

Council to consider Overton zoning

By HANNAH WOLFSON
News staff writer

The Mountain Brook City Council plans to hold a special meeting Monday to vote on a zoning amendment that would allow the construction of a condominium, retail and office development in Overton Village.

The change is being made to pave the way for a condo project with three buildings in Mountain Brook and one in Vestavia Hills. Overton Village, as the development is called, would include 62 condominiums, offices and ground floor shopping and restaurants. It has already received the necessary zoning approvals from Vestavia Hills.

But Mountain Brook's zoning laws allow mixed-use developments only on three or more acres, and this project is 2.3 acres in two cities.

The amendment would allow 1.5-acre mixed use in Overton Village alone. The city's Planning Commission came up deadlocked on the change, forwarding it to the City Council with no recommendation.

Some officials have said they would rather wait for any zoning changes until the city completes its master plan for the villages, which are being designed by consultants Gould Evans Associates. But the planning process,

originally scheduled to wrap up in September, could now stretch into next spring or summer. Developers Leitman-Perlman-Rich Inc. say they'd be financially damaged if they have to wait that long to begin.

"I feel like they ought to have a chance to move forward," said Councilman Jesse Vogtle. "It's not their fault Gould Evans is not moving." The council held a public hearing on the amendment at its latest meeting but did not agree to bring it to a vote.

A few residents spoke out against the change, saying they're worried about setting a precedent.

"It doesn't seem right to isolate one project and find regulations that allow the project to be built," said John Carraway, an English Village resident who has fought mixed-use zoning.

If the change goes through, the Planning Commission could begin to consider the Overton Village plans at its next meeting, Jan. 11.

Monday's meeting is set for 8 a.m. at City Hall. The council will also consider a liquor license request for Bella Bistro on Church Street and declare surplus property for auction.

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State discourages cigarettes but relies on tax

By PHILLIP RAWLS
The Associated Press

MONTGOMERY — It's the ultimate mixed message: Alabama government spends money to encourage people not to smoke, but it relies heavily on cigarette taxes to fund prisons, mental health centers and other important functions of government.

Cigarette taxes are the third biggest tax source for the state General Fund budget. Alabama's property taxes, which are the lowest in the nation, rank fifth.

"It's amazing in this state that we have campaigns to encourage people not to smoke, but we rely more on cigarette taxes than property taxes," said Rep. John Knight, chairman of the House Government Finance and Appropriations Committee.

Alabama is not alone. Cigarette taxes are big revenue producers in most states.

Alabama expects to take in \$162 million this fiscal year. Georgia is looking at \$247 million and Florida at \$452 million. Michigan leads the nation at

TAXES SUPPORTING GENERAL FUND BUDGET

Major tax sources for the 2006 state General Fund budget and the percentage they contributed to the budget:

- ▶ Insurance premium taxes: 14.5%
- ▶ Oil and natural gas severance taxes: 8.5%
- ▶ Cigarette taxes: 7.7%
- ▶ Sales taxes: 7.6%
- ▶ Property taxes: 6.6%
- ▶ Liquor taxes: 4.9%
- ▶ Lease taxes: 4.2%

Source: Legislative Fiscal Office

\$1.1 billion in anticipated revenue, according to a recent survey by the Campaign for Tobacco-Free Kids.

Alabama also expects to collect \$94.3 million this year from tobacco companies as part of the national tobacco settlement. Keeping that money coming in

future years depends on keeping the companies profitable.

In late 2004, the Alabama Legislature and Gov. Bob Riley got together to raise the state cigarette tax from 16.5 cents a pack to 42.5 cents to generate more money for the General Fund budget that finances non-education programs.

Surveys by the state Department of Public Health found the tax hike didn't discourage smokers. About one-fourth of Alabama adults were smoking before the tax hike and about the same amount after it.

"We were hoping to see a decrease in consumption, but we didn't," said Diane Beeson, director of the department's tobacco prevention and control program.

Some states have raised their taxes more than \$1 per pack and that hasn't reduced consumption. One economic study found that taxes would have to exceed \$7 per pack before people would give up the addictive habit due to high taxation, Beeson said.

Alabama's budget for helping

people stop smoking is tiny compared to the revenue the state gets from cigarettes.

The budget, \$682,000 for the current fiscal year, ranks 46th among the states and is 2.6 percent of what the Centers for Disease Control recommends that Alabama should spend for a first-rate program.

The budget funds educational programs and free nicotine patches for two weeks for those who want to try to quit smoking. So far, 32 percent of those who have gone through the patch program have not returned to smoking one month after they completed the program, Beeson said.

While cigarettes are a big revenue source for the state, Beeson likes to flip the numbers around and look at how much smoking-related illnesses cost the state: an estimated \$1.38 billion a year.

"When you look at what it costs us and what we get back, it's a huge gap," she said. "Our medical expenses far exceed our taxes."

HOW THEY VOTED

Targeted News Service

WASHINGTON — Following are recent votes by Alabama members of Congress on key issues:

House of Representatives

Oil and gas leases:

The House on Dec. 8 rejected an amendment to the Tax Relief and Health Care Act (H.R. 6111) that would have required a company seeking a new lease for oil or gas exploration on public lands to renegotiate the terms of its existing leases. Proponents said oil and gas companies are not required to pay royalties on some older leases, taking billions out of federal coffers. Opponents argued that the amendment would prevent passage of the bill in the Senate. The vote was 205-207.

Voting for: Democrat Artur Davis of Birmingham.

Voting against: Democrat Bud Cramer of Huntsville; Republicans Robert B. Aderholt of Haleyville, Spencer Bachus of Vestavia Hills, Jo Bonner of Mobile, Rep. Terry Everett of Rehobeth and Mike Rogers of Saks.

Tax Relief and Health Care Act:

The House on Dec. 8 passed the amended Senate version of H.R. 6111 that extends tax credits for workers, research and development tax credits, allows some college tuition deductions, alters the Medicare payment system and allows individuals to choose either income or sales tax deductions on federal tax returns. The bill also allows for accelerated energy exploration in the Gulf of Mexico. Proponents said the bill helps create jobs and secure energy independence, and grants some tax relief. Opponents said the bill was short-sighted and should be considered in the new Congress. The vote was 367-45.

Voting for: Republicans Aderholt, Bachus, Bonner, Everett and Rogers; Democrats Cramer and Davis.

Defense Department reporting:

The House on Dec. 8 failed to suspend the rules to pass a bill that would have required the Defense Department to assign a grade to projects inserted into the department's budget by Congress and to report back annually. Proponents said H.R. 6375 was designed to make sure money did not become pork barrel spending. Opponents argued that the bill would usurp congressional appropriations powers, and more comprehensive earmark legislation should be taken up by the new Congress. The vote was 70-330.

Voting against: Republicans Aderholt, Bachus, Bonner, Everett and Rogers; Democrats Cramer and Davis.

Trade legislation:

The House on Dec. 8 passed a bill that establishes normal trade relations with Vietnam (H.R. 6406). It also extends trade preferences to sub-Saharan Africa and the Andean countries and establishes trade preferences for Haiti. Proponents said the bill will help the economy grow. Opponents said it was too costly, adding billions to the federal deficit. The vote was 79-9.

benefits, and Haiti is the poorest country in the hemisphere and needs support. Opponents said the U.S. should not be supporting the communist dictatorship in Vietnam. The vote was 212-184.

Voting for: Democrats Cramer and Davis.

Voting against: Republicans Aderholt, Bachus, Bonner, Everett and Rogers.

Continuing appropriations:

The House on Dec. 8 passed H.J. Res. 102, which provides funding through Feb. 15 for agencies covered by nine appropriations bills that have not been completed. The resolution also puts congressional pay raises on hold until February. The vote was 370-20.

Voting for: Republicans Aderholt, Bachus, Bonner and Everett; Democrats Cramer and Davis.

Voting against: Republican Rogers.

U.S. and India nuclear cooperation:

The House on Dec. 8 passed the House-Senate conference report on a bill (H.R. 5682) that allows trade of nuclear materials and technology with India, which has not signed a non-proliferation pact. Proponents said the bill supports a growing democracy in Asia. Opponents said it sends the wrong message to developing nuclear powers. The vote was 330-59.

Voting for: Republicans Aderholt, Bachus, Bonner, Everett and Rogers; Democrats Cramer and Davis.

FDA reports:

The House on Dec. 9 passed a bill (S. 3546) that requires manufacturers, packers and distributors of dietary supplements to inform the FDA of reports of serious or adverse reactions within 15 business days. Proponents said timely reporting to the FDA is a public safety issue. Opponents said that, while the bill was broad and poorly executed. The vote was 203-98.

Voting for: Republicans Aderholt and Everett.

Voting against: Republicans Bachus, Bonner and Rogers.

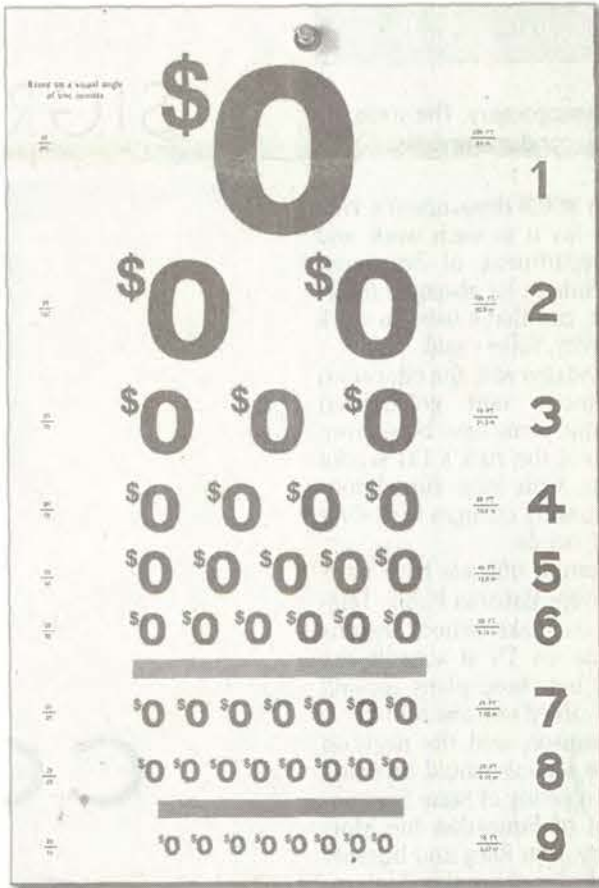
Not voting: Democrats Cramer and Davis.

Senate

Tax relief and trade bills:

The Senate on Dec. 8 passed H.R. 6111, which extends tax credits for workers, research and development tax credits, allows some college tuition deductions, alters the Medicare payment system and offers a choice of either income or sales tax deductions on federal tax returns for individuals. The bill also accelerates drilling in the Gulf of Mexico. The trade bill (H.R. 6406) that establishes normal trading relations with Vietnam and extends trade preferences to sub-Saharan Africa and the Andean countries and establishes trade preferences for Haiti was incorporated in the Senate vote. Proponents said the bill will help the economy grow. Opponents said it was too costly, adding billions to the federal deficit. The vote was 79-9.

Voting for: Republicans Jeff Sessions and Richard C. Shelby.



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