

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 25, 2025

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, February 25, 2025, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Daves, Wood, and Gregory
Absent: Reynolds

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 25, 2025

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Government Plaza on Tuesday, February 25, 2025, at 10:30 a.m., for the regular meeting.

The meeting was called to order by the City Clerk.

Father Dan Good, Public Safety Chaplain offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: President Small called for a moment of silence in recognition of the recent death of Deputy Chief Alexander G. Trenier with the Mobile Fire-Rescue Department.

Present on Roll Call:

Chairman: Small
Vice-Chairman: Gregory
Councilmembers: Penn, Carroll, Daves, and Woods
Absent: Reynolds

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council’s Rules of Procedure.

APPROVAL OF MINUTES

January 28 and February 11, 2025

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson announced that a gun violence town hall meeting will be held on Thursday, March 13, 2025 at Revelation Missionary Baptist Church at 5:30 p.m.

Mayor Stimpson stated that the Community Affairs Department will be hosting a prom dress donation drive from February 10 to March 11, 2025.

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Mayor Stimpson read and presented a proclamation to Wayne Dean in recognition of his 40 years of service as “Chief Slac” during Mobile’s Carnival season.

NOTE: Councilmember Gregory presented a proclamation to Shayla Holloway to celebrate her as the new Distinguished Young Woman of Alabama.

NOTE: Councilmember Small introduced Layla Fikes, fourth grader at Mary B. Austin Elementary School, to present the poem “Black Statue of Liberty” in recognition of Black History Month.

ADOPTION OF THE AGENDA

Councilmember Penn moved to adopt the agenda, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

APPEALS

Request of Leah Frances Johnson for a waiver of the Noise Ordinance at 1906 Spring Hill Avenue on May 17, 2025, from 7:00 p.m. – 11:00 p.m. (District 1).

Councilmember Daves moved to approve the waiver, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver granted.

Request of Bryson Mims for a waiver of the Noise Ordinance³ at 1255 Spring Hill Avenue on March 3, 2025, from 12:00 p.m. – 9:00 p.m. (District 2).

Councilmember Daves moved to approve the waiver, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver granted.

Request of Marcelle Naman for a waiver of the Noise Ordinance at 407 Conti Street on March 15, 2025, from 6:00 p.m. – 11:00 p.m. (District 2).

Councilmember Daves moved to approve the waiver, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver granted.

Request of Julia Hatley for a waiver of the Noise Ordinance on Canal Street, between Broad Street and Washington Avenue on March 29, 2025, from 11:00 a.m. – 3:30 p.m. (District 2).

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Councilmember Daves moved to approve the waiver, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver granted.

Request of Carrie Coats for a waiver of the Noise Ordinance at 180 Lyons Park Avenue on September 12-14, 2025, from 6⁰⁰30 a.m. – 6:30 p.m. (District 2).

Councilmember Daves moved to approve the waiver, which was seconded by Councilmember Woods and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING THE ISSUANCE OF GENERAL OBLIGATION WARRANTS.

The Presiding Officer announced that today was the day for the public hearing to consider an ordinance regarding the issuance of general obligation warrants and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER THE APPLICATION OF CYNTHIA CRENSHAW FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE.

The Presiding Officer announced that today was the day for the public hearing to consider the application of Cynthia Crenshaw for a certificate of public convenience and necessity to operate a shuttle service and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER THE APPLICATION OF CARLOS DIXON FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE.

The Presiding Officer announced that today was the day for the public hearing to consider the application of Carlos Dixon for a certificate of public convenience and necessity to operate a shuttle service and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER THE APPLICATION OF ANGEL WILLIAMS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SEDAN SERVICE.

The Presiding Officer announced that today was the day for the public hearing to consider the application of Angel Williams for a certificate of public convenience and necessity to operate a sedan service and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced later in the meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGENDA ITEMS:

Reggie Hill, Mobile, AL, offered comments about FY26 budget (public opinion re: accruing debt), public safety (implementing police training requirements), legal authority (Municipal Court, OPR, and the legal department), Civic Center (City violations), 2-62 (request for plain definitions and interpretation of Code), and housing (responsibility and oversight COM has over Housing Authority).

ORDINANCES HELD OVER

CONSIDER REZONING PROPERTY LOCATED AT 5301 MOFFETT ROAD FROM B-2 TO B-3. The following ordinance which was introduced and read at the regular meeting of January 7, 2025, and held over until the regular meetings of January 14, January 28, February 11 and February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 64-001-2025

Sponsored by: Councilmember Gregory

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

THAT CERTAIN LOT OF LAND BOUND BY A LINE DESCRIBED AS FOLLOWS, TO WIT; BEGINNING AT A POINT ON THE NORTH LINE OF OVERLOOK ROAD 230 FEET WEST OF THE NORTHWEST INTERSECTION OF OVERLOOK ROAD AND OLD MOFFAT ROAD; THENCE NORTH 89°-27'- 00" WEST, ALONG THE NORTH LINE OF OVERLOOK ROAD, A DISTANCE OF 469.44 FEET TO A POINT; THENCE NORTH 00°-23'-00" EAST, A DISTANCE OF 25 FEET TO A POINT; THENCE SOUTH 89°-37'-00" EAST, A DISTANCE OF 40 FEET TO A POINT; THENCE NORTH 00°-23'-EAST, A DISTANCE OF 25 FEET TO A POINT; THENCE NORTH 89°-37'-00" WEST, A DISTANCE OF 190 FEET TO A POINT; THENCE SOUTH 00°-23'-00" WEST, A DISTANCE OF 120 FEET TO A POINT ON THE NORTH LINE OF OVERLOOK ROAD; THENCE NORTH 89°-37'-00" WEST, ALONG THE NORTH LINE OF OVERLOOK ROAD, A DISTANCE 30 FEET TO A POINT; THENCE NORTH 00°- 23'-00" EAST, A DISTANCE OF 250 FEET TO A POINT; THENCE NORTH 10°- 36'-21" EAST, A DISTANCE 398.28 FEET TO THE CENTERLINE OF A 50 FOOT WATER LINE EASEMENT; THENCE NORTH 89°-51'-30" EAST ALONG THE CENTERLINE OF SAID EASEMENT, A DISTANCE OF 147.58 FEET TO THE SOUTH LINE OF MOFFAT ROAD SERVICE ROAD; THENCE SOUTH 41°-02'- 40" EAST, ALONG THE SOUTH LINE OF SAID SERVICE ROAD, A DISTANCE OF 1.83 FEET TO THE PC OF A 1507.40 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF

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552.95 FEET ALONG THE SOUTH LINE OF SAID SERVICE ROAD TO THE NORTHWEST CORNER OF PROPERTY CONVEYED BY OVERLOOK VILLAGE, INC. TO B. CLIFFORD PRINGLE, JR., ET AL, BY DEED DATED SEPTEMBER 12, 1963 AND RECORDED IN REAL PROPERTY BOOK 451, PAGE 326 OF THE RECORDS IN THE OFFICE OF THE PROBATE COURT OF MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 00°-23'-00" WEST, A DISTANCE OF 305.20 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from B-2, Neighborhood Business Suburban District, to B-3, Community Business Suburban District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in a B-3, Community Business Urban District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-3, Community Business Urban District until all of the conditions set forth below have been complied with: 1. Completion of the Subdivision process; 2. Compliance with the development provisions of Article 3 of the Unified Development Code; 3. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and 4. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

The ordinance was read by the City Clerk, whereupon Councilmember Gregory moved to hold the ordinance over for one week, which was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for one week until the regular meeting of March 5, 2025.

ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 34, "LODGING TAX", OF THE CODE OF THE CITY OF MOBILE. The following ordinance which was introduced and read at the regular meeting of January 28, 2025 and held over until the regular meetings of February 4, February 18, and February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 34-004-2025

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile (the "City") is committed to maintaining and improving public infrastructure and amenities to benefit residents and visitors alike; and

WHEREAS, tourism and overnight lodging are vital components of the local economy, contributing to business activity and employment in the City; and

WHEREAS, an adjustment to the lodging tax rate will ensure a fair contribution from visitors benefiting from City resources and services during their stays; and

WHEREAS, the lodging tax rate within the City has remained unchanged for approximately twenty years, and will remain competitive with comparable municipalities, even with the adjustment set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

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MOBILE, ALABAMA, THAT:

SECTION 1. Section 34-101 of Chapter 34 of the Mobile City Code is hereby repealed and replaced in its entirety with the following:

Levy of tax – City.

There is hereby imposed, levied and assessed against every person engaged in the business of operating hotels, motels, short-term rentals, tourist courts, tourist cabins, lodging houses and rooming houses renting to transients, in addition to all license taxes heretofore imposed, and now existing against them, a license tax equal to ten (10) percent of the gross receipts received by each such person from the renting of rooms within the city, including the charge for use or rental of personal property and services furnished in such room.

SECTION 2. Section 34-102 of Chapter 34 of the Mobile City Code is hereby repealed and replaced in its entirety with the following:

Levy of tax – Police jurisdiction.

There is hereby imposed, levied and assessed against every person engaged in the business of operating hotels, motels, short-term rentals, tourist courts, tourist cabins, lodging houses and rooming houses renting to transients, in addition to all license taxes heretofore imposed, and now existing against them, a license tax equal to five (5) percent of the gross receipts received by each such person from the renting of rooms within the police jurisdiction, including the charge for use or rental of personal property and services furnished in such room.

SECTION 3. Section 34-102 of Chapter 34 of the Mobile City Code is hereby repealed and replaced in its entirety with the following:

Allocation of revenues.

(a) Allocation of four-fifths of revenues:

- i. Convention facility. Two (2) percent of four-fifths of the revenues derived from the lodging tax imposed by section 34-101 shall be designated for the expense incurred in building, marketing, operating and financing the convention facility, and for payments of any amounts by the city due under any lease with respect to the convention facility.
- ii. Capital improvement fund. Two (2) percent of four-fifths of the revenues derived from the lodging tax imposed by section 34-101 shall be designated to the capital improvement fund.
- iii. General Fund Operating Budget. Ninety-six (96) percent of four-fifths of the revenues derived from the lodging tax imposed by Section 34-101 shall be designated to the general fund.

(b) Allocation of one-fifth of revenues:

- i. Mobile Airport Authority. One hundred (100) percent of one-fifth of the revenues derived from the lodging tax imposed by Section 34-101, up to and not to exceed three million dollars (\$3,000,000.00) per fiscal year, shall be designated for expenses incurred by the Mobile Airport Authority at the Mobile International Airport. This allocation shall remain in effect for a period of ten (10) years from the effective date of this ordinance.
- ii. Mobile Arena Facility Debt Service. One hundred (100) percent of one-fifth of the revenues derived from the lodging tax imposed by Section 34-101 above the three million dollars (\$3,000,000.00) described in subsection (b)(i) shall be designated for debt service incurred in constructing and financing the Mobile Arena. This allocation shall remain in effect for a period of twenty (20) years from the effective date of this ordinance or until the initial debt incurred for the Mobile Arena has been retired, whichever is earliest.
- iii. General Fund Operating Budget. Upon the retiring of the Mobile Arena debt service,

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as described in subsection (b)(ii), one hundred (100) percent of one-fifth of the revenues derived from the lodging tax imposed by Section 34-101 shall be designated to the general fund.

SECTION 4. SEVERABILITY: In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the section, subsection, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

SECTION 5. REPEALER: All City Code sections and ordinances or parts of City Code sections and ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. NOTICE TO ALABAMA DEPARTMENT OF REVENUE: No later than March 1, 2025, the City Clerk shall cause a certified copy of this ordinance to be delivered to the Alabama Department of Revenue as required by law.

SECTION 7. EFFECTIVE DATE: This ordinance shall become effective on May 1, 2025, upon its adoption and publication as required by law.

The ordinance was read by the City Clerk, whereupon Councilmember Gregory moved to hold the ordinance over for two weeks, which was seconded by Councilmember Carroll, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for two weeks until the regular meeting of March 11, 2025.

DETERMINE WHETHER THE MOBILE TOURISM IMPROVEMENT DISTRICT SHOULD BE CONTINUED, MODIFIED, OR TERMINATED. The following ordinance which was introduced and read at the regular meeting of February 4, 2025 and held over until the regular meetings of February 18 and February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 50-005-2025

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, the patterns of urban development have had substantial adverse impacts upon business districts that are vital to the economy of the State of Alabama and the City of Mobile; and

WHEREAS, Senate Bill No. 146 was signed into law by the Governor of the State of Alabama on May 3, 2004 ("Enabling Law"); and

WHEREAS, the Enabling Law authorizes the City of Mobile, as a Class 2 municipality, to provide for the creation and maintenance of Self-Help Business Improvement Districts within its boundaries through the adoption of an Ordinance; and

WHEREAS, Senate Bill No. 112 was signed into law by the Governor of the State of Alabama on May 20, 2019, amending the Enabling Law; and

WHEREAS, the amendments to the Enabling Law allows for the creation and maintenance of a Self-Help Business Improvement District for the purpose of providing supplemental, tourism promotional services to businesses and to levy assessments against those businesses benefiting from the tourism promotion services; and

WHEREAS, on May 19, 2020, the City Council adopted Ordinance No. 50-014-2020 (the

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“2020 Ordinance”), creating the Mobile Tourism Improvement District (the “District”); and

WHEREAS, the 2020 Ordinance contains a Sunset Provision requiring that the City Council determine whether the District should be continued, modified, or terminated; and

WHEREAS, the Enabling Law provides for amendment of a self-help business improvement district upon petition by the owners of businesses, consistent with the requirements for petitions to form the district; and

WHEREAS, on January 28, 2025, business owners within the boundaries of the District in excess of the number required by the Enabling Law, as amended, and the Ordinance, petitioned the City Council to continue the District with modified terms; and

WHEREAS, on January 28, 2025 the City Council set February 4, 2025 as the date for a public hearing to determine whether the District should be continued and modified; and

WHEREAS, on December 18, 2024, the 2025-2030 Mobile Tourism Improvement District Plan was mailed to all owners, as identified in the City’s records, of businesses within the proposed Mobile Tourism Improvement District; and

WHEREAS, on January 14, 2025 notice of the date, time, and place set for the public hearing, and a copy of the notice was posted in at least three places located within the geographical area proposed to be included in the proposed Mobile Tourism Improvement District as required by Section 11-54B-45 of the Enabling Law; and

WHEREAS, the City Council wishes to adopt an Ordinance to continue and modify the District; and

WHEREAS, the City Council determines that adoption of ordinances such as this constitute an essential minimum function of the Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mobile, that in order to continue and modify the District, Article IV of Chapter 50, Mobile City Code (1991) titled “Mobile Tourism Improvement District” is hereby amended as follows:

Section 1. Declaration of Public Policy and Purposes.

(a) The designation of the geographic area described in Section 4 of this Ordinance as a Self-Help Business Improvement District is intended to directly benefit assessed lodging businesses within the area by increasing room night sales and revenue therefrom. Mobile Tourism Improvement District activities and improvements will increase overnight tourism and market assessed lodging businesses as tourist, meeting and event destinations, thereby increasing room night sales and revenue therefrom. Increasing overnight tourism in the City of Mobile contributes to the health, prosperity, and welfare of the people of the City of Mobile and, therefore, is an act which is in furtherance of the best interests of the City and its citizens.

(b) The City Council finds that owners of lodging businesses with 40 rooms or more comprising at least 60% of the annual assessment and the owners of at least 50% of the number of businesses with 40 rooms or more located within the proposed MTID have signed and submitted petitions in support of the formation of the MTID. The City Council accepts the petitions and certifies that the petitions have met the requirements of the Enabling Law.

(c) The purpose of this Ordinance is to:

(1) Designate, establish, and maintain the geographic area described in Section 4 of this Ordinance as the Mobile Tourism Improvement District; and Designate a district management corporation to provide supplemental services within the District; and

(2) Impose a special assessment upon the owners of lodging businesses with 40 rooms or more located within the District to finance the cost of the supplemental services that

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will be provided by the district management corporation in the District; and

(3) Provide for the submission of certain reports to the City by the district management corporation; and

(4) Provide a sunset provision pursuant to which City Council may continue, modify, or terminate the District; and

(5) Provide an effective date for the provisions of this Ordinance.

Section 2. Definitions.

For purposes of this Ordinance, the following terms shall have the respective meanings ascribed by this Section

(a) Baseline Services means the level of funding for tourism promotion provided to the Mobile Convention and Visitors Corporation by the City of Mobile, as provided in the Baseline Services Agreement.

(b) Baseline Services Agreement means the contract between the City, the Mobile Convention and Visitors Corporation, and the Corporation setting out the services that will be provided in the District by the City, the Mobile Convention and Visitors Corporation, and the Corporation.

(c) Board of Directors means the board of directors of the Corporation selected in accordance with the District Plan and the Enabling Law.

(d) City means the City of Mobile, Alabama.

(e) City Council means the Mobile City Council.

(f) Corporation means the Mobile Area Lodging Corporation, an Alabama not-for-profit corporation that is designated and authorized by this Ordinance to manage the District as the district management corporation.

(g) District means the Mobile Tourism Improvement District, the area of which is designated by Section 3 and 4 of this Ordinance, and in which a Special Assessment is levied by this Ordinance on the owners of lodging businesses with 40 rooms or more located within the District for the purposes of receiving Supplemental Services.

(h) District Plan means the Mobile Tourism Improvement District's District Plan, dated December 12, 2024 and filed in accordance with Section 11-54B-44 of the Enabling Law.

(i) Special Assessment means the amount levied and collected by the City and forwarded to the Corporation for the purposes of financing the costs of Supplemental Services for the District.

(j) Supplemental Services means the programs, services, and improvements to be provided and maintained by the Corporation within the District. The term includes not only the programs, services, and improvements described in the District Plan, but also such additional programs, services, and improvements as the Board of Directors of the Corporation may determine to provide and maintain within the District after the date of adoption of this Ordinance.

Section 3. Establishment of the Mobile Tourism Improvement District.

There is hereby established a District, the geographic boundaries of which are set forth in Section 4 of this Ordinance, to be named the "Mobile Tourism Improvement District".

Section 4. Geographic Boundaries of the Mobile Tourism Improvement District.

The geographic boundaries of the District include all lodging businesses with 40 rooms or

more, existing or in the future, located within the boundaries of the City. The geographic boundaries of the District may also be seen in Appendix 2. The lodging businesses that are liable for the Special Assessment are listed in Appendix 1.

Section 5. Designation of Mobile Area Lodging Corporation.

(a) Designation. The Corporation is hereby designated as the district management corporation for the District. The Corporation is hereby authorized and empowered to receive all Special Assessment revenues collected by the City, less the City's one percent (1%) collection and administration fee, and to provide Supplemental Services within the District.

(b) Board of Directors. The Corporation shall be managed by a Board of Directors in accordance with the District Plan, the articles of incorporation filed with the District Plan, and the Enabling Law. No amendment of the articles of incorporation or bylaws shall be effective unless approved by the Board of Directors.

(c) Compensation. Board members shall receive no compensation for their services as Directors, but shall be entitled to receive reimbursement for expenses actually incurred in the performance of duties as approved by the Board.

(d) Budget Required. No funds received by the Corporation from Special Assessment shall be expended except in accordance with the budget adopted or amended under the provisions of the District Plan.

(e) Powers. The Corporation may do all things necessary to implement its purposes as described in Section 11-54B-50 of the Enabling Law and in the District Plan.

(f) Eminent Domain. The Corporation shall not have the power of eminent domain.

(g) Facilities Not Deemed Nuisance; Liability. No moveable furniture, structure, facility, or appurtenance, or activity located or permitted in a District shall, by reason of location or use, be deemed a nuisance or unlawful obstruction or condition, notwithstanding any rule or regulation or principal of law pertaining to the use of public streets and highways. Neither the City nor any user acting under permit shall be liable for any injury to person or property, unless the furniture, structure, facility, or use shall be negligently constructed, maintained, or operated.

(h) Public Meetings. After designation of the District, the Corporation shall hold, at least annually, a general and public meeting appropriately advertised in the District at a place convenient to persons concerned with the operation of the District.

(i) Written Comments. The Corporation shall receive written suggestions from businesses in the District at any time.

(j) City Representatives May Attend Meetings. One or more representatives designated by the Mayor and the City Council shall be authorized to attend and participate in regular and called meetings of the Board of Directors of the Corporation; provided, however, that such representatives shall not vote on any matters considered by such Board.

(k) Dissolution. Upon dissolution of the Corporation or a withdrawal of the Corporation's designation as the district management corporation for the District, the Board of Directors of the Corporation shall, after paying or making provision for the payment of all of the liabilities of the Corporation, transfer and assign all interests in and title to funds held by or for the Corporation and property of the Corporation to the successor district management corporation for the District; or, if no such successor corporation exists, to the City for use in funding such programs as the Board of Directors of the Corporation shall designate.

Section 6. Imposition of Special Assessment; Exemptions.

(a) Levy. There is hereby levied a Special Assessment upon all owners of lodging

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businesses with 40 rooms or more located within the District. The levy shall be in effect on and after May 1, 2025, subject to the sunset provisions in Section 13 of this Ordinance. The amount of the Special Assessment, and the means and methods of its collection, shall be as provided for in the District Plan. For the second five-year term of the District, to last from May 1, 2025 through April 30, 2030, the rate of the Special Assessment shall be capped at, and shall not exceed, the amount stated in the District Plan.

(b) **Businesses Subject to Special Assessment.** A listing by parcel number, street address, and lot and block number of all lodging businesses with 40 rooms or more located in the District, as shown by the Mobile County Tax Records as of the date of this Ordinance, is set out in the attached Appendix 1.

(c) **Exemption for Residential Properties.** The District shall not assess properties which are determined to be single-family, owner-occupied residential properties.

(d) **Exemptions.** Based on the benefit received, the following stays will not be assessed:

(1) A continuous stay of 31 days or more; provided that the first 30 days will be assessed;

(2) Stays at camps, conference centers, or similar facilities operated by nonprofit organizations primarily for the benefit of, and in connection with, recreational or educational programs for children, students, or members or guests of other nonprofit organizations during any calendar year;

(3) Stays at privately operated camps, conference centers, or similar facilities that provide lodging and recreational or educational programs exclusively for the benefit of children, students, or members or guests of nonprofit organizations during any calendar year;

(4) Stays at corporate housing facilities;

(5) Stays at campgrounds; and

(6) Complimentary room stays provided by the lodging business owner to a guest.

Section 7. Default in Payment of Assessments.

(a) **Default.** The obligation to pay any Special Assessment due shall be in default if such Special Assessment is not paid on or before the due date for such payment.

(b) **Corporation to Reimburse City for Collection Costs.** The Corporation shall reimburse the City for any costs associated with collecting unpaid Special Assessments. If sums in excess of the delinquent District Special Assessment are sought to be recovered in the same collection action by the City, the Corporation shall bear its pro rata share of such collection costs.

(c) **Penalties and Interest.** Assessed lodging businesses which are delinquent in paying the Special Assessment shall be responsible for paying:

(1) **Failure to Timely File.** Any lodging business that files a return after the due date is subject to a penalty equal to the greater of ten percent (10%) of the Special Assessment required to be paid or \$50.00.

(2) **Failure to Timely Pay.** Any lodging business that submits a payment after the due date is subject to a penalty of ten percent (10%) of the delinquent Special Assessment.

(3) **Interest.** In addition to other penalties, if a lodging business fails to timely pay the City any Special Assessment due, there shall be added as interest one percent (1%) of the total amount due if the delinquency is not for more than one month, with an additional one percent (1%) for each additional month or fraction thereof under which the delinquency continues.

(4) **Penalties Merged with Special Assessment.** Every penalty imposed as such interest

as accrues shall become part of the Special Assessment herein required to be paid.

Section 8. Licenses and Permits.

To the extent the operations of the Corporation require permits, licenses, or other approvals, the fees, costs, and expenses associated with obtaining such license, permits, or approvals are waived.

Section 9. Annual Reports and Audits.

(a) Within ninety (90) days after the close of its fiscal year, the Corporation shall make an annual report of its activities during such year to the City Council. The annual report shall include, at a minimum:

(1) A financial statement for the preceding year, including a balance sheet, statement of income and loss and such other information as is reasonably necessary to reflect the Corporation's actual performance, certified by the Corporation's treasurer; and

(2) The budget for the current fiscal year.

(b) A copy of each annual report shall be sent to the Mayor, the City Council, and to all lodging business owners of the District by first class mail or by personal delivery.

(c) Within ninety (90) days after the close of the Corporation's fiscal year, the Corporation shall cause an annual audit of its books, accounts, and financial transactions to be made by a certified public accountant. The Corporation's annual audit shall be completed and filed with the City Council within four (4) months after the close of the Corporation's fiscal year. Certified copies of the audit shall also be filed with the Mayor and the finance director of the City.

Section 10. Execution of Baseline Services Agreement.

The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Baseline Services Agreement with the Corporation and the Mobile Convention and Visitors Corporation regarding the level of services to be maintained by the City within the District and the Supplemental Services which will be provided by the Corporation, as outlined in the contract presented herewith and made a part hereof as though set forth in full. The Baseline Services Agreement shall provide that the City shall provide funding for tourism promotion to the Mobile Convention and Visitors Corporation in the annual amount provided in the definition of Baseline Services as set forth herein. The Baseline Services Agreement shall also provide that all costs of the Supplemental Services provided by the Corporation in the District shall be financed through the levy by the City of the District Special Assessment on the owners of lodging businesses with 40 rooms or more located within the geographical area of the District, and such other revenue as the Corporation may receive.

Section 11. Police Powers not Waived; etc.

(a) Notwithstanding the capital improvements to be provided by the Corporation in the District, the City shall retain its police powers and other rights and powers relating to any streets or parts thereof constituting or included in the District, and no action shall be interpreted to construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of the District pursuant to this Ordinance is a matter of regulation only.

(b) The Corporation shall have no power or authority to pledge or mortgage any assets or property owned by the City as collateral for any loan, and the Corporation shall have no power or authority to do any act that would create or cause a lien or encumbrance to be place on assets or property owned by the City; and provided further that the good faith and credit of the City shall not be pledged as collateral for any such loan, the City shall have no obligation to repay any such loans, and such loans shall not constitute a general obligation or indebtedness of the City.

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(c) All construction and maintenance work shall be performed in accordance with all applicable federal, state, and City requirements, code, and ordinances, including, but not limited to the "Mobile Rights of Way Construction and Administration Ordinance", Chapter 57, Mobile City Code.

(d) Nothing in this Ordinance shall affect or impair the City's control and jurisdiction over all property, streets, sidewalks, and public rights-of-way within the District. The powers and authority now residing with, or hereafter granted to the City, and all powers and authority herein granted shall be exercised by the Corporation in accordance with all applicable federal, state, and City requirements, codes, and ordinances.

(e) The Corporation shall have no authority to permit or authorize any structure, facility, fixture, or appurtenance to be built or located in on upon any public street, road, or right-of-way that blocks, impedes, or interferes with the use or enjoyment of such street, road, or right-of-way. This prohibition is not intended to, and it shall not apply to, temporary and moveable fixtures such as tents or stands that are located on the streets, roads, and rights-of-way during special events.

Section 12. Amendment of Ordinance

The provisions of this Ordinance may be amended upon the written request of a representative group of the owners of lodging businesses, with 40 rooms or more, located within the District. Such request shall specify the content of the desired amendment (or amendments). Such requests must also include the signatures of the owners of lodging businesses in the District, with 40 rooms or more, representing at least 60% of the annual assessment and the owners of at least 50% of the number of lodging businesses, with 40 rooms or more, in the District.

Section 13. Sunset Provision

(a) Within ninety (90) days after the adoption and approval of the fifth annual budget for the District, the City Council shall set a hearing to determine whether the District should be continued, modified, or terminated. After said hearing, the City Council may vote to continue, modify, or terminate the District.

(b) At least twenty (20) days before the hearing, notice of the date, place, and time of such hearing shall be posted in a least three (3) places within the District and mailed, along with a new District Plan, to the owner of each lodging business, with 40 rooms or more, who paid assessments to the District during the previous year as certified by the collector of such assessments. The new District Plan shall contain all of the following items:

(1) A description of the Supplemental Services to be provided in the District.

(2) A budget outlining the annual cost of the Supplemental Services described in subdivision (1).

(3) A description of the method which will be used to determine the amount of the Special Assessment to be levied on the owners of the lodging businesses located within the District to finance the Supplemental Services described in subdivision (1).

(4) The number of years, not to exceed five years that the Special Assessments described in subdivisions (3), will be levied.

(5) Copies of the articles of incorporation, bylaws, and any amendments thereto, of the Corporation designated by the District Plan to provide the Supplemental Services to the District.

(c) At this hearing, the District shall be terminated if the City Council is presented a petition objecting to the continuation of the District that is signed by the owners of lodging businesses, with 40 rooms or more, representing 60% of the proposed annual assessment, located within the District and the owners of at least 50% of the number of lodging businesses with 40 rooms or more, located within the District. The effective date

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of termination shall be at the end of the fiscal year next following the hearing.

BE IT FURTHER ORDAINED THAT this Ordinance shall be effective thirty (30) days from the date of its adoption as required by the Enabling Law; provided, however, that if the owners of lodging businesses, with 40 rooms or more, representing 60% of the proposed annual assessment located within the District, and the owners of at least 50% of the number of lodging businesses, with 40 rooms or more, located within the District, file written objections to the establishment of the District with the City Clerk of the City of Mobile, the provisions of this Ordinance shall be null and void and no District shall be created.

The ordinance was read by the City Clerk, whereupon Councilmember Gregory moved to hold the ordinance over for two weeks, which was seconded by Councilmember Carroll, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for two weeks until the regular meeting of March 11, 2025.

CONSIDER THE PROPOSED MODIFICATION OF A PREVIOUSLY APPROVED PLANNING APPROVAL FOR PROPERTY LOCATED AT 6254 HOWELLS FERRY ROAD. The following ordinance which was introduced and read at the regular meeting of February 18, 2025 and held over until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 64-007-2025

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planning Approval was approved on November 21, 2013 to allow a church in an R-1, Single-Family Residential Suburban District, on property located at 6254 Howells Ferry Road and described as follows:

LOT 1, REDEEMED COMMUNITY CHURCH SUBDIVISION, AS RECORDED IN MAP BOOK 132 PAGE 92, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA

WHEREAS, the owner of said property applied for a Major Modification of the Planning Approval on October 22, 2024, allowing a church in an R-1, Single-Family Residential Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on December 19, 2024 and recommended approval of the Major Modification of the Planning Approval subject to the following conditions:

1. Revision of the site plan to provide, the hours of operation for the after-school care and summer camp services, along with the maximum number of children and the number of employees;
2. Retention of the required tree planting and landscape area calculations on the final site plan;
3. Revision of the site plan to depict compliance with the off-street parking requirements for all uses of the site;
4. Retention of a note on the final site plan regarding the church's use of a private waste removal service;
5. Revision of a note on the final site plan stating the site shall continue to comply with the parking lot lighting requirements of Section 64-3-9.C. of Article 3 of the UDC;

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6. Provision of a note on the final site plan stating future development or redevelopment of the property, or any changes to the scope of operations, including hours of operation, number of children, etc. may require approval by the Planning Commission and City Council;
7. Compliance with all Engineering comments noted in the staff report;
8. Compliance with all Traffic Engineering comments noted in the staff report;
9. Compliance with all Urban Forestry comments noted in the staff report;
10. Compliance with all Fire Department comments noted in the staff report;
11. Provision of revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and,
12. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Having considered the applicable factors, the request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- G. Shall not be detrimental or endanger the public health, safety or general welfare.
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the modification of the Planning Approval is hereby approved with the following required conditions:

1. Revision of the site plan to provide the hours of operation for the after-school care and summer camp services, along with the maximum number of children and the number of employees;
2. Retention of the required tree planting and landscape area calculations on the final site plan;
3. Revision of the site plan to depict compliance with the off-street parking requirements for all uses of the site;
4. Retention of a note on the final site plan regarding the church's use of a private waste removal service;
5. Revision of a note on the final site plan stating the site shall continue to comply with the parking lot lighting requirements of Section 64-3-9.C. of Article 3 of the UDC;
6. Provision of a note on the final site plan stating future development or redevelopment of the property, or any changes to the scope of operations, including hours of operation, number of children, etc. may require approval by the Planning Commission and City Council;
7. Compliance with all Engineering comments noted in the staff report;
8. Compliance with all Traffic Engineering comments noted in the staff report;
9. Compliance with all Urban Forestry comments noted in the staff report;
10. Compliance with all Fire Department comments noted in the staff report;
11. Provision of revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and,
12. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

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The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–007 Series 2025, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 12, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of February, 2025.



City Clerk

CONSIDER THE PROPOSED MODIFICATION OF A PREVIOUSLY APPROVED PLANNING APPROVAL FOR PROPERTY LOCATED AT 6208 GROTTO ROAD. The following ordinance which was introduced and read at the regular meeting of February 18, 2025 and held over until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 64-008-2025

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planning Approval was approved on June 4, 2015 to allow the expansion of an existing college in an R-1, Single-Family Residential Suburban District, on property located at 6208 Grotto Road (Private Street) and described as follows:

COMMENCING AT THE S.E. CORNER OF SECTION 37, T4S-R2W, MOBILE COUNTY ALABAMA; THENCE ALONG THE EAST LINE OF SAID SECTION 37, RUN N 00°45'40"W 1869.12 FEET TO A POINT; THENCE RUNS 89°22'19"W 621.46 FEET TO A POINT; SAID POINT BEING AT THE SOUTHWEST CORNER OF INTERSTATE HIGHWAY NO. 65 AND SOUTH AVENUE; THENCE CONTINUING S 89° 22'19"W RUN ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SOUTH AVENUE A DISTANCE OF 610.82 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUNS 10°10'W 535.54 FEET TO A POINT; SAID POINT BEING ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF SPRING HILL BUSINESS PARK, AS RECORDED IN MAP BOOK 56, PAGE 70 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE COURT OF MOBILE COUNTY, ALABAMA; THENCE ALONG SAID WESTWARD PROJECTION AND ALONG SAID SOUTH BOUNDARY LINE OF SPRING HILL BUSINESS PARK, RUNS 79°50'E 600.0 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY NO. 65; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUN S 10°10'W 519.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUN N 79°50'W 44.0 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTWARDLY AND HAVING A RADIUS OF 7351.73 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUN SOUTHWESTWARDLY ALONG SAID ARC OF CURVE A DISTANCE OF 264.0 FEET TO THE NORTHEAST CORNER OF COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO AS RECORDED IN MAP BOOK 20, PAGE 61 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE NORTH BOUNDARY LINE OF

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SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN N 76°49'W 552.21 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN N 79°50'W 430.0 FEET TO THE NORTHWEST CORNER OF SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO; THENCE ALONG THE WEST BOUNDARY LINE OF SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN AS FOLLOWS: S 10°05'30"W 743.01 FEET, S 64°40'30"W 680.22 FEET, S 24°39'W 27.25 FEET TO A POINT ON THE NORTH TERMINUS OF MONTLIMAR DRAINAGE CANAL; THENCE ALONG SAID NORTH TERMINUS, RUN N 65°21'W 85.0 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID MONTLIMAR DRAINAGE CANAL; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN S 24°39'W 493.80 FEET TO THE P.C. OF A CURVE TO THE LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF 25°00' AND A RADIUS OF 1960.10 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 855.25 FEET TO THE P.T. OF SAID CURVE; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN S 89°39'W 10.0 FEET TO APPOINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUNS 00°21'E 220 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF DAUPHIN STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF DAUPHIN STREET, RUN WESTWARDLY 1815 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF YESTER OAKS, SECTION NINE AS RECORDED IN MAP BOOK 59, PAGE 64 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE EAST BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 01°02'30"W 370.0 FEET TO THE NORTHEAST CORNER OF SAID YESTER OAKS, SECTION NINE; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 80°01'20"W 107.34 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 80°01'20"W 107.34 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF YESTER OAKS, SECTION NINE, RUN N 88°10'45"W 290.0 FEET TO THE NORTHWEST CORNER OF SAID YESTER OAKS, SECTION NINE; SAID POINT ALSO BEING THE NORTHEAST CORNER OF YESTER OAKS, SECTION FIVE AS RECORDED IN MAP BOOK 17, PAGE 116 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION FIVE, RUN AS FOLLOWS: N 83°55'W 291.76 FEET, N 41°46'W 39.70 FEET, S 87°51'W 180.0 FEET, S 59°36'30"W 158.35 FEET, S 85°47'00"W 180.40 FEET TO A POINT ON THE EAST BOUNDARY LINE OF YESTER OAKS, SECTION FOUR AS RECORDED IN MAP BOOK 17, PAGE 115 OF SAID PROBATE COURT RECORDS; THENCE ALONG SAID EAST BOUNDARY LINE OF YESTER OAKS, SECTION FOUR, RUN N 00°05'45"E 220.0 FEET ON THE NORTHEAST CORNER OF SAID YESTER OAKS, SECTION FOUR; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION FOUR, RUN S 88°57'30"W 150.0 FEET TO A POINT; THENCE RUN N 00°05'45"E 49.75 FEET TO A POINT ON THE EAST BOUNDARY LINE OF SECTION ONE, YESTER OAKS AS RECORDED IN MAP BOOK 9, PAGE 14 OF SAID PROBATE COURT RECORDS; THENCE ALONG SAID EAST BOUNDARY LINE OF SECTION ONE, YESTER OAKS, RUN AS FOLLOWS: N 54°14'40"E 334.01 FEET, N 18°49'40"E 581.56 FEET, N 11°57'42"E 464.43 FEET, N 01°32'18"W 439.09 FEET, N 38°20'11"W 311.20 FEET, N 46°25'06"W 101.34 FEET, N 38°51'41" 282.85 FEET, N 18°44'44"W 41.40 FEET TO THE NORTHEAST CORNER OF SAID SECTION ONE, YESTER OAKS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID SECTION ONE, YESTER OAKS, RUN N 81°08'14"W 14.22 FEET TO A POINT; SAID POINT BEING THE SOUTHEAST CORNER OF RESUBDIVIDED AND AMENDED PERRY PLACE AS RECORDED IN MAP BOOK 85, PAGE 55 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE EAST BOUNDARY LINE OF SAID RESUBDIVIDED AND AMENDED PERRY PLACE AND A NORTHWARD PROJECTION THEREOF, RUN N 01°13'22"W 550.97 FEET TO A POINT; THENCE RUNS 89°45'22" E 92.30 FEET TO A POINT; THENCE RUN N 00°14'30" E 562.12 FEET TO A POINT; THENCE RUN N 89°53'17" W 96.54 FEET TO A POINT; THENCE RUN N 00°06'43" E 284.53 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN N 66°32'30"E 176.64 FEET TO THE NORTHWEST

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CORNER OF A.N.B. SUBDIVISION AS RECORDED IN MAP BOOK 35, PAGE 50 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE WEST BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RUN S 20°33'E 183.03 FEET TO THE SOUTHWEST CORNER OF SAID A.N.B. SUBDIVISION; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RUN N 66°32'30"E 166.94 FEET TO THE SOUTHEAST CORNER OF SAID A.N.B. SUBDIVISION; THENCE ALONG THE EAST BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RUN N 08°12'E 214.74 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN N 66°32'30"E 422.72 FEET OF THE P.C. OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE TO A POINT WHICH BEARS N 71°50'E 148.46 FEET FROM THE LAST DESCRIBED POINT; THENCE RUNS 00°01'43" E 442.52 FEET TO A POINT; THENCE RUN N 88°55'44" E 950.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF COLLEGE LANE; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF COLLEGE LANE RUNS 00°21'15" E 492.23 FEET; THENCE RUN N 89°38'45" E 40.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COLLEGE LANE; THENCE ALONG SAID EAST RIGHT OF WAY LINE RUN N 00°02'15" W 492.93 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LOYOLA LANE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF LOYOLA LANE RUN N 89°20'45" E 476.78 FEET; THENCE RUNS 00°21'15" E 503.97 FEET TO A POINT; THENCE RUN N 89°22'19" E 2586.42 FEET TO THE POINT OF BEGINNING. CONTAINING 353 ACRES, MORE OR LESS.

ALSO: LOTS 19, 20, 21, 22 & 23, COLLEGE PARK NORTHWESTERN QUADRANGLE, UNIT TWO ACCORDING TO PLAT RECORDED IN MAP BOOK 20, PAGE 61 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, ALSO LOT 24 A, COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RESUBDIVISION OF LOTS 24 AND 27 AS PER PLAT RECORDED IN MAP BOOK 69, PAGE 44 OF SAID PROBATE COURT RECORDS, CONTAINING 11.0191 ACRES.

WHEREAS, the owner of said property applied for a Major Modification of the Planning Approval on November 19, 2024, allowing the expansion of an existing college in an R-1, Single-Family Residential Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on December 19, 2024 and recommended approval of the Major Modification of the Planning Approval subject to the following conditions:

1. Provision of a note on the Planning Approval site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Revision of the site plan to indicate a compliant enclosure for the dumpster;
3. Provision of a note on the Final Planning Approval site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report;
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of a revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Having considered the applicable factors, the request will not adversely affect the health,

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safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;

E. Is subject to adequate design standards to provide ingress and egress that minimize traffic

hazards and traffic congestion on the public roads;

F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and

G. Shall not be detrimental or endanger the public health, safety or general welfare.

H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the modification of the Planning Approval is hereby approved with the following required conditions:

1. Provision of a note on the Planning Approval site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Revision of the site plan to indicate a compliant enclosure for the dumpster;
3. Provision of a note on the Final Planning Approval site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report; .
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of a revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

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

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–008 Series 2025, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 12, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of February, 2025.



City Clerk

CONSIDER THE PROPOSED MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 6208 GROTT ROAD. The following ordinance which was introduced and read at the regular meeting of February 18, 2025 and held over until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 64-009-2025

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development was approved on June 4, 2015 to amend the Master Plan of an existing college in an R-1, Single-Family Residential Suburban District, on property located at 6208 Grotto Road (Private Street) and described as follows:

COMMENCING AT THE S.E. CORNER OF SECTION 37, T4S-R2W, MOBILE COUNTY ALABAMA; THENCE ALONG THE EAST LINE OF SAID SECTION 37, RUN N 00°45'40"W 1869.12 FEET TO A POINT; THENCE RUN S 89°22'19"W 621.46 FEET TO A POINT; SAID POINT BEING AT THE SOUTHWEST CORNER OF INTERSTATE HIGHWAY NO. 65 AND SOUTH AVENUE; THENCE CONTINUING S 89°22'19"W RUN ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SOUTH AVENUE A DISTANCE OF 610.82 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN S 10°10'W 535.54 FEET TO A POINT; SAID POINT BEING ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF SPRING HILL BUSINESS PARK, AS RECORDED IN MAP BOOK 56, PAGE 70 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE COURT OF MOBILE COUNTY, ALABAMA; THENCE ALONG SAID WESTWARD PROJECTION AND ALONG SAID SOUTH BOUNDARY LINE OF SPRING HILL BUSINESS PARK, RUNS 79°50'E 600.0 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY NO. 65; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUNS 10°10'W 519.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUN N 79°50'W 44.0 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTWARDLY AND HAVING A RADIUS OF 7351.73 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 65, RUN SOUTHWESTWARDLY ALONG SAID ARC OF CURVE A DISTANCE OF 264.0 FEET TO THE NORTHEAST CORNER OF COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO AS RECORDED IN MAP BOOK 20, PAGE 61 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN N 76°49'W 552.21 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN N 79°50'W 430.0 FEET TO THE NORTHWEST CORNER OF SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO; THENCE ALONG THE WEST BOUNDARY LINE OF SAID COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RUN AS FOLLOWS: S 10°05'30"W 743.01 FEET, S 64°40'30"W 680.22 FEET, S 24°39'W 27.25 FEET TO A POINT ON THE NORTH TERMINUS OF MONTLIMAR DRAINAGE CANAL; THENCE ALONG SAID NORTH TERMINUS, RUN N 65°21'W 85.0 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID MONTLIMAR DRAINAGE CANAL; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUNS 24°39'W 493.80 FEET TO THE P.C. OF A CURVE TO THE LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF 25°00' AND A RADIUS OF 1960.10 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 855.25 FEET TO THE P.T. OF SAID CURVE; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN S 89°39'W 10.0 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF MONTLIMAR DRAINAGE CANAL, RUN S 00°21'E 220 FEET, MORE OR LESS, TO A POINT ON THE NORTH

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RIGHT OFWAY LINE OF DAUPHIN STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF DAUPHIN STREET, RUN WESTWARDLY 1815 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF YESTER OAKS, SECTION NINE AS RECORDED IN MAP BOOK 59, PAGE 64 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE EAST BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 01°02'30"W 370.0 FEET TO THE NORTHEAST CORNER OF SAID YESTER OAKS, SECTION NINE; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 80°01 '20"W 107.34 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION NINE, RUN N 80°01 '20"W 107.34 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY LINE OF YESTER OAKS, SECTION NINE, RUN N 88° 10'45"W 290;0 FEET TO THE NORTHWEST CORNER OF SAID YESTER OAKS, SECTION NINE; SAID POINT ALSO BEING THE NORTHEAST CORNER OF YESTER OAKS, SECTION FIVE AS RECORDED IN MAP BOOK 17, PAGE 116 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION FIVE, RUN AS FOLLOWS: N 83°55'W 291.76 FEET, N 41 °46'W 39.70 FEET, S 87°51'W 180.0 FEET, S 59°36'30"W 158.35 FEET, S 85°47'00"W 180.40 FEET TO A POINT ON THE EAST BOUNDARY LINE OF YESTER OAKS, SECTION FOUR AS RECORDED IN MAP BOOK 17, PAGE 115 OF SAID PROBATE COURT RECORDS; THENCE ALONG SAID EAST BOUNDARY LINE OF YESTER OAKS, SECTION FOUR, RUN N 00°05'45"E 220.0 FEET ON THE NORTHEAST CORNER OF SAID YESTER OAKS, SECTION FOUR; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID YESTER OAKS, SECTION FOUR, RUN S 88°57'30"W 150.0 FEET TO A POINT; THENCE RUN N 00°05'45"E 49.75 FEET TO A POINT ON THE EAST BOUNDARY LINE OF SECTION ONE, YESTER OAKS AS RECORDED IN MAP BOOK 9, PAGE 14 OF SAID PROBATE COURT RECORDS; THENCE ALONG SAID EAST BOUNDARY LINE OF SECTION ONE, YESTER OAKS, RUN AS FOLLOWS: N 54°14'40"E 334.01 FEET, N 18°49'40"E 581.56 FEET, N 11 °57'42"E 464.43 FEET, N 01 °32'18"W 439.09 FEET, N 38°20'11"W 311.20 FEET, N 46°25'06"W 101.34 FEET, N 38°51 '41" 282.85 FEET, N 18°44'44"W 41.40 FEET TO THE NORTHEAST CORNER OF SAID SECTION ONE, YESTER OAKS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID SECTION ONE, YESTER OAKS, RUN N 81°08'14"W 14.22 FEET TO A POINT; SAID POINT BEING THE SOUTHEAST CORNER OF RESUBDIVIDED AND AMENDED PERRY PLACE AS RECORDED IN MAP BOOK 85, PAGE 55 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE EAST BOUNDARY LINE OF SAID RESUBDIVIDED AND AMENDED PERRY PLACE AND A NORTHWARD PROJECTION THEREOF, RUN N 01°13'22"W 550.97 FEET TO A POINT; THENCE RUN S 89°45'22" E 92.30 FEET TO A POINT; THENCE RUN N 00°14'30" E 562.12 FEET TO A POINT; THENCE RUN N 89°53'17" W 96.54 FEET TO A POINT; THENCE RUN N 00°06'43" E 284.53 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN N 66°32'30"E 176.64 FEET TO THE NORTHWEST CORNER OF A.N.B. SUBDIVISION AS RECORDED IN MAP BOOK 35, PAGE 50 OF SAID PROBATE COURT RECORDS; THENCE ALONG THE WEST BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RUNS 20°33'E 183.03 FEET TO THE SOUTHWEST CORNER OF SAID A.N.B. SUBDIVISION; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RUN N 66°32'30"E 166.94 FEET TO THE SOUTHEAST CORNER OF SAID A.N.B. SUBDIVISION; THENCE ALONG THE EAST BOUNDARY LINE OF SAID A.N.B. SUBDIVISION, RN N 08° 12'E 214.74 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN N 66°32'30"E 422.72 FEET OF THE P.C. OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF OLD SHELL ROAD, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE TO A POINT WHICH BEARS N 71 °50'E 148.46 FEET FROM THE LAST DESCRIBED POINT; THENCE RUN S 00°01 '43" E 442.52 FEET TO A POINT; THENCE RUN N 88°55'44" E 950.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF COLLEGE LANE; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF COLLEGE LANE RUN S 00°21' 15" E 492.23 FEET; THENCE RUN N 89°38'45" E 40.0 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COLLEGE LANE; THENCE ALONG SAID EAST RIGHT OF WAY LINE RUN N 00°02' 15" W 492.93 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LOYOLA LANE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE

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OF LOYOLA LANE RUN N 89°20'45" E 476.78 FEET; THENCE RUN S 00°21'15" E 503.97 FEET TO A POINT; THENCE RUN N 89°22'19" E 2586.42 FEET TO THE POINT OF BEGINNING. CONTAINING 353 ACRES, MORE OR LESS.

ALSO: LOTS 19, 20, 21, 22 & 23, COLLEGE PARK NORTHWESTERN QUADRANGLE, UNIT TWO ACCORDING TO PLAT RECORDED IN MAP BOOK 20, PAGE 61 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, ALSO LOT 24 A, COLLEGE PARK, NORTHWESTERN QUADRANGLE, UNIT TWO, RESUBDIVISION OF LOTS 24 AND 27 AS PER PLAT RECORDED IN MAP BOOK 69, PAGE 44 OF SAID PROBATE COURT RECORDS, CONTAINING 1.0191 ACRES.

WHEREAS, the owner of said property applied for a Major Modification of the Planned Unit Development (PUD) on November 18, 2024, allowing the expansion of an existing college in an R-1, Single-Family Residential Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on December 19, 2024 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Provision of a note on the PUD site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Revision of the site plan to indicate a compliant enclosure for the dumpster;
3. Provision of a note on the Final Planning PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report;
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of a revised PUD site plan for review by Planning and Zoning prior to recording, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Having considered the applicable factors, the request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- G. Shall not be detrimental or endanger the public health, safety or general welfare.
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the modification of the PUD is hereby approved with the following required conditions:

1. Provision of a note on the PUD site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Revision of the site plan to indicate a compliant enclosure for the dumpster;

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3. Provision of a note on the Final PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report;
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of a revised PUD site plan for review by Planning and Zoning prior to recording, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

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

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–009 Series 2025, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 12, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of February, 2025.



City Clerk

ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000,000.00 PRINCIPAL AMOUNT OF GENERAL OBLIGATION WARRANTS, SERIES 2025A. The following ordinance which was introduced and read at the regular meeting of February 18, 2025 and held over until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

ORDINANCE: 84-010-2025

Sponsored by: Mayor Stimpson

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION WARRANTS, SERIES 2025A

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOBILE, ALABAMA, as follows:

ARTICLE 1

Definitions and Other Provisions of General Application

SECTION 1.1 Definitions

For all purposes of this ordinance, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the meaning indicated:

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“Acquisition Costs” shall mean costs of acquiring, constructing and installing the Warrant-Financed Facilities, including (a) the purchase of all easements, rights-of-way, and land and all engineering, legal and other expenses incidental to such acquisition, construction, and installation of the Warrant-Financed Facilities, and (b) any rebate or yield reduction payments due to the United States Treasury with respect to the Series 2025A Warrants pursuant to Section 148 of the Internal Revenue Code.

“Acquisition Fund” shall mean the fund by that name established pursuant to Article 8.

“Authorized City Representative” shall mean the Mayor or the Executive Director of Finance of the City or any other officer or agent of the City authorized by the City's governing body to act as "Authorized City Representative".

“Beneficial Owner” shall have the meaning assigned in Section 3.11 for the Series 2025A Warrants.

“Book-Entry Only System” shall have the meaning assigned in Section 3.11 for the Series 2025A Warrants.

“Business Day” shall mean any day other than a Saturday, a Sunday or a day on which the Paying Agent is required or authorized to be closed under general law or regulation applicable in the place of the Principal Office of the Paying Agent.

“City” shall mean the City of Mobile, Alabama, a municipal organization organized under the laws of the State of Alabama.

“Continuing Disclosure Agreement” shall mean the Continuing Disclosure Agreement executed and delivered by the City in connection with the issuance of the Series 2025A Warrants.

“Debt Service” shall mean the principal, premium (if any) and interest payable on the Series 2025A Warrants.

“Debt Service Fund” shall mean the fund established pursuant to Article 6.

“Defaulted Interest” shall have the meaning stated in Section 3.8.

“Definitive Terms Certificate” shall have the meaning stated in Section 3.2(h).

“DTC” shall have the meaning assigned in Section 3.11 for the Series 2025A Warrants.

“Economic Development Amendment” means Section 94.01 of the Constitution of Alabama of 2022, which is also known as Amendment No. 772 to the Constitution of Alabama of 2022.

“Enabling Law” shall mean Section 11-47-2 and Section 11-81-4 of the Code of Alabama (1975), as amended.

“Favorable Tax Opinion” shall mean an Opinion of Counsel stating in effect that the proposed action, together with any other changes with respect to the Series 2025A Warrants made or to be made in connection with such action, will not cause interest on the Series 2025A Warrants to become includible in gross income of the Holders for purposes of federal income taxation.

“Federal Securities” shall mean direct obligations of, or obligations the payment of which is guaranteed by, the United States of America.

“Financing Participants” shall mean the City and the Paying Agent.

“Fiscal Year” shall mean the fiscal year of the City, as established from time to time by applicable law.

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“Holder” when used with respect to any Series 2025A Warrant shall mean (1) if the Book-Entry Only System is not in effect, the person in whose name such Series 2025A Warrant is registered in the Warrant Register and (2) if the Book-Entry Only System is in effect, the Beneficial Owner of such Series 2025A Warrant on the records maintained pursuant to the Book-Entry Only System.

“Interest Payment Date”, when used with respect to any installment of interest on a Series 2025A Warrant, shall mean the date specified in such Series 2025A Warrant as the fixed date on which such installment of interest is due and payable.

“Internal Revenue Code” shall mean whichever of the following shall be applicable in the context: the Internal Revenue Code of 1954, as amended; the Internal Revenue Code of 1986, as amended; and the transition rules of related legislation.

“Opinion of Counsel” shall mean an opinion from an attorney or firm of attorneys with experience in the matters to be covered in the opinion. Except as otherwise expressly provided in this ordinance, the attorney or attorneys rendering such opinion may be counsel for one or more of the Financing Participants.

“Outstanding”, when used with respect to Series 2025A Warrants, shall mean, as of the date of determination, all Series 2025A Warrants authenticated and delivered under this ordinance, except:

(1) Series 2025A Warrants cancelled by the Paying Agent or delivered to the Paying Agent for cancellation,

(2) Series 2025A Warrants for whose payment or redemption money in the necessary amount has been deposited with the Paying Agent for the Holders of such Series 2025A Warrants, provided that, if such Series 2025A Warrants are to be redeemed, notice of such redemption has been duly given pursuant to this ordinance or provision therefor satisfactory to the Paying Agent has been made; and

(3) Series 2025A Warrants in exchange for or in lieu of which other Series 2025A Warrants have been authenticated and delivered under this ordinance.

“Paying Agent” shall mean the agent of the City appointed as such pursuant to Section 3.10 for the purpose of paying Debt Service on the Series 2025A Warrants.

“Post-Default Rate” shall mean the interest rates borne by the Series 2025A Warrants. Interest at the Post-Default Rate shall be computed on the basis of an assumed year of 360 days with 12 months of 30 days each.

“Principal Office of the Paying Agent” shall mean the office where the Paying Agent maintains its principal corporate trust office in the State of Alabama.

“Principal Payment Date”, when used with respect to any Series 2025A Warrant, shall mean the date specified in such Series 2025A Warrant as the fixed date on which the principal of such Series 2025A Warrant is due and payable.

“Qualified Investments” shall mean:

(1) Federal Securities,

(2) An interest in any trust or fund that invests solely in Federal Securities or repurchase agreements with respect to Federal Securities, and

(3) A certificate of deposit issued by, or other interest-bearing deposit with, any bank organized under the laws of the United States of America or any state thereof, provided that (i) such bank has capital, surplus and undivided profits of not less than \$25,000,000, (ii) such deposit is insured by the Federal Deposit Insurance Corporation or (iii) such deposit is secured by pledging Federal Securities having a market value (exclusive of

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accrued interest) not less than the face amount of such deposit (less the amount of such deposit insured by the Federal Deposit Insurance Corporation).

“Regular Record Date” for the interest payable on any Interest Payment Date on the Series 2025A Warrants shall mean the date specified in Section 3.8.

“Series 2025A Warrants” shall mean the City’s General Obligation Warrants, Series 2025A, authenticated and delivered pursuant to this ordinance.

“Special Record Date” for the payment of any Defaulted Interest on Series 2025A Warrants shall mean the date fixed by the Paying Agent pursuant to Section 3.8.

“Successful Bidder” shall mean the firm or firms whose bid to purchase the Series 2025A Warrants is accepted by the City.

“Taxable” shall mean that, for purposes of federal income taxation, interest on the Series 2025A Warrants is includible in the gross income of any Holder thereof for any reason. Interest on the Series 2025A Warrants shall not be deemed “Taxable” because interest is includible in any calculation of income for purposes of an alternative minimum tax, a foreign branch profits tax or any other type of taxation other than the regular tax imposed on gross income.

“Tax Certificate and Agreement” shall mean the Tax Certificate and Agreement to be executed and delivered by the City in conjunction with the delivery of the Series 2025A Warrants.

“Term Warrants” shall have the meaning stated in Section 3.2(g) and the Definitive Terms Certificate.

“Warrant-Financed Facilities” shall mean the City’s arena and civic center facilities and related facilities and improvements, and other public capital improvements and assets being financed with proceeds of the Series 2025A Warrants. The Warrant-Financed Facilities are more particularly described in Exhibit 1.1.

“Warrant Payment Date” shall mean each date (including any date fixed for redemption of Series 2025A Warrants) on which Debt Service is payable on the Series 2025A Warrants.

“Warrant Register” shall mean the register or registers for the registration and transfer of Series 2025A Warrants maintained pursuant to Section 3.6.

SECTION 1.2 General Rules of Construction

For all purposes of this ordinance, except as otherwise expressly provided or unless the context otherwise requires:

(a) Defined terms in the singular shall include the plural as well as the singular, and vice versa.

(b) All accounting terms not otherwise defined herein have the meaning assigned to them, and all computations herein provided for shall be made, in accordance with generally accepted accounting principles. All references herein to “generally accepted accounting principles” refer to such principles as they exist at the date of application thereof.

(c) All references in this ordinance to designated “Articles”, “Sections” and other subdivisions are to the designated articles, sections and subdivisions of this ordinance as originally executed.

(d) The terms “herein”, “hereof” and “hereunder” and other words of similar import refer to this ordinance as a whole and not to any particular article, section or other subdivision.

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(e) The term “person” shall include any individual, corporation, partnership, limited liability company, joint venture, association, trust, unincorporated organization and any government or any agency or political subdivision thereof.

(f) The term “including” means “including without limitation” and “including, but not limited to”.

ARTICLE 2

Findings, Designations, Elections, Representations and Warranties

The governing body of the City makes the following findings, designations, elections, representations and warranties as the basis for the undertakings on its part herein contained:

(1) The governing body of the City has determined that it is in the public interest that it acquire, construct and install the Warrant-Financed Facilities.

(2) The governing body of the City has determined that it is in the public interest to issue warrants for the purpose of financing a portion of the Warrant-Financed Facilities and paying any costs of issuance with respect to such warrants. Pursuant to this ordinance, the City will issue the Series 2025A Warrants in the aggregate principal amount and bearing the rates of interest set forth in the Definitive Terms Certificate.

(3) In order to enhance flexibility in the timing of the sale of the Series 2025A Warrants, it is desirable for the governing body of the City to establish certain parameters that will govern the sale of the Series 2025A Warrants and to delegate to the Mayor of the City the power to approve the final terms of sale, and, accordingly, it is in the best interests of the City for the Mayor of the City to be authorized and directed to approve the final pricing terms of the Series 2025A Warrants, subject to the parameters established herein.

(4) The City has authority under Section 94.01 of the Constitution of Alabama of 2022, which is also known as Amendment No. 772 to the Constitution of Alabama of 2022 (the “Economic Development Amendment”), to promote economic development in the City and to promote commercial development in the location of new businesses in the City and to lend its credit and grant public money to any person whatsoever.

(5) In furtherance of the objective of the Economic Development Amendment to create new jobs in the City, to generate additional tax revenues for the City, to increase commerce in the City, and generally to promote the economic development of the City, the City has agreed to issue the Series 2025A Warrants to acquire, construct, equip and otherwise support the development of the Warrant-Financed Facilities.

(6) For the purpose of keeping the taxpayers and citizens of the City informed of the City’s consideration of issuing of the Series 2025A Warrants, notice of the time, location and agenda of this meeting and the economic advantages sought to be achieved by the City’s issuance of the Series 2025A Warrants were published in the Lagniappe Daily on February 12, 2025, which, in accordance with the Economic Development Amendment, constitutes publication of notice at least 7 days prior to the date hereof in a newspaper in circulation in the City.

(7) The City has determined that the issuance of the Series 2025A Warrants are necessary and desirable and in the best interests of the taxpayers and citizens of the City to accommodate and provide for increases in economic activity in the City and to provide for increases in tax revenues for the City. The City acknowledges and agrees the Warrant-Financed Facilities will significantly increase the tax and revenue base of the City.

(8) The City has entered into a Management Agreement – New Arena dated February 4, 2025 (the “Management Agreement”), with Global Spectrum, L.P., dba OVG 360 (“OVG”) for the management the Warrant-Financed Facilities, including the new arena. The issuance of the Series 2025A Warrants will benefit the OVG or companies affiliated with OVG. Pursuant to the Economic Development Amendment, the City Council does hereby

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find, determine and declare that the expenditure of public funds in connection with entering into the Management Agreement and issuance of the Series 2025A Warrants will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to OVG, companies affiliated with OVG, or any other private entity or entities.

(9) Immediately after the issuance of the Series 2025A Warrants the total indebtedness of the City chargeable against the debt limitation for the City prescribed by the Economic Development Amendment will not be more than 50% of the assessed valuation of taxable property within the corporate limits of the City for the last fiscal year (ending September 30, 2024 and on the basis of which taxes became due and payable on October 1, 2024).

ARTICLE 3

The Series 2025A Warrants

SECTION 3.1 Authorization of Series 2025A Warrants

Pursuant to the authority to do so contained in the applicable provisions of the constitution and laws of Alabama, including particularly the Enabling Law and the Economic Development Amendment, there is hereby authorized to be issued a series of warrants entitled "General Obligation Warrants, Series 2025A" (herein called the "Series 2025A Warrants"). The Series 2025A Warrants shall be issued for the purposes specified in

Article 2.

SECTION 3.2 Amount and Terms

(a) Subject to Section 7.2(b), the aggregate principal amount of the Series 2025A Warrants that may be authenticated and delivered and Outstanding shall be as described in the Definitive Terms Certificate.

(b) The Series 2025A Warrants shall be issuable as fully registered warrants without coupons in the denomination of \$5,000 or any multiple thereof. Each Series 2025A Warrant shall have a single principal maturity. The Series 2025A Warrants shall be numbered separately from 1 upward.

(c) The Series 2025A Warrants shall mature on February 15 in the years more particularly described in the Definitive Terms Certificate. Subject to Section 7.2(b), the principal amount of Series 2025A Warrants maturing on each Principal Payment Date and the applicable rate of interest for the Series 2025A Warrants of each maturity shall be set forth in the Definitive Terms Certificate.

(d) The Series 2025A Warrants shall be dated as of the date set forth in the Definitive Terms Certificate and shall bear interest from such date, or the most recent date to which interest has been paid or duly provided for, until the principal thereof shall become due and payable, at the applicable rate per annum set forth in subsection (c) above. Interest on the Series 2025A Warrants shall be payable on February 15 and August 15 in each year, beginning August 15, 2025 (each such date being herein called an "Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12 months of 30 days each. Interest on overdue principal and premium and (to the extent legally enforceable) on any overdue installment of interest on the Series 2025A Warrants shall be payable at the Post-Default Rate.

(e) Interest on the Series 2025A Warrants payable on any Interest Payment Date prior to the maturity or redemption thereof (in whole or in part) shall be payable by check or draft mailed by the Paying Agent to the registered Holders of the Series 2025A Warrants at their addresses appearing in the Warrant Register. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date. Payment of the principal of (and premium, if any, on) the Series 2025A Warrants and payment of accrued interest on the Series 2025A Warrants due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender thereof at the Principal Office of the Paying Agent.

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Debt Service on the Series 2025A Warrants payable at maturity shall be payable only upon surrender thereof at the Principal Office of the Paying Agent.

(f) Subsection (e) of this section to the contrary notwithstanding, upon the written request of the Holder of Series 2025A Warrants in an aggregate principal amount of not less than \$100,000, the Paying Agent will make payment of the Debt Service due on such Series 2025A Warrant on any Warrant Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same-day funds that is acceptable to the Paying Agent, provided that:

(1) such written request contains adequate instructions for the method of payment,

(2) the Holder agrees to pay the Paying Agent's customary charge for handling such wire transfer, and

(3) payment of the principal of (and redemption premium, if any, on) such Series 2025A Warrant and payment of accrued interest on such Series 2025A Warrant due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of such Series 2025A Warrant to the Paying Agent.

(g) The Series 2025A Warrants are subject to redemption prior to maturity as set forth in the Definitive Terms Certificate.

(h) Section 7.2(b) sets forth the parameters for the amount and terms of the Series 2025A Warrants. The Mayor of the City is hereby authorized and directed to execute and deliver in the name and on behalf of the City a certificate substantially as set forth in Exhibit 3.2(h) that establishes, within the parameters set forth in Section 7.2(b), the definitive amount and terms of the Series 2025A Warrants, with such changes or additions to such certificate or deletions to such certificate as the Mayor of the City shall approve, which approval shall be conclusively evidenced by his or her execution of such certificate (the "Definitive Terms Certificate"). In setting the definitive amount and terms of the Series 2025A Warrants reflected in the Definitive Terms Certificate, the Mayor of the City may rely upon the advice and recommendation of the employees of and advisors to the City.

SECTION 3.3 Form of Series 2025A Warrant

The Series 2025A Warrants and the authentication certificate shall be substantially in the form set forth in Exhibit 3.3, with such appropriate insertions, omissions, substitutions and other variations as are required or permitted by this ordinance.

SECTION 3.4 Execution and Authentication

(a) The Series 2025A Warrants shall be executed on behalf of the City by its Mayor under its seal reproduced thereon and attested by its City Clerk, and the certification of registration of each Series 2025A Warrant as a claim against the Debt Service Fund shall be executed by the Mayor or Executive Director of Finance of the City. The signature of any of these officers on the Series 2025A Warrants may be manual or, to the extent permitted by law, facsimile. Series 2025A Warrants bearing the manual or facsimile signatures of individuals who were at any time the proper officers of the City shall bind the City, notwithstanding that such individuals or any of them shall have ceased to hold such offices prior to the authentication and delivery of such Series 2025A Warrants or shall not have held such offices at the date of such Series 2025A Warrants.

(b) No Series 2025A Warrants shall be secured by, or be entitled to any lien, right or benefit under, this ordinance or be valid or obligatory for any purpose, unless there appears on such Series 2025A Warrant a certificate of authentication substantially in the form provided for herein, executed by the Paying Agent by manual signature, and such certificate upon any Series 2025A Warrant shall be conclusive evidence, and the only evidence, that such Series 2025A Warrant has been duly authenticated and delivered hereunder.

SECTION 3.5 Temporary Series 2025A Warrants

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(a) Pending the preparation of definitive Series 2025A Warrants, the City may execute, and upon request of the City, the Paying Agent shall authenticate and deliver, temporary Series 2025A Warrants which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Series 2025A Warrants in lieu of which they are issued, with such appropriate insertions, omissions, substitutions and other variations as the officers executing such Series 2025A Warrants may determine, as evidenced by their execution of such Series 2025A Warrants.

(b) If temporary Series 2025A Warrants are issued, the City will cause definitive Series 2025A Warrants to be prepared without unreasonable delay. After the preparation of definitive Series 2025A Warrants, the temporary Series 2025A Warrants shall be exchangeable for definitive Series 2025A Warrants upon surrender of the temporary Series 2025A Warrants at the Principal Office of the Paying Agent, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Series 2025A Warrants, the City shall execute and the Paying Agent shall authenticate and deliver in exchange therefor a like principal amount of definitive Series 2025A Warrants of authorized denominations. Until so exchanged, temporary Series 2025A Warrants shall in all respects be entitled to the security and benefits of this ordinance.

SECTION 3.6 Registration, Transfer and Exchange

(a) The City shall cause to be kept at the Principal Office of the Paying Agent a register (herein referred to as the "Warrant Register") in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of Series 2025A Warrants and registration of transfers of Series 2025A Warrants entitled to be registered or transferred as herein provided. The Paying Agent is hereby appointed "Warrant Registrar" for the purpose of registering Series 2025A Warrants and transfers of Series 2025A Warrants as herein provided.

(b) Upon surrender for transfer of any Series 2025A Warrant at the Principal Office of the Paying Agent, the City shall execute, and the Paying Agent shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Series 2025A Warrants of any authorized denominations and of the same maturity and aggregate principal amount.

(c) At the option of the Holder, Series 2025A Warrants may be exchanged for a like aggregate principal amount of Series 2025A Warrants, of any authorized denominations and of the same maturity, upon surrender of the Series 2025A Warrants to be exchanged at the Principal Office of the Paying Agent. Whenever any Series 2025A Warrants are so to be surrendered for exchange, the City shall execute, and the Paying Agent shall authenticate and deliver, the Series 2025A Warrants which the Holder making the exchange is entitled to receive.

(d) All Series 2025A Warrants surrendered upon any exchange or transfer provided for in this ordinance shall be promptly cancelled by the Paying Agent.

(e) All Series 2025A Warrants issued upon any transfer or exchange of Series 2025A Warrants shall be the valid obligations of the City and entitled to the same security and benefits under this ordinance as the Series 2025A Warrants surrendered upon such transfer or exchange.

(f) Every Series 2025A Warrant presented or surrendered for transfer or exchange shall (if so required by the City or the Paying Agent) be duly endorsed, or be accompanied by a written instrument of transfer in form satisfactory to the City and the Paying Agent duly executed, by the Holder thereof or such Holder's attorney duly authorized in writing.

(g) No service charge shall be made for any transfer or exchange of Series 2025A Warrants, but the City may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Series 2025A Warrants.

(h) The City shall not be required (i) to transfer or exchange any Series 2025A Warrant during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Series 2025A Warrants and ending at the close of business on the day of such mailing, (ii) to transfer or exchange any Series 2025A Warrant so selected for redemption in whole or in part, or (iii) to exchange any Series 2025A Warrant during a period beginning at the opening of business on any Regular Record Date and ending at the close of business on the relevant Interest Payment Date therefor.

SECTION 3.7 Mutilated, Destroyed, Lost and Stolen Series 2025A Warrants

(a) If (i) any mutilated Series 2025A Warrant is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to their satisfaction of the destruction, loss or theft of any Series 2025A Warrant, and (ii) there is delivered to the City and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the City or the Paying Agent that such Series 2025A Warrant has been acquired by a bona fide purchaser, the City shall execute and upon its request the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Series 2025A Warrant, a new Series 2025A Warrant of like tenor and principal amount, bearing a number not contemporaneously Outstanding.

(b) Upon the issuance of any new Series 2025A Warrant under this section, the City may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses connected therewith.

(c) Every new Series 2025A Warrant issued pursuant to this section in lieu of any destroyed, lost or stolen Series 2025A Warrant shall constitute an original additional contractual obligation of the City, whether or not the destroyed, lost or stolen Series 2025A Warrant shall be at any time enforceable by anyone and shall be entitled to all the security and benefits of this ordinance equally and ratably with all other Outstanding Series 2025A Warrants.

(d) The provisions of this section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Series 2025A Warrants.

SECTION 3.8 Payment of Interest on Series 2025A Warrants; Interest Rights Preserved

(a) Interest on any Series 2025A Warrant which is payable on any Interest Payment Date shall be paid to the person in whose name that Series 2025A Warrant is registered at the close of business on the Regular Record Date for such interest, which shall be the 1st day (whether or not a Business Day) of the month next preceding such Interest Payment Date. Payment of the principal of (and premium, if any, on) the Series 2025A Warrants and payment of accrued interest due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of the Series 2025A Warrants at the Principal Office of the Paying Agent.

(b) Any interest on any Series 2025A Warrant which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the Holder on the relevant Regular Record Date solely by virtue of such Holder having been such Holder; and such Defaulted Interest shall be paid by the City to the persons in whose names such Series 2025A Warrants are registered at the close of business on a special record date (herein called a "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Series 2025A Warrant and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held solely for the

benefit of the persons entitled to such Defaulted Interest as in this subsection provided. Thereupon, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment and not less than 10 days after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each Holder of a Series 2025A Warrant at the address as it appears in the Warrant Register not less than 10 days prior to such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the persons in whose names the Series 2025A Warrants are registered on such Special Record Date.

(c) Subject to the foregoing provisions of this section, each Series 2025A Warrant delivered under this ordinance upon transfer of or in exchange for or in lieu of any other Series 2025A Warrant shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Series 2025A Warrant and each such Series 2025A Warrant shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

SECTION 3.9 Persons Deemed Owners

The City, the Paying Agent and any agent of the City or the Paying Agent may treat the person in whose name any Series 2025A Warrant is registered as the owner of such Series 2025A Warrant for the purpose of receiving payment of Debt Service on such Series 2025A Warrant (subject to Section 3.8) and for all other purposes whatsoever whether or not such Series 2025A Warrant is overdue, and, to the extent permitted by law, neither the City, the Paying Agent nor any such agent shall be affected by notice to the contrary.

SECTION 3.10 Paying Agent

(a) Regions Bank, an Alabama banking corporation, is hereby appointed "Paying Agent" for the purpose of paying Debt Service on the Series 2025A Warrants on behalf of the City.

(b) The Debt Service on the Series 2025A Warrants shall, except as otherwise provided herein, be payable at the Principal Office of the Paying Agent.

(c) The Paying Agent may be removed at any time (i) by an instrument or concurrent instruments in writing delivered to the Paying Agent and the City signed by the Holders of a majority in aggregate principal amount of the Series 2025A Warrants then Outstanding, or (ii) if no default exists with respect to the payment of the Series 2025A Warrants, by a written notice delivered to the Paying Agent and signed on behalf of the City by an Authorized City Representative.

(d) If the bank designated as Paying Agent pursuant to subsection (a) of this section shall resign or be removed or shall become incapable of acting or shall be adjudged a bankrupt or insolvent or a receiver of it or of its property shall be appointed or any public officer shall take charge or control of it or of its property or affairs for the purpose of rehabilitation, conservation or liquidation, then, in any such case, the City shall appoint a successor Paying Agent. Any successor Paying Agent must have capital and surplus of not less than \$50,000,000, must be subject to supervision or examination by federal or State of Alabama authority, and must have a corporate trust office within the State of Alabama. The City shall give notice of the appointment of any such successor Paying Agent by first-class mail, postage prepaid, to the Holders of Series 2025A Warrants as their names or addresses appear in the Warrant Register.

SECTION 3.11 Book Entry Only System

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(a) The registration and payment of Series 2025A Warrants shall be made pursuant to the Book-Entry Only System (the “Book-Entry Only System”) administered by The Depository Trust Company (“DTC”) in accordance with the Blanket Letter of Representations attached to and incorporated by reference in this ordinance as Exhibit 3.11(a) (the “Letter of Representations”) until the Book-Entry Only System is terminated pursuant to Section 3.11(c).

(b) While Series 2025A Warrants are in the Book-Entry Only System the following provisions shall apply for purposes of this ordinance and shall supersede any contrary provisions of this ordinance:

(1) Notwithstanding the fact that DTC may hold a single physical certificate for each stated maturity for purposes of the Book-Entry Only System, the term “Series 2025A Warrants” shall mean each separate Security (as defined in the Letter of Representations) issued pursuant to the Book-Entry Only System, and the term “Holder” shall mean the person identified on the records of DTC as the owner of the related Security.

(2) The terms and limitations of this ordinance with respect to each separate Series 2025A Warrant shall be applicable to each separate Security registered under the Book-Entry Only System.

(3) All notices under this ordinance to Holders of Series 2025A Warrants from either the City or the Paying Agent shall be delivered by the City or the Paying Agent, as the case may be, to DTC for distribution by DTC in accordance with the Letter of Representations. All notices under this ordinance to or from persons other than a Holder of a Series 2025A Warrant shall be delivered directly to such person as provided in this ordinance and shall not be delivered through DTC or the Book-Entry Only System.

(4) All payments of Debt Service on the Series 2025A Warrants shall be made by the Paying Agent to DTC and shall be made by DTC to the Participants (as such term is defined in the Letter of Representations) as provided in the Letter of Representations. All such payments shall be valid and effective fully to satisfy and discharge the City’s obligations with respect to such payments.

(5) The “Beneficial Owners” (as such term is defined in the Letter of Representations) of the Series 2025A Warrants, by their acquisition of any beneficial interest in a Series 2025A Warrant or Series 2025A Warrants, and the Participants severally agree that the City and the Paying Agent shall not have any responsibility or obligation to any Participant or any Beneficial Owner with respect to (i) the accuracy of any records maintained by DTC or any Participant; (ii) the payment by DTC or any Participant of any amount due to any Beneficial Owner in respect of the principal of, purchase price of, premium (if any) and interest on the Series 2025A Warrants; (iii) the delivery or timeliness of delivery by DTC or any Participant of any notice due to any Beneficial Owner which is required or permitted under the terms of this ordinance to be given to Beneficial Owners; or (iv) any consent given or other action taken by DTC or its nominee, as owner.

(c) If the City and the Paying Agent concur that it would be in the best interests of the Holders of the Series 2025A Warrants for the Book-Entry Only System to be discontinued (in whole or in part), such Book-Entry Only System shall be discontinued (in whole or in part) in accordance with the provisions of the Letter of Representations. In addition, the Book-Entry Only System may be discontinued (in whole or in part) at any time by the City or the Paying Agent acting alone in accordance with the Letter of Representations.

SECTION 3.12 Payments Due on a Day Other Than a Business Day

If any payment on the Series 2025A Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding day which is a Business Day with the same effect as if made on the day such payment was due.

SECTION 3.13 Cancellation

All Series 2025A Warrants surrendered for payment, redemption, transfer or exchange shall be promptly cancelled by the Paying Agent. No Series 2025A Warrants shall be registered in lieu of or in exchange for any Series 2025A Warrant cancelled as provided in this section, except as expressly provided by this ordinance.

ARTICLE 4

Redemption of Series 2025A Warrants

SECTION 4.1 General Applicability of Article

(a) The Series 2025A Warrants shall be redeemable in accordance with the redemption provisions set forth in Section 3.2(g), the Definitive Terms Certificate and the provisions of this article.

(b) The Series 2025A Warrants shall be redeemed in accordance with the mandatory redemption provisions of the Series 2025A Warrants without any direction from or consent by the City. The Series 2025A Warrants shall be redeemed in accordance with the optional redemption provisions of the Series 2025A Warrants only upon direction of the City.

SECTION 4.2 Election to Redeem; Notice to Paying Agent

The election of the City to exercise any right of optional redemption shall be evidenced by a certified ordinance of the governing body of the City delivered to the Paying Agent. In case of any redemption at the option of the City of less than all the Outstanding Series 2025A Warrants, the City shall, at least 35 days prior to the date fixed by the City for redemption of Series 2025A Warrants (unless a shorter notice shall be satisfactory to the Paying Agent), notify the Paying Agent of such redemption date and of the principal amount and maturities of Series 2025A Warrants to be redeemed.

SECTION 4.3 Selection of Series 2025A Warrants to be Redeemed

(a) Except in the case of mandatory redemption of the Term Warrants, if any, if less than all Series 2025A Warrants Outstanding are to be redeemed, the particular Series 2025A Warrants to be redeemed may be specified by the City by written notice to the Paying Agent, or, in the absence of timely receipt by the Paying Agent of such notice, shall be selected by the Paying Agent by lot or by such other method as the Paying Agent shall deem fair and appropriate; provided, however, that (i) the principal amount of Series 2025A Warrants of each maturity to be redeemed must be a multiple of the smallest authorized denomination of Series 2025A Warrants, and (ii) if less than all Series 2025A Warrants with the same stated maturity are to be redeemed, the Series 2025A Warrants of such maturity to be redeemed shall be selected by lot by the Paying Agent.

(b) Except as otherwise provided in the specific redemption provisions for the Series 2025A Warrants, if less than all Series 2025A Warrants with the same series and maturity are to be redeemed, the particular Series 2025A Warrants of such series and maturity to be redeemed shall be selected by the Paying Agent not less than 20 nor more than 60 days prior to the redemption date from the Outstanding Series 2025A Warrants of such series and maturity then eligible for redemption in accordance with the Book-Entry Only System or, if the Book-Entry Only System is no longer in effect, by lot or by such other method as the Paying Agent shall deem fair and appropriate and which may provide for the selection for redemption of portions (in authorized denominations) of the principal of Series 2025A Warrants of such maturity of a denomination larger than the smallest authorized denomination.

(c) The Paying Agent shall promptly confirm to the City in writing the Series 2025A Warrants selected for redemption and, in the case of any Series 2025A Warrant selected for partial redemption, the principal amount thereof to be redeemed.

(d) For all purposes of this ordinance, unless the context otherwise requires, all provisions relating to the redemption of Series 2025A Warrants shall relate, in the case of any Series

2025A Warrant redeemed or to be redeemed only in part, to the portion of the principal of such Series 2025A Warrant which has been or is to be redeemed.

SECTION 4.4 Notice of Redemption

(a) Unless waived by the Holders of all Series 2025A Warrants then Outstanding, notice of redemption shall be given by first-class mail, postage prepaid, mailed not less than 20 nor more than 60 days prior to the redemption date, to each Holder of Series 2025A Warrants to be redeemed at the address appearing in the Warrant Register.

(b) All notices of redemption shall state:

(1) the redemption date,

(2) the redemption price,

(3) the principal amount of Series 2025A Warrants to be redeemed, and, if less than all Outstanding Series 2025A Warrants are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Series 2025A Warrants to be redeemed,

(4) that on the redemption date the redemption price of each of the Series 2025A Warrants to be redeemed will become due and payable and that the interest thereon shall cease to accrue from and after said date,

(5) the place or places where the Series 2025A Warrants to be redeemed are to be surrendered for payment of the redemption price, and

(6) any conditions to such redemption specified in accordance with the provisions of Section 4.4(e).

(c) Notice of redemption of Series 2025A Warrants to be redeemed at the option of the City shall be given by the City or, at the City's request, by the Paying Agent in the name and at the expense of the City. Notice of redemption of Series 2025A Warrants in accordance with the mandatory redemption provisions of the Series 2025A Warrants shall be given by the Paying Agent in the name and at the expense of the City.

(d) The City and the Paying Agent shall, to the extent practical under the circumstances, comply with the standards set forth in the United States Securities and Exchange Commission's Exchange Act Release No. 23856 dated December 3, 1986, regarding redemption notices, but their failure to do so shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed in this section.

(e) A notice of optional redemption may state that the redemption of Series 2025A Warrants is contingent upon specified conditions such as receipt of a specified source of funds or the occurrence of specified events. If the conditions for such redemption are not met, the City shall not be required to redeem Series 2025A Warrants (or portions thereof) identified in such notice, and any Series 2025A Warrants surrendered on the specified redemption date shall be returned to the Holders of such Series 2025A Warrants.

SECTION 4.5 Deposit of Redemption Price

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Series 2025A Warrants which are to be redeemed on that date. Such money shall be held solely for the benefit of the persons entitled to such redemption price.

SECTION 4.6 Series 2025A Warrants Payable on Redemption Date

(a) Notice of redemption having been given as aforesaid, the Series 2025A Warrants so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the

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payment of the redemption price) such Series 2025A Warrants shall cease to bear interest. Upon surrender of any such Series 2025A Warrant for redemption in accordance with said notice, such Series 2025A Warrant shall be paid by the City at the redemption price. Installments of interest due prior to the redemption date shall be payable to the Holders of the Series 2025A Warrants registered as such on the relevant Record Dates according to the terms of such Series 2025A Warrants and the provisions of Section 3.8.

(b) If any Series 2025A Warrant called for redemption shall not be so paid upon surrender thereof for redemption, the principal (and premium, if any) shall, until paid, bear interest from the redemption date at the Post-Default Rate.

SECTION 4.7 Series 2025A Warrants Redeemed in Part

Any Series 2025A Warrant which is to be redeemed only in part shall be surrendered at the Principal Office of the Paying Agent (with, if the City or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the City and the Paying Agent duly executed by, the Holder thereof or such Holder's attorney duly authorized in writing), and the City shall execute and the Paying Agent shall authenticate and deliver to the Holder of such Series 2025A Warrant, without service charge, a new Series 2025A Warrant or Series 2025A Warrants, of the same maturity and of any authorized denomination or denominations, as requested by such Holder in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Series 2025A Warrant so surrendered.

ARTICLE 5

Source of Payment, Etc.

SECTION 5.1 General Obligation

The indebtedness evidenced and ordered paid by the Series 2025A Warrants shall be a general obligation of the City for the payment of Debt Service on which the full faith and credit of the City are hereby irrevocably pledged, pro rata and without preference or priority of one Series 2025A Warrant over another. The City hereby covenants and agrees to levy and collect taxes, to the maximum extent permitted by law, at such rate or rates as shall make available tax proceeds which, when added to the revenues of the City from other sources available for such purposes, will be sufficient to pay reasonable expenses of carrying on the necessary governmental functions of the City and to pay Debt Service on the Series 2025A Warrants as the same shall become due and payable.

SECTION 5.2 Provision for Payment of Series 2025A Warrants

(a) If Debt Service on the Series 2025A Warrants is paid in accordance with the terms of the Series 2025A Warrants and this ordinance, then all covenants, agreements and other obligations of the City to the Holders of the Series 2025A Warrants shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agent shall pay to the City any surplus remaining in the Debt Service Fund.

(b) Series 2025A Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection

(a) of this section if the Paying Agent is provided with the following:

(1) a trust agreement between the City and any bank or other financial institution having corporate trust powers making provision for the retirement of such Series 2025A Warrants by creating for that purpose an irrevocable trust fund sufficient to provide for payment and retirement of such Series 2025A Warrants (including payment of the interest that will accrue thereon until and on the date they are retired, as such interest becomes due and payable), either by redemption prior to their respective maturities, by payment at their respective maturities or by payment of part thereof at their respective maturities and redemption of the remainder prior to their respective maturities, which said trust fund shall consist of (i) Federal Securities which are not subject to redemption prior to their respective maturities at the option of the issuer and which, if the principal thereof and the interest

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thereon are paid at their respective maturities, will produce funds sufficient so to provide for payment and retirement of all such Series 2025A Warrants or (ii) both cash and such Federal Securities (or a combination thereof) which together will produce funds sufficient for such purpose, or (iii) cash sufficient for such purpose; provided, however, that said trust agreement shall require all cash held on deposit in such trust to be kept continuously secured by holding on deposit as collateral security therefor Federal Securities having a market value at least equal at all times to the amount to be secured thereby, unless such cash is kept on deposit in U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations that are qualified public depositories under Chapter 14A of Title 41 of the Code of Alabama (1975);

(2) a certified copy of a duly adopted ordinance of the governing body of the City calling for redemption those of such Series 2025A Warrants that, according to said trust agreement, are to be redeemed prior to their respective maturities;

(3) evidence satisfactory to the Paying Agent that, if the principal of and the interest on the investments (if any) forming part of the trust fund provided for in the preceding subparagraph (1) are paid on the respective due dates of such principal and interest, said trust fund will produce funds sufficient to provide for the full payment and retirement of such Series 2025A Warrants; and

(4) a Favorable Tax Opinion.

(c) Any trust established pursuant to this section may provide for payment of less than all Series 2025A Warrants Outstanding or less than all Series 2025A Warrants of any remaining maturity.

(d) If any trust provides for payment of less than all Series 2025A Warrants with the same maturity, the Series 2025A Warrants of such maturity to be paid from the trust shall be selected by the Paying Agent by lot by such method as shall provide for the selection of portions (in authorized denominations) of the principal of Series 2025A Warrants of such maturity of a denomination larger than the smallest authorized denomination. Such selection shall be made within 7 days after such trust is established. This selection process shall be in lieu of the selection process provided for in Section 4.3 if and to the extent that Series 2025A Warrants payable from such trust are to be redeemed prior to maturity. After such selection is made, the Series 2025A Warrants that are to be paid from such trust (including the Series 2025A Warrants issued in exchange for such Series 2025A Warrants pursuant to the transfer or exchange provisions of this ordinance) shall be identified by a separate CUSIP number or other designation satisfactory to the Paying Agent. The Paying Agent shall notify Holders whose Series 2025A Warrants (or portions thereof) have been selected for payment from such trust and shall direct such Holders to surrender their Series 2025A Warrants to the Paying Agent in exchange for the Series 2025A Warrants with the appropriate designation. The selection of the Series 2025A Warrants for payment from such trust pursuant to this section shall be conclusive and binding on the Holders, the City and the Paying Agent.

SECTION 5.3 Officers, Etc. Exempt from Individual Liability

No recourse under or upon any covenant or agreement of this ordinance, or of any Series 2025A Warrants, or for any claim based thereon or otherwise in respect thereof, shall be had against any past, present or future officer or member of the governing body of the City, or of any successor, either directly or through the City, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly understood that this ordinance and the Series 2025A Warrants issued hereunder are solely corporate obligations, and that no personal liability whatever shall attach to, or is or shall be incurred by, any officer or member of the governing body of the City or any successor, or any of them, because of the issuance of the Series 2025A Warrants, or under or by reason of the covenants or agreements contained in this ordinance or in any Series 2025A Warrants or implied therefrom.

ARTICLE 6

The Debt Service Fund

SECTION 6.1 The Debt Service Fund

(a) There is hereby established a special fund with the Paying Agent entitled "General Obligation Warrants, Series 2025A Debt Service Fund" (herein called the "Debt Service Fund"). Money in the Debt Service Fund shall be used solely for the payment of Debt Service on the Series 2025A Warrants as the same shall become due and payable.

(b) On or before the 15th day of each February and August, beginning August 15, 2025, the City will deposit into the Debt Service Fund an amount equal to Debt Service payable on the Series 2025A Warrants on the next succeeding Warrant Payment Date. If on any Warrant Payment Date the balance in the Debt Service Fund is insufficient to pay the Debt Service on the Series 2025A Warrants due and payable on such date, the City shall forthwith pay any such deficiency into the Debt Service Fund.

SECTION 6.2 Transfer of Funds

The Executive Director of Finance for the City shall collect taxes, revenues and other general funds of the City available for the payment of Debt Service on the Series 2025A Warrants and shall deposit the same in the Debt Service Fund in the amounts and at the times required by Section 6.1.

SECTION 6.3 Security for Debt Service Fund

Any money on deposit in the Debt Service Fund or otherwise held by the Paying Agent pursuant to this ordinance shall be impressed with a trust for the purpose for which the Debt Service Fund is created and shall, unless invested as provided herein or secured by the Federal Deposit Insurance Corporation (or any successor agency of the United States of America), be secured for the benefit of the City and the Holders of the Series 2025A Warrants either

(a) by holding on deposit as collateral security Federal Securities, or other marketable securities eligible as security for the deposit of public funds under regulations of the Comptroller of the Currency, having a market value (exclusive of accrued interest) not less than the amount of money being secured, or

(b) if the furnishing of security in the manner provided in the foregoing paragraph (a) is not permitted by the then applicable laws and regulations, then in such manner as may be required or permitted by the applicable State of Alabama and Federal laws and regulations respecting the security for, or granting a preference in the case of, the deposit of public funds.

SECTION 6.4 Investment of Debt Service Fund

(a) The Paying Agent shall invest or reinvest any money on deposit in the Debt Service Fund not then needed for the payment of Debt Service on the Series 2025A Warrants in Qualified Investments upon receipt of written direction from the City. All such investments must mature or be subject to redemption at the option of the Holder on or prior to the respective date or dates when cash funds will be required for purposes of the Debt Service Fund. Any investment made with money on deposit in the Debt Service Fund shall be held by or under control of the Paying Agent and shall be deemed at all times a part of the Debt Service Fund.

(b) All interest accruing on such investments and any profit realized therefrom shall be deposited in the Debt Service Fund and shall be credited to the deposits required by Section 6.1. Any losses resulting from liquidation of investments shall be charged to the Debt Service Fund and shall be added to the next ensuing deposit specified in Section 6.1. The Paying Agent shall sell and reduce to cash a sufficient portion of such investments whenever the cash balance in the Debt Service Fund is insufficient to pay Debt Service on the Series 2025A Warrants when due.

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(c) Any investment of money in the Debt Service Fund may be made by the Paying Agent through its own bond department or investment department, and any certificates of deposit issued by the Paying Agent shall be deemed investments rather than deposits.

(d) Any cash balances remaining in the Debt Service Fund shall be kept continuously secured by holding on deposit as collateral security therefor Federal Securities having a market value at least equal at all times to the amount to be secured thereby, unless such cash is kept on deposit in U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations that are qualified public depositories under Chapter 14A of Title 41 of the Code of Alabama (1975).

ARTICLE 7

Sale and Delivery of Series 2025A Warrants

SECTION 7.1 Sale of Series 2025A Warrants

(a) The Series 2025A Warrants are hereby authorized to be sold to the Successful Bidder at public sale on the terms and conditions set forth in the Definitive Terms Certificate.

(b) The purchaser of the Series 2025A Warrants shall be under no duty to inquire as to the application of the proceeds of the Series 2025A Warrants. Nevertheless, such proceeds shall be held and applied solely for the purposes specified in this ordinance.

SECTION 7.2 Official Statement, Continuing Disclosure Agreement and Other Documents

(a) The governing body of the City does hereby approve and authorize the Continuing Disclosure Agreement and the Preliminary Official Statement dated February 25, 2025. Additionally, the governing body of the City does hereby approve, authorize, ratify and confirm the distribution, on or after the date hereof, of the Preliminary Official Statement to prospective purchasers of the Series 2025A Warrants. The Mayor or the Executive Director of Finance is hereby authorized to deem the Preliminary Official Statement "final" as contemplated by Rule 15c2-12 promulgated by the United States Securities and Exchange Commission. The Mayor and the Executive Director of Finance of the City are hereby authorized and directed to complete the Preliminary Official Statement (such Preliminary Official Statement as completed being herein referred to as the "Official Statement") with (i) information relating to the terms of sale of and interest rates on the Series 2025A Warrants as herein provided and as provided in the Definitive Terms Certificate, (ii) such information regarding reoffering prices or yields on the Series 2025A Warrants as shall be provided by the purchaser of the Series 2025A Warrants and (iii) such changes or additions thereto or deletions therefrom as the executing officers shall approve and shall be acceptable to the purchaser of the Series 2025A Warrants. The Mayor and the Executive Director of Finance of the City are hereby authorized and directed to date the Official Statement as of an appropriate date and to execute and/or deliver the Continuing Disclosure Agreement and the Official Statement in the name and on behalf of the City in substantially the form made available at this meeting, with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve, which approval shall be conclusively evidenced by his or her execution of such instruments. Additionally, the governing body of the City does hereby approve, authorize, ratify and confirm the distribution, on or after the date hereof, of the Official Statement to prospective purchasers of the Series 2025A Warrants.

(b) The Mayor or the Executive Director of Finance of the City, and any person or persons designated and authorized by either of such officers to act in the name and on behalf of the City, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, amendments, further assurances or other instruments or communications, under the seal of the City or otherwise, as they or any of them may deem necessary, advisable, or

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appropriate in order to carry into effect the intent of the provisions of this ordinance and to demonstrate the validity of the Series 2025A Warrants, the absence of any pending or threatened litigation with respect to the Series 2025A Warrants and the transactions contemplated by this ordinance, and the exemption of interest on the Series 2025A Warrants from Federal and State of Alabama income taxation.

(c) The Mayor is hereby authorized to execute and deliver, in the name and on behalf of the City, the Definitive Terms Certificate. The Definitive Terms Certificate shall be in such form as the Mayor of the City, acting with the advice and recommendation of the employees of and advisors to the City, shall determine to be necessary or desirable in order to consummate the transactions authorized by this ordinance, the determination of the final pricing terms of the Series 2025A Warrants described in the Definitive Terms Certificate by the Mayor of the City to be conclusively established by his execution of the same. The Mayor's execution and delivery of the Definitive Terms Certificate shall constitute his approval of the final pricing terms of the Series 2025A Warrants. Notwithstanding the foregoing provisions of this paragraph, the Mayor shall not execute and deliver the Definitive Terms Certificate, unless:

(1) the principal amount of the Series 2025A Warrants does not exceed \$250,000,000;

(2) the final maturity date for the Series 2025A Warrants is not later than February 15, 2055;

(3) the interest rate for any maturity of the Series 2025A Warrants does not exceed 6.00%;

(4) the weighted average maturity of the Series 2025A Warrants does not exceed twenty-two (22) years;

(5) the period of time between the date of the Series 2025A Warrants and the first date on which the Series 2025A Warrants are subject to optional redemption is no longer than ten (10) years, and the premium payable on the Series 2025A Warrants in connection with any such optional redemption does not exceed 100.00%;

(6) the all-in total interest cost for the Series 2025A Warrants (that is, taking into account accrued interest, any original issue discount or original issue premium, the underwriter's discount, any premiums or fees for credit enhancement paid from proceeds of the Series 2025A Warrants, and any other costs of issuance paid from proceeds of the Series 2025A Warrants) is not greater than 5.50%; and

(7) the purchase price of the Series 2025A Warrants is not less than 98.50%.

(d) Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this ordinance except that such action was taken prior to the adoption of this ordinance, is hereby ratified, confirmed, approved and adopted.

SECTION 7.3 Application of Proceeds

The proceeds from the sale of the Series 2025A Warrants shall be delivered to the Paying Agent for deposit in a clearance account and shall be applied by the Paying Agent for the purposes and in the order set forth in the Definitive Terms Certificate.

ARTICLE 8

The Acquisition Fund

SECTION 8.1 Acquisition Fund

(a) There is hereby established with the Paying Agent a fund that shall be designated the "General Obligation Warrants, Series 2025A Acquisition Fund" (herein called the "Acquisition Fund"). A deposit to the Acquisition Fund is to be made pursuant to Section 7.3.

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(b) The money in the Acquisition Fund shall be paid out by the Paying Agent from time to time for the purpose of paying (i) the issuance expenses incurred in connection with the Series 2025A Warrants and (ii) the Acquisition Costs, but only upon receipt of a requisition in the form attached hereto as Exhibit 8.1(b), executed by an Authorized City Representative. Each requisition shall be accompanied by an invoice or invoices from the payee named (or, if the City is requesting reimbursement, from the person to whom the City made payments for the Acquisition Costs) showing that the amount requested to be paid is or was due and payable for the purpose stated in such requisition.

(c) Payment of the reasonable expenses and charges of the Paying Agent in connection with the administration of the Acquisition Fund shall be paid out of the Acquisition Fund; provided, however, the Paying Agent is hereby authorized to withdraw from the Acquisition Fund without requisition any of such expenses and charges of the Paying Agent.

(d) In addition to the documents required by this section, the Paying Agent may require, as a condition precedent to any payment or withdrawal, further evidence with respect thereto or with respect to the application of any money previously disbursed or as to the correctness of any statement made in any requisition. The Paying Agent shall, however, be under no duty to require such evidence unless so requested. The Paying Agent shall not be liable for any misapplication of money in the Acquisition Fund if disbursed pursuant to the provisions of this section and without knowledge or reason to believe that such disbursement constitutes a misapplication of funds.

SECTION 8.2 Surplus Acquisition Fund Money

(a) Whenever an Authorized City Representative shall have filed with the Paying Agent a certificate stating (i) that acquisition, construction and equipping of the Warrant-Financed Facilities has been completed in accordance with the plans and specifications previously approved by the City and (ii) that all issuance expenses and the Acquisition Costs have been paid in full, any money then remaining in the Acquisition Fund shall be deposited in the Debt Service Fund for payment of Debt Service on the next ensuing Interest Payment Date.

(b) The City may cause changes or amendments to be made in the description of the Warrant-Financed Facilities and may add items to, or delete items from, the list of Warrant-Financed Facilities; provided that the City delivers to the Paying Agent (i) a certified copy of a resolution of the governing body of the City specifying such changes, amendments, additions or deletions, (ii) an Opinion of Counsel stating in effect that the Warrant-Financed Facilities, after giving effect to such changes, amendments, additions or deletions, qualify for financing under the Enabling Law, and (iii) a Favorable Tax Opinion.

SECTION 8.3 Investment of Money in the Acquisition Fund

The Paying Agent shall invest or reinvest any money on deposit in the Acquisition Fund not then needed for the payment of the Acquisition Costs in Qualified Investments in the same manner and subject to the same conditions as money on deposit in the Debt Service Fund is invested in accordance with Section 6.4 of this ordinance.

ARTICLE 9

Miscellaneous

SECTION 9.1 Agreement to Pay Attorneys' Fees

If the City should default under any of the provisions of this ordinance and the Holder of any Series 2025A Warrant should employ attorneys or incur other expenses for the collection of any payments due hereunder or the enforcement of performance or observance of any agreement or covenant on the part of the City herein contained, the City will (to the extent legally enforceable) on demand therefor pay to such Holder the reasonable fees of such attorneys and such other expenses so incurred.

SECTION 9.2 Provisions of Ordinance a Contract

The terms, provisions and conditions set forth in this ordinance constitute a contract between the City and the Holders of the Series 2025A Warrants and shall remain in effect until the Debt Service on the Series 2025A Warrants shall have been paid in full or provision for such payment has been made in accordance with Section 5.2.

SECTION 9.3 Separability Clause

If any provision in this ordinance or in the Series 2025A Warrants shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

SECTION 9.4 Governing Law

This ordinance shall be construed in accordance with and governed by the laws of the State of Alabama.

SECTION 9.5 Designation of Time for Performance

Except as otherwise expressly provided herein, any reference in this ordinance to the time of day shall mean (a) if the Book-Entry Only System is in effect, the time of day in the city where DTC maintains its place of business for the performance of its obligations under the Book-Entry Only System or (b) if the Book-Entry Only System is no longer in effect, the time of day in the city where the Paying Agent maintains its place of business for the performance of its obligations under this ordinance.

SECTION 9.6 Notices to Holders of the Series 2025A Warrants; Waiver

(a) Where this ordinance provides for notice to any Holder of a Series 2025A Warrant of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to such Holder at the address of such Holder as it appears in the Warrant Register, not later than the latest date, and not earlier than the earliest date, prescribed for the giving of such notice.

(b) In any case where notice to Holders of the Series 2025A Warrants is given by mail, neither the failure to mail such notice, nor any defect in any notice so mailed, to any particular Holder shall affect the sufficiency of such notice with respect to other Holders of the Series 2025A Warrants. Where this ordinance provides for notice in any manner, such notice may be waived in writing by the person entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders of the Series 2025A Warrants shall be filed with the City and the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 9.7 Tax Certificate and Agreement

The City agrees that it will comply with the covenants and agreements to be made by it in the Tax Certificate and Agreement, to be executed and delivered in conjunction with the delivery of the Series 2025A Warrants.

SECTION 9.8 Amendment of Description of Warrant-Financed Facilities or Uses of Series 2025A Warrant Proceeds

The City may amend or change the description of the Warrant-Financed Facilities or the uses of Series 2025A Warrant proceeds contained in this ordinance, provided that: (a) the governing body of the City adopts an ordinance setting forth such amendment or change and (b) the uses, as so amended or changed, are eligible for financing with proceeds of warrants issued pursuant to the Enabling Law and the Economic Development Amendment, (c) such amendment or change will not cause the amount of the Series 2025A Warrants chargeable against the City's constitutional limitation on indebtedness to increase, and (d) such amendment or change would not cause interest on the Series 2025A Warrants to become Taxable.

SECTION 9.9 Inspection of Records

The City will at any and all times, upon the request of the Paying Agent, afford and procure a reasonable opportunity for the Paying Agent by its representatives to inspect any books, records, reports and other papers of the City relating to the performance by the City of its covenants in this ordinance, and the City will furnish to the Paying Agent any and all information as the Paying Agent may reasonably request with respect to the performance by the City of its covenants in this ordinance.

SECTION 9.10 Amendments to Ordinance Not to Affect Tax Exemption

No amendment may be made to this ordinance or the Series 2025A Warrants unless the Paying Agent receives a Favorable Tax Opinion.

SECTION 9.11 Repeal of Conflicting Provisions

All resolutions, ordinances, and orders or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 9.12 Effect of Headings and Table of Contents

The article and section headings herein and in the table of contents are for convenience only and shall not affect the construction hereof.

SECTION 9.13 Remedies

In the event that the City should default in the payment of the principal of or interest on the Series 2025A Warrants, or should fail to comply with any of the other covenants and agreements contained in this ordinance, the Holders of the Series 2025A Warrants shall be entitled to exercise all available remedies under the laws of the State of Alabama, whether in law or at equity.

The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

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

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–007 Series 2025, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 19, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of February, 2025.



City Clerk

CONSENT RESOLUTIONS HELD OVER

APPOINT CONSUELLA PHILLIPS TO THE MOBILE COUNTY YOUTH COUNCIL. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

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RESOLUTION: 03-160-2025

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Consuella Phillips is appointed to the Mobile City County Youth Council effective immediately.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Penn, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

RESOLUTIONS HELD OVER

AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH MOBILE COUNTY FOR IMPROVEMENTS AT WEST MOBILE COUNTY PARK; NTE \$2,000,000.00.

The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 01-186-2025

Sponsored by: Mayor Stimpson and Councilmember Woods

WHEREAS, it is beneficial to the City of Mobile and serves a public purpose to provide funding to the Mobile County Commission for improvements to West Mobile County Park; and

WHEREAS, the City Council of the City of Mobile believes that it is a good, proper and justifiable use of public resources to enter into an agreement to contribute financial assistance to the Mobile County Commission in furtherance of the above purpose;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation not to exceed \$2,000,000.00 to the Mobile County Commission, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile the contract attached hereto, or one worded substantially similar thereto, and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

APPROVE ITEM-BASED BIDS FOR OUTDOOR POWER EQUIPMENT. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 01-187-2025

MINUTES OF FEBRUARY 25, 2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5923</u>	Outdoor Power Equipment	4	See bid tabulation	Six months, renewable for up to five additional six-month periods.	<u>(237250) Wilson Dismukes, Inc,</u> <u>(277810) American Rental & Power Equipment, Inc,</u> <u>(022254) Beard Power Equipment Company</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

APPROVE PURCHASE ORDER TO CELLEBRITE, INC. FOR ANNUAL RENEWAL OF FORENSIC SOFTWARE FOR GULF COAST TECHNOLOGY CENTER; \$359,092.07.

The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-190-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13843</u>	2025	(1502) GULF COAST TECHNOLOGY CENTER	ANNUAL RENEWAL OF ELECTRONIC DEVICE FORENSIC SOFTWARE FOR GULF COAST TECHNOLOGY CENTER (BID EXEMPT AS SOFTWARE)	\$359,092.07	<u>(293683) CELLEBRITE INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to

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adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

APPROVE PURCHASE ORDER TO JERRY PATE TURF & IRRIGATION, INC. FOR TWO ROTARY MOWERS FOR AZALEA CITY GOLF COURSE; \$188,381.28. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-192-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>2333</u>	2025	(F6130) AZALEA CITY GOLF COURSE	TWO TORO 4500 GROUNDMASTER FINE CUT ROTARY MOWERS FOR AZALEA CITY GOLF COURSE (SEALED BID 5926)	\$188,381.28	<u>(101098) JERRY PATE TURF & IRRIGATION INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

APPROVE PURCHASE ORDER TO SUNBELT FIRE, INC. FOR FIRE BUNKER GEAR, COATS, PANTS AND LEATHER BOOTS FOR MFRD; \$93,660.00. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-193-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>18149</u>	2025	(1510) FIRE ADMINISTRATION	21 SETS OF FIRE BUNKER GEAR COATS PANTS AND LEATHER BOOTS FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$93,660.00	(198904) <u>SUNBELT FIRE INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

APPROVE PURCHASE ORDER TO TIMECLOCK PLUS, LLC FOR ANNUAL RENEWAL OF TIMEKEEPING SOFTWARE AND MAINTENANCE FOR MIT; \$52,139.92. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 08-194-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisitions	Fiscal Year	Department	Description	Amount	Vendor
<u>14351,</u> <u>18060</u>	2025	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF TIMECLOCK PLUS EMPLOYEE TIMEKEEPING SOFTWARE AND MAINTENANCE FOR MIT (BID EXEMPT AS SOFTWARE, SOLE SOURCE FOR MAINTENANCE SUPPORT)	\$52,139.92	(295232) <u>TIMECLOCK PLUS LLC</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

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AUTHORIZE CONTRACT WITH AECOM TECHNICAL SERVICE, INC. FOR CONGESTION MANAGEMENT PROGRAM; \$300,000.00. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 21-195-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile, and the company listed below; for work as outlined in the contract attached hereto and made a part hereof as set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed change order will be on file in the office of the City Clerk.

Name of Company: AECOM Technical Services, Inc.

Project Name: Congestion Management Program City of Mobile Arterial Management Project

Capital Project No.: G-STPM4925

Amount: \$300,000.00

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR CONGESTION MANAGEMENT PROGRAM; \$300,000.00. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 21-196-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile, and the company listed below; for work as outlined in the contract attached hereto and made a part hereof as set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed change order will be on file in the office of the City Clerk.

Name of Company: Kimley-Horn and Associates, Inc.

Project Name: Congestion Management Program City of Mobile Arterial Management Project

Capital Project No.: G-STPM4925

Amount: \$300,000.00

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The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

AUTHORIZE THE MAYOR TO APPLY, ACCEPT, AND RECEIVE GRANT ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN SUPPORT OF THE FLOOD MITIGATION ASSISTANCE PROGRAM; \$450,000.00 (25% LOCAL MATCH). The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 31-198-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the Federal Emergency Management Agency (FEMA), grant assistance in the amount of \$450,000.00 in support of the Flood Mitigation Assistance (FMA) program. There is a 25% match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance Program. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; GRACE. The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 60-199-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Rodney Grace, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

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Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MARCHAND.

The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 60-200-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Kamrey Marchand, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH B.L. HARBERT INTERNATIONAL, LLC FOR CONSTRUCTION OF NEW MOBILE ARENA; \$237,447,000.00.

The following resolution which was introduced and read at the regular meeting of February 18, 2025 and held over one week until the regular meeting of February 25, 2025, was called up by the Presiding Officer.

RESOLUTION: 21-403-2025

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement, by and between the City of Mobile, and the company listed below, for work as outlined in the Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Agreement is on file in the office of the City Clerk.

Name of Company: B.L. Harbert, International LLC

Project Name: Mobile Arena Construction

Project Number: CC-034A-22

Amount: \$237,447,000.00

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider consent resolutions 46-404 through 60-425 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

HONORARILY RENAME FIRST AVENUE TO "MARGARET SMALL WAY". The following resolution was introduced by Councilmember Small.

RESOLUTION: 46-404-2025

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, THAT First Avenue be honorarily renamed "Margaret Small Way".

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

DECLARE WEEDS NOXIOUS, WEED LIEN GROUP 1663. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-045-2025

A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.

WHEREAS, a survey has been made to determine the properties upon which or in front of which noxious or dangerous weeds are growing and the agents or employees of the City of Mobile have obtained the legal description of parcels of property in the City of Mobile upon which or in front of which such weeds are growing, and it has been determined to follow the provisions of Act No. 329 of the Legislature of the State of Alabama, approved on April 28, 1988, and to have caused such weeds to be cut or otherwise abated as public nuisances:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE AS FOLLOWS:

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1663 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby

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declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the 1st day of April, 2025, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

ASSESS COSTS FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1661. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-406-2025

RESOLUTION ASSESSING THE COST OF REMOVAL OF NOXIOUS OR DANGEROUS WEEDS IN FRONT OF OR ON CERTAIN PARCELS OF LAND IN THE CITY OF MOBILE, ALABAMA.

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF MOBILE as follows:

Section 1. The amount set opposite each described parcel of real property contained in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Weed Lien Group 1661 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

Section 2. It is directed that a copy of this resolution be delivered to the Tax Collector of the City of Mobile, and it shall be his duty to add the amounts of the above respective assessments to the next regular bills for ad valorem taxes levied against the said

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respective lots and parcels of land for municipal purposes, and such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedure on foreclosure and sale as in the case of delinquency as provided for ordinary ad valorem taxes.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

DETERMINE AN APPROPRIATION TO JACK & JILL OF AMERICA, INC., MOBILE CHAPTER SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-407-2025

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Reynolds wishes to appropriate **\$500.00** to **Jack & Jill of America, Inc., Mobile Chapter**, from District 1 Discretionary Fund (10041020 42080); and

WHEREAS, **Jack & Jill of America, Inc., Mobile Chapter**, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to **Jack & Jill of America, Inc., Mobile Chapter**, will be used to assist with the annual Le Beautillion Militaire Dinner Dance.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to **Jack & Jill of America, Inc., Mobile Chapter**, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

DETERMINE AN APPROPRIATION TO AFRICATOWN COMMUNITY DEVELOPMENT CORPORATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-408-2025

Sponsored by: Councilmember Carroll

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WHEREAS, Councilmember Carroll wishes to appropriate **\$500.00** to **Africatown Community Development Corporation**, from District 2 Discretionary Fund (10041020 42080); and

WHEREAS, **Africatown Community Development Corporation**, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to **Africatown Community Development Corporation**, will be used to assist with a dumpster rental for the Jakes Lane Community Garden clean-up day.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to **Africatown Community Development Corporation**, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

DETERMINE AN APPROPRIATION TO SALTY KIDZ SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-409-2025

Sponsored by: Councilmember Reynolds

WHEREAS, Councilmember Reynolds wishes to appropriate **\$500.00** to **Salty Kidz**, from District 4 Discretionary Fund (10041020 42080); and

WHEREAS, **Salty Kidz**, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to **Salty Kidz**, will be used to assist with the annual fishing event at Meaher State Park.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to **Salty Kidz**, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

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Nays: None

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

DETERMINE AN APPROPRIATION TO AFRICATOWN COMMUNITY DEVELOPMENT CORPORATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-425-2025

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$500.00** to Africatown Community Development Corporation, from District 2 Discretionary Fund (10041020 42080) to be used as a performance contract; and

WHEREAS, Africatown Community Development Corporation, is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Africatown Community Development Corporation, will be used to assist with a dumpster rental for the Jakes Lane Community Garden Clean-Up Day.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to Africatown Community Development Corporation, for the purposes described hereinabove and pursuant to language in the request serves a public purpose and the Council further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to adopt the resolution, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CIP RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider CIP resolution 08-410 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CIP RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO MUSCO SPORTS LIGHTING, LLC FOR TENNIS COURT LIGHTS AT MEDAL OF HONOR PARK; \$33,000.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 08-410-2025

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Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13405</u>	2025	(1032) ARCHITECTURAL ENGINEERING	MEDAL OF HONOR PARK TENNIS COURT LIGHTS (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$33,000.00	(278697) MUSCO SPORTS LIGHTING LLC

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider resolutions 08-412and 08-416 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH THE ALABAMA STATE PORT AUTHORITY, THE STATE OF ALABAMA AND ONE WATER, LLC FOR THE SALE OF CERTAIN REAL PROPERTY. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 01-411-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Purchase and Sale Agreement between the City of Mobile, Alabama State Port Authority, the State of Alabama and One Water, LLC, attached hereto or one substantially similar, and made a part hereof, as though set forth in full, to purchase certain real property. A copy of said Purchase and Sale Agreement is on file in the office of the City Clerk.

APPROVE PURCHASE ORDER TO INSIGHT PUBLIC SECTOR FOR HP DESKTOP COMPUTERS FOR MPD; \$30,760.00. The following resolution was introduced by Councilmember Gregory.

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RESOLUTION: 08-412-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>16637</u>	2025	(1530) POLICE ADMIN SERVICES	40 REFURBISHED HP DESKTOP COMPUTERS FOR MPD (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$30,760.00	(<u>296399</u>) <u>INSIGHT PUBLIC</u> <u>SECTOR</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory

Nays: None

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

APPROVE PURCHASE ORDER TO KRUEGER INTERNATIONAL, INC. FOR MECHANICAL ASSIST SHELVING FOR MPD; \$148,911.60. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 08-413-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3401</u>	2025	(1530) POLICE ADMIN SERVICES	MECHANICAL ASSIST SHELVING FOR MPD (AL STATE CONTRACT)	\$148,911.60	(<u>282411</u>) <u>KRUEGER</u> <u>INTERNATIONAL</u> <u>INC</u>

APPROVE PURCHASE ORDER TO MAGNET FORENSICS USA, INC. FOR ANNUAL RENEWAL OF FORENSIC SOFTWARE FOR GULF COAST TECHNOLOGY CENTER; \$57,110.00. The following resolution was held over until the regular meeting of March 5, 2025.

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RESOLUTION: 08-414-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>19932</u>	2025	(1502) GULF COAST TECHNOLOGY CENTER	ANNUAL RENEWAL OF DIGITAL FORENSIC SOFTWARE FOR GULF COAST TECHNOLOGY CENTER (BID EXEMPT AS SOFTWARE)	\$57,110.00	<u>(295509) MAGNET FORENSICS USA, INC.</u>

APPROVE PURCHASE ORDER TO SHI INTERNATIONAL CORP. FOR DIGITAL FLASH STORAGE FOR MIT; \$76,471.72. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 08-415-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>20017</u>	2025	(5000) INFORMATION TECHNOLOGY	148 TB PURE STORAGE DIGITAL FLASH STORAGE ARRAY FOR MIT (AL STATE CONTRACT)	\$76,471.720	<u>(272641) SHI INTERNATIONAL CORP</u>

APPROVE PURCHASE ORDER TO TABLET COMMAND, INC. FOR ANNUAL RENEWAL OF INCIDENT MANAGEMENT SOFTWARE FOR MFRD; \$28,000.00. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 08-416-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>17156</u>	2025	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF TABLET COMMAND INCIDENT MANAGEMENT SOFTWARE FOR MFRD (BID EXEMPT AS SOFTWARE)	\$28,000.00	<u>(298024) TABLET COMMAND INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods, and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

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

APPROPRIATE FUNDS IN THE MUNICIPAL GOVERNMENT CAPITAL IMPROVEMENT FUND TO VARIOUS CAPITAL PROJECTS; \$1,350,000.00. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 09-417-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,350,000.00 be appropriated in the Municipal Government Capital Improvement Fund (Fund 2010; Revenue Code CAR01 Annual Capital Trust Revenue) to be following Capital Projects:

Parks-West Mobile County Park Improv	\$1,000,000.00
Citywide Drainage Repairs	200,000.00
Citywide Bridge Repairs	150,000.00

ALLOCATE FUNDS IN THE MUNICIPAL STORM WATER FEES CAPITAL PROJECT TO VARIOUS STORM WATER MANAGEMENT PROJECTS; \$2,632,000.00. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 09-418-2025

Sponsored by: Mayor Stimpson

WHEREAS, THE CITY COUNCIL OF THE CITY OF MOBILE adopted Ordinance Number 01-024 on August 21, 2018 levying a storm water fee on Residential and Commercial Property to support the Storm Water Management Program (MS4); and

WHEREAS, Ordinance No. 01-024 is now codified at Article III, Chapter 17 of the Mobile City Code; and

WHEREAS, Sec. 17-47 of the Mobile City Code states:

"The storm water fees levied and collected pursuant to this division shall be deposited into a fund known as storm water fund to be designated for expenses incurred complying with the City's NPDES permit for operations of its MS4, including but not limited to eliminating floatables from and improving water quality in the rivers, streams and waterways of the City and other storm water management activities required by the City's storm water management program. All amounts remaining in the fund at the end of the fiscal year shall not lapse but shall retain their dedication to storm water purposes."

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WHEREAS, The Revenue Commissioner of Mobile County assessed, collected, enforced and remitted the fees to the City of Mobile; and

WHEREAS, in order for such funds to be utilized for the purposes set forth in section 17-4 7, the Mobile City Council desires to allocate the funds to a capital projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA , that the sum of \$2,632,000, currently deposited in the Storm Water Fund, be allocated to Capital Project #C0446 Municipal Storm Water Fees Project for the following Storm Water Management projects:

Household Hazardous Waste Day 2024	\$150,000.00
Miscellaneous Drainage/Slope Repairs (Citywide)	\$1,100,000.00
On-Call Miscellaneous Drainage Repairs	\$982,000.00
Twelve Mile Creek Bank Stablization/Golf Course	\$400,000.00

TRANSFER FUNDS FROM CAPITAL PROJECT BAUMHAUER-RANDALL PARK TO THE CAPITAL PROJECT BOYS & GIRLS CLUB FOR DESIGN OF SITE AND FACILITY IMPROVEMENTS AT THE PARKWAY COMMUNITY CENTER PROJECT; \$226,150.00.

The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 09-419-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$226,150.00 be transferred from the Capital Project C0655 CIP BAUMHAUER-RANDALL PARK; to the Capital Project C0855 BOYS & GIRLS CLB, COMM CTR, FOOD PA for the use of funds in the design phase of site and facility improvements and additions for the Parkway Community Center Project.

AUTHORIZE CHANGE ORDER WITH CHRIS BREWER CONTRACTING, INC. FOR CITY-WIDE SMALL ASPHALT REPAIRS; INCREASE \$750,000.00. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 13-420-2025

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small Reynolds, Daves, Woods, and Gregory

WHEREAS, the CITY entered into a contract dated February 14, 2024, with Chris Brewer Contracting, Inc. for street repairs on the project known as 2024 City of Mobile Annual Street Maintenance (COM Project No. 2024-3005-06); and

WHEREAS, the original contract amount was \$705,650.00 for a task order and unit priced based contract for annual on-call storm drain maintenance for a term of one year with a renewable clause of one or two additional one-year periods; and

WHEREAS, the original contract was awarded by competitive bid and the term option is being extended without any change in scope or in unit prices, but only additional funding approved for \$750,000.00, increasing the original agreement to a total of \$1,455,650.00; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest for and on behalf of the City of Mobile, the Amendment to Extend Term of Agreement with Chris Brewer Contracting, Inc., attached hereto. A copy of said Amendment is on file in the office of the City Clerk.

AUTHORIZE THE MAYOR TO ACCEPT SUBAWARD AGREEMENT BETWEEN CITY OF MOBILE AND THE STATE OF ALABAMA DEPARTMENT OF CONSERVATION

MINUTES OF FEBRUARY 25, 2025

AND NATURAL RESOURCES; \$2,096,981.00. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 13-421-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, WHEREAS, the Mayor and City Clerk, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile in order to accept and receive federal funds in the amount of \$2,096,981.00 from the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) for implementation of the Spill Impact Component (Bucket 3) project titled "Project #28: Reconnecting People, Work, and Play through Complete Streets" from the State of Alabama Department of Conservation and Natural Resources.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant and to sign any agreements or other documents in connection with the grant and to provide any information required by the Department of Treasury or State of Alabama Department of Conservation and Natural Resources or any other federal agency. The subaward agreement, together with the exhibits, shall be filed with the city clerk after award and execution.

CONSIDER THE APPLICATION OF CYNTHIA CRENSHAW FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 37-422-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Cynthia Crenshaw for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

CONSIDER THE APPLICATION OF CARLOS DIXON FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 37-423-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Carlos Dixon for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

CONSIDER THE APPLICATION OF ANGEL WILLIAMS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SEDAN SERVICE. The following resolution was held over until the regular meeting of March 5, 2025.

RESOLUTION: 37-424-2025

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Angel Williams for a Certificate of Public Convenience and Necessity to operate a sedan service is hereby approved. A copy of said application is on file in the office of the City Clerk.

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ANNOUNCEMENTS

Lisa C. Lambert, City Clerk, announced that the next Council meeting will be held on Wednesday, March 5, 2025 due to the Mardi Gras holiday.

Councilmember Penn asked the community to keep the Trenier family in their prayers for the recent passing of Chief Alexander G. Trenier.

Councilmember Penn stated that he had the opportunity to participate in a food drive this past weekend at Right Way Christian Center.

Councilmember Gregory stated that a community meeting will be held for the residents of Kings Branch and Orchard Estates on March 11, 2025 at The Grounds at 6:00 p.m.

Councilmember Daves moved to adjourn the meeting, which was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Daves, Woods, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:17 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK