT N
16	22-26-1-10-13.000-RR-01	1507 HUNTSVILLE RD 35234	LOTS 4 & 5 BLK 3 SUDDUTH REALTY CO 5TH ADD 13/83 A
17	22-26-1-16-59.000-RR	1518 HUNTSVILLE RD 35234	LOTS 6 & 7 BLK 7 DRUID HILLS
18	22-26-1-16-58.001-RR	1516 HUNTSVILLE RD 35234	LOT 5 BLK 7 DRUID HILLS SUDDUTH REALTY CO 6TH ADD 14/3
19	23-14-1-11-04.000-RR	774 80TH ST S 35206	LOTS 20 & 21 BLK 30 SOUTH HIGHLANDS OF EAST LAKE
20	13-36-4-07-08.000-RR	744 ROSE DR 35235	LOT "A" SIM'S RESUR OF LOTS 18 & 19 ROSE MANOR
21	22-14-3-18-04.000-RR	2013 34TH AVE N 35207	E 37.5 FT LOT 5 BLK 129 NORTH BHAM LAND COS SURVEY OF BLKS 109 THRU 111 & 129 THRU 131 OF NORTH BHAM
22	22-19-3-01-115.000-RR	451 LAMPLIGHTER LN 35214	LOT 1 BLK 2 SOUTHAMPTON TIMBERLINE ADDITION PB 200 PG 87

23	22-19-3-01-119.000-RR	351 LAMPLIGHTER LN 35214	LOT 5 BLK 2 SOUTHAMPTON TIMBERLINE ADDITION PB 200 PG 87
24	22-19-3-01-149.000-RR	350 LAMPLIGHTER LN 35214	LOT 5 BLK 1 SOUTHAMPTON TIMBERLINE ADDITION PB 200 PG 87
25	22-20-3-24-05.000-RR	407 NELSON AVE 35214	P O B 105 FT N OF E INTER HIXON ST & NELSON AVE TH N 53S FT ALG NELSON AVE TH E 104S FT TH S 53S FT TH W 100S FT TO CONTINUED
26	22-19-3-01-148.000-RR	340 LAMPLIGHTER LN 35214	LOT 6 BLK 1 SOUTHAMPTON TIMBERLINE ADDITION PB 200 PG 87
27	23-12-2-09-09.000-RR	8633 9TH COURT CIR S 35206	LOT 14 BLK 2 ROEBUCK GROVE 2ND SECTOR
28	24-05-1-12-01.000-RR-03	1017 ETHEL LN 35235	LOTS 8 THRU 16 BLK 2 ROEBUCK PLAZA ALSO VAC ALLEY S LOT 16 & S 1/2 VAC ALLEY N LOTS 8 & 9 PB 20 PG 67 EXC PT TO R/W
29	23-02-3-13-05.000-RR	8708 3RD AVE N 35206	POB NW INTE 87TH ST N & 3RD AVE TH N 50 FT ALG 3 <sup>RD</sup>
30	22-33-4-01-05.000-RR	833 ARKADELPHIA RD W 35204	LOT B RESUR OF LOT 22 BLK 3 UNIVERSITY HEIGHTS & PT OF E 1/2 OF SEC 33 TP 17 R 3 W
31	22-33-4-01-06.000-RR	835 ARKADELPHIA RD W 35204	LOT C RESUR OF LOT 22 BLK 3 UNIVERSITY HEIGHTS & PT OF E 1/2 OF SEC 33 TP 17 R 3W
32	23-20-4-15-13.000-RR	820 49TH ST N 35212	LOT 15 BLK 4 WOODLAWN RLTY CO 1ST ADD
33	22-11-4-09-01.000-RR	2867 41ST CT N 35207	LOTS 1 THRU 3 BLK 7 BOYDGA TERRACE
34	22-11-4-07-15.000-RR	2868 41ST CT N 35207	LOTS 18+19 BLK 8 BOYDGA TERRACE
35	22-12-2-10-26.000-RR	4901 30TH WAY N 35207	LOTS 10 & 11 BLK 3 DAVID
36	22-12-2-19-22.000-RR	4852 31ST ST N 35207	LOT 1 & 2 BLK 9 DAVID
37	22-12-3-08-55.000-RR	2936 42ND CT N 35207	POB 174 FT S W OF NW INTER 42ND CT N & CHEEK RD TH

38	22-20-3-24-04.000-RR	415 NELSON AVE 35214	P O B 160 FT N OF E INTER HIXON ST & NELSON AVE TH N 53S FT ALG NELSON AVE TH E 104S FT TH S 53S FT TH W 100S FT TO CONTINUED
39	22-29-2-22-05.000-RR	1305 2ND PL 35214	LOT 2 BLK M EAST HGLDS ADD TO PRATT CITY
40	13-25-1-03-06.000-RR	409 13TH AVE NW 35215	LOTS 10 & 10-A BERKELEY HILLS 1ST ADD
41	13-25-1-06-01.000-RR	1237 BIRCHWOOD ST 35215	LOTS 130+131 & 132 BERKELEY HILLS
42	22-19-3-01-153.000-RR	450 LAMPLIGHTER LN 35214	LOT 1 BLK 1 SOUTHAMPTON TIMBERLINE ADDITION PB 200 PG
43	23-11-2-08-09.000-RR	319 85TH ST N 35206	NW 50 FT OF LOTS 1+2+3 BLK 17- C EAST LAKE LAND COS FIRST ADDITION TO EAST LAKE
44	23-10-4-07-10.001-RR	515 79TH ST N 35206	NW 60 FT OF LOTS 1 & 2 BLK 11-E E LAKE
45	22-33-1-12-08.000-RR	925 ARKADELPHIA RD W 35204	S 1/2 LOT 1 BLK 10 EXC E 50 FT COLLEGE HGLDS EXC R/W
46	22-25-1-06-02.000-RR	1227 29TH ST N 35234	N 60 FT OF W 130 FT OF LOTS 3 & 4 BLK 656 BHAM
47	22-24-4-19-03.000-RR	3301 NORWOOD BLV 35234	LOT 16 BLK 7 BHAM RLTY COS ADD NO 4
48	23-19-3-25-16.000-RR	42 NORWOOD CIR 35234	P O B 100 FT S SE OF NE INTER 35TH ST N & NORWOOD CIRCLE TH SE 50 FT ALG NORWOOD CIRCLE TH NE 166 FT TH NW 49.3 FT TH
49	22-12-3-08-54.000-RR	2934 42ND CT N 35207	POB 209 FT S W OF NW INTER 42ND CT N & CHEEK RD TH
50	13-34-1-00-24.000-RR	1132 LAWSON RD 35217	P O B 540 FT S S OF NE INTER WASHWOOD RD & LAWSON RD TH SE
51	30-25-3-03-06.000-RR	5321 WATSON AVE 35221	LOT 5 BL 1 TENN LD COS 1ST ADD TO HILLMAN
52	30-26-1-08-09.000-RR	2969 MOLTON GRAY DRIVE 35020	LOT 14 ROOSEVELT CAIRO- VILLAGE ADD NO ONE
53	22-13-4-24-23.000-RR	3080 29TH AVE N 35207	LOT 3 & 4 BLK 4 EBORNS ADD NO BHAM

54	22-13-4-24-25.000-RR	3112 29TH AVE N 35207	LOTS 5 & 7 BLK 4 EBORNS ADD TO NO BHAM
55	23-18-2-01-06.000-RR	3502 34TH CT N 35207	LOTS 46 THRU 48 BLK 3 VULCAN CITY
56	23-15-2-09-06.000-RR	3501 34TH CT N 35207	LOTS 1 THRU 3 BLK 2 VULCAN CITY
57	23-18-2-02-13.000-RR	3505 34TH CT N 35207	LOT 4 BLK 2 VULCAN CITY
58	22-14-3-09-11.000-RR	2312 35TH AVE N 35207	P O B 150 FT NE OF NE INTER 35TH AVE N & 23RD ST N TH NE 50 FT ALG 35TH AVE N TH NW 140 FT TO ALLEY TH SW 50 FT TH SE
59	22-26-3-15-04.000-RR	425 14TH AVE N 35204	LOT 3 BLK 10 MELVILLE COURT
60	23-18-2-02-12.000-RR	3509 34TH CT N 35207	LOT 5 BLK 2 VULCAN CITY
61	23-18-2-02-11.000-RR	3515 34TH CT N 35207	LOT 6 BLK 2 VULCAN CITY
62	22-14-1-11-03.000-RR	2808 38TH AVE N 35207	LOT 4 BLK 41 PARK PLACE SEC 14 TP 17 R 3
63	23-18-2-02-10.000-RR	3517 34TH CT N 35207	LOT 7 BLK 2 VULCAN CITY
64	23-18-2-02-09.000-RR	3519 34TH CT N 35207	LOTS 8+9 BLK 2 VULCAN CITY

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUESTS FROM THE PUBLIC**

**ADJOURNMENT**