

AGENDA

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

January 12, 2010 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Boykin Hunter, Jr., Interim Pastor of St. Joseph Baptist Church

PLEDGE OF ALLEGIANCE: Councilmember Carole Smitherman

ROLL CALL

MINUTES NOT READY: August 4 – December 29, 2009 and January 5, 2010

COMMUNICATIONS FROM THE INTERIM 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.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. ZAC2009-00132) to change zone district boundaries from R-3 Single Family District to B-1 Neighborhood Business District , filed by Tracie Todd, owner, for property located at 1544 Bessemer Road, and situated in the SE¼ of Section 7, Township 18 South, Range 3 West, Birmingham. and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended “Q”B-1 by the Z.A.C. and the Planning and Zoning Committee)**

CONSENT(ph)

ITEM 2.

A Resolution relative to the application of **Veterans of Foreign Wars Post 15001** for the renewal of an Annual Bingo Permit to be used at 9820 Roebuck Parkway East, Birmingham, on Fridays, Saturdays and Sundays of each calendar week, 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 John Edward Lynch for a Junk Dealer’s Permit to be used at **J and C Enterprise**, #2 – 4th Place North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee, the Chief of Police, the Fire and Rescue Chief) (NOT Recommended by the Director of Planning, Engineering and Permits) (No Recommendation by the Chief Health Officer)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

P

ITEM 4.

An Ordinance amending “The Technical Codes of the City of Birmingham 2007”, as adopted by Ordinance No. 07-151, Article I, “Technical Codes,” Part 2, Chapter 1, “Administration,” Section 111.3.3., “Qualifications of Journeyman Electricians,” Section 111.3.5, “Qualifications of Master Electricians,” Section 111.3.11, “Apprentice Registration,” Section 111.3.12, “Renewal of Certificate of Registration,” and Article III, “Permit and Inspection Fees,” to revise certain fees. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Interim Mayor)**

P**ITEM 5.**

An Ordinance amending the General Code of the City of Birmingham 1980, Title 4, “Municipal Services,” Chapter 1, “Engineering, Construction and Public Works,” Article D, “Blasting,” Section 4-1-63, “Fee; Bond; Insurance,” and Section 4-1-64, “Mine, Quarry Owner or Operator,” to modify permit fees and correct clerical errors. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Interim Mayor)**

ITEM 6.

An Ordinance “TO FURTHER AMEND THE GRANT FUND BUDGET” by appropriating \$375,000.00 to Planning Engineering and Permits – Resurface Oporto-Madrid Boulevard from Montclair Road to 72nd Street for state grants received. (Submitted by the Interim Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 7.

An Ordinance authorizing the Interim Mayor to execute a quitclaim deed to convey to **Bethel Ensley Action Task, Inc.** the City’s interest certain property located at 300 and 304 – 17th Street Ensley, for \$1.00 for development by BEAT of affordable housing on the property. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Community Development)**

ITEM 8.

A Resolution authorizing the Interim Mayor to execute a Project Agreement with **Moran Foods, Inc., d/b/a Save-A-Lot, Ltd.** under which Moran Foods will open and operate a new Save-A-Lot grocery store in the Heritage Towne Centre shopping center on Dennison Avenue and the City will provide incentives to Moran Foods to consist of an initial payment of \$250,000.00 when the store opens plus ten (10) annual payments from future sales tax revenues, each in an amount equal to 2.75% of the gross proceeds of sales for the store for the preceding year, not to exceed \$275,000.00 per year, and a Project Agreement with **Heritage Towne Centre, LLC**, the owner of the shopping center, under which Heritage Towne Centre will divide existing, vacant building space in the shopping center to create approximately 20,200 of space it will lease to Moran Foods for the Save-A-Lot store and additional space available for future tenants, and the City will reimburse Heritage Towne Centre for one-half of the cost of these improvements, not to exceed a total of \$300,000.00. (Recommended by the Interim Mayor) (Recommended by the Acting Chief Assistant City Attorney)**

ITEM 9.

A Resolution authorizing the Interim Mayor to execute an Agreement for Maintenance of Traffic Control Signals with **the State of Alabama** whereby the state, at no cost to the City, will install new traffic control devices at U.S. Highway 11 and Eufaula Avenue and the City will maintain the traffic control signals after their installation. (Submitted by the Interim Mayor and the Public Safety Committee) (Recommended by the Traffic Engineer)

ITEM 10.

A Resolution authorizing the Interim Mayor to execute an agreement with **The Alabama Messenger** to public notices, ordinances, resolutions and other matters in the amount of \$12.00 per column inch of space from January 1, 2010 and expiring December 31, 2010 and month to month thereafter. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the City Clerk)

ITEM 11.

A Resolution authorizing the Interim Mayor to execute an agreement with **The Birmingham News** to public notices, ordinances, resolutions and other matters in the amount of \$35.70 per column inch of space from January 1, 2010 and expiring December 31, 2010 and month to month thereafter. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the City Clerk)

ITEM 12.

A Resolution authorizing the Interim Mayor to execute an agreement with **The Birmingham Times** to public notices, ordinances, resolutions and other matters in the amount of \$11.83 per column inch of space from January 1, 2010 and expiring December 31, 2010 and month to month thereafter. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the City Clerk)

ITEM 13.

A Resolution authorizing the Interim Mayor to execute an agreement with **The Huntsville Times** to public notices, ordinances, resolutions and other matters in the amount of \$19.04 per column inch of space for daily publications and \$23.24 per column inch of space for Sunday publications from January 1, 2010 and expiring December 31, 2010 and month to month thereafter. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the City Clerk)

ITEM 14.

A Resolution authorizing the Interim Mayor to execute an agreement with **The Montgomery Advertiser** to public notices, ordinances, resolutions and other matters in the amount of \$36.17 per column inch of space for bids, \$53.43 per column inch of space for public notices for one (1) day, \$50.87 per column inch of space for three (3) days, and \$47.60 per column inch of space for four (4) days publications from January 1, 2010 and expiring December 31, 2010 and month to month thereafter. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the City Clerk)

ITEM 15.

A Resolution approving the agreement with **Red Mountain Theatre Company, Inc.**, Birmingham, in a total amount not to exceed \$80,000.00, renewable annually subject to funds availability, to provide opportunities for deserving, financially challenged Birmingham area students to participate in Junior Workshops, Youth Musical Theatre Workshops, and Youth Programs Showcase, continue partnering with the Birmingham Civil Rights Institute, Better Basics, Birmingham City Schools, and Birmingham communities to provide educational, training, and performing opportunities, and authorizing the Interim Mayor to execute the agreement. [**Appropriated in the FY2010 Budget; GL Account: 001_400_96400_96431.550-005**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Interim Mayor)

ITEM 16.

A Resolution requesting the Interim Mayor authorize the City's Project Manager to provide a comprehensive status report detailing the construction timeline, expenditures for professional services, project bid date, and facilitate a meeting within seven (7) days to present the information to the Airport Hills Community regarding the Brownsville Heights Community Center. (Submitted and Recommended by Councillor Parker)**

CONSENT**ITEM 17.**

A Resolution requesting that \$1,750.00 be appropriated to the **NAACP – Birmingham Branch** from District 1 Discretionary funds in support of the District 1 First Annual Dr. Martin Luther King Jr. Essay Writing Contest, and authorizing the Interim Mayor to execute the discretionary contract. [**001_000_04210.542-001, General Fund, Non-departmental, District 1 – Council Discretionary Projects Council Discretionary Projects**] (Submitted by Councillor Hoyt, Chairman, Budget and Finance Committee) (Recommended by the Budget and Finance Committee)

ITEM 18.

A Resolution amending Resolution No. 407-09, adopted by the Council March 24, 2009, assessing properties throughout the City for the abatement of noxious or dangerous weeds, to remove 1711 Teakwood Lane, Parcel No. 12-21-2-06-20.000-RR, due to the wrong parcel having been assessed. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Austin, Chairman, Public Improvements and Beautification Committee)

ITEM 19.

A Resolution amending Resolution No. 1480-09, adopted by the Council September 29, 2009, assessing properties throughout the City for the abatement of noxious or dangerous weeds, to remove 48 17th AVE S, Parcel No. 29-11-2-05-14.000-RR, due to the lot having been mistakenly assessed. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Austin, Chairman, Public Improvements and Beautification Committee)

CONSENT**ITEM 20.**

A Resolution accepting the lump sum bid of **C.P. Construction LLC**, 905 – 24th Street S.W., Birmingham, in the amount of \$118,109.00, for renovations at Lewis Park, this being the lowest bid submitted meeting specifications, and authorizing the Interim Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY 2009 Budget; PR129CP 003675 and Neighborhood Project – Fund 31**] (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Seven Bids Submitted)

CONSENT**ITEM 21.**

A Resolution accepting and approving the bid of **Kittrell Glass**, Birmingham, for the purchase and installation of automotive glass 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, for the Equipment Management Department, this being the lowest bid submitted. [**Appropriated in the FY 2010 Budget; GL Account 001.151-004**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Four Bids Submitted)

CONSENT

ITEM 22.

A Resolution authorizing the Deputy Director of Finance to pay **Woodrow R. Anderson** \$900.00 for reimbursement for the loss of flowering plants, dogwood trees, shrubbery and a deluxe mailbox and temporary construction easement to Parcel No. 19 for the Five Mile Road Phase I Street Improvement Project, located at 1172 Five Mile Road, Birmingham. **[PEP129CP002836]** (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT

ITEM 23.

A Resolution authorizing the Deputy Director of Finance to pay **Terrolyn Patrice Robertson and James Robertson, Jr.** \$100.00 for temporary construction easement to Parcel No. 26 for the Five Mile Road Phase I Street Improvement Project, located at 341 Orchid Road, Birmingham. **[PEP129CP002836]** (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT

ITEM 24.

A Resolution authorizing the Director of Finance to make four (4) refunds in the total amount of \$11,067.25. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

ITEM 25.

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

Iris Kimbrough, Committee Assistant, City Council, \$235.24, January 13-14, 2010, to meet with Legislators in Montgomery, Alabama.

CONSENT

ITEM 26.

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

ITEM 27.

A Resolution finding that the following thirty-eight (38) 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 **February 16, 2010** to hear and consider all objections or protests to proposed abatement of these nuisances by the City: (Submitted by the City Attorney) (Recommended by Councillor Austin, Chairman, Public Improvements and Beautification Committee)

1	29-06-2-05-17.000-RR	1221 23RD ST 35218	LOT 4 TUXEDO GDNS
2	22-26-1-26-05.001-RR	1905 15TH AVE N 35234	W 52.5 FT OF LOT 13 COPELAND & HENRY SURVEY
3	29-17-3-08-05.000-RR	2429 MAYFIELD AVE SW 35211	LOT 8 BLK 1 OAKVALE
4	22-29-3-18-03.000-RR	608 AVENUE U 35214	N 1/2 LOT 3 BLK 7 E G FIELDS SUR
5	29-06-1-14-13.000-RR	2429 AVE R 35218	BEG AT NE COR LOT 7 BLK 58 ENSLEY HIGHLANDS TH SE
6	29-15-3-11-02.000-RR	1913 12TH PL SW 35211	LOT 9 BLK 8 MASON CITY
7	22-31-3-53-03.000-RR	720 23RD ST 35218	NW 42.7 FT OF LOTS 13 & 14 BLK 22-G ENSLEY
8	22-25-2-30-17.000-RR	2210 14TH AVE N 35234	LOT 5 BLK 1 SUDDUTH REALTY CO. SUB OF BLK 667 BHAM
9	23-07-4-06-05.000-RR	4237 GREENWOOD ST 35217	LOT 16 BLK 6 BOYLES PARK
10	23-07-4-16-01.000-RR	4253 INGLENOOK ST 35217	LOT 15 BLK 2 BENDALE
11	23-07-4-17-09.000-RR	4317 INGLENOOK ST 35217	LOT 2 BLK 1 RIVES RESUR OF BENDALE SUREY OF INGLEN
12	21-36-1-12-09.000-RR	413 OAKMONT ST 35224	LOT 4 BLK 18-2 SHERMAN HEIGHTS
13	21-36-1-14-02.000-RR	505 OAKMONT ST 35224	LOT 8 BLK 7 ENSLEY LAND COS 10 TH ADDITION TO ENSLEY AL
14	28-01-4-01-10.000-RR	901 OAK ST 35210	PART OF LOT 138 OVERTON LAND CO #2 SUB DESC AS FOLS- POB 490 FT E OF INTER OF W/L OF SE 1/4 & NE/L OF OVERTON- GRANTS MILL CONTINUED

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15	12-34-3-06-08.016-RR	9560 EASTPOINTE CIR 35217	EASTPOINTE PHASE II 13-34 BLOCK: N/A* LOT: 16
16	29-17-1-01-02.001-RR	NEXT TO 1900 JEFFERSON AV SW 35211	LOT 2-B OF BRUNOS RESUR NO 1 PB 197 PG 87
17	22-29-3-13-09.000-RR	1307 6TH PL 35214	LOT 9 BLK 8 TUXEDO HTS
18	22-29-2-34-20.000-RR	339 AVENUE U 35214	BEGIN AT A PT 88S N OF THE INT OF E ROW OF AVE U & S ROW OF 4TH ST FOR POB TH N 45S TH E 177S TH S 45S TH W 177S TO POB CONTINUED
19	22-19-3-06-05.002-RR	NEXT TO 3 HOLT AVE 35000	LOT 3 BLK A J E BRISLIN SUR PB 5 PG 114
20	30-01-2-13-05.000-RR	725 CAMBRIDGE ST 35224	LOT 19 & THE N 1/2 OF LOT 20 BLK 14 ENSLEY 2ND AD
21	13-34-4-04-02.000-RR	1045 NORTHWOOD DR 35217	LOT 38 CARVER HEIGHTS
22	13-34-4-04-04.000-RR	1109 NORTHWOOD DR 35217	LOTS 43 44 45 46 CARVER HEIGHTS
23	13-34-4-05-04.000-RR	1029 SOUTHWOOD DR 35217	LOT 68 CARVER HEIGHTS
24	23-19-3-20-10.001-RR	1508 VANDERBILT RD 35234	PT LOT 19 MAP & SURVEY OF F F SNEDOCOR'S ADD TO BH
25	23-19-3-20-10.001-RR	1504 VANDERBILT RD 35234	PT LOT 19 MAP & SURVEY OF F F SNEDOCOR'S ADD TO BH
26	22-24-4-08-04.000-RR	1528 33RD ST N 35234	W 20 FT LOT 11 AND E 30 FT LOT 12 BLK 19BHAM RLTY
27	22-24-4-04-04.000-RR	3214 17TH AVE N 35234	LOT 29 CAIN & COLE 699 BHAM
28	22-24-4-05-06.000-RR	1703 32ND ST N 35234	S 50 FT OF LOTS 8 & 9 CAIN & COLE
29	28-01-4-02-08.000-RR	845 WALNUT ST 35210	LOT 150 OVERTON LD COS OVERTON SUB #2
30	28-01-4-02-07.000-RR	859 WALNUT ST 35210	LOT 148 OVERTON LD COS OVERTON SUB #2
31	22-29-2-20-02.000-RR	1400 2ND PL 35214	LOTS 4 & 5 EX E 76 FT IN BLK E EAST HGLD ADD TO PRATT CITY
32	23-07-3-12-06.000-RR	3537 42ND AVE N 35207	LOT 7 BLK 1 ROSE PARK

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33	13-25-1-15-13.000-RR	1209 FIVE MILE RD 35215	LOT 13 BLK 16 ROEBUCK GARDENS ESTS
34	21-36-2-01-07.000-RR	513 OAKMONT ST 35224	LOTS 9-10 & 11 BLK 7 ENSLEY LD COS 10TH ADD TO ENSLEY ALA
35	21-36-2-02-03.000-RR	432 TEMPLETON RD 35224	LOT 3 BLK 8 ENSLEY LD COS 10TH ADD TO ENSLEY ALA
36	22-14-3-08-01.000-RR	2229 36TH AVE N 35207	BEGIN AT PT OF INT OF SW ROW OF 36TH AVE & SW ROW OF 23RD
37	23-18-1-16-12.000-RR	3912 36TH AVE N 35217	LOTS 7 & 8 BLK 3 EX W 8 FT LOT 7 LAUREL HILL ADD T
38	23-18-1-06-13.000-RR	3822 40TH AVE N 35217	LOT 9 BLK 5 W W COGHILL

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT