

AGENDA

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

November 4, 2008 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

**INVOCATION: Reverend David Ferguson, Minister of Education and Adult Ministries at
Sixth Avenue Baptist Church**

PLEDGE OF ALLEGIANCE: Councilmember Joel Montgomery

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: July 15 and 22, 2008

MINUTES NOT READY: July 29 – October 28, 2008

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – December, 2008

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 **Walter Wellborn High School Benefit Fund, Inc.** for an Annual Bingo Permit to be used at 1286 Oak Grove Road, Birmingham, on Tuesdays and Saturdays of each calendar week, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee) (Deferred from 10/21/08 to 10/28/08; and Deferred from 10/28/08 to 11/4/08)
- (ph) **ITEM 2.**
A Resolution relative to the application of Bandar, Inc. for an Off Premise Beer and Wine License to be used at **Mario Grocery**, 3220 – 17th Avenue 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 3.**
A Resolution assenting to the vacation of 1,159 square feet of alley, (not the entire alley) parallel to and between 10th Avenue North and 11th Avenue North and perpendicular to and between 16th Street North and 17th Street North, on behalf of **SRA Foods**, owner, so that SRA Foods can connect their existing refrigeration facilities that lie on either side of the alley, **Case No. SUB2008-00084**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission) (No Recommendation by the Public Improvements Committee)**
- ITEM 4.**
An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$128,100.00 of Fund 031 Neighborhood Allocation Fund from Police Designation 031_202_39000_39001 – Budget Expenses – Department Level to Fund 102 Capital Improvement Fund – Police – 4th Floor Office and Lab Space Renovation. (Submitted by the Mayor) (Recommended by the Director of Finance) (Deferred from 10/28/08 to 11/4/08)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 5.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$200,000.00 of Fund 060 Birmingham Water Works Proceeds from Building Renovations and \$50,000.00 from Funds Available and appropriating \$250,000.00 to Weed Abatement. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 6.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$200.00 from Non Departmental – Council Discretionary Projects to Traffic Engineering – Supplies – Banquet Food for the Domestic Violence Breakfast to purchase two (2) street dedication signs. (Submitted by the Mayor) (Recommended by the Director of Finance)**

CONSENT

ITEM 7.

A Resolution approving the agreements with **Imani Support Services, Inc.**, Birmingham, in an amount not to exceed \$21,500.00, to provide financial support for a fundamental structure/building that would provide housing facility and support services to homeless, pregnant teens, and authorizing the Mayor to execute the agreements. [**Appropriated in the FY2009 Budget; GL Account: 031_200_12020_12023.15199.540-001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Community Development)

CONSENT

ITEM 8.

A Resolution determining that the **IABPFF Southeast Regional Conference**, sponsored by the Birmingham Professional Firefighters Association, to be held November 5-9, 2008 at different venues throughout the City, 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 by Council President Smitherman) (Recommended by the Administration, Budget and Finance Committee)**

CONSENT

ITEM 9.

A Resolution determining that the City Council’s breakfast to be held November 12, 2008 in the City Council Chambers and the Farewell Reception to be held November 12, 2008 at Matthew’s Bar and Grill honoring **Councillor William A. Bell, Sr.** for his years of service to the City of Birmingham, 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 10.

A Resolution determining that the **District 7 Town Hall Meeting** to be held November 13, 2008 at Lawson State Community College, 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 by Council President Smitherman) (Recommended by the Administration, Budget and Finance Committee)**

CONSENT

ITEM 11.

A Resolution determining that the **Miss Magic City Scholarship Program** sponsored by Crowning Achievements to be held November 15, 2008, 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 by Council President Smitherman) (Recommended by the Administration, Budget and Finance Committee)**

CONSENT

ITEM 12.

A Resolution fixing a Sales Tax Assessment in the amount of \$2,025.95, against Sharon and J. H. Stidham, the person responsible for the collection and remittance of the tax, doing business as **Big Jim's Pawn Company** for the period of March, 2008 to July, 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 \$269.90, against Heather Harp, the person responsible for the collection and remittance of the tax, doing business as **Artisan Interiors** for the period of September, 2007 to October, 2007 and May, 2008 to June, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 14.

A Resolution fixing a Sales Tax Assessment in the amount of \$1,315.60, against Arthur Cunningham, the person responsible for the collection and remittance of the tax, doing business as **JR Upholstery** for the period of September, 2007 to December, 2007 and January, 2008 to July, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 15.

A Resolution fixing a Sales Tax Assessment in the amount of \$432.05, against Sara Clemmer, the person responsible for the collection and remittance of the tax, doing business as **Rearrangements/SHC** for the period of November, 2006. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 16.

A Resolution fixing a Sales Tax Assessment in the amount of \$1,739.97, against Confederate Motor Company, Inc., Pam Miller, the person responsible for the collection and remittance of the tax, doing business as **Confederate Motor Company, Inc.** for the period of April, 2006 to August, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 17.

A Resolution fixing a Sales Tax Assessment in the amount of \$1,572.67, against Lewis and Lewis Corporation and Perry J. Lewis, the person responsible for the collection and remittance of the tax, doing business as **Sandy's Flowers** for the period of September, 2006 and January, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 18.

A Resolution fixing a Sales Tax Assessment in the amount of \$1,061.00, against BGR Enterprises LLC, James Efferson, Sr., the person responsible for the collection and remittance of the tax, doing business as **BGR Enterprises LLC** for the period of September, 2007 to July, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 19.

A Resolution determining that the building or structure located at 322 – 6th 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 20.

A Resolution determining that the building or structure located at 3737 Laurel Avenue 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 21.

A Resolution determining that the building or structure located at 227 – 15th Avenue 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 22.

A Resolution determining that the building or structure located at 411 – 8th Terrace West, 4 Unit Apartments, 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 23.

A Resolution determining that the building or structure located at 3201 – 25th 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 24.

A Resolution determining that the building or structure located at 2229 – 36th Avenue 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 25.

A Resolution determining that the building or structure located at 9713 Miller Avenue, 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 26.

A Resolution determining that the building or structure located at 16 – 43rd 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 27.

A Resolution determining that the building or structure located at 4221 Morris Avenue, 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 28.

A Resolution determining that the building or structure located at 8020 – 3rd 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 29.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Virginia and Michael Turner**, the owners or agents of the property located at 2420 – 32nd Avenue North, Birmingham, which was condemned by the Council August 24, 2004, 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 30.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Jeffery E. Kennedy**, the owner or agent of the property located at 43 – 5th Avenue South, Birmingham, which was condemned by the Council June 3, 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)

ITEM 31.

A Resolution accepting the lump sum bid of **Alabama Roofing and Sheet Metal Company, Inc.**, Anniston, Alabama, in the amount of \$279,000.00, for roof replacement at the Birmingham Botanical Gardens, Birmingham, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. **[Appropriated in the FY 2008 Budget; PR125CP002851 and FY2008 PEP129002801]** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Three Bids Submitted)

CONSENT

ITEM 32.

A Resolution accepting the unit price bid of **Dudco Contracting, LLC**, McCalla, Alabama, in the amount of \$237,615.00, for storm drainage and street improvements at Jeannine Court #709, Birmingham, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. **[Appropriated in the FY 2007 Budget; 129_384.652-002]** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Ten Bids Submitted)

ITEM 33.

A Resolution accepting the lump sum bid of **Southeastern Temperature Controls**, Pelham, Alabama, in the amount of \$119,575.00, to install new heating units and ventilation in the greenhouse at the Birmingham Botanical Gardens, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. **[Appropriated in the FY 2008 Budget; PR125CP002851]** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

CONSENT

ITEM 34.

A Resolution accepting and approving the bid of **Star Recycling, Inc.**, Birmingham, for the sale of scrap metal 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 City of Birmingham, this being the highest bid submitted. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Acting Director of Public Works) (Four Bids Submitted)

CONSENT

ITEM 35.

A Resolution accepting and approving the bid of **Industrial Fire and Safety**, Birmingham, for the purchase of Group 1 Rain Suits and Group 3 Rain Coats 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 Central Stores Warehouse, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Six Bids Submitted)**

ITEM 36.

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

ITEM 37.

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

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT