

AGENDA

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

January 27, 2009 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

**INVOCATION: Reverend Desi Echoles, Pastor of Thirgood Memorial Christian
Methodist Episcopal Church**

PLEDGE OF ALLEGIANCE: Council President Pro Tempore Miriam Witherspoon

ROLL CALL

MINUTES NOT READY: November 12, 2008 – January 20, 2009

COMMUNICATIONS FROM THE MAYOR

NOMINATIONS TO BOARDS AND AGENCIES

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 Mamadou B. Diallo for a Restaurant Retail Liquor License to be used at **AA Restaurant**, 427 – 20th Street South, 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 12/23/08 to 1/20/09; and Held Over Until 1/27/09)
- (ph) **ITEM 2.**
A Resolution relative to the application of Mamadou B. Diallo for a Division I Dance Permit to be used at **AA Restaurant**, 427 – 20th Street South, 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 12/23/08 to 1/20/09; and Held Over Until 1/27/09)
- (ph) **ITEM 3.**
A Resolution relative to the application of Happy Face LLC for the transfer of an Off Premise Beer and Wine License to be used at **Wilson’s Market**, 1401 – 15th Street South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- (ph) **ITEM 4.**
A Resolution relative to the application of Avery’s Event Center LLC for a Special Retail Liquor License 160 to be used at **Avery’s Event Center, LLC**, 2921 – 27th Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- (ph) **ITEM 5.**
A Resolution relative to the application of Rickey Avery for a Division I Dance Permit to be used at **Avery’s Event Center, LLC**, 2921 – 27th Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

(ph) **ITEM 6.**
A Resolution relative to the application of Old Car Octane LLC for a Special Retail Liquor License 160 to be used at **Old Car Octane**, 3501 – 1st Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

(ph) **ITEM 7.**
A Resolution relative to the application of Stewart R. Dudley for a Division I Dance Permit to be used at **Old Car Octane**, 3501 – 1st Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

CONSENT(ph) **ITEM 8.**
A Resolution relative to the application of Brothers Foodmart LLC for the transfer of an Off Premise Beer and Wine License to be used at **Brothers FoodMart LLC**, 3833 East Lake Boulevard, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph) **ITEM 9.**
A Resolution relative to the application of Everlite Business, Inc. for an Off Premise Beer and Wine License to be used at **Sixth Avenue Exxon**, 74 – 6th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph) **ITEM 10.**
A Resolution relative to the application of Maybelline Battle Lanier for an On and Off Premise Beer and Wine License to be used at **D and D Pool Hall**, 2904 – 27th Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

ITEM 11.

A Resolution relative to the application of Bofort LLC for a Restaurant Retail Liquor License to be used at **Café de Paris**, 2801 – 7th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

ITEM 12.

A Resolution relative to the application of Event Concessions, Inc. for a Special Events License 140 to be used at **Schaeffer Eye Center Crawfish Boil**, May 1 and 2, 2009, from 23rd Street North to 24th Street North to Richard Arrington Jr. Boulevard North to 11th Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

(ph)

ITEM 13.

A Resolution amending Resolution No. 1503-08, adopted by the Council November 25, 2008, approving the Itinerant Junk Dealer’s Permit to **Michael Miller**, 3700 – 7th Avenue Wylam, Birmingham to correct the address to read 3900 – 7th Avenue Wylam, Birmingham.. (Submitted and Recommended by Councillor Montgomery, Chairman, Public Safety Committee)

CONSENT(ph)

ITEM 14.

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 Witherspoon, Chairperson, Public Improvements and Beautification Committee)

- | | | | |
|----|----------------------|-----------------------|--------------------------------|
| 1. | 29-17-2-11-23.000-RR | 816 27TH ST SW 35211 | LOT 3 BLK 9 HYDE PARK |
| 2. | 23-21-2-01-16.000-RR | 5437 4TH AVE N 35212 | LOT 15 BLK 17 W J VANN |
| 3. | 22-14-1-07-08.000-RR | 3910 28TH WAY N 35207 | LOT 15 BLK 3 FAIRMONT |
| 4. | 23-21-2-01-17.000-RR | 5433 4TH AVE N 35212 | LOT 14 BLK 17 W J VANN |
| 5. | 23-21-2-01-19.000-RR | 5417 4TH AVE N 35212 | LOTS 9 THRU 12 BLK 17 W J VANN |
| 6. | 22-14-1-07-09.000-RR | 3916 28TH WAY N 35207 | LOT 16 BLK 3 FAIRMONT |
| 7. | 30-01-1-17-05.000-RR | 2923 AVENUE B 35218 | LOT 6 BLK 8 ENSLEY DEV CO |

8.	29-08-3-01-03.000-RR	2315 FULTON AVE SW 35211	LOT 10 BLK 2 WEST HAVEN
9.	22-14-1-29-11.000-RR	2433 39TH AVE N 35207	LOT 11 BLK 45 PARK PLACE 2ND ADD
10.	29-08-2-21-22.000-RR	4812 TERRACE S 35208	LOT 21 BLK 15 CENTRAL PARK
11.	23-15-1-11-10.000-RR	7516 2ND AVE S 35206	LOT 5 BLK 6 EAST LAKE
12.	23-21-2-01-15.000-RR	5443 4TH AVE N 35212	LOT 16 BLK 17 W J VANN
13.	23-23-2-24-11.000-RR	6412 MADRID AVE 35210	LOT 19 BLK 2 GATE CITY
14.	22-29-2-33-01.000-RR	302 AVENUE U 35214	POB SW INTER OF AVE U & 3RD ST TH W 247.4 FT ALG 3RD ST TO
15.	29-08-4-48-02.000-RR	1101 20TH ST SW 35211	LOT 1 BLK 23 EUREKA
16.	30-21-2-02-03.000-RR	1526 HARRISON RD 35023	POB 224 Ft S Of SE Intersec Gillespie RD & WoodWar
17.	30-21-2-02-07.000-RR	3807 EATMON DR 35061	POB 350 FT S OF & 98 FT W OF SW INTERSEC OF GILL
18.	29-08-2-19-17.000-RR	4836 AVENUE S 35208	LOT 15 BLK 29 CENTRAL PARK LAND COMPANYS SECOND
19.	29-08-2-19-14.000-RR	1848 49TH ST 35208	LOT 12 BLK 29 CENTRAL PARK LAND COMPANYS SECOND SURVEY
20.	29-08-2-18-15.000-RR	4840 TERRACE R 35208	NE 140 FT OF LOT 14 BLK 36 CENTRAL PARK LAND COMPA
21.	29-17-1-10-06.000-RR	1217 19TH ST 35211	LOT 6 SHIRLEY E GILL RESUR OF LOTS 1 & 2 ROSMOOR LD CO SUR
22.	22-30-1-21-14.000-RR	404 AVENUE G 35214	E 1/2 LOT 7 BLK 1 HUEY PARKER AND BARKER
23.	22-30-4-38-04.000-RR	722 AVENUE F 35214	LOTS 21 & 22 BLK 7-E ENSLEY LD COS 5TH ADD TO ENSLEY
24.	22-01-3-11-07.000-RR	3064 53RD CT N 35207	LOT 23 BLK 8 G H HARSH SURVEY
25.	22-27-4-34-07.000-RR	124 12TH AVE W 35204	Lot 10 Blk 44 Map Of Smithfield (N)
26.	22-27-4-47-04.000-RR	123 11TH CT W 35204	LOT 7 BLK 46 MAP OF SMITHFIELD (NORTH)
27.	29-17-2-17-06.000-RR	2815 JEFFERSON AVE SW 35211	Lot 9 Suns Add to Jefferson Park ESTs Except That
28.	29-09-4-21-62.000-RR	1424 16TH ST SW 35211	P O B 395S FT N OF INTER W LINE 16TH ST SW & S LINE SE
29.	29-09-4-09-04.000-RR	1317 15TH WAY SW 35211	LOT 26 MCGAHEY & GEWIN RESUR BLK 16 CLEVELAND
30.	29-17-2-07-16.000-RR	769 30TH ST SW 35211	LOTS A & B SAUNDERS ADD TO HYDE PARK RESUR OF PT OF BLK 4

31.	29-09-4-09-32.000-RR	1316 15TH PL SW 35211	LOT 5 MCGAHEY & GEWINS RESUR OF BLK 16 CLEVELAND ADD TO BHAM
32.	22-14-1-29-09.000-RR	2601 39TH AVE N 35207	LOT 13 BLK 45 PARK PLACE
33.	29-05-1-13-19.000-RR	2628 29TH ST W 35208	NELY 45 FT LOT 18 BLK 63 BHAM ENSLEY
34.	29-05-1-23-36.000-RR	2912 ANNISTON AVE 35208	S 1/2 LOT 2 SANDEFUR SUR
35.	29-08-2-21-16.000-RR	4836 TERRACE S 35208	LOT 15 BLK 15 CENTRAL PARK
36.	29-08-2-19-20.000-RR	4824 AVENUE S 35208	CENTRAL PARK LD CO 29-7&8 BLOCK: 29 LOT: 18
37.	29-17-1-11-16.000-RR	1325 18TH WAY SW 35211-4120	LOTS 91 & 92 BLK 2 WEST END MANOR
38.	23-14-3-01-34.000-RR	7322 OPORTO AVE 35206	COM 300 FT N OF NW INTER 73RD ST & OPORTO AVE TH W
39.	22-13-4-22-46.000-RR	3324 30TH CT N 35207	LOT 43&45 BLK 2 EBORNS ADD TO NO BHAM
40.	22-13-4-20-03.000-RR	3029 33RD ST N 35207	LOT 3 & THE N 1/2 OF LOT 4 BLK 1 CRESTVIEW
41.	22-13-4-20-02.000-RR	3033 33RD ST N 35207	LOT 2 BLK 1 CRESTVIEW
42.	22-12-3-12-12.000-RR	4216 29TH ST N 35207	LOT 5 & S 16 FT LOT 6 BLK 4 MOUNTAIN VIEW ADD TO NORTH BHAM
43.	22-12-3-12-13.000-RR	4220 29TH ST N 35207	N 34 FT LOT 6 BLK 4 MOUNTAIN VIEW ADD TO NORTH BHAM
44.	22-12-3-12-14.000-RR	4222 29TH ST N 35207	LOT 7 BLK 4 MOUNTAIN VIEW ADD TO NORTH BHAM
45.	22-12-3-08-39.000-RR	2948 42nd CT N 35207	P O B 5 FT S W OF NW INTER 42ND CT N & CHEEK RD TH W 43 FT S ALG R/W TH N 177 FT S TO MAX ST TH E 43 FT S ALG
46.	29-04-3-17-12.000-RR	1445 WOODLAND AVE SW 35211	N 130 FT LOT 12 BLK 28 WEST END LAND & IMP CO
47.	29-04-3-18-10.000-RR	1537 WOODLAND AVE 35211	W 40 FT OF LOT 9 BLK 45 WEST END ALSO E 10 FT OF LOT 10 BLK 45 WEST END LAND & IMP CO
48.	29-04-3-18-20.000-RR	1528 ALABAMA AVE SW 35211	LOT 17 BLK 45 WEST END LD & IMP CO
49.	29-04-3-23-09.000-RR	1439 ALABAMA AVE SW 35211	THE SE 50 FT OF LOT 9 & THE SE 75 FT OF LOT 10 BLK 26 WEST END LAND & IMP CO
50.	22-29-2-50-03.000-RR	1000 4TH WAY 35214	LOT 10 BLK 12 HUEY-PARKER-BARKER ET AL SUR

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51.	22-29-2-50-04.000-RR	926 4TH WAY 35214	LOT 11 BLK 12 HUEY PARKER BARKER ET AL SUR
52.	22-29-3-30-17.000-RR	924 7TH ST 35214	LOT 17 BLK 27 ENSLEY LD COS ADD TO PRATT CITY
53.	22-29-3-30-19.000-RR	1014 7TH ST 35214	E 16.5 FT LOT 18 & W 16.5 FT LOT 19 BLK 27 ENSLEY LD COS
54.	22-29-3-29-20.000-RR	826 7TH ST 35214	POB NW INT OF 7TH ST & AVE U TH N 138.2 FT ALG AVE U TO ALLEY TH W 39 FT S TH S 138 FT S TO 7TH ST TH E 55
55.	22-29-3-29-13.000-RR	812 7TH ST 35214	POB 205 FT S W OF NW INT OF 7TH ST & AVE U TH W 16.4D 20S ALG 7TH ST TH N 138 FT S TO ALLEY TH E 26 FT TH S 138 FT S
56.	22-29-3-29-12.000-RR	810 7TH ST 35214	POB 227 FT S W OF NW INTER 7TH ST & AVE U TH W 14 FT S TH NW 10 FT S LONG NORTH R/W RR AVE TH NORTH 132 S TH E 28
57.	22-29-3-29-11.000-RR	806 7TH ST 35214	LOT 11 BLK 30 ENSLEY LD COS ADD TO PRATT CITY 2ND AMENDED MAP
58.	22-29-3-29-10.000-RR	802 7TH ST 35214	LOT10 BLK 30 ENSLEY LD COS ADD TO PRATT CITY 2ND A
59.	22-29-3-29-09.000-RR	800 7TH ST 35214	LOT 9 BLOCK 30 ENSLEY LAND COS ADD TO PRATT CITY 2
60.	22-30-4-10-08.000-RR	109 5TH PL 35214	LOT 1 BLK 2 W M REES O R MORRIS- NO RECORD
61.	29-07-1-24-06.000-RR	4611 AVENUE P 35208	LOT 9 BLK 27 MARTINS ADD TO BHAM ENSLEY
62.	29-07-4-02-09.000-RR	1757 48TH ST 35208	P O B 100 FT E OF THE E INTER OF 48TH ST & TERR Q TH E 50 FT ALG 48TH ST TH S 140 FT TO ALLEY TH W 58 FT ALG ALLEY TH CONTINUED
63.	23-03-2-07-71.000-RR	1421 92ND ST N 35206	LOT 6 BLK 3 AIRPORT ESTS 3RD ADD
64.	22-13-4-16-26.000-RR	3447 32ND AVE N 35207	S 40S FT OF LOT 1 BLK 4 DOUGLASVILLE
65.	29-07-4-25-11.000-RR	5319 AVENUE P 35208	LOT 11 BLK 3 MRS BETTIE RICKS 1ST ADD TO CENTRAL P
66.	22-27-4-14-05.000-RR	217 14TH AVE N 35204	LOT 32 AND EAST 5 FT OF LOT 31 MURRELLE LAND CO 1ST ADD
67.	22-13-4-15-13.000-RR	3400 32ND AVE N 35207	LOT 13 BLK 3 DOUGLASVILLE
68.	22-28-4-39-07.000-RR	1128 9TH PL W 35204	EAST THOMAS BLOCK: 17 LOT: 3&4
69.	29-04-1-12-05.000-RR	828 2ND CT W 35204	LOT 13 BLK 26 OWENTON

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70.	23-03-2-02-07.000-RR	9353 WESTWOOD DR 35217	LOTS 8 & 9 & 10 BLK 2 WOODLAND ADD TO AIRPORT ESTS PB 30 PG 43 LESS & EXC PT TO R/W
71.	22-13-4-04-16.000-RR	3328 33RD PL N 35207	LOT 3 BLK 2 MCCARTY ADD TO NORTH BHAM
72.	23-15-3-28-05.000-RR	217 66TH PL N 35206	LOT 14 FRAZIER & EBERSOLE SUB 13-G EAST WOODLAWN
73.	23-15-3-20-16.000-RR	6730 1ST AVE N 35206	LOT 1 & E 20 FT LOT 2 FULLERS SUB
74.	23-15-3-11-09.000-RR	205 68TH ST N 35206	LOTS 43 & 44 EBERSOLES SUB OF BLK 11-G EAST WOODLAWN
75.	23-15-3-20-26.000-RR	212 68TH ST N 35206	LOT 46 FULLER SUB BLK 12-G EAST WOODLAWN
76.	23-15-3-11-07.000-RR	213 68TH ST N 35206	LOT 46 BLK 11-G WALKER LD CO SUB BLK 11-G EAST WOODLAWN C D EBERSOLE
77.	23-15-3-20-30.000-RR	232 68TH ST N 35206	LOT 51 & N 1/2 LOT 50 FULLERS SUB OF BLK 12-G
78.	22-12-2-2-22.000-RR-01	5228 LEWISBURG RD 35207	COM NE COR LOT 4 BLK A G R HARSH SURVEY 904/70 TH NW 205 FT TO POB TH NW 50 FT TH N 80 FT TH SE 105 FT TH SW 75 TO PB
79.	22-12-2-02-23.000-RR	5224 LEWISBURG RD 35207	P O B 400 FT SW OF INTER NW LINE LEWISBURG RD & N LINE NW 1/4 SEC 12 T17S R3W TH SW 70 FT ALG R/W TH NW 85 FT TH SW
80.	22-12-2-02-26.000-RR	5232 LEWISBURG RD 35207	SE 145 FT LOT 6 BLK A G R HARSH
81.	22-12-2-02-27.000-RR	5240 LEWISBURG RD 35209	LOTS 7-8 & SW 15 FT LOT 9 BLK A G R HARSH
82.	22-12-2-02-28.000-RR	1548 LEWISBURG RD 35207	SW 45 FT OF NELY 60 FT LOT 9 BLK A G R HARSH SUR
83.	23-08-3-29-18.000-RR-02	4200 43RD PL N 35217	LOTS 1 & 2 MCMILLANS RESURVEY OF A RESUR OF MOUNTAIN PARK PB 176 PG 46
84.	23-14-2-31-12.000-RR	7624 5TH AVE S 35206	LOT 7 BLK 86 EAST LAKE
85.	23-14-3-08-09.001-RR	7430 5TH AVE S 35206	LOT 9 BLK 66 EAST LAKE 1/217
86.	23-11-3-15-05.000-RR	8027 3RD AVE S 35206	LOT 18 BLK 125 EAST LAKE
87.	23-11-3-16-11.000-RR	8020 3RD AVE S 35206	LOT 6 BLK 124 EAST LAKE
88.	23-14-2-06-03.000-RR	7821 3RD AVE S 35206	LOT 17 BLK 105 EAST LAKE PLAN OF EAST LAKE LAND CO
89.	23-14-2-33-01.000-RR	7633 2ND AVE S 35206	LOTS 10 & 11 BLK 84 EAST LAKE

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90.	23-17-2-14-05.000-RR	4239 40TH CT N 35212	LOT 4 BLK 3 ROCKETTS 1ST ADD TO INGLENOOK
91.	23-17-2-10-24.000-RR	4224 40TH CT N 35212	LOT 19 BLK 2 ROCKETTS 1ST ADD TO INGLENOOK
92.	13-35-3-02-03.000-RR	509 LAWSON RD 35217	LOTS 8 & 9 BLK 1 S H HARDNETTS SUB
93.	29-04-3-22-21.000-RR	1508 FULTON AVE SW 35211	LOT 22 BLK 46 WEST END LAND & IMP CO
94.	29-04-3-26-03.000-RR	512 15TH ST SW 35211	P O B 165 FT SE OF THE S INTER OF FULTON AVE & 15
95.	22-32-4-26-24.000-RR	2846 BUSH BLVd 35208	LOT 13 BLK 1 OWENTON ENSLEY HIGHLANDS
96.	29-04-3-17-15.000-RR	1440 ALABAMA AVE 35211	LOT 14 BLK 28 WEST END LAND & IMP CO
97.	29-09-2-02-16.000-RR	520 15TH STREET SW 35211	POB 84 FT NW OF W INTER PRINCETON AVE & 15TH ST SW
98.	30-01-2-27-01.000-RR	3311 AVENUE B 35218	LOT 3 BLK 33-B ENSLEY 15 ADD
99.	30-01-1-17-04.000-RR	2913 AVENUE B 35218	LOTS 4 & 5 BLK 8 ENSLEY DEV C
100.	30-01-1-26-04.000-RR	NEXT TO 3007 AVENUE B 35218	LOT 4 BLK 11 ENSLEY DEVELOPMENT CO
101.	30-01-1-26-05.000-RR	3019 AVENUE B 35218	LOT 5 BLK 11 ENSLEY DEV CO
102.	30-01-1-26-05.001-RR	3023 AVENUE B 35218	Lot 6 Blk 11 Ensley Dev Co
103.	21-36-4-16-03.000-RR	2517 AVENUE B 35218	LOT 5 BLK PP-2 ENSLEY LD COS 5TH ADD TO ENSLEY
104.	23-10-3-17-17.000-RR	4526 74TH PL N 35206	LOT 36 & 37 BLK 7 TROTWOOD PARK
105.	23-10-3-17-16.000-RR	4524 74TH PL N 35206	LOTS 38 & 39 BLK 7 TROTWOOD PARK
106.	23-10-3-17-15.000-RR	4518 74TH PL N 35206	LOTS 40+41 BLK 7 TROTWOOD PARK TROTWOOD PARK
107.	23-10-3-17-14.000-RR	4516 74TH PL N 35206	LOTS 42 & 43 BLK 7 TROTWOOD PARK
108.	22-29-3-08-01.000-RR	521 AVENUE U 35214	LOT 1 BLK 2 E G FIELDS SUR
109.	23-03-1-25-01.000-RR	1204 93RD ST N 35206	LOT 2 BLK 1 AIRPORT ESTS 1ST ADD
110.	13-26-2-03-17.000-RR	112 REDWOL DR 35215	LOT 17 BLK 3 VALLEY CREST ESTS 1ST SECT 125/9
111.	22-25-2-36-02.000-RR-01	1248 21ST PL N 35234	LOTS 50 & 51 & 52 BLK 666 SUDDUTH REALTY COMPANYS SUB OF BLK 666 BHAM 13/75
112.	23-08-4-02-09.000-RR	4424 45TH AVE N 35217	LOTS 14 & 15 BLK 9 HUDSON CITY

113.	23-20-3-11-13.000-RR	801 42ND ST N 35212	LOTS 5 AND 6 BLK L KING LD & IMP CO 1ST ADD TO KINGSTON
114.	23-15-2-05-05.000-RR	3700 66TH ST N 35206	LOT 16 BLK 7 GROVELAND HTS
115.	22-19-2-11-02.000-RR	429 RUSSELL ST 35214	P O B 100 FT W OF THE N W INTER OF LANETT AVE & PERRY ST TH W 110 FT S ALG PERRY ST TH N 152 FT S TO RUSSELLST TH E
116.	22-14-1-24-14.000-RR	3924 27TH ST N 35207	LOT 9 BLK 2 NO BHAM LAND COS ADD NO 6
117.	22-14-1-21-03.000-RR	2713 41ST AVE N 35207	W 97 FT LOT 7 BLK 3 M C TYLER & J H BERRY ADD TO FAIRMONT
118.	23-03-2-07-66.000-RR	1404 91ST ST N 35206	LOT 17 BLK 3 AIRPORT ESTS 3RD ADD
119.	23-12-3-06-15.000-RR	8400 9TH AVE S 35206	LOT 24 BLK 217 LAKEWOOD
120.	22-29-3-29-03.000-RR	821 6TH WAY 35214	LOT 3 BLK 28 ENSLEY LD CO ADD TO PRATT CITY
121.	22-30-4-18-08.000-RR	508 6TH ST 35214	LOT 11 & W 1/2 OF LOT 12 BLK 13 ENSLEY LD CO ADD TO PRATT CITY
122.	23-14-4-01-68.000-RR	7141 PARIS AVE 35206	CENTRAL HGLDS ADD 23-14-4 BLOCK: 122 OR LOT:8

(ph)

ITEM 15.

A Resolution assenting to the vacation of 3,558.80 square feet of air space along 6th Avenue South, for construction of a pedestrian crosswalk, 2,400 square feet of subsurface rights along 6th Avenue South, for the construction of a tunnel to transfer supplies and equipment between hospital buildings, 2,427.30 square feet of air space along 5th Avenue South, for construction of a pedestrian crosswalk, 152 square feet of right-of-way along 5th Avenue South for the columns that will support the pedestrian crosswalk, on behalf of **The Children’s Hospital of Alabama**, owner, and the **hearing** of all interested parties, **Case No. SUB2008-00110**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 16.

A Resolution to accept the general recommendations of the **Boards and Agencies Advisory Committee** regarding administrative changes to the City of Birmingham’s Boards and Agencies system. (Submitted by Council President Smitherman, Chairperson, Committee of the Whole) (Recommended by Committee of the Whole) (Deferred from 12/9/08 to 1/20/09 and Held Over Until 1/27/09)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 17.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$436,086.28 to Fund 001 General Fund Revenue – Intergovernmental –Local-Storm Water Fees, \$40,500.00 Finance – Professional Fees-Audit Fees and \$95,159.28 to Professional Fees – Consulting Fees, \$23,525.00 to Fire Department - Professional Fees-Other Professional Fees, \$58,565.00 to Law Department – Professional Fees-Consulting Fees, and \$218,337.00 to Police – Professional Fees-Other Professional Fees which is revenue generated from Storm Water Fees and will replace most of the funds used for Storm Water management. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 18.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$71,285.00 to Public Works – Paving Materials from the sale of scrap from the demolition of the Parisian Warehouse. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 19.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$22,966.50 to Non Departmental - Unifirst Corporation Redevelopment Agreement from Use Tax. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 20.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$450,000.00 to Non Departmental – Clastran from the repayment agreement. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 21.

A Resolution authorizing the Mayor to execute and administer a professional environmental services contract with **AST Environmental Group** in an amount not to exceed \$16,650.00 to perform population surveys, in accordance with the United States Fish and Wildlife Service guidelines, of the federally protected species *Etheostoma nuchale*, commonly known as the watercress darter, in the pond and adjoining spring-run in Hawkins Park in conjunction with conservation and remediation efforts recommended and requested by the United States Fish and Wildlife Service. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

ITEM 22.

A Resolution repealing and rescinding Resolution No. 805-08, adopted by the Council, and authorizing the Mayor to enter into and administer a Professional Services Agreement with the law firm of **Beasley, Crow, Methvin, Portis and Miles, P.C.** to competently represent the City by advising and counseling, investigating law and facts, entering into pre-suit negotiations, preparing for hearing or trial, negotiating with defendants and potential defendants, participating in mediation or arbitration, if directed by the City or ordered by a Court, and representing the City at trial if a trial becomes necessary, said firm to be paid one-third of the net amount less compensable expenses it recovers from any firm or entity, whether by settlement, verdict or judgment, on behalf of the City, one-quarter if a settlement is reached within sixty (60) days of the execution of the Professional Services Agreement. (Submitted and Recommended by the Mayor)**

ITEM 23.

A Resolution authorizing the Mayor to execute a Second Amendment to the Amended and Restated Redevelopment Agreement with **Cityville Block 121 Development L.L.C.** under which the completion date of the Block 121 Project will be extended from December 31, 2009 to September 1, 2010. (Submitted by the Mayor) (Recommended by the City Attorney)**

ITEM 24.

A Resolution rescinding and repealing Resolution No. 1687-08, adopted by the Council December 30, 2008; authorizing the Mayor to execute a Guaranty of fifty percent (50%), \$400,000.00, of ClasTran's Indebtedness in favor of **Compass Bank**; authorizing the Mayor to execute a Deposit Account Security Agreement whereby the City pledges to Compass Bank \$400,000.00 in an existing deposit account it keeps with Compass Bank in support of its guarantee of fifty percent (50%) of ClasTran's Indebtedness; and authorizing the Mayor to execute and administer a Repayment Agreement in the event Compass Bank calls upon the City to pay any portion of ClasTran's Indebtedness, including but not limited to principal, interest, attorneys' fees, collection costs, and any other costs, fees or expenses associated with the collection of all or any portion of the Indebtedness, and ClasTran agrees to indemnify and repay the City for all amounts the City may be required to pay to the Bank and for all costs, attorneys' fees and other expenses the City may incur. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 25.

A Resolution authorizing the Mayor to execute an appointment letter for **Barnes and Associates, P.C.** to provide services as the buyer's agent for the City in connection with the City's purchase of real property located at #1 Knights of Columbus Parkway, at a commission equal to 4.5% of the purchase price, to be paid by the seller, Columbus Club, Inc., from the sales proceeds at closing. (Submitted by the City Attorney) (Recommended by the Mayor)

ITEM 26.

A Resolution authorizing the Mayor to execute a Commercial Sales Agreement with **Columbus Club, Inc.**, as seller, under which the City will purchase real property located at #1 Knights of Columbus Parkway, Birmingham, for use as a community meeting facility, recreation center, police substation and /or other public use, for a purchase price of \$839,000.00 and such other documents and instruments as may be required to complete the purchase of the property, and authorizing the Director of Finance to pay the purchase price, as adjusted for usual and customary closing adjustments, to Columbus Club, Inc. at closing. (Submitted by the City Attorney) (Recommended by the Mayor and Councillor Witherspoon)

ITEM 27.

A Resolution authorizing the Mayor to execute an Office Lease with **LFH, LLC**, as landlord, under which the City, as tenant, will lease 200,000 square feet of space in a building located at 2001 – 12th Avenue North, Birmingham, for use as the City’s police headquarters and other municipal uses, for a term of twenty-five (25) years at an initial annual base rent of \$13.36 per square foot, which base rent will increase by 5.27% every two (2) years during the lease term, plus additional rent to include an annual maintenance charge to the City based on the landlord’s actual cost of operating and maintaining the property. (Submitted by the Mayor) (Recommended by the City Attorney)

ITEM 28.

A Resolution approving the contract with **Birmingham-Jefferson County Transit Authority**, Birmingham, in an amount not to exceed \$1,778,929.00, spanning a period of one year from February 1, 2009 to January 31, 2010, to be used exclusively for the purchase of new buses and equipment to be used to provide paratransit services, and authorizing the Mayor to execute the contract. [**Appropriated in the FY2009 Budget; GL Account: 001_400_96300_96312.550-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

CONSENT**ITEM 29.**

A Resolution approving the contract with **Fair Housing Center of North Alabama**, Birmingham, in the additional amount not to exceed \$150,000.00, renewable annually subject to funds availability, to increase staff by two (2) in an effort to provide a greater amount of service to the citizens of Birmingham, increase neighborhood meeting, training for housing provider and the general public and offer a seminar on fair housing for local attorneys, and authorizing the Mayor to execute the contract. [**Appropriated in the FY2009 Budget; GL Accounts: 001_400_96700_96742.550-008**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

CONSENT**ITEM 30.**

A Resolution approving the agreement with **Jefferson-Blount-St. Clair Mental Authority**, Birmingham, in an amount not to exceed \$123,333.00, renewable annually subject to funds availability, to provide mental health services to children at risk of being removed from their homes, offer support for mentally ill adults treatment and training through its Family Integrity Network Demonstration Project, and authorizing the Mayor to execute the agreement. [**Appropriated in the FY2009 Budget; GL Account: 001_400_96600_96601.550-007**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

ITEM 31.

A Resolution consenting to the proposed name change of the Water Works and Sewer Board of the City of Birmingham to “**The Water Works Board of the City of Birmingham**” and to the amendment of the Board’s Certificate of Incorporation to reflect such change. (Submitted by the City Attorney) (Recommended by the Public Safety Committee)**

CONSENT

ITEM 32.

A Resolution fixing a Sales Tax Assessment in the amount of \$1,300.00, against Reginald Speight, the person responsible for the collection and remittance of the tax, doing business as **Integrity Business Services** for the period of June, 2007, October, 2007 to December, 2007, February, 2008 to November, 2008 and January, 2007. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 33.

A Resolution fixing a Sales Tax Assessment in the amount of \$3,364.50, against L & T Food Services, Inc. and Linda McClinton, the person responsible for the collection and remittance of the tax, doing business as **Golden Rule BBQ** for the period of May, 2008 to October, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 34.

A Resolution fixing a Sales Tax Assessment in the amount of \$247.09, against Arthur L. McClenney, the person responsible for the collection and remittance of the tax, doing business as **McClenney and Associates** for the period of May, 2007 Invoice, July, 2008, and September, 2008 to November 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 35.

A Resolution fixing a Sales Tax Assessment in the amount of \$822.00, against Nomtae Entertainment Center LLC and Jimmy Eatmon, the person responsible for the collection and remittance of the tax, doing business as **Nomtae Entertainment Event Center** for the period of August, 2008 to November, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 36.

A Resolution fixing a Sales Tax Assessment in the amount of \$11,809.41, against MSMB Enterprises, the person responsible for the collection and remittance of the tax, doing business as Hat Station for the period of February, 2008 Invoice, April, 2008, September, 2006 to October, 2006, December, 2006, June, 2007, September, 2007 to October, 2007, March, 2008, and May, 2008 to November, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 37.

A Resolution fixing a special assessment in the amount of \$11,017.00 against the property located at 1409 – 12th 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 38.

A Resolution fixing a special assessment in the amount of \$3,710.00 against the property located at 321 Iota 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 39.

A Resolution fixing a special assessment in the amount of \$1,910.00 against the property located at 5156 Juanita Circle, 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 \$6,510.00 against the property located at 417 A&B – 13th Street S.W., 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 \$2,410.00 against the property located at 39 – 1st Way 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 42.

A Resolution fixing a special assessment in the amount of \$1,560.00 against the property located at 3017 Elmyra Drive, 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 \$4,870.88 against the property located at 1537 Woodland Avenue S.W., 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 \$5,110.00 against the property located at 224 – 49th Street 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 45.

A Resolution fixing a special assessment in the amount of \$3,239.60 against the property located at 1361 – 3rd Street, 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 46.

A Resolution fixing a special assessment in the amount of \$14,610.00 against the property located at 1208 – 15th Street 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 47.

A Resolution fixing a special assessment in the amount of \$6,225.20 against the property located at 948 Martinwood Drive 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 authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Seminole Brothers Investments LLC**, the owners or agents of the property located at 6433 – 5th Avenue South, Birmingham, which was condemned by the Council July 31, 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, no previous permits having been requested. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 49.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Tujuna Spann**, the owner or agent of the property located at 310 Court U, Pratt City, Birmingham, which was condemned by the Council April 22, 2008, 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, no previous permits having been requested. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 50.

A Resolution accepting the unit price bid of **Pinkerton Construction Company, Inc.**, Adamsville, Alabama, in the amount of \$40,364.00, for storm drainage improvements at Bankhead Highway West #151, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY2008 Budget; PEP129CP003654**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Ten Bids Submitted)

CONSENT

ITEM 51.

A Resolution accepting and approving the bid of **CVR Computer Supplies**, Cherry Hill, New Jersey, for the purchase of new and remanufactured toner cartridges 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 City Stores Warehouse, this being the lowest bid submitted. [**Appropriated in the FY 2009 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Nineteen Bids Submitted)

CONSENT

ITEM 52.

A Resolution accepting and approving the bid of **Allmed**, Jefferson City, Missouri, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT

ITEM 53.

A Resolution accepting and approving the bid of **Ambu, Inc.**, Glen Burnie, Maryland, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)

CONSENT

ITEM 54.

A Resolution accepting and approving the bid of **Bound Tree Medical, LLC**, Dublin, Ohio, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT

ITEM 55.

A Resolution accepting and approving the bid of **MMS-A Medical Supply Company**, Earth City, Missouri, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT

ITEM 56.

A Resolution accepting and approving the bid of **Progressive Medical International**, Vista, California, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)

CONSENT

ITEM 57.

A Resolution accepting and approving the bid of **QuadMed, Inc.**, Jacksonville, Florida, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT

ITEM 58.

A Resolution accepting and approving the bid of **Henry Schein Matrix**, Irmo, South Carolina, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT**ITEM 59.**

A Resolution accepting and approving the bid of **Southeastern Emergency Equipment**, Wake Forest, North Carolina, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted meeting specifications. **[Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)**

CONSENT**ITEM 60.**

A Resolution accepting and approving the bid of **Supreme Medical**, Mobile, Alabama, for the purchase of medical supplies as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Fire Department, this being the lowest bid submitted. **[Appropriated in the FY 2009 Budget; Condense Code FFA; Object Code 2951]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)

CONSENT**ITEM 61.**

A Resolution rescinding Resolution No. 45-08, adopted by the Council January 8, 2008, revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to **Serenity Transport, Inc.**, 213 Gadsden Highway, Suite 201, Birmingham, due to the insurance having been filed and in compliance. (Submitted by the City Attorney) (Recommended by Councillor Duncan, Chairperson, Transportation and Communication Committee)

ITEM 62.

A Resolution approving payment to **CA, Inc.**, Islandia, New York, in the amount of \$85,653.00, \$28,551.00 per year for three (3) years, the first payment due December 30, 2008, for usage and maintenance of software products, CA Change Manager, CA Endeavor, and CA Sysview for the Information Management Services Department, this being the only source of supply, and authorizing the Mayor to execute the agreement. **[Appropriated in the FY 2009 Budget]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)

CONSENT

ITEM 63.

A Resolution authorizing the Director of Finance to make one (1) refund in the amount of \$2,829.96. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 64.

A Resolution authorizing the Director of Finance to make three (3) refunds in the total amount of \$14,775.04. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 65.

A Resolution authorizing the Director of Finance to make one (1) refund in the total amount of \$45,892.03. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 66.

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

Iris Kimbrough, Committee Assistant, City Council, Montgomery, Alabama, \$451.68, January 22-23, 2009, to attend 2009 Economic Outlook Conference.

ITEM 67.

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

ITEM 68.

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

ITEM 69.

A Resolution setting a public hearing **March 10, 2009** to consider the revision to the Birmingham, Alabama Urban Enterprise Zone Boundaries. (Submitted by the City Attorney) (Recommended by the Director of Economic Development and the Economic Development Committee)

ITEM 70

A Resolution setting a public hearing **March 10, 2009**, to consider the adoption of a resolution assenting to the vacation of 16,537 square feet of alleyway and Detroit Street that run between Erie Street and Cambridge Street and between Seventh Avenue and Ninth Street, on behalf of **Barbara Allen, Interim Superintendent, on behalf of the Birmingham Board of Education**, owner, to construct a new Wylam K-8 School, **Case No. SUB2008-00104**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)**

ITEM 71.

A Resolution setting a public hearing **March 10, 2009** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2008-00163**) to change zone district boundaries from “Q”R-5 Qualified Multiple Dwelling District to R-3 Single Family District, filed by Volkert and Associates, representing the owner, Birmingham Board of Education, for property located at 815 Erie Street Wylam, and situated in the NW¼ of Section 1, Township 18 South, Range 4 West, Birmingham. (Submitted by the City Attorney) (Recommended by the Z.A.C.)**

ITEM 72.

A Resolution finding that the following seventy-nine (79) properties have noxious or dangerous weeds growing thereon declaring said properties to be a public nuisance and providing that notice shall be posted on each of said properties and notice sent by certified mail to the last person assessing these properties for state taxes and further providing for a public hearing **March 3, 2009** 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 Witherspoon, Chairperson, Public Improvements and Beautification Committee)

- | | | | |
|----|----------------------|----------------------|--|
| 1. | 22-24-3-23-09.000-RR | 2600 17TH AVE 35234 | LOT 16 W S COOPER ADD TO NORWOOD |
| 2. | 22-35-1-08-04.000-RR | 813 15TH ST N 35203 | N 33.3 FT LOT 5 BLK 11 BHAM 11 BHAM |
| 3. | 22-14-1-24-18.000-RR | 3928 27TH PL N 35207 | LOTS 9 & 10 BLK 4 M C TYLER & J H BERRYS ADD TO FAIRMONT EXC R/W |

4.	23-08-3-03-01.000-RR	4128 41ST PL N 35217	P O B NW INTER 46TH AVE & 42ND ST TH W 525 FT S PT ALG 46TH AVE TH NE TO N 1140 FT S TO N LINE SW 1/4 SEC 8 T17S R2W TH
5.	23-07-4-04-06.000-RR	4317 PULASKI ST 35217	LOT 20 BLK 8 BOYLES PARK
6.	23-08-2-26-17.000-RR	4128 49TH TER N 35217	LOT 13 BLK 3 JEFFERSON HILLS
7.	23-08-3-05-02.000-RR-01	4225 48TH AVE N 35217	LOTS 16 THRU 18 BLK 3 BOYLES HGLDS 7/107
8.	23-08-3-12-16.000-RR	4408 41ST WAY N 35217	LOT 8 BLK 2 INGLE TERRACE
9.	23-08-4-02-13.000-RR-01	4446 45TH AVE N 35217	LOTS 25 & 26 BLK 9 HUDSON CITY 9/18
10.	23-08-4-02-13.001-RR	4442 45TH AVE N 35217	LOTS 23 & 24 BLK 9 HUDSON CITY 9/18
11.	23-10-1-23-22.000-RR	8126 5TH AVE N 35206	LOT 9 BLK 13-E EAST LAKE LAND CO
12.	23-15-1-18-07.000-RR	219 74TH ST N 35206	S 1/2 LOTS 17-18 BLK 6-B EASTLAKE
13.	23-17-2-19-34.000-RR	4142 38TH AVE N 35217	LOT 3 BLK 12 INGLENOK RLTY CO SUR BOYLES HGLDS
14.	23-19-4-26-09.000-RR	900 37TH PL N 35222	LOT 1 BLK 19 EAST BHAM
15.	22-32-4-02-02.000-RR	1419 DECATUR AVE 35208	LOT 12 BLK 6 SHADYSIDE
16.	22-24-1-04-10.000-RR	1716 32ND PL N 35234	LOTS 25-26 & 27 CAIN & COLE SUR
17.	22-12-2-05-03.000-RR-03	5210 30TH WAY N 35207	LOTS 7 THRU 11 BLK E G R HARSH 5/44
18.	22-12-2-05-06.000-RR	220 30TH WAY N 35207	LOTS 12 & 13 & 14 & 15 BLK E G R HARSH SURVEY
19.	22-14-1-25-07.000-RR	3912 27TH PL N 35207	LOT 4 BLK 4 M C TYLER & J H BERRYS ADD TO FAIRMONT
20.	22-14-1-24-02.000-RR	2704 27TH ST N 35207	LOTS 1 & 2 BLK 2 NORTH BHAM LAND COS ADD NO 6
21.	23-18-1-16-21.000-RR	3522 40TH ST N 35217	LOTS 9 THRU 11 BLK 5 W M WESTBROOK ADD TO BOYLES
22.	23-18-1-16-22.000-RR	3524 40TH ST N 35217	LOT 8 BLK 5 W M WESTBROOK ADD TO BOYLES
23.	23-18-1-16-23.000-RR	3528 40TH ST N 35217	LOTS 5 THRU 7 BLL 5 W M WESTBROOK ADD TO BOYLES
24.	22-24-1-04-12.000-RR	1728 32ND PL N 35234	LOT 23 CAIN & COLE SUR BLK 699 BHAM
25.	22-25-2-23-17.000-RR	2321 13TH AVE N 35234	W 31 FT OF LOTS 9 AND 10 J C KYLES SUB OF BLK 662 BHAM

26.	22-25-2-31-08.000-RR	2203 14TH AVE N 35234	LOT 8 BLK 2 SUDDUTH RLTY COS SUB OF BLK 667 BHAM
27.	22-25-2-29-02.000-RR	2131 15TH AVE N 35234	LOT 18 SUDDUTH RLTY COS SUB OF BLK 666 BHAM
28.	22-26-1-28-03.000-RR	2015 14TH AVE N 35234	W 62.5 FT OF LOT 4 SAM TORRY TAX #ROSS
29.	23-19-4-25-18.000-RR	806 37TH PL N 35222	LOT 3 & N 12 FT LOT 2 BLK 10 EAST BHAM
30.	23-19-4-17-04.000-RR	821 38TH ST N 35222	LOT 15 BLK 8 EAST BHAM
31.	23-19-4-23-14.000-RR-01	816 38TH ST N 35222	LOT 6 BLK 9 EAST BHAM 1/7
32.	23-17-2-26-01.002-RR-01	NEXT TO 3705 41ST ST N 35000	LOT 1-A RESUR OF LOT 1 & 2 BHAM ADD TO INGLENOOK 2ND SECT PG 224 PG 48
33.	23-18-1-18-21.000-RR	3816 35TH AVE N 35217	LOTS 59+60 BLK 1 LAUREL HILL ADD TO BOYLES
34.	22-24-4-23-16.000-RR	1323 29TH ST N 35234	S 50 FT LOT 23 BLK 28 BHAM RLTY COS ADD NO 4
35.	22-24-4-21-38.000-RR	1424 32ND ST N 35234	LOT 10 BLK 22 BHAM RLTY COS ADD NO 4
36.	22-24-4-21-39.000-RR	1426 32ND ST N 35234	LOT 11 BLK 22 BHAM RLTY COS ADD NO 4
37.	29-02-2-26-03.000-RR	331 IOTA AVE 35205	P O B 204 S FT W OF SW INTER IOTA AVE & OMEGA ST TH W 49 S FT ALG IOTA AVE TH S 135 S FT TO ALLEY THE 48 S
38.	23-20-3-10-17.000-RR	824 42ND ST N 35212	LOT 13 BLK 5 KINGSTON
39.	23-30-2-02-01.000-RR	1031 34TH ST N 35222	N 62 FT LOT 4 BLK 608 BHAM -TAX A B
40.	22-31-4-17-02.000-RR	1419 AVENUE H 35218	Lots 9+10 Blk 14-H Ensley
41.	22-31-4-21-02.000-RR	1505 AVENUE I 35218	LOT 3 BLK 15-I ENSLEY LAND COMPANYS SECOND ADDITION TO ENSLEY
42.	22-26-4-10-01.000-RR	1707 14TH AVE N 35204	PAR BEG AT A PT WHERE S R O W OF 14TH AVE NORTH AN
43.	29-07-3-42-08.000-RR	5508 TERRACE J 35208	LOT 4 BLK 41 MONTE SANO
44.	29-11-2-06-28.000-RR	29 16TH AVE S 35205	LOTS 17 & 18 BLK 1 BENJAMINS ADD TO BHAM
45.	29-11-2-18-02.000-RR	57 18TH AVE S 35205	LOT 14 BLK 2 ACE RLTY CO 2ND ADD
46.	22-31-4-17-03.000-RR	1421 AVENUE H 35218	LOTS 11 & 12 BLK 14-H ENSLEY

47.	22-31-4-21-03.000-RR	1507 AVENUE I 35218	LOT 4 BLK 15-I ENSLEY LAND COMPANYS SECOND ADDITION TO ENSLEY
48.	22-31-4-21-05.000-RR	1513 AVENUE I 35218	LOT 7 BLK 15-I ENSLEY LAND COMPANYS SECOND ADDIT
49.	22-20-3-29-12.000-RR	312 MAPLE AVE 35214	P O B 103S FT N OF NW INTER Legal 2 BEALL ST & MAPLE AVE TH N 83.5
50.	22-20-3-31-14.000-RR	120 CROOKED ST 35214	E 55 FT S 50 FT OF LOT 3 BLK 13 MARTIN LOCKHART SURVEY
51.	22-26-4-10-01.000-RR	1707 14TH AVE N 35204	PAR BEG AT A PT WHERE S R O W OF 14TH AVE NORTH AN
52.	22-26-2-11-11.000-RR	1510 12TH ST N 35204	Lot 5 Blk 1 Dryer & Phillips Sur
53.	22-35-1-21-05.000-RR	935 13TH PL N 35204	TOP 14 HINES REALTY CO SUR LOT 9 BLK 9 J M WARE
54.	22-26-4-17-03.000-RR	1605 11TH AVE N 35203	E 73 FT OF W 102 FT OF LOT A BLK 13 J M WARE
55.	22-26-4-17-01.000-RR	1613 11TH AVE N 35203	LOT 1-A CORRECTED MAP ELEAVEN SURVEY
56.	22-26-4-18-11.000-RR	1620 11TH AVE N 35204	LOT 15 BLK 14 PETTYJOHN SUB OF J M WARE
57.	22-26-4-31-02.000-RR	1012 15TH ST 35203	PAR BEG AT A PT WHERE S E ROW OF 10TH COURT NORTH
58.	22-35-1-08-05.000-RR	811 15TH ST N 35203	S 33.3 FT OF N 66.6 FT OF LOT 5 BLK 11 BHAM
59.	29-33-3-00-08.000-RR	839 CAMMACK RD 35211	LOTS 1 & 2 C R NICHOLSON SUR 9/78
60.	22-20-3-31-13.000-RR	116 CROOKED ST 35214	P O B 235S FT NE OF INTER W LINE CROOKED ST & S LINE SW 1/4 SEC 20 T17S R3W TH N 55S FT ALG CROOKED ST TH NW 100S
61.	22-26-2-12-13.000-RR	1531 12TH ST N 35204	W 76.5 FT OF LOT 1 & W 76.5 FT OF N 15 FT OF LOT 2 BLK 2
62.	22-35-1-08-03.000-RR	815 15TH ST N 35203	BEG AT SE INTER OF I-59 & 15TH ST NORTH TH SE 240
63.	22-35-1-08-02.000-RR	817 15TH ST N 35203	COM AT SE INTER OF I-59 & 15TH ST NORTH TH SE 136
64.	22-35-1-08-01.000-RR	819 15TH ST N 35203	COM AT SW INTER OF I-59 & 16TH STREET NORTH TH W 6
65.	22-35-2-14-02.000-RR	500 10TH AVE N 35204	POB NE INTER OF 5TH ST N & 10TH AVE N TH E 72 FT ALG 10TH AVE N TH N 56 FT TH W 72 FT TO 10TH AVE N TH S 56 FT S ALG CONTINUED
66.	22-35-2-19-03.000-RR	519 10TH AVE N 35204	N 140 FT LOTS 5-6 BLK 3 MAP OF SMITHFIELD (NORTH)

67.	22-35-2-19-02.000-RR	521 10TH AVE N 35204	LOT 3 BLK 3 MAP OF SMITHFIELD (NORTH)
68.	22-35-2-13-29.000-RR	1006 6TH ST N 35204	LOT 7 EX N 35-1/2 FT 2ND ADD TO PROSPECT HEIGHTS
69.	22-35-2-13-30.000-RR	1008 6TH ST N 35204	N 35.5 FT OF LOT 7 2ND ADD TO PROSPECT HEIGHTS
70.	22-35-2-13-34.000-RR	1016 6TH ST N 35204	P O B INTER OF W LINE 6TH ST N & SW LY LINE I-59 TH N W 78 FT S ALG I-59 TH W 128 FT S TH S 50 FT S TH E 186 FT S TO
71.	29-33-3-00-07.000-RR	835 CAMMACK RD 35211	1 LOTS 5 & 6 BLK 1 C R NICHOLSON SURVEY
72.	29-33-3-00-08.001-RR	837 CAMMACK RD 35211	LOT 3 & 4 C R NICHOLSON SUR 9/78
73.	22-12-2-24-11.001-RR	4832 CHEEK RD 35207	LOT 3 BLK 10 TOWN OF DAVID 5/49
74.	22-12-2-24-10.000-RR	4716 CHEEK RD 35207	LOT 4 BLK 10 TOWN OF DAVID
75.	22-12-1-01-46.000-RR	5128 33RD ST N 35207	LOT 26 BLK 1 LINCOLN HTS 2ND ADD
76.	22-12-1-01-56.000-RR	3316 51ST TER N 35207	LOT 9 BLK 3 LINCOLN HTS 2ND ADD
77.	22-12-1-01-57.000-RR	3320 51ST TER N 35207	LOT 10 BLK 3 LINCOLN HTS 2ND ADD
78.	22-20-2-08-01.000-RR	1015 DUGAN AVE 35214	P O B INTER OF W LINE DUGAN AVE CUT-OFF & S LINE N W 1/4 SEC 20 T 17 S R 3 W TH N 960S FT ALG DUGAN AVE CUT-OFF TO CONTINUED
79.	29-31-1-00-01.000-RR-	Next To 2601 Venice Rd 35000	CEMETERY TRACT LOCATED IN THE NE1/4 OF THE NE1/4 OF SEC 31 TSP 18S R 3W DESC AS FOL COM AT SE COR OF SD 1/4,1/4 SEC TH CONTINUED

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matter was withdrawn:

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a taxicab service issued to Emadeldin Khamis, d/b/a Award Cab Company, 1708 – 13th Court South #301, Birmingham, AL 35205