

AGENDA

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

March 9, 2010 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Dr. Harry Reeder, Senior Pastor of Briarwood Presbyterian Church

PLEDGE OF ALLEGIANCE: Councilmember Carole Smitherman

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: October 27, November 3 and 10, 2009

MINUTES NOT READY: November 17 – December 29, 2009 and January 5 – March 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

(ph) **ITEM 1.**
A Resolution relative to the application of El Centenario LLC for a Club Liquor Class II License to be used at **El Centenario LLC**, 1118 – 3rd Avenue West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee) (Deferred from 2/23/10 to 3/9/10)

(ph) **ITEM 2.**
A Resolution relative to the application of Kumar Food Mart LLC for the transfer of an Off Premise Beer and Wine License to be used at **Pinson Valley Shell**, 3901 Pinson Valley 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 3.**
A Resolution relative to the application of Muskan Inc for an On and Off Premise Beer and Wine License to be used at **Sitar**, 729 20th Street South, 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 Mac Acquisition LLC for a Restaurant Retail Liquor License to be used at **Romano’s Macaroni Grill**, 241 Summit Boulevard, 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 5.**
A Resolution relative to the application of Big Blue Bagel LLC for an Off Premise Beer and Wine License and transferring a Restaurant Retail Liquor License to be used at **Big Blue Bagel**, 1117 Dunston Avenue Suite 1101, 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 assenting to the vacation of 27,297 square feet of 48th Street North, Division Avenue and alleyway that lies between the Norfolk Southern Railroad tracks and 1st Avenue North and also between 47th Street North and 49th Street North, on behalf of **Shannon S. Riley, Bennie D. Holmes, Barbara A. Thrasher, James House and Central of Georgia Railroad Company** owners, and the **hearing** of all interested parties, **Case No. SUB 2009-00031**. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**ITEM 7.**

An Ordinance “TO FURTHER AMEND THE GRANTS FUND BUDGET” by appropriating \$394,579.00 to Fund 035 Grants Fund – FY2009 Assistance to Firefighters for award received. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Acting Director of Finance)**

ITEM 8.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$78,915.00 of Fund 001 General Fund from Non Departmental – BBRC Administrative and Contract Employees to Fire Department Grant Match for the FY09 Assistance to Firefighters grant award. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Acting Director of Finance)**

ITEM 9.

A Resolution authorizing the Mayor to execute any and all documents necessary to acknowledge acceptance and expenditure of Homeland Security Office for Domestic Preparedness FY 2009 Assistance to Firefighters Grant in the amount of \$394,579.00, the Federal share of said grant to be eighty percent (80%) or \$315,664.00 and the City’s share to be twenty percent (20%) or \$78,915.00. (Submitted and Recommended by the Mayor)

ITEM 10.

An Ordinance authorizing the Mayor to execute a Redevelopment Agreement with **Independent Living Resources of Greater Birmingham, Inc.**, under which the City will contribute sixty percent (60%) of the total cost to buy six (6) vacant lots located at 616 15th Street North, 1426 6th Avenue North, 1418 6th Avenue North, and 1428 6th Avenue North, not to exceed a total City contribution of \$240,000.00 and additional funding contributed by the Redeveloper will acquire the said properties for the construction of a building of approximately 8,000 square feet to house its offices and operations, and authorizing the Acting Director of Finance to pay an amount equal to sixty percent (60%) of the purchase price of the Parcels, not to exceed a total expenditure of \$240,000.00 to acquire all of the Parcels, adjusted for usual and customary closing credits and expenses, to the sellers of the respective Parcels at closing. **[Funding Source: Fund 001-000-99999-99002.652-099 Economic Development Department Funding]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)**

ITEM 11.

A Resolution authorizing the Mayor to execute an agreement with **Alabama Power Company** to make permanent improvements within and use Alabama Power Company easement adjacent to the proposed location of the New Fire Station No. 4 in Oxmoor Valley, and a Development Agreement with **AT&T** to build improvements over a buried fiber optic telecommunication line adjacent to the proposed location of the new building, the \$1.2 million development cost for the new station having already been funded in Project #PEP129CP00362. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Fire and Rescue Chief) (No Recommendation by the Public Safety Committee)

ITEM 12.

A Resolution authorizing the Mayor to enter into an agreement with **Cooperative Downtown Ministries, Inc.** under which the City will provide up to \$460,000.00 to be utilized as construction financing for the rehabilitation of a ten (10) unit apartment complex located at 1512 11th Avenue North, with such loan to be secured by a construction mortgage on the ten (10) unit apartment complex and at the completion of the project permanent financing of said loan will be provided and the mortgage will be deferred and forgiven in equal increments over ten (10) years. **[Fund 81]** (Submitted by the Mayor) (Recommended by the Director of Community Development Department)

ITEM 13.

A Resolution authorizing the Mayor to execute a Development Agreement with **Integrated Medical Systems International, Inc. (“IMS”)** under which the City will provide up to \$275,000.00 in incentives to IMS in the form of public streetscape and infrastructure improvements, including trees, street lights, sidewalks and signage along certain portions of Second Avenue North, 32nd Street North, 33rd Street North and 34th Street North in Birmingham in support of IMS’s project to redevelop a ten (10) acre campus located at the 3200 and 3300 Blocks of Second Avenue North through the relocation of its corporate headquarters from outside the City to the site, the renovation and re-use of the former “Noland Building” and the adjoining IMS building, and the development and operation of a new training center at the site that will attract visitors from across the country. **[Fund 001-000-99999-99002.652-099]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

ITEM 14.

A Resolution amending Resolution 1777-09 adopted by the Council November 24, 2009, which authorized the Mayor to execute a Contract with Leitman, Siegal, Payne and Campbell, P.C. in the amount of \$300,000.00, to amend the contract to provide for the **Lee Law Firm LLC** to provide legal services, in an amount not to exceed \$150,000.00 in certain litigation and other legal matters on behalf of the City of Birmingham. (Submitted by the Mayor) (Recommended by the Acting Chief Assistant City Attorney)**

ITEM 15.

A Resolution authorizing the Mayor to execute a Development Agreement with **the Railroad Foundation Park** authorizing the disbursement to the Foundation of up to \$4.4 million in City-held funds to offset construction expense being incurred by the Foundation to complete Phase I at the Railroad Reservation Park. **[Project Nos. MO102CP2864 and MO128CP2864]** (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT**ITEM 16.**

A Resolution authorizing the Mayor to submit a Substantial Amendment to the Consolidated Plan Program PY 2009, July 1, 2009-June 30, 2010, Action Plan to **the U.S. Department of Housing and Urban Development**, and authorizing the Mayor to amend existing agreements for the acquisition of additional services relating thereto. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Director of Community Development)**

ITEM 17.

A Resolution approving the agreement with **the Alabama High School Athletic Association**, to use the indoor track at the Fair Park Municipal Facility to host the State Indoor Track Tournament for five (5) seasons commencing January 2011 and ending 2015 and for such use AHSAA shall pay the City the sum of \$1,000,000.00 with an option to renew for one (1) additional five (5) season term upon mutual agreement of both parties, if construction of said Indoor Track Facility is not complete on or before January 2011, then this agreement shall be effective for the period of five (5) seasons commencing with the January 2012 State Indoor Track Tournament Season and ending with the 2016 Indoor Track Season, and authorizing the Mayor to execute the agreement. (Submitted by the Mayor) (Recommended by the Purchasing Agent)

ITEM 18.

A Resolution approving the agreement with **Zoom Motorsports, LLC**, Birmingham, to host The Indy Grand Prix of Alabama at Barber Motorsports Park for a term of three (3) years (2010 through 2012) in an amount not to exceed \$300,000.00 per year along with fire safety personnel necessary for routine safety and emergency control at a cost not to exceed \$165,000.00 per year, and authorizing the Mayor to execute the agreement. [**Appropriated in the FY2010 Budget; G/L Account 001_400_96500_96525.550-006**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Mayor)

ITEM 19.

A Resolution approving the appointment of **All Seasons Travel**, Birmingham, in an amount not to exceed \$90,011.00, to assist with and facilitate the Neighborhood Association delegates in their attendance to the Neighborhood, USA 2010 Conference in Little Rock, Arkansas from May 26-29, 2010, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY2010 Budget; GL Account: 031_200_15199.540-001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Mayor)

ITEM 20.

A Resolution approving the appointment of **Psychological Resources**, Atlanta, Georgia, to provide psychological evaluations for all applicants for police officers and correction officers positions at the rate of \$110.00 each for a period of one (1) year and month to month thereafter for the Police Department, and authorizing the Mayor to execute the appointment letter. **[Appropriated in the FY2010 Budget; GL Account: 001_000.527-014]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Chief of Police)

CONSENT

ITEM 21.

A Resolution finding that a program to feed the citizens of the Harriman Park and Collegeville Neighborhoods and surrounding areas constitutes a public purpose, authorizing the expenditure of \$2,000.00 in City funds, which have been allocated to **the Harriman Park Neighborhood Association**, payable to the Jefferson County Committee for Economic Opportunity for this purpose, and authorizing the Mayor to execute an agreement with the **Jefferson County Committee for Economic Opportunity** for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 22.

A Resolution finding that providing educational materials and programs to promote awareness of diabetes and funding research to prevent, cure and manage diabetes constitutes a public purpose, authorizing the expenditure of a total of \$2,300.00 in City funds which have been allocated to **the College Hills, Sherman Heights and North Avondale Neighborhood Associations**, payable to the American Diabetes Association for this purpose, and authorizing the Mayor to execute agreements with the **American Diabetes Association** for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 23.

A Resolution finding that the Academy of Fine Arts, Inc.'s 2010 Artistic Program for youth and adults constitutes a public purpose, authorizing the expenditure of \$10,800.00 in City funds which have been allocated to **the East Brownville, Woodland Park, Mason City, Roosevelt City and Grasselli Heights Neighborhood Associations**, payable to the Academy of Fine Arts, Inc., for this purpose, and authorizing the Mayor to execute an agreement with the **Academy of Fine Arts, Inc.**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 24.

A Resolution finding that educational trips to and camps at the Birmingham Zoo, Inc. for children in Pre-Kindergarten through 8th grade serves a public purpose, authorizing the expenditure of a total of \$5,000.00 in City funds which have been allocated to **the Redmont Park Neighborhood Association**, payable to the Birmingham Zoo, Inc. for this purpose, and authorizing the Mayor to execute an agreement with the Birmingham Zoo, Inc., for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 25.

A Resolution finding that the mentoring and tutoring programs provided by Miracle Deliverance Community Development Corporation constitutes a public purpose, authorizing the expenditure of the total amount of \$1,000.00 in City funds which have been allocated to the **Inglenook Neighborhood Association**, payable to the Miracle Deliverance Community Development Corporation for this purpose, and authorizing the Mayor to execute an agreement with the **Miracle Deliverance Community Development Corporation**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 26.

A Resolution finding that the request by the Central Pratt Neighborhood Association for payment of \$2,000.00 in neighborhood funding to the Birmingham Board of Education on behalf of the students at Daniel Payne Middle School for the honor roll and perfect attendance recognition programs, school supplies and an annual parent summit and on behalf of the students at Jackson Olin High School for attendance at the National Drill Competition in Daytona Beach, Florida serves a public purpose, authorizing the expenditure of \$2,000.00 in City funds, and authorizing the Mayor to execute agreements with **the Birmingham Board of Education**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 27.**

A Resolution finding that providing funds to assist the St. John Life Center, Inc. with improvements to its facilities to include the purchase of an HVAC system, handicapped rails, light fixtures, craft supplies, equipment, rails for the restroom stalls and furniture constitutes a public purpose, authorizing the expenditure of the total amount of \$2,000.00 in City funds which have been allocated to the **Dolomite Neighborhood Association**, payable to the St. John Life Center, Inc. for this purpose, and authorizing the Mayor to execute agreements with the **St. John Life Center, Inc.**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 28.**

A Resolution finding that the payment of \$1,000.00 to the New Community Baptist Church to provide facility usage for the Oak Ridge Neighborhood Association meetings constitutes a public purpose, authorizing the expenditure of the total amount of \$1,000.00 in City funds which have been allocated to the **Oak Ridge Park Neighborhood Association**, payable to the New Community Baptist Church for this purpose, and authorizing the Mayor to execute an agreement with **the New Community Baptist Church**, for this purpose. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 29.**

A Resolution finding that participation by youth in the Birmingham YMCA Youth Center Young Stars Basketball Academy constitutes a public purpose, authorizing the expenditure of \$250.00 in City funds which have been allocated to the **Brownsville Heights Neighborhood Association**, payable to the Birmingham YMCA Youth Center for this purpose, and authorizing the Mayor to execute an agreement with **the Birmingham YMCA Youth Center**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 30.**

A Resolution finding that providing funding to assist in the prevention of home mortgage foreclosure constitutes a public purpose, authorizing the expenditure of \$300.00 in City funds, which have been allocated to **the North Avondale Park Neighborhood Association**, payable to Neighborhood Housing Services of Birmingham, Inc., for this purpose, and authorizing the Mayor to execute an agreement with **Neighborhood Housing Services of Birmingham, Inc.**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 31.**

A Resolution finding that the provision of tutoring, shelter, food, clothing, community resource services, operational funding and summer activities for children who have been placed in the care of Children's Village constitutes a public purpose, authorizing the expenditure of \$1,000.00 in City funds, which have been allocated to the **North Avondale Neighborhood Association**, payable to Children's Village, Inc., for this purpose, and authorizing the Mayor to execute an agreement with **Children's Village, Inc.**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 32.**

A Resolution finding that providing assistance to senior citizens for lawncare services through Franklin Outreach Ministries constitutes a public purpose, authorizing the expenditure of a total of \$4,000.00 in City funds, which have been allocated to the **Overton Neighborhood Association**, payable to Franklin Outreach Ministries for this purpose, and authorizing the Mayor to execute an agreement with the **Franklin Outreach Ministries** for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 33.**

A Resolution finding that the development of a dog park at George Ward Park constitutes a public purpose, authorizing the expenditure of \$5,000.00 in City funds, which have been allocated to **the Glen Iris Neighborhood Association**, payable to Bark for a Park, for this purpose, and authorizing the Mayor to execute an agreement with **Bark for a Park** for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT**ITEM 34.**

A Resolution finding that providing quality developmentally appropriate and comprehensive service to families and their children throughout the pregnancy period through the year before kindergarten constitutes a public purpose, authorizing the expenditure of \$500.00 in City funds which have been allocated to **the Woodland Park Neighborhood Association**, payable to the Jefferson County Committee for Economic Opportunity for this purpose, and authorizing the Mayor to execute an agreement with **the Jefferson County Committee for Economic Opportunity**, for the provision of these goods and services. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

ITEM 35.

A Resolution endorsing the installation of two (2) informational kiosks at the Village Creek Linear Park at the two (2) main entrances to the trail segment at Avenue F and Avenue W, to be financed with state funds not to exceed \$75,000.00 from the Grant Agreement with **the Alabama Department of Economic and Community Affairs**, along with the other site improvement associated with the project and agreeing to provide the associated local funds. **[Grant Agreement Number AL-LI-09-108]** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits, the Administration Committee and the Budget and Finance Committee)**

CONSENT**ITEM 36.**

A Resolution determining that **the G.R.E.A.T. Field Trips, Party and Incentives** serve a public purpose and approving the use of funds from the 2009 G.R.E.A.T. Grant to pay for such events, which includes food. (Submitted by the Mayor) (Recommended by the Chief of Police)**

CONSENT**ITEM 37.**

A Resolution designating a **Recovery Zone for the City of Birmingham** pursuant to the American Recovery and Reinvestment Tax Act of 2009 and authorizing and directing the appropriate staff and officers of the City to take all actions as may be required in furtherance of the designation of the Recovery Zone, including to identify appropriate projects for which the issuance of bonds will further the goals established by ARRA for Recovery Zone Bonds in order to cure the distressed economic factors within the Recovery Zone and to plan for the issuance of Recovery Zone Bonds for identified projects. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

ITEM 38.

A Resolution requesting that **House Bill 602** does not become law and that it and any other bill that affects the corporate limits of Birmingham should follow customary protocol, and establishing a policy that provides that the Council shall hold a joint working session with the Jefferson County Delegation annually, prior to the start of the legislative session and at the conclusion of the legislative session, to discuss legislation proposed by any legislator, legislative body or citizen that will impact the citizens of Birmingham. (Submitted by Council President Royal) (Recommended by the City Council)**

ITEM 39.

A Resolution adopting an organizational structure for the City Council Office and appointing staff to the Central Staff to support the goals and objectives of the administration for the term of 2009-2013. (Submitted by Council President Royal, Chairman, Administration Committee) (Recommended by the Administration Committee)**

ITEM 40.

A Resolution supporting the Alabama State Legislature in their efforts to secure funding for **the Genesis Corporation**. (Submitted by Councillor Scales, Chairperson, Economic Development Committee) (Recommended by the Economic Development Committee)**

CONSENT

ITEM 41.

A Resolution determining that the building or structure located at 2904 – 12th Avenue North, Apartment Building, 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 42.

A Resolution determining that the building or structure located at 2912 – 12th Avenue North, Apartment Building, 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 43.

A Resolution accepting the lump sum bid of **Southern Stone Design**, Alabaster, Alabama, in the amount of \$15,700.00, for granite repair at the Smithfield Branch Library, 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; PEP123CP 003692**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

- #34 \$ 385.88 4154 23rd LN N 35207 22-14-2-02-01.000-RR
Acct No. 90919
Reason: Property now owned by City of Birmingham
- #366 \$ 503.45 420 85th St N 35206 23-11-2-10-02.000-RR
Acct No. 90927
Reason: Property now owned by City of Birmingham
- #533 \$ 375.95 626 80th St N 35206 23-10-4-06-01.000-RR
Acct No. 90929
Reason: Property now owned by City of Birmingham

CONSENT(ph)

ITEM 47.

A Resolution amending Resolution No. 150-10, adopted by the Council February 16, 2010, which assessed properties throughout the City for the abatement of noxious or dangerous weeds, in order to withdraw the following property due to the lots being mistakenly assessed and researched: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

- #9 \$ 378.46 3836 ELLIS AVE SW 35211 29-19-3-19-07.001-RR –RR
Acct No. 91090
Reason: Assessed in error
- #704 \$ 403.40 6216 Court O 35228 29-18-1-13-09.000-RR
Acct No. 90985
Reason: Withdraw to bill new owner
- #199 \$ 524.42 6216 Court O 35228 29-18-1-13-09.000-RR
Acct No. 91178
Reason: Withdraw to bill new owner
- #92 \$ 385.88 3948 Viola Ave 29-30-2-02-13.000-RR
Acct No. 91238
Reason: Withdraw – undeveloped property

CONSENT(ph)

ITEM 48.

A Resolution amending Resolution No. 191-10, adopted by the Council February 23, 2010, which assessed properties throughout the City for the abatement of noxious or dangerous weeds, in order to withdraw the following property due to the lots being mistakenly assessed and researched: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

#247 \$330.15 3334 38th PI N 35217 23-18-4-06-14.000-RR
 Acct No. 91306
 Reason: No supporting documents

CONSENT(ph)

ITEM 49.

A Resolution amending Resolution No. 192-10, adopted by the Council February 23, 2010, which assessed properties throughout the City for the abatement of noxious or dangerous weeds, in order to withdraw the following property due to the lots being mistakenly assessed and researched: (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvement and Beautification Committee)

#159 \$235.02 1705 24TH ST SW 35211 29-17-4-13-21.001-RR
 Acct No. 91389
 Reason: Assessed in error

CONSENT

ITEM 50.

A Resolution rescinding Resolution No. 221-10, adopted by the Council March 2, 2010, revoking the Certificates of Public Necessity and Convenience to operate an ambulance service issued to Hank’s Acquisition Corporation, d/b/a **American Medical Response of Alabama**, 128 West Park Drive, Birmingham, due to the item being placed on the Council agenda in error. (Submitted by the Acting Chief Assistant City Attorney)

CONSENT

ITEM 51.

A Resolution authorizing the Acting Director of Finance to pay **J.C. Kemp and Maxine H. Kemp** \$100.00 for temporary construction easement to Parcel No. 22, Five Mile Road Phase I Street Improvement Project, located at 1177 File Mile Road, Birmingham. **[PEP129CP002836]**. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 52.

A Resolution authorizing the Director of Finance to make three (3) refunds in the total amount of \$89,000.45. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)**

ITEM 53.

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

Oliver Adams, Committee Assistant, City Council, \$1,278.63, March 13 – 17, 2010, to attend the National League of Cities in Washington, District of Columbia

Johnathan Austin, City Councilor, City Council, \$1,278.63, March 13 – 17, 2010, to attend the National League of Cities in Washington, District of Columbia

Cheryl Kidd Harmon, Administrator, City Council, \$1,254.49, March 14 – 18, 2010, to attend the National League of Cities in Washington, District of Columbia

Tyangelia Hall, Committee Assistant, City Council, \$1,230.35, March 14 – 18, 2010, to attend the National League of Cities in Washington, District of Columbia

Leondras Jackson, Committee Assistant, City Council, \$2,894.62, March 12 – 18, 2010, to attend the National League of Cities in Washington, District of Columbia

Kimberly Jeanty, Committee Assistant, City Council, \$1,586.67, March 12 – 17, 2010, to attend the National League of Cities in Washington, District of Columbia

Iris Kimbrough, Committee Assistant, City Council, \$206.02, March 3 – 4, 2010, to meet with Alabama State Legislature in Montgomery, Alabama

Chaz Mitchell, Accountant, City Council, \$1,894.77, March 12 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Maxine Parker, Councilor, City Council, \$1,491.56, March 14 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Jarvis E. Patton, Chief of Operation, Mayor’s Office, \$486.08, March 9 – 11, 2010, to attend Piedmont Alliance for Quality Growth , Georgia Tech in Macon, Georgia

Kimberly Rafferty, Councilor, City Council, \$1,943.05, March 12 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

David Ricker, Committee Assistant, City Council, \$2,268.05, March 12 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Jay Roberson, Councilor, City Council, \$1,586.70, March 13 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Roderick Royal, Council President, City Council, \$2,226.63, March 13 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Lashunda Scales, Councilor, City Council, \$1,230.35, March 14 – 18, 2010, to attend National League of Cities in Washington, District of Columbia

Michael Shine, Committee Assistant, City Council \$1,278.63, March 13 – 13, 2010, to attend National League of Conference in Washington, District of Columbia

CONSENT

ITEM 54.

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

CONSENT

ITEM 55.

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

CONSENT

ITEM 56.

A Resolution finding that the following ninety-four (94) 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 **April 13, 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 Roberson, Chairman, Public Improvements and Beautification Committee)

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
32	23-03-1-28-11.000-RR	9016 11TH AVENUE NORTH 35206	LOTS 5 & 6 BLK 4 AIRPORT ESTS
33	23-03-1-28-12.000-RR	9024 11TH AVE N 35206	LOTS 7 & 8 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
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
77	13-34-4-05-44.000-RR	1020 PENFIELD DR 35217	LOT 14 BLK 2 LST 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

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 taxicab service issued to Greater Birmingham Transportation Services LLC, d/b/a Yellow Cab Company, 5804 Oporto Madrid Boulevard, Birmingham, AL 35210.

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Legacy Limousine LLC, 459 Main Street Suite 201-214, Trussville, AL 35173.