

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 11, 2023

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, July 11, 2023, at 9:00 a.m.

Councilmembers:

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

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.

NOTE: Ricardo Woods, City Attorney, said the following, “Mr. President and Madam clerk, I’d like to move to take us to an executive session dealing with pending or certain litigation that’s pressing in the matter, my name is Ricardo Woods, I’m the City Attorney, I’m licensed to practice in the State of Alabama, I will certify that the reason for going into executive session is pressing and pending litigation that’s almost certain or imminent, with that I would ask for a roll call vote from Madam Clerk.”

Councilmember Daves motioned to enter into executive session, which motion was seconded by Councilmember Penn.

Councilmember Small called for a roll call vote, and the vote was as follows:

Penn: Aye
Carroll: Aye
Small: Aye
Reynolds: Aye
Daves: Aye
Gregory: Aye

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the pre-meeting adjourned into executive session at approximately 10:09 a.m. and to reconvene into the regular meeting as scheduled.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 11, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, July 11, 2023, at 10:30 a.m., for the regular meeting.

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

Rabbi Steven Silberman, Public Safety Chaplain, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

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STATEMENT OF RULES BY PRESIDING OFFICER

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

APPROVAL OF MINUTES

July 5, 2023 minutes were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Shonnda Smith, Deputy Executive Director of Public Works, presented the following employees of the month:

Keeze White, Parks and Recreation
Rodney King, Public Works at Large
Angela Pompey, Public Services

Shadrach Collins, Recreation Superintendent, presented the Parks and Recreation Department's Baseball Championship winning teams.

NOTE: Councilmember Gina Gregory congratulated the seven under all-star baseball team for winning the Dixie Youth State Championship.

ADOPTION OF THE AGENDA:

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

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

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

APPEALS

Request of Emily Naron for a waiver of the Noise Ordinance at 3404 Moffett Road, Suite 1 on August 4, 2023, from 6:00 p.m. – 9:00 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, and Gregory
Nays: None

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

Request of MCHD Overdose Prevention for a waiver of the Noise Ordinance at Mardi Gras Park on August 26, 2023, from 8:00 a.m. – 12:00 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, and Gregory
Nays: None

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

Request of Vicki Crawford for a waiver of the Noise Ordinance at 7080 Airport Boulevard, Suite C on July 22, 2023, from 4:00 p.m. – 8:00 p.m. (District 7).

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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, and Gregory

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1005 TEXAS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1005 Texas Street (District 2) 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:

Reggie Hill, 1007 Center Street, offered comments regarding Chapter 38 of the Mobile City Code, abuse of power, and public safety.

James Jackson, Jr., 224 Garrison Avenue, spoke in opposition to resolution 21-727.

NON-AGENDA ITEMS:

Cassie Sowa, 8940 Beverly Road, expressed her concerns about animals being on chains in Mobile County.

Bill Boswell, 1609 Government Street, Discussed concerns about the pending changes to the Mobile Historic Preservation Ordinance (Chapter 44, Article IV) and the recent disturbing situations concerning historic homes on Conti Street.

Wesley Young, Sr., 3058 Jane Street, Mistreatment of citizens as it relates to addressing the Council and Ladd Stadium.

Teresa Bettis, 602 Bel Air Boulevard, Suite 7, gave comments in support of the City taking responsibility to assure that its residents have access to affordable housing.

ORDINANCES HELD OVER

ORDINANCE TO AMEND CHAPTER 38 OF MOBILE CITY CODE, MUNICIPAL COURT.

The following ordinance which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

ORDINANCE: 38-030-2023

Sponsored by: Mayor Stimpson

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

SECTION 1: FINDINGS AND PURPOSE

The municipal Court of the City of Mobile, complies with the laws of the State of Alabama and the Code of the City of Mobile. The City Council of the City of Mobile hereby repeals in their entirety Sections 38-13 and 38-73 of the City Code and replaces them as follows:

SECTION 2: WORKING OUT JUDGMENT

Section 38-13 of the Mobile City Code is hereby repealed in its entirety and the following is adopted in substitution therefor:

Sec. 38-13. Working out judgment.

The judgment of the municipal court may provide that if a fine and costs are not paid within the time prescribed, the defendant shall work out the amount of the judgment under the direction of the municipal authority, allowing not less than ten dollars (\$10.00) for each day's service.

SECTION 3: APPEAL BOND

Section 38-73 of the Mobile City Code is hereby repealed in its entirety and the following is adopted in substitution therefor:

Sec. 38-73. Appeal bond.

A defendant may appeal in any case within fourteen (14) days from the entry of judgment by filing notice of appeal and giving bond, with or without surety, approved by the court or the clerk in an amount not more than twice the amount of the fine and costs, as fixed by the court, or in the event no fine is levied the bond shall be in an amount not to exceed one thousand dollars (\$1,000.00) or such other amount hereafter authorized by State law, as fixed by the court, conditioned upon the defendant's appearance before the circuit court. The municipal court may waive appearance bond upon satisfactory showing that the defendant is indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, a defendant sentenced to imprisonment shall not be released from custody, but may obtain release at any time by filing a bond approved by the municipal court.

SECTION 4:

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

SECTION 5:

REPEALER: All City Code sections and ordinances or parts of City Code sections and ordinances in conflict are repealed upon the effective date of this Ordinance.

SECTION 6:

EFFECTIVE DATE: This Ordinance shall become effective upon its adoption and publication as required by law.

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

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

Nays: None

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

ORDINANCE FOR A LEASE AGREEMENT BETWEEN THE CITY OF MOBILE AND THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY FOR CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES.

The following ordinance which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

ORDINANCE: 88-031-2023

Sponsored by: Mayor Stimpson

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be leased to the Board of School Commissioners of Mobile County:

SEE ATTACHED EXHIBIT 'A' AND 'B'

SECTION TWO: The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and in the name of and on behalf of the City of Mobile, the Lease Agreement for the property shown above.

SECTION THREE: Said Lease Agreement is by reference made a part of this Ordinance as fully as it set forth herein and a copy of such will be on file in the office of the City Clerk of the City of Mobile, 9th Floor, Government Plaza, 205 Government Street, Mobile, Alabama.

SECTION FOUR: That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance in accordance with the terms and conditions set forth in Resolution No. 40-342, adopted April 15, 1986.

LEASE AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____ 2023, by and between the **City of Mobile** (which will hereinafter be referred to as the "**City**") and the **Board of School Commissioners of Mobile County**, (which will hereinafter be referred to as the "**Tenant**") (collectively the "**Parties**").

WITNESSETH

WHEREAS, the City is the fee owner of the parcels described in Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the parcels described in Exhibit A have been subject to a 99-year lease entered into between the Parties on February 13, 1973 and amended May 29, 1973 to correct the legal description (the 99-year lease and all amendments thereto together will collective be referred to herein as the "**Original Lease**"), and Tenant has been operating Williamson High School ("**Williamson**") on said parcels pursuant to the terms thereof;

WHEREAS, the Original Lease became void when neither the Original Lease itself nor a memorandum thereof was recorded within the time frame required under Ala. Code § 35-4-6; and

WHEREAS, the Parties desire to enter into this Agreement so that there is an enforceable lease agreement providing the terms under which the Tenant may continue to lease and use the parcels described in Exhibit A.

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NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the Parties hereto agree that this Lease shall supersede and replace the Original Lease, and further agree as follows:

1. Agreement to Lease:

(a) Tenant agrees to lease from the City the parcels described in Exhibit A and shown in Exhibit B (the “**Leased Premises**”) on the terms and conditions hereinafter set out for the “**Lease Term**” which shall be a 99-year period beginning on the above-stated date being the same date this Agreement was executed by both Parties (the “**Commencement Date**”) and ending on the 99th anniversary of the Commencement Date.

2. Leased Premises:

(a) Tenant has inspected the Leased Premises, and accepts it “AS IS” and has concluded it is adequate for Tenant’s continued operation of Williamson High School and the construction of a new stadium.

(b) Tenant understands that Parcel G referenced in Exhibit A shall be included in the “Leased Premises,” and subject to this Agreement, as soon as the parcel has been properly vacated by the City. Once the vacation document has been recorded by the City, the Parties agree to enter an amendment agreement updating the legal description for Parcel G in Exhibit A.

(c) Tenant shall not make any alterations to the Leased Premises without the prior written consent of the majority of its Board, however, if the Board’s bylaws require unanimous consent for such action to be taken, then such unanimous consent shall be required in order for the alternation to be permitted by this Agreement.

3. Occupancy and Use:

(a) Tenant may occupy the Leased Premises at all times during the Lease Term.

(b) Nothing contained herein is intended to restrict the right of entry or access of the City, its designees, it’s staff, and emergency and security personnel, it being specifically acknowledged by the Tenant that the City, it’s designees, it’s staff, and emergency and security personnel, shall have access to and right of entry to all areas of the Leased Premises at all times, except that access to any buildings including the planned new stadium on the Leased Premises shall require prior consent from the Tenant, which shall not be unreasonably withheld.

4. Rent, Expenses, and Costs:

(a) As consideration for the use of the Leased Premises, Tenant shall pay the City, rent in the amount of **One and No/100 Dollars (\$1.00)** for the entire Lease Term, receipt of which is hereby acknowledged by the City.

(b) The Tenant shall be responsible for ensuring that Tenant employs or contracts for a reasonable amount of security and maintenance personnel on the Leased Premises at the times needed throughout the Lease Term, and Tenant shall be solely responsible for maintenance, repairs, cleanup and any damages with respect to the Leased Premises which were not caused by the City.

5. Taxes, Licenses, Permits, Assessments:

(a) The Tenant shall be responsible for the collection and payment of any taxes, including sales taxes, that are due to state or local government from proceeds received by Tenant as a result of the occupancy of use of the Leased Premises or the performance of any service by Tenant upon the Leased Premises, or as a result of the sale by Tenant of tickets to a sporting event or any other item, novelty or commodity sold at the Leased Premises by Tenant.

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(b) The Tenant shall be responsible for ensuring that Tenant obtains all necessary State and local business licenses required for Tenant's operation and use of the Leased Premises. Copies of all licenses and permits shall be provided by Tenant to the City upon written request from the City.

(c) The City shall not be liable for the payment of any tax, late charge, or penalty of any nature incurred by Tenant in Tenant's use of the Leased Premises, or any revenue received by or payments made to or by Tenant. Tenant shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, damages, license fees, municipal liens, levies, excises or imposts, whether general or special or ordinary or extraordinary, or every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature or kind, which may be levied, assessed, charged or imposed, or which may become a lien or charge against this Agreement or the property of the Tenant or of the City, caused or incurred by Tenant in its use of the Leased Premises.

6. Limitations on Use:

(a) Tenant shall not commit, allow or permit:

(i) Any waste or damage to, on, or about the Leased Premises;

(ii) Any unlawful or immoral uses or acts in, on, or about the Leased Premises;

(iii) Any uses or acts so as to injure persons or property in, on or about the Leased Premises; or,

(iv) Any nuisance in, on, or about the Leased Premises.

(b) Tenant shall comply with all legal requirements governing the use and the occupancy of the Leased Premises contemplated by this Agreement.

(c) Tenant shall not cause or permit Hazardous Material to be used, stored, or generated on, or transported to and from the Leased Premises in amounts prohibited by any applicable local, state or federal environmental law. "Hazardous Material" shall mean, without limitation, those substances included within the definitions of "hazardous substances", "hazardous materials", "toxic substances", or "solid waste" in any applicable local, state or federal environmental law.

7. Civil Rights Act.

During the performance of this Agreement, Tenant shall comply fully with Title VI and Title VII of the Civil Rights Act of 1964, as amended, and all other regulations promulgated thereunder, in addition to all applicable state and local ordinances concerning Civil Rights.

8. Americans With Disabilities Act.

Tenant shall be responsible for ensuring that the Leased Premises complies and continues to comply in all respects with the ADA, including accessibility, usability and configuration insofar as Tenant modifies, rearranges or sets up the Leased Premises in order to accommodate Tenant's usage. Tenant shall be responsible for any violations of the ADA on the Leased Premises as long as such violation was not caused by the City.

9. Insurance.

Tenant is self-insured for General Liability under the Alabama Trust for Boards of Education (\$1,000,000 for each claim made, \$2,000,000 in the aggregate).

10. Termination and Default.

The bankruptcy or insolvency of the Tenant, the failure to retain the liability coverage described above or similar coverage, Tenant's failure to secure the proper licenses or permits (those required by applicable law), or Tenant's failure to perform any other obligations hereunder shall be an "**Event of Default**" by Tenant. The City shall have the right to terminate this Agreement if Tenant ceases to use the Leased Premises for the purposes described herein.

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The waiver by either party of any Event of Default, or other default, breach or violation of the terms of this Agreement, or the failure by either Party to enforce any of the provisions of this Agreement, or any rights herein, shall not in any respect limit, prejudice, diminish or constitute a waiver of any other right to otherwise act as allowed by law or this Agreement with respect to that Event of Default, default, breach or violation or of any continuing, prior, contemporaneous, or subsequent Event of Default, default, breach or violation, or to enforce any provisions or rights allowed under this Agreement.

11. Assignment:

This Agreement is not assignable or transferable without the prior written approval of the other Party. Tenant shall not encumber, hypothecate, or otherwise use as security its interests in this Agreement for any purpose whatsoever without the express written consent of the City.

This Agreement and the rights and obligations set forth herein shall inure only to the benefit of, and be binding only upon, the Parties hereto and their respective permitted successors and assigns. This Agreement shall not be construed as giving any person, other than the Parties hereto and their permitted successors and assigns any legal or equitable right, remedy or claim under or arising out of this Agreement, it being for the sole and exclusive benefit of the Parties and their permitted successors and assigns.

12. Severability:

The invalidity or unenforceability of any particular provision, or part of any provision, of this Agreement shall not affect the other provisions or parts hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions or parts were omitted.

17. Headings:

The paragraph headings are meant to be descriptive only and are not intended to affect or limit the content of the paragraph, nor are they to be used in interpreting the meaning of the paragraph or of this Agreement, it being intended that they only be used as a means to reference the provisions of this Agreement.

18. Singular and Plural:

Whenever the context shall so require, the singular shall include the plural, and the plural shall include the singular.

19. Counterparts:

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original copy of this Agreement.

20. Notices:

Any notice given pursuant to this Agreement shall be in writing and shall be transmitted to the City or to the Tenant, as the case may be as follows:

Notice to the City:

205 Government Street
Mobile, AL 36602
Attn: City Clerk

With copy to:

205 Government Street
Mobile, AL 36602
Attn: City Attorney

Notice to the Tenant:

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Board of School Commissioners of Mobile County
Attn: Superintendent
1 Magnum Pass (physical)
P.O. Box 180069 (mailing)
Mobile, Alabama 36618

Any changes to the notice information for the Parties above must be provided to the other Party in advance and in writing.

21. Governing Law:

This Agreement shall be governed by and construed in accordance with the internal laws of the State of Alabama without giving effect to otherwise applicable principles of conflicts of law. Venue shall be in the Circuit Court of Mobile County, Alabama.

22. Entire Agreement:

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings with respect thereto. No other agreements, representations, warranties or other matters, whether oral or written, will be deemed to bind the Parties hereto with respect to the subject matter hereof. This Agreement shall not be altered, modified or amended in whole or in part, except in writing executed by each of the Parties hereto.

23. Force Majeure:

The Parties shall be liable to or responsible to the other for any future performance (future performance does not include the payment of monies then owed) prevented by an act of God, an occurrence of nature, pandemic, epidemic, an act of war, or because of a governmental prohibition.

EXHIBIT A

That real property situated in the County of Mobile, State of Alabama, described as follows, to-wit:

Parcel A

That parcel of land being bounded by a line described as follows, to wit: Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, run thence West along the Half Section line 240.00 feet to a point; thence run South 00 degrees, 12 minutes East, 339.20 feet to the point of beginning of the property herein described; thence continue South 00 degrees 12 minutes East, 451.75 feet to a point, said point being the Southeast corner of property conveyed to Pate by Sweeney, by instrument recorded in Deed Book 572, page 132 of the Probate Court Records of Mobile County, Alabama; thence run West along the South line of property conveyed to Pate by Sweeney, a distance of 840.42 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company; thence run North along said East line, and a projection thereof a distance of 295.60 feet to a point; on the North line of said 100 foot right of way; thence run West along said North line and a projection thereof a distance of 246.72 feet, more or less, to a point on the East line of Antwerp Street; thence along the East line of Antwerp Street run North 605.36 feet to the Southeast corner of Antwerp and Dublin Streets; thence along the South line of Dublin Street run North 69 degrees 44 minutes East, 398.15 feet to the Southwest corner of Dublin Street and Swallow Drive; thence along the West line of Swallow Drive run South 00 degrees 01 minutes West, 636.82 feet to a point where the South line of Kingbird Drive, if extended Westwardly, would intersect; thence along said extension and along the South line of Kingbird Drive run South 89 degrees 59 minutes East, 441.80 feet to the P.C. of a curve to the left, said curve having a radius of 172.37 feet; thence along the arc of said curve and along the South line of Kingbird Drive run Eastwardly 134.69 feet to a point which bears North 67 degrees 37 minutes 50 seconds East, 131.29 feet from the P.C. of said curve; thence run South 89 degrees 59 minutes East, 149.28 feet to the point of beginning.

Parcel B

That parcel of land being bounded by a line more particularly described as follows, to-wit: From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.00 feet to a point, thence South 0 degrees 07 minutes 30 seconds East a distance of 494.40 feet to a point, thence West a distance of 937.75 feet to the point on the West line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence South and along said West line parallel with the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the North line of property conveyed by John C. McAleer, Sr. to James Smith and Johnnie V. Smith by deed dated October 1, 1956 and recorded in Real Property Book 323, page 619 of the records in the Office of the Judge of Probate of Mobile County, Alabama, thence West and along said North line a distance of 145.0 feet to a point of the East line of Antwerp Street, thence North along the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 145.00 feet to the point of beginning.

Parcel C

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama run West a distance of 240.00 feet to a point, thence South 0 degrees, 07 minutes, 30 seconds East a distance of 494.40 feet to a point, thence South 0 degrees, 12 minutes East, a distance of 295.6 feet to the point of beginning of the property herein described (said point being on the South line of the property of J. F. Pate), thence continue South 0 degrees 12 minutes East a distance of 199.75 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 201.12 feet to the Northeast corner of Gaynor Street and Swan Drive, thence North 0 degrees 02 minutes, 45 seconds West along the East line of Swan Drive a distance of 199.75 feet to a point on the South line of said Pate property, thence East and parallel with the North line of Gaynor Street a distance of 200.86 feet to the point of beginning.

Parcel D

From the Northeast corner of the Northeast One-Quarter of the Southeast One-Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet; thence South 0 degrees 07 minutes 30 seconds East a distance of 494.4 feet to a point; run thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street; run thence West along the North line of Gaynor Street a distance of 839.46 feet to the East line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence continue West along the North line of Gaynor Street a distance of 100 feet to a point on the West line of said right of way; run thence North along said West right of way line a distance of 495.35 feet to an angle point in said right of way line, run thence East and along the North line of said right of way a distance of 100 feet to a point on the projection of the East line of said right of way; run thence South along the projection of and along the said East line 495.35 feet to a point on the North line of Gaynor Street which is the point of beginning.

Parcel E

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet, thence South 0 degrees, 07 minutes 30 seconds East, a distance of 494.4 feet to a point, thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 251.12 feet to the Northwest corner of Gaynor Street and Swan Drive for the point of beginning of the property herein described, thence continue West along the North line of Gaynor Street a distance of 588.34 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company, thence North on said East line a distance of

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199.75 feet to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 157.25 feet to a point on a 84 foot radius curve to the left and the South line of Kingfisher Drive, thence Southeastwardly along the arc of said curve and the South line of Kingfisher Drive a distance of 54.99 feet to the point of tangency, thence North 89 degrees 58 minutes 30 seconds East along the South line of Kingfisher Drive a distance of 375.94 feet to the Southwest corner of Kingfisher Drive and Swan Drive, thence South 0 degrees 02 minutes 45 seconds East along the West line of Swan Drive a distance of 180.59 feet to the point of beginning.

Parcel F

That portion of the vacated right of way of Swan Street lying North of Gaynor Street and South of the property conveyed to the City of Mobile, a municipal corporation, by Warranty Deed dated September 16, 1969 and recorded in Real Property Book 932, page 87.

Parcel G

The vacated right of way of Kingfisher Drive as evidence by _____.

EXHIBIT B

Parcels A through G described in Exhibit A are shown below.



The ordinance was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the ordinance, which was seconded by Councilmember Carroll, following comments from Councilmember Carroll the vote was as follows:

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

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

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO UNIVERSITY OF SOUTH ALABAMA FOR EMT CERTIFICATION CLASS FOR MFRD; \$60,000.00. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-722-2023

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>11275</u>	2023	(1510) FIRE ADMINISTRATION	EMT CERTIFICATION CLASS FOR MFRD (INTERGOVERNMENTAL AGREEMENT)	\$60,000.00	<u>(281269)</u> <u>UNIVERSITY OF SOUTH ALABAMA</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR LED STREET LIGHT LUMINIARIES FOR TRAFFIC ENGINEERING DEPARTMENT; \$53,880.00. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-723-2023

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>6671</u>	2023	(2060) TRAFFIC ENGINEERING	30 PARAGON ACORN LED STREET LIGHT LUMINAIRES FOR TRAFFIC ENGINEERING (SEALED BID 5814)	\$53,880.00	(278464) SOUTHERN LIGHTING & TRAFFIC SYSTEMS

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING DEPARTMENT; \$69,500.00. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-724-2023

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>11305</u>	2023	(2060) TRAFFIC ENGINEERING	5 TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING (SEALED BID 5803)	\$69,500.00	(278464) SOUTHERN LIGHTING & TRAFFIC SYSTEMS

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING DEPARTMENT; \$100,700.00. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-725-2023

MINUTES OF JULY 11, 2023

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>11128</u>	2023	(2060) TRAFFIC ENGINEERING	7 TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING (SEALED BID 5803)	\$100,700.00	<u>(278464)</u> <u>SOUTHERN</u> <u>LIGHTING &</u> <u>TRAFFIC</u> <u>SYSTEMS</u>

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

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

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

APPROVE PURCHASE ORDRE TO GRAYBAR ELECTRIC CO., INC. FOR DECORATIVE STREET LIGHT POLES FOR TRAFFIC ENGINEERING DEPARTMENT; \$27,591.48. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-726-2023

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>11263</u>	2023	(2060) TRAFFIC ENGINEERING	9 DUCTILE IRON DECORATIVE STREET LIGHT POLES FOR TRAFFIC ENGINEERING (SEALED BID 5814)	\$27,591.48	<u>(075199)</u> <u>GRAYBAR</u> <u>ELECTRIC CO INC</u>

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

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

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

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AUTHORIZE CONTRACT WITH JPAYNE ORGANIZATION, LLC FOR FOUNTAIN & SITE AMENITIES IMPROVEMENTS AT BIENVILLE SQUARE; \$3,247,560.00. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-727-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, 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: JPAYNE ORGANIZATIONS, LLC

Project Name: BIENVILLE SQUARE FOUNTAIN
AND SITE AMENITIES IMPROVEMENTS

Project Number: PR-021-22

Amount: \$3,247,560.00

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

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

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MAHARAJ. The following resolution which was introduced and read at the regular meeting of June 27, 2023, and held over until the regular meetings of July 5, 2023, and July 11, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-728-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Velma McMillian Maharaj, as outlined in the Settlement Agreement and Release of Claims.

A copy of said settlement agreement is on file in the Office of the City Clerk.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 ORDINANCES
BEING INTRODUCED FOR THE FIRST TIME.**

Councilmember Gregory moved for the suspension of the rules to consider Ordinance 64-032 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, and Gregory

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

ORDINANCES BEING INTRODUCED

**REZONE PROPERTY AT THE NORTH SIDE OF GOVERNMENT STREET, 140' +/-
EAST OF SOUTH ANN STREET FROM B-1, AND B-2 TO B-2.** The following ordinance was introduced by Councilmember Carroll.

ORDINANCE: 64-032-2023

Sponsored by: Councilmember Carroll

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:

COMMENCING AT THE NORTHEAST CORNER OF ANN STREET AND GOVERNMENT STREET; THENCE NORTH 70" - 53' - 43" EAST ALONG THE NORTH LINE OF GOVERNMENT STREET 140.28 FEET TO THE POINT OF BEGINNING OF THE PROPERTY [HEREIN DESCRIBED; THENCE CONTINUE NORTH 70" - 53' - 43" EAST 171.90 FEET TO A POINT THAT IS 130.05 FEET WEST OF THE NORTHWEST CORNER OF GOVERNMENT STREET AND GEORGIA AVENUE; THENCE NORTH 06" - 03' - 32" EAST 205.77 FEET; THENCE NORTH 84° -14' - 58" WEST 56.94 FEET; THENCE SOUTH 06° - 29' - 00" WEST 77.22 FEET TO THE NORTHEAST CORNER OF LOT 1, GRIFFITH SUBDIVISION AS RECORDED IN MAP BOOK 40, PAGE 107, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE NORTH 83° - 25' - 46" WEST 48.20 FEET TO A CORNER OF LOT 1 WHICH IS ON THE SOUTH LINE OF A 10 FOOT ALLEY; THENCE SOUTH 63° - 30' -14" WEST ALONG THE SOUTH LINE OF SAID ALLEY AND ALONG THE NORTH LINE SAID LOT 1 A DISTANCE OF 48.87 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE CONTINUE SOUTH 08° - 53' - 35" WEST 175.67 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business 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 B-2, Neighborhood Business 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 B-2, Neighborhood Business District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; 2) full compliance with

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all municipal codes and ordinances; and 3) compliance with the. Voluntary Conditions & Use Restrictions submitted by the applicant,

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 moved to table the ordinance, which was seconded by Councilmember Penn and the vote was as follows:

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

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

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 27-729 through 27-759 being introduced for the first time, except for 03-742 and 58-744. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

DESIGNATE ELECTION OFFICERS FOR THE JULY 25, 2023, DISTRICT 6 SPECIAL MUNICIPAL ELECTION (RUN-OFF AUGUST 22, 2023). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 27-729-2023

Sponsored by: Mayor Stimpson

WHEREAS, a special municipal election has been called to be held on the 25th day of July, 2023, and a runoff election, to be held if necessary, on the 22nd day of August, 2023, and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the municipal governing body, not less than 15 days before the holding of any special municipal election, appoint from the qualified electors of the. municipality,. officers to hold the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the persons named on the list attached hereto and made a part hereof, be, and they hereby are, designated as the election officers for the voting centers of the City of Mobile for the special municipal election to be held on July 25, 2023, and for the run-off election on August 22, 2023.

6-1 (Vounteers of America)
1204 Hillcrest Road

Charles Jerry Timothy
Michelle McDermott
Deborah S. Zoghby
Ricky Russell
Miles Ball

6-3 (Connie Hudson Senior Center)
3201 Hillcrest Road

Tara Crawford
Mary Lang
Karen Ruckart
Michael Ruckart
Russell Davisdon

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Daniel Stover
Suzan Bacon
Judy Tabb
Lisa Brewer
Marjorie Russell
Michael Tabb
Charlie Waller

6-2 (Our Savior Catholic Church)
1801 Cody Road

Marie V. Owens
Elizabeth Houston
Donna P. Carroll
Linda B. Fobes
Louis W. Owens
Stanley H. Houston
Charles J. Robertson
Patsy Spikes Owenby
Mary L. Stein Dixon
Rebecca B. Jones
Theresa Orrell

Mary Montgomery
Elizabeth Reints

6-4 (Corpus Christi Catholic Church)
6300 McKenna Drive

Storey Walters
Jamie Gottlieb
Mona Rylee
Ken Mosley
Janice Mosley
Bryan Lee
Kristy King
Wilson Horst
Steve Terry

Absentee Election Office

Shelia White
John Pafenbach
Myrtle Gayles
Karen M. Anthony

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

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

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

DETERMINE AN APPROPRIATION TO THE GULF COAST ETHNIC AND HERITAGE JAZZ FESTIVAL PRODUCTIONS, INC. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-730-2023

Sponsored by: Councilmember Small

WHEREAS, Councilmember Small wishes to appropriate **\$500.00** to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., from his discretionary funds; and

WHEREAS, Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., will be used to assist in the celebration of 25 years of jazz in July of 2023, in downtown Mobile, Alabama, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO OPPORTUNITY 4 ENTERTAINERS & PERFORMING ARTS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-731-2023

Sponsored by: Councilmember Small

WHEREAS, Councilmember Small wishes to appropriate **\$1,000.00** to Opportunity 4 Entertainers & Performing Arts, from her discretionary funds; and

WHEREAS, Opportunity 4 Entertainers & Performing Arts, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Opportunity 4 Entertainers & Performing Arts, will be used to assist with MOB Music Festival on July 14th-16th, 2023, the Alabama Hip Hop Community Tour on July 17th-22nd, 2023, and the Opportunity Day School Tour with Mobile County Public School System (MCPSS) Mental Health Fair, Talent Showcase, and Resource Events during the 2023-2024 School Year.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,000.00** to Opportunity 4 Entertainers & Performing Arts, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE GULF COAST ETHNIC AND HERITAGE JAZZ FESTIVAL PRODUCTIONS, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-732-2023

Sponsored by: Councilmember Daves

WHEREAS, Councilmember Daves wishes to appropriate **\$1,000.00** to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., from his discretionary funds; and

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WHEREAS, Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., will be used to assist in the celebration of 25 years of jazz in July of 2023, in downtown Mobile, Alabama, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,000.00** to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO P.L. WILSON DETACHMENT OF THE MARINE CORPS LEAGUE, INCORPORATED SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-733-2023

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Sandy Stimpson wishes to appropriate **\$1,000.00** to P.L. Wilson Detachment of the Marine Corps League, Incorporated, from his discretionary funds; and

WHEREAS, P.L. Wilson Detachment of the Marine Corps League, Incorporated., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to P.L. Wilson Detachment of the Marine Corps League, Incorporated., will be used in support of the Veterans Helping Veterans Car Show at Battleship Memorial Park, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,000.00** to P.L. Wilson Detachment of the Marine Corps League, Incorporated for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO PROJECT THRIVE FOUNDATION SERVES A PUBLIC PURPOSE AND APPROVE PAYEMNT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-734-2023

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Sandy Stimpson wishes to appropriate **\$5,000.00** to Project THRIVE Foundation, from his discretionary funds; and

WHEREAS, Project THRIVE Foundation, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Project THRIVE Foundation, will be used to assist with the cost of printing gun violence materials, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to Project THRIVE Foundation, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

APPOINT CARTLEDGE BLACKWELL, ABBY DAVIS, CATARINA ECHOLS, STEPHENS HOWLE, KARRIE MAURIN, STEPHEN MCNAIR, G. CAMERON PHEIFFER-TRAYLOR, BARJA WILSON, AND JENNIFER ROSELIUS TO THE ARCHITECTURAL REVIEW BOARD. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 03-742-2023

Sponsored by: Mayor Stimpson

WHEREAS, William S. Stimpson, Mayor, pursuant to Mobile City Code Section 44-75(c), has nominated the below named individuals to serve on the Architectural Review Board;

BE IT RESOLVED THAT THE CITY COUNCIL FOR THE CITY OF MOBILE hereby appoints the following individuals to serve on the Architectural Review Board, as follows:

Cartledge Blackwell effective July 14, 2023 for a term ending July 13, 2026.

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Abby Davis effective July 14, 2023 for a term ending July 13, 2026.

Catarina Echols effective July 14, 2023 for a term ending July 13, 2026.

Stephen Howle effective July 14, 2023 for a term ending July 13, 2026.

Karrie Maurin effective July 14, 2023 for a term ending July 13, 2026.

Stephen McNair effective July 14, 2023 for a term ending July 13, 2024.

G. Cameron Pheiffer-Traylor effective July 14, 2023 for a term ending July 13, 2026.

Barja Wilson effective July 14, 2023 for a term ending July 13, 2024.

Jennifer Roselius effective July 14, 2023 for a term ending July 13, 2026.

DECLARE THE STRUCTURE AT 1005 TEXAS STREE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-743-2023

Sponsored by: Councilmember Carroll

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 1005 TEXAS 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. 3, 4, 5, 7, 8, 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 1005 TEXAS STREET described as:

COM AT A PT WHERE S/L OF TEXAS ST INT W/L OF CHARLES ST RUN W ALG S/L OF TEXAS ST 75 FT TO POB TH CONT W ALG S/L OF TEXAS ST 25 FT TO A PT TH RUN S & PAR TO CHARLES ST 118 FT TO A PT TH RUN E & PAR TO TEXAS ST 25 FT TO A PT TH RUN N & PAR TO CHARLES ST 118 FT TO THE POB #SEC 38 T4S R1W #MP29 10 38 0 003

Parcel Number: 29 10 38 0 003 210.001

Last Assessed to: MASON WARREN W & SHIRLEY A

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.

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The resolution was read by the City Clerk, whereupon Councilmember Carroll moved to hold the resolution over for two weeks, which was seconded by Councilmember Penn, following comments from Councilmember Carroll the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for two weeks until the regular meeting of July 24, 2023.

ASSESS COST FOR REMOVAL OF WEEDS REPEAT WEED LIEN GROUP 61. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 58-744-2023

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 61** 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.

APPROVE AWARD TO SPECIAL BONUS TO THE PUBLIC SERVICES EMPLOYEE OF THE MONTH; POMPEY. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-745-2023

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:

- July 2023 – Angela Pompey (Employee # 9121) Maintenance (Public Services)

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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 Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 AND RECREATION DEPARTMENT EMPLOYEE OF THE MONTH; WHITE. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-746-2023

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:

• **Date July 11, 2023 – Name: Keeze White (Employee #10713) Parks & Recreation (Parks Maintenance Division)**

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 Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

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

DETERMINE AN APPROPRIATION TO OPPORTUNITY 4 ENTERTAINERS & PERFORMING ARTS SERVES A PUBLIC PUPROSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-747-2023

Sponsored by: Councilmembers Carroll, Reynolds, and Daves

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,500.00**, Councilmember Daves wishes to appropriate **\$2,000.00** and Councilmember Reynolds wishes to appropriate **\$1,000.00 (TOTAL \$4,500.00)**, to Opportunity 4 Entertainers & Performing Arts, from her discretionary funds; and

WHEREAS, Opportunity 4 Entertainers & Performing Arts, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Opportunity 4 Entertainers & Performing Arts, will be used to assist with MOB Music Festival on July 14th-16th, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$4,500.00** to Opportunity 4 Entertainers & Performing Arts, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE BOYS AND GIRLS CLUB OF SOUTH ALABAMA, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-748-2023

Sponsored by: Councilmembers Reynolds and Gregory

WHEREAS, Councilmember Reynolds wishes to appropriate **\$2,500.00**, and Councilmember Gregory wishes to appropriate **\$2,500.00. (TOTAL \$5,000.00)**, to the Boys and Girls Club of South Alabama, Inc., from their discretionary funds; and

WHEREAS, Boys and Girls Club of South Alabama, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Boys and Girls Club of South Alabama, Inc., will be used to assist with "Our City, Our Future Telethon", which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to the Boys and Girls Club of South Alabama, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH MACAIAH BECK FOR SERVICES AS AN ELECTION SPECIALIST FOR THE DISTRICT 6 SPECIAL MUNICIPAL ELECTION. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 27-759-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with Macaiah Beck for services as Election Specialist for the 2023 Special Municipal Election, 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.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 KIMLEY-HORN AND ASSOCIATES FOR AIRPORT BOULEVARD SIGNAL IMPROVEMENT PROJECT; \$116,514.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 21-749-2023

Sponsored by: Mayor Stimpson and Councilmember Daves

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

Name of Company: Kimley-Horn and Associates

Project Name: Airport Boulevard Signal Improvement Project

Capital Project No.: C0471

Contract Amount: \$116,514

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 47-740 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, and Gregory

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Nays: None

The Presiding Officer declared unanimous consent granted for the items.

RESOLUTIONS BEING INTRODUCED

AUTHORIZE ADDENDUM TO NEXGEN ASSET MANAGEMENT SOFTWARE LICENSE AGREEMENT; \$153,013.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 01-735-2023

Sponsored by: 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, an addendum to the NEXGEN Asset Management Software License Agreement, by and between the City of Mobile and NEXGEN Utility Management, Inc., in the amount of \$153,013, as outlined in the addendum attached hereto and made a part hereof as though set forth in full.

A copy of said addendum is on file in the Office of the City Clerk.

APPROVE PURCHASE ORDER TO SUNBELT FIRE, INC. FOR FIRE BUNKER GEAR AND LEATHER FIRE BOOTS; \$146,460.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 08-736-2023

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>11325</u>	2023	(1510) FIRE ADMINISTRATION	35 SETS OF FIRE BUNKER GEAR AND 27 PAIR LEATHER FIRE BOOTS FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$146,460.00	<u>(198904) SUNBELT FIRE INC</u>

AUTHORIZE CONTRACT WITH MORROW WATER TECHNOLOGIES, INC. FOR COOLING TOWER PUMP REPLACEMENT AT THE MOBILE MUSEUM OF ART; \$16,674.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 21-737-2023

Sponsored by: Mayor Stimpson and Councilmember Gregory

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

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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: MORROW WATER TECHNOLOGIES, INC.

Project Name: MOBILE MUSEUM OF ART -
COOLING TOWER PUMP

Project Number: MU-056-23

Amount: \$16,674.00

AUTHORIZE CONTRACT WITH KONE, INC. FOR ELEVATOR & ESCALATOR SERVICE AND PREVENTATIVE MAINTENANCE AT VARIOUS CITY FACILITIES; \$361,836.00 TOTAL. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 21-738-2023

Sponsored by: 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: KONE INC.

Project Name: ELEVATORS & ESCALATORS –
SERVICE AND PREVENTATIVE MAINTENANCE AT
VARIOUS CITY OF MOBILE FACILITIES
(3-YEAR SERVICE CONTRACT)

Project Number: SC-019-23

Amount: \$114,720.00 FIRST YEAR ONLY
120,516.00 SECOND YEAR ONLY
126,600.00 THIRD YEAR ONLY
\$361,836.00 TOTAL AMOUNT OF CONTRACT

AUTHORIZE AMENDMENT BETWEEN THE CITY OF MOBILE AND THE STATE OF ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR EXISTING GRANT STATE EXPENDITURES PLAN # 16. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 37-739-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Subaward Grant Agreement between the City of Mobile and the Alabama Department of Conservation and Natural Resources (ADCNR), or one worded substantially the same, for Amendment No. 1 of an existing grant for State Expenditure Plan #16: Three Mile Creek Watershed Restoration, and to take all actions necessary to effectuate said Agreement, 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.

ASSENT TO THE VACATION OF A PORTION OF AN ALLEY ADJACENT TO 2411 WILSON AVENUE. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 47-740-2023

Sponsored by: Councilmember Penn

WHEREAS, it having been made known to the City Council of the City of Mobile that:

The WHEREAS, JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE, constitute all of the abutting landowners surrounding an unused alley right-of-way in the City of Mobile, Mobile County, Alabama, said alley right-of-way being more particularly described as follows, to-wit:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, PAGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10° - 11' - 16" WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' - 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

WHEREAS, said right-of-way Constitutes an unused alley that serves no public purpose since a portion of said alley abutting the lands described herein has previously been vacated and is not open to the public; and.

WHEREAS, it has been shown to the satisfaction of the Mobile City Council JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE are the only owner of lands abutting said abandoned alley portion; and,

JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE desire to vacate said unused alley portion described above, have requested the City of Mobile to vacate same, and have provided notice of their request to vacate to all utility providers with utility lines or facilities within the area to be vacated in accordance with the Code of Alabama; provided, however, that entities with utility lines, equipment or facilities in place within said right of way at the time of vacation shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred; and.

WHEREAS, JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE have now submitted a request to the City of Mobile to vacate said unused alley portion more particularly described herein, being a public street lying within the city limits of the City of Mobile, Alabama, pursuant to Code of Alabama § 23-4-20, as amended; and,

WHEREAS, all utility providers have issued their written consent to the aforesaid vacation; and,

WHEREAS, the said unused alley portion more particularly described herein is not needed as a public right-of-way in the City of Mobile, Alabama, and the aforesaid vacation is in the public interest; and,

WHEREAS, no other property owners own any land within or abutting the areas affected

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by this vacation and thus will not be denied means of ingress and egress to and from their property or be otherwise affected by the vacation of said right of way; and,

WHEREAS, the square footage of the area sought to be vacated and abutting tracts is as follows: 345 SF - area to be vacated; 7814 SF - Vallas tract; 9319 SF - Walters tract; 6443 SF - Fenton tract; and the current year assessed values as determined by the Mobile County Revenue Commissioner on all tracts that abut the right-of-way sought to be vacated are as follows: \$31,500 - Vallas tract; \$42,000 - Walters tract; 1142,000 - Fenton tract; and,

NOW, THEREFORE, the premises considered, BE IT RESOLVED by the City Council of the City of Mobile, pursuant to § 23-4-20 of the Code of Alabama (1975), as amended, that the following described right of way of Royal Street is hereby vacated:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, PAGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10° - 11' - 16" WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' - 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

Notice of this Resolution shall be published once in a newspaper in Mobile County no later than fourteen (14) days after its adoption.

ADOPTED this the _____ day of _____, 2023, in Mobile, Alabama.

Exhibit A:

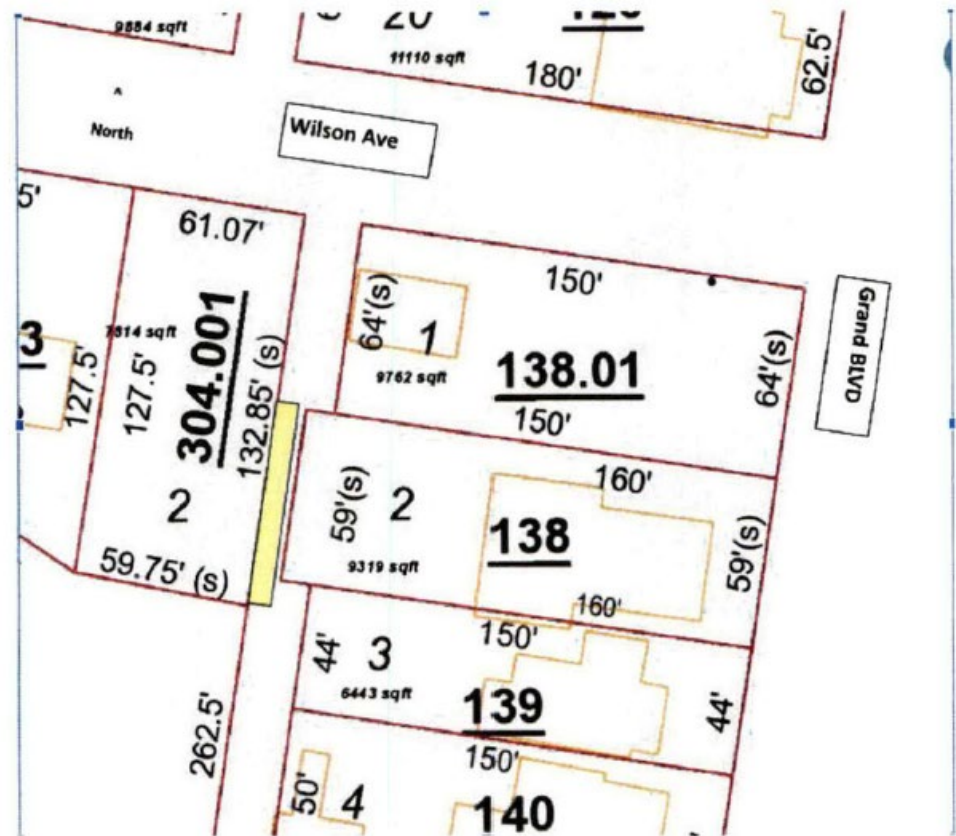


Exhibit B:

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COMMENCING AT THE NORTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, AGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10° - 11' – 16" WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' – 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

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

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

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

AMEND TAX INCREMENT FINANCING DISTRICT 1. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 50-741-2023

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile established Tax Increment Financing District One (TIFD1) to conserve and rehabilitate downtown Mobile; and,

WHEREAS, the City of Mobile remains committed to the revitalization of downtown Mobile and to funding major capital improvement projects in the downtown area; and,

WHEREAS, the City desires to amend TIFD1 to extend its duration for an additional period of fifteen (15) years, through September 30, 2038, and to amend its Project Plan; and,

WHEREAS, the City Council for the City of Mobile ("Council") complied with the statutory procedure to amend TIFD1, *Code of Alabama* (1975), Sec. 11-99-4, as follows:

1. On September 21, 1993, the Council adopted Resolution 60-528 to establish Tax Increment Financing District Number One (TIFD1) effective October 1, 1993, (Exhibit A, attached hereto and incorporated herein) for a period of thirty (30) years to encompass the geographical area identified on the map and the verbal boundary description therein, see Exhibit B, map of TIFD1 attached hereto and incorporated herein, and Exhibit A, Section 4, p. 9, Verbal Boundary Description.

2. On March 21, 2023, the Council adopted Resolution 41-338, "Authorizing the Preparation of an Amendment to the Tax Increment Financing District One Plan, Authorizing the President of the City Council to Perform Certain Actions required by Alabama Law, and Directing the Publication of the Resolution," Exhibit C attached hereto. The Council set April 4, 2023, as the date for a public hearing, to afford all interested parties a reasonable opportunity to express their views on the concept of tax increment financing, the proposed amendment to TIFD1, and its benefits to the City of Mobile. On April 4 the Council conducted the public hearing as advertised.

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3. The Council published Resolution 41-338 at length in the Lagniappe on the 22nd day of March, 2023, and on the 29th day of March, 2023, both dates being within the fifteen (15) day period immediately preceding the date of the public hearing.

4. By first class mail and electronic transmission, on March 21, 2023, Council President C. J. Small sent the Deferred Tax Recipients, the Mobile County Commission and the Mobile County Public School System, copies of the notice of hearing, Resolution 41-338, prior to its publication.

5. By first class mail and electronic submission, on June 1, 2023, Council President C. J. Small sent notice to the Mobile County Commission and the Mobile County Public School System, of a meeting to be held June 8, 2023, to discuss tax increment financing and the proposed project plan.

6. By first class mail and electronic submission, Council President C. J. Small sent to the Mobile County Commission and the Mobile County Public School System a Written Submission, including copies of the 1993 Resolution establishing TIFD1, Resolution 60-528, with attached Tax Increment Financing District One Plan, a map and verbal boundary description of TIFD1, the tentative plans for the development, redevelopment or revitalization of the tax increment district, the Amendment to the Tax Increment Financing District One Plan (Exhibit C), and an estimate of the general impact of the proposed project plan on property values and tax revenues.

7. On June 8, 2023, the Council President, C. J. Small, Councilman William Carroll, and City representatives met with representatives of the Mobile County Commission and the Mobile County Public School System to the boundaries of TIFD1, the Project Plan, the Project Plan amendment, and the contents of the Written Submission. The Mobile County Commission and Mobile County Public School System representatives expressed no objection.

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

SECTION 1:

The City Council for the City of Mobile hereby adopts the Amendment to Tax Increment Financing District One Plan, attached hereto as Exhibit C and incorporated herein, to amend the Tax Increment Financing District One Project Plan adopted by Resolution 60-528.

As amended, TIFD1 will:

- a. Retain the boundaries of TIFD1 as described in Exhibit A, Section 4, and Exhibit B.
- b. Retain the date of creation of TIFD1, October 1, 1993.
- c. Endure continuously until it expires on September 30, 2038.
- d. Retain the name Tax Increment Financing District One (TIFD1).
- e. Follow the TIFD1 Plan of the City of Mobile for Financing Improvements in the Downtown Area developed September 21, 1993, as amended by the Amendment to Tax Increment Financing District One Plan.
- f. Provide for the possibility of the issuance of tax increment obligations or general obligations, or other indebtedness for all or any portion of the project costs with said bonds or other indebtedness to be paid from the anticipated income of the TIFD1 fund or as otherwise permitted under the Project Plan, as amended.

SECTION 2:

The Council finds:

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- a. That not less than 50 percent, by area, of the real property within TIFD1 is in need of rehabilitation, redevelopment, revitalization or conservation work.
- b. That the aggregate value of equalized taxable property in TIFD1 plus all existing districts created by the City of Mobile do not exceed 10 percent of the total value of equalized taxable property within the public entity.
- c. That the Amendment to the Tax Increment Financing District One Plan and findings therein are hereby adopted.

SECTION 3:
This Resolution is effective following its adoption.

APPROVE PURCHASE ORDER TO ASPLUNDH TREE EXPERT, LLC FOR DAUPHIN STREET TREE REMOVALS AND STUMP GRINDING; \$18,000.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 08-750-2023

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>10967</u>	2023	(2018) FORESTRY	DAUPHIN ST TREE REMOVALS AND STUMP GRINDING (SEALED BID 5701)	\$18,000.00	(295712) ASPLUNDH TREE EXPERT LLC

APPROVE PURCHASE ORDER TO CLYDE ARMORY, INC. FOR M4 CARBINE RIFLES FOR MPD; \$88,817.00. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 08-751-2023

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>10844</u>	2023	(1530) POLICE ADMIN SERVICES	100 COLT M4 CARBINE RIFLES FOR MPD (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$88,817.00	(295574) CLYDE ARMORY INC

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APPROVE PURCHASE ORDER TO TRP CONSTRUCTION GROUP FOR ROAD STRIPING MATERIALS AND SERVICES FOR OLD SHELL ROAD; \$29,820.13. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 08-752-2023

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>11358</u>	2023	(2060) TRAFFIC ENGINEERING	ROAD STRIPING MATERIALS AND SERVICES FOR OLD SHELL ROAD (AL STATE CONTRACT)	\$29,820.13	<u>(297978) TRP CONSTRUCTION GROUP</u>

APPROVE PURCHASE ORDER TO GAMETIME FOR PLAYGROUND EQUIPMENT FOR RICHARDSON TRICENTENNIAL PARK; \$574,804.72. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 08-753-2023

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>11788</u>	2023	(3032) ARCHITECTURAL ENGINEERING	PLAYGROUND EQUIPMENT FOR RICHARDSON TRICENTENNIAL PARK (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$574,804.72	<u>(289913) GAMETIME</u>

AUTHORIZE TEMPORARY SITE LICENSE BETWEEN THE CITY AND NEW CINGULAR WIRELESS, PCS, LLC FOR THE PURPOSE OF INSTALLING A CELL FACILITY A THE CRUISE TERMINAL. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 37-754-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Temporary Site License between New Cingular Wireless, PCS, LLC, and the City of Mobile for the purpose of

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installing a cell facility in the City of Mobile, Alabama Cruise Terminal, and to perform all acts necessary 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.

REPEAL RESOLUTION 01-670-2023 AND ADOPT AMENDED INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MOBILE AND BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY. The following resolution was held over until the regular meeting of July 18, 2023.

RESOLUTION: 01-760-2023

Sponsored by: Mayor Stimpson

WHEREAS, it is beneficial to the City of Mobile and serves a public purpose to provide funding to the Board of School Commissioners of Mobile County (School Board) to provide certain immediate and future maintenance and upgrades to the Ladd Peebles Stadium facility and to insure City's continued future use thereof; and

WHEREAS, by separate purchase and sale agreement, and under the terms contained therein, City of Mobile and School Board agree to the transfer of title to Stadium from City to School Board; and

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

WHEREAS, the City Council desires to repeal a previous version of this agreement passed by the City Council on June 20, 2023 as Resolution 01-670;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby revokes and repeals the previously-passed Resolution 01-670 and finds and determines that an appropriation not to exceed \$9,000,000.00 to the Board of School Commissioners of Mobile County, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile the revised contract attached hereto, or one worded substantially similar thereto, and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE NORTH SIDE OF GOVERNMENT STREET 140' +/- EAST OF ANN STREET FORM B-2 AND B-2 TO B-2 (SCHEDULED FOR AUGUST 15, 2023) (DISTRICT 2).

RESOLUTION: 41-755-2023

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 which desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Pursuant to Resolution of the Mobile, Alabama City Council adopted December 14, 2021, a public hearing will be held on the 15th day of August, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at the north side of Government Street, 140' ± east of South Ann Street from B-1, Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in

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favor of or in opposition to its proposed amendment at such time and place. Further, the City Council may consider zoning classifications other ;than the ones sought by the applicant, and may take other actions allowed by law.

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:

COMMENCING AT THE NORTHEAST CORNER OF ANN STREET AND GOVERNMENT STREET; THENCE NORTH 70° - 53' - 43" EAST ALONG THE NORTH LINE OF GOVERNMENT STREET 140.28 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 70° - 53' - 43" EAST 171.90 FEET TO A POINT THAT IS 130.05 FEET WEST OF THE NORTHWEST CORNER OF GOVERNMENT STREET AND GEORGIA AVENUE; THENCE NORTH 06° - 03' - 32" EAST 205.77 FEET; THENCE NORTH 84° - 14' - 58" WEST 56.94 FEET; THENCE SOUTH 06° - 29' - 00" WEST 77.22 FEET TO THE NORTHEAST CORNER OF LOT 1, GRIFFITH SUBDIVISION AS RECORDED IN MAP BOOK 40, PAGE 107, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE NORTH 83° - 25' - 46" WEST 48.20 FEET TO A CORNER OF LOT 1 WHICH IS ON THE SOUTH LINE OF A 10 FOOT ALLEY; "THENCE SOUTH 63° - 30' - 14" WEST ALONG THE SOUTH LINE OF SAID ALLEY AND ALONG THE NORTH LINE SAID LOT 1 A DISTANCE OF 48.87 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE CONTINUE SOUTH 08° - 53* - 35" WEST 175.67 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business 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 inB-2, Neighborhood Business 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 the 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 B-2, Neighborhood Business 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) compliance with the Voluntary Conditions & Use Restrictions submitted by the applicant.

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

Councilmember Reynolds 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, and Gregory

Nay: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as August 15, 2023.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MONDAY STREET AND ST. MADAR STREET,

EXTENDING TO THE NORTHWEST CORNER OF HERCULES STREET AND MONDAY STREET FROM R-2 TO R-3 (SCHEDULED FOR AUGUST 15, 2023) (DISTRICT 2).

RESOLUTION: 41-756-2023

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.

Pursuant to Resolution of the Mobile, Alabama City Council adopted July 11, 2023, a public hearing will be held on the 15th day of August 3, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at southwest corner of Monday Street and St. Madar Street, extending to the northwest corner of Hercules Street and Monday Street from R-2, Two-Family Residential Urban District to R-3, Multi-Family Residential Urban District.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant; and may take other actions allowed by law.

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

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

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

THE EAST HALF OF LOT 7, AND ALL OF LOTS 8, 9, 10, AND 11, BLOCK 12, FISHER TRACT, AS PER PLAT RECORDED IN DEED BOOK 22 PAGES 332-333, OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1" OPEN TOP IRON FOUND AT THE NORTHWEST CORNER OF LOT 11, BLOCK 12, FISHER TRACT, AS PER PLAT RECORDED IN DEED BOOK 22 PAGES 332-333, OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF ST. MADAR STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF ST. MADAR STREET, RUN S67°38'12"E 102.68 FEET TO A CAPPED (ROWE) REBAR FOUND AT THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE OF ST. MADAR STREET AND THE WEST RIGHT OF WAY LINE OF MONDAY STREET; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MONDAY STREET, RUN S22°19'11"W 274.04 FEET TO A CAPPED (ROWE) REBAR FOUND AT THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE OF MONDAY STREET AND THE NORTH RIGHT OF WAY LINE OF HERCULES STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF HERCULES STREET, RUN N67°44'19"W 76.05 FEET TO A CAPPED (ROWE) REBAR THENCE RUN N22°14'20"E 110.10 FEET TO A (ROWE) REBAR FOUND ON THE SOUTH BOUNDARY OF LOT 9 OF SAID BLOCK 12, FISHER TRACT; THENCE ALONG SAID SOUTH BOUNDARY OF LOT 9, BLOCK 12, FISHER TRACT, RUN N67°49'11"W 73.95 FEET TO A CAPPED (UNKNOWN) REBAR FOUND AT THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK 12, FISHER TRACT; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 9, BLOCK 12, FISHER TRACT, RUN N22°21'14"E 54.04 FEET TO A NAIL & FLAG WITH CAP FOUND AT THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 12, FISHER TRACT; THENCE ALONG THE NORTH BOUNDARY of SAID LOT 9, BLOCK 12, FISHER TRACT, RUN S67°51'25"E 47.75 FEET TO A CRIMP TOP IRON FOUND AT THE SOUTHWEST

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CORNER OF LOT 11 OF SAID BLOCK 12, FISHER TRACT; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 11, BLOCK 12, FISHER TRACT, RUN N22°09'40"E 110.08 FEET TO THE POINT OF BEGINNING CONTAINING 27,774 SQUARE FEET OR 0.64 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-2, Two-Family Residential Urban District to R-3, Multi-Family Residential Urban District and it shall hereafter be lawful to construct on such property any Structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of such Ordinance in R-3, Multi-Family Residential Urban District, provided, however, that the plans for any structure or building south to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a R-3, Multi-Family Residential Urban District, until all of the conditions set forth below have been complied with: 1) Completion of the Subdivision process; 2) Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and, 3) 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 Reynolds 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, and Gregory
Nay: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as August 15, 2023.

CALL FOR PUBLIC HEARING TO CONSIDER THE APPLICATION OF THE FRIENDS OF AFRICAN AMERICAN HERITAGE TRAIL, INC. TO OPERATE A SHUTTLE SERVICE (SCHEDULED FOR JULY 24, 2023).

RESOLUTION: 41-757-2023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk he, 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 resolution 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.

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Friends of African American Heritage Trail, Inc. to operate a shuttle service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile government Plaza, located at 205 Government Street, Mobile, Alabama, on July 24, 2023, at 10:30 a.m. At such time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

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

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

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Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nay: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as July 24, 2023.

CALL FOR PUBLIC HEARING TO ASSENT TO THE VACATION OF A PORTION OF AN ALLEY ADJACENT TO 2411 WILSON AVENUE (SCHEDULED FOR AUGUST 15, 2023) (DISTRICT 1).

RESOLUTION: 41-758-2023

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 resolution 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 resolution.

NOTICE OF HEARING TO CONSIDER VACATION OF A PORTION OF AN ALLEY ADJACENT TO 2411 WILSON AVENUE Notice is hereby given that the Mobile City Council proposes to consider adoption of a resolution assenting to the vacation of a portion of an alley adjacent to 2411 Wilson Avenue. The adoption of such resolution will be considered by the Mobile City Council on the 15th day of August, 2023, at 10:30 a.m., in the Mobile Government Plaza Auditorium, 205 Government Street. Any citizen alleging to be affected by the proposed vacation may submit a written objection or may speak at the public hearing.

Councilmember Reynolds 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, and Gregory
Nay: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as August 15, 2023.

ANNOUNCEMENTS

Councilmember Daves advised the Council to revisit the police and fire services provided outside the City limits after the annexation vote on July 18, 2023.

Councilmember Reynolds stated that a Rules Committee meeting will be held on Tuesday, July 18, 2023, immediately following the regular Council meeting.

Councilmember Carroll said that the District 2 community meetings schedule for August will be coming out soon.

Councilmember Gregory encouraged citizens to go vote in the Annexation Election on Tuesday, July 18, 2023.

Councilmember Gregory announced a community clean up day on Saturday, July 15, 2023, in Country Club Village.

Councilmember Gregory informed citizens of the following events in the Hillsdale Community:

“Youth Violence Prevention” on July 17, 2023
“Opportunity 4 Entertainers” on July 19, 2023

NOTE: Lisa C. Lambert, City Clerk, announced that the regular Council meeting scheduled for Tuesday, July 25, 2023, has been rescheduled for Monday, July 24, 2023.

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Councilmember Small said that the Riverside Community Action Group will have a meeting on tonight at 6:30 p.m. at the Mobile Police Department's First Precinct on Dauphin Island Parkway.

Councilmember Small announced the District 3 Annual Back To School Rally will be held on Sunday, July 23, 2023, from 4:00 p.m. – 6:00 p.m. at the Pleasant Valley Shopping Center.

Councilmember Small asked James Barber, Chief of Staff, if Fourth of July fireworks interfered with the "Shot Spotter" technology used to detect gun fire. James Barber stated that the fireworks did not interfere with the "Shot Spotter" system.

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

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:01 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK