

## **AGENDA**

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

**December 30, 2008 - - 9:30 A.M.**

**WEB SITE ADDRESS: [www.birminghamal.gov](http://www.birminghamal.gov)**

**INVOCATION: Apostle Joseph Hamilton, Pastor of New Zion Bible Way Church,  
Birmingham**

**PLEDGE OF ALLEGIANCE: Councilmember Steven Hoyt**

**ROLL CALL**

**MINUTES NOT READY: October 14, 2008 – December 23, 2008**

**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.ZAC2008-00144**) to change zone district boundaries from A-1, Agricultural District to B-2, General Business District and M-1, Light Industrial District, filed by **Michael Windham**, applicant, representing the owner, Birmingham East District of U.M.C., for property located at 5710 Amber Hills Road, and situated in the NW ¼ of Section 10, Township 17-S, Range 1-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)\*\*
- (ph) **ITEM 2.**  
A Resolution revoking the Certificates of Public Necessity and Convenience issued to **Executive Service Unlimited, LLC**, 1301 Brighton Road, Birmingham, Alabama, to operate a limousine service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the City Attorney)
- (ph) **ITEM 3.**  
A Resolution assenting to the vacation of 4,149 square feet of Washington Avenue (unopened) parallel to and between Tin Mill Road and Hollywood Lane and south of 3<sup>rd</sup> Street so that the applicant can eliminate existing building encroachments, on behalf of **N. David Edwards**, owner, and the hearing of all interested parties, **Case No. SUB 2008-00066**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*
- (ph) **ITEM 4.**  
A Resolution assenting to the vacation of 2,248 square feet of unopened alley between 1<sup>st</sup> Avenue North and 1<sup>st</sup> Court North and perpendicular to 65<sup>th</sup> Street North so the owner can develop the property for a future drive thru bank, on behalf of **Bertha M. Box and Wachovia Bank, National Association**, owners, and the hearing of all interested parties, **Case No. SUB 2008-00102**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee of the

Birmingham Planning Commission and the Public Improvements Committee)\*\*

**ITEM 5.**

A Resolution canceling the following five (5) Assessments levied by the City in error:

Account #86544 221 14<sup>th</sup> Ct W – 22-27-4-11-21.000 (the assessment of \$225.00-account was submitted to the county in error in 2003).

Account #87151 3400 Blk Willard Ave –29-30-1-26-12.001 (assessment amount of \$540.00 – Jefferson County Tax Record was incorrect in 2003, per tax office).

Account 87123 – 4224 George Ave SW – 29-30-2-16-10 (assessment amount of \$134.10 – wrong parcel cited in 2003).

Account # 85322 - 1838 Hatfield Lane 12-19-4-14-24.000 (assessment amount of \$585.00 – submitted to the county in error).

Account #87799 - 324 3<sup>rd</sup> Avenue North – 22-35-3-39-03 (assessment amount of \$185.30 – pending appeal investigation. Disputes claim).

(Submitted by the City Attorney) (Recommended by Councillor Witherspoon, Chairperson, Public Improvements and Beautification Committee)

**ITEM 6.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$83,965.00 of Fund 001 General Fund from Non Departmental – DART, \$679,428.00 from BJCTA-Extended Fixed Route, \$14,499.00 from BJCTA-Highway 31 Express Route, \$286,650.00 from BJCTA – Paratransit, \$57,537.00 from BJCTA – DART Latenite and Weekend, \$178,330.00 from BJCTA – Titusville/Westend, \$453,287.00 from BJCTA-Saturday Service, \$25,233.00 from BJCTA – Holiday Service and appropriating \$1,778,929.00 to BJCTA – Paratransit Equipment and Acquisition. (Submitted by the Mayor) (Recommended by the Director of Finance) (Deferred from 12/16/08 to 12/30/08)\*\*

**ITEM 7.**

A Resolution approving the contract with **Birmingham-Jefferson County Transit Authority**, in an amount not to exceed \$1,778,929.00, for the period January 1, 2009 to December 31, 2009, 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; G/L Accounts: 001\_000\_96300\_96302.652-050, 001\_000\_96300\_96303.652-050, 001\_000\_96300\_96304.652-050, 001\_000\_96300\_96305.652-050, 001\_000\_96300\_96306.652-050, 001\_000\_96300\_96308.652-050, 001\_000\_96300\_96309.652-050, and 001\_000\_96300\_96310.652-050] (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Deferred from 12/16/08 to 12/30/08)

**INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**

**CONSENT**

**ITEM 8.**

An Ordinance authorizing the Mayor to execute a quitclaim and redemption deed to **Janie M. Brown**, in the amount of \$1,779.69, for the property located at 4921 Hillman Drive, Birmingham. (Submitted by the City Attorney) (Recommended by the Director of Finance)

**CONSENT**

**ITEM 9.**

An Ordinance authorizing the Mayor to enter into two Easement Agreements whereby **Alabama Power Company**, is allowed to install, operate and maintain certain electrical facilities upon property owned by the City of Birmingham and operated by Ruffner Mountain Nature Center. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)\*\*

**CONSENT**

**ITEM 10.**

A Resolution fixing a Sales Tax Assessment in the amount of \$87,384.60, against **Fred Slain, the person responsible for the collection and remittance of the tax, doing business as Goodies Icecream** for the period of 8/2004 - 9/2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

**ITEM 11.**

A Resolution fixing a Sales Tax Assessment in the amount of \$16,500.00, against **Sally Beauty Holdings Inc and Gary Winterhalter, the person responsible for the collection and remittance of the tax, doing business as Sally Beauty Supply #3572** for the period of 01/2008 – 11/2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

**ITEM 12.**

A Resolution fixing a Sales Tax Assessment in the amount of \$48,645.00, against **Richie Williams Lloyd, the person responsible for the collection and remittance of the tax, doing business as Urban Vibes** for the period of 12/2005 – 02/2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

**ITEM 13.**

A Resolution fixing a Sales Tax Assessment in the amount of \$4,361.28, against **Lakeview Bistro Inc and Paul Casey, the person responsible for the collection and remittance of the tax, doing business as The Rock House Restaurant** for the period of 09/2006; 01/2007–02/2007; 10/2007–11/2007; 05/2008; 09/2008–10/2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

**ITEM 14.**

A Resolution accepting the lump sum bid of **Sound Solutions**, Oxford, Alabama, in the amount of \$14,161.95 for installation of sound system at the Southern Museum of Flight, Birmingham, AL this being the lowest bid submitted meeting specifications and authorizing the Mayor to enter into a contract in accordance with said bid. [**Appropriated in the FY 2008 Budget; 001\_085\_01200.534-021 Fund**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits) (Three Bids Submitted)

**ITEM 15.**

A Resolution accepting the dedication of all streets, alleys, and public grounds as shown on the plat or map of Wachovia Resurvey, **Case No. 2008-00102.** (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Subdivision Committee and the Public Improvements Committee)\*\*

**CONSENT**

**ITEM 16.**

A Resolution approving payment to **Art Services International**, Alexandria, VA, in the amount of \$65,000.00 (\$45,000.00 exhibition fee and \$20,000.00 transportation) for the exhibition of “**Fashioning Kimono: Art Deco and Modernism in Japan**” exhibit to be displayed July 31 – October 10, 2010, for the Birmingham Museum of Art this being the only source of supply [**Appropriated in the FY 2008-2009 Budget; Requisition 2009-20005769; 001\_080\_03535.534-021- Exhibition Expense; 001\_080\_03535.534-025-Freight Charges**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of the Museum of Art)

**CONSENT**

**ITEM 17.**

A Resolution authorizing the Director of Finance to make eleven (11) refunds in the total amount of \$150,960.83. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUESTS FROM THE PUBLIC**

**ADJOURNMENT**