

AGENDA

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

May 11, 2010 - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Dr. Bob Crandall, Educator Briarwood Christian School and Birmingham Theological Seminary

PLEDGE OF ALLEGIANCE: Councilmember James “Jay” Roberson

ROLL CALL

MINUTES NOT READY: April 27 and May 4, 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**P (ph) ITEM 1.**

An Ordinance to add a new Section 20 entitled “Neighborhood Form-Based Overlay District Regulations” to Article VI, “Supplementary Regulations and Modifications” of the Zoning Ordinance of the City of Birmingham, Ordinance No. 90-130 as amended, filed by the Department of Planning, Engineering and Permits, City of Birmingham, in order to establish a neighborhood form-based overlay district to address building and site development standards related to building form, parking, pedestrian and vehicular access, landscaping, and signage for areas within the City which have initiated and adopted a neighborhood form-based regulatory plan consistent with a community’s shared vision. These standards are intended to be placed “over” an area’s base zoning to modify the base zoning’s regulatory standards and would not change the use or overall density allowed on the property, **Case No. ZAC2009-00148**, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Birmingham Planning Commission) (Deferred from 3/30/10 to 4/27/10; Deferred from 4/27/2010 to 5/11/10)**

P (ph) ITEM 2.

An Ordinance to amend the Zoning Map of the City of Birmingham to include the proposed Neighborhood Form-Based Overlay District Regulations, Article VI, Section 20 of the Zoning Ordinance of the City of Birmingham, Ordinance No. 90-130 as amended, to the Highland Park Neighborhood, excluding those properties comprising the campus of St. Vincent’s Hospital, as an overlay district, affecting the parcels of land as described and illustrated on the map entitled “Highland Park Neighborhood Plan, Recommended Form-Based Zoning Overlay Districts”, filed by the Department of Planning, Engineering and Permits, City of Birmingham, in order to establish a neighborhood form-based overlay district to the Highland Park Neighborhood as an effective means for regulating development in a manner that will enable the Highland Park Neighborhood to positively shape and guide its physical growth and character in accordance with the goals and vision set forth in the Highland Park Neighborhood Plan, **Case No. ZAC2009-00149** and hearing of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Birmingham Planning Commission) (Deferred from 3/30/10 to 4/27/10; and Deferred from 4/27/2010 to 5/11/10)**

P (ph) ITEM 3.

An Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2010-00154**) to change zone district boundaries from “Q”O&I Qualified Office and Institutional District to B-1 Neighborhood Business District, filed by Michael J. Barry, owner, for property located at 1518 – 19th Street South, and situated in the SW¼ of Section 6, Township 18 South, Range 2 West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (No Recommendation by the Zoning Advisory Committee) (Not Recommended by the Planning and Zoning Committee)**

CONSENT(ph) ITEM 4.

A Resolution relative to the application of Arqish Inc. for the transfer of an Off Premise Beer and Wine License to be used at **MMM Food Mart**, 1546 F L Shuttlesworth Drive, 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 Carnival Saloon Bar LLC for a Lounge Retail Liquor Class I License to be used at **Carnaval Saloon Bar**, 409 Valley Avenue, 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 6.

A Resolution relative to the application of Culinard LLC for a Restaurant Retail Liquor License to be used at **Culinard Café @ VC Palisades**, 436 Palisade 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 7.

A Resolution relative to the application of Rogue Entertainment LLC, for a Special Events License 140 to be used at the **First Annual Rogue Tavern Music Fest**, May 22, 2010, on 2nd Avenue North from 23rd Street North to 24th Street North, 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 8.**
A Resolution relative to the application of Arthritis Foundation Corporation, for a Special Events License 140 to be used at **Mud Bugs and Music**, May 22, 2010, at 1115 Dunston Avenue, 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 9.**
A Resolution relative to the application of Juanita Motley, for a Special Retail License 160 to be used at **Club M**, 521 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)

CONSENT(ph) **ITEM 10.**
A Resolution relative to the application of SRI SAI LLC for the transfer of an Off Premise Beer and Wine License to be used at **Arkadelphia Chevron**, 1148 Arkadelphia Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT **ITEM 11.**
A Resolution amending Resolution No. 402-10 adopted by the Council April 13, 2010, granting a Restaurant Retail Liquor License to Chuy's 218 Summit Boulevard, Birmingham, correct the address to read 216 Summit Boulevard, Birmingham. (Submitted by Councilmember Johnathan Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee).

(ph) **ITEM 12.**
A Resolution relative to the application of **Michael Giles**, 1228 Oakwood Street, Birmingham, for an Itinerant Junk Dealers License, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee) (No Recommendation Received from the Chief of Police)**

CONSENT (ph) ITEM 13.

A Resolution revoking the Certificates of Public Necessity and Convenience issued to **J.A.T. d/b/a Thrasher Brothers Tours**, 4737 Clairmont Avenue, Birmingham, to operate a bus service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney)

CONSENT (ph) ITEM 14.

A Resolution revoking the Certificates of Public Necessity and Convenience issued to **True Vine Transportation Services**, 1805 Damon Circle, Birmingham, to operate a limousine service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney)

CONSENT (ph) ITEM 15.

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

1	29-03-2-16-03.000-RR	613 ALABAMA AVE SW 35211	NELY 40 FT OF LOT 28 BLK 10 KENILWORTH
2	30-35-2-21-09.000-RR	2ND LOT FORM THE CORNER OF PARKER	LOT 7 BL 28 BREWER PL
3	29-17-1-10-27.000-RR	1312 18TH WAY SW 35211	LOTS 28 THRU 31 BLK 3 WEST END MANOR
4	30-35-2-21-08.000-RR	6100 BLK DOLOMITE ST 35020	LOT 8 BL 28 BREWER PL
5	30-35-2-21-10.000-RR	Next To 6016 ELLINGTON ST 35020	LOT 6 BL 28 BREWER PL
7	23-10-4-09-03.000-RR	324 80TH ST N 35206	SE 50 FT OF NW 100 FT OF LOT 10 & SE 50 FT OF NW 100 FT OF NE 37 FT LOT 11 BLK 11-C EAST LAKE
8	22-26-4-32-02.000-RR	1420 10TH CT N 35203	PAR BEG AT A PT 130S FT S W OF WHERE S ROW 11TH AV
9	22-26-1-10-25.000-RR	1428 21ST ST N 35234	LOTS 29 & 30 BLK 3 SUDDUTH RLTY 5TH ADD TO BHAM
10	22-32-3-09-10.000-RR	1345 AVENUE V 35218	LOTS 47 & 48 BLK D TUXEDO PARK

11	29-05-1-20-25.000-RR	3001 30TH STREET W 35208	P O B 186.4 FT W OF & 190.2 FT N OF N INTER OF
12	29-08-3-06-09.000-RR	4925 COURT R 35208	SE 46 FT OF LOT C BLK 35 CENTRAL PARK ACREAGE LOTS
13	29-15-3-06-05.000-RR	1815 13TH PL SW 35211	LOT 11&12 BLK 3 MASON CITY
14	23-03-2-10-07.000-RR	9109 SHERMAN DR 35217	P O B 378.8S FT S OF E INTER TREADWELL RD & SHERMA
15	23-18-1-01-13.000-RR	3818 39TH AV N 35217	LOT 13 BLK 3 HIGH CLIFF LD CO ADD TO BOYLES
16	13-35-4-01-01.000-RR	121 LAWSON RD 35215	LOT B MR E L FAULL PROP
17	23-19-4-20-05.000-RR	1115 37TH PL N 35234	BEG 133 FT S SE OF SE INTER 37TH PLACE N & SOUTHERN RAILRD
18	23-19-4-20-02.000-RR	1119 37TH PL N 35234	LOT 4 BLK 43 EAST BHAM
19	30-01-4-40-07.000-RR	957 PIKE RD 35218	LOT 4 BLK 8 C J DONALDS RESUR OF BLKS 6-7-8 OAKLAND PLACE
20	22-24-4-23-30.000-RR	1412 30TH ST N 35234	LOT 4 BLK 28 BHAM RLTY COS ADD NO 4
21	22-24-4-17-12.000-RR	3412 15TH AV N 35234	P O B 46.7 FT E OF E INTER 15TH AVE N & ALLEY TH E 50 FT ALG 15 TH AVE N TH N 140S FT TH W 50 FT TH S 148.1 FT TO CONTINUED
22	22-24-4-28-05.000-RR	1225 33RD ST N 35234	S 35 FT OF LOT 17 & N 25 FT OF LOT18 BLK 6 BHAM RLTY COS ADD NO 4
23	23-17-2-15-23.000-RR	4116 39TH AVE N 35212	PARRISH C M 23-17-2 BLOCK: N/A* LOT: 22
24	29-08-3-30-27-000-RR	504 25TH ST SW 35211	LOT 12 C L RAYS ADD TO WEST END
25	22-26-4-31-02.000-RR	1012 15TH ST 35203	PAR BEG AT A PT WHERE S E ROW OF 10TH COURT NORTH
26	22-34-4-04-01.000-RR	100 8TH AVE N 35204	N 105 FT LOTS 1 & 2 BLK 11 MAP OF SMITHFIELD (SOUT
27	22-35-3-12-07.000-RR	513 5TH ST N 35204	N 45.5 FT OF LOTS 9 & 10 BLK 42 MAP OF SMITHFIELD (SOUTH)
28	22-31-4-18-01.000-RR	1422 AVENUE H 35218	LOTS 13+14 BLK 14-G ENSLEY

29	23-03-1-04-08.000-RR	9401 WESTFIELD RD 35217	LOT 20 BLK 11 PENFIELD PARK
30	24-17-2-02-07.000-RR	4633 MINNIFEE DR 35210	LOT 11 BROWNLEE HILLS
31	24-17-2-02-06.000-RR	4629 MINNIFEE DR 35210	LOT 10 BROWNLEE HILLS
32	24-17-2-02-05.000-RR	4625 MINNIFEE DR 35210	LOT 9 BROWNLEE HILLS 57/86
33	24-09-3-12-08.000-RR	5051 RAILROAD AVE 35210	LOTS 4 & 5 BLK 3 MAP OF LIBERTY HGLDS
34	29-05-4-10-16.000-RR	1808 MADISON AVE SW 35211	LOT 3 BLK 1 OAKWOOD PLACE 2 ND ADD RESUR
35	29-16-4-24-01.000-RR-01	2000 16TH ST SW 35211	LOT 1 BLK 43 MASON CITY 6/8
36	29-16-4-24-01.001-RR	2004 16TH ST SW 35211	LOT 2 BLK 43 MASON CITY 6/8
37	29-16-4-24-06.000-RR	2012 16TH ST SW 35211	LOT 3 & 4 BLK 43 MASON CITY
38	29-16-4-23-04.000-RR	2017 16TH ST SW 35211	LOT 10 BLK 42 MASON CITY
39	22-26-1-07-04.000-RR	1923 16TH AVE N 35234	LOT 13 BLK 5 1ST ADD TO DRUID HILLS
40	22-25-2-17-08.000-RR	1313 24TH PL N 35234	TH N 65 FT OT E 40 FT LOT 6 BLK 669 BHAM TH W 40 FT TH S 65 FT TH E 40 FT TH N 65 FT TO PT OF BEG
41	22-12-3-11-09.000-RR	4201 29TH ST N 35207	LOT 1 BLK 1 BLUE HILLS
43	22-13-4-12-04.000-RR	3213 32ND PL N 35207	LOT 4 BLK 4 WAGENSLERS ADD TO NORTH BHAM
44	29-07-1-07-01.000-RR	4100 AVENUE Q 35208	LOTS 1&2 BLK 4 STEINERS ADD TO BHAM ENSLEY
46	22-34-2-15-07.000-RR	929 5TH PL W 35204	LOT 21 BLK 2 COLLEGE HILLS
47	22-26-1-09-02.000-RR	1479 21ST ST N 35234	W 130 FT LOT 20 BLK 2 SUDDUTH RLTY CO 5TH ADD
48	24-09-3-12-09.000-RR	5047 RAILROAD AVE S 35210	LOT 3 BLK 3 MAP OF LIBERTY HGLDS
49	24-09-3-18-05.000-RR	5015 RAILROAD LN 35210	ALL LOT 4 & SW 1/2 OF LOT 5 BLK 2 MAP OF LIBERTY HGLDS

50	24-09-3-18-06.000-RR	5011 RAILROAD LN 35210	LOT 2-3 BLK 2 MAP OF LIBERTY HLDS
51	29-08-1-12-06.000-RR	1829 ALABAMA AVE SW 35211	OAKWOOD PLACE 1ST ADD BLOCK: 3 LOT: 7
52	29-06-3-13-13.000-RR	1208 OAKLAND AVE 35218	LOT 15 BLK 3 ENSLEY LD COS 16TH ADD TO ENSLEY
53	22-23-4-04-33.000-RR	2212 21ST ST N 35234	P O B 200 FT NW OF SW INTER 21ST ST N & 22ND AVE N TH NW 50 FT ALG 21ST ST N TH SW 170 FT S TH SE 50 FT TH NE 170 FT CONTINUED
54	22-26-4-33-05.000-RR	1401 12TH AVE N 35204	P O B 266 FT S W OF THE S W INTER OF 15TH ST N & 12TH AVE N TH S W 45S FT ALG AVE TH S W 123.6 FT TH N E 45S FT TH N W CONTINUED
55	22-26-4-35-04.000-RR	1412 12TH AVE N 35204	LOT 5 SNEDECORS RESUR OF LOTS 3-4 WARE SUR
56	22-26-3-07-10.000-RR	1267 11TH ST N 35204	LOT 3 & N 20 FT OF LOT 2 BLK H FOUNTAIN HGTS
58	30-01-1-26-05.000-RR	3019 AVE B 35218	LOT 5 BLK 11 ENSLEY DEV CO
59	30-01-1-26-05.001-RR	3023 AVE B 35218	LOT 6 BLK 11 ENSLEY DEV CO
61	22-23-4-16-10.000-RR	2101 22ND AVE N 35204	SW 52 FT OF LOTS 6 & 7 BLK 3 J C WESTBROOKS SUBDIV
62	24-05-1-13-02.001-RR	1048 GADSDEN HWY 35235	LOT 1-A RES BLK 3 ROEBUCK PLAZA PB 211 PG 46
63	13-36-1-13-02.000-RR	409 ROEBUCK DR 35215	POB 283 FT E OF SW COR OF NE 1/4 TH E 132.9 FT TH N 659.6 FT TO ROEBUCK DR TH W 133 FT ALG DR TH S 651.3 FT TO POB CONTINUED
64	22-23-4-16-09.000-RR	2105 22ND AVE N 35234	BEG 52 FT NE OF NE INTER OF 21ST ST N & 22ND AVE N-THENCE NE-48 FT SE-100 FT SW-48 FT NW- 100 FT TO P O B PART OF CONTINUED

(ph) ITEM 16.

A Resolution approving the issuance of up to \$4,000,000.00 of Recovery Zone Facility Bonds by **The Cooperative District of the City of Birmingham – Southern Research Institute** on behalf of Southern Research Institute to finance the acquisition, rehabilitation and equipping of certain facilities which will be located on Southern Research Institute’s existing campus located at 757 Tom Martin Drive, Birmingham, and the hearing of all interested parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)**

(ph) ITEM 17.

A Resolution approving the issuance of up to \$16,000,000.00 of Recovery Zone Facility Bonds by **The Cooperative District of the City of Birmingham – Southern Research Institute** on behalf of Southern Research Institute to finance the acquisition, rehabilitation and equipping of certain facilities located at Southern Research Institute’s existing campus located at 2000 - 9th Avenue South, Birmingham which may include capital projects, laboratory and other equipment, furnishings and general personal property and all interesting parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**ITEM 18.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$75,000.00 from Non Departmental – Housing for the Mentally Ill, and appropriating \$60,000.00 to Non Departmental – Police Athletic Team and \$15,000.00 to Personnel, Professional Service-Other. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)**

ITEM 19.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$17,782.00 from Parking Deck #3, \$1,000.00 from Parking Deck #4, and \$310,326.00 from Parking Deck #5 and appropriating it \$132,108.00 to Parking Deck #2, \$160,000.00 to Parking Deck #6 and \$37,000.00 to the Magnolia Avenue Parking. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 20.

An Ordinance authorizing the Mayor to execute a deed of a cemetery lot known as Lot 0901E in Oak Hill Cemetery to **Ralph S. Hare** for \$5,700.00, and authorizing the Mayor to execute such other documents and instruments related to the sale of said cemetery lot as may be required to finalize the sale. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Administration Committee)**

CONSENT

ITEM 21.

An Ordinance authorizing the Mayor to execute a deed of a cemetery lot known as Lot 3118N in Oak Hill Cemetery to **Roland Frederic Dumas, Jr. and Brenda S. Dumas** for \$19,200.00, and authorizing the Mayor to execute such other documents and instruments related to the sale of said cemetery lot as may be required to finalize the sale. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Administration Committee)**

CONSENT

ITEM 22.

An Ordinance authorizing the Mayor to execute a Contract and Lease/Purchase Agreement with **The Arc of Jefferson County, Inc.** under which The Arc of Jefferson County will provide services for five (5) residents of the City, with the annual value of such services projected to be \$10,677.00 for each resident, and the City will lease to The Arc of Jefferson County, for a term of thirty (30) months, two (2) parcels of real property located at 1300 and 1315 Village Square Drive, Birmingham which have a combined value of \$93,733.00 and, upon the expiration of such term, in exchange for The Arc of Jefferson County providing such services, the City will transfer title to the parcels to The Arc of Jefferson County for \$1.00, and authorizing the Mayor to execute such other documents and instruments related to the conveyance of said parcels as may be required to finalize the conveyance. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor and the Administration Committee)**

ITEM 23.

A Resolution authorizing the Mayor to execute a Contract for the Provision of Supplemental Police Services by which the Police Department will provide supplemental community-policing services for **the Housing Authority of the Birmingham District** in housing communities operated by the Housing Authority of the Birmingham District, pursuant to which contract the City will receive up to \$1,814,900.48 for those services in the calendar year 2010, and if the contract is renewed for subsequent years, up to \$1,829,577.12 for services to be performed in 2011, and \$1,838,955.09 for services to be performed in 2012. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Chief of Police)

ITEM 24.

A Resolution authorizing the Mayor to submit to the **U.S. Department of Housing and Urban Development** on or before May 17, 2010 the City's Final Five Year Consolidated Plan for the period July 1, 2010 – June 30, 2015 and the City's Final Action Plan One Year Use of Funds Submission for the period July 1, 2010 – June 30, 2011 in accordance with the Consolidated Formula Allocation Budget, and authorizing the Mayor to enter into necessary agreements under the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), Emergency Shelter Grant Program (ESG), and Housing Opportunities for Persons With AIDS Program (HOPWA) to acquire services. (Submitted by the Mayor) (Recommended by the Director of Community Development)**

ITEM 25.

A Resolution approving an amendment to the appointment of **Summer Youth Games Invitational, Inc.**, Birmingham in the additional amount of \$33,500.00 which increases the amount to be paid to \$130,000.00 to allow Summer Youth Games Invitational, Inc. to make the necessary travel plans for the City's 2010 teams to attend the Youth Games to be held in Milwaukee, Wisconsin July 15-18, 2010, and authorizing the Mayor to execute the amended appointment letter. [**Appropriated in the FY2009 Budget; GL Account: 001_400_96400_96418_550-005**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

ITEM 26.

A Resolution adopting the Fountain Heights Neighborhood 16th Street Corridor Study and Conceptual Streetscape Plan dated April 8, 2010. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

CONSENT**ITEM 27.**

A Resolution fixing a Sales Tax Assessment in the amount of \$42,504.67, against Alabama Trailer and Truck Parts, Inc. – Glen Miller, the person responsible for the collection and remittance of the tax, doing business as **Alabama Trailer and Truck Parts, Inc.** for the period of March, 2008 – March, 2009, and June, 2009 – February, 2010 with invoices. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT**ITEM 28.**

A Resolution fixing a Sales Tax Assessment in the amount of \$8,960.00, against Bonedaddy's of Lee Branch LLC and John L. Cowan Jr, the person responsible for the collection and remittance of the tax, doing business as **Bonedaddy's** for the period of August 2009. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT**ITEM 29.**

A Resolution fixing a Sales Tax Assessment in the amount of \$6,959.06, against Brite Star LLC and Ifrana N. Mohiuddin, the person responsible for the collection and remittance of the tax, doing business as **Kohinoor Indian Restaurant** for the period of November, 2008 – February, 2010. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT**ITEM 30.**

A Resolution fixing a Sales Tax Assessment in the amount of \$1,108.98, against Cosmopolitan Capital LLC and Matthew S. Williamson, the person responsible for the collection and remittance of the tax, doing business as **Planet Smoothie** for the period of August, 2009 with invoices. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT**ITEM 31.**

A Resolution fixing a Sales Tax Assessment in the amount of \$63,568.87, against J Rag Inc and Mark Riemer, the person responsible for the collection and remittance of the tax, doing business as **J Rag** for the period of February - November, 2009 and January - February, 2010. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT**ITEM 32.**

A Resolution fixing a Sales Tax Assessment in the amount of \$38,082.00, against La Macarena Inc and Luis C. Licea, the person responsible for the collection and remittance of the tax, doing business as **La Macarena** for the period of July, 2008, and February 2009 – February 2010, with invoices. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

ITEM 33.

A Resolution fixing a Sales Tax Assessment in the amount of \$11,308.79, against Michael W. McDavid, the person responsible for the collection and remittance of the tax, doing business as **Fit Life Nutrition** for the period of June, 2008 – February, 2010. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT

ITEM 34.

A Resolution fixing a Sales Tax Assessment in the amount of \$4,326.23, against Mitchell P. Hagood, the person responsible for the collection and remittance of the tax, doing business as **Books Beans and Candles Ms** for the period of December, 2008, March, 2009, May, 2009, August, 2009 - November, 2009 and February, 2010. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT

ITEM 35.

A Resolution fixing a Sales Tax Assessment in the amount of \$2,871.82, against Seafood D’Lite Family Restaurant Inc. and Raymond Crenshaw, the person responsible for the collection and remittance of the tax, doing business as **Seafood D’Lite** for the period of August, 2008 – June, 2009, October, 2009 and November, 2009 with invoices. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)

CONSENT

ITEM 36.

A Resolution fixing a special assessment in the amount of \$10,929.20 against the property located at 4301 Fairmont Place North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 37.

A Resolution fixing a special assessment in the amount of \$3,204.00 against the property located at 7732 68th Place South, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 38.

A Resolution fixing a special assessment in the amount of \$1,310.00 against the property located at 3601 3rd Street West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 39.

A Resolution fixing a special assessment in the amount of \$1,310.00 against the property located at 1205 Avenue H. Ensley (Deputy), Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 40.

A Resolution fixing a special assessment in the amount of \$2,918.00 against the property located at 738 83rd Street South, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 41.

A Resolution fixing a special assessment in the amount of \$1,110.00 against the property located at 3764 Center Place West, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 42.

A Resolution fixing a special assessment in the amount of \$3,321.00 against the property located at 8010 Rugby Avenue, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 43.

A Resolution fixing a special assessment in the amount of \$2,250.00 against the property located at 3411 29th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 44.

A Resolution fixing a special assessment in the amount of \$4,970.00 against the property located at 4219 10th Avenue, Wylam (Duplex), Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 45.

A Resolution fixing a special assessment in the amount of \$2,350.00 against the property located at 116 9th Court North Alley (Duplex), Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 46.

A Resolution fixing a special assessment in the amount of \$3,646.00 against the property located at 6204 Handy Avenue, Roosevelt City, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 47.

A Resolution fixing a special assessment in the amount of \$5,990.00 against the property located at 1722 30th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 48.

A Resolution fixing a special assessment in the amount of \$3,698.00 against the property located at 9657 (A & B) 9th Avenue North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 49.

A Resolution fixing a special assessment in the amount of \$5,931.20 against the property located at 2812 30th Street, Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 50.

A Resolution fixing a special assessment in the amount of \$2,961.20 against the property located at 324 10th Court North, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 51.

A Resolution fixing a special assessment in the amount of \$2,982.80 against the property located at 1623 Avenue T, Ensley, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 52.

A Resolution fixing a special assessment in the amount of \$2,294.00 against the property located at 3712 Laurel Avenue SW, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 53.

A Resolution fixing a special assessment in the amount of \$4,257.20 against the property located at 1001 Jersey Street, Wylam, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 54.

A Resolution fixing a special assessment in the amount of \$3,360.00 against the property located at 3212 Beech Avenue SW, Birmingham, for the cost incurred for the demolition of an unsafe building or structure (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 55.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Clay Vance**, the owner or agent of the properties located at 4267 and 4269 2nd Avenue South, Birmingham, which were condemned by the Council August 26, 2003, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvement Committee)

CONSENT**ITEM 56.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Michael Underwood**, the owner or agent of the property located at 26 9th Court West and Garage, Birmingham, which was condemned by the Council June 26, 2007, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits and the Public Improvement Committee)

CONSENT**ITEM 57.**

A Resolution accepting the lump sum bid of **P & M Mechanical, Inc.**, in the amount of \$2,348,290.00, for HVAC additions to seven (7) recreation center gymnasiums at various locations with in the City of Birmingham, 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 YR Budget; PW035GR 053912**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Four Bids Submitted)

CONSENT**ITEM 58.**

A Resolution accepting and approving the bid of **Tractor and Equipment Company Inc.**, Birmingham for the purchase of undercarriage parts for a 2003 Komatsu bulldozer, model #D155AX-5A as needed at unit prices on file in the Office of the Purchasing Agent, for a period of six (6) months and month to month thereafter, for, the Equipment Management Department this being the lowest bid submitted. [**Appropriated in the FY 2009 - 2010 Budget G/L Account:001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Three Bids Submitted)

ITEM 59.

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

ITEM 60.

A Resolution setting a public hearing **May 25, 2010**, to consider the appeal of Colston's Event Hall, 1575 Bessemer Road, Birmingham on termination of the alarm monitoring the alarm monitoring by the communication center and emergency response by the Birmingham Police Department.. (Submitted by the City Clerk as required by law)**

ITEM 61.

A Resolution setting a public hearing **June 22, 2010**, to consider the adoption of an Ordinance amending Section 16-12-61, "Liability Insurance," of the General Code of the City of Birmingham, to increase the liability insurance coverage requirements for Taxicabs and certain other vehicles for hire. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Rafferty Chairperson, Transportation and Communications Committee)

ITEM 62.

A Resolution setting a public show cause hearing **May 25, 2010**, to consider revoking the business license(s) issued to **Nomtae Entertainment Event Center, LLC**, 4600 5th Avenue South, Birmingham, and to consider rescinding Resolution No. 427-08 and Resolution No. 428-08, both adopted by the Council on April 22, 2008, and to direct the delivery of notice of such hearing to the licensee. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Public Safety Committee)

ITEM 63.

A Resolution setting a public show cause hearing **May 25, 2010**, to consider revoking the business license(s) issued to **Castro's Promotions Inc., d/b/a Continental Ballroom**, 89 Robert Jemison Road, Birmingham, and to consider rescinding Resolution No. 1074-06 for a Lounge Retail Liquor Class I License adopted by the Council on April 25, 2006, and Resolution No. 1269-06 for a Division 1 Dance Permit adopted by the Council on May 30, 2006, and to direct the delivery of notice of such hearing to the licensee. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Public Safety Committee)

ITEM 64.

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

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matters were withdrawn:

A Resolution revoking the Private Investigator License issued McConnell Night Hawk Detective Agency, Inc, 525 Shades Crest Road, Birmingham, AL 35216

Those properties declared by Resolution No. 393-10 on April 6, 2010 to be noxious and dangerous, whereon said weeds have been abated:

6	23-21-3-20-14.000-RR	5220 DIVISION AVE 35212	LOT 6 BLK 5 MONTGOMERY & PARKS SURVEY
42	13-34-1-00-37.000-RR-01	1000 LAWSON RD 35217	BEG TH NW COR OF INTER OF ELCAMINO DR & LAWSON RD TH W ALG LAWSON RD 97 FT TH N 250 FT THE 90 FT TO EL CAMINO DR TH S
45	23-03-1-28-12.000-RR	9120 11TH AVE N 35206	LOTS 7 & 8 BLK 4 AIRPORT ESTS
57	21-36-3-05-07.000-RR	2916 BURRELL ST 35224	LOT 5 BLK B REUBEN BURRELL SUR
60	21-24-1-13-01.000-RR	724 OZARK AVE 35214	LOT 4 BLK 9 B W MAY