

MUNICIPAL BUILDING, MOBILE, ALABAMA, DECEMBER 14, 2021

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, December 14, 2021, at 9:00 a.m.

Present:

Councilmembers: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Absent: None

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, DECEMBER 14, 2021

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, December 14, 2021, at 10:30 a.m., in regular meeting.

The meeting was called to order by City Clerk Lisa C. Lambert.

Pastor Chris Joiner, Life Change Ministry, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Council President Small asked for a moment of silence in memoriam of the lives lost due to recent tornados.

Present on Roll Call:

Chairman: Small
Councilmembers: Penn, Carroll, Reynolds, Daves, Scott and Gregory
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council rules of procedure.

APPROVAL OF MINUTES:

The minutes of the meeting of December 7, 2021, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

James Barber, Chief of Staff, provided the following announcements on behalf of Mayor Stimpson:

Chief Barber announced C251: Citizens Academy. This program will aim to educate citizens in daily operations of City government.

Chief Barber reported that Art Walk and Roll Mingle Jingle were well attended.

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Chief Barber announced that a “Holiday Extravaganza” will be held on December 18, 2021, at the James Seal Park, from 10:00 a.m. – 2:00 p.m.

Chief Barber shared that the community clean up in Africatown this past weekend was a success for the community.

PRESENTATION TO THE COUNCIL:

Public Safety Director Lawrence Battiste presented November’s “Officer of the Month” to Christopher Culbertson.

Shad Collins, Superintendent Public Works, presented LaDarrell Bell as the Parks & Recreation “Employee of the Month.”

Shayla Beaco, Executive Director, Build Mobile, presented the “Public Works at Large Employee of the Month” to Payton Rogers.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda, which move was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

APPEALS:

Appeal of Keith Knizley regarding the ARB’s denial of his application to install vinyl windows at 415 Flint Street. (District 2).

1. Keith Knizley, 1058 Hillcrest Lane, spoke in favor of not requiring replacement of the vinyl windows and asked that the Council grant his appeal of the ARB’s decision.
2. Christine Dawson, Deputy Director Build Mobile, spoke in favor of affirming the decision of the Architectural Review Board.
3. Bob Allen, Member of the Architectural Review Board, spoke in favor of affirming the decision of the Architectural Review Board.
4. B. J. Lyon, Attorney, 118 North Royal Street, spoke in favor of not requiring replacement of the vinyl windows and in favor of the Council granting Mr. Knizley’s appeal.
5. Chris Kern, Assistant City Attorney, spoke in favor of affirming the decision of the Architectural Review Board.

NOTE: At approximately 11:30 a.m., Councilmember Reynolds excused himself from the meeting.

Councilmember Carroll moved to deny the appeal, which motion was seconded by Councilmember Daves. Following comments by Councilmembers Jones, Daves, Carroll, Gregory, & Reynolds and Chris Arledge, Council Attorney, and the vote was as follows:

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

Nays: None

The vote was then announced by City Clerk, whereupon the Presiding Officer declared the appeal denied.

NOTE: At approximately 11:31 a.m., Councilmember Reynolds returned to the meeting.

Councilmember Carroll then moved to reconsider the vote on the Knizley appeal, which motion was seconded by Councilmember Daves, and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the appeal denied.

APPEALS:

Request of Daniel Loper for a waiver of the Noise Ordinance at 3750 Moffett Road on January 7, February 4, March 4 and April 1, 2022, from 3:00 p.m. – 10:00 p.m. (District 1).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory
Nays: None

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

Request of Jim Alexander, Mystics of Time, for a waiver of the Noise Ordinance at 607 Government Street on December 31, 2021, from 9:00 p.m. – 1:00 a.m. (District 2).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory
Nays: None

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

Request of Revitalize DIP for a waiver of the Noise Ordinance at 2900 Dauphin Island Parkway on December 18, 2021, from 10:00 a.m. – 1:00 p.m. (District 3).

Councilmember Daves moved to grant the waiver, which motion was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory
Nays: None

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

PUBLIC HEARINGS:

PUBLIC HEARING TO FIX THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2672 HAYLES STREET, \$3,700.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix the cost for the demolition of the structure at 2672 Hayles Street, 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 FIX THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2505 DUBOSE STREET, \$6,700.00 (DISTRICT 1).

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The Presiding Officer announced that today was the day for the public hearing to fix the costs for the demolition of the structure at 2505 Dubose Street, 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 FIX THE COSTS ON THE DEMOLITION OF THE STRUCTURE AT 2804 GREENBACK DRIVE, \$2,500.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix the costs on the demolition of the structure at 2804 Greenback Drive, and asked if there was anyone present to speak for or against this matter.

Joki Jones, 2808 Greenback Drive, stated he was out of town when his property was demolished.

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 FIX THE COSTS ON THE DEMOLITION OF THE STRUCTURE AT 1913 ANDREWS STREET, \$4,700.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix the costs on the demolition of the structure at 1913 Andrews Street, 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 DECLARE THE STRUCTURE AT 1712 DOG RIVER DRIVE EAST A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1712 Dog River Drive East a public nuisance and order it demolished, 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:

None.

NON-AGENDA ITEMS:

1. John Arendall, President, Mobile Law Enforcement Foundation, shared information about the Mobile Law Enforcement Foundation, a non-profit committed to supporting the Mobile Police Department's efforts to keep the community safe.

2. Danny Corte, Executive Director Mobile Sports Authority, provided a brief update on the organizations.

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3. Reggie Hill, 1007 Center Street, spoke in support of the 251 Challenge.

ORDINANCES HELD OVER:

REZONE PROPERTY LOCATED AT 1490 TELEGRAPH ROAD FROM R-1 TO I-2 (DISTRICT 2). The following ordinance, which was introduced and read at the regular meeting of October 19, 2021, held over until the regular meeting of November 17 and December 7 & 14, 2021, was called up by the Presiding Officer.

ORDINANCE: 64-035-2021

Sponsored by: District 2

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

Beginning at the northwest corner of Lot 1, Harcros Subdivision as recorded in Map Book 128, Page 122, Probate Court Records, Mobile County, Alabama, said point being on the eastern right-of-way line of U.S. Highway 43 aka Telegraph Road (70 foot right-of-way) and the arc of a 3907.04 foot radius curve to the left; thence run northwardly and westwardly along the arc of said curve (chord bears north 15°-14'-24" west, 12.80 feet), a distance of 12.80 feet; thence north 15°-43'-10" west and along said eastern right-of-way line, 337.10 feet to the southwest corner of property conveyed by instrument recorded in Real Property Book 5788, Page 814, said Probate Records; thence north 74°-18'-28" east and along the south line of said property, 241.40 feet to a point on the western right-of-way line of Burlington-Northern Railroad (100 foot right-of-way); thence south 15°-38'-01" east and along said eastern right-of-way line, 350.41 feet to the northeast corner of said Lot 1, Harcros Subdivision; thence south 74°-25'-40" west and along the north line of said Lot 1, a distance of 240.98 feet to the Point of Beginning.

The classification of said property is hereby changed from R-1, Single-Family Residential District, to I-2, Heavy Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in I-2, Heavy Industry 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 Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-2, Heavy Industry District until all of the conditions set forth below have been complied with: (1) completion of the Subdivision process; and (2) 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 Carroll made the motion to amend the current version of the ordinance as stated in our information to accept the voluntary use restrictions and also the use restrictions to be placed on the deed of the property, and to replace the original version of the ordinance with the amended version of the ordinance attached to the agenda, and to hold the ordinance over until the regular meeting of January 11, 2022, which motion was seconded by Councilmember Daves and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance amended and held over. The amended version of the ordinance thus reads as follows:

64-035

2022

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

Beginning at the northwest corner of Lot 1, Harcros Subdivision as recorded in Map Book 128, Page 122, Probate Court Records, Mobile County, Alabama, said point being on the eastern right—of—way line of U.S. Highway 43 aka Telegraph Road (70 foot right—of—way) and the arc of a 3907.04 foot radius curve to the left; thence run northwardly and westwardly along the arc of said curve (chord bears north 15°-14'-24" west, 12.80 feet), a distance of 12.80 feet; thence north 15°-43'-10" west and along said eastern right—of—way line, 337.10 feet to the southwest corner of property conveyed by instrument recorded in Real Property Book 5788, Page 814, said Probate Records; thence north 74°-18'-28" east and along the south line of said property, 241.40 feet to a point on the western right—of—way line of Burlington—northern Railroad (100 foot right—of—way); thence south 15°-38'-01" east and along said eastern right—of—way line, 350.41 feet to the northeast corner of said Lot 1, Harcros Subdivision; thence south 74°-25'-40" west and along the north line of said Lot 1, a distance of 240.98 feet to the Point of Beginning.

Said property is also known as Lot 1, Telegraph Road Subdivision, as per map or plat thereof on file and of record as Instrument # 2021074392 of the records in the Office of the Judge of Probate of Mobile County, Alabama.

The classification of said property is hereby changed from R-1, Single-Family Residential District, to I-2, Heavy Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in I-2, Heavy Industry District, subject to the conditions herein, 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 Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-2, Heavy Industry District until all of the conditions set forth below have been complied with: (1) completion of the Subdivision process; (2) full compliance with all municipal codes and ordinances; and (3) Subject to the Voluntary Conditions & Use Restrictions dated December 9, 2021, executed by the Owner of said property, Enger Asset Management, LLC, a/k/a Enger Asset Management Company, LLC, attached hereto and made part hereof by reference.

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

Adopted:

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Lisa Lambert, City Clerk

Applicant Norden Realty, LLC (Marty Norden, Agent)
1490 Telegraph Road
(East side of Telegraph Road, 225' +/- North of the East terminus of Lee Street)
Council District 2
William Carroll

STATE OF ALABAMA

COUNTY OF MOBILE

CITY OF MOBILE – PLANNING AND ZONING
VOLUNTARY CONDITIONS & USE RESTRICTIONS

The undersigned ENGER ASSET MANAGEMENT, LLC, a/k/a ENGER ASSET MANAGEMENT COMPANY, LLC, an Alabama limited liability company (“Grantor”), as the owner of the property located at 1490 Telegraph Road, Mobile, AL 36610 (the “Property”) more specifically described in the attached legal description Exhibit A, on its own behalf and on behalf of any applicant for rezoning of said Property now pending, and in consideration for Mobile City Council rezoning approval of said Property to I-2 zoning classification, hereby voluntarily covenants with the CITY OF MOBILE, an Alabama municipal corporation (“Grantee”), that the following uses shall be prohibited on the Property notwithstanding any future City Council or Planning Commission action, to-wit:

SEE ATTACHED LIST OF NINETY-THREE (93) PROHIBITED USES – EXHIBIT B

Furthermore, said LLC voluntarily agrees that, as a condition of such rezoning, if and after the City of Mobile zoning ordinance is amended to rezone said Property as described herein, this instrument shall be recorded in the Mobile County Probate Court land records, and that any future deed or instrument from the undersigned conveying all or any part of or interest in the Property shall contain a reference to this instrument and the restrictions contained herein.

It is understood and agreed that the above stated restrictions and conditions shall be a burden on the Property that runs with the land, and shall be for the benefit of the City of Mobile and those properties located within three hundred (300) feet of the Property, and are fully enforceable by either the City of Mobile or such other property owners as a condition of such rezoning.

The person executing this instrument on behalf of Grantor represents and warrants that he/she has full authority to do so, and that this instrument constitutes the binding and valid agreement of Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto caused this instrument to be executed by its duly authorized representative on this the 9th day of December, 2021.

Enger Asset Management, LLC,
a/k/a Enger Asset Management Company, LLC

By: /s Lisa Enger

Its: Sole Owner

STATE OF ALABAMA

COUNTY OF MOBILE

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I, the undersigned Notary Public, in and for said State and County, do hereby certify that LISA ENGER whose name as Sole Owner of ENGER ASSET MANAGEMENT, LLC, a/k/a ENGER ASSET MANAGEMENT COMPANY, LLC, is signed to the above and foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, he/she, as such officer/representative and with full authority, executed the same voluntarily for and as the act of said LLC on the day the same bears date.

Given under my hand and official seal of office on this the 9th day of December, 2021.

/s Annette M. Duffy
NOTARY PUBLIC
My Commission Expires: 3/16/2022
(Seal)

GRANTOR'S ADDRESS:
8221 Windsor Way, Mobile, AL 36695

GRANTEE'S ADDRESS:
P.O. Box 1827, Mobile, AL 36633

PROPERTY ADDRESS:
1490 Telegraph Road, Mobile, AL 36610, Key No. 1490452

INSTRUMENT PREPARED BY:
Christopher A. Arledge
The Atchison Firm, P.C.
3030 Knollwood Drive
Mobile, AL 36693

PREPARED WITHOUT TITLE EXAMINATION AT THE REQUEST OF GRANTOR AND WITH INFORMATION PROVIDED BY GRANTOR.

EXHIBIT A

Lot 1, Telegraph Road Subdivision, as per map or plat thereof on file and of record as Instrument # 2021074392 of the records in the Office of the Judge of Probate of Mobile County, Alabama.

EXHIBIT B

Count	Voluntary Conditions and Use Restrictions list of 93 for 1490 Telegraph Road, Mobile, AL 36610
1	Abrasives manufacture:
2	Acid manufacture: hydrochloric, nitric, picric, sulfuric, sulphurous, carbolic
3	Aircraft and aircraft engines manufacture:
4	Alkalies and chlorine manufacture:
5	Ammonia, bleaching powder and chlorine manufacture:
6	Ammunition manufacture:
7	Asbestos products manufacture:
8	Asphalt products manufacture:
9	Automotive wrecking, dismantling or salvage:
10	Battery manufacture:
11	Boiler or tank works:
12	Brick and clay products manufacture:
13	Carpet manufacture: from purchased thread, yarn, jute, etc.
14	Celluloid manufacture:

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15	Cement manufacture:
16	Chemical and fertilizer mineral mining: such as potash, soda, and borax
17	Chemicals and allied products (hazardous), wholesale: such as acids, ammonia, caustic soda, chlorine, explosives
18	Coal mining:
19	Automotive paint and body shop: including van conversion;
20	Concrete and concrete products manufacture:
21	Corn sugars and starches manufacture:
22	Correctional, detention or penal institution:
23	Cotton ginning and bailing:
24	Electric power generating station:
25	Explosives, fireworks, and gunpowder manufacture and/or storage:
26	Fertilizer manufacturing or processing:
27	Foundry (castings):
28	Glass manufacture: from raw materials
29	Glue (animal) manufacture:
30	Glue, size, or gelatin manufacture:
31	Grain drying or feed manufacture from refuse, mash or grain:
32	Grain elevator and storage: storage only
33	Grain milling: including storage and grain elevators
34	Graphite manufacture:
35	Guided missiles, space vehicles and propulsion unit manufacture: not including storage of flammable or explosive materials
36	Gum and wood chemical manufacture or distillation: such as acetone, navel stores, wood oils, turpentine
37	Hazardous materials or substances processing or manufacture: see Definition, section 64-2
38	Hazardous materials storage: see Definition, section 64-2
39	Incinerator:
40	Industrial chemicals manufacture, processing or storage:
41	Industrial engine and turbine manufacture:
42	Industrial gases manufacture or storage: including carbon dioxide, helium, hydrogen, nitrogen, oxygen, acetylene
43	Inorganic pigments manufacture: such as animal black, iron oxide, lead oxide, ochers, umbers, vermilion
44	Insulation manufacture or fabrication:
45	Junk yard: including storage, baling or sale of rags, paper, scrap metal or junk;
46	Landfill: see Definition, section 64-2
47	Leather tanning and finishing:
48	Lime, gypsum, and plaster manufacture:
49	Linoleum manufacture:
50	Livestock, feedlots:
51	Livestock, wholesale:
52	Matches manufacturing:
53	Meat and poultry slaughtering or packing:
54	Metal mining:
55	Metal smelting, refining, rolling, drawing and extruding:
56	Mining and quarrying of nonmetallic minerals: such as limestone, granite, sand and gravel
57	Motor vehicles manufacture:
58	Oil and gas extraction:
59	Oils and fats manufacture: animal and vegetable
60	Paints, varnishes, lacquers, enamels and related products manufacture:
61	Paper, pulp or paperboard mill:

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62	Park and/or playground, public: need not be enclosed within structure
63	Pesticides and fungicides manufacture:
64	Petroleum and petroleum products, distribution: including bulk stations and terminals
65	Petroleum gas (liquified) sales: including bottled butane and propane gas
66	Petroleum refining and petroleum products manufacture or storage:
67	Photographic film, paper, and chemical manufacture:
68	Plastics, synthetic rubber, and cellulose manufacture:
69	Police department or precinct, highway patrol, sheriffs' office:
70	Police livery stable:
71	Polishes (furniture, shoe, automobile) manufacture:
72	Railroad yard: including shops, yards, and team tracks
73	Rubber or gutta percha manufacture, processing or reclaiming:
74	Sawmill, planing mill:
75	Sewage disposal plant:
76	Shipbuilding and repairing:
77	Shooting range, outdoor: need not be enclosed within structure
78	Soap, detergents and disinfectants manufacture:
79	Steel mill:
80	Stockyards:
81	Sugar refining:
82	Syrup manufacture:
83	Tar manufacture or distillation:
84	Tires and inner tube manufacture:
85	Wood preserving with creosote or other impregnation treatment:
86	Electroplating:
87	Plastic products manufacture: from purchased resins; such as plastic film, sheet, pipe, foam, plumbing fixtures, jars, wall coverings
88	Recycling plant: including aluminum, plastic, and glass materials reprocessing
89	Rock crushing or grinding:
90	Sand blasting: operation must prevent debris from reaching surrounding properties
91	Small arms and ordinance manufacture:
92	Stone cutting, shaping and finishing: may include sandblasting
93	Tire retreading or vulcanizing:

ORDINANCE TO AMEND MOBILE CITY CODE LICENSE PROVISION FOR PEDDLER AND TRANSIENT MERCHANTS. The following ordinance, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

ORDINANCE: 34-042-2021

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile ("City") wishes to simplify the type of licenses available for Peddlers and Transient Merchants by eliminating any superfluous license provisions;

WHEREAS, The City also wishes to clarify the type of activity authorized pursuant to said licenses; and

WHEREAS, this Ordinance is enacted to accomplish said goals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to amend the "2008 Schedule of Licenses" located in Chapter 34, of The Code of the City of Mobile, Alabama, 1991, as follows:

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Section 1: The following provision is hereby amended and restated to read as follows:

NAICS	Code	Title	License Rate
454383		Peddlers - annual license Peddlers: All persons or businesses primarily engaged in retailing merchandise via direct sale to the customer by means of a small and temporary location, such as stand, booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever. A Peddler's license does not authorize a person or business to engage in any house-to-house activity, solicit at private residences, or to operate a food truck. For any Peddler's license, the term "display area" includes the total aggregate square foot area occupied by any combination of a booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever. The following conditions apply: (1) The display area may not exceed 40 square feet.	\$50.00, plus \$70.00 tax deposit.
		(2) No activity is permitted in any one fixed location for more than thirty days for any calendar year. (3) This license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (4) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations. (5) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license. (6) Authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. Exception: This license is not valid for Peddlers within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.	

Section 2: The following provision is hereby amended and restated to read as follows:

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454397		Peddlers, Mardi Gras. Stand, booth, table, tent, vehicle, or trailer.	\$1,000.00
		License shall be valid only 30 days prior to and including Mardi Gras Day for the area within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop. The Following conditions apply: (1) The display area may not exceed 200 square feet.	
		(2) This license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license. (5) Authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee Exception: Any business which sets up a booth, stand, or tent during Mardi Gras on property where it is licensed to do business year-round is not required to obtain the additional license provided for in this subparagraph. The gross proceeds derived from the sales from these "on property" Mardi Gras booths, stands or tents must be included in the measure of the annual business license and taxes must be paid and reported on the next regularly scheduled tax period.	

Section 3: The following provision is hereby amended and restated to read as follows:

454392		Transient merchants: All persons engaged in selling goods, wares, merchandise or services to any purchaser other than registered licensed merchants dealing in that particular line of goods offered by said persons, shall be required before selling or offering to sell such articles to obtain a license in the amount of \$500.00. In addition, \$150.00 tax deposit to be paid when the license is purchased. This license shall also apply to such persons that stop in hotels or motels, or rent rooms at other places to display their goods and services and sell same to the general public by samples, or	\$500.00
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		take orders for shirts, clothing or articles of similar or dissimilar character. The following conditions apply: (1) Each license issued is valid only for up to seven consecutive days. Any nonconsecutive activity will require separate licenses. (2) This license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) Licensee must comply all with City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) This license does not authorize a person or business to engage in any house-to-house activity or solicitate at private residences. (5) Authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. Exception: This license is not valid for any activity within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.	
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Section 4: The following provisions shall be deleted and removed:

454381	304.0	Peddlers—Resident, other than on foot (excluding seasonal stands)	
454380	304.0A	Per week, plus \$10.00 tax deposit	\$5.00
454379	304.0B	Per month, plus \$24.00 tax deposit	\$12.00
454378	304.C	Per six months, plus \$100.00 tax deposit	\$50.00

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454382	305.0	Peddlers-Resident, operating seasonal stand. Per week, plus \$30 tax deposit	\$15.00
454377	305.0A	Each additional consecutive week, plus \$15.00 tax deposit	\$7.50
454376	305.0B	Per month, plus \$60.00 tax deposit	\$30.00
454396	306.0	Peddlers—Itinerant or transient. Each itinerant peddler, who, on intrastate business, canvasses or takes orders for, or sells on the streets, or from house to house, or from rooming house, hotel, or office, or from temporary racks in stores owned by others, when such pursuit is not in conflict with any other clause in this article, per week (plus \$60.00 tax deposit)	\$30.00
		(a) The practice of going in and upon private residences in the city, by unlicensed solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or peddling or hawking the same is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. Compliance with this regulation must be cleared with the chief of police.	
454395	307.0	Peddlers not otherwise specified: Each, plus \$150.00 tax deposit	\$125.00
454392	398.0	Transient merchants; salesmen or drummers, same as peddlers	\$125.00

Section 5: Miscellaneous provisions:

(a) All other provisions and sections of the Business License Code and Schedule of Licenses shall remain in full force and effect.

(b) All other City Code Sections and ordinances or part of any City Code Sections and ordinances in conflict are hereby repealed to the extent of such conflict.

(c) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

(d) That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance as required by law.

(e) This Ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Reynolds moved that the ordinance be adopted, which was seconded by Councilmember Carroll.

Councilmember Reynolds moved to amend the ordinance as follows:

AN ORDINANCE TO AMEND THE MOBILE CITY CODE LICENSE PROVISIONS RELATED TO PEDDLERS AND TRANSIENT MERCHANTS

WHEREAS, the City of Mobile (“City”) wishes to simplify the type of licenses available for Peddlers and Transient Merchants by eliminating any superfluous license provisions;

WHEREAS, The City also wishes to clarify the type of activity authorized pursuant to said licenses; and

WHEREAS, this Ordinance is enacted to accomplish said goals.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to amend the “2008 Schedule of Licenses” located in Chapter 34, of The Code of the City of Mobile, Alabama, 1991, as follows:

Section 1: The following provision is hereby amended and restated to read as follows:

NAICS	Code	Title	License Rate
454383		Peddlers - annual license Peddlers: All persons or businesses primarily engaged in retailing merchandise via direct sale to the customer by means of a small and temporary location, such as stand, booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever. A Peddler’s license does not authorize a person or business to engage in any house-to-house activity, solicit at private residences, or to operate a food truck. For any Peddler’s license, the term “display area” includes the total aggregate square foot area occupied by any combination of a booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever. The following conditions apply: (1) The display area may not exceed 40 square feet. (2) No activity is permitted in any one fixed location for more than thirty days for any calendar year. (3) Without prior written City approval, this license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City’s Rights-of-Way. (4) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations. (5) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license. (6) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee. Exception: This license is not valid for Peddlers within the Hank Aaron Loop or for any area extending 500	\$50.00, plus \$70.00 tax deposit.

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		feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.	
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Section 2: The following provision is hereby amended and restated to read as follows:

454397		Peddlers, Mardi Gras. Stand, booth, table, tent, vehicle, or trailer.	\$1,000.00
		License shall be valid only 30 days prior to and including Mardi Gras Day for the area within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop. The Following conditions apply: (1) The display area may not exceed 200 square feet. (2) Without prior written City approval, this license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license. (5) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee. Exception: Any business which sets up a booth, stand, or tent during Mardi Gras on property where it is licensed to do business year-round is not required to obtain the additional license provided for in this subparagraph. The gross proceeds derived from the sales from these "on property" Mardi Gras booths, stands or tents must be included in the measure of the annual business license and taxes must be paid and reported on the next regularly scheduled tax period.	

Section 3: The following provision is hereby amended and restated to read as follows:

454392		Transient merchants: All persons engaged in selling goods, wares, merchandise or services to any purchaser other than registered licensed	
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		merchants dealing in that particular line of goods offered by said persons, shall be required before selling or offering to sell such articles to obtain a license in the amount of \$500.00. In addition, \$150.00 tax deposit to be paid when the license is purchased. This license shall also apply to such persons that stop in hotels or motels, or rent rooms at other places to display their goods and services and sell same to the general public by samples, or take orders for shirts, clothing or articles of similar or dissimilar character. The following conditions apply: (1) Each license issued is valid only for up to seven consecutive days. (2) Without prior written City approval, this license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) Licensee must comply all with City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) This license does not authorize a person or business to engage in any house-to-house activity or solicitate at private residences. (5) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee. Exception: This license is not valid for any activity within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.	\$500.00
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Section 4: The following provisions shall be deleted and removed:

454381	304.0	Peddlers—Resident, other than on foot (excluding seasonal stands)	
454380	304.0A	Per week, plus \$10.00 tax deposit	\$5.00
454379	304.0B	Per month, plus \$24.00 tax deposit	\$12.00
454378	304.C	Per six months, plus \$100.00 tax deposit	\$50.00
454382	305.0	Peddlers-Resident, operating seasonal stand. Per week, plus \$30 tax deposit	\$15.00
454377	305.0A	Each additional consecutive week, plus \$15.00 tax deposit	\$7.50

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454376	305.0B	Per month, plus \$60.00 tax deposit	\$30.00
454396	306.0	Peddlers—Itinerant or transient. Each itinerant peddler, who, on intrastate business, canvasses or takes orders for, or sells on the streets, or from house to house, or from rooming house, hotel, or office, or from temporary racks in stores owned by others, when such pursuit is not in conflict with any other clause in this article, per week (plus \$60.00 tax deposit)	\$30.00
		(a) The practice of going in and upon private residences in the city, by unlicensed solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or peddling or hawking the same is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. Compliance with this regulation must be cleared with the chief of police.	
454395	307.0	Peddlers not otherwise specified: Each, plus \$150.00 tax deposit	\$125.00
454392	398.0	Transient merchants; salesmen or drummers, same as peddlers	\$125.00

Section 5: Miscellaneous provisions:

- (a) All other provisions and sections of the Business License Code and Schedule of Licenses shall remain in full force and effect.
- (b) All other City Code Sections and ordinances or part of any City Code Sections and ordinances in conflict are hereby repealed to the extent of such conflict.
- (c) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (d) That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance as required by law.
- (e) This Ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law.

ADOPTED:

City Clerk

The motion was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

The Presiding Officer then called for the vote on the ordinance as amended and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

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Nays: None

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

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 2724 JOSEPHINE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of October 12, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 40-868-2021

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2724 Josephine Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 7, 8, 12, 14 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2724 Josephine Street described as:

LOT 12 DIVISION A MILLVILLE TRT DBK 121 P 512 #SEC23 T4S R1W #MP29 07 23 0 002

Parcel Number: 29 07 23 0 002 209

Last Assessed to: THREADGILL WENDELL R & BEVERLY M

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Penn moved that the resolution be tabled, which was seconded by Councilmember Rich and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

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DECLARE THE STRUCTURE AT 672 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of October 12, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 40-869-2021

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 672 Stanton Road has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 7, 8, 12, 14 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 672 Stanton Road described as:

LOT 6 BARBARA DALE SUBDIV M BK 8 P 48 MBK 8 P 74 #SEC 44 T4S R1W #MP29 02 44 0 024

Parcel Number: 29 02 44 0 024 484

Last Assessed to: RICHARDSON ERNEST J & MARY ANN
C/O MARIE WILHOITE

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Penn moved that the resolution be tabled, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

DECLARE THE STRUCTURE AT 955 KENTUCKY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of October 12, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 40-871-2021

MINUTES OF DECEMBER 14, 2021

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 955 Kentucky Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 955 Kentucky Street described as:

BEG 208.6 FT W OF SW COR OF KENTUCKY & MARINE STS TH ELY ALG S/L OF KENTUCKY ST 50 FT TH SLY & PAR TO W OF MARINE ST 174.3 FT TH WLY 50 FT TH NLY 175 FT TO S/L OF KENTUCKY ST & POB #SEC 37 T4S R1W #MP29 10 37 0 007

Parcel Number: 29 10 37 0 007 113

Last Assessed to: BELL SHEILA OR CHRISTOPHER T BLACK,
C/O TINITA RICH

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Small moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott 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 CONSULTANT AGREEMENT WITH MAURIN ARCHITECTURE, P.C. FOR IMPROVEMENTS AT JAMES M. SEALS, JR. AND HACKMEYER PARKS; \$112,800.00.
The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 01-1074-2021

Sponsored by: Councilmembers Carroll & Daves and Mayor Stimpson

MINUTES OF DECEMBER 14, 2021

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, 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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: MAURIN ARCHITECTURE, P.C.

Project Name: JAMES M. SEALS, JR. PARK (District 2) –
 COMMUNITY CENTER, BALLFIELD
 RESTROOM/CONCESSIONS BUILDING AND SITE
 DRAINAGE IMPROVEMENTS
 and
 HACKMEYER PARK (District 5) –
 IMPROVEMENTS PHASE 2

Project Number: PR-041-20 / PR-034-21

Amount: \$ 56,530.00 – JAMES M. SEALS, JR. PARK (C0546)
 \$ 56,270.00 – HACKMEYER PARK (C0541)
 \$112,800.00 - TOTAL

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott 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 PROLOGIC ITS, LLC TO UPFIT NINE SUVS FOR MPD ADMINISTRATION, \$34,121.61. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-1075-2021

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>1939</u>	2022	(F7000) MOTOR POOL	UPFIT 9 TAHOE SUV ADMIN VEHICLES FOR MPD (SEALED BID 5579)	\$34,121.61	<u>(297124)</u> <u>PROLOGIC ITS</u> <u>LLC</u>

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

MINUTES OF DECEMBER 14, 2021

Nays: None

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

APPROVE PURCHASE ORDER TO DANA SAFETY SUPPLY, INC. TO UPFIT 15 TAHOE SUVS FOR MPD; \$58,850.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-1076-2021

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>2343</u>	2022	(F7000) MOTOR POOL	UPFIT 15 TAHOE SUV PATROL VEHICLES FOR MPD (SEALED BID 5579)	\$158,850.00	<u>(290980) DANA SAFETY SUPPLY INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

APPROVE THE TRANSFER OF \$1,000,000 FROM UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO CAPITAL PROJECT BROOKLEY BY THE BAY. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 09-1077-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,000,000.00 be transferred from unassigned fund balance in the General Fund (Fund 1000) to Capital Improvements Fund (2000) Capital Project #C0660 Brookley By the Bay.

These funds will be used for expenditures relating to engineering and design of the property.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory. Following comments by Councilmember Carroll the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

MINUTES OF DECEMBER 14, 2021

Nays: None

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

AUTHORIZE TRANSFER OF FUNDS FROM CAPITAL ACCOUNT, PUBLIC FACILITY IMPROVEMENT TO GRANT FUND 5309 (G-PDPORT20-CAPEQPT) IN SUPPORT OF THE FY20 PORT SECURITY GRANT PROGRAM TO ENHANCE SECURITY MEASURES AT THE MOBILE ALABAMA CRUISE TERMINAL; \$42,555.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 09-1078-2021

Sponsored by: Councilmember Carroll & Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$42,555.00 be transferred from the Public Facility Improvement Fund (C0019) to the Port Security Grant Fund (5309) (G-PDPORT20- CAPEQPT) General Ledger Number 53095309.93030. These funds will be used in conjunction with grant funds in the FY20 Port Security Grant to enhance security measures at the Mobile Alabama Cruise Terminal.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

AUTHORIZE CONTRACT WITH H & H ELECTRIC CO., INC. FOR LED LIGHTING UPGRADES AT THE ARTHUR R. OUTLAW CONVENTION CENTER; \$188,350.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-1079-2021

Sponsored by: Councilmember Carroll and Mayor Stimpson

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, 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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: H & H ELECTRIC COMPANY, INC.

Project Name: ARTHUR R. OUTLAW CONVENTION CENTER –
LED LIGHTING UPGRADES

Project Number: CN-042-21

Amount: \$188,350.00

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The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

AUTHORIZE CONTRACT FOR CONCESSION SERVICES FOR CONNIE HUDSON MOBILE REGIONAL SENIOR COMMUNITY CENTER. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-1080-2021

Sponsored by: Councilmember Jones and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and 1031 Meals, LLC for three years, to provide food and beverage concession services for the Connie Hudson Mobile Regional Senior Community Center, 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.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

AUTHORIZE CONTRACT WITH C. THORNTON, INC. FOR HILLSDALE DRAINAGE DITCH NO.1; \$250,337.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-1081-2021

Sponsored by: Councilmember Gregory & Mayor Stimpson

WHEREAS, bids for drainage and roadway improvements for district 7 were received and opened on October 6, 2021.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from C. Thornton, Inc., in the amount of \$250,337.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by C. Thornton, Inc.

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, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

MINUTES OF DECEMBER 14, 2021

Name of Company: C. Thornton, Inc.

Project Name: Hillsdale Drainage Ditch No. 1
Hillsdale Heights Subdivision (D7)

Project Number: 2019-3005-16

Amount: \$250,337.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory. Following comments by Councilmember Gregory the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH ESPALIER, LLC FOR DESIGN OF A NEW SYNTHETIC ATHLETIC FIELD AT MATTHEWS PARK; \$122,473.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-1082-2021

Sponsored by: Councilmembers Reynolds & Daves and Mayor Stimpson

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, 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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: ESPALIER, LLC

Project Name: MATTHEWS PARK
SYNTHETIC ATHLETIC FIELD "A"

Project Number: PR-022-21

Amount: \$122,473.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MYRA J. DARRINGTON, D/B/A SCOTT'S CARRIER, LLC, TO OPERATE A SEDAN SERVICE. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

MINUTES OF DECEMBER 14, 2021

RESOLUTION: 37-1083-2021

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Myra J. Darrington, d/b/a Scott's Carrier, LLC, 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.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

APPROVE ADDENDUM TO ORIGINAL AGREEMENT WITH AXON ENTERPRISES, INC.; \$378,875.00. The following resolution, which was introduced and read at the regular meeting of December 7, 2021 and held over until the regular meeting of December 14, 2021, was called up by the Presiding Officer.

RESOLUTION: 01-1084-2021

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, an Addendum to the original Agreement dated April 15, 2021, between City of Mobile and Axon Enterprises, Inc., as outlined in Addendum No. 1 attached hereto and made a part hereof as though set forth in full herein. A copy of said agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott 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 CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 37-1085 through 60-1099 being introduced for the first time. The motion was seconded by Councilmember Reynolds and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (ON/OFF PREMISE) LICENSE FOR LOST PIZZA, 2540 OLD SHELL ROAD. The following resolution was introduced by Councilmember Daves.

MINUTES OF DECEMBER 14, 2021

RESOLUTION: 37-1085-2021

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Retail Beer/Table Wine
(On/Off Premise)

Submitted by: Quinton Ventures AL LLC

Location: Lost Pizza
2540 Old Shell Road
Mobile, AL 36607

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISE ONLY) LICENSE FOR T AND S MART, 763 SUMMERVILLE STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-1086-2021

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Retail Beer/Table Wine
(Off Premise Only)

Submitted by: SKYLA, LLC

Location: T and S Mart
763 Summerville Street
Mobile. AL 36617

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

FIX THE COSTS FOR DEMOLITION OF THE STRUCTURE AT 2672 HAYLES STREET \$3,700.00. The following resolution was introduced by Councilmember Daves.

MINUTES OF DECEMBER 14, 2021

RESOLUTION: 40-1087-2021

Sponsored by: Councilmember Penn

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2672 HAYLES STREET

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 2672 Hayles Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 2672 Hayles Street to be \$3,700.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of \$3,700.00 shall constitute a special assessment against the property at 2672 Hayles Street and being that property more particularly described as follows:

LOT 21 BLK 1 SOUTH MILLVILL E DBK 128 P 253 #SEC 23 T4S R1W #MP29 07 23 0 002

Parcel No.: 29 07 23 0 002 306

Owner: RUSSELL ROZELLA
4340 DORAL CT
EIGHT MILE, AL 36613

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

FIX THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2505 DUBOSE STREET, \$6,700.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1088-2021

Sponsored by: Councilmember Penn

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2505 DUBOSE STREET

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WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 2505 Dubose Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 2505 Dubose Street to be \$6,700.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of \$6,700.00 shall constitute a special assessment against the property at 2505 Dubose Street and being that property more particularly described as follows:

LOT 12 BLK 4 TOP MOBILE DBK 156 P 66 #SEC 44 T4S R1W #MP29 02 44 0 015

Parcel No.: 29 02 44 0 015 430

Owner: KOEN VANESSA T C/O VANESSA WATTS
2101 GRIDER RD
MOBILE, AL 36618

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

FIX THE COSTS FOR DEMOLITION OF THE STRUCTURE AT 2804 GREENBACK DRIVE; \$2,500.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1089-2021

Sponsored by: Councilmember Penn

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 2804 GREENBACK DRIVE

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 2804 Greenback Drive and the City Council of the City of Mobile having held such public hearing in connection therewith;

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WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 2804 Greenback Drive to be \$2,500.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of \$2,500.00 shall constitute a special assessment against the property at 2804 Greenback Drive and being that property more particularly described as follows:

BEG ATSE COR OF LOT 27 PARADISE PARK SUB UNIT 2 MBK 6/282 RUN TH NWLY ALG NE/L OF SD LOT 27 IN SD SUB 120 FT TO PT ON NW/L OF SD LOT 27 TH SWLY ALG NW/L OF SD LOT 27 IN, SD SUB 40 FT (S) TO PT TH SELY & PAR WITH SW/L OF SD LOT 27, 120 FT TO NW/L GREENBACK ST TH NELY ALG SE/L OF SD LOT 27, 40 FT(S) TO POB & BEING NE 2/3 OF LOT 27 OF PARADISE PARK SUB MBK 281 #SEC 44 T4S R1W #MP29 02 44 0 012

Parcel No.: 29 02 44 0 012 238

Owner: RICHARDSON JAMES L C/O JOKI JONES
8375 MIDDLE RIVER CT
SACRAMENTO, CA 95828

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

FIX THE COSTS FOR DEMOLITION OF THE STRUCTURE AT 1913 ANDREWS STREET, \$4,700.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1090-2021

Sponsored by: Councilmember Penn

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 1913 ANDREWS STREET

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 1913 Andrews Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 1913 Andrews Street

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to be \$4,700.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

Section 1. The amount of \$4,700.00 shall constitute a special assessment against the property at 1913 Andrews Street and being that property more particularly described as follows:

LOT OF LAND ON THE S/S OF ANDREWS ST BEG AT A PT 289 FT E OF THE SE COR OF ANDREWS STS & SECOND ST NOW SCHWARTZ ST IN JACKSONVILLE & RUN TH E ON THE S/S OF ANDREWS ST 38 FT TO A PT TH S & PAR WITH FRONT ST 150 FT TO A PT TH W & PAR WITH ANDREWS ST 38 FT TO A PT TH NLY & PAR WITH FRONT ST 150 FT TO THE POB #SEC 42 T4S R1W #MP29 07 42 0 004

Parcel No: 29 07 42 0 004197

Owner: AUGUSTA EDDIE
30941 MILL LN SUITE 106
SPANISH FORT, AL 36527

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the demolition of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

DECLARE THE STRUCTURE AT 1712 DOG RIVER DRIVE EAST A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1091-2021

Sponsored by: Councilmember Reynolds

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1712 Dog River Drive East has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 7, 8, 12, 14 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

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NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1712 Dog River Drive East described as:

LOT 2 196 GULF MANOR 1ST ADD MBK 8 P 159 #SEC 34 TSS R1W #MP32 04 34 00 003

Parcel Number: 31 04 34 0 003 057

Last Assessed to: JEFFREY AND YVETT BROOKS

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk and the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

DECLARE THE STRUCTURE AT 164 HEMLEY AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1092-2021

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 164 Hemley Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 7, 8, 12, 14 and 15; and

WHEREAS, the Mobile City council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 164 Hemley Avenue described as:

LOTS 256 & 257 HASS PLACE DBK 153 P 266 #SEC 18 T4S R1W #MP29 08 18 1 004

Parcel Number: 29 08 18 1 004 009

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Last Assessed to: BERNARD L. JACKSON (JR)

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk and the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

AUTHORIZE REMOVAL OF WEEDS, GROUP #1623. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-1093-2021

A RESOLUTION DETERMINING WHAT OBJECTIONS SHALL BE ALLOWED AND WHAT OBJECTIONS SHALL BE OVERRULED TO THE REMOVAL OF NOXIOUS OR DANGEROUS WEEDS ON OR IN FRONT OF CERTAIN PARCELS OF LAND.

WHEREAS, notice has been duly given and posted at least five days prior to the date of this resolution in the manner provided by law offering full opportunity to all interested parties to object to the removal of noxious or dangerous weeds on the hereinafter described parcels of land, and the City Council of Mobile having held such public hearing in connection with the notices given and no objections having been filed or made by any of the interested parties; and

WHEREAS, Parcels Nos. 1 through 18 described in the resolution adopted on the 9th day of November, 2021, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

NOW, THEREFORE. BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, as follows:

SECTION 1. It is hereby ascertained and determined that the dangerous and noxious weeds growing on the hereinafter described parcels of real property are public nuisances, and it is hereby ordered and directed that the employees of the City of Mobile assigned to that work promptly remove the weeds on such parcels of property:

PARCELS OR PIECES OF PROPERTY ON WHICH NOXIOUS OR DANGEROUS WEEDS ARE TO BE REMOVED:

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 19, as described in the resolution adopted on the 9th day of November, 2021, and entitled: "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."

(Lot Cleaning Liens, Group No.1623 on file in the office of the City Clerk).

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SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

WEED LIEN						
1623						Res. No.
11/9/2021	LOTS TO BE DECLARED					58-
12/14/2021	LOTS FOR PUBLIC HEARING					58-
//2021	LOTS TO BE ASSESSED FOR COST					58-
No.	Address	SRO No.	CASE #	Amount Assessed	Dis	N/A CBO
1	1818 Indian Creek Dr S	14044	15090		1	
2	2162 Good St	14463	15091		1	
3	3507 Pleasant Valley Rd	14853	15092		5	
4	1550 Robert E Lee St	14195	15093		3	
5	905 Bay Ave	14216	15094		3	
6	1154 Freeman St	14055	15095		3	
7	654 Augusta St	14189	15096		2	
8	816 Gorgas St	14734	15097		3	
9	866 Baltimore St	14175	15098		3	
10	0 Kentucky St	14193	15099		3	
	Parcel No. (29 10 37 0 008 077.XXX)					
11	0 Pettus St	14146	15100		3	
	Parcel No. (29 10 37 0 008 195.XXX)					
12	1057 S Broad St	14162	15101		3	
13	805 Gorgas St	14181	15102		3	
14	1101 S Broad St	14141	15103		3	
15	922 Bay Ave	14457	15104		3	
16	660 Pillans St	14440	15105		3	
17	4 Straight St	13374	15106		2	
18	909 Emelda Dr	1482	15107		4	
19	2057 Clinton St	14130	15108		1	
				\$ -		
District total for this group		Numbers of lots cut				
1	3		1			
2	2		2			
3	12		3			
4	1		4			
5	1		5			
6	0		6			
7	0		7			
	19		0			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector						

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The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1618. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-1094-2021

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 Repeat Weed Lien Group 1618 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 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.

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WEED LIEN						
1618						Res. No.
8/31/2021	LOTS TO BE DECLARED					58-706
10/5/2021	LOTS FOR PUBLIC HEARING					58-846
12/14/2021	LOTS TO BE ASSESSED FOR COST					58-
		OLD CASE/		Amount	Dis	N/A
No.	Address	SRO#	CASE #	Assessed		CBO
1	0 Center Street Parcel No (22 08 44 0 019 388.XXX)	12818	13677	\$ -	2	WL
2	1957 Pleasant Ave	12800	13678	\$ 240.00	1	
3	2302 Roosevelt St	13066	13679	\$ 50.00	1	CBO
4	1707 Griffin St	12786	13680	\$ -	1	CBD
5	273 Cedar Dr	13184	13681	\$ -	2	AR
6	560 Cedar Ave	8922	13682	\$ 50.00	2	CBO
7	615 Draper St	13181	13683	\$ 50.00	1	CBO
8	2528 Pleasant Valley Rd	11637	13684	\$ 50.00	5	CBO
9	1207 Middle Ring Rd	12415	13685	\$ 245.00	1	
10	0 Cohron St Parcel No 29 07 23 0 002 343.XXX)	13507	13686	\$ 175.00	1	
11	972 State St	13044	13687	\$ 227.00	2	
12	1455 Chinquapin St	13284	13688	\$ 210.00	1	
13	660 St Anthony St	11632	13689	\$ 182.00	2	
14	331 Smith St	13147	13690	\$ 50.00	1	CBO
15	0 Brussells St Parcel No (29 10 28 4 002 058.01X)	7416	13691	\$ 241.00	2	
16	2763 Gonzales Rd	11781	13692	\$ 376.75	3	
17	2320 Dog River Dr S	11147	13693	\$ 235.10	4	
18	727 Florida St Ext	13636	13694	\$ 50.00	1	CBO
District total for this group		Numbers of lots cut		\$ 2,431.85		
1	9	1	4			
2	6	2	3			
3	1	3	1			
4	1	4	1			
5	1	5	0			
6	0	6	0			
7	0	7	0			
	18		9			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector		*AR Administrative Removal				
*WL Wooded Lot						

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, REPEAT WEED LIEN GROUP #51. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-1095-2021

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.

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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 Repeat Weed Lien Group 51 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 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.

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REPEAT WEED LIEN									
GROUP 51								Res. No.	
10/5/2021	1st REPEAT WEED LIEN LETTERS SENT							11-058	
1/2021	REPEAT WEED LIEN LOTS TO BE ASSESSED FOR COST								
Item No.	Dis	Old SRO/Case	New Case #	Initial	Times cut within	Amount Assessed	CBO		
1	401/405 Calhoun St	2	13360	14314	10/9/20218	2	\$ 438.00		
2	604 South Carolina St	3	9263	14315	6/16/2020	1	\$ 310.00		
3	757 Farnell St	3	12864	14316	5/28/2019	1	\$ 405.20		
4	1153 Cottrell St	3	13146	14317	10/30/2018	3	\$ 498.00		
5	1151 Cottrell St	3	12805	14318	10/30/2018	3	\$ 517.00		
6	1306 Olive St	3	12975	14319	10/30/2018	2	\$ 50.00	CBO	
7	1155 Cottrell St	3	13149	14320	10/30/2018	2	\$ 417.00		
8	807 Gayle St	3	12731	14321	5/28/2019	2	\$ 403.00		
9	220 Abrams St	1	13561	14322	7/21/2020	1	\$ 275.00		
10	2400 Railroad St	2	13967	14323	10/22/2019	2	\$ 434.49		
11	1356 Spruce St	2	13841	14324	9/8/2020	2	\$ 375.00		
12	164 Page Ave	1	13914	14325	1/22/2019	2	\$ 50.00	CBO	
13	1571 Plover St	2	13754	14326	8/27/2019	1	\$ 275.00		
14	1919 St Stephens Rd	1	13959	14327	10/30/2018	2	\$ 396.00		
15	2665 Murrell Lane	1	13629	14328	10/13/2020	1	\$ 324.00		
16	410 Driver St	1	13996	14329	5/28/2019	2	\$ 396.00		
17	1201 Hercules St	2	14013	14330	7/21/2020	2	\$ 389.00		
18	1017 Wellington St	1	14305	14331	10/8/2019	3	\$ 1,199.99		
		Total					\$ 7,153.68		
District total for this group			Numbers of lots cut						
1	6		1	5					
2	5		2	5					
3	7		3	6					
4	0		4	0					
5	0		5	0					
6	0		6	0					
7	0		7	0					
	18			16					
*CBO Cut By Owner		*CBC Cut By Contractor							
*N/A Taken out by Inspector		*UDL Undeveloped Lot							
*ADD Added in from other Groups		*Fka Formerly known as							

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PARKS & RECREATION EMPLOYEE OF THE MONTH, LADARREL BELL. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1096-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 to the following employee:

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December 2021 – LaDarrel Bell (Employee ID # 16173) Parks & Recreation (Therapeutics)

This employee is to be commended for her exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC WORKS AT LARGE EMPLOYEE OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, PAYTON ROGERS. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1097-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 to the following employee:

December 2021 – Payton Rogers (Employee # 18357) Public Works at Large (Planning & Zoning)

This employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, CHRISTOPHER CULBERTSON. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1098-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee:

November 2021.: Officer Christopher Culbertson

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The employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC SERVICES EMPLOYEE OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, ERIC BELL, SR.
The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1099-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 to the following employee:

December 2021 – Eric Bell, Sr. (Employee # 8508 Sanitation (Public Services))

This employee is to be commended for their exemplary work performance or innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

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

CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE CONTRACT WITH SAWGRASS CONSULTING, LLC, FOR 2022 CIP RESURFACING, CITY WIDE; \$730,100.00. The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 21-1100-2021

Sponsored by: City Council and Mayor Stimpson

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, 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 contract will be on file in the office of the City Clerk.

Name of Company: Sawgrass Consulting, LLC

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Project Name: 2022 CIP Resurfacing, City Wide, (D1-7)
COM Project No. 2022-3005-02

Estimated Cost: \$730,100.00

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 Resolution 31-1104 being introduced for the first time. The motion was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

RESOLUTIONS BEING INTRODUCED:

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR THREE 2021 FORD F150 CREW CAB PICKUP TRUCKS FOR FIRE ADMINISTRATION; \$96,591.00.
The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 08-1101-2021

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>2521</u>	2022	(1510) FIRE ADMINISTRATION	3 2021 FORD F150 CREW CAB 4X4 PICKUP TRUCKS (AL STATE CONTRACT)	\$96,591.00	<u>(292393) STIVERS FORD LINCOLN INC</u>

APPROVE PURCHASE ORDER TO VULCAN, INC. FOR STREET SIGNS, REFLECTIVE SIGN SHEETING AND BRACKETS FOR TRAFFIC ENGINEERING DEPARTMENT; \$46,548.90. The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 08-1102-2021

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>1632</u>	2022	(2060) TRAFFIC ENGINEERING	1240 STREET SIGNS, 2 ROLLS REFLECTIVE SIGN SHEETING, 400 SIGN BRACKETS (MOBILE COUNTY COOPERATIVE CONTRACT 63-21)	\$46,548.90	<u>(270972)</u> <u>VULCAN INC</u>

AUTHORIZE CONTRACT WITH BLUE DIVING & SALVAGE, INC. FOR MAINTENANCE AND DREDGING OF McNALLY PARK; \$248,250.00. The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 21-1103-2021

Sponsored by: Councilmember Small and Mayor Stimpson

WHEREAS, bids for McNally Park Maintenance Dredging were received and opened on October 28, 2021.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from Blue Diving & Salvage, LLC in the amount of \$248,250.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by Blue Diving & Salvage, LLC.

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, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: Blue Diving & Salvage, LLC.

Project Name: McNally Park Maintenance Dredging

Project Number: 2021-3005-06

Amount: \$248,250.00

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF PUBLIC HEALTH FOR THE MOBILE POLICE DEPARTMENT, \$5,632.80 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 31-1104-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to accept and receive from The Alabama Department of Public Health (ADPH), grant assistance in the amount of \$5,632.80 for the Mobile Police Department. There is no match requirement.

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 application and to provide any information required by The Alabama Department of Public Health. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

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The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Daves, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Scott and Gregory

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR THE FY 2021 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, \$975,000.00 (10% MATCH). The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 31-1105-2021

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 U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), a Notice of Award for grant assistance in the amount of \$975,000.00 for the FY 2021 Assistance to Firefighters Grant Program.

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 U.S. Department of Homeland Security. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

BE IT FURTHER RESOLVED that the Council authorizes the expenditure of 10% matching funds in the amount of \$97,500.00 in the event this grant is received.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MARY JACKSON. The following resolution was held over until the regular meeting of December 21, 2021.

RESOLUTION: 60-1106-2021

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 and directed 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 Releases of Claims arising out of the claim of Mary T. Jackson, 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.

CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE NORTHEAST CORNER OF CODY ROAD, SOUTH AND SOMERBY FROM R-1, SINGLE-FAMILY RESIDENTIAL, TO B-3, COMMUNITY BUSINESS DISTRICT (DISTRICT 6). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-1107-2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed

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amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, SOMERBY SUBDIVISION, AS PER PLAT RECORDED IN MAP BOOK 100, PAGE 101 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE, RUN S 89°04'46" W 55.28 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25°57'50" AND A RADIUS OF 70.00 FEET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE, RUN WESTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.72 FEET (CHORD BEARS N 77°52'49" W, AND MEASURES 31.45 FEET) TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25°42'59" AND A RADIUS OF 130.00 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE, RUN WESTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 58.35 FEET (CHORD BEARS N 77°49'21" W, AND MEASURES 57.86 FEET) TO THE P.T. OF SAID CURVE; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE, RUN S 88°59'52" W 182.48 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°30'17" AND A RADIUS OF 25.00 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF SOMERBY DRIVE, RUN NORTHWESTWARDLY ALONG SAID ARC OF CURVE A DISTANCE OF 39.49 FEET (CHORD BEARS N 46°04'00" W, AND MEASURES 35.51 FEET) TO THE P.T. OF SAID CURVE; SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF CODY ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF CODY ROAD, RUN N 00°24'40" W 199.95 FEET TO A POINT; THENCE RUN N 89°05'52" E 350.27 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED LOT 1, SOMERBY SUBDIVISION; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 1, SOMERBY SUBDIVISION, RUN S 00°25'24" E 244.83 FEET TO THE POINT OF BEGINNING. CONTAINING 80,506 SQUARE FEET OR 1.85 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-1, Single-Family Residential District, to LB-2, Limited Neighborhood Business, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a LB-2, Limited Neighborhood Business, 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 Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a LB-2, Limited Neighborhood Business, until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) 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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Councilmember Daves then moved to call for the public hearing, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 11, 2021.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 5527 TODD ACRES DRIVE (SOUTH SIDE OF TODD ACRES DRIVE, 500'+WEST OF COMMERCE BOULEVRD WEST) FROM B-5, OFFICE DISTRIBUTION DISTRICT, TO I-1, LIGHT INDUSTRY DISTRICT (DISTRICT 4). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-1108-2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE SOUTH 89 DEGREES, 30 MINUTES WEST ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SOUTHWEST QUARTER A DISTANCE OF 270 FEET TO A POINT; THENCE NORTH 0 DEGREES, 47 MINUTES WEST, A DISTANCE OF 676.95 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF KOOIMAN ROAD EXTENSION (AN 80 FOOT RIGHT OF WAY); THENCE SOUTH 83 DEGREES, 30 MINUTES EAST AND ALONG SAID RIGHT OF WAY A DISTANCE OF 270.8 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SOUTHWEST QUARTER; THENCE SOUTH 0 DEGREES, 47 MINUTES EAST ALONG THE EAST LINE OF SOUTHEAST QUARTER OF SOUTHWEST QUARTER A DISTANCE OF 644.5 FEET TO POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SOUTHWEST QUARTER, SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from B-5, Office-Distribution District, to I-1, Light Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in I-1, Light Industry 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 Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-1, Light Industry District until all of the conditions set forth

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below have been complied with: 1) completion of the Subdivision process; and 2) 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.

Councilmember Daves then moved to call for the public hearing, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 11, 2021.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 1490 TELEGRAPH ROAD (EAST SIDE OF TELEGRAPH ROAD, 225'+NORTH OF THE EAST TERMINUS OF LEE STREET) FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, TO I-2, HEAVY INDUSTRY DISTRICT). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-1109-2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

The proposed amendment to the Zoning Ordinance was published in full on the 17th day of December, 2021, in the Mobile Press Register.

The proposed amendment to the Zoning Ordinance concerns the property within the City of Mobile, located at: 1490 Telegraph Road, East side of Telegraph Road, 225' +/- North of the East terminus of Lee Street.

The proposed amendment to the Zoning Ordinance changes the classification of the subject property from R-1, Single-Family Residential District, to 1-2, Heavy Industry District. Under the proposed amendment to the Zoning Ordinance, it shall hereafter be lawful to construct on the subject property any structures and to use the subject property for any use, as permitted in 1-2 districts, subject to the conditions herein, under the terms of the Zoning Ordinance of May 16, 1967, as amended. Any construction or erection on the subject property shall be in compliance with the building laws of the City of Mobile, and shall be approved by the Building Inspector of the City of Mobile. Any such constructed or erected structure shall be erected or constructed in compliance with the laws of the City of Mobile, including without limitation the requirements of the Zoning Ordinance of May 16, 1967, as amended. Further, no lot or parcel shall be used for any use allowed in 1-2 districts until the following conditions have been complied with: (1) completion of the Subdivision process; (2) full compliance with all municipal codes and ordinances; and (3) Subject to the Voluntary Conditions & Use Restrictions dated December 9, 2021, executed by the Owner of said property, Enger Asset Management, LLC, a/k/a Enger Asset Management Company, LLC, on file in the Office of the City of Mobile City Clerk.

This proposed amendment to the Zoning Ordinance shall be in full force and effect from after its publication and adoption by the Mobile City Council. Harcros Subdivision; thence South 74°-25'-40" West and along the North line of said Lot 1, a distance of 240.98 feet to the Point of Beginning.

Said property is also known as Lot 1, Telegraph Road Subdivision, as per map or plat thereof on file and of record as Instrument # 2021074392 of the records in the Office of the Judge of Probate of Mobile County, Alabama.

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The classification of said property is hereby changed from R-1, Single-Family Residential District, to 1-2, Heavy Industry District^ and it shall hereafter be lawful to Construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in 1-2, Heavy Industry District, subject to the conditions herein, 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 Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a 1-2, Heavy Industry District until all of the conditions set forth below have been complied with: (1) completion of the Subdivision process; (2) full compliance with all municipal codes and ordinances; and (3) Subject to the Voluntary Conditions & Use Restrictions dated December 9, 2021, executed by the Owner of said property, Enger Asset Management, LLC, a/k/a Enger Asset Management Company, LLC) attached hereto and made part hereof by reference.

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

Councilmember Daves then moved to call for the public hearing, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 11, 2021.

ANNOUNCEMENTS:

Lisa Lambert, City Clerk, announced that the Council meeting will be held in the History Museum of Mobile on December 21, 2021, at 10:30 a.m.

Councilmember Penn invited citizens to a ribbon cutting ceremony at Floretta Fortune Walking Trail at Figures Park.

Councilmember Carroll announced that the Christmas Extravaganza at Texas Street Park will take place this weekend.

Councilmember Carroll stated that the Africatown Cleanup was a great success.

Councilmember Carroll advised citizens that if they own guns, to learn to handle the weapon responsibly.

Councilmembers Carroll and Small wished everyone a Merry Christmas and Happy Holidays.

Councilmember Reynolds stated that he rode in the Tillman's Corner Christmas Parade and the event was well attended.

Councilmember Jones congratulated the Navy football team on their win.

Councilmember Jones thanked Jim DeLapp and Jennifer White for assisting citizens' calls and concerns.

Councilmember Gregory thanked the staff for making the District 7 Christmas meeting a success.

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Councilmember Gregory announced a new precinct four Police Captain Billy Rowland.

Councilmember Gregory reminded the public about the Public Safety Committee meeting today.

Councilmember Small postponed a "Day in District Three" which will be held on December 18, 2021 at 10:00 a.m.-1:00 p.m. The Christmas parade will take place on December 19, 2021, starting at 2:30 p.m.

Councilmember Small reminded citizens that a community holiday event at Palmer Pillans Middle School will be held on December 14, 2021 at 6:00 p.m.

Councilmember Small announced that a parade will roll on December 17, 2021, at 6:30 p.m., to celebrate the Lending Tree Bowl.

Councilmember Daves stated, "I move that we go into recess and reconvene in executive session at 12:35 p.m., upstairs in order to discuss matters of potential litigation and that we not reconvene in public afterwards."

Chris Arledge, Council Attorney, deemed it appropriate for the Council to enter into executive session to discuss pending litigation.

To: All Councilors, City Clerk

From: Chris Arledge

Date: December 14, 2021

RE: Executive Session Declaration for 12/14/21 Council Meeting

There has been a request for the Council consider going into executive session on December 14, 2021, after the regular meeting, to hear from the city's retained attorney on the legal ramifications of and legal options for litigation matters pursuant to § 36-25A-7(a)(3) of the Alabama Open Meetings Act. As an attorney licensed to practice law in Alabama this constitutes my written opinion that this exception provided for by the OMA is applicable to the planned discussion.

The process to convene an executive session is as follows:

1. A quorum of the governmental body must first convene a regular or special meeting.
2. There should be a motion made to enter executive session to discuss litigation.
3. Before the vote, I should be called upon to state that I have provided this written declaration to council that the matter is exempted under the OMA.
4. The motion should be seconded and a majority of the members present must adopt, by roll call vote, the motion.
5. Prior to entering executive session the presiding officer should announce the approximate time of the session (20-30 minutes) and that the body will not reconvene afterwards.
6. The minutes should reflect all of the foregoing.

Following a roll call, the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones and Gregory

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the meeting moved into executive session at approximately 12:35 p.m.

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:14 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK