

**MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 15, 2022**

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, November 15, 2022, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Reynolds, Daves, Jones, 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.

Approved:

\_\_\_\_\_  
COUNCIL PRESIDENT

\_\_\_\_\_  
CITY CLERK

**MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 15, 2022**

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Wednesday, November 15, 2022, at 10:30 a.m., for the regular meeting.

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

Bishop Levy Knox, Living Word Christian International Ministries, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

**Present on Roll Call:**

Chairman: Small  
Councilmembers: Penn, Carroll, Reynolds, Daves, Jones, and Gregory  
Absent:

**STATEMENT OF RULES BY PRESIDING OFFICER**

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

**COMMUNICATIONS FROM THE MAYOR**

Mayor Stimpson mentioned that the Veterans Day Parade, Art Walk, Gulf Coast Challenge football game, and The University of South Alabama’s football game were all a great success this past week.

Mayor Stimpson stated that Lieutenant Colonel, Army (retired) Frank Barron and Lieutenant General, U.S. Marine Corps (retired) Willie J. Williams were recognized for their service after the Veterans Day Parade.

Mayor Stimpson announced the “Lighting of the Tree” will take place on November 18, 2022, at 6:30 p.m. in Mardi Gras Park.

Mayor Stimpson announced that Africatown will have its “Inaugural Africatown Lantern Walk” this Saturday from 3:00 p.m. to 5:00 p.m.

**PRESENTATIONS AND OTHER COMMUNICATIONS FROM THE COUNCIL:**

Councilmember Gina Gregory congratulated Mr. Eddie Irby for being recognized during the “Patriot of the Year” celebration.

Councilmember Jones introduced Joyce Reed, representative of “Quilts of Valor, to present a quilt to veteran James McDevitt, Fire Service Driver for the Mobile Fire Rescue Department.

**ADOPTION OF THE AGENDA:**

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

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

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

**APPEALS:**

Request of Daniel Singleterry for a waiver of the Noise Ordinance at 1711 Hillcrest Road on December 17, 2022, from 1:00 p.m. – 7:00 p.m. (District 6).

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

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

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

Request of Hargrove and Associates for a waiver of the Noise Ordinance at Cooper Riverside Park on May 25, 2023, from 5:00 p.m. – 8:00 p.m. (District 2).

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

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

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

**PUBLIC HEARING TO DECLARE THE STRUCTURE AT 607 PETIT AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).**

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 607 Petit Avenue a public nuisance and order if 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.

**PUBLIC HEARING TO DECLARE THE STRUCTURE AT 357 RYLANDS LANE, F/K/A STREET, A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).**

## MINUTES OF NOVEMBER 15, 2022

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 357 Rylands Lane, f/k/a Street, a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Melissa Davis, owner of property, 1508 Eslava Street, asked for a 60-day extension to fix the property.

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

### **PUBLIC HEARING TO DECLARE THE STRUCTURE AT 604 TITI 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 604 Titi Street 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.

**NOTE: Councilmember Penn left the meeting at approximately 11:09 a.m.**

### **PUBLIC HEARING TO CONSIDER AMENDING SECTION 64.3.I, DOWNTOWN DEVELOPMENT DISTRICT, OF THE CURRENT ZONING ORDINANCES, CHAPTER 64 OF THE MOBILE CITY CODE, 1991 AND AMEND APPENDIX A, DOWNTOWN DEVELOPMENT DISTRICT, OF THE UNIFIED DEVELOPMENT CODE, CHAPTER 64 OF THE MOBILE CITY CODE, 2022.**

The Presiding Officer announced that today was the day for the public hearing to consider amending section 64.3.I, Downtown Development District, of the current zoning ordinances, Chapter 64 of the Mobile City Code, 1991 and amend appendix a, Downtown Development District, of the Unified Development Code, Chapter 64 of the Mobile City Code, 2022 and asked if there was anyone present to speak for or against this matter.

Elizabeth Stevens, 261 Dauphin Street, gave comments in support of the amendments.

Reggie Hill, 1007 Center Street, asked if the amendments were accessible to the public.

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

### **PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:**

#### **NON-AGENDA ITEMS:**

L.C Green, 1500 Hillcrest Road, gave comments about the need for transparency in the annexation process.

Ann Davis, 967 Westbury Drive, offered comments regarding the relationship between Ladd Peebles Stadium, the City Council, and the Mayor.

Harry Teaford, 7 Bayou Street N., provided information about the 2023 International Parrotheads Convention coming to our area.

Chassity Ebbale, 422 Dauphin Island Parkway, made a request for the Council to re-address the bill on the decriminalization of marijuana.

Reggie Hill, 1007 Center Street, gave comments regarding amendments to Chapters 38 & 46 of the Mobile City Code and submitted the following for the record:

## MINUTES OF NOVEMBER 15, 2022

My primary objective was to include the specifics, as it relates to Chapters 38 and 46 of the Mobile Municipal Code. I will also be introducing the intent of creating a Resolution for ARP Funds and Ordinance limiting misuse of Surplus Funds.

### **Resolution:**

#### **ARP -**

\* Understanding that our efforts to substantially reduce crime; poverty; homelessness; inadequate income-based housing; and fiscal inconveniences for small businesses; through use of ARP Funds has been quite unsuccessful, it is necessary to resolve this matter through issuance of resources based on need, presented and petitioned for, by viable (credentialed, insured, referenced) agencies within the City of Mobile. Thus using proven (local) data-metrics (from such agencies) to create and sustain solutions that actually work and will undoubtedly improve the quality of life for all Citizens, instead of the usual select few.

### **Ordinance:**

#### **Surplus -**

\* Understanding that our current efforts have utilized Surplus Funds for matters indirectly related to the urgent concerns and needs of Citizens of Mobile, AL, it is indeed imperative that restrictions be stipulated (by law) on how the City of Mobile can expend additional revenues attributed to the excessive contribution of taxpayer resources. While imaginative ventures are necessary for the growth and vitality of any municipality, it is not advantageous to prematurely invest in projects, when the immediate, unfortunate circumstances of the Constituency are (or arguably) seem to be absolutely neglected. In order for certain commercial development initiatives to be enacted, their must be regulations ordered to ensure the (at minimum) equal level of investment into direct residential development, investing in people (i.e. increase of performance contracts, increase and timely distribution of public purpose funds, best infrastructure rehabilitation strategies, removal of specific fees associated with Mobile Parks and Recreation Department).

Of course, throughout the coming weeks, we shall discuss specific language, as it pertains to the Resolution and Ordinance request. However, I wanted to offer initial insight at best, so that anyone with a quarrel would have a reference point. Please let me know if you need any additional details. Have an awesome day and I will see you all tomorrow. Thanks, for maintaining the professionalism on the 9th Floor! You are appreciated.

### **Amendments:**

#### **Chapter 46 -**

\* 46-43 [remove the punctuation/continue sentence] ..., and any officer found to have violated law or issued a citation conflicting to applicable (state/federal) law shall be assessed based on the penalties prescribed in Sec. 1-21 of Article II in Chapter 1 of the Mobile Municipal Code. As well, said officer will comply with training sufficient to the negligence exuded in the faulty issuance of such an unlawful citation.

\* 46-48 [remove the punctuation/continue sentence] ..., and after two (2) years of no ruling or order from the court(s), the police department shall expunge all nonconviction data from the personal files of any resident in the City of Mobile, an shall not use the removed (nonconviction) data for any purpose (i.e. justifying new citations, blocking business transactions, limiting opportunities guaranteed by the United States Constitution, etc.).

### **Amendments:**

#### **Chapter 38 -**

\* 38.10 [remove the punctuation/continue sentence] ..., except for those cases filed by Citizens of Mobile, AL regarding abuse of power, negligence, malfeasance, corruption, criminal coercion or colluding, etc. by City of Mobile officials. In these instances a 12 member jury shall be mandatory.

\* 38.22 [add clause] (c) based on reporting of each municipal judge, and the findings discovered from Citizen communications, whether direct (with judges) or through the City

## MINUTES OF NOVEMBER 15, 2022

of Mobile Office of Professional Responsibility, the presiding judge shall once a month hold settlement hearings for those Citizens having already communicated in order to identify wrongdoing or misinterpretation of law and offer judgment based on legal procedure to fully resolve the matter.

\* 38.42 [add clause] (4) Pass an annual proficiency test, based on applicable law towards those cases which are appealed from the Mobile Municipal Court to the circuit (or higher) court.

### **ORDINANCES HELD OVER**

#### **ORDINANCE TO DEFINE THE CITY OF MOBILE “CENTRAL BUSINESS DISTRICT”.**

The following ordinance which was introduced and read at the regular meeting of September 20, 2022, and held over until the regular meetings of October 11, 2022, November 1, 2022, and November 15, 2022, was called up by the Presiding Officer.

ORDINANCE: 01-043-2022

Sponsored by: Councilmember Carroll

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Chapter 1, Article 1 of the Mobile City Code, 1991, is hereby amended to add a new section defining the City’s “Central Business District” as follows:

#### **Sec. 1-10. – Central Business District.**

- (a) The “Central Business District” of the City of Mobile is hereby defined and established as follows: That area bounded by Interstate 65 on the North and West, Interstate 10 on the South and East, the Mobile River on the East, and Alternate U.S. Highway 90/Bay Bridge Road and Interstate 165 on the North, but excluding any lands within said area not lying within the corporate limits of the City of Mobile.
- (b) The City Council may in its discretion from time to time re-define and re-determine the boundaries of the City’s “Central Business District” as circumstances may require.

#### **Miscellaneous.**

- (a) Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- (c) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (d) (c) This Ordinance shall take effect after its adoption and publication as required by law on the effective date of the Unified Development Code as provided therein in section 64-9-4 thereof.

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

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

Nays:

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for one week until the regular meeting of November 22, 2022.

**AMEND CHAPTER 7 OF THE MOBILE CITY CODE, “ANIMALS AND FOWLS”.** The following ordinance which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

MINUTES OF NOVEMBER 15, 2022

ORDINANCE: 07-058-2022

Sponsored by: Mayor Stimpson

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

**ARTICLE ONE: Code and Appendices.** That pursuant to Alabama Code Section 11-45-8 (1975), the Code of Alabama, The City Code Chapter 7, Animals and Fowls Code of the City of Mobile, as amended and contained in this ordinance, which has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to a resolution adopted by the City Council of the City of Mobile, Alabama, on \_\_\_\_\_, 2022, is hereby adopted as "Animals and Fowls." The ordinance will become effective sixty (60) days after adoption by the City Council.

**ARTICLE TWO: Published Ordinance.** A copy of this ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Property Maintenance Code to be published in a newspaper, nor shall the same be spread at length upon the Minutes of this Council, but this ordinance shall be recorded in said minutes.

**ARTICLE THREE: Effective Date.** The said Animals and Fowls Code of the City of Mobile shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

**CHAPTER 7, of the Mobile City Code, is hereby amended to read as follows:**

**CHAPTER 7 - ANIMALS AND FOWL**

**ARTICLE I. - IN GENERAL**

**Sec. 7-1. – Definitions**

For the purpose of this chapter, the words and phrases below have the following meanings:

*Abandoned animal.* Any animal for which the owner, keeper, person who is charged to keep an animal, person residing at a residence where an animal is kept, or any adult member of the household where an animal is kept or allowed to remain, has ceased to support or look after the animal. Abandoned animal includes any animal that has been delivered or released to Animal Services, confiscated, found, or impounded by Animal Services from public places, private property or vacant houses and lands and for which an owner has failed to reclaim within five days of impoundment.

*Abuse or neglect.* Every act or omission, where unnecessary or unjustifiable pain or suffering is caused or allowed to continue, including, but not limited to, abandonment, depriving the animal of food, water, shelter, veterinary care for illness or injury or lack of sufficient space.

*Animal.* Any nonhuman, animate being which is endowed with the power of voluntary motion including, but not limited to: mammals, reptiles, and birds.

*Animal at large.* A stray animal or animal which is off the property of its owner or person in charge and not carried by said person, kept in any effective enclosure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.

*Animal control officer.* The director, assistant director, and enforcement officers assigned to the Mobile Animal Services.

*Cat.* Members of the domesticated feline family.

## MINUTES OF NOVEMBER 15, 2022

*Corral.* Any uncovered, enclosed parcel of land where large animals are kept.

*Director.* Director of the Mobile Animal Services.

*Dog.* Member of the domesticated canine family.

*Domesticated animal.* An animal which has been trained or has adapted to live with and be of use to humans.

*Fowl.* For the purpose of this chapter, the term means chickens, ducks, geese, turkeys, guineas, quail, pheasants, and all other fowl kept as a pet or for ornamental purposes.

*Hoarding.* Keeping a higher than usual number of animals as pets without the ability to properly house or care for them, while at the same time denying this inability.

*Impound and/or Reclaim fee(s).* All Animal Services fee involved in the impoundment of an animal, including, but not limited to, capture, transport, boarding, food, veterinary fees, vaccinations.

*Keep.* To confine, harbor or allow to remain.

*License.* A permit issued by the city required for keeping dogs within the city limits.

*Livestock.* Domesticated animals, such as cattle, horses, sheep, swine, mules, and goats raised for home use or profit, especially on a farm.

*Mobile Animal Services.* The city department charged with implementing this chapter.

*Nuisance.* Anything which disturbs the use and enjoyment of one's property or endangers life, health, or safety, or is offensive.

*Owner.* Any person that can demonstrate ownership through a verifiable means, such as veterinary records, notarized bill of sale, and the like., any person in whose charge an animal is being kept, any adult (over age 19) members of the household where an animal is regularly kept or allowed to remain. Owner includes any person who cares for an animal or acts as its custodian or who keeps it, allows it food and/or refuge on or about any premises occupied by that person or who harbors it in any manner.

*Person.* Any individual, partnership, company, corporation, or other legal entity.

*Pet.* Any domesticated animal kept by a person as a companion and friend.

*Pet store.* Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs or puppies. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

*Pet trader.* Any person who sells, barter, or exchanges for consideration a dog or puppy. The term excludes the City of Mobile Animal Services, the Mobile County Animal Services, and a not-for-profit 501(c)(3) animal welfare organization.

*Poisonous or venomous animal.* Any animal, reptile or other nonhuman living thing which is capable of inflicting injury on humans or other animals by means of a poisonous or venomous injection.

*Poultry.* Domesticated fowl (e.g., ducks, geese, turkeys, chickens, etc.).

*Property.* Something to which a person or business has a legal title.

*Shelter (out-of-doors).* A place of protection from danger, for example, bad weather.

## MINUTES OF NOVEMBER 15, 2022

*Songbird.* Any bird having a musical call.

*Stable.* Structure for housing livestock.

*Stray.* An animal with no apparent owner and no means of identification.

*Under control.* When off the premises of the owner or person in charge, to be under control or restraint, an animal must be carried by such person, caged or kept in the immediate presence of such person and under the person's voice command control.

*Vicious or dangerous animal.*

(A) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domesticated animals. Under this definition, the term "known" includes, but is not limited to, the owner's knowledge.

(B) Any animal which, because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which constitutes a danger to human life or property if not kept in the manner required by this chapter. Wild animal. An undomesticated animal.

### **Sec. 7-2. - Creation of the Mobile Animal Services.**

(A) There is hereby created within the Mobile Animal Services, a department of the city charged with administration and enforcement of this chapter.

(B) The Director of Animal Services shall be appointed by the mayor in the same manner as any department head of the city. The director shall be the supervisor over the Mobile Animal Services and over the employees assigned to Animal Services. The director shall have authority to coordinate with animal rescue groups and adoption organizations for adoption programs, work with local organizations to facilitate animal education programs, implement programs to stabilize and/or reduce feral cat populations, implement Animal Services volunteer programs, investigate animal complaints, and implement any program to promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city.

(C) All enforcement officers assigned to Animal Services shall be known as Animal Control officers (ACOs).

(D) ACOs may have full police powers, provided that the ACO has completed the appropriate training, as required by law. Any provision of this chapter referring to the director shall also mean and include any authorized employee acting in the director's stead and under his or her supervision.

### **Sec. 7-3. - Application in the police jurisdiction.**

This chapter shall be enforced within the corporate limits, only, not in the city's police and fire jurisdiction.

### **Sec. 7-4. - City declared a bird sanctuary.**

The entire area embraced within the corporate limits of the city shall be a bird sanctuary. It shall be unlawful for any person to pursue, injure, capture, kill or destroy a songbird of any kind within the city. This section shall not be construed so as to apply to the director, ACO, or law enforcement officer when a nuisance exists or when there is a hazard to health or safety which, in the judgment of the officer, cannot be otherwise remedied.

### **Sec. 7-5. - Disposition of fees.**

All fees (but not fines) collected, as provided for in this chapter, shall be used to fund animal protection activities, or services and programs, performed by Animal Services.

## **ARTICLE II. - DUTIES OF ANIMAL OWNERS**

### **Sec. 7-6. - Rabies vaccination required for dogs, cats, and ferrets.**

(A) An owner of a dog or cat, ferret or other animal requiring rabies vaccination shall have the animal vaccinated for rabies when the animal has reached the age of three (3) months and annually or tri-annually thereafter at the owner's and veterinarian's discretion. Upon vaccination, the veterinarian shall give the owner a metal tag which may be attached to the animal. If the tag is not attached to the animal, the animal must be in the immediate control of the owner who shall produce proof of vaccination

(B) Rabies tags shall be serially numbered, bearing the year of the vaccine, and the owner shall also receive a certificate of inoculation bearing the same serial number and year.

(C) Owners shall present rabies certificates to Animal Services when registering the animal for the city's license.

(D) Quarantine required in instance of bite.

1. Whenever a human being or domesticated animal has been bitten by any dog or cat and the Mobile County Health Department so notifies Animal Services, the director shall give written notice to the owner that the animal must be placed in quarantine under the direct supervision of a licensed veterinarian for a period of ten (10) consecutive days after the date of the bite for the purpose of determining whether the animal is infected by rabies. The owner shall quarantine the animal within twenty-four (24) hours of receipt of notice.

2. All quarantine costs shall be at the owner's expense.

3. When, after a reasonable investigation, the director determines that the animal is unowned, the animal shall be either quarantined by Animal Services, or it may be humanely destroyed and submitted for rabies examination to the state department of public health.

4. Any owner may relinquish, in writing, the ownership of an animal to the director for the purpose of humanely destroying the animal to enable immediate testing to be performed on the animal by the department of health.

5. It shall be unlawful for the owner of an animal to refuse to comply with the lawful order of the director given to enforce this section. It shall be unlawful for any owner to sell, give away, transfer to another location or otherwise dispose of any animal in quarantine until it is released from quarantine by a qualified veterinarian or other office duly authorized under state law.

(E) In the event a rabies tag provided for in section 7-6(a) is lost, a new tag and certificate may be issued by the veterinarian who issued the original tag. The new certificate shall be marked "duplicate" and shall include the new tag number.

### **Sec. 7-7. - City licenses required for all dogs.**

(A) The owner of a dog more than three (3) months old shall purchase from Animal Services either a one-year city license if the dog is vaccinated for rabies annually or a three-year city license if the dog is vaccinated triennially.

(B) At the time of registration, the owner must provide proof of rabies inoculation.

(C) The license shall be in the form of a metal tag, the shape and color of which shall change yearly.

(D) A city license shall not be required from owners who are nonresidents, temporarily within the city for a period not exceeding thirty (30) days.

(E) The owner shall keep the license tag affixed to the animal unless the animal is under

restraint, on its own premises, or the owner is in the presence of the animal and shall produce proof of city licensure.

(F) It shall be unlawful for any person to put a license tag upon an animal for which the tag was not issued or to disfigure the words or figures upon a license tag.

(G) Lost tags may be replaced with duplicates, upon application to Animal Services and payment of the posted fee.

**Sec. 7-8. - Shelter and care of animals.**

(A) It shall be unlawful for any owner to fail to provide food, water, shelter, or veterinary care for illness or injury, for an animal. Owners of domesticated animals must provide food and water that is adequate for the size and type animal(s) to keep said animals in good health and comfort. Animals must be given adequate room to exercise. Animals must be given veterinary care when needed to prevent parasites, disease, suffering and to keep said animals in good health.

(B) It shall be unlawful for any owner to keep or maintain animals indoors or in an outdoor pen or enclosure, in such an unsanitary condition that the lives and health of the animals, or the lives and health of the public or owner, or the lives and health of other animals shall be endangered.

(C) Shelters for animals who live out-of-doors shall be at least a three-sided, roofed, adequately drained, well-ventilated, moisture-proof structure, of suitable size to accommodate the animal, that protects from the elements of weather, wind, water, heat, cold, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease and odor.

(D) Any animal(s) that, in the opinion of the animal control officer, is being abused or neglected can be impounded by the animal control officer at the expense of the animal's owner until conditions responsible for said treatment are corrected.

**Sec. 7-9. - Animals trained to fight.**

It shall be unlawful for any person to own, possess, keep, or train any animal with the intent that such animal shall engage in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such a fight.

**Sec. 7-10. - Duty to restrain animals.**

It shall be the duty of every owner, keeper, or person in charge to keep his or her animals on a leash or other effective restraint whether or not the animal is upon or away from the owner's premises.

**Sec. 7-11. - Duty to confine animals in heat.**

It shall be the duty of every owner to keep his or her animal who is in heat confined to the owner's premises.

**Sec. 7-12. - Sheltering of stray, confined, impounded, or abandoned animals.**

(A) Any person finding a stray animal within the city limits may deliver such animal to Animal Services for confinement. The animal shall be cared for by Animal Services, or at a location authorized or designated by Animal Services, for not less than five (5) working days. If the animal is not claimed by its verifiable owner, Animal Services may place the animal for adoption or shall transport the animal to an adoption agency, or otherwise dispose of the animal as provided for in this chapter.

## MINUTES OF NOVEMBER 15, 2022

(B) Animals claimed within the five-day period shall be returned to the rightful verifiable owner after the owner has provided proof of rabies inoculation (if required) and paid all required fees and fines.

(C) Animals not claimed within the five-day period shall become the property of Animal Services.

(D) Any animal sheltered/impounded by Mobile Animal Services where the owner is known to Animal Services to be incapacity, such as incarceration or hospitalization, shall be held for ten (10) days before being deemed abandoned.

(E) Any stray, confined, impounded, or abandoned animal, not reclaimed within five days, or under conditions of Sec. 7-12. (d) then ten days, shall become the property of the Mobile Animal Services to be disposed as provided for in this Chapter, including thorough adoption, euthanasia or other current or future provisions of this Code.

### **Sec. 7-13. - Duty to remove deposited feces.**

(A) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.

(B) It shall be unlawful for the owner, keeper, or person having control of any animal to fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal on any sidewalk, public park, alley, or other place open to the public.

### **Sec. 7-14. - Keeping domestic fowl.**

(A) It shall be unlawful for any person to keep or maintain poultry domestic fowl within the city without a permit from the director. No permit will be issued authorizing the keeping of any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

(B) Domestic fowl must be kept in a domestic fowl house, coop, ark, or yard which must meet requirements asset by the director.

(C) It shall be unlawful for any person to keep any rooster within a residentially zoned area other than an area zoned as a residential-agricultural (R-A) district.

### **Sec. 7-15. - Corrals, pens and stables, generally.**

Livestock may be maintained in any area of the city zoned for such use. Owners shall provide suitable protective shelter for livestock, as follows:

(A) Minimum area for livestock: The minimum space required for a corral or stable is twelve thousand (12,000) square feet for one (1) animal and an additional ten thousand (10,000) square feet for each additional animal. Animals must have free and unrestricted access to every portion of this space.

(B) Distance of pens, corrals, stables, enclosures from dwellings. No pen, corral, stables, or enclosures for animals shall be located within one hundred fifty (150) feet of a dwelling owned or occupied by a person other than the animal's owner.

(C) Every stable, corral, or lot where livestock are kept shall be thoroughly cleaned. All such structures shall have sufficient light, ventilation, and drainage.

(D) Poultry are exempt from this section. See, instead, section 7-14.

### **Sec. 7-16. - Construction of stables.**

All buildings used for stabling horses, mules or cows require a building permit from the city and must be constructed in compliance with chapter 11 of the City Code.

**Sec. 7-17. - Animals, reptiles, serpents that are wild, or venomous, or poisonous or potentially dangerous or vicious shall be under restraint.**

(A) Owners shall securely confine wild or poisonous or potentially dangerous or vicious animals, reptiles, and serpents (referred to collectively herein, for the sake of convenience, as "animals") in their care to prevent such animal from biting, injuring, or attacking a person or other animal.

(1) "Securely confined" means that, while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the animal to make normal postural movements and to move around and shall also comply with the minimum standards for sanitation provided in this chapter.

(2) Animals who are wild or poisonous or potentially dangerous or vicious, if transported off the premises of the owner shall be caged, or leashed and muzzled to prevent the animal from attacking or causing injury to a person or other animal.

(B) It shall be unlawful to possess, without an appropriate permit, any wildlife regulated by the Department of Conservation in which the Department of Conservation requires, and issues, permits.

(1) It shall be unlawful for any person or entity to possess, sell, offer for sale, import, brine, release, or cause to be brought or imported into the City of Mobile, any species of venomous reptile which has never naturally existed in the wild in Alabama, or any bird, mammal, reptile, or amphibian listed as injurious wildlife under the Lacey Act, (18 U.S.C. 42).

**Sec. 7-18. - Disposal of dead animals.**

All dead animals must be properly disposed of within twenty-four (24) hours after the death. No animal may be dumped on private or public property.

**ARTICLE III. - UNLAWFUL CONDUCT AND CODE ENFORCEMENT**

**Sec. 7-19. - Abandonment of animals within the city.**

(A) It shall be unlawful for any person to knowingly abandon or aid another in knowingly abandoning any animal within the city.

(B) If an owner or person in charge wishes to deliver an animal to Animal Services for adoption, the owner may do so, provided that the owner or person in charge signs a release and pays the posted fee, and if Animal Services has space available to properly care for the animal.

**Sec. 7-20. - Application of the city's zoning code.**

It shall be unlawful for any person to keep any animal or fowl in an area of the city not zoned for that animal or fowl. Any animal kept in an area not zoned for such animal is subject to impoundment.

Please see chapter 64 of this Code for zoning regulations.

**Sec. 7-21. - Public nuisances.**

## MINUTES OF NOVEMBER 15, 2022

It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in his or her possession or care from creating a public nuisance. For purposes of this section, an animal is a public nuisance if the animal:

- (1) Habitually makes disturbing noises including, but not limited to crowing, barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;
- (2) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby creates unreasonable annoyance or discomfort to persons in the close proximity to where the animal is kept; or
- (3) Damages property belonging to anyone other than its owner, including damage to flowers, gardens, and shrubs.

### **Sec. 7-22. - Hoarding.**

It shall be unlawful for any person to keep animals as pets in such sufficient numbers that they cannot be properly housed or cared for. Any person convicted of this offense shall be subject to confiscation of the animals in addition to other criminal penalties.

### **Sec. 7-23. - Animals at large; tethering.**

(A) It shall be unlawful for any person to allow any animal in his control or possession to go, stray or wander upon the public right-of-way or property of another person. An animal is running at large if it is not under control of the owner and is not:

- (1) Confined by an electronic collar system or within a fence, electronic fence system, wall, or other enclosure in such a manner so as to effectively prevent the animal from traveling onto the public right-of-way or property of another person;
- (2) On a single animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the animal without becoming tangled, wrapped around an object, or shortened, and:
  - a. Is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, allowing access to a reasonable exercise area, but does not allow the animal access to the public right-of-way or property of another person;
  - b. Allows the animal access to water and shelter;
  - c. Is an appropriate strength and weight given the size of the animal and is affixed to the animal by a proper fitting nylon or leather harness or collar, all as determined by an animal control officer, with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

(B) Notwithstanding the foregoing, it shall be unlawful for any person to place or keep an animal less than six (6) months of age on a trolley or pulley system as described in subsection (a)(2), above, and it shall be unlawful for any person to place or keep any animal on such trolley or pulley system during National Weather Service winter storm warnings, tornado warnings, flood warnings, excessive heat warnings, tropical storm warnings or hurricane warnings, or while the temperature is below thirty-two (32) degrees Fahrenheit or above ninety (90) degrees Fahrenheit.

(C) Subsection (a), above, shall not apply to an animal that is:

- (1) On a leash, not more than ten (10) feet in length, secured by a harness or collar, or by an electronic collar system controlled by a person that ensures the animal stays within ten (10) feet of such person, while being walked or exercised by a person.
- (2) At a designated animal or dog park or in attendance at any legal event in which the animal is a permitted attendee or participant;

(3) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(4) Under the care of a veterinarian or groomer;

(5) Being utilized or trained in a law enforcement or public safety capacity;

(6) Being legally used for hunting.

(D) It shall be unlawful for any person to allow any animal in his control or possession to be tied, tethered, or chained to a doghouse, tree, post, stake, barrel, or other stationary object unless its owner is physically present at the premises where the animal is being kept.

**Sec. 7-24. - Animals, reptiles, or serpents known to be dangerous or vicious.**

(A) The director shall have the authority, at the director's sole discretion, to impound any animal, reptile, or serpent (referred to collectively herein, for the sake of convenience, as "animals") whose owner is criminally charged because the animal is alleged to have bitten, charged, or caused other bodily injury to any human or other animal, pending final resolution of those criminal charges.

(B) The director shall have the authority, at the director's sole discretion, to impound any animal which, without provocation, attacks or bites or has attacked or bitten a human being or domestic animal.

(C) The owner shall be responsible for all costs related to the impounding of an animal under this provision, regardless of the outcome of the criminal matter.

(D) If the animal impounded under this provision is deemed by a court of proper jurisdiction to be a continuing danger to the owner, member of the public or any animal, the director shall humanely dispose of the animal.

**Sec. 7-25. – Neglect and/or Cruelty.**

(A) Adoption of state law. Any person or corporation committing the offense of cruelty to animals within the corporate limits of the city which is declared by law or laws of the state now existing (see Ala. Code § 13A-11- 14 and § 13A-11-241 (1975)) or hereinafter enacted to be a misdemeanor offense of cruelty to an animal shall be guilty of an offense against the city.

(B) The Director of the Mobile Animal Services shall serve as agent of the city to protect dogs and cats from cruelty and to prevent such cruelty, pursuant to Ala. Code § 13A-11-242(1975).

(C) The Director of the Mobile Animal Services shall serve as agent of the city to protect all animals from neglect and/or cruelty and to prevent such neglect and/or cruelty.

(D) The Director shall have the authority to impound any animal found suffering from neglect and/or cruelty. If in the opinion of the Director, the Owner has corrected a neglect violation, the Owner may reclaim the animal upon payment of all impoundment costs, including, but not limited to, transport, boarding, veterinary fees, vaccinations, and any other necessary Animal Services expenses. Owners charged with neglect and/or cruelty shall not be allowed to reclaim an animal until so ordered by the court. Neglected animals not reclaimed within five days of impound, including any partial day(s), shall be considered abandoned animals. Animals not reclaimed by Owners charged with neglect and/or cruelty, within five days of a court order allowing the animal to be reclaimed shall be considered an abandoned animal.

(E) It shall be unlawful to leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

MINUTES OF NOVEMBER 15, 2022

(F) A police officer, or an animal control officer shall be authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. In said circumstances, an officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible. In no event shall any officer cause damage to a motor vehicle unless a) there is no other reasonable means of entry, and b) an animal is in immediate danger of injury or death.

(G) A police officer, or animal control officer who removes an animal from a motor vehicle shall take it to Animal Services or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(H) A police officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location, on or within the motor vehicle, leave written notice bearing reclaim procedures for the impounded animal

(I) Neither the municipality, nor any employee or agent of the municipality, acting in good faith, shall be liable for any actions taken under this section. As provided in the Code of Alabama 1975, § 13A11-243: Powers if agents, officers; liability.

**Sec. 7-26. - Certain sales regulated.**

(A) No dog(s) shall be offered for sale, gift, or other transfer of ownership on or from any public street, roadway, right-of-way, sidewalk, or park.

(B) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, unless the seller provides the buyer, at the time of sale, with the following:

(1) A signed original State of Alabama Small Animal Health Certificate;

(2) A negative fecal examination report from a licensed, accredited veterinarian which is dated no more than ten (10) days before the date of sale; and,

(3) A microchip registration form.

(C) No dog(s) shall be offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, until the animal has reached the age of nine (9) weeks, as established by information included in the State of Alabama Small Animal Health Certificate.

(D) All dogs offered for sale, gift, or other transfer of ownership at or from any pet store or swap meet, or by any pet trader, must be implanted with an identifying microchip. The microchip number must be provided on the microchip registration form provided to the purchaser or transferee at the time of sale.

(E) No vendor shall offer a dog(s) for sale or gift or other transfer of ownership at or from any pet store or swap meet, unless there is conspicuously displayed at each vendor location a sign which reads as follows:

**ATTENTION**

No dog shall be sold or given away unless the dog is at least

**9 WEEKS OLD  
AND**

the buyer is provided with:  
the original State of Alabama Small Animal Health Certificate

AND  
a negative fecal examination report by a licensed veterinarian

AND  
a document showing that the dog is micro-chipped

City of Mobile Code Section 7-26

(F) The print on said sign shall not be less than two (2) inches in height.

(G) For purpose of this section, a "swap meet" is defined as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter, or exchange of new or used merchandise.

(H) Exceptions. This section shall not prohibit the sale, gift, or other transfer of ownership of dogs at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies.

**Sec. 7-27. - Authority of "nonsworn" ACOs.**

Animal control officers who are not sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule.

**Sec. 7-28. - Authority of "sworn" ACOs.**

Animal control officers who are sworn police officers shall have the authority to issue notices of violations and municipal offense tickets for any violation of chapter 7 for which a set fine is published in the city's municipal court magistrate's fine schedule and the additional authority to issue citations and warrants for violations of chapter 7 for which penalties must be assessed by a court of proper jurisdiction.

**Sec. 7-29. - Authority to impound.**

To promote the city's interest in seeing that all animals are treated humanely and to ensure the well-being of residents of the city, the director, any ACO, or city police officer is authorized to impound any animal if there is reasonable cause to believe any of the following (non-exclusive list) conditions exist:

- (A) (1) The animal is the subject of an act of cruelty or neglect as prohibited by this chapter and state law;
- (2) The animal is running at large, in violation of this chapter;
- (3) The animal is an abandoned animal within the meaning of this Chapter;
- (4) The animal is the subject of an Animal Services investigation for viciousness; or
- (5) The animal does not display a valid inoculation tag and the owner, if identified, does not produce proper inoculation documentation.
- (6) The animal is housed or kept on, or in, any structure, building, pen or other real property, not owned by the animal owner, and without the permission of the real property owner or person or entity with a possessory interest in the real property.

(B) Any animal not reclaimed by an owner, or for which an owner has failed to pay for veterinary fees and boarding within the first five-day period of impoundment shall be deemed an abandoned animal and become the property of Animal Services.

**Sec. 7-30. - Authority to enter private property.**

Any ACO, city police officer or agent of Animal Services is authorized to enter upon private property to impound any animal observed at large and chased to such property or, to investigate any 'in plain view' violation of this chapter, or impound any animal that, in the

reasonable discretion of the ACO, police officer or Animal Services agent, has been abused, or neglected, or treated cruelly.

**Sec. 7-31. - Humane traps and chemical capture methods.**

(A) In order to apprehend animals in violation of this chapter who are otherwise difficult to apprehend, any ACO, city police officer or Animal Services agent is authorized to use traps designed to humanely capture such animals by placing the traps on any public property, upon the rights-of-way of any public street or highway, or upon the private property of any person who grants permission.

(B) Any ACO, city police officer, or Animal Services agent is hereby authorized to use chemical capture methods to capture animals in violation of this chapter when the use of humane traps would be ineffective, and the animal is diseased or poses a danger to public safety.

**Sec. 7-32. - Destruction of certain animals.**

(A) The director is authorized to humanely destroy any stray animal boarded and unclaimed at Animal Services for more than five (5) working days, provided that the Animal Services has made reasonable efforts to locate the animal's owner and been unsuccessful and provided that, in the director's opinion, the animal constitutes a direct and immediate threat to public health, safety or welfare.

(B) The director is authorized to humanely destroy any animal found unattended on public property when such animal is injured or diseased and past recovery.

(C) The director is authorized to humanely destroy any wild animal within the city limits which presents a direct and immediate threat to public health, safety, or welfare.

(D) The director is authorized to impound, any owned animal in which the Director has probable cause to believe the animal has bitten or fiercely attacked any person causing severe injury, the loss of bodily function or death when the director believes such animal constitutes a direct and immediate threat to public health, safety, or welfare. If the animal is not subject to quarantine, and the owner does not re-claim the animal within five days of impound, the animal will be considered abandoned and may be humanely destroyed.

(E) The director is to employ the most humane means possible when exercising the authority granted in this section.

**ARTICLE IV. - FINES AND PENALTIES**

**Sec. 7-33. - Fines.**

It shall be unlawful for any person to violate any provision of this chapter. Any person violating the provisions listed below shall be assessed the following fines, which are to be published in the City's municipal court magistrate's fine schedule. For second offense of any article of Chapter 7 a Court appearance is required. Penalties include fine of no more than \$500.00 (excluding court costs) or up to six months in jail.

MINUTES OF NOVEMBER 15, 2022

| City Code Section | State Code Section Adopted                            | Fine                                                                                                                             |
|-------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <u>7-8</u>        |                                                       | \$100.00                                                                                                                         |
| <u>7-9</u>        |                                                       | Court appearance required. Fine of no more than<br>\$500.00 (excluding court costs) or up to six months in jail                  |
| <u>7-17</u>       |                                                       | <del>\$150.00</del> Court appearance required. Fine of no more than \$500.00 (excluding court costs) or up to six months in jail |
| <u>7-22</u>       |                                                       | Court appearance required. Fine of no more than<br>\$500.00 (excluding court costs) or up to six months in jail                  |
| <u>7-25</u>       | Ala. Code Sec. 13A-111- 14, Sec. 13A-11-241<br>(1975) | Court appearance required. Fine of no more than<br>\$500.00 (excluding court costs) or up to six months in jail                  |

  

|                                          |  |                             |
|------------------------------------------|--|-----------------------------|
| <u>7-26</u>                              |  | \$100.00                    |
| All other violations of <u>chapter 7</u> |  | <del>\$25.00</del> \$100.00 |

The ordinance was read by the City Clerk; whereupon Councilmember Reynolds moved to hold the ordinance over one week, which was seconded by Councilmember Gregory, following comments from Councilmember Reynolds the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for one week until the regular meeting of November 22, 2022.

**REZONE PROPERTY LOCATED AT 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5049, 5051, 5055, 5121, & 5133 COTTAGE HILL ROAD, 2113 DEMETROPOLIS ROAD, AND 2104 GARMONS LANE FROM R-2 AND B-2 TO B-2.** The following ordinance which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

ORDINANCE: 64-059-2022

Sponsored by: Councilmember Reynolds

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;

MINUTES OF NOVEMBER 15, 2022

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, COTTAGE SQUARE SUBDIVISION, AS PER PLAT RECORDED IN INSTRUMENT #2021026506 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF NORTH DEMETROPOLIS ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF NORTH DEMETROPOLIS ROAD, RUN S 01°18' 43"W 490.34 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TROY LANE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF TROY LANE, RUN N89°44'31"W 745.30 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF GARMON'S LANE; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S17°45'29"W 144.81 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 72°24'00" AND A RADIUS OF 25.00 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN SOUTHWESTWARDLY ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, A DISTANCE OF 31.59 FEET TO THE P.T. OF SAID CURVE (CHORD BEARS S53°57'29"W, 29.53 FEET FROM THE LAST DESCRIBED POINT); THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S89°50'31"E 18.30 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF GARMON'S LANE, RUN S17°45'29"W 143.29 FEET TO A POINT ON THE SOUTH BOUNDARY OF PARCEL 4, MARTHA YOUNG ESTATE, AS PER PLAT RECORDED IN MAP BOOK 13, PAGE 58 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG SAID SOUTH BOUNDARY OF PARCEL 4, MARTHA YOUNG ESTATE AND ALONG THE SOUTH BOUNDARY OF PARCEL 3 OF SAID MARTHA YOUNG ESTATE, RUN S88°50'31"W 269.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD,

RUN N06°07'55"W 506.78 FEET TO A POINT ON THE ARC OF A 187.17 FOOT RADIUS CURVE CONCAVE SOUTHEASTWARDLY; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 178.97 FEET TO THE P.C. OF SAID CURVE (CHORD BEARS N44°54'09"E 172.23 FEET FROM THE LAST DESCRIBED POINT); THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN N72°17'44"E 317.81 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN N 70°08'40"E 532.86 FEET TO A POINT; THENCE S07°56'10"E AND ALONG THE WEST BOUNDARY OF LOT 2 OF THE AFOREMENTIONED COTTAGE SQUARE SUBDIVISION, RUN A DISTANCE OF 200.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, COTTAGE SQUARE SUBDIVISION, THENCE RUN S88°48'19"E 108.39 FEET TO A POINT; THENCE RUN N01°11'41"E 83.79 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE AFOREMENTIONED LOT 2, COTTAGE SQUARE SUBDIVISION; THENCE ALONG SAID SOUTH BOUNDARY OF LOT 2, COTTAGE SQUARE SUBDIVISION, RUN S88°42'29"E 110.33 FEET TO THE POINT OF BEGINNING. CONTAINING 614,189 SQUARE FEET OR 14.10 ACRES, MORE OR LESS.

The classification of said property is hereby changed from **R-1, Single-Family Residential 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) compliance with Engineering comments: (a) Any work performed in the**

existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII), b) A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property, A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work, c) Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control: the City of Mobile Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control d) Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy, e) The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland, and flood plain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals, f) The proposed development must comply with all Engineering Department design requirements and Policy Letters.); 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.

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

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

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

## **CONSENT RESOLUTIONS HELD OVER**

**DECLARE THE STRUCTURE AT 1005 TEXAS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED.** The following resolution, which was introduced and read at the regular meeting of September 13, 2022, and held over for 60 days until the regular meeting of November 15, 2022, was called upon by the Presiding Officer.

RESOLUTION: 40-786-2022

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. 4, 5, 6, 7, 8 and 15; and**

MINUTES OF NOVEMBER 15, 2022

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.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, following comments from Councilmember Carroll, Councilmember Daves moved to rescind his move to adopt the resolution, which was seconded by Councilmember Carroll

Councilmember Carroll moved to hold the resolution over for one week, which was seconded by Councilmember Gregory and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of November 22, 2022.

**RESOLUTIONS HELD OVER**

**APPROVE THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS BY CAPITAL TRUST AUTHORITY; NOT TO EXCEED \$438,231,000.00.** The following resolution which was introduced and read at the regular meeting of October 25, 2022, and held over until the regular meetings of November 1, 2022, and November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 07-947-2022

Sponsored by: Councilmember Jones

A RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY CAPITAL TRUST AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$438,231,000; RECOGNIZING THAT THE CITY OF MOBILE, ALABAMA IS NOT RESPONSIBLE FOR ISSUING THE MULTIFAMILY HOUSING REVENUE BONDS AND HAS NO FINANCIAL OBLIGATION TO PAY ANY PRINCIPAL OF OR INTEREST ON THE MULTIFAMILY HOUSING REVENUE BONDS; MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

MINUTES OF NOVEMBER 15, 2022

WHEREAS, the City of Mobile, Alabama (the “City”) is a duly organized and validly existing municipal corporation under the laws and Constitution of the State of Alabama; and WHEREAS, Capital Trust Authority (the “Issuer”) is a public agency of the State of Florida; and

WHEREAS, the Borrowers and the Sole Member, each as defined below, have asked the Issuer to issue tax-exempt bonds, in one or more series under a plan of financing, as “qualified 501(c)(3) bonds” (as defined in section 145 of the Internal Revenue Code of 1986, as amended (the “Code”)) in an aggregate maximum stated principal amount not to exceed \$438,231,000 (the “Bonds”) for the purpose of providing funds to finance and/or refinance the Projects, as defined below, and the Issuer has granted such request; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), prior to their issuance, tax exempt bonds, such as the Bonds, issued by the Issuer in one or more series to finance and/or refinance the acquisition, renovation and equipping of residential rental facilities for individuals and families of low and moderate income located in the State of Alabama and the State of Florida, as more specifically identified on Exhibit A attached hereto (each a “Project” and collectively the “Projects”), which will be owned by the borrowers identified in Exhibit A, attached hereto (collectively, the “Borrowers”), the sole member of each of which is The Affordable Housing Preservation Corporation, a Florida not for profit corporation and an organization exempt from federal income tax by virtue of being an organization described in Section 501(c)(3) of the Code (the “Sole Member”), must be approved by the applicable elected representative (as defined under Section 1.147(f)-I of the U.S. Treasury Regulations of the governmental unit within whose boundaries each Project is to be located; and

WHEREAS, AHPC Inverness Lakes 2021 LLC, a Delaware limited liability company, and AHPC Lakeview at Cottage Hill 2021 LLC, a Delaware limited liability company (collectively, the “Mobile, Alabama Borrowers”), have requested that the City of Mobile, Alabama (the “City”) approve the financing and/or refinancing of the Inverness Lakes Project and the Lakeview at Cottage Hill Project described in Exhibit A, each of which is located within the corporate limits of Mobile, Alabama (collectively, the “Mobile, Alabama Projects”), and the issuance of the Bonds in order to satisfy the requirements of Section 147(f) of the Code.

WHEREAS, the Mobile, Alabama Borrowers have further represented to the City that the proceeds from the sale of the Bonds will be loaned to the Borrowers; and

WHEREAS, the Bonds will be payable solely from revenues of the Borrowers, and the City will have no obligation whatsoever for the payment of the Bonds and the Bonds will not constitute an indebtedness or an obligation of the City within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of the City; and

WHEREAS, as a prerequisite for the issuance of the Bonds by the Issuer, a public hearing was held by a representative of the Issuer on behalf of the City Council, as the governing body of the City, on November 11, 2022 (the “Hearing”), after publication in the Mobile Press-Register on November 2, 2022, at which members of the public were offered an opportunity to express their views with respect to the issuance of the Bonds, as described in the Public Hearing Officer Certificate, attached hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the “Council”) of the City of Mobile, Alabama, as follows:

SECTION 1. The findings set forth in the preamble of this Resolution are incorporated by reference into the body of this Resolution as if fully set forth herein. The Council has considered any views expressed, whether in writing or at the Hearing, prior to consideration of this Resolution.

SECTION 2. The City hereby approves the issuance of the Bonds in the maximum aggregate principal amount of \$438,231,000 by the Issuer for financing and/or refinancing

MINUTES OF NOVEMBER 15, 2022

of the Projects, including the Mobile, Alabama Projects. It is the purpose and intent of the City that this Resolution constitutes approval by the City of Mobile, Alabama, for purposes of meeting the requirements of Section 147(f) of the Code of the issuance of the Bonds and the facilities to be financed and/or refinanced thereby and the City of Mobile, Alabama is one of the governmental unit(s) having jurisdiction over the area in which the Mobile, Alabama Projects are located.

SECTION 3. The City shall have no liabilities for the payment of the Bonds or for any undertaking with respect thereto nor shall any of its assets be pledged to payment of the Bonds.

SECTION 4. This approval is not to be construed as (i) a representation or warranty by the City or the undersigned that the Bonds will be paid or that any obligations assumed by any of the parties will, in fact, be performed, (ii) a pledge of the faith and credit of or by the City. Further, the fact that the City has approved the Bonds as required by the Code may not, in any event, be used as a sales device with respect to the Bonds, or (iii) a representation or warranty by the City concerning the validity of the Bonds.

SECTION 5. This Resolution shall become effective immediately, upon its passage.

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

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 SCHAEFER PLASTICS NORTH AMERICA, LLC FOR 793 RESIDENTIAL TRASH CONTAINERS; \$47,287.69.** The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-997-2022

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:

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

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

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

MINUTES OF NOVEMBER 15, 2022

| Requisition | Fiscal Year | Department                 | Description                                                                                          | Amount      | Vendor                                                                             |
|-------------|-------------|----------------------------|------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------|
| <u>1470</u> | 2023        | (2090B) GARBAGE COLLECTION | 793 96GAL RESIDENTIAL TRASH CONTAINERS (HGAC COPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT) | \$47,287.69 | <u>(297915)</u><br><u>SCHAEFER</u><br><u>PLASTICS NORTH</u><br><u>AMERICA, LLC</u> |

**APPROVE PURCHASE ORDER TO SUNBELT FIRE, INC. FOR 50 SETS OF TURNOUT/BUNKER GEAR FOR MFRD; \$147,400.00.**

The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-998-2022

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>1293</u> | 2023        | (1510) FIRE ADMISTRATION | 50 SETS OF TURNOUT/BUNKER GEAR FOR MFRD (SEALED BID 5637) | \$147,400.00 | <u>(198904)</u><br><u>SUNBELT FIRE</u><br><u>INC</u> |

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

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 IT VENDOR FOR MANAGED NETWORK THREAT PROTECTION, EQUIPMENT AND 1-YEAR SUPPORT SUBSCRIPTION; \$19,593.90.**

The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 08-999-2022

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:

MINUTES OF NOVEMBER 15, 2022

| Requisition | Fiscal Year | Department                          | Description                                                                                                       | Amount      | Vendor                        |
|-------------|-------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|
| <u>726</u>  | 2023        | (5000)<br>INFORMATION<br>TECHNOLOGY | MANAGED<br>NETWORK THREAT<br>PROTECTION<br>EQUIPMENT AND<br>ONE-YEAR SUPPORT<br>SUBSCRIPTION<br>(SEALED BID 5637) | \$19,593.90 | <u>(298062) IT<br/>VENDOR</u> |

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

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

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

**TRANSFER FUNDS FROM THE GENERAL FUND TO CAPITAL IMPROVEMENT FUND, CAPITAL PROJECT CRUISE TERMINAL-NEW GANGWAY; \$4,9000,000.00.**

The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 09-1000-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$4,900,000.00 be transferred from unassigned fund balance in the General Fund, (Fund 1000) to Capital Improvement Fund (Fund 2000) Capital Project Cruise Terminal-New Gangway.

These funds will be used for the purchase and installation of a new gangway.

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

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

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

**AUTHORIZE CHANGE ORDER WITH JOHN G. WALTON CONSTRUCTION CO., INC. FOR TEXAS STREET REHABILITATION PROJECT; \$125,526.75.**

The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-1001-2022

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, Change Order No. 2 to the contract, by and between the City of Mobile and the company listed below, for work as outlined in

MINUTES OF NOVEMBER 15, 2022

the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: John G. Walton Construction Company, Inc.

Project Name: Texas Street Rehabilitation (Ann Street to Broad Street)  
COM Project No. 2018-3005-18  
Change Order No. 2

Estimated Cost: \$125,526.75 (Add)

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

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

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

**AUTHORIZE CHANGE ORDER WITH JOHN G. WALTON CONSTRUCTION CO., INC. FOR BROAD STREET REDEVELOPMENT PROJECT; \$2,008,451.45.** The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-1002-2022

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, Change Order No. 4 to the contract, by and between the City of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: John G. Walton Construction Co., Inc.

Project Name: TIGER 2016 Project Phase One-Two  
Broad Street (US-90) from Canal Street to Dr. Martin Luther King Jr. Avenue and Beauregard Street (SR-16) from Dr. Martin Luther King, Jr. Avenue to Lawrence St

COM Project No.: 2018-3005-01  
Change Order No. 4

Estimated Cost: \$2,008,451.45 (Increase)

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

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

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

MINUTES OF NOVEMBER 15, 2022

**AURHORIZE RELEASE OF CLAIMS AND SETTLEMENT AGREEMENT; KNIGHT AND SMITH.** The following resolution which was introduced and read at the regular meeting of November 8, 2022, and held over until the regular meeting of November 15, 2022, was called up by the Presiding Officer.

RESOLUTION: 60-1003-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claims of Keiundra Knight and Samaya Smith, 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 that the resolution be adopted, which was seconded by Councilmember Jones, and the vote was as follows:

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 64-060 with the exception of 65-061 being introduced for the first time. The motion was seconded by Councilmember Jones, and the vote was as follows:**

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

Nays: None

The Presiding Officer declared unanimous consent granted for the item.

**ORDINANCES BEING INTRODUCED**

**ORDINANCE TO AMEND SECTION 64.3.I, DOWNTOWN DEVELOPMENT DISTRICT, OF THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991 AND AMEND APPENDIX A, DOWNTOWN DEVELOPMENT DISTRICT, OF THE UNIFIED DEVELOPMENT CODE, CHAPTER 64 OF THE MOBILE CITY CODE, 2022.** The following ordinance was introduced by Councilmember Jones.

ORDINANCE: 64-060-2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the "DDD Code" set forth in the Zoning Ordinance, Chapter 64, Section 64 -3.I. of the Mobile City Code, and in Appendix A of the Unified Development Code adopted by the Mobile City Council on July 12, 2022 (Ordinance 64-017-2022), and the Regulating Plan and Maps that show the zoning sub-districts and street hierarchy associated with the districts and sub-districts within the Downtown Development District, be, and the same hereby are, amended so that they now read in full as set forth in the attached.

MINUTES OF NOVEMBER 15, 2022

This Ordinance shall be effective upon adoption and publication as required by law. The amendment of Appendix A of the Unified Development Code shall become effective on the date that the Uniform Development Code becomes effective, as set forth therein.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for two weeks until the regular meeting of November 29, 2022.

**ORDINANCE TO AMEND SEC. 65-4(C)(7), "TREE PROTECTION AND MANAGEMENT" OF THE MOBILE CITY CODE.** The following ordinance was held over until the regular meeting of November 22, 2022.

ORDINANCE: 65-061-2022

Sponsored by: Mayor Stimpson

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

**SECTION ONE. Amendment.**

Section 65-4(c)(7) of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

(7) The Commission shall hold regular meetings at least once each month and specially as it deems necessary in a public place open to the public in a manner conducive to public comment and preparation. If the Commission fails to conduct a regularly scheduled monthly meeting at which an application is pending, the Commission shall schedule a special meeting, to act on the pending application and conduct such other business as it deems appropriate. If the Commission fails to conduct a special meeting within ten (10) calendar days following the date of the regularly scheduled meeting, the Urban Forester, on behalf of the Commission, may act on the application. Any decision of the Urban Forester may be appealed under Section 65-4(c)(11).

**SECTION TWO. Miscellaneous.**

(a) The provisions of this Ordinance are supplemental and shall not be construed to repeal any other ordinance or law except to the extent of any conflict, in which case the provisions of this Ordinance shall prevail.

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

(b) The Ordinance shall be in full force and effect within the City of Mobile from and after its adoption and publication as required by law.

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

**Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 37-1005 through 60-1012 being introduced for the first time with the exception of 40-1007. The motion was seconded by Councilmember Jones, and the vote was as follows:**

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

MINUTES OF NOVEMBER 15, 2022

Nays: None

The Presiding Officer declared unanimous consent granted for the items

**RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE TO SLURP SOCIETY; 69 ST. MICHAEL STREET.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-1005-2022

Sponsored by: Councilmember Carroll

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

Type of application: Restaurant Retail Liquor

Submitted by: Slurp Society, LLC

Location: Slurp Society  
69 St. Michael Street  
Mobile, AL 36602

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

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

Nays: None

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

**DECLARE THE STRUCTURE AT 607 PETIT AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1006-2022

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at **607 PETIT AVENUE** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: ***Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 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 607 PETIT AVENUE described as:

**LOT 24 BLK 3 RESUB FIRST UNIT OF GULF HGTS SUBDIV MBK 5 P 633 #SEC 44 T4S R1W #MP29 02 44 0 027**

MINUTES OF NOVEMBER 15, 2022

**Parcel Number: 29 02 44 0 027 103**

**Last Assessed to: TERRY LULA GAMBLE, JOHNNY GAMBLE, ELLA GAMBLE WILMER, TONY GAMBLE**

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

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

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

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

Nays: None

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

**DECLARE THE STRUCTURE AT 357 RYLANDS LANE, F/K/A STREET, A PUBLIC NUISANCE AND ORDER IT DEMOLISHED.** The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-1007-2022

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 **357 RYLANDS LANE F/K/A 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 11 of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: ***Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 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 **357 RYLANDS LANE F/K/A STREET** described as:

**LOT 14 THOMAS MOODY ESTATES AS REC IN DBK 70/169 #SEC 25 T4S R1W #MP 29 07 25 0 002**

**Parcel Number: 29 07 25 0 002 232**

**Last Assessed to: DAVIS MELISSA**

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

MINUTES OF NOVEMBER 15, 2022

structure be **demolished** in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

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

The resolution was read by the City Clerk; whereupon Councilmember Carroll moved that the resolution be held over for 60 days, which was seconded by Councilmember Reynolds, and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for 60 days until the regular meeting of January 17, 2023.

**DECLARE THE STRUCTURE AT 604 TITI STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1008-2022

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 **604 TITI STREET** has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: ***Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 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 **604 TITI STREET** described as:

**S 1/2 OF LOTS 19 & 20 IN BLK 24 TISDALE SUBDIV OF FISHER TRT DBK 75 PG 260  
#SEC 13 T4S R1W #MP29 06 13 0 003**

Parcel Number: 29 06 13 0 003 214

Last Assessed to: BUGG INC AS TRUSTEE OF THE LIVING TRU

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.

MINUTES OF NOVEMBER 15, 2022

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

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

Nays: None

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

**DECLARE WEEDS NOXIOUS, GROUP 1636.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-1009-2022

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in 'full, known as **Group #1636** under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. •The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid'. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the **20<sup>th</sup> day of December 2022**, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

MINUTES OF NOVEMBER 15, 2022

| WEED LIEN                       |                                  |                        |        |          |     |          |
|---------------------------------|----------------------------------|------------------------|--------|----------|-----|----------|
| 1636                            |                                  |                        |        |          |     | Res. No. |
| 10/25/2022                      | LOTS TO BE DECLARED              |                        |        |          |     | 58-      |
| 12/20/2022                      | LOTS FOR PUBLIC HEARING          |                        |        |          |     | 58-      |
| //2022                          | LOTS TO BE ASSESSED FOR COST     |                        |        |          |     | 58-      |
|                                 |                                  |                        |        | Amount   | Dis | N/A      |
| No.                             | Address                          | SRO No.                | CASE # | Assessed |     | CBO      |
| 1                               | 2905 Pages Lane                  | 27200                  | 22239  |          | 1   |          |
| 2                               | 200 Cuba St                      | 21226                  | 22240  |          | 2   |          |
| 3                               | 2440 Ridge Rd N                  | 20909                  | 22241  |          | 1   |          |
| 4                               | 254 N Pine St                    | 21756                  | 22242  |          | 2   |          |
| 5                               | 2862 Pages Lane                  | 29664                  | 22244  |          | 1   |          |
| 6                               | 1612 Roach St                    | 27578                  | 22245  |          | 1   |          |
| 7                               | 1825 St Charles Ave              | 27619                  | 22246  |          | 1   |          |
| 8                               | 1402 Pecan St                    | 28781                  | 22247  |          | 2   |          |
| 9                               | 1101 Bay Ave                     | 21783                  | 22248  |          | 3   |          |
| 10                              | 163 Kennedy St                   | 19392                  | 22249  |          | 2   |          |
| 11                              | 161 Kennedy St A                 | 27805                  | 22250  |          | 2   |          |
| 12                              | 607 Petit Ave                    | 29557                  | 22251  |          | 1   |          |
| 13                              | 662 Stimrad Rd                   | 28912                  | 22252  |          | 2   |          |
| 14                              | 660 Stimrad Rd                   | 28914                  | 22253  |          | 2   |          |
| 15                              | 609 Petit Ave                    | 29560                  | 22254  |          | 1   |          |
| 16                              | 630 Stimrad Rd                   | 28911                  | 22255  |          | 2   |          |
| 17                              | 0 Crystal Ct N                   | 30101                  | 22256  |          | 6   |          |
|                                 | Par No. (28 09 32 1 000 001.053) |                        |        |          |     |          |
| 18                              | 0 Crystal Ct N                   | 30103                  | 22257  |          | 6   |          |
|                                 | Par No. (28 09 32 1 000 001.061) |                        |        |          |     |          |
| 19                              | 0 Crystal Ct N                   | 30104                  | 22258  |          | 6   |          |
|                                 | Par N. (28 09 32 1 000 001.062)  |                        |        |          |     |          |
| 20                              | 616 Petit Ave                    | 29568                  | 22259  |          | 1   |          |
| 21                              | 0 Stimrad Rd/628 Stimrad Rd      | 28910                  | 22260  |          | 2   |          |
|                                 | Par No. (29 02 44 0 017 049.XXX) |                        |        |          |     |          |
| 22                              | 0 Stimrad Rd/624 Stimrad Rd      | 28909                  | 22261  |          | 2   |          |
|                                 | Par No. (29 02 44 0 017 048.XXX) |                        |        |          |     |          |
| 23                              | 666 Stimrad Rd/1858 Reddy St     | 27753                  | 22262  |          | 2   |          |
|                                 | Par No. (29 02 44 0 017 057.XXX) |                        |        |          |     |          |
|                                 |                                  |                        |        | \$ -     |     |          |
| District total for this group   |                                  | Numbers of lots cut    |        |          |     |          |
| 1                               | 8                                | 1                      |        |          |     |          |
| 2                               | 11                               | 2                      |        |          |     |          |
| 3                               | 1                                | 3                      |        |          |     |          |
| 4                               | 0                                | 4                      |        |          |     |          |
| 5                               | 0                                | 5                      |        |          |     |          |
| 6                               | 3                                | 6                      |        |          |     |          |
| 7                               | 0                                | 7                      |        |          |     |          |
| 23                              |                                  | 0                      |        |          |     |          |
| *ADD Added in from other Groups |                                  | *CBC Cut By Contractor |        |          |     |          |
| *CBO Cut By Owner               |                                  | *UDL Undeveloped Lot   |        |          |     |          |
| *N/A Taken out by Inspector     |                                  |                        |        |          |     |          |

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

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 YORKTOWN BAPTIST CHURCH SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1010-2022

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,500.00** to Yorktown Baptist Church, from his discretionary funds; and

MINUTES OF NOVEMBER 15, 2022

WHEREAS, Yorktown Baptist Church is an Alabama non-profit religious 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 Yorktown Baptist Church to assist with purchasing food boxes from Feeding the Gulf Coast to help families and seniors in the community, 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 **\$1,500.00** to Yorktown Baptist Church 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 Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 MOBILE LAW ENFORCEMENT FOUNDATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1011-2022

Sponsored by: Councilmember Small

WHEREAS, Councilmember Small wishes to appropriate **\$1,500.00** to the Mobile Law Enforcement Foundation, Inc., from his discretionary funds; and

WHEREAS, the Mobile Law Enforcement Foundation, Inc., is a/an non-profit 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 the Mobile Law Enforcement Foundation, Inc., will be used to assist with the purchase of a table for its annual luncheon on November 16, 2022, and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,500.00** to the Mobile Law Enforcement Foundation, 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 Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

MINUTES OF NOVEMBER 15, 2022

Ayes: Carroll, Small, Reynolds, Daves, Jones, 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 PROVIDENCE FOUNDATION SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT.** The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-1012-2022

Sponsored by: Councilmembers Carroll, Daves, and Gregory

WHEREAS, Councilmember Carroll wishes to appropriate **\$2,500.00**; Councilmember Daves wishes to appropriate **\$1,500.00** and Councilmember Gregory wishes to appropriate **\$2,500.00 (TOTAL \$6,500.00)** to Providence Foundation for its Festival of Flowers, from their discretionary funds; and

WHEREAS, Providence 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 Providence Foundation will be used for their annual Festival of Flowers "Seminars and Demonstration Venue" to be held March 23<sup>rd</sup> thru 26<sup>th</sup>, 2023 that will take place on Providence Campus, 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 **\$6,500.00** to Providence 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 Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory, and the vote was as follows:

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

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

**RESOLUTIONS BEING INTRODUCED**

**APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.**  
The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 08-1013-2022

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, purchase orders to the indicated vendors in the approximate amount stated, and to approve the supporting bid award if required, for the following requisitions as indicated below and attached herein:

MINUTES OF NOVEMBER 15, 2022

| Requisition | Fiscal Year | Department                     | Description                            | Amount       | Vendor                                 |
|-------------|-------------|--------------------------------|----------------------------------------|--------------|----------------------------------------|
| <u>1857</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE UNLEADED FUEL (SEALED BID 5624) | \$22,168.02  | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1858</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE UNLEADED FUEL (SEALED BID 5624) | \$22,168.02  | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1860</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE UNLEADED FUEL (SEALED BID 5624) | \$22,168.02  | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1847</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE DIESEL FUEL (AL STATE CONTRACT) | \$32,282.255 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1848</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25  | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1849</u> | 2023        | (2050) FLEET MANAGEMENT GARAGE | GARAGE DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25  | (279229) PETROLEUM TRADERS CORPORATION |

|             |      |                                |                                                          |             |                                        |
|-------------|------|--------------------------------|----------------------------------------------------------|-------------|----------------------------------------|
| <u>1850</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | GARAGE DIESEL FUEL (AL STATE CONTRACT)                   | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1851</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | GARAGE DIESEL FUEL (AL STATE CONTRACT)                   | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1852</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | 4 <sup>TH</sup> PRECINCT DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1853</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | 4 <sup>TH</sup> PRECINCT DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1854</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | 4 <sup>TH</sup> PRECINCT DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1855</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | 4 <sup>TH</sup> PRECINCT DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |
| <u>1856</u> | 2023 | (2050) FLEET MANAGEMENT GARAGE | 4 <sup>TH</sup> PRECINCT DIESEL FUEL (AL STATE CONTRACT) | \$32,282.25 | (279229) PETROLEUM TRADERS CORPORATION |

**TRANSFER FUNDS FROM THE ALABAMA MUNICIPAL TRUST FUND TO CAPITAL PROJECT MOUNTED UNIT-NEW TRAINING FACILITY; \$67,500.00.** The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 09-1014-2022

MINUTES OF NOVEMBER 15, 2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$67,500.00 be transferred from Capital Project #C0626 Pole Barn-Mounted Unit in the Alabama Municipal Trust Fund (Fund 2010) to Capital Project #C0634 Mounted Unit-New Training Facility. These funds are being consolidated in an effort to prioritize construction of the Mounted Unit-Training Facility and better manage the costs.

**AUTHORIZE CONTRACT WITH CHRIS BREWER CONTRACTING, INC. FOR THE PARTIAL DEMOLITION OF THE DECOMMISSIONED ZIEBACH WASTE WATER TREATMENT PLANT; \$484,027.75.** The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 21-1015-2022

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, 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. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Chris Brewer Contracting, Inc.

Project Name: Ziebach Waste Water Treatment Plant – Demolition  
COM Project No. 2022-2045-04

Cost: \$484,027.75

**AUTHORIZE CONTRACT WITH ARDURRA GROUP, INC. FOR ASSESSMENT OF THE WATERSHED FOR STICKNEY DRAINAGE STUDY; \$70,000.00.** The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 21-1016-2022

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 set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed contract will be on file in the office of the City Clerk.

Name of Company: Ardurra Group, Inc.

Project Name: Stickney Drainage Study Upham St. to Mobile Infirmary Blvd.

Estimated Cost: \$70,000.00

**AUTHORIZE CONTRACT WITH GOODWYN MILLS CAWOOD, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION OF A NEW FACILITY AT THE MOBILE POLICE DEPARTMENT MOUNTED UNIT; \$296,657.44.** The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 21-1017-2022

Sponsored by: Mayor Stimpson

MINUTES OF NOVEMBER 15, 2022

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: GOODWYN MILLS CAWOOD, INC.

Project Name: MOBILE POLICE DEPARTMENT MOUNTED UNIT  
NEW FACILITY (CONSULTANT AGREEMENT)

Project Number: PD-053-22

Amount: \$296,657.44

**APPROVE AMENDMENT OF CHARTER DOCUMENTS AND BYLAWS OF THE MOBILE AIRPORT AUTHORITY.** The following resolution was held over until the regular meeting of November 22, 2022.

RESOLUTION: 60-1018-2022

Sponsored by: Mayor Stimpson

WHEREAS, the Board of Directors of the Mobile Airport Authority by Resolution dated September 28, 2022, has amended its Certificate of Incorporation to change its number of maximum board members from five to seven; and

WHEREAS, by the same Resolution dated September 28, 2022, the Board of Directors of the Mobile Airport Authority amended Article IV, Section 4.2 of its Bylaws, to authorize a maximum of seven board members, to be nominated by the Mayor and confirmed by the City Council as provided in Code of Alabama (1975) Section 11-44(c) 37 (3); and

WHEREAS, the City Council has the power to approve the Certificate of Incorporation of the Mobile Airport Authority as provided in Code of Alabama (1975) Section 4-3-2;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that the amendment of the Certificate of Incorporation of the Mobile Airport Authority is appropriate and necessary and the same is APPROVED and AUTHORIZED.

**CALL FOR PUBLIC HEARINGS**

**CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE WEST SIDE OF TODD ACRES DRIVE, 2/5 +/- MILE NORTH OF HAMILTON BOULEVARD, EXTENDING TO THE EAST SIDE OF C.S.X. RAILROAD FROM R-A TO I-1 (DISTRICT 4) (SCHEDULED FOR DECEMBER 20, 2022).** The following ordinance was introduced by Councilmember Reynolds.

RESOLUTION: 41-1019-2022

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.

Notice of Public Hearing for the Proposed Rezoning of Property Located at west side of Todd Acres Drive, 2/5± mile north of Hamilton Boulevard, extending to the east side of the C.S.X. Railroad

## MINUTES OF NOVEMBER 15, 2022

Pursuant to Resolution of the Mobile, Alabama City Council adopted November 15, 2022, a public hearing will be held on the 20<sup>TH</sup> day of December, 2022, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at west side of Todd Acres Drive, 2/5± mile north of Hamilton Boulevard, extending to the east side of the C.S.X. Railroad from R-A, Residential-Agricultural District to I-I, Light Industry 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 BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

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

BEGINNING AT A CRIMPED TOP IRON FOUND MARKING THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE S 89°28'33" E A DISTANCE OF 793.80 FEET TO THE WEST RIGHT OF WAY LINE OF TODD ACRES DRIVE, FROM SAID POINT LIES A 6" CONCRETE MONUMENT FOUND ON LINE 9.28 FEET WEST OF SAID RIGHT OF WAY LINE; THENCE ALONG SAID WEST RIGHT OF WAY LINE S 44°25'46" W A DISTANCE OF 989.81 FEET TO A CAPPED IRON (POLY) FOUND ON THE NORTH BANK OF RABBIT CREEK; THENCE IN A NORTHWESTWARDLY DIRECTION ALONG SAID NORTH BANK 538 FEET, MORE OR LESS (CHORD =N 59°56'48" W A DISTANCE OF 503.80 FEET) TO A CAPPED IRON (POLY) FOUND ON THE EAST RIGHT OF WAY LINE OF THE C.S.X. RAILROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE N 28°34'35" E A DISTANCE OF 698.94 FEET TO A CAPPED IRON SET; THENCE S 00°19'46" E A DISTANCE OF 152.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.0 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-A, Residential-Agricultural District to I-I, Light Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a I-I, Light Industry District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-I, Light Industry District until all of the conditions set forth below have been complied with: 1) Completion of the Subdivision process; and 2) Full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

## MINUTES OF NOVEMBER 15, 2022

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as December 20, 2022.

**CALL FOR PUBLIC HEARING TO CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MOBILE PEDAL TOURS, LLC TO OPERATE AN ELECTRIC MOTOR ASSISTED PEDAL VEHICLE (SCHEDULED FOR NOVEMBER 29, 2022).** The following ordinance was introduced by Councilmember Reynolds.

RESOLUTION: 41-1020-2022

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 ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PEDAL TOUR SERVICE

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Mobile Pedal Tours, LLC 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 November 29, 2022, 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.

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

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as November 29, 2022.

### **ANNOUNCEMENTS**

Councilmember Jones thanked the Mayor and the Administration for hosting the prayer breakfast this morning.

Councilmember Jones thanked everyone that helped organize the Veterans Day events throughout the city.

Councilmember Jones announced the District 6 Christmas luncheon will be held on December 14, 2022, from 11:00 a.m. to 1:00 p.m. at the Connie Hudson Senior Center.

Councilmember Carroll shared that he will be attending the Flo Claire Neighborhood meeting on November 16, 2022, at 6:00 p.m.

Councilmember Carroll pointed out that the city had great events surrounding the Gulf Coast Challenge game last week from Wednesday to Sunday with a lot of citizen participation.

Councilmember Gregory announced the District 7 annual Christmas meeting will be held on December 5, 2022, at the Mobile Museum of Art at 6:00 p.m.

Councilmember Small congratulated Kevin Ball and Tim Hale, Jr. for successfully hosting the Gulf Coast Challenge Classic events this past week.

MINUTES OF NOVEMBER 15, 2022

Councilmember Small thanked Council staff and members of the Administration for attending the District 3 community meeting at Eichold-Mertz last night.

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

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:58 p.m.

Adopted:

\_\_\_\_\_  
COUNCIL PRESIDENT

\_\_\_\_\_  
CITY CLERK