

AGENDA

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

April 28, 2009 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Debra Berry, Associate/Executive Pastor of Sixth Avenue Baptist Church

PLEDGE OF ALLEGIANCE: Councilmember Johnathan Austin

ROLL CALL

MINUTES NOT READY: December 23, 2008 – April 21, 2009

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.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2008-00160**) to change zone district boundaries from R-4 Two-Family and Semi-Attached Dwelling District and “C”B-1 Contingency Neighborhood Business District to B-6 Health and Institutional District filed by Richard S. Richard, applicant, representing the owner, Baptist Health Systems, Inc., for property located at 701 Princeton Avenue S.W. and situated in the SW¹/₄ of Section 3, Township 18 South Range 3 West and in the SE¹/₄ of Section 4, Township 18 South Range 3 West, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee) (Deferred from 4/21/09 to 4/28/09)**

P - (ph)

ITEM 2.

An Ordinance amending Title IV, “Municipal Services” Chapter 4, “Street and Sidewalks,” Article H, “Excavations” of the City Code of Birmingham, 1980 as amended, and the **hearing** of all interested parties. (Submitted by the City Attorney) (Recommended by Councillor Duncan)**

(ph)

ITEM 3.

A Resolution relative to the application of I and S Petrol LLC for the transfer of an Off Premise Beer and Wine License to be used at **Airport Mini Mart**, 4010 Airport Highway Suite B, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)

(ph)

ITEM 4.

A Resolution relative to the application of Shahrokh Rahimizadeh for an Off Premise Beer and Wine License to be used at **Shaw’s Grocery**, 1231 Avenue H Ensley, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)

- (ph) **ITEM 5.**
A Resolution relative to the application of **Save The Youth, Inc.** for a Bingo Permit to be used at 217 – 6th Avenue S.W., Birmingham, on an indeterminate day of the calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)
- (ph) **ITEM 6.**
A Resolution relative to the application of **Set Free Christian Outreach Center, Inc./Helping Hands** for a Bingo Permit to be used at 217 – 6th Avenue S.W., Birmingham, on an indeterminate day of the calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)
- (ph) **ITEM 7.**
A Resolution relative to the application of **Set Free Community Development Corporation/Helping Hands** for a Bingo Permit to be used at 217 – 6th Avenue S.W., Birmingham, on an indeterminate day of the calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)
- (ph) **ITEM 8.**
A Resolution relative to the application of **Take A Step Up** for renewal of a Bingo Permit to be used at 1286 Oak Grove Road, Suite 104, Birmingham, on Fridays and Saturdays of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)
- (ph) **ITEM 9.**
A Resolution relative to the application of **Veterans of Foreign Wars - 4261** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Mondays and Tuesdays of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)

- (ph) **ITEM 10.**
A Resolution relative to the application of **Veterans of Foreign Wars Post 218** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Monday and Tuesday mornings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)
- (ph) **ITEM 11.**
A Resolution relative to the application of **Veterans of Foreign Wars - 4758** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Wednesday and Friday evenings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)
- (ph) **ITEM 12.**
A Resolution relative to the application of **Veterans of Foreign Wars - 6022** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Sunday mornings and Thursday evenings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)
- (ph) **ITEM 13.**
A Resolution relative to the application of **Veterans of Foreign Wars Post 6440** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Wednesday mornings and Saturday evenings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)
- (ph) **ITEM 14.**
A Resolution relative to the application of **Veterans of Foreign Wars Post 8432** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Thursday mornings and Sunday evenings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)

(ph) ITEM 15.
 A Resolution relative to the application of **Veterans of Foreign Wars Post 15001** for an Annual Bingo Permit to be used at 9150 Parkway East, Birmingham, on Friday and Saturday mornings of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended Denial by the Public Safety Committee)

(ph) ITEM 16.
 A Resolution relative to the application of **Robert Hall**, 5500 Avenue N Ensley, Birmingham, for an Itinerant Junk Dealer’s Permit, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation Received From the Chief of Police) (Recommended Denial by the Public Safety Committee) (Deferred from 4/21/09 to 4/28/09)**

CONSENT(ph) ITEM 17.
 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 the Public Improvements and Beautification Committee)

1	29-19-1-17-06.000-RR	3529 PARK AVE SW 35221	LOT 8 BLK 14 ROSEMONT
2	23-15-4-18-05.001-RR	7113 6TH AVE S 35206	LOT 12 BLK 38 EAST GATE 6/68
3	22-31-3-09-11.000-RR	715 17TH ST 35218	Lot 8 Blk 17-G Ensley
5	22-24-2-09-08.000-RR	2716 22ND AVE N 35234	LOT 15 BLK 27 NO BHAM LAND CO
6	21-24-1-13-02.000-RR	720 OZARK CT 35214	LOTS 3+4 BLK 12 B W MAY
7	29-08-1-24-17.000-RR	1820 PRINCETON CT 35211	LOTS 17 & 18 BLK 2 OAKWOOD PLACE
8	23-03-1-28-08.000-RR	9001 11TH AVE 35206	LOT 1 BLK 1 AIRPORT ESTS
9	22-15-4-10-12.000-RR	3704 2ND ST W 35207	LOTS 22 & 23 BLK 8 OAKHURST ADD TO NORTH BHAM
10	30-16-4-03-10.000-RR	1241 HILL ST 35023	LOT 5 & 6 BLK A RESUR BLK A & LOTS 45 & 46 EDWARDS BROS SUR OF 5TH ADD TO DOLOMITE VILLAGE 14/15 SECTION 16 TOWNSHIP 18S RANGE 4W
12	29-19-1-03-05.000-RR	3336 JEFFERSON AVE SW 35221	LOT 11 BLK 7 BELLE HAVEN

Agenda – April 28, 2009

13	29-19-1-03-09.000-RR	3352 JEFFERSON AVE SW 35221	LOT 15 BLK 7 BELLE HAVEN
14	23-28-2-38-03.000-RR	4737 6TH AVE S 35222	P O B 95 FT S E OT E INTER 47TH PL S & U S HWY 78 TH E 36 FT S ALG U S HWY 78 TH SE 160 FT S TO ALLEY TH SW 40 FT CONTINUED
16	22-26-1-10-20.000-RR	1404 21ST ST N 35234	LOT 35 BLK 3 SUDDUTH RLTY COS 5TH ADD TO BHAM
17	30-25-1-10-13.000-RR	4629 GRASSELLI BLV 35221	LOT 7 BL 3 HILLMANS GARDENS
18	22-30-1-06-34.000-RR	300 AVENUE G 35214	HUEY PARKER B ETAL BLOCK: N/A* LOT: 3
19	23-15-3-19-07.000-RR	208 67TH PL N 35206	LOT 15 FULLERS SUB OF BLK 12-G EAST WOODLAWN
20	23-11-4-33-03.000-RR	728 81ST PL S 35206	LOTS 18 & 19 BLK 38 SO HGLDS TO EAST LAKE
21	29-05-2-01-19.000-RR	2540 23rd ST W 35208	LOT 23 BLK 74 BHAM-ENSLEY
22	29-20-2-11-08.000-RR	2517 PARKLAWN AVE SW 35211	LOT 6 BLK 14 PARK LAWN
23	23-15-4-26-03.000-RR	7013 1ST AVE S 35206	LOT 12 BLK 1 EAST LAKE
24	23-19-3-20-03.000-RR	1521 36TH PL N 35234	LOT 11 IN F F SNEDECOR ADD TO BHAM
25	29-07-4-24-08.000-RR	5301 COURT P 35208	LOT 19 BLK 1 C J DONALDS ADD TO CENTRAL PARK
26	30-02-1-50-05.000-RR	1009 JERSEY ST 35224	LOT B J M YOUNG SUBD OF LOTS 6 7 8 9 IN BLK 18
27	22-23-4-32-10.000-RR	1620 HUNTSVILLE RD 35234	BEG 54.4 S FT NE OF INTER OF W LY LINE OF HUNTSVILLE RD & S LINE OF SE 1/4 SEC 23 TWP 17 R 3 TH NLY ALG W ROW 173 S FT TH
28	30-01-1-20-01.000-RR	2615 AVENUE E 35218	LOT 1 & 2 BLK 27-E ENSLEY 1ST ADD
29	29-05-3-17-28.000-RR	3100 AVENUE T 35208	POB 180 FT S NW OF THE W INTER OF AVE T & WARRIOR RD TH NW
30	23-19-3-20-14.000-RR	1522 VANDERBILT RD 35234	S 43.65 FT LOT 23 F F SNEDECOR ADD TO BHAM
31	22-13-4-43-08.000-RR	3203 27TH CT N 35207	LOT 35 BLK 1 WHITNEY-GAYLE & VANN ADD
32	13-12-1-05-29.001-RR	304 CARLTON CIR 35215	LOT 16 BLK 5 VALLEY BROOK 2ND SECT 95/12
33	23-10-4-19-12.000-RR	7616 5TH AVE N 35206	LOT 5 BLK 8-E EAST LAKE 1ST ADD
34	22-12-1-01-28.000-RR	5100 RAINBOW CIR 35207	LOT 1 BLK 1 LINCOLN HTS 2ND ADD

35	22-12-3-07-02.000-RR-01	3135 46TH AVE N 35207	LOT 22 BLK 6 LINCOLN HEIGHTS SUB 15/68
36	22-14-1-02-11.000-RR	4024 FAIRMONT ST 35207	LOTS 19 & 20 BLK 9 FAIRMONT
37	22-13-2-19-07.001-RR	3404 31ST ST N 35207	LOTS 12-15 I M CRUM ADD
38	13-34-4-01-40.001-RR	800 NORTHWOOD DR 35217	LOT 5 BLK 5 1ST ADD TO PENFIELD PARK
39	23-10-1-22-11.000-RR	8100 6TH AVE N 35206	LOT 1 BLK 13-F 1ST ADD TO EAST LAKE
42	23-10-1-26-10.000-RR	8010 6TH AVE N 35206	LOT 5 BLK 12-F 1ST ADD TO EAST LAKE
43	29-15-2-03-04.000-RR	1523 13TH ST SW 35211	LOT 17 BLK B COLLEGE ADD TO MASON CITY
44	29-05-3-16-07.000-RR	3009 AVENUE T 35208	LOT 5 BLK 3 HELENA HEIGHTS
45	29-05-3-07-14.000-RR	2918 AVENUE T 35208	LOT 12 BLK 1 HELENA HEIGHTS
46	29-05-3-17-39.000-RR	3032 AVENUE T 35208	LOT 19 BLK 2 HELENA HEIGHTS EXC PRINCE AVE RW ALSO LOTS 12 & 13 BLK 4 OAK CLIFF
47	30-02-1-50-10.000-RR	4514 12TH AVE 35224	THE W 40 FT LOT 11 BLK 18 RESUR OF BLKS 13 14 17
48	29-19-4-01-07.000-RR	3315 OAK CT SW 35221	POB 180 Ft SE of Inter of S Line of SW Oak Ct & W/
49	29-19-4-01-09.000-RR	3305 OAK CT SW 35221	POB INTER OF S LINE OF SW OAK CT & E LINE OF 33RD ST TH S
50	29-19-3-28-06.000-RR	3925 ELLIS AVE SW 35221	LOT 3 BLK 23 PARK PLACE
51	30-25-1-11-20.000-RR	4821 PARK AVE SW 35221	LOTS 4 & 5 & NE 5 FT OF LOT 3 BLK 17 HILLMAN 1/57
52	29-21-2-28-01.000-RR	1733 MATT LEONARD DR SW 35211	BEG INTER OF NE/L OF 17TH WAY & SE/L OF 22ND AVE S
53	29-16-3-09-02.000-RR	204 WEST ANN DR SW 35211	LOT 9 BLK 3 POWDERLY HILLS
54	22-24-3-18-12.000-RR	2716 19TH AVE N 35234	E 1/2 OF E 100 FT LOT 3 BLK 18 HASKELL & MULLERS
55	22-24-2-09-06.000-RR	2708 22ND AVE N 35234	LOT 13 & E 1/2 OF LOT 11 BLK 27 BHAM LAND CO
56	29-04-4-10-06.000-RR	1021 Alabama Avenue SW 35211	LOT 5 BLK 17 WEST END LAND & IMPROVEMENT CO
57	22-33-1-12-05.000-RR	739 9TH CT W 35204	LOT 3 BLK 10 COLLEGE HGLDS
58	29-09-2-12-16.000-RR	544 16TH WAY SW 35211	LOT 1 BLK 3 WEST END PLACE
59	21-36-1-10-01.000-RR	328 OAKMONT ST 35224	LOT 11 BLK 17-1 SHERMAN HEIGHTS

60	21-25-4-09-08.000-RR	328 IRVING ST 35224	LOTS 7 THRU 9 BLK 15 ENSLEY LOT ADD
61	21-25-4-09-09.000-RR	318 IRVING ST 35224	LOT 10 BLK 15 ENSLEY 10TH ADD 10TH ADD TO ENSLEY
62	22-31-3-51-12.000-RR	2212 AVENUE F 35218	LOTS 17+18 BLK 22-E ENSLEY
63	22-31-3-51-11.000-RR	2216 AVENUE F 35218	LOTS 15 & 16 BLK 22-E ENSLEY
64	22-35-3-25-17.000-RR	414 4TH CT N 35204	W 30 Ft Lot 13 Blk 37 Map Of Smithfield (S)
65	22-35-3-25-18.000-RR	418 4TH CT N 35204	E 20 FT OF LOT 13 BLK 37 MAP OF SMITHFIELD (SOUTH)
66	22-34-4-16-14.000-RR	520 3RD ST N 35204	S 110 FT LOT 1 BLK 25 MAP OF SMITHFIELD (SOUTH)
67	22-34-1-12-07.000-RR	1019 1ST ST N 35204	S 60S FT OF LOT 8 BLK 21 SMITHFIELD (NORTH)
68	29-17-4-10-48.000-RR	1830 FRANCIS AVE SW 35211	LOTS 40 & 41 BLK 10 WEST END MANOR
69	22-23-4-16-04.000-RR	2122 STOUTS RD 35234	W 34 FT OF LOT 3 BLK 3 J C WESTBROOK SURVEY LESS RD ROW
70	22-23-4-15-06.000-RR	2219 22ND AVE N 35234	E 35 FT OF W 45 FT LOT 2207
71	22-24-3-18-09.000-RR	2708 19TH AVE N 35234	E 52 FT LOT 2 BLK 18 HASKELL & MULLERS
72	22-24-3-17-04.000-RR	2709 21ST AVE N 35234	E 100 FT OF W 150 FT OF LOT 5 BLK 17 HASKELL & MUL
73	22-24-3-17-05.000-RR	2701 21ST AVE N 35234	P O B SE INTER 21ST AVE N & 27TH ST N TH SE 90 FT
74	22-24-2-17-04.001-RR	2713 22ND AVE N 35234	SW 50 FT OF NE 250 FT BLK 16 HASKELL & MULLER LYING NW OF
75	22-24-2-17-04.000-RR	2717 22ND AVE N 35234	SW 50 FT OF NE 200 FT OF BLK 16 HASKELL & MULLER LYING NW
76	22-24-2-09-07.000-RR	2712 22ND AVE N 35234	LOT 14 BLK 27 NO BHAM LAND CO
77	21-24-1-14-06.000-RR	712 PIEDMONT AVE 35214	P O B 100 FT S S OF THE S W INTER OF PERRY ST & PIEDMONT AVE TH S 100 FT S ALG AVE TH W 100 FT S TH N 50 FT S TH E 25
78	22-19-3-11-14.000-RR	315 BLOUNT ST 35214	P O B 100 FT N E OF THE S E INTER OF HOLT AVE & BLOUNT ST TH N E 50 FT ALG BLOUNT ST TH S 140 FT TH S W 50 FT TH N 140
79	22-30-2-04-26.000-RR	101 HELENA AVE 35214	Lot 1 Blk 4 R J Powell Sec 30 TP 17 R 3
80	22-30-2-04-25.000-RR	NEXT TO 101 HELENA AVE 35214	Lot 2 Blk 4 R 4 R J Powell

(ph)

ITEM 18.

A Resolution assenting to the vacation of 93,370 square feet of Tuscaloosa Avenue between 7th Street Southwest and 10th Street Southwest, on behalf of **Baptist Health Systems (Baptist Medical Center-Princeton)**, owner, to create a pedestrian friendly link between the main hospital and accessory hospital uses immediately south of Tuscaloosa Avenue and the vacation of 601 square feet of alley between 10th Street Southwest and 9th Street Southwest to create a connector from Tuscaloosa Avenue to Cotton Avenue, and the **hearing** of all interested parties, **Case No. SUB 2008-00109**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission) (No Recommendation by the Public Improvements Committee) (Deferred from 4/21/09 to 4/28/09)**

(ph)

ITEM 19.

A Resolution assenting to the vacation of 4,035 square feet of 30th Street Southwest parallel to and between 29th Street Southwest and 31st Street Southwest and perpendicular to and between Dowell Avenue Southwest and Southwest Dowell Court and 10,808 square feet of SW Dowell Court parallel to and between Dowell Avenue Southwest and Southwest Lawn Avenue and perpendicular to and between 29th Street Southwest and 30th Street Southwest, on behalf of **Birmingham City School Board of Education**, owner, to construct a new Jones Valley School, and the **hearing** of all interested parties, **Case No. SUB 2008-00119**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee) (Deferred from 4/21/09 to 4/28/09)**

ITEM 20.

A Resolution accepting the dedication of all right-of-way as shown on the Final Plat entitled Tuscaloosa Avenue Relocation Record Map, **Case No. SUB2008-00109**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision of the Birmingham Planning Commission) (No Recommendation by the Public Improvements Committee) (Deferred from 4/21/09 to 4/28/09)

ITEM 21.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$93,893.00 of Fund 001 General Fund to Non Departmental, Animal Control. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance) (Deferred from 4/14/09 to 4/28/09)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 22.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$7,500,000.00 from various projects and appropriating \$7,500,000.00 to Negro/Southern League Baseball Hall of Fame Museum. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 23.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$25,388.89 to State Fair – Marketing and Promotion and \$155,344.46 to Fire Department – Capital Outlay – Equipment for FEMA reimbursement of expenses incurred related to evacuees from Hurricane Gustav. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 24.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$100,000.00 of Fund 001 General Fund from Fire Department – Classified Salaries and \$100,000.00 from Police Department – Classified Salaries, and appropriating \$200,000.00 to Non Departmental – Other Benefits – Workman’s Compensation. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 25.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$184,218.57 to Non Departmental – Storm Water Expense from Storm Water Fees collected. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 26.

An Ordinance authorizing the Council President to execute a statutory warranty deed or quitclaim deed to finalize the conveyance of property located at 436, 438, 440 and 442 Iota Avenue Birmingham to **Titusville Development Corporation** to provide affordable homes in accordance with the purposes of their HOME Agreement. (Submitted by the City Attorney) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)**

CONSENT**ITEM 27.**

An Ordinance designating the unnamed public right-of-way beginning at the western end of Red Mountain Lane and continuing westward 856 feet, more or less, to its terminus, as **Red Mountain Lane**. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)**

ITEM 28.

A Resolution authorizing the Council President to enter into an agreement with **Alethia House, Inc.**, under which the City will provide up to \$290,000.00 in Federal HOME Funds to be utilized as construction financing at zero percent (0%) interest for the acquisition and rehabilitation of thirty-two (32) multi-family units, located at 1204 – 33rd Street South, Birmingham, such loan to be secured by a construction mortgage on the property, said loan to be forgiven at the end of fifteen (15) years from the date of execution of the agreement. (Submitted by the City Attorney) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)

ITEM 29.

A Resolution authorizing the Council President to enter into an agreement with **Psalms Books, Inc.** under which the City will provide up to \$95,000.00 in Federal Funds to be utilized as acquisition and stabilization/construction financing at zero percent (0%) interest for the acquisition and stabilization of seven (7) single-family units, located at 2515 Avenue C Ensley, Birmingham, such loan to be secured by a construction mortgage on the property, said loan to be forgiven upon satisfactory completion of the project provided that Psalms Books, Inc. complies with the terms of the agreement. [**Fund 031_202_15000_15005_15033.536-001**] (Submitted by the City Attorney) (Recommended by the Director of Community Development)

ITEM 30.

A Resolution authorizing the Council President to enter into an agreement with **Red Iron Housing Development Company, LLC**, under which the City will provide up to \$488,909.00 in Federal HOME Funds to be utilized as construction financing at zero percent (0%) interest for the acquisition and rehabilitation of fourteen (14) multi-family units, located at 3848 – 6th Avenue South, Birmingham, such loan to be secured by a construction mortgage on the property, said loan to be forgiven at the end of fifteen (15) years from the date of execution of the agreement. (Submitted by the City Attorney) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)

ITEM 31.

A Resolution authorizing the City's Authorized Official to submit to **the U.S. Department of Housing and Urban Development** on or before May 15, 2009 the City's Final Action Plan One Year Use of Funds Submission for the period July 1, 2009 to June 30, 2010 in accordance with the Consolidated Formula Allocation Budget, and authorizing the City's Authorized Official to enter into necessary agreements under the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), American Dream Downpayment Initiative (ADDI), Housing and Urban Development Emergency Shelter Grant Program (HUD ESG), and Housing Opportunities for Persons with AIDS Program (HOPWA). (Submitted by the City Attorney) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)**

CONSENT**ITEM 32.**

A Resolution approving the appointment of **Williams Blackstock Architects**, Birmingham, in the amount of \$28,840.00, to provide architectural and engineering design services for the Parking Deck No. 3, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY2009 Budget; GL Account: 127_000.527-014**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

CONSENT**ITEM 33.**

A Resolution approving the appointment of **Building and Earth Sciences, Inc.**, Birmingham, in the amount of \$23,455.00, to provide subsurface exploration and geotechnical services for Parking Deck No. 3, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY2009 Budget; GL Account: 127_000.527-014**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

CONSENT**ITEM 34.**

A Resolution determining that **the 25th Anniversary of Titusville Day**, to be held July 10-11, 2009 at venues throughout Council District Six, serves a public purpose that promotes goodwill and serves a public interest, and requesting that City funds be used to pay for this event. (Submitted and Recommended by Council President Smitherman)**

CONSENT

ITEM 35.

A Resolution determining that the building or structure located at 2133-35 – 24th Court North, Duplex, 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 36.

A Resolution determining that the building or structure located at 1356 – 15th Street S.W., 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 37.

A Resolution determining that the building or structure located at 4130 – 49th Court North, 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 38.

A Resolution determining that the building or structure located at 2528 – 30th Street Ensley, 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 39.

A Resolution determining that the building or structure located at 2638 Pike Road, 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 40.

A Resolution determining that the building or structure located at 212 – 59th Street North, 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 41.

A Resolution determining that the building or structure located at 7008 – 1st Avenue South, 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 106 – 53rd Street North, 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 determining that the building or structure located at 969 – 1st Street North, Duplex, 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 44.

A Resolution determining that the building or structure located at 1020 Avenue U, Pratt City, 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 45.

A Resolution determining that the building or structure located at 341 Avenue T, Pratt City, 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 46.

A Resolution determining that the building or structure located at 2822 Avenue H Ensley, 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 47.

A Resolution determining that the building or structure located at 2210 – 12th Street North, 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 48.

A Resolution determining that the building or structure located at 5700-08 – 2nd 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 49.

A Resolution determining that the building or structure located at 6233 Georgia Road, 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 50.

A Resolution determining that the building or structure located at 2328 Center Place South, 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 51.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **William Frost**, the owner or agent of the property located at 916 – 52nd Street North, Birmingham, which was condemned by the Council July 24, 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)

CONSENT**ITEM 52.**

A Resolution accepting the lump sum bid of **Schindler Elevator Corporation**, 2716 – 7th Avenue South, Birmingham, in the amount of \$194,137.00, for elevator code upgrades at the Birmingham Central 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 FY2009 Budget; 001_049_40200_40229.511-022]** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

CONSENT**ITEM 53.**

A Resolution accepting and approving the bid of **Alabama Office Solutions**, Birmingham, for the lease of copiers as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for various departments, this being the lowest bid submitted. **[Appropriated in the FY 2009 Budget]** (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Ten Bids Submitted)

CONSENT**ITEM 54.**

A Resolution accepting and approving the bid of **Berney Office Solutions**, Birmingham, for the lease of copiers as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for various departments, this being the lowest bid submitted. **[Appropriated in the FY 2009 Budget]** (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Ten Bids Submitted)

CONSENT**ITEM 55.**

A Resolution accepting and approving the bid of **Nohab Business Products**, Birmingham, for the lease of copiers as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for various departments, this being the lowest bid submitted. **[Appropriated in the FY 2009 Budget]** (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Ten Bids Submitted)

CONSENT**ITEM 56.**

A Resolution accepting and approving the bid of **Oce' North America Document Printing Systems**, Birmingham, for the lease of copiers as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for various departments, this being the lowest bid submitted. **[Appropriated in the FY 2009 Budget]** (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Ten Bids Submitted)

CONSENT

ITEM 57.

A Resolution accepting and approving the bid of **Ricoh Business Solutions**, Birmingham, for the lease of copiers as needed at the unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for various departments, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Ten Bids Submitted)**

CONSENT

ITEM 58.

A Resolution authorizing the Director of Finance to pay **Pauline D. Bowman** \$100.00 for conveyance of a temporary construction easement to Parcel No. 17, for the Five Mile Road Phase I Street Improvement Project located at 1169 Five Mile Road, Birmingham. [**Project No. PEP129CP002836**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT

ITEM 59.

A Resolution authorizing the Director of Finance to pay **Wesley Green, Sr. and Earlean Green** \$225.00 for the loss of shrubbery and conveyance of a temporary construction easement to Parcel No. 1, for the Hooper City Phase IV Street and Drainage Improvements Project located at 3508 – 6th Street West, Birmingham. [**Project No. PEP129CP002838**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT

ITEM 60.

A Resolution authorizing the Director of Finance to make five (5) refunds in the total amount of \$20,551.11. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 61.

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

ITEM 62.

A Resolution setting a public hearing **June 2, 2009**, to consider the adoption of a resolution assenting to the vacation of 41,260 square feet of 5th Street South that runs parallel to and between Alpha Street and 6th Street South and perpendicular to and between 6th Avenue South and Kappa Avenue; 1,300 square feet of alley that bisects Block 379 and is perpendicular to and between Alpha Street and 5th Street South; and 2,589 square feet of alley that bisects Block 372 and is perpendicular to 6th Street South, on behalf of **City of Birmingham**, owner, to eliminate interior lot lines and dedicate Memorial Park, **Case No. SUB2009-00006**. (Submitted by Councillor Parker, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 63.

A Resolution setting a public hearing **June 2, 2009**, to consider the adoption of a resolution assenting to the vacation of 121,364 square feet of Powell Avenue parallel to and between Morris Avenue and 1st Avenue South and perpendicular to and between 14th Street South and 18th Street; 39,232 square feet of 1st Avenue South parallel to and between 2nd Avenue South and Morris Avenue and perpendicular to and between 14th Street South and 18th Street South and 15th Street South and perpendicular to and between 1st Avenue South and Morris Avenue, on behalf of the **City of Birmingham and First Avenue Development LLC**, owners, to construct the Railroad Reservation Park and eliminate existing building encroachments, **Case No. SUB2009-00013**. (Submitted by Councillor Parker, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 64.

A Resolution setting a public hearing **June 9, 2009** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2009-00033**) to change zone district boundaries from R-3 Single Family District to R-4 Two-Family and Semi-Attached Dwelling District, filed by Daphyne Burnett, applicant, representing the owners, Paula and Emma Burnett, for property located at 2253 – 20th Street S.W., situated in the NE¼ of Section 20, Township 18 South, Range 3 West, Birmingham. (Submitted by the City Attorney) (NOT Recommended by the Z.A.C.)**

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matter was withdrawn:

Those properties declared by Resolution No. 443-09 on March 24, 2009 to be noxious and dangerous, whereon said weeds have been abated:

4	30-02-2-06-11.000-RR	5316 8TH AVE 35224	LOT 17 RIVIERE HEIGHTS
11	29-07-3-26-07.000-RR	5100 AVENUE N 35208	LOT 13 BLK 8-A IVANHOE
15	23-28-3-02-121.001-RR	817 47TH WAY S 35222	LOT 1 BLK 5 J R PHILLIPS SUR 5/7
40	13-24-3-03-30.000-RR-01	729 CARSON RD 35215	LOT 13 CAMEO COURT TOWNHOMES 2ND SECT PB 158 PG 13
41	23-10-4-03-04.000-RR	8009 6TH AVE N 35206	LOT 24 BLK 12-E EAST LAKE LD COS 1ST ADD TO EAST LAKE