

**REGULAR MEETING OF THE COUNCIL
OF THE CITY OF BIRMINGHAM**

May 6, 2003, at 9:30 A.M.

The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on May 6, 2003 at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Council President Pro Tempore Smitherman.

The Pledge of Allegiance was led by Councilmember Miller.

Present on Roll Call:	Council President Loder
	Councilmembers Abbott (Arrived as herein indicated)
	Hendricks
	Miller
	Montgomery
	Reynolds
	Royal (Arrived as herein indicated)
	Smitherman
	Sykes (Arrived as herein indicated)

Absent:	None
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Councilmember Sykes arrived and assumed her seat as a Councilmember.

The Announcement of Boards and Agency Expirations for the month of June, 2003 was read by the City Clerk.

Councilmember Royal arrived and assumed his seat as a Councilmember.

The following resolutions and ordinances designated as Consent Agenda items were introduced by the Presiding Officer:

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RESOLUTION NO. 653-03

WHEREAS, four (4) Certificates of Public Necessity and Convenience have been issued by the Council of the City of Birmingham to J.A.T., Inc., d/b/a Thrasher Brothers Tours, 4737 Clairmont Avenue, Birmingham, AL 35222, to operate a limousine service, and

WHEREAS, the required liability insurance policy covering said limousine service has expired; and

WHEREAS, said permit holder was notified of a public hearing to be held Tuesday, May 6, 2003 to consider the revocation of said permit; and

WHEREAS, said permit holder has not filed the required liability insurance coverage in compliance with Sections 12-16-61 of the General City Code, 1980, as amended; now therefore

BE IT RESOLVED by the Council of the City of Birmingham that the four (4) Certificates of Public Necessity and Convenience heretofore issued by the Council of the City of Birmingham to J.A.T., Inc., d/b/a Thrasher Brothers Tours, 4737 Clairmont Avenue, Birmingham, AL 35222, to operate a limousine service be and the same are hereby revoked and canceled.

ORDINANCE NO. 03-50

BE IT ORDAINED by the Council of the City of Birmingham, Alabama that the Mayor be and hereby is authorized to execute an agreement, approved as to form by the City Attorney, with Gallet & Associates, Inc. allowing them to install, construct and maintain one monitoring well for environmental purposes on City right of way in the 3100 Block of 33rd Avenue North, a copy of which is on file in the Office of the City Engineer. Gallet & Associates, Inc. agrees to pay One Hundred Dollars (\$100.00) per monitoring well per year, renewable July 1 each year to the City of Birmingham for use of the right of way.

RESOLUTION NO. 654-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Arvella R. Ray

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

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N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

480 37th Court West, Hooper City

in the City of Birmingham, more particularly described as:

LOTS 11 & 12 BLK 7- A J HOOPERS SUB AS RECORDED IN MAP BOOK 13, MAP PAGE 11 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-15-3-14-10). LOT SIZE 80 X 100

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 100983

RESOLUTION NO. 655-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Robert G. White
Eddie White (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

2113 Snavelly Avenue SW

in the City of Birmingham, more particularly described as:

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LOT 127 NABERS LD CO 2ND ADD TO COLLEGE PARK AS RECORDED IN MAP BOOK 12, MAP PAGE 91 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-17-4-18-4). LOT SIZE 40 X 120

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 111627

RESOLUTION NO. 656-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Anna Williams, Agent
Mixon Weaver (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

611 4th Avenue North

in the City of Birmingham, more particularly described as:

W 15 FT LOT 6 & E 20 FT LOT 7 BLK 354 BHAM AS RECORDED IN MAP BOOK 800, MAP PAGE 1 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-35-3-32-3). LOT SIZE 35 X 140

is unsafe to the extent that it is a public nuisance.

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BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 112199

RESOLUTION NO. 657-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Mary C. and John Gordon

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence and two detached storage buildings) located at

337 Division Avenue

in the City of Birmingham, more particularly described as:

LOT 31 HAMILTON-COPELAND & FEAGIN SUR SHADYDALE AS RECORDED IN MAP BOOK 3, MAP PAGE 22 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-2-2-18-4). LOT SIZE 40 X 100

are unsafe to the extent that they are a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

PTK# 115174

MAY 06 2003

RESOLUTION NO. 658-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Iola Kimball

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

**Mid-Ohio Securities
Community Home Banc, Inc.**

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure (single family residence and detached storage building) located at

237 West Ann Drive SW

in the City of Birmingham, more particularly described as:

LOT 13 BLK 5 POWDERLY HILLS AS RECORDED IN MAP BOOK 33, MAP PAGE 96 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-16-3-1-80). LOT SIZE 50 X 131.2 X 90 X 161.7

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 114904

RESOLUTION NO. 659-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

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Emma Kirkland

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

401 5th Street, Pratt City

in the City of Birmingham, more particularly described as:

LOT 8 BLK 2 ENSLEY LAND COS ADD TO PRATT CITY AS RECORDED IN MAP BOOK 3, MAP PAGE 101 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-30-4-4-7). LOT SIZE 50 X 138

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 115598

RESOLUTION NO. 660-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

John Cook, Jr.

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

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1411 Hill Street, Dolomite

in the City of Birmingham, more particularly described as:

LOT 41 DOLOMITE VILLAGE 4TH ADD AS RECORDED IN MAP BOOK 1007, MAP PAGE 31 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-16-3-8-19). LOT SIZE 95 X 200

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 115604

RESOLUTION NO. 661-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Residential Funding Corp.
Liberty Lending Services, Inc. (Apparent Owner)
Nona Lee Eatmon (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence and detached garage) located at

2728 Brookhaven Avenue SW

in the City of Birmingham, more particularly described as:

LOTS 7 & 8 BLK 4 YEILDING & BRITAINS SUR OF GEORGE W SMITH AS RECORDED IN MAP BOOK 915, MAP PAGE 75 IN THE OFFICE OF THE JUDGE

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**OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-17-3-10-15). LOT SIZE
100 X 140**

are unsafe to the extent that they are a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

PTK# 115613

RESOLUTION NO. 662-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Charles Thomas, Jr.

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

3601 Ellis Avenue SW

in the City of Birmingham, more particularly described as:

**LOT 9 BLK 26 PARK PLACE AS RECORDED IN MAP BOOK 6, MAP PAGE 74 IN
THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,
ALABAMA (29-19-2-15-1). LOT SIZE 50 X 150**

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

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PTK# 115830

RESOLUTION NO. 663-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Residential Funding Corp.
Joe L., Jr. & Kathryn Terry (Apparent Owners)
Florence Lee Harris (Apparent Owner)**

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence and detached storage) located at

1313 Cotton Avenue SW

in the City of Birmingham, more particularly described as:

**LOT 4-A RESUR OF LOT 4 BLK 6 WEST END AS RECORDEED IN MAP BOOK 57,
MAP PAGE 58 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON
COUNTY, ALABAMA (29-9-1-8-4). LOT SIZE 50 X 95**

are unsafe to the extent that they are a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

PTK# 132134

RESOLUTION NO. 664-03

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BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Alex Rogers, Jr.

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence and two detached storage buildings located at

3209 Carver Avenue SW

in the City of Birmingham, more particularly described as:

LOT 8 BLK 3 WENONAH SUB PLAT C AS RECORDED IN MAP BOOK 1008, MAP PAGE 79 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-30-1-22-1). LOT SIZE 110 X 163.6 X 143 X 143

are unsafe to the extent that they are a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

PTK# 132136

RESOLUTION NO. 665-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

**Greentree Financial Corp.
Magnolia Harris (Apparent Owner)
Merchandise Sales Company (Apparent Owner)**

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the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

7328 Oporto Avenue

in the City of Birmingham, more particularly described as:

COM NW INTER 73RD ST & OPORTO AVE IN SEC 14 TP 17 R 2 TH N 400 FT TH W 10 FT TO POB TH CONT W 130 FT TH N 50 FT TH E 130 FT TH S 50 FT TO POB AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-14-3-1-35-RR-01). LOT SIZE 50 X 140

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 133979

RESOLUTION NO. 666-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Mahala Dowdell

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the buildings or structures (single family residence and detached storage) located at

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1109 Appalachian Street

in the City of Birmingham, more particularly described as:

LOT 18 BLK 45 EAST BHAM AS RECORDED IN MAP BOOK 1, MAP PAGE 5 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-19-4-9-6). LOT SIZE 50 X 144

are unsafe to the extent that they are a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the buildings or structures herein described are unsafe to the extent that they are a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such buildings or structures to be demolished.

PTK# 135319

RESOLUTION NO. 667-03

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Charlotte D. Wallace

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

N/A

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

1561 White Street, Dolomite

in the City of Birmingham, more particularly described as:

LOT 6 DOLOMITE VILLAGE 2ND ADD AS RECORDED IN MAP BOOK 1007, MAP PAGE 25 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (30-21-1-9-8). LOT SIZE 86 X 131

is unsafe to the extent that it is a public nuisance.

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BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

PTK# 137936

RESOLUTION NO. 668-03

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the unit price of One Hundred Fifty-four Thousand Six Hundred Sixty-seven Dollars and 50/100 (**\$154,667.50**), submitted by **R. E. GRILLS CONSTRUCTION COMPANY, INC.**, P. O. Box 90, Shannon, AL 35 (NOT IN CITY) to make **storm drainage improvements at BARBER COURT #36, PTK #139827**, received by the Department of Planning, Engineering and Permits on April 2, 2003, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under **Storm Sewers 1997-B Bond Fund (appro. YR03) and Storm Water Sewer Bond 1992 (appro. YR03)**. The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

BE IT FURTHER RESOLVED that the Mayor be, and he is hereby authorized to enter into a contract with R. E. Grills Construction Company, Inc. in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. 669-03

BE IT RESOLVED by the Council of the City of Birmingham that the bid for and the purchase of automotive exhaust system repairs and replacements 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 from Acme Muffler, LLC, Birmingham, AL, for the Department of Equipment Management; be and the same hereby is accepted and approved, this being the lowest bid submitted.

RESOLUTION NO. 670-03

BE IT RESOLVED by the Council of the City of Birmingham that the bid for and the purchase of 100 GPM slide-in units and options 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 from

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Crimson Fire, Inc., Talladega, AL, for the Fire Department, be and the same hereby is accepted and approved; this being the lowest bid submitted meeting specifications.

RESOLUTION NO. 671-03

BE IT RESOLVED By the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, a notice in words and figures as follows:

ZONING NOTICE

Notice is hereby given that at a regular meeting of the Council of the City of Birmingham to be held in the Council Chamber in the City Hall of Birmingham on Tuesday, June 24, 2003, commencing at 9:30 a.m. said Council, will hold a public hearing upon a proposal that it, the said Council, adopt an ordinance in words and figures substantially as follows:

Case No. ZAC2003-00022

ORDINANCE NO. _____

BE IT ORDAINED by the Council of the City of Birmingham as follows:

Section 1. That the Zoning District Map of the City of Birmingham as described in Section 2., "Zone Districts and Boundaries" of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 90-130 as amended) be, and said Zone Map hereby is amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: R-3, SINGLE FAMILY RESIDENTIAL

TO: M-2, HEAVY INDUSTRIAL DISTRICT

Located at 3581 4th Place, West, and situated in the SW ¼ of Section 15, Township 17 South, Range 3 West. <**35207**>, being more particularly described as follows:

A parcel of land situated in part of the Southwest ¼ of the Southwest ¼ and part of the Southeast ¼ of the Southwest ¼, Section 15, Township 17 South, Range 3 West, more particularly described as follows:

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Commence at the Southwest corner of the Southwest ¼ of the Southwest ¼, thence run North along the West line of said ¼-1/4 section for 751.08 feet to a point on the Southerly Right Way line of Republic Iron and Steel Company Railroad, said point being on a curve to the right, said curve having a radius of 523.70 feet; thence run Northeasterly along arc of said curve for 306.13 feet to the end of curve; thence continue Easterly and tangent to said curve along said Right of Way line for 420.81 feet to the point of beginning; thence continue along said Right of Way line for 230.28 feet to the beginning of a curve to the left, said curve having a radius of 623.70 feet; thence run Southeasterly along arc of said curve for 285.20 feet to the end of said curve; thence continue easterly and tangent to said curve for 361.20 feet; thence 90°00'00" right and run in a Southerly direction for 145.00 feet; thence 90°00'00" right and run in a Westerly direction for 24.00 feet; thence 90°00'00" left and run in a Southerly direction for 144.86 feet; thence 141°50'30" right and run in a Northwesterly direction for 146.83 feet; thence 57°18'00" left and run in a Westerly direction for 323.81 feet; thence 26°12'00" left and run in a Southwesterly direction for 173.51 feet; thence 6°42'00" right and continue a Southwesterly direction for 180.88 feet; thence 11°24'00" right and continue in a Southwesterly direction for 227.27 feet; thence 46°18'00" right and run in a Northwesterly direction for 74.47 feet; thence 6°01'00" right and continue in a Northwesterly direction for 100.00 feet; thence 56°46'30" right and run in a Northerly direction for 50.26 feet; thence 57°44'00" left and run in a Northwesterly direction for 106.68 feet; thence 93°15'00" right and run in a Northeasterly direction for 258.98 feet; thence 9°30'00" right and continue in a Northeasterly direction for 200.00 feet to the point of beginning.

Section 2. This ordinance shall become effective when published as required by law.

Notice is hereby given that at the aforesaid time and place parties in interest and citizens will be heard in relation to the changes proposed by said proposed ordinance.

BE IT FURTHER RESOLVED By the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, an additional insertion of a synopsis of the hereinabove proposed ordinance, one week after the first insertion, which synopsis shall refer to the date on which the proposed ordinance was first published in words and figures as follows:

SYNOPSIS OF ZONING NOTICE

Case No. ZAC2003-00022: The Council of the City of Birmingham will hold a public hearing to consider the adoption of an ordinance for a change in zone district boundaries from R-3, Single Family Residential to M-2, Heavy Industrial District, filed by Douglas Corretti, applicant, representing the owner, Charles C. Finley, for property located at 3581 4th Place, West, and situated in the SW ¼ of Section 15, Township 17 South, Range 3 West. <35207> commencing at 9:30 on Tuesday, June 24, 2003. Public Notice of this public hearing was first published on _____, 2003.

MAY 06 2003

RESOLUTION NO. 672-03

BE IT RESOLVED By the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, a notice in words and figures as follows:

ZONING NOTICE

Notice is hereby given that at a regular meeting of the Council of the City of Birmingham to be held in the Council Chamber in the City Hall of Birmingham on Tuesday, June 24 2003, commencing at 9:30 a.m. said Council, will hold a public hearing upon a proposal that it, the said Council, adopt an ordinance in words and figures substantially as follows:

Case No. ZAC2003-00034

ORDINANCE NO. _____

BE IT ORDAINED by the Council of the City of Birmingham as follows:

Section 1. That the Zoning District Map of the City of Birmingham as described in Section 2., "Zone Districts and Boundaries" of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 90-130 as amended) be, and said Zone Map hereby is amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: "C"O&I, CONTINGENCY OFFICE AND INSTITUTIONAL DISTRICT,

TO: B-1, NEIGHBORHOOD BUSINESS DISTRICT

Located at 615 Matthews Avenue, and situated on Lot 9 & the East 4 feet of Lot 10, in Block 2, of the Mathews G M-Huffman Subdivision, in the SE 1/4 of Section 36, Township 16-South, Range 2-West. <**35215**>, more particularly described as follows:

Lot 9 & the East 4 feet of Lot 10, in Block 2, of the Matthews Subdivision of Huffman

Section 2. This ordinance shall become effective when published as required by law.

Notice is hereby given that at the aforesaid time and place parties in interest and citizens will be heard in relation to the changes proposed by said proposed ordinance.

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BE IT FURTHER RESOLVED By the Council of the City of Birmingham that the City Clerk be, and she is hereby, directed to cause to be published in a newspaper of general circulation in the City of Birmingham, an additional insertion of a synopsis of the hereinabove proposed ordinance, one week after the first insertion, which synopsis shall refer to the date on which the proposed ordinance was first published in words and figures as follows:

SYNOPSIS OF ZONING NOTICE

Case No. ZAC2003-00034: The Council of the City of Birmingham will hold a public hearing to consider the adoption of an ordinance for a change in zone district boundaries from "C"O&I, Contingency Office and Institutional District to B-1, Neighborhood Business District, filed by Leanita Johnson, applicant, representing the owner, John Walker, for property located at 615 Matthews Avenue, and situated on Lot 9 & the East 4 feet of Lot 10, in Block 2, of the Mathews G M-Huffman Subdivision, in the SE 1/4 of Section 36, Township 16-South, Range 2-West. **<35215>**, commencing at 9:30am on Tuesday, June 24, 2003. Public Notice of this public hearing was first published on _____.

RESOLUTION NO. 673-03

WHEREAS, Act No. 105 of the Third Session of the Alabama Legislature, 1971 as amended by Act No. 87-728 of the Regular Session of the Alabama Legislature, 1987, Act No. 89-380 of the Regular Session of the Alabama State Legislature, 1989, and Act No. 91-192 of the Regular Session of the Alabama State Legislature, 1991, provides that noxious or dangerous weeds growing upon private property in a municipality may be found and declared to be a public nuisance and the municipality may abate the nuisance and the cost of abatement of said nuisance shall constitute a special assessment and create a lien against such private property; and

WHEREAS, the properties listed herein below in the City of Birmingham have growing upon the weeds which have attained such a large growth as to become a fire menace when dry and which are otherwise noxious and dangerous;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that the real property described hereinbelow be and are hereby declared to be a public nuisance; that notice shall be posted on said property and notice sent by certified mail to the last person assessing this property for state taxes, and that a public hearing be set on May 27, 2003 to hear and consider all objections or protests to proposed abatement of these nuisances by the City:

**SHADOWLAWN MEMORIAL PARK
1700 Spaulding Road, SW
Birmingham, AL 35211**

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POB inter of W/L sec 15, TP 18, R3W & N R/W of L&N RR th N 1860 ft alg W/L of sec 15 to Palmer Ave th E 610 Ft alg Ave West End Spaulding Rd th SLY 1010 Ft alg Rd th SW 465 Ft th SE 540 Ft to RR R/W th WLY 680 Ft alg RR R/W to POB lying in W ½ of NW 1/4 also that pt of SW 1/4 of NW 1/4 lying N of L&N RR & E of West End Spaulding Rd.

BE IT FURTHER RESOLVED that a hearing will be held on **May 27, 2003**, to hear and consider all objections or protests to the proposed abatement of this nuisance by the City.

The resolutions and ordinances introduced as consent agenda matters were read by the City Clerk, all public hearings having been announced, and unanimous consent having been previously granted, Councilmember Smitherman moved their adoption which motion was seconded by Councilmember Miller, and upon the roll being called, the vote was as follows:

**Ayes: Hendricks, Miller, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None**

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolutions and ordinances adopted.

Councilmember Miller absented himself.

Zoning Case No. ZAC2003-0013 was introduced at this time but was delayed to a later time during the meeting.

The following resolution was introduced by Councilmember Royal:

RESOLUTION NO. 674-03

WHEREAS, ON April 1, 2003, the Birmingham City Council at its regularly scheduled meeting declared the property described below to be a public nuisance existing in the City of Birmingham; and

WHEREAS, all proper notices were posted and delivered by certified mail to the persons, firms, associations or corporation last assessing the below described property for State taxes as required by Act No. 105 of the Third Special Session of the Alabama Legislature 1971, as amended by Act 91-192 of the Alabama Legislature, 1991; and

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WHEREAS, since April 1, 2003, the following described properties have had the nuisances thereon abated:

2. 23-03-3-12-02.000-RR Parcel; 1633 88th Street North, 35206, Lot 2 Blk 1 Airport Gardens Sur
4. 23-03-3-14-07.000-RR Parcel; 1537 88th Street North, 35206, Lots 3 & 4 Blk 8 Springs Hghlds
5. 23-03-3-17-24.000-RR Parcel; 1632 86th Street North, 35206, Lots 21 & 22 Blk 1 Majestic HglDs
6. 23-03-3-17-28.000-RR Parcel; 1616 86th Street North, 35206, Lots 13 & 14 Blk 1 Majestic HglDs
7. 23-03-3-17-39.000-RR Parcel; 8600 Zion City Road, 35206, Lots 49 & 50 East Lawn 17/84
8. 23-03-3-17-49.000-RR Parcel; 1621 86th Street North, 35206, Lots 39 & 40 Blk 4 Majestic HglDs
9. 23-03-3-17-51.000-RR Parcel; 1629 86th Street North, 35206, Lots 35 & 36 Blk 4 Majestic HglDs
11. 23-03-3-17-54.000-RR Parcel; 1641 86th Street North, 35206, Lots 27 & 28 & 29 & 30 Blk 4 Majestic HglDs
12. 23-03-3-17-58.000-RR Parcel; 1624 85th Street North, 35206, Lots 13 & 14 Blk 4 Majestic HglDs
30. 23-03-3-17-26.000-RR Parcel; 1624 86th Street North, 35206, Lots 17 & 18 Blk 1 Majestic HglDs
31. 23-03-3-17-27.000-RR Parcel; 1620 86th Street North, 35206, Lots 15 & 16 Blk 1 Majestic HglDs
32. 23-03-3-17-29.000-RR Parcel; 1612 86th Street North, 35206, Lots 9+10+11 & 12 Blk 1 Majestic HglDs
33. 23-03-3-17-30.000-RR Parcel; 1608 86th Street North, 35206, Lots 7 & 8 Blk 1 Majestic HglDs
34. 23-03-3-17-37.000-RR Parcel; 1516 86th Street North, 35206, Lot 3 Majestic HglDs 1st Add 79/95

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35. 23-03-3-17-38.000-RR Parcel; 1500 86th Street North, 35206, POB SE Cor Lot 3 Majestic Highlands 1st Add Th E 140S Ft Alg 57th Ave N TH N 137S FT Th W 145S Ft TH S 137.5 Ft
36. 23-03-3-17-40.000-RR Parcel; 8510 Zion City Road, 35206, Beg At A Pt 222S Ft NE From The Int Of W Row Of 12th Ave N & N Row Of 85th St Th N 65S Ft Th W 176S Ft Th S-182S Ft
37. 23-03-3-17-41.000-RR Parcel; 1513 86th Street North, 35206, POB 850S Ft E Of SE Inter 67th St N & 57th Ave N Th E 300S Ft Alg 57th Ave N Th S 155S Ft Th W 300S Ft Th N 142S
38. 23-03-3-17-42.000-RR Parcel; 1529 86th Street North, 35206, Beg At A Pt 445S Ft W & 137S Ft N Of The Int Of N Row Of 85th Street & W Row Of 12th Ave North For POB Th N-142S Ft
40. 29-09-2-27-10.000-RR Parcel; 1557 Cleveland Avenue Southwest, 35211, E 1/2 Of Lot 2 & W 15 Ft Of Lot 3 Blk 61 West End
41. 29-20-4-02-03.000-RR-01 Parcel; 2108 Rambow Avenue Southwest, 35211, Lots 5 & 6 Blk 3 Garden hglDs Add To Powderly
50. 29-09-1-13-13.000-RR Parcel; 1432 Cotton Avenue, 35211, Lot 16 Blk 23 West End
51. 29-09-1-13-14.000-RR Parcel; 1428 Cotton Avenue, 35211, Lot 17 Blk 23 West End
54. 29-19-1-01-04.000-RR Parcel; 3121 Aspen Avenue Southwest, 35211, POB 193 Ft S W Of The SW Inter Of SW 31st St & SW Aspen Ave The W 105 Ft Alg SW Aspen Ave Th S 210 Ft Th E 105 FT Th N
55. 29-19-1-01-18.000-RR Parcel; 3216 Balsam Avenue Southwest, 35221, POB 249.9 Ft E Of The E Inter Of SW 32nd PI & SW Balsam Ave Th E 100 Ft Alg SW Balsam Ave Th N 18 Ft To Alley Th W 100
56. 29-19-3-02-06.000-RR Parcel; 3633 Hemlock Avenue Southwest, 35221, Lot 8 Blk 1 Plat Of Central Tract Of The Pleasant Valley Land and Manufacturing Company
60. 29-21-2-14-02.000-RR Parcel; 1717 Laurel Avenue, 35211, Lot 13 Blk 18 Plat A Ishkooda
61. 29-21-2-14-04.000-RR Parcel; 1723 Laurel Avenue, 35211, Lot 11 Blk 18 Plat A Ishkooda
62. 29-21-2-14-05.000-RR Parcel; 1725 Laurel Avenue, 35211, Lot 10 Blk 18 Plat A

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Ishakooda

74. 23-03-3-17-47.000-RR Parcel; 1609 86th Street North, 35206, Lots 43 & 44 & 45 & 46 Blk 4 Majestic Hglds
75. 23-03-3-17-59.000-RR Parcel; 1620 85th Street North, 35206, Lots 11 & 12 Blk 4 Majestic Hglds
76. 23-03-3-21-16.000-RR-01 Parcel; 1513 85th Street North, 35206, Com NW Cor Se 1/4 SW 1/4 Th S 513.1 Ft Th E 400 Ft To POB Th Cont E 82 Ft Th S 141 Ft Th W 80 Ft Th N 143.3 Ft To POB
122. 22-15-4-07-06.000-RR-01 Parcel; 3821 1st Place West, 35207, Lots 38 & 39 Blk 5 Oakhurst Add To North Bham 8/29 Exc E 5 Ft Of SD Lots
127. 22-34-4-23-01.000-RR Parcel; 119 4th Terrace North, 35204, N 40 Ft Lot 3 Blk 15 Map Of Smithfield (South)
137. 29-04-1-26-12.000-RR Parcel; 1048 Lomb Blvd, 35211, Lots 4 Thru 9 Blk 3 West Princeton
138. 29-04-1-26-13.000-RR Parcel; 1038 Lomb Avenue SW, 35211, Lots 1 Thru 3 Blk 3 West Princeton

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Birmingham that after having heard all protests or objections presented, the noxious or dangerous weeds located at the premises listed here in below, which were declared to be a public nuisance by this Council by Resolution No. 484-03 on April 1, 2003, be abated by the removal of said weeds by the City and the costs of such abatement shall be assessed against and shall constitute a lien on such property:

1. 29-05-3-11-05.000-RR Parcel; 2413 31st Street, 35208, Lots 3 & 4 Blk 1 McWilliams Sur Fairview Sub
3. 23-03-3-14-06.000-RR Parcel; 1525 88th Street North, 35206, Lots 5 & 6 Blk 8 Spring Hglds
10. 23-03-3-17-52.000-RR Parcel; 1633 86th Street North, 35206, Lots 33 & 34 Blk 4 Majestic Hglds
13. 23-03-3-12-01.000-RR Parcel; 1629 88th Street North, 35206, Lot 1 Blk 1 Airport Gardens Sub
14. 23-03-3-12-03.000-RR Parcel; 1637 88th Street North, 35206, Lot 3 Blk 1 Airport

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Gardens Except W 3 Ft

15. 23-03-3-12-09.000-RR Parcel; 1636 87th Street North, 35206, Lot 6 Blk 2 Airport Village
16. 23-03-3-13-06.000-RR Parcel; 1621 88th Street North, 35206, Lots 7 & 8 Blk 8 Airport Airport Gardens
17. 23-03-3-13-09.000-RR Parcel; 1628 87th Street North, 35206, Lot 11 Blk 8 Airport Gardens Sub
18. 23-03-3-14-01.000-RR Parcel; 1501 88th Street North, 35206, Lot 12 Blk 8 Spring Hghlds
19. 23-03-3-14-02.000-RR Parcel; 1505 88th Street North, 35206, Lot 11 Blk 8 Spring Hghlds
20. 23-03-3-14-03.000-RR Parcel; 1509 88th Street North, 35206, Lots 9 & 10 Blk 8 Spring Hghlds
21. 23-03-3-14-05.000-RR Parcel; 1521 88th Street North, 35206, Lot 7 Blk 8 Spring Hghlds
22. 23-03-3-14-08.000-RR Parcel; 1541 88th Street North, 35206, Lot 2 Blk 8 Spring Hghlds
23. 23-03-3-14-10.000-RR Parcel; 1552 87th Street North, 35206, Lot 24 Blk 8 Spring Hghlds
24. 23-03-3-14-18.001-RR Parcel; 1504 87th Street North, 35206, Lot 14 Blk 8 Spring Highlands 26/67
25. 23-03-3-17-03.000-RR Parcel; 1505 87th Street North, 35206, Lot 11 Blk 9 Spring Hghlds Spring Hghlds Sur
26. 23-03-3-17-04.000-RR Parcel; 1509 87th Street North, 35206, Lots 9 & 10 Blk 9 Spring Hghld Survey
27. 23-03-3-17-07.000-RR Parcel; 1537 87th Street North, 35206, Lot 4 Blk 9 Spring Hghlds
28. 23-03-3-17-09.000-RR Parcel; 1549 87th Street North, 35206, Lot 1 Blk 9 Spring Hghlds

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29. 23-03-3-17-20.000-RR Parcel; 1649 87th Street North, 35206, Lots 2 & 3 Blk 3 Airport
39. 29-09-1-13-15.000-RR Parcel; 1424 Cotton Avenue, 35211, Lot 18 Blk 23 West End And IMP Co
42. 29-20-4-02-03.001-RR Parcel; 2104 Rambow Avenue Southwest, 35211, Lot 7 Blk 3 Gaden HglDs Add To Powderly
43. 29-09-2-15-11.000-RR Parcel; 609 16th Street Southwest, 35211, Lot 87 & 16.67 Ft Off N Slide Lot 86 Hewes & Booth Sur West End
44. 29-19-2-15-01.000-RR Parcel; 3601 Ellis Avenue Southwest, 35221, Lot 9 Blk 26 Park Place
45. 29-19-4-06-05.000-RR Parcel; 3525 Hickory Avenue Southwest, 35221, Lots 6 Thru 8 Blk 6 Central Tract Of Pleasant Valley Land & MFG Co
46. 29-20-4-02-02.000-RR Parcel; 2116 Rambow Avenue Southwest, 35211, Lots 3 & 4 Garden Hghlds Add To Powderly
47. 29-20-4-06-08.000-RR Parcel; 2613 23rd Street Southwest, 35211, Lot 5 Blk 5 Garden HglDs Add To Powderly
48. 29-04-3-23-09.000-RR Parcel; 1436 Alabama Avenue Southwest, 35211, The SE 50 Ft Of Lot 9 & The SE 75 Ft Of Lot 10 Blk 26 West End Land & Imp Co
49. 29-09-1-12-05.000-RR Parcel; 1425 Cotton Avenue, 35211, Lot 7 Blk 22 West End
52. 29-09-2-10-10.000-RR Parcel; 549 17th Street Southwest, 35211, Lot 5 Cheneys Add To West End
53. 29-09-3-03-45.002-RR Parcel; 1700 Jefferson Avenue, 35211, Lot 1-A Blk A Of A Resur Of Lots 1 Thru 4 Blk A J T Mullin Add To Beverly Place 137/19
57. 29-20-4-02-01.000-RR Parcel; 2124 Rambow Avenue Southwest, 35211, Lots 1 & 2 Blk 3 Garden HglDs Add To Powderly
58. 29-20-4-05-14.000-RR Parcel; 2620 23rd Street Southwest, 35211, Lot 19 Blk 4 Garden HglDs Add To Powderly
59. 29-20-4-05-15.000-RR Parcel; 2616 23rd Street Southwest, 35211, Lot 20 Blk 4 Garden HglDs Add To Powderly

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63. 23-14-3-18-12.000-RR Parcel; 7200 Oporto Avenue, 35206, Lot 1 Blk 4 East lake Hglds Highlands
64. 23-29-3-16-10.000-RR Parcel; 3915 3rd Avenue South, 35222, Lot 23 Blk 14 Avondale
65. 23-29-3-16-11.000-RR Parcel; 3911 3rd Avenue South, 35222, Lot 22 Blk 14 Avondale
66. 23-29-3-16-12.000-RR Parcel; 3905 3rd Avenue South, 35222, Lot 21 Blk 14 Avondale
67. 23-29-3-16-13.000-RR Parcel; 3901 3rd Avenue South, 35222, Lot 20 Blk 14 Avondale
68. 23-29-3-17-17.000-RR Parcel; 3900 5th Avenue South, 35222, Lot 20 Blk 15 Avondale
69. 29-01-4-10-17.000-RR Parcel; 1628 16th Avenue South, 35205, Lot C & S 49.5 Ft Of E 1/2 Of Lot D Blk B Hillside Heights
70. 23-29-3-22-02.000-RR Parcel; 3815 3rd Avenue South, 35222, Lots 1 Thru 4 Blk 28 Avondale
71. 23-30-1-01-04.000-RR Parcel; 3902 5th Court North, 35222, Lot 5 Blk 77 Avondale
72. 23-30-1-01-05.000-RR Parcel; 3908 5th Court North, 35222, Lot 6 Blk 77 Avondale
73. 29-01-4-10-16.001-RR Parcel; 1630 16th Avenue South, 35205, E 1/2 Lot D Blk B Hillside Heights Exc S 49.5 Ft
77. 23-03-3-21-19.000-RR Parcel; 1537 85th Street North, 35206, POB 432.5S Ft W Of SW Inter 85th St N & 12th Ave N TH W 100 Ft Alg 85th St N Th S 151.9 Ft Th E 100 Ft Th N 149
78. 30-35-2-17-28.000-RR Parcel; 6168 Victory Drive, 35020, Lot 18 BL 2 Hudson Gardens
79. 30-35-2-17-29.000-RR Parcel; 6164 Victory Drive, 35020, Lot 17 BL Hudson Gardens
80. 30-35-2-17-34.000-RR Parcel; 6140 Victory Drive, 35020, Lot 11 Blk 2 Hudson Gardens 5/75
81. 30-25-1-27-07.001-RR Parcel; 3300 Blk 45th Street SW, 35020, Lot 9 Blk 1 Hillman Park 1st
82. 29-30-2-35-11.000-RR Parcel; 4020 Willard Avenue SW, 35221, Lot 12 & 13 Blk 5 J W Wilkes Sur
83. 29-30-2-35-10.000-RR Parcel; 4028 Willard Avenue SW, 35221, Lot 11 Blk 5 J W Wilkes Sur Sec 30 TP 18 R 3 Map B 5 P 26
84. 29-30-2-11-01.000-RR Parcel; 3901 Viola Avenue, 35221, Lo 15 Bl 2 M A Hines 1st Add to Powderly

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85. 29-20-3-13-02.000-RR Parcel; 2801 Fisk Avenue, 35211, Lot 1 Blk 4 Industrial Center
86. 29-20-3-13-03.000-RR Parcel; 2805 Fisk Avenue, 35211, Lot 2 Blk 4 Industrial Center
87. 29-20-3-13-04.000-RR Parcel; 2809 Fisk Avenue, 35211, Lot 3 Blk 4 Industrial Center
88. 29-20-3-13-05.000-RR Parcel; 2813 Fisk Avenue, 35211, Lot 4 Blk 4 Industrial Center
89. 29-20-3-13-06.000-RR Parcel; 2817 Fisk Avenue, 35211, Lot 5 Blk 4 Industrial Center
90. 29-20-3-13-08.000-RR Parcel; 2829 Fisk Avenue, 35211, Lots 7 & 8 Blk 4 Industrial Center
91. 29-20-3-14-18.000-RR Parcel; 2816 Fisk Avenue, 35211, Lot 20 Blk 5 Industrial Center
92. 29-20-3-14-19.000-RR Parcel; 2812 Fisk Avenue, 35211, Lot 21 Blk 5 Industrial Center
93. 29-20-3-14-20.000-RR Parcel; 2808 Fisk Avenue, 35211, Lots 22 & 23 Blk 5 Industrial Center
94. 29-17-2-06-22.000-RR Parcel; 720 30th Street SW, 35211, Lot 7 Blk 3 Hyde Park
95. 29-17-2-07-10.000-RR Parcel; 741 30th Street SW, 35211, Lot 31 & 32 Blk 4 Hyde Park
96. 29-17-2-07-11.000-RR Parcel; 749 30th Street, 35211, Lot 33 Blk 4 Hyde Park
97. 29-17-2-06-15.000-RR Parcel; 756 30th Street SW, 35211, Lot 3 Blk 1 Raines Add to Hyde Park
98. 29-17-2-07-13.000-RR Parcel; 757 30th Street SW, 35211, Lot 35 Blk 4 Hyde Park
99. 29-17-2-05-10.000-RR Parcel; 776 30th Street SW, 35211, Lot 3 Blk 2 Raines Add to Hyde Park
100. 29-17-2-07-33.000-RR Parcel; 700 29th Street SW, 35211, Lot 1 Blk 4 Hyde Park Sub
101. 29-17-2-08-03.000-RR Parcel; 715 29th Street SW, 35211, Lot 27 Blk 5 Hyde Park 5/30
102. 29-17-2-08-04.001-RR Parcel; 719 29th Street SW, 35211, N 40 Ft of Lot 26 Blk 5 Hyde
103. 29-17-2-08-07.000-RR Parcel; 733 29th Street SW, 35211, Lot 22 Blk 5 Hyde Park 5/30
104. 29-17-2-08-08.000-RR Parcel; 737 29th Street SW, 35211, Lot 21 Blk 5 Hyde Park T C Cairns Add to Bham NW 1/4 Sec 17 TP 18 R 3w 5/30
105. 29-17-2-07-21.000-RR Parcel; 752 29th Street SW, 35211, Lot 14 Blk 4 Hyde Park
106. 29-17-2-07-20.000-RR Parcel; 756 29th Street SW, 35211, Lots 15 & 16 Blk 4 Hyde Park

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107. 29-17-2-07-19.000-RR Parcel; 764 29th Street SW, 35211, Lot 17 Blk 4 Hyde Park
108. 29-17-2-04-08.001-RR Parcel; 2704 Garrison Avenue SW, 35211, Lot 2 Blk 1 Hyde Park 5/30
109. 29-17-2-04-07.000-RR Parcel; 2708 Garrison Avenue SW, 35211, Lot 3 Blk 1 Hyde Park
110. 29-17-2-04-06.000-RR Parcel; 2712 Garrison Avenue SW, 35211, Lot 4 Blk 1 Hyde Park
111. 29-17-2-04-05.000-RR Parcel; 2720 Garrison Avenue SW, 35211, Lots 5 & 6 Blk 1 Hyde Park
112. 29-07-4-11-08.000-RR Parcel; 1761 49th Street, 35208, Lot 9 Blk 40 Martin's Add to Bham-Ensley
113. 30-01-1-17-04.000-RR Parcel; 2913 Avenue B, 35218, Lots 4 & 5 Blk 8 Ensley Dev Co
114. 30-01-1-17-05.000-RR Parcel; 2900 Blk Avenue B, 35218, Lot 6 Blk 8 Ensley Dev Co
115. 29-05-3-15-21.000-RR Parcel; 3030 Ensley Avenue, 35208, Lot 4 Blk 6 Helena Heights
116. 29-16-1-13-03.000-RR Parcel; 1861 Pike Road, 35218, Lot 12 Blk 1 Ensley LD Co's
117. 22-27-2-14-06.000-RR Parcel; 350 22nd Avenue West, 35204, Lot 19 Blk 1 Sheppard Real Estate Cos 1st Add To Wade Tract
118. 22-34-2-05-25.000-RR Parcel; 1021 6th Place West, 35204, Lots 22 & 23 Blk 8 College Hills
119. 29-04-2-47-03.000-RR Parcel; 1323 Lomb Avenue West, 35204, Lot 3 Blk 20 Compton Rising
120. 22-27-4-30-01.000-RR Parcel; 1228 3rd Street North, 35204, Lot 8 Blk 4 Map Of New Zealand
121. 22-32-4-15-04.000-RR Parcel; 2735 Pike Road, 35208, Lots 2 & 3 Blk 13 Shadyside
123. 22-27-3-12-07.000-RR Parcel; 1145 6th Street West, 35204, Lots 9 & 10 Blk 7 Spaulding
124. 22-27-4-16-03.000-RR Parcel; 1349 3rd Street North, 35204, Lot 5 Blk 10 Map Of New Zealand
125. 22-28-2-11-14.000-RR Parcel; 222 2nd Street, 35214, Lot 15 Blk 4 Thomas
126. 22-32-3-36-02.000-RR Parcel; 2533 20th Street, 35208, Lot 3 And W 1/2 Lot 2 Blk 78 Bham Ensley Land & Imp Co
128. 22-34-4-23-02.000-RR Parcel; 337 Martha Court, 35204, Th N 69 Ft Of Th S 100 Ft Of Lot 3 Blk 15 Map Of Smithfield (South)
129. 22-34-4-23-05.000-RR Parcel; 330 Martha Court, 35204, N 34 Ft Of S 65 Ft Lot 4 Blk 15 Map Of

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Smithfield (South)

130. 22-35-3-06-01.000-RR Parcel; 615 7th Avenue North, 35203, Lots 1 Thru 5 Blk 325 Smith Park Add To Bham
131. 29-04-1-25-17.000-RR Parcel; 926 Lomb Avenue SW, 35211, Lots 14 & 15 Blk 2 West Princeton
132. 29-04-1-26-06.001-RR-01 Parcel; 1118 Lomb Avenue, 35211, Lots 23 Thru 27 Blk 3 West Princeton 4/100
133. 29-04-1-26-07.000-RR Parcel; 1116 Lomb Avenue SW, 35211, Lots 21 & 22 Blk 3 West Princeton
134. 29-04-1-26-08.000-RR Parcel; 112 Lomb Avenue, 35211, Lots 17 Thru 20 & 49 Blk 3 West Princeton
135. 29-04-1-26-10.000-RR Parcel; 1106 Lomb Avenue, 35211, Lots 12 Thru 14 Blk 3 West Princeton
136. 29-04-1-26-11.000-RR Parcel; 1102 Lomb Avenue, 35211, Lots 10 & 11 Blk West Princeton
139. 29-04-2-39-03.000-RR Parcel; 1415 1st Avenue West, 35204, Lot 10 Blk 2 Compton Rising
140. 29-04-2-39-07.000-RR Parcel; 85 15th Street West, 35204, N 50 Ft Lot 2 Blk Compton Rising
141. 29-04-2-39-09.000-RR Parcel; 1416 Lomb Avenue West, 35204, POB 100 Ft E Of The NE Inter Of Lomb Ave & 15th St W Th E 40 Ft Alg Lomb Ave W To Alley Th N 70 Ft S Alg Alley Th W 40
142. 22-15-1-12-08.000-RR Parcel; 32 40th Avenue West, 35207, Lot 5 Blk 2 Franklin GDNS
143. 22-15-1-13-08.000-RR Parcel; 33 40th Avenue West, 35207, Lot 5 Blk 3 Franklin Gardens
144. 22-15-1-12-06.000-RR Parcel; 24 40th Avenue West, 35207, Lot 7 blk 2 Franklin Gardens

The resolution was read by the City Clerk, whereupon Councilmember Royal moved its adoption with the deletion of property number fifty-six from the list, which motion was seconded by Councilmember Reynolds, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Councilmember Miller returned and took his seat as a Councilmember.

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The following resolution which was first introduced at the regular meeting on Tuesday, April 8, 2003 at 9:30 o'clock a.m., and which was held over to the regular meeting on Tuesday, May 6, 2003 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 675-03

WHEREAS, the Consolidated Submission for Community Planning and Development Programs; Final Rule, as published in the January 5, 1995 Federal Register, amends 24 CFR Parts 91, 92, 570, 574, 576, and 968 of the Code of Federal Regulations; and,

WHEREAS, said Final Rule amends the U.S. Department of Housing and Urban Development's (HUD'S) existing regulations to completely replace the current regulations for Comprehensive Housing Affordability Strategies (CHAS) with a rule that consolidates into a single consolidated submission the planning and application aspects of HUD'S Community Development block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) formula programs with the requirements for the CHAS; and,

WHEREAS, the City is presently following a five (5) year consolidated plan (or Comprehensive Housing Affordability Strategy) developed in accordance with said Final Rule that has been approved by HUD. This document consolidates the planning and submission process for four HUD Community Planning and Development (CPD) formula programs hereinafter referred to by the following acronyms: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA); and,

WHEREAS, the City has received notice from HUD of its Program Year (PY) 2003 (July 1, 2003-June 30, 2004) consolidated formula allocation for the CDBG, ESG, HOME, and HOPWA programs. The City's PY 2003 consolidated formula allocation, including anticipated program income is as follows: CDBG \$8,117,000; CDBG Anticipated Program Income \$2,000,000; CDBG Anticipated Float Funded Activity Program Income \$3,915,000; HOME \$2,347,573; HOME Anticipated Program Income \$300,000; HOPWA \$486,000; and HUD-ESG \$301,000; totaling \$17,466,573 in anticipated funding; and,

WHEREAS, the City has developed its Final PY 2003 (July 1, 2003 thru June 30, 2004) Action Plan One Year Use of Funds Budget based on the referenced PY 2003 consolidated formula allocation. However, should the City's actual PY 2003 consolidated formula allocation differ from the City's PY 2003 consolidated formula allocation as outlined herein, the Mayor shall be, and hereby is, authorized to execute any necessary adjustments to the City's Final PY 2003 Action Plan-One Year Use of Funds Budget so as to balance the sources and uses of PY 2003 consolidated formula allocation funds; and,

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WHEREAS, it is recognized that the contract for PY 2003 consolidated formula allocation funds will impose certain obligations and responsibilities upon the City and will require the Mayor, after approval as authorized herein, to execute the following Certifications and Documents referenced therein:

1) Consolidated Plan Certifications: Will require the City to: a) amend its citizen participation plan to comply with requirements of said final rule; b) comply with citizen participation requirements as prescribed in the certification; c) affirmatively further fair housing and prepare an analysis of impediments and maintain records pertaining to carrying out this certification, d) comply with the anti-discrimination requirements as prescribed in the certification; e) comply with anti-displacement and relocation plan requirements as prescribed in the certification; f) provide a drug-free workplace as prescribed in the certification; g) comply with anti-lobbying requirements prescribed in the certification; h) certify that legal authority exists under State and local law to make grant submissions; and i) comply with the acquisition and relocation requirements of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; j) comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135; and k) comply with other applicable laws.

2) Specific CDBG Certifications: Will require the City to: a) certify it has developed its Housing and Community Development plan one-year projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; b) certify it has developed a community development plan that identifies community development and housing needs and specifies both short and long-term community development objectives; c) comply with special assessment requirements prescribed in the certification; d) comply with lead-based paint requirements prescribed in the certification; e) comply with excessive force requirements prescribed in the certification.

3) Specific HOME Certifications: Will require the City to: a) comply with appropriate financial assistance requirements as prescribed in the certification; b) comply with the tenant based rental assistance requirements as prescribed if the City intends to provide tenant-based rental assistance.

4) ESG Certifications: Will require the City to: a) comply with matching requirements as prescribed; b) comply with terms of assistance requirements as prescribed; c) comply with non-profit subrecipients requirements as prescribed; d) comply with the use of commercial buildings requirements as prescribed; e) comply with the environmental requirements as prescribed; and,

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5) HOPWA Certifications: Will require: a) Activities funded under the program will meet urgent needs that are not being met by available public and private sources; b) Any building or structure assisted under that program shall be operated for the purpose specified in the plan as follows: 1) For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility; 2) For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, Alabama that, pending the completion of all federal requirements, the Mayor shall be and hereby is authorized to submit said Final PY 2003 Action Plan-One Year Use of Funds submission to HUD on or before May 16, 2003 in accordance with the PY 2003 Consolidated Formula Allocation Budget as outlined herein and shall be further authorized to execute all HUD required certifications or other forms or documents as may be required.

BE IT FURTHER RESOLVED that the Mayor shall be, and hereby is, further authorized to enter into necessary CDBG Program, HOME Program, HUD ESG Program, HOPWA Program or other necessary agreements, in a format prescribed by HUD as on file in the office of the City Clerk, up to the dollar amounts indicated as outlined in the following PY 2003 Consolidated Formula Allocation Budget to acquire, as authorized herein, necessary CDBG and HOME program housing rehabilitation services, CDBG commercial revitalization/economic development services, CDBG and ESG homeless shelter provider services, CDBG other public service activity services, and HOPWA program services from the non-profit organizations listed herein who shall provide services as a part of the City's PY 2003 Action Plan-One Year Use Of Funds submission.

PY 2003 CONSOLIDATED FORMULA ALLOCATION BUDGET:

A. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG):

1. ADMINISTRATION: \$1,994,164
(570.206)

Provide CDBG support for planning and administration of the City's Consolidated Formula Allocation grants and activities. Supportive funds will be allocated towards general program administration, legal services, planning, environmental reviews, public information, and fair housing. Also provides support for approximately 60% of the costs associated with implementation of the City's Citizen Participation Plan and the provision of services to approximately 99 neighborhood organizations. Proposed funding is as follows to be

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administered by the City's Community Development Department:

* Community Development Expenses: \$170,000

Costs associated with goods and services required for the administration of HUD funded programs.

* Community Development Housing Expenses: \$46,000

Costs associated with goods and services required for the administration of CDBG Housing Rehabilitation activities.

* Community Development Salary Expenses: \$712,132

Personnel costs associated with the administration of HUD programs.

* Community Resource Communications: \$175,000

Costs associated with the publication and provision of information to citizens organizations, neighborhood officers, and the general public relating to Community Development activities. Represents 60% of the total cost. The remaining 40% is budgeted as a public service activity.

* Community Resource Expenses: \$27,000

Costs associated with goods and services required for the administration of the Citizen Participation Program. Represents 60% of the total cost. The remaining 40% is budgeted as a public service activity.

* Community Resource Salary Expenses : \$614,032

Personnel costs associated with the administration of the Citizen Participation Program. Represents 60% of the total cost. The remaining 40% is budgeted as a public service activity.

* Indirect Costs: \$250,000

Costs paid to the City for indirect costs in accordance with the City's HUD approved cost allocation plan.

2. PLANNING & MANAGEMENT: \$219,990
(570.205 & 206)

Provide CDBG support for planning and administration of the City's Consolidated Formula Allocation grants and activities. Proposed funding is as follows to be administered by the City's Community Development Department:

* Community Development Planning & Management: \$150,000

Planning activities which consist of all costs of data gathering, studies, analysis and preparation of plans.

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* Metropolitan Birmingham Services For the Homeless (MBSH): \$69,990

Costs associated with the administration of the City's HUD approved Continuum of Care for homeless persons (\$34,990) and to support the establishment of a Homeless Management Information System (\$35,000).

3. REPAYMENTS OF SECTION 108 LOAN PRINCIPAL: \$513,731
(570.705)

Provide CDBG support for Section 108 loan repayments to be administered by the City's Community Development Department.

4. INTERIM FLOAT LOAN PROGRAM- ECONOMIC DEVELOPMENT:
(570.203)/HISTORIC PRESERVATION (570.202(d)): \$3,915,000

Provide CDBG support for Economic Development and Historic Preservation activities to promote and strengthen the economic base and the business climate through the creation and retention of jobs for low and moderate income persons. Applications for assistance are accepted Monday thru Friday at the Office of Operation New Birmingham, 505 20th Street, North, Suite 150; Birmingham, Al 35203. This activity is anticipated to generate float funded program income.

* City Center Float Loan Program: \$2,000,000

Location: City Center Master Plan Area; I-65 to the West; Highway 31 to the East; 13th Avenue South to the South; and 12th Avenue North to the North.

* Neighborhood Commercial Revitalization Float Loan Program: \$1,915,000

Location: City Wide

5. BIRMINGHAM BEACON PROGRAM -ECONOMIC DEVELOPMENT (570.203): \$325,000

Provide CDBG support for the establishment of the Birmingham BEACON Program, a new public-private partnership to work in business districts with merchants and with the business community to help organize, promote, market and manage business districts. Funding is to establish Main Street Coordinators (\$200,000) and provide for property acquisition (\$125,000) within business districts.

6. HOUSING REHABILITATION ACTIVITIES: \$5,069,719
(570.202)

Provides for the rehabilitation of owner-occupied and rental substandard structures on a City wide basis, non-profit organization housing service provider agreements, and associated program operation costs. Also includes loan processing and servicing costs, inspections, and other services related to assisting owners, tenants, contractors, and other entities,

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participating or seeking to participate in rehabilitation activities authorized under this section. Detailed descriptions of these and other housing related programs are available in the Community Development Department-Housing Division, 710 North 20th Street, Room 700; Birmingham, Al 35203. This activity is anticipated to generate program income and is to be administered by the City's Community Development Department-Housing Division on a city wide basis. Proposed funding is as follows:

A. Program Costs: \$1,305,349

Costs associated with rehabilitation services including the preparation of work specifications, loan/application processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in rehabilitation activities authorized under 24 CFR 570.202. Includes staff salaries, legal services, mortgage servicing, and other related costs.

B. Single Family Activities: \$3,130,159

1. Housing Rehabilitation: \$1,913,492

-Rehabilitation Loan Program: \$637,142

Provides long term financing up to 30 years for low-moderate income homeowners for the rehabilitation of owner-occupied single family structures, re-construction of single family houses and long term financing of reconstruction.

- Deferred Payment Loan Program: \$425,000

Provides loans to elderly (62 years or older) and disabled low income homeowners up to a maximum of \$12,500.

- Lead Based Paint Hazard Compliance and Matching Funds: \$851,350

Funds for lead based paint regulatory compliance. Includes equipment, inspection, risk assessment, project design, interim controls, abatement, testing, training, matching funds and other costs associated with regulatory compliance.

2. Rebate Grant Program: \$606,667

Provides rebate grants of eligible rehabilitation expenses not to exceed \$2,500 per low to very low income homeowner.

3. Property Acquisition/Demolition: \$100,000

Provides for acquisition of real property and related demolition costs associated with housing rehabilitation activities. Includes the clearance, demolition, transfer of and removal of buildings and improvements.

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4. Homebuyer Assistance Program: \$100,000

Provision of downpayment assistance and related closing costs to qualified low and moderate income home buyers for the purchase of single family residential properties.

5. Paint Program: \$150,000

Provision of paint to qualified low and moderate income residents to restore the exterior of homes. Administered jointly by the Housing and Community Resources Divisions of the Community Development Department and consultants.

6. Relocation: \$50,000

Funds to assist low to moderate income families and businesses with relocation expenses mandated by the Uniform Relocation Act.

7. Warranty Program: \$30,000

Provision of needed warranty rehabilitation to low and moderate income homeowners and renters.

8. Mortgage Redemption Program: \$30,000

Redemption and/or purchase of first liens on rehabilitated property in which the City holds a mortgaged interest.

9. Safe & Healthy Home Initiative: \$150,000

Provide for identification and replacement of unvented/unsafe space heaters and the installation of smoke/fire/carbon monoxide detectors for qualified homeowners/tenants with focus on households containing children exposed to health-hazards in the home environment. Includes partnering with other agencies, non-profits, business and utility groups in an effort to leverage resources available to address need.

C. Multi-Family Activities: \$50,000

-Multi-Family Loan Program: \$50,000

Provides low interest loans for multi-family structures to encourage the rehabilitation of sub-standard or aging housing.

D. Non-Profit Housing Activities: \$584,211

Assistance to non-profit organizations to provide rehabilitation services including the preparation of work specifications, loan/application processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in rehabilitation activities authorized under 24 CFR 570.202.

-Birmingham Independent Living Center: \$201,450

Provides assistance to qualified disable residential tenants and disabled homeowners to

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enable modifications to be made to their residence. Proposes to modify 86 homes at an average cost of \$1,640. The maximum allowable grant would be \$3,000 per household.

-Titusville Development Corporation: \$40,000

Provide housing rehabilitation and neighborhood revitalization activities in the Titusville Community. Proposes to provide homeownership opportunities for low income elderly and physically challenged persons.

-Neighborhood Housing Services Of Birmingham: \$95,000

Through this agency, local financial institutions, corporations and others will have an opportunity as sponsors to form partnerships with the communities served in revitalizing those areas. Activities include new construction, owner-occupied rehabilitation, refinance-rehabilitation for owner-occupants, credit counseling, first-time home ownership classes and down payment assistance. Proposed project location: Arlington West End, Oakwood Place, rising West Princeton, Woodlawn-South Woodlawn, North Crestwood-Five Points South and Bush Hills.

- HouseCalls Birmingham (World Changers): \$150,000

Provide housing rehabilitation through the use of volunteer mobilization and partnership building among various faith-based and business organizations. Funding will provide for the purchase of materials to be used by volunteer groups arranged and managed by HouseCalls and for administrative expenses involved.

-Outreach, Inc: \$72,761

Provide housing rehabilitation and neighborhood revitalization activities city wide, including homeownership opportunities. Provide direct service grants to qualified homeowners and assist homeowners in identification, access, and management of rehabilitation/construction resources. Also provide construction/rehabilitation services and assistance to other agencies and non-profits in targeted areas for revitalization.

-Rising West Princeton Corporation: \$25,000

Provide rehabilitation services & support and provide acquisition and rehabilitation activities in Rising West Princeton.

7. COMMUNITY ECONOMIC DEVELOPMENT: \$188,221
(570.204)

Fourth Avenue Historical Business District Revitalization. Proposed funding is as follows to be administered by the City's Community Development Department:

-Urban Impact: \$188,221

To continue ongoing commercial development efforts initiated in the Historic Fourth Avenue Business District through technical assistance to established business and those wishing to

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locate within the area. Agency also promotes and assists in increasing tourism through the coordination of public information and other activities in conjunction with the Civil rights Institute, Kelly Ingram Park, Alabama Jazz Hall of Fame and other area attractions. In selecting businesses to assist under this authority, the City or its designee, shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods.

8. PUBLIC SERVICE ACTIVITIES: \$1,631,175
{570.201(e)}

Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, community resources, energy conservation, welfare, emergency and transitional shelter services to homeless persons, crisis intervention services, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service, or a quantifiable increase in the level of existing service above that which has been provided by or on behalf of the City in the twelve calendar months before the submission of the City's PY 2003 Action Plan Statement. The amount of CDBG funds used for public services may not exceed 15 percent of each grant, plus 15 percent of program income received during PY 2002. The City expects to enter into Public Service Agreements with nonprofit entities to administer described activities on a city wide basis as listed below. To be administered by the City's Community Development Department.

i). Community Resource Program Activities (40%): \$423,517

To provide support for approximately 40% of the costs associated with implementation of the City's Citizen Participation Plan and the provision of services to approximately 100 neighborhood organizations.

- * Community Resource Communication Expenses (40%): 68,000
- * Community Resource Expenses (40%): \$18,000
- * Community Resource Salary Expenses (40%): \$337,517

ii). Homeless Shelter Programs: \$515,741

Men

- Aletheia House, Inc.: \$48,560

Provision of substance abuse treatment, employment readiness training, employment

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placement assistance, transportation to work, housing, meals, case management and other supportive services for homeless addicted men.

- Cooperative Downtown Ministries, Inc.: \$51,408

Homeless shelter for men in the Old Firehouse Shelter on 3rd Avenue, North providing food and shelter. The noontime soup kitchen will serve men, women, and children daily.

Women

- First Light, Inc.: \$40,000

To provide shelter and services to Birmingham's homeless women and children with an emphasis on serving the mentally ill.

- Pathways/Bread & Roses (Transitional): \$37,480

To provide transitional shelter and supportive services to homeless women and children.

- Pathways/Downtown Path Center: \$78,119

To provide shelter and supportive services to homeless women and children.

- YWCA Homeless Daycare: \$50,992

To provide shelter and supportive services to homeless women and children. To include emergency shelter for homeless victims of domestic violence and their children. Also provides transitional housing for women and children from emergency shelters. Provides childcare for homeless families in area shelters and provides transportation and permanent housing assistance for homeless YW residents.

- YWCA Homeless Daycare Transportation: \$15,000

To provide transportation for homeless children residing in local shelters to day care services at the YWCA.

Families/Other:

- Interfaith Hospitality House: \$45,220

Provision of transitional housing for homeless families including food, clothing, life skills training, case management, counseling, day care, school placement, and after school child care.

- Salvation Army: \$38,642

Provision of emergency shelter for the homeless including shelter, food, clothing at the Salvation Army Homeless Shelter complex.

Supportive Services:

- Birmingham Health Care For The Homeless: \$24,550

Provision of respite care for the homeless including outreach, medical care, case management, and counseling.

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-Bridge Ministries, Inc.: \$36,670

Provision of medications, medical supplies, dental, medical, or vision clinic fees for the homeless. Also provides temporary day care, lodging, and other services.

-New Pilgrim Bread Of Ministries: \$24,550

Provision of food to the homeless and low-income persons.

-Urban Ministry, Inc.: \$24,550

Provision of assistance to eligible clients through its community kitchen, children enrichment and tutoring program and emergency care program, and summer program for children.

Other Public Services: \$691,917

iii) Children/Youth Development/Senior Citizens:

- 4 Arts Sake Studio, Inc.: \$30,000

To continue the implementation of a 12 month dramatic arts program including drama, music, dance, creative writing and performance for up to 30 youth ages 8-16.

-Academy of Fine Arts: \$24,560

To provide a dramatic arts camp for up to 20 youth ages 8 to 14.

- Big Brothers Big Sisters of Greater Birmingham, Inc.: \$10,000

School based mentoring program that matches children ages 7-15 from single parent families or children in need of an additional role model/tutor with mentors. Mentors meet with the children in school.

- Cahaba Girl Scout Council, Inc.: \$14,730

Girl Scouting in the school day program in partnership with the Birmingham Public School system to serve low/moderate income girls.

-Center for Urban Missions, Inc.: \$39,280

Continue its programs addressing the problems of illiteracy, disconnected families, unemployment and apathy through after school education programs for youth.

-Future's, Inc.: \$28,000

Provision of an employment readiness program for high-risk and homeless youth, ages 16-23.

-Girls, Inc., Of Central Alabama: \$24,550

Provision of a supplemental educational program that addresses the developmental needs

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of youth.

-JJ's Freedom Center, Inc.: \$30,000

Provision of community-based resource center in West End to promote educational, cultural and social enhancement for low-mod income youth ages 6-18 and their families.

-Ministerial Brotherhood Ministries, Inc.: \$25,000

Provision of educational assistance to low-mod income youth through the Community Training Institute outreach component.

-Positive Maturity, Inc.-East Lake: \$19,640

Provision of services to seniors at the Shepherd Center East facility, 118 84th Street North including meals on wheels, recreation, health screens, and lectures.

-Positive Maturity, Inc-Ensley: \$20,962

Provision of services to seniors at the Western Area Adult Day Care Center, 321 19th Street, Ensley.

-Rose Garden Adult Day Services, Inc.: \$25,000

Provision of adult day services for functionally impaired adults (elderly and disabled).

iv) Employment & Housing Assistance:

-Birmingham Urban League, Inc.: \$58,254

Provision of housing counseling services to assist individuals and families in obtaining, maintaining, and retaining, decent, safe and affordable housing.

-Childcare Resources, Inc.: \$53,743

Provision of supplemental child care financial assistance to low/moderate income working families.

-Enterprise Community Job Bank: \$34,355

Provision of employment and job readiness services to eligible clients.

-Fair Housing Center of Northern Alabama: \$30,000

Provision of fair housing educational outreach programs to citizens of the Birmingham area through class room presentations, seminars, community meetings, media exposure and training.

-Legal Services of Metro Birmingham: \$53,254

Provision of legal services to eligible clients in legal matters involving dispossession from housing; public and subsidized housing issues; denials of application for housing; complaints

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concerning the habitability of rental housing; foreclosure and related problems.

v) Special Needs:

- Children's Village, Inc.: \$24,000

Provision of a home for youth designed to offer age appropriate learning activities to promote academic achievement, social skills, creative expression, and development.

-Imani New Life Recovery Program, Inc.: \$40,947

Provision of outpatient substance abuse recovery program for males and females ages 18-65.

-Mental Health Association of Central Alabama, Inc.: \$30,000

Provision of job readiness training and job placement program focusing on improving the socialization and employability skills of its clients.

-North Birmingham Community Assistance Program, Inc.: \$19,640

Provision of an emergency food assistance program for eligible families.

-Prescott House: \$30,470

To continue the provision of crisis intervention counseling, extend assessment counseling, referrals and interviewing services for child victims of sexual/physical abuse or who are witness to violent acts with assistance from child protection professionals and law enforcement agencies in preparation of case development and criminal prosecution and accompaniment for all court appearances.

-United Cerebral Palsy of Greater Birmingham, Inc.: \$25,532

Provision of comprehensive training to assist clients to live independently in the community.

9. PUBLIC FACILITIES AND IMPROVEMENTS: \$175,000

{570.201(c)}

Provides for acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements. Public facilities and improvements include, but are not limited to, Shelters for the homeless; Water and sewer facilities; Flood and drainage improvements; Fire protection facilities/equipment; Community, Senior, and Health Centers; and Parking, streets, curbs, gutters, sidewalks, parks, and playgrounds. In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Administered by the City's Community Development

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Department, and Department of Planning, Engineering & Permits.

A. Street Improvement and Drainage Improvements: \$175,000

i) Wheel Chair Ramp (City Wide): \$175,000

Construction of wheel chair ramps on a city wide basis to meet ADA compliance.

9. UNPROGRAMMED FUNDS: \$0

TOTAL PY 2003 PROPOSED USE OF CDBG FUNDS: \$14,032,000

B. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME):

The following is a summary of the activities the City intends to undertake during PY 2003 utilizing PY 2003 HOME allocations. Program to be administered by the Community Development Department-Housing Division:

1) HOME Program Administration: \$50,000

Provision of HOME Administrative costs for PY 2003. The City may allocate up to 10% of the total HOME allocation. Costs include general management, monitoring, and evaluation, staff and overhead related to carrying out of the project, including relocation services, the provision of information to residents and citizen groups, fair housing activities, and indirect costs, consultation and publication costs associated with the submission of the Consolidated Plan.

2) HOME Program CHDO Activities: \$352,136

Community Housing Development Organizations (CHDOS) are a specific type of non-profit organization, that provide decent and affordable housing to low-and very low income persons.

Fifteen percent (15%) of the City's HOME program funds have been allocated for CHDO activities.

3) HOME Program Homebuyer Activities: \$1,600,000

Provision of HOME funds for the acquisition, new construction, and acquisition/rehabilitation of homes for low and moderate income home buyers.

4) HOME Program Rental Rehabilitation Activities: \$322,718

Provision of HOME funds for the acquisition/rehabilitation, rehabilitation, and new construction of substandard or aging multi-family housing units that are suitable for

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rehabilitation.

5) HOME Program Homeowner Rehabilitation Activities: \$322,719

Provision of assistance to low and moderate income homeowners for home rehabilitation.

TOTAL PY 2003 PROPOSED USE OF HOME FUNDS: \$2,647,573

C. EMERGENCY SHELTER GRANT PROGRAM (ESG):

The following is a summary of the activities the City intends to undertake during PY 2003 utilizing PY 2003 ESG allocations. Program to be administered by the Community Development Department.

**1. Essential Services Including
Service Related To Health,
Drug Abuse, Education (30% Maximum): \$33,519**

-Family Connection: \$26,119

Provision of the Hope Mobile which disseminates essential living items such as food, clothing, blankets, jackets, and personal hygiene to homeless youth living on the streets of Birmingham.

-Urban Ministry, Inc.: \$7,400

Provision of food, shelter, and medicine to homeless persons through its Community Kitchen and Emergency Care programs.

**2. Maintenance/Operation Expenses: \$233,325
(No Salary Expenses are included.)**

-Pathways/Downtown Path Center: \$27,098

Provision of housing for homeless individuals as a part of their transitional shelter program. Also provides support services for homeless women at their day shelter such as counseling, job readiness skills, and life management skills.

-Pathways/Bread & Roses Transitional Shelter: \$38,000

Provision of expanded shelter and supportive services for homeless women and children.

-Cooperative Downtown Ministries, Inc: \$36,909

Provision of a homeless shelter for men in the Old Firehouse Shelter on 3rd Avenue North.

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-Family Connection: \$49,909

Provision of the Hope Mobile which disseminates essential living items such as food, clothing, blankets, jackets, and personal hygiene to homeless youth living on the streets of Birmingham.

-First Light, Inc.: \$20,000

Provision of an emergency shelter for homeless women and children.

-Interfaith Hospitality House: \$28,500

Provision of transitional housing for homeless families including food, clothing, life skills training, case management, counseling, day care, school placement, and after school child care.

-YWCA: \$32,909

Provision of housing for homeless women and children.

**3. Homeless Prevention Activities: \$34,156
(30% Maximum)**

Provision of homeless prevention activities to assist families that have received eviction notices or notices of termination of utility services.

- Bridge Ministries: \$27,356

- Urban Ministries, Inc.: \$6,800

TOTAL PY 2003 PROPOSED USE OF ESG FUNDS: \$301,000

D. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA):

The following is a summary of the activities the City intends to undertake during PY 2003 utilizing PY 2003 HOPWA allocations. Program to be administered by the Community Development Department and AIDS Alabama, Inc.

1. AIDS Alabama, Inc. \$486,000
3521 7th Avenue, South, Birmingham, Al

- * Rental Assistance: \$245,900
- * Supportive Services: \$98,700
- * Operating Costs: \$102,380
- * Resource Identification: \$5,000
- * Administration: \$34,020

TOTAL PY 2003 PROPOSED USE OF HOPWA FUNDS: \$486,000

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GRAND TOTAL PY 2003 PROPOSED USE OF FUNDS: \$17,466,573

BE IT FURTHER RESOLVED, that the Mayor shall be, and hereby is, authorized to execute a grant agreement, in a format prescribed by HUD as on file in the office of the City Clerk, with the Bethel-Ensley Action Task Force (BEAT) in the amount of \$30,000, pending receipt of sufficient Urban Development Action Grant Repayments, to continue staff support for BEAT housing, youth, and economic development strategies and to increase the capacity of said organization to carry out eligible neighborhood revitalization or economic development activities in accordance with Section 105(a)(20) of Title I of the housing and Community Development Act of 1974, as amended.

BE IT FURTHER RESOLVED, that the Mayor shall be, and hereby is further authorized, after receiving City Council approval as outlined herein, to execute and submit to HUD any required grantee certifications, HUD standard form 424, grant agreements, analysis of impediments to fair housing studies, amended section 3 compliance strategies, amended consolidated plan narrative or statistical information, letters of consolidated plan consistency, or other such documents as may be required by HUD to comply with applicable regulatory requirements for receipt of said PY 2003 Consolidated Formula allocation funding and to act as the authorized correspondent of the City.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman moved its adoption which motion was seconded by Councilmember Miller, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Reynolds, Smitherman, Loder

Nays: Montgomery, Sykes

Abstained: Royal

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

The following resolution which was first introduced at the regular meeting on Tuesday, April 29, 2003 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, May 6, 2003 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 676-03

BE IT RESOLVED, that the Birmingham City Council in its effort to serve the public in the most effective and efficient manner possible, hereby adopt as its operating procedure, the revised edition of the Birmingham City Council Standard Operating Procedure Employee Handbook as revised on April 29, 2003.

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The resolution was read by the City Clerk, whereupon Councilmember Loder moved its adoption which motion was seconded by Councilmember Hendricks, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Reynolds, Royal, Smitherman, Loder
Nays: Montgomery, Sykes

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

The following resolution which was first introduced at the regular meeting on Tuesday, April 29, 2003 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, May 6, 2003 at 9:30 o'clock a.m., was called by the Presiding Officer:

RESOLUTION NO. 677-03

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that Rev. Cecelia Walker Hatcher be and she hereby is appointed a voting member of the Emergency Medical Services Committee to fill the unexpired term of Larry W. Wilson, representing the Alabama Chaplains Association, said term expiring February 6, 2006, pursuant to Section 12-2-72 of the General Code of the City of Birmingham, 1980.

The resolution was read by the City Clerk, whereupon Councilmember Montgomery moved its adoption which motion was seconded by Councilmember Smitherman, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

The following ordinance was introduced by Councilmember Loder:

ORDINANCE NO. 03-51

AN ORDINANCE TO AMEND TITLE 3 , CHAPTER 2, SECTION 1
OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM.

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BE IT ORDAINED by the Council of the City of Birmingham that Title 3, Chapter 2, Section 1 "Refund of tax money paid through mistake." of the General Code of the City of Birmingham, 1980, be and is hereby amended as follows:

"Sec. 3-2-1 Refund of tax money paid through mistake.

All payments made to the city or any officer or board thereof under mistake of law or fact, upon any irregular or illegal tax assessment, or any ordinance or resolution, or any assessment for public improvements or for any such purpose whatever shall only be recoverable if written claim is filed with the city clerk within two (2) years from the time the payment was made. The director of finance shall investigate the legality and correctness of any such claim and determine the amount of refund, if any, to which any claimant may be entitled. After deducting any amounts which the claimant may owe to the city, he or she may pay the amount of any such refund not in excess of \$1,000.00 without approval other than his or her own. Nothing in this section, however, shall be construed to prohibit the council from voluntarily paying any claim filed within two (2) years from the time the money was so erroneously collected, if, in the opinion of the council, the city has available funds which are not otherwise necessary to the proper administration of the city.

The ordinance was read by the City Clerk, and unanimous consent for its immediate consideration being granted, Councilmember Loder moved its adoption which motion was seconded by Councilmember Smitherman, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

The following ordinance was introduced by Councilmember Miller:

ORDINANCE NO. 03-52

WHEREAS, the Council wishes to revisit the concept of the Birmingham Film Commission in order to establish a process that will be more effective and efficient in the recruitment and support of the commercial film and video production industry; and

WHEREAS, the current Birmingham Film Commission has not had full legislative mandate and has been inactive for a period of a year or more.

NOW, THEREFORE, BE IT ORDAINED by the Birmingham City Council that Ordinance Number 01-93 adopted July 3, 2001 creating the Birmingham Film Commission and its Executive Committee is hereby rescinded and the Birmingham Film Commission and its Executive Committee

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are hereby dissolved effective May 6, 2003.

The ordinance was read by the City Clerk, whereupon Councilmember Miller moved its adoption which motion was seconded by Councilmember Royal , and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Montgomery, Reynolds, Royal, Smitherman, Sykes
Nays: None
Abstained: Loder

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance adopted.

The following resolution was introduced by Councilmember Loder:

RESOLUTION NO. 678-03

BE IT RESOLVED by the Council of the City of Birmingham that the agreement with Birmingham Children's Theatre, Birmingham, AL, for a period of one (1) year to provide services in the Arts by continuing to provide quality professional live theatre to youth and family audiences throughout the City of Birmingham, in the amount of \$20,000.00, be and the same hereby is approved, and;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the agreement on behalf of the City.

Appropriated for in FY2003 budget.

The resolution was read by the City Clerk, whereupon Councilmember Loder moved its adoption which motion was seconded by Councilmember Smitherman, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Royal, Smitherman, Sykes, Loder
Nays: Montgomery, Reynolds

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Councilmember Abbott arrived and assumed her seat as a Councilmember.

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The following resolution was introduced by Councilmember Hendricks:

RESOLUTION NO. 679-03

BE IT RESOLVED by the Council of the City of Birmingham that payment to Accela, Inc. (formerly Tidemark Solutions), Visalia, CA, in the amount of \$134,550.00 for the purchase of Tidemark E connect software and licenses, implementation, travel, training and first year maintenance for the Planning, Engineering & Permits Department, be and the same hereby is approved; this being the only source of supply;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the contract on behalf of the City.

Appropriated for in the FY 2003 Budget

The resolution was read by the City Clerk, whereupon Councilmember Hendricks moved its adoption which motion was seconded by Councilmember Miller, and upon the roll being called the vote was as follows:

Ayes: Abbott, Hendricks, Miller, Reynolds, Royal, Smitherman, Sykes, Loder

Nays: Montgomery

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

The following resolution was introduced by Councilmember Hendricks:

RESOLUTION NO. 680-03

BE IT RESOLVED by the Council of the City of Birmingham that the Director of Finance be and is hereby authorized to make the following refunds:

OCCUPATIONAL TAX

ID# 114078 National Pizza Co., Inc.
NPC International Inc.
P. O. Box 62643
Pittsburgh, KS 66762

\$292.79

ID# 180022 Jean A. Buie
4900 Kerri Lane

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	Birmingham, AL 35215	\$307.02
ID# 127111	Guzzler Manufacturing, Inc. 575 37 th Street, North Birmingham, AL 35222	\$1,194.91
ID# 180012	Sandra E. Norman 3400 River Tree Lane Birmingham, AL 35223-2243	\$458.06
ID# 180012	Ronald Ray Brunson 3709 River Oaks Lane Birmingham, AL 35223-2119	\$232.80
ID# 100101	SouthTrust Corporation Attn: Judy Arnold Tax Compliance 210 Wildwood Pkwy; Ste 401 Birmingham, AL 35210	\$227.35
ID# 180012	Byron A. Tidd, Jr. 3349 Altaloma, Drive Birmingham, AL 35216-4283	\$729.05
ID# 180012	Lawrence E. Anderson 640 Woodbrook Road Birmingham, AL 35215	\$571.69

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TOTAL

\$4,013.67

The resolution was read by the City Clerk, whereupon Councilmember Hendricks moved its adoption which motion was seconded by Councilmember Loder, and upon the roll being called the vote was as follows:

Ayes: Abbott, Hendricks, Miller, Montgomery, Reynolds, Royal, Smitherman, Sykes,
Loder

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Councilmember Royal absented himself.

Zoning Case No. ZAC2003-00013 was re-introduced at this time, but was withdrawn per the applicant's request.

Councilmember Royal returned and took his seat as a Councilmember.

The following resolution was introduced by Councilmember Sykes:

“A Resolution commending Art Franklin.”

The resolution was read by the City Clerk, whereupon Councilmember Sykes made a motion that unanimous consent be granted to adopt said resolution, which motion was seconded by Councilmember Smitherman, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Miller, Reynolds, Royal, Smitherman, Sykes, Loder

Nays: None

Abstained: Montgomery

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to give unanimous consent for adoption of said resolution NOT adopted.

Councilmember Sykes absented herself.

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Councilmember Miller made a motion to suspend the rules to allow Diane Owens to speak, which motion was seconded by Councilmember Smitherman and adopted.

Councilmember Montgomery absented himself.

Councilmember Hendricks absented himself.

Councilmember Reynolds absented herself.

Diane Owens appeared to ask for help to find a bone marrow donor to aid her in receiving a transplant, and stated there will a blood drive and bone marrow check May 10, 2003 at St. Joseph Baptist Church from 9:00 o'clock a.m. to 5:00 o'clock p.m.

Councilmember Sykes returned and took her seat as a Councilmember.

Councilmember Hendricks returned and took his seat as a Councilmember.

Councilmember Reynolds returned and took her seat as a Councilmember.

Councilmember Montgomery returned and took his seat as a Councilmember.

Councilmember Miller recognized the Birmingham Youth Council and the Birmingham Junior Youth Council. The Youth Council spoke on their visit to Jones Valley Middle School, about violence and about cigarette vending machines in public places. The Jones Valley Middle School Junior Youth Council spoke on their concerns about youth violence and teen pregnancies.

Councilmember Miller absented himself.

The following resolution was introduced by Councilmember Smitherman:

RESOLUTION NO. 681-03

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BE IT RESOLVED by the Council of the City of Birmingham that a resolution expressing sympathy to the family of James K. Baker be prepared by Council President Lee Wendell Loder and is hereby adopted by reference in a form to be approved by the President of the Council as if set out in full herein.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman made a motion that unanimous consent be granted to adopt said resolution, which motion was seconded by Councilmember Loder, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to give unanimous consent for adoption of said resolution adopted.

Whereupon Councilmember Smitherman made a motion that said resolution be adopted, which motion was seconded by Councilmember Loder, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolution adopted.

The following resolution was introduced by Councilmember Loder:

RESOLUTION NO. 682-03

BE IT RESOLVED by the Council of the City of Birmingham that a resolution recognizing "National Drinking Water Week" in Birmingham be prepared by Council President Lee Wendell Loder and is hereby adopted by reference in a form to be approved by the President of the Council as if set out in full herein.

The resolution was read by the City Clerk, whereupon Councilmember Loder made a motion that unanimous consent be granted to adopt said resolution, which motion was seconded by Councilmember Smitherman, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to give unanimous consent for adoption of said resolution adopted.

Whereupon Councilmember Loder made a motion that said resolution be adopted, which motion was seconded by Councilmember Reynolds, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolution adopted.

The following resolution was introduced by Councilmember Loder:

RESOLUTION NO. 683-03

WHEREAS, Mr. Dwight Arthur “Art” Franklin came into the Birmingham community more than 10 years ago as a weekend anchor/reporter at WBRC TV; and

WHEREAS, Art (as we’ve all come to know him) has since made an indelible mark in the hearts and minds of the Greater Birmingham viewing audience of his velvet voice and earnest on-air presence on the Fox6 nightly news where he co-anchors the 6:00 p.m. and 9:00 p.m. news broadcasts; and

WHEREAS, Art has proven himself to be an advocate not only for his first passion of journalism where he’s accumulated more than 75 journalistic and community awards – including an Emmy and a prestigious Scripps Howard Award – but has put himself on the front lines in the battle to save our children through innovative programs like “Kids and Jobs” and documentaries like “Kids and Violence: Saving a Generation”; and

WHEREAS, Art has reported from numerous parts of the world including Spain, Italy, Puerto Rico, Honduras, France and Germany but will be most remembered here at home for his stellar, unprecedented and award-winning work right here in the streets of Birmingham; and

WHEREAS, Today, Art boldly moves on into another phase of his life and career, let it be known that we here in the Magic City have the utmost faith and belief that wherever **Art Franklin** goes, he will become a household name as he forever will be in our hearts in Birmingham.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Bernard Kincaid concurring, that we hereby salute the great journalistic and humanitarian accomplishments of **Dwight Arthur "Art" Franklin** for the years of dedicated service to the City of Birmingham and the entire Fox6 viewing area.

BE IT FURTHER RESOLVED that this Resolution, bearing the Great Seal of this City, is adopted this Sixth day of May, Two Thousand and Three at the recommendation of Councillor Gwen P. Sykes, Chair Education and Community Services.

The resolution was read by the City Clerk, whereupon Councilmember Loder made a motion that unanimous consent be granted to adopt said resolution, which motion was seconded by Councilmember Sykes, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to give unanimous consent for adoption of said resolution adopted.

Whereupon Councilmember Sykes made a motion that said resolution be adopted, which motion was seconded by Councilmember Loder, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Reynolds, Royal, Smitherman, Sykes, Loder
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared said resolution adopted.

Council President Loder absented himself and did not return to the meeting.

In the absence of the Council President, President Pro Tempore Smitherman presided over the meeting.

Councilmember Reynolds made a motion to suspend the rules to allow her to finish her report, which motion was seconded by Councilmember Montgomery and adopted.

Councilmember Reynolds absented herself.

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Councilmember Abbott made a motion to suspend the rules to call up a resolution on the agenda extending condolences to the family of James "Spider" Martin, which motion was seconded by Councilmember Smitherman and adopted.

The following resolution was introduced by Councilmember Abbott:

RESOLUTION NO. 684-03

WHEREAS, the Council of the City of Birmingham is deeply saddened by the death of James "Spider" Martin, his remarkable life and many artistic accomplishments are to be celebrated; and

WHEREAS, born on April 1, 1939 in Fairfield, Alabama, Mr. Martin's talent for photography was recognized early in life. He graduated from Hueytown High School and attended the University of Alabama. Later, as a photographer for the Birmingham News, he was assigned to chronicle the day-to-day events of the push for voting rights for blacks; and

WHEREAS, when the Southern Christian Leadership Conference and other civil rights groups planned a march from Selma to Montgomery, Spider Martin began his own journey, both professional and personal, during which he compiled what is very likely the largest single photographic collection of the civil rights era; and

WHEREAS, with an artistic eye for composition and a historian's sense of what is important, his photos show the victory, backlash and irony of the movement. They expose humanity's depths of fear and ignorance and heights of courage and determination. Most of all, they capture the true breadth of the Civil Rights Movement from its earthshaking historical significance to the small stories of brave, ordinary individuals, both black and white, whose simple acts of courage changed a nation; and

WHEREAS, his powerful photographs drew national attention to the movement and aided passage of the Voting Rights Act of 1965. They are on exhibit at the Alabama Department of Archives and History in Montgomery and have also hung in the Executive Office Building, the Smithsonian Institute in Washington DC, the High Museum of Art in Atlanta, and the Birmingham Civil Rights Institute; and

WHEREAS, those of us who were privileged to know Spider Martin will always remember his zest for life, his quirky sense of humor, his concern and work on behalf of animals, and, most of all, his overwhelming love for his two daughters, Tracey Leigh Martin of Straight Mountain and Michelle Martin Lunceford of Hueytown.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Bernard Kincaid concurring, that we hereby express our lasting gratitude for the legacy he left us and extend our deepest sympathy to the family of **MR. JAMES "SPIDER" MARTIN**.

PRESENTED the 6th day of May, Two Thousand and Three at the recommendation of Councilor Valerie A. Abbott.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman moved its adoption which motion was seconded by Councilmember Montgomery, and upon the roll being called the vote was as follows:

Ayes: Abbott, Hendricks, Montgomery, Royal, Sykes, Smitherman

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Councilmember Smitherman made a motion to suspend the rules to allow a presentation from Heifer International, which motion was seconded by Councilmember Montgomery and adopted.

Councilmember Abbott recognized members of Heifer International who spoke on urban gardening.

Councilmember Miller returned and took his seat as a Councilmember.

Councilmember Reynolds returned and took her seat as a Councilmember.

Councilmember Royal absented himself and did not return to the meeting.

Councilmember Abbott absented herself.

The following resolution was introduced by Councilmember Smitherman:

RESOLUTION NO. 685-03

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WHEREAS, it is the wishes of the Birmingham City Council to acknowledge worthy individuals while they live; and

WHEREAS, this is why we consider it a privilege and an honor to recognize and congratulate **Elder Ronald Jones and Pastor Shirley Jones** as they celebrate their 2nd Annual Appreciation as pastors of the **Healing the Hurts Deliverance Ministries** on May 11, 2003; and

WHEREAS, **Elder and Pastor Jones** answered the call of the Lord two years ago to minister to and heal the hurts of the whole man; and

WHEREAS, the Birmingham City Council would like to join the **Healing the Hurts Deliverance Ministries family** in expressing its sincere thanks and appreciation to **Elder and Pastor Jones** for touching the lives of the wounded and scorned; and

WHEREAS, our prayer for **Elder and Pastor Jones** is that God shower them with the truth and light as they continue to witness and share his word to everyone they know and meet;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, with Mayor Bernard Kincaid concurring, that we hereby commend **Elder Ronald Jones and Pastor Shirley Jones** for their unwavering efforts to share with the people of the Rising-West End Community their Godly contributions by giving, unselfishly, of themselves.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the permanent minutes of this meeting and presented to **Elder Ronald and Pastor Shirley Jones** as a small token of our honest gratitude and encouragement to continue to adhere to God's word and seek his direction in all facets of their lives.

The resolution was read by the City Clerk, whereupon Councilmember Smitherman moved its adoption which motion was seconded by Councilmember Reynolds, and upon the roll being called the vote was as follows:

Ayes: Hendricks, Miller, Montgomery, Reynolds, Sykes, Smitherman

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

Charlie L. Williams, 1554 15th Street North, appeared relative to presenting Neighborhood Services, Inc.'s, plan to receive additional funds for housing rehabilitation.

Gloria Beverly, 730 8th Avenue, West, Suite 200, representing Job Bank, appeared relative to soliciting the Council to approve a resolution on her contract next week.

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Councilmember Abbott returned and took her seat as a Councilmember.

Councilmember Miller spoke on the company which is creating an odor in the neighborhood.

THE FOLLOWING MATTER WAS DEFERRED:

Councilmember Smitherman made a motion which was seconded by Councilmember Reynolds and adopted, that an ordinance authorizing the issuance of General Obligation Refunding Warrants, Series 2002, be deferred to the regular meeting on Tuesday, May 13, 2003 at 9:30 o'clock a.m.

THE FOLLOWING MATTERS WERE INTRODUCED, READ AND DEFERRED

Councilmember Reynolds made a motion which was seconded by Councilmember Montgomery and adopted, that a resolution approving the Birmingham Airport Authority's Operating Budget for Fiscal Year ending June 30, 2004, be deferred to the regular meeting on Tuesday, May 13, 2003 at 9:30 o'clock a.m.

Councilmember Reynolds made a motion which was seconded by Councilmember Montgomery and adopted, that a resolution approving the Birmingham Airport Authority's Capital Improvement Program Budget for Fiscal Year endings June 30, 2004-2008, be deferred to the regular meeting on Tuesday, May 13, 2003 at 9:30 o'clock a.m.

Councilmember Smitherman made a motion which was seconded by Councilmember Loder and adopted, that a resolution recommending the hiring the a lobbyist in Montgomery to advance the City of Birmingham's legislative agenda, be deferred to the regular meeting on Tuesday, May 13, 2003 at 9:30 o'clock a.m.

ALL OTHER MATTERS WENT OVER

Upon motion by the Presiding Officer, the Council adjourned at 12:21 o'clock p.m.

Approved: May 13, 2003

Lee Wendell Loder/s/

PRESIDENT OF THE COUNCIL

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Lee Wendell Loder

Printed Name

Paula R. Smith/s/

CITY CLERK

Paula R. Smith

Printed Name

APPROVED AS TO FORM:

Michael Melton/s/
ASSISTANT CITY ATTORNEY

Michael Melton
Printed Name

NOTE: The following matters were withdrawn:

An Ordinance "TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM," Case No. ZAC2003-00013, to change zone district boundaries from R-7 Multiple Dwelling District to B-1 Neighborhood Business District, filed by Tammy Cohen, representing owners, University of Alabama at Birmingham, for property located at 2400 Highland Avenue and situated on Lots 6 and 7, Block 894, Birmingham in the NE 1/4 of Section 6, Township 18 South, Range 2 West, and the hearing of all interested parties.

A Resolution revoking the Private Investigator's Permit issued to Samuel Jake Bailey, d/b/a **Closed Book Investigations**, 3176 Cahaba Heights Road, Suite 200, Birmingham, for failure to file the required surety bond, and the hearing of all interested parties.

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Jim Wilson and Associates, d/b/a **The Wynfrey Hotel**, 1000 Riverchase Galleria, Birmingham, for failure to file the required liability insurance, and the hearing of all interested parties.

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A Resolution revoking the Private Investigator's Permit issued to Joe A. Ezelle, 1435 Woodland Ridge Road, Odenville, AL 35120.

Those properties declared a public nuisance by Resolution No. 484-03 on April 1, 2003, which have had the nuisance thereon abated:

2. 23-03-3-12-02.000-RR Parcel; 1633 88th Street North, 35206, Lot 2 Blk 1 Airport Gardens Sur
4. 23-03-3-14-07.000-RR Parcel; 1537 88th Street North, 35206, Lots 3 & 4 Blk 8 Springs Hghlds
5. 23-03-3-17-24.000-RR Parcel; 1632 86th Street North, 35206, Lots 21 & 22 Blk 1 Majestic Hglds
6. 23-03-3-17-28.000-RR Parcel; 1616 86th Street North, 35206, Lots 13 & 14 Blk 1 Majestic Hglds
7. 23-03-3-17-39.000-RR Parcel; 8600 Zion City Road, 35206, Lots 49 & 50 East Lawn 17/84
8. 23-03-3-17-49.000-RR Parcel; 1621 86th Street North, 35206, Lots 39 & 40 Blk 4 Majestic Hglds
9. 23-03-3-17-51.000-RR Parcel; 1629 86th Street North, 35206, Lots 35 & 36 Blk 4 Majestic Hglds
11. 23-03-3-17-54.000-RR Parcel; 1641 86th Street North, 35206, Lots 27 & 28 & 29 & 30 Blk 4 Majestic Hglds
12. 23-03-3-17-58.000-RR Parcel; 1624 85th Street North, 35206, Lots 13 & 14 Blk 4 Majestic Hglds
30. 23-03-3-17-26.000-RR Parcel; 1624 86th Street North, 35206, Lots 17 & 18 Blk 1 Majestic Hglds
31. 23-03-3-17-27.000-RR Parcel; 1620 86th Street North, 35206, Lots 15 & 16 Blk 1 Majestic Hglds
32. 23-03-3-17-29.000-RR Parcel; 1612 86th Street North, 35206, Lots 9+10+11 & 12 Blk 1 Majestic Hglds
33. 23-03-3-17-30.000-RR Parcel; 1608 86th Street North, 35206, Lots 7 & 8 Blk 1 Majestic Hglds

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34. 23-03-3-17-37.000-RR Parcel; 1516 86th Street North, 35206, Lot 3 Majestic Hglds 1st Add 79/95
35. 23-03-3-17-38.000-RR Parcel; 1500 86th Street North, 35206, POB SE Cor Lot 3 Majestic Highlands 1st Add Th E 140S Ft Alg 57th Ave N TH N 137S FT Th W 145S Ft TH S 137.5 Ft
36. 23-03-3-17-40.000-RR Parcel; 8510 Zion City Road, 35206, Beg At A Pt 222S Ft NE From The Int Of W Row Of 12th Ave N & N Row Of 85th St Th N 65S Ft Th W 176S Ft Th S-182S Ft
37. 23-03-3-17-41.000-RR Parcel; 1513 86th Street North, 35206, POB 850S Ft E Of SE Inter 67th St N & 57th Ave N Th E 300S Ft Alg 57th Ave N Th S 155S Ft Th W 300S Ft Th N 142S
38. 23-03-3-17-42.000-RR Parcel; 1529 86th Street North, 35206, Beg At A Pt 445S Ft W & 137S Ft N Of The Int Of N Row Of 85th Street & W Row Of 12th Ave North For POB Th N-142S Ft
40. 29-09-2-27-10.000-RR Parcel; 1557 Cleveland Avenue Southwest, 35211, E ½ Of Lot 2 & W 15 Ft Of Lot 3 Blk 61 West End
41. 29-20-4-02-03.000-RR-01 Parcel; 2108 Rambow Avenue Southwest, 35211, Lots 5 & 6 Blk 3 Garden hglDs Add To Powderly
50. 29-09-1-13-13.000-RR Parcel; 1432 Cotton Avenue, 35211, Lot 16 Blk 23 West End
51. 29-09-1-13-14.000-RR Parcel; 1428 Cotton Avenue, 35211, Lot 17 Blk 23 West End
54. 29-19-1-01-04.000-RR Parcel; 3121 Aspen Avenue Southwest, 35211, POB 193 Ft S W Of The SW Inter Of SW 31st St & SW Aspen Ave The W 105 Ft Alg SW Aspen Ave Th S 210 Ft Th E 105 FT Th N
55. 29-19-1-01-18.000-RR Parcel; 3216 Balsam Avenue Southwest, 35221, POB 249.9 Ft E Of The E Inter Of SW 32nd Pl & SW Balsam Ave Th E 100 Ft Alg SW Balsam Ave Th N 18 Ft To Alley Th W 100
56. 29-19-3-02-06.000-RR Parcel; 3633 Hemlock Avenue Southwest, 35221, Lot 8 Blk 1 Plat Of Central Tract Of The Pleasant Valley Land and Manufacturing Company
60. 29-21-2-14-02.000-RR Parcel; 1717 Laurel Avenue, 35211, Lot 13 Blk 18 Plat A Ishkooda
61. 29-21-2-14-04.000-RR Parcel; 1723 Laurel Avenue, 35211, Lot 11 Blk 18 Plat A

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Ishkooda

- 62. 29-21-2-14-05.000-RR Parcel; 1725 Laurel Avenue, 35211, Lot 10 Blk 18 Plat A Ishakooda
- 74. 23-03-3-17-47.000-RR Parcel; 1609 86th Street North, 35206, Lots 43 & 44 & 45 & 46 Blk 4 Majestic Hglds
- 75. 23-03-3-17-59.000-RR Parcel; 1620 85th Street North, 35206, Lots 11 & 12 Blk 4 Majestic Hglds
- 76. 23-03-3-21-16.000-RR-01 Parcel; 1513 85th Street North, 35206, Com NW Cor Se 1/4 SW 1/4 Th S 513.1 Ft Th E 400 Ft To POB Th Cont E 82 Ft Th S 141 Ft Th W 80 Ft Th N 143.3 Ft To POB
- 122. 22-15-4-07-06.000-RR-01 Parcel; 3821 1st Place West, 35207, Lots 38 & 39 Blk 5 Oakhurst Add To North Bham 8/29 Exc E 5 Ft Of SD Lots
- 127. 22-34-4-23-01.000-RR Parcel; 119 4th Terrace North, 35204, N 40 Ft Lot 3 Blk 15 Map Of Smithfield (South)
- 137. 29-04-1-26-12.000-RR Parcel; 1048 Lomb Blvd, 35211, Lots 4 Thru 9 Blk 3 West Princeton
- 138. 29-04-1-26-13.000-RR Parcel; 1038 Lomb Avenue SW, 35211, Lots 1 Thru 3 Blk 3 West Princeton