



JOHN ARCHIBALD

## City plays developers like a flute

What took place in Glen Iris last week might be mistaken for a zoning spat.

It was that and more.

What happened in and around City Hall because of Glen Iris might be thought political sabotage.

Abbottage, is more like it. Sabotage of or by Councilwoman Valerie Abbott.

It was more than that.

What happened last week, and for weeks leading to it, was yet another blow to reason in an increasingly unreasonable city. It was a flimflam, a warning shot to the world. And the message was clear:

Don't do business here. We make the rules up as we go.

At issue was Glen Iris Development Co.'s plans to build on five acres once used by the Knights of Columbus. The group proposed single-family homes, but the housing market crashed and Katrina caused construction costs to rise. They leaned toward apartments or condos, but the neighborhood wiggled.

Now don't get me wrong. I don't give a hoot whether they build single-family homes, or condos or a space needle up to Mars. I do care that people and businesses are treated fairly and honestly by the city.

Forget for a moment what you think about zoning or single-family homes. Don't get lost in Glen Iris neighborhood opinions, which shifted faster than Joel Montgomery's beady eyes, or in public bias against all but traditional homes.

Try to look with a clear mind at a selected series of events laid out by records, letters and meeting minutes. Is it fair?

► At January's Glen Iris Neighborhood Association meeting, Abbott says it would be in Glen Iris' interest to work with the developers. She proposes a resolution that would allow apartments. It passes 17-2, and the developers go to work.

► At February's Glen Iris Neighborhood meeting, members say they oppose apartments. On Abbott's suggestion they vote — 34-1 — to rescind the January resolution.

► In late April, Mayor Larry Langford suggests the developers can afford to build single-family houses if the city builds the roads. The group responds that it likes the idea, but asks for three weeks to study the financials.

► Langford ignores the request for time and on May 5 summons the developers, saying he will end the city's redevelopment agreement with the company. He says it's good for them because Glen Iris zoning allows apartments, and they can proceed. They all sign the termination papers, and Langford asks when they'll break ground. Publicly, he says his decision comes because he no longer trusts Abbott.

► At the City Council meeting the next day, Langford urges the council to rezone the property to single-family residential, making it impossible for developers to do what he asked the day before.

It is subterfuge and dishonesty. And tricky business as usual.

Again, forget what you think about Glen Iris, for there is a bigger issue. Why would investors risk money to build in Birmingham, where they can be downzoned on a whim?

Why, really, would any reasonable company do business in a city that operates like a scam?

Pretty soon they won't.

John Archibald's column appears Sundays, Tuesdays and Thursdays. Write him at [jarchibald@bhamnews.com](mailto:jarchibald@bhamnews.com).

*"It is not the city's responsibility to do the access roads and the sidewalks in front of anybody's property, including the school system."*

Mayor Larry Langford



NEWS STAFF/JEFF ROBERTS

George Pruitt hammers rebar supports Monday to hold concrete forms in place as a Birmingham Public Works crew prepares a new sidewalk to link two old sections along 10th Avenue South in Birmingham. The crew hopes to put the concrete down today and have the job finished by Thursday, workers said.

## Mayor wants schools to pay for sidewalks

### Langford plans to redirect money to Fair Park

By JOSEPH D. BRYANT and ERIN STOCK  
News staff writers

The Birmingham school board has both the responsibility and the money to pay for sidewalks and other improvements near schools, Mayor Larry Langford said.

Langford wants the City Council to take \$7.9 million in bond funds budgeted for sidewalk construction and repair and apply it toward redeveloping Fair Park and Five Points West. The mayor also wants the council to consider enforcing a state law that holds property owners, not the city, responsible for the upkeep of existing sidewalks. Doing so could save the city millions, Langford said.

"It is not the city's responsibility to do the access roads and the sidewalks in front of anybody's property, including the school system," Langford said. "It really isn't our responsibility, though we do it and really should do it whenever we can."

Section 11-49-2 of the Code of Alabama states that sidewalks may be repaired by cities at the expense of the abutting property owners.

Langford said it is unnecessary to spend city money for projects the school system could handle on its own.

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## Pinson man pleads guilty in traffic death

By ERIC VELASCO  
News staff writer

A Pinson man who was driving a van that fatally struck a 14-year-old boy pleaded guilty in a Birmingham courtroom Monday to a felony in connection with the 2005 death.

Frederick J. Cunningham, 57, pleaded guilty to leaving the scene of an accident involving death or injuries.

About 9:30 p.m. on Dec. 29, 2005, Michael Blake Hand was skateboarding with some friends on Sharon Church Road when he was struck by a van Cunningham was driving.

The Jefferson County Sheriff's Office quickly found the van, which was damaged

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## Best seat in the garden



NEWS STAFF/JERRY AYRES

Workers from Planted Earth Horticulture, a seasonal flower service, plant a bed of new flowers Monday before the statue of Ralph Waldo Beeson. The statue sits on a park bench at the entrance to Centennial Walk on the Samford University campus in Homewood. Beeson was a major supporter of the school, leaving it an estate gift of \$54.8 million.

## Riley says he will sign ban on indoor smoking

### Proposal must first pass state House

By DAVID WHITE  
News staff writer

MONTGOMERY — Former cigarette smoker Gov. Bob Riley said Monday that he would sign into law a broad ban on indoor smoking at workplaces and public places, if the bill were to pass the Legislature next week.

"I think it's a good bill. I really do," Riley said. "I think that anything that we can do to prevent people from smoking is something that we need to continue to do."

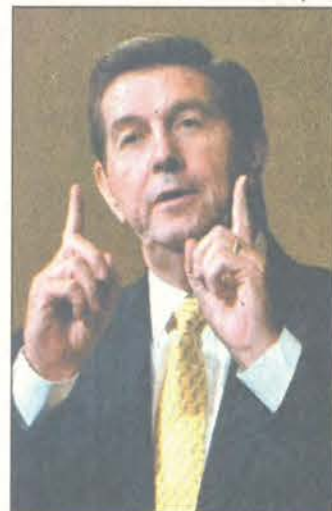
Riley used to smoke Winston Lights but said he kicked the habit last summer while on vacation.

The state Senate on April 30 passed Senate Bill 229, which would ban people from smoking cigarettes, cigars or pipes in restaurants, stores, malls, convention halls, theaters, sports arenas and many other public indoor places.

It also would ban smoking in all indoor workplaces, even those not usually open to the public.

The bill could become law if the state House of Representatives also passes it Monday, the last meeting day of this legislative session, which started Feb. 5.

Riley could kill any pro-



NEWS STAFF/JOE SONGER

Gov. Bob Riley, a former smoker, says he will sign into law a proposed smoking ban if it passes the Legislature next week.

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► Gov. Riley signs bill to keep non-criminal teens out of DYS / 2B

posed statute passed by the Legislature on the last day simply by not signing it into law. The plan's sponsor, Sen. Vivian Davis Figures, D-Mobile, said she was happy to hear Riley would sign the ban if it clears the Legislature.

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### BIRMINGHAM SCHOOLS

## Parents air worries, raise questions about consolidation

By ERIN STOCK  
News staff writer

Parents affected by this year's five Birmingham city school closings voiced concerns and asked questions Monday about the transition, citing worries about crowding, safety and class schedules.

A panel of school personnel fielded more than 20 written questions. About 40 people, including school employees, attended the 30-minute session at the Davis Center.

Susan Palmer, whose child will be a freshman at Jackson-Olin High next fall because West End High is closing, asked how school officials would handle gangs. When Ensley High School students

were moved to Jackson-Olin in 2006, there was strife between students and between teachers, Palmer said.

The police department decides where to place officers in the school system, but school officials can decide to hire additional security, said Aaron Moyana, school safety officer. He encouraged parents to contact police immediately if they observe bad behavior.

One parent wanted to know when the transition plans would be finalized. Interim Superintendent Barbara Allen said all principals and teachers will know where they are

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## Huckabee backs Cavanaugh in Alabama PSC race / 2B

## Rove offers to answer Siegelman queries in writing

By MARY ORNDORFF  
News Washington correspondent

WASHINGTON — Former White House political adviser Karl Rove has declined a request to testify before Congress about the criminal case against former Gov. Don Siegelman and instead made a counteroffer to answer questions in writing, Rove's attorney said Monday.

Democrats on the House Judiciary Committee had given Rove until Monday to agree to appear voluntarily, and said they would issue a subpoena if he declined. Siegelman, a Democrat, has alleged that Rove influenced the federal investigation that led to his conviction in 2006 on corruption charges. Rove has denied he interfered in the case.

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