

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 9, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, May 9, 2023, at 9:00 a.m.

Councilmembers:

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

Absent:

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 9, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, May 9, 2023, at 10:30 a.m., for the regular meeting.

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

Pastor Spence Walker, Centerpointe Assembly of God, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small

Vice-Chairman: Gregory

Councilmembers: Penn, Carroll, Reynolds, and Daves

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 encouraged citizens to participate in ArtWalk this weekend.

Mayor Stimpson read a proclamation declaring May 2023 as “Motorcycle Safety Awareness Month” in Mobile.

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

Spencer Hall – Parks and Recreation Department

Jason Donovan – Public Works at Large

Paul Craig – Public Services

Mayor Stimpson stated that the vote today on annexation will be historic and expressed his excitement about the opportunity to grow the city.

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ADOPTION OF THE AGENDA:

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

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

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

APPEALS

Request of Catherine Reaves for a waiver of the Noise Ordinance at 15 Japonica Avenue on May 13, 2023, from 4:00 p.m. – 9:00 p.m. (District 1).

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

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

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

Request of Emily Naron for a waiver of the Noise Ordinance at 3404 Moffett Road on June 2, 2023, from 6:00 p.m. – 9:00 p.m. (District 1).

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

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

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

Request of Clotilda Descendants Association for a waiver of the Noise Ordinance at the Africatown Heritage House on July 8, 2023, from 8:00 a.m. – 5:00 p.m. (District 2).

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

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

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

Request of Kalenski Adams for a waiver of the Noise Ordinance on July 14 – 16, 2023, from 3:00 p.m. – 10:00 p.m. (District 2).

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

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

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

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Request of Kelly Qualls for a waiver of the Noise Ordinance at 540 Texas Street on July 29, 2023, from 10:00 a.m. – 12:00 p.m. (District 2).

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

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

Nays: None

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

Request of Patricia Beard from a waiver of the Noise Ordinance at 762 Marine Street on May 13, 2023, from 3:00 p.m. – 9:30 p.m. (District 3).

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

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

Nays: None

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

Request of Patricia Beard for a waiver of the Noise Ordinance at 762 Marine Street on May 14, 2023, from 3:00 p.m. – 7:00 p.m. (District 3).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FAR WESTSIDE LIMO & SHUTTLE TO OPERATE A SHUTTLE SERVICE.

The Presiding Officer announced that today was the day for the public hearing to consider approval of a certificate of public convenience and necessity to far Westside Limo & Shuttle to operate a shuttle service and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGEND ITEMS:

Jamie Betbeze, 1210 Selma Street, offered comments regarding ordinance 01-023.

Roosevelt Edwards, 3769 Shelps Lane, had questions about the process and timeline of annexation.

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Wanda Cochran, 465 Dauphin Street, gave comments regarding the current text of Resolutions 02-517 through 02-520.

Mary Ann Merchant, 401 Arrosser Drive, President of the League of Women Voters, offered comments regarding the impact of annexation.

The following people offered comments in support of Resolutions 02-517 through 02-520 (annexation):

Bradley Burn, President of the Mobile Area Chamber of Commerce
Brent Barkin, P.O. Box 1410
Fred Wheeler, Mobile, Al
Dale Sawyer, 2609 Charleston Oaks
Reverend Milton Saffold

The following people offered comments in opposition of Resolutions 02-517 through 02-520 (annexation):

Katie Herndon, 205 DeSales Avenue
Shalela Dowdy, 1106 Savannah Street
Sabrina Mass, 1050 Belvedere Circle W.
Reverend Tonny Algood, 214-A DeSales Avenue
Betty Shinn, 36 McPhillips Avenue
Gregory Harris, 501 Chidester Avenue

NON-AGENDA ITEMS:

Sharon Ingram, 200 Van Burn, Daphne, Al , discussed business license issues, business tax of oil complained, and fire hydrants for businesses on Spring Hill Avenue.

Dennis Maguire, 6075 Grelot Road, Apt 79 asked for funds to help replace worn-out exercise equipment at the Connie Hudson Senior Center.

Nettie Pendleton, 306 Breamwood Avenue, how is the Council advancing environmental justice in local communities through written policy to ensure access to clean air and water and to limit exposure to dangerous chemicals and pesticides?

Marvin Lue, 5799 Southland, requested documentation for the written policy regarding no-knock warrants.

ORDINANCES HELD OVER

ORDINANCE TO AMEND CHAPTER 44, ARTICLE IV, MOBILE CITY CODE ENTITLED “HISTORIC PRESERVATION”. The following ordinance which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meetings of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

ORDINANCE: 01-023-2023

Sponsored by: Councilmember Carroll

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE that Article IV, Chapter 44, Mobile City Code is hereby amended as follows:
Sec. 44-70. FINDINGS AND PURPOSE.

(a) The City of Mobile (“City”) has long counted its historical, cultural and aesthetic heritage among its most valued assets. Mobile was the first city in Alabama, and among the first in the nation, to create a Historic Development Commission (“Commission”) and to adopt laws recognizing and protecting historic structures and historic neighborhoods.

(b) In 1989, the State enacted legislation authorizing all municipalities to adopt ordinances to establish historic development commissions and architectural review boards, and to

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promote educational, cultural, economic and general welfare of Alabama municipalities through preservation and protection of historic resources. (Alabama Code Section 11-68-1 through 11-68-15).

(c) Alabama Code Section 11-68-14 additionally authorizes the City to grant the Commission and Architectural Review Board ("Board") additional powers set forth in Alabama Code Title 11 Chapter 68.

(d) The City Council also finds and determines that:

(1) Many significant historic structures in the City have been lost and the continued preservation of these properties promotes the public health, safety and welfare of the City;

(2) Preservation of the City's historical, cultural and aesthetic heritage is essential to the promotion of the health, prosperity and general welfare of the people;

(3) Historic preservation stimulates revitalization of the business districts; protects and often increases property values in historic neighborhoods; and protects and enhances local historical and aesthetic attractions for residents and tourists, thereby promoting and stimulating commerce; and

(4) The designation, protection, preservation and rehabilitation of Historic Properties and Historic Districts enables Mobile's citizens to participate in federal and state programs and enhances opportunities for federal and state tax benefits.

(e) The City Council of the City of Mobile hereby adopts a new Chapter 44 Article IV of the City Code to supersede and replace the current version.

NOW, THEREFORE, in consideration of these findings, the Council hereby adopts anew and *in toto* this Article IV, Chapter 44 of the Mobile City Code as follows.

Sec. 44-71. DEFINITIONS.

(a) "Board" or "ARB" – means the Architectural Review Board established pursuant to this Chapter.

(b) "Board Member" – means a person appointed to the Architectural Review Board pursuant to this Chapter.

(c) "Building Inspector" – means the City's designated Building Inspector or his or her designee

(d) "Certificate of Appropriateness" – means a document evidencing approval by the Architectural Review Board to make a Material Change or repair in the appearance of a designated Historic Property or of a property located within a designated local Historic District. A Certificate of Appropriateness is also required for demolition of a structure within a Historic District.

(e) "Certificate of Economic Hardship" – means a document evidencing approval of an Owner's application for relief from the application of this Chapter as provided in Section 44-80.

(f) "Certified Local Government ("CLG")" – means a local government certified by the National Park Service and the Alabama Historical Commission to participate in the federal Historic Preservation Program and eligible to receive federal technical assistance and funding for preservation activities. The City of Mobile is a Certified Local Government.

(g) "City" – means the City of Mobile, an Alabama municipal corporation.

(h) "City Council" – means the elected members of the City Council of Mobile, Alabama.

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(i) "Commission" – means the Mobile Historic Development Commission as established pursuant to this Chapter.

(j) "Commissioner" or "Commission Member" – means a person appointed to the Commission pursuant to this Chapter.

(k) "Conflict of Interest" – means a conflict on the part of a Board Member or Commissioner between his or her private interest and the responsibilities imposed by this Chapter. A Conflict of Interest involves any action, inaction, or decision by a Commissioner or Board Member in the discharge of his or her duties which would materially affect his or her financial interest or those of his or her Family Members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.

(l) "Contributing Property" – means a building, structure, site, or object recognized as adding to the historic significance of a district.

(m) "Exterior Architectural Features" – means the architectural style, general design and general arrangement of the exterior of a building or other structures, including but not limited to the kind or texture of the building material, and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

(n) "Exterior Environmental Features" – means all aspects of the landscape or the development of a site which affect the historical character of the property such as walks, drives, outbuildings and landscaping.

(o) "Family Members" – means the spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of a Commissioner or Board Member.

(p) "Guidelines" – means the design standards adopted pursuant to this chapter in compliance with, but not limited to, the Secretary of the Interior's Standards for Preservation, Rehabilitation, Restoration and Reconstruction.

(q) "Local Historic District" – means a geographically definable area designated by the City Council as a local Historic District, including all such districts existing as of the date of this chapter and any districts subsequently designated by the City Council as a local Historic District."

(r) "Historic Property" – means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof listed in the "National Register of Historic Places," located in a local Historic District or designated by the City Council as a Historic Property.

(s) "Historic Site" – means a parcel of real property listed in the "National Register of Historic Places," located in a local Historic District or designated by the City Council as a Historic Property.

(t) "Material Change" – means a change in appearance that will affect either the Exterior Architectural or Environmental Features of a Historic Property or any building, structure, site, object, or landscape feature of a property within a local Historic District, or designated by the City Council as a Historic Property including, but not limited to:

(1) Reconstruction or alteration of the size, shape or elevation of a Historic Property, including, but not limited to, relocation or replacement of any doors or windows removal or alteration of any architectural features, details or elements, including selection of paint colors;

(2) Demolition or relocation of a Historic Property;

(3) Commencement of excavation for construction purposes;

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(4) A change in the materials, size or location of advertising visible from the public right-of-way;

(5) The erection, alteration, restoration or removal of any building or other structure within a local Historic District, including walls, fences, steps, drives and pavements or other appurtenant features;

(6) Any exterior work that must be permitted by the City; or

(7) The painting of originally unpainted surfaces.

(u) "Mayor" – means the Mayor of the City of Mobile.

(v) "Non-Contributing Property" – means a building, structure, site, or object not recognized as adding to the historic significance of a district.

(w) "Owner" – means the holder of the fee simple title as revealed on the relevant property tax rolls and in probate court records, and any person (natural, legal or corporate) or groups of persons, companies, associations, corporations, or partnerships who, alone or jointly or severally with others:

(1) shall have legal title to any property, with or without an accompanying right of possession; or

(2) shall have charge, care or control of any property as owner, executor, executrix, administrator, trustee, guardian of the estate owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm or corporation in control of a property.

(x) "Staff" – means City of Mobile employees designated by the Mayor who provide technical assistance and support to the Commission and Board in the carrying out of their duties and responsibilities as set out in this Chapter.

(y) "Substantial Economic Hardship" – means a hardship so great that:

(1) the owner will effectively be deprived of all reasonable and beneficial use of or return from the property; and

(2) the owner would be unfairly penalized given that the owner did not create the conditions at issue.

SEC. 44-72. HISTORIC PRESERVATION COMMISSION CREATED.

(a) Creation of the Commission. Pursuant to Ala. Codes 11-68-1, *et seq.* (1975) there is hereby created a Commission that shall be named the Mobile Historic Development Commission. The Commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes as provided.

(b) Tax-exempt status. The Commission shall have tax-exempt status. The properties of the Commission and the income therefrom, together with all leases, agreements, and contracts made by it shall be forever exempt from any and all taxation by the State and any political subdivision thereof, including, but not limited to, sales and use tax, gross receipts tax, income, admission, amusement, excise, and ad valorem taxes.

(c) Commission Membership. The Commission shall consist of thirteen (13) members. Commissioners shall be bona fide residents of the City of Mobile and shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology, or law, or who shall be residents of a Local Historic District. No elected official shall serve on the Commission. A minimum of seven (7) members of the Commission shall reside or own property in a Local Historic District. The remaining six (6) Members of the Commission may reside or own property in a local Historic District but such shall not be required for their nomination by the Mayor. Members of the Commission shall be nominated by the Mayor, with the Mayor to nominate one Commissioner from each of the Local Historic Districts existing from time to time, with

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representation of the Local Historic Districts not to exceed seven (7) in total and shall be appointed by the City Council. Nomination and appointment of members of the Commission shall be made so as to ensure that the Commission will be composed of persons with as much of the training and experience identified in this section as is possible. In making such appointments, the Mayor shall solicit non-binding recommendations of potential Commissioners from the following:

Recommendations of Additional Commission Members:

American Institute of Architects, Mobile Chapter
Architectural Review Board of the City of Mobile
Ashland Place Historic District
Bragg Mitchell Mansion
Church Street East Historic District
City of Mobile Department of Urban Development
DeTonti Square Historic District
DeTonti Square Neighborhood Improvement Association
Friends of Magnolia Cemetery, Inc.
Friends of Mobile Historic Development
Friends of Museum of Mobile
Friends of Old Mobile, Inc.
Historic Mobile Preservation Society
Leinkauf Historic District
Lower Dauphin Street Commercial Historic District
Main Street Mobile, Inc.
Mobile Area Association of Realtors, Inc.
Mobile Area Chamber of Commerce
Mobile Medical Museum
National Society of Colonial Dames of America in Alabama
Conde/Charlotte Museum
Oakleigh Garden District Society
Oakleigh Garden Historic District
Old Dauphin Way Association
Old Dauphin Way Historic District
Richards DAR House Museum

Such additional local Historic Districts as shall be created after the Effective Date.

(d) Terms. Members of the Commission shall serve three- (3) year, overlapping terms, with two (2) Members to be initially appointed for a one (1) year term, two (2) Members to be initially appointed for a two (2) year term and the remaining initial Members to be appointed for a three (3) year term; thereafter, as terms expire for such initial Members, subsequent Members shall be appointed for full three (3) year terms. All appointments shall be made per Section 44-72 (c). Terms shall begin on January 1 of the appointment year and end on December 31 of the termination year. Upon expiration of the term of a Commissioner that Commissioner shall not be allowed to continue to serve and shall have no further powers or duties hereunder. Members of the Commission may be reappointed to the Commission.

(1) If a Member is absent, without excuse, from three (3) regular meetings of the Commission in the calendar year, the Mayor and City Council shall be notified so that a qualified replacement may be appointed as per Section 44-72(c).

(2) Any vacancy occurring on the Commission other than by expiration of term shall be filled for the unexpired term of such member as provided in Section 44-72(c).

(3) Members of the Commission may be removed for cause by the City Council.

(e) Compensation. Members shall serve without compensation but may be reimbursed for expenses incurred on behalf of the Commission in accordance with the rules and regulations for the reimbursement of expenses adopted by the Commission.

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(f) Conflict of Interest. No Member shall vote, present, discuss or participate in any matter in which the Member has a Conflict of Interest or in which the Member or any Family Member has any financial gain or interest.

(g) Officers. Members of the Commission shall elect a President and a Vice President and such other officers as the Commissioners deem necessary.

Sec. 44-73. RULES, POWERS AND DUTIES OF THE COMMISSION.

(a) Rules. The Commission shall adopt, and may amend from time to time, such policies and bylaws as it deems necessary and proper to govern its operations and to fulfill its duties and responsibilities under this Chapter. The Commission's bylaws shall constitute a public record and shall be furnished to the City Clerk. At a minimum, the bylaws shall:

(1) Specify the number of members needed for a quorum, but in no event less than fifty percent (50%);

(2) Provide that its meetings be public and occur at least quarterly;

(3) Provide for written notice of its meetings (by electronic transmission or US Mail) and furnish a copy of its meeting schedule to the City Clerk, Mayor, and Commission Members and post such notices on the City's web page;

(4) Require that a public record be kept of the Commission's minutes, resolutions, proceedings and actions;

(5) Require Commissioners to attend at least one informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, the National Trust for Historic Preservation, National Alliance of Preservation Commissions, Alabama Trust for Historic Preservation, the Commission Preservation Leadership Class or other equivalent preservation organization. Commissioners shall also attend an orientation session offered by the Staff within three months of their appointment.

(b) Powers and Duties of the Commission. The Commission shall be authorized to:

(1) Preserve and protect buildings, structures and sites of historic and architectural value in the local Historic Districts designated pursuant to this chapter;

(2) Prepare a survey of all property within the city limits of the City of Mobile;

(3) Recommend to the City Council buildings, structures, sites, and districts for designation as historic properties or local districts.

(4) Restore, protect and preserve any historic properties acquired by the City or the Commission;

(5) Promote acquisition of façade and conservation easements by the City or by the Commission;

(6) Develop and conduct educational programs on historic projects and districts designated pursuant to this chapter and on historic preservation subjects;

(7) Make such investigations and studies of matters relating to historic preservation as the City or the Commission, respectively, deem necessary and appropriate for the purposes of this chapter provided that such activities by the Commission shall not cause the City to expend funds or incur obligations without the City's express agreement;

(8) Apply for funds to carry out the purposes and responsibilities of the commission from municipal, county, state, federal, and private agencies and sources;

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(9) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the Commission; provided, however, the Commission shall not obligate City funds without prior consent of the City;

(10) Investigate, survey and process nominations of properties to the National Register of Historic Places;

(11) Investigate, survey and process applications for certification of Historic Properties for tax credits for preservation expenditures;

(12) Contract with other municipal, county, state, federal, and private agencies and organizations to perform historic preservation related functions;

(13) Administer one or more awards programs recognizing historic structures and persons involved in preservation;

(14) Review and make comments to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;

(15) Exercise such further powers as the Commission may deem reasonably necessary and proper to carry out the purposes, responsibilities and powers of the Commission.

Sec. 44-74. RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES

(a) Criteria for Determining a local Historic District. A local Historic District is a geographically definable area identified in an ordinance adopted by the City Council, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof which:

(1) Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the city, county, state, region or nation;

(2) Represents a significant aspect of the cultural, political, economic, military or social history of the locality, region, state or nation;

(3) Has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation;

(4) Is a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state or nation; or

(5) Contains vernacular structures which contribute to an overall character and sense of place which is representative of the city.

(b) Classification of Properties in Historic Districts. Individual properties within Historic Districts shall be classified as either:

(1) Contributing to the historic character of the district; or

(2) Not Contributing to the historic character of the district.

(c) Criteria for Determining a Designated Historic Property. A Historic Property is a building, structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City for one of the following reasons:

(1) It is an outstanding example of a structure representative of its era;

(2) It is one of the few remaining examples of a past architectural style;

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(3) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or region;

(4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state or region; or

(5) The building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the city or which is unique to the City.

A historic property listed in the National Register but outside a Local Historic District identified in an ordinance adopted by the City Council is not considered a "historic property" for purposes of the City Code, including, but not limited to, its zoning ordinance.

(d) Recommendation. The Commission shall compile and collect information and conduct surveys of historical resources within the City and County of Mobile; and recommend to the City Council, or other designating authority, property the Commission deems suitable for designation as a local Historic District or as an individually designated Historic Property. The recommendation shall be made in accordance with the rules and regulations of the Alabama Historical Commission.

(e) Form of Recommendation. The Commission's recommendation to the City Council shall be in the form of a resolution and accompanied by a report consisting of:

(1) A physical description;

(2) A statement of the historical, cultural, architectural and/or aesthetic significance;

(3) A map showing district boundaries and classification of individual properties therein (contributing, non-contributing) or showing boundaries of individually designated Historic Properties;

(4) A statement justifying the district or individual property boundaries;

(5) Representative photographs; and

(6) A proposed ordinance that:

(i) Lists each property in a proposed Historic District;

(ii) Requires a Certificate of Appropriateness prior to any Material Change in appearance of a property in a local Historic District; and

(iii) requires the district be shown on the City's official zoning map.

(f) Required Public Hearings. The Commission shall hold a public hearing to allow for public comments on any proposed ordinance for the designation of any local Historic District or Historic Property. Notice of the hearing shall be published on the City's web page which must be done at least fifteen days before the hearing, and written notice of the hearing shall be mailed by the Commission to all owners of properties proposed for designation. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via regular U.S. Mail to the last known owner of the property shown on the Mobile Revenue Commissioner's tax rolls shall constitute legal notice under this Chapter.

(g) Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within forty-five (45) days following the Public Hearing and shall be in the form of a resolution to the City Council.

(h) City Council Action on Commission Recommendation. Following receipt of

the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

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(i) Notification of Adoption of Ordinance for Designation. Within thirty (30) days following the adoption of the ordinance for a designation by the City Council, the owners and occupants of each designated Historic Property and the owners of each structure, site or work of art located within a designated Historic District, shall be given written notification of such designation, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness from the Architectural Review Board prior to undertaking any Material Change in appearance of the Historic Property designated or within the local Historic District designated. A notice sent via the United States Mail to the last known owner of the property shown on the Mobile County Revenue Commissioner's tax rolls shall constitute legal notification under this Chapter.

(j) Notification of Other Agencies Regarding Designation. The Commission shall notify all municipal agencies within the City in writing of the ordinance for designation.

(k) Seller Disclosure of Historic Designation. The fact that a property is located within a local Historic District and subject to the restrictions of this Chapter shall be disclosed by the seller upon sale of the property.

Sec. 44-75. ARCHITECTURAL REVIEW BOARD CREATED.

(a) Creation of the Board. Pursuant to Ala. Code Sec. 11-68-13 (a) (1975) , there is hereby created an Architectural Review Board to perform the duties and responsibilities set forth in Ala. Code Sections 11-68-9 through 11-68-12 (1975), as those sections may be amended from time to time, and to have the power and perform the duties as provided in Section 44-76 of this Chapter.

(b) Composition. The Board shall be comprised of nine (9) Board Members who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law. Board Members must be residents of the City. No member of the City Council or the Mayor shall serve on the Board.

(c) Appointment. Board Members shall be nominated by the Mayor from persons

qualified per Mobile City Code Sec. 44-75 (b) and appointed by the City Council. In making such nominations, the Mayor shall solicit non-binding recommendations of potential ARB Board Members from the following:

(1) The Historic Mobile Preservation Society;

(2) The Commission in consultation with the historic neighborhood associations; and

(3) The Mobile Chapter of the American Institute of Architects

(d) Terms. Members of the Board shall serve three- (3) year, overlapping terms, with two (2) Board Members to be initially appointed for a one (1) year term, and the remaining initial Board Members to be appointed for a three (3) year term; thereafter, as terms expire for such initial Members, subsequent Board Members shall be appointed for full three (3) year terms. All appointments shall be made per Section 44-75 (c). Terms shall begin on January 1 of the appointment year and end on December 31 of the termination year. Members may be reappointed thereafter to the Board in accordance with Section 44-75(c).

(e) Compensation. Board Members shall serve without compensation but may be reimbursed for expenses incurred on behalf of the Board and in accordance with the rules and regulations for the reimbursement of expenses adopted by the Board.

(f) Removal and Vacancy. Board Members may be removed for cause by the City Council. Vacancies on the Board for any reason shall be filled in the same manner as their appointment as provided in subsection (c) of this section. Such appointments shall be for the unexpired term of the Board Member replaced.

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(g) Conflict of Interest. No Board Member shall vote, present, discuss or participate in any matter in which the Member has a Conflict of Interest or in which the Member or any Family Member has any financial gain or interest.

Sec. 44-76. RULES, POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD

(a) Rules and Bylaws. The Board shall adopt and may amend from time to time such rules of procedure and bylaws as it deems necessary and proper to govern its operations and to fulfill its duties and responsibilities under this Chapter. The rules and bylaws shall constitute a public record and copies shall be furnished to the City Clerk. The rules and bylaws shall, at a minimum:

- (1) Provide that Board meetings shall be publicly announced, open to the public, and shall be held at designated times and places as set forth in the Board's rules and regulations;
- (2) Provide for notice of its meetings to the applicants, Board Members, and the City Clerk;
- (3) Provide that minutes of all decisions and actions of the Board, including the reasons for making these decisions, be kept on file and available for public inspection;
- (4) Require the annual election of a chairman and vice chairman and such other officers as the Board deems necessary;
- (5) Specify the number of Board Members needed for a quorum; and
- (6) Provide for design assistance through a Design Review Committee.

(b) Powers and Duties of the Board and Staff. The Board, supported by Staff, is hereby authorized to:

- (1) Apply general design standards adopted by the Commission in considering the granting and denial of Certificates of Appropriateness;
- (2) Adopt rules and regulations governing the procedure for submission and consideration of applications for Certificates of Appropriateness and Certificates of Economic Hardship;
- (3) Review applications for Certificates of Appropriateness and Certificates of Economic Hardship and grant, conditionally grant, assign to a design review committee, hold over for further action, or deny same in accordance with the provisions of this Chapter and the guidelines;
- (4) Prescribe a reasonable fee to help defray the costs of processing the application;
- (5) Seek technical advice from outside its membership on any application;
- (6) Subject to funding, attend at least two (2) informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, the National Trust for Historic Preservation, the National Alliance of Preservation Commissions, the Alabama Trust for Historic Preservation, the Commission's Preservation Leadership Class or other training approved by the Commission. One of the two meetings should be regional or statewide;
- (7) Receive, review and assess each application for a Certificate of Appropriateness to determine if the application qualifies for Expedited Review by City staff. Should the application be found to so qualify, designated City staff shall conduct the Expedited Review to determine whether the application adheres to the design guidelines and does not impair the architectural integrity of the building, the property, or the surrounding neighborhood. If an application does not qualify for Expedited Review, Staff shall prepare an analysis of the application and present it to the applicant and to the Board, including any recommendations, for full review;
- (8) Award a Certificate of Appropriateness to applicants who duly qualify for such;

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(9) Retain the records of the Board and all Expedited Reviews shall be retained in such a manner that decisions are secure and readily available to the public and cataloged for easy reference.

Sec. 44-77. CERTIFICATES OF APPROPRIATENESS.

(a) Certificate of Appropriateness Required. After the designation by ordinance of any local Historic District, no exterior Material Change shall be made on any property or site, any portion of which is contained within a local Historic District, nor shall any building or structure in a local Historic District be erected or demolished, and no Material Change of such property or structure, site, object or work of art within such Historic District, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Board, except that no Certificate of Appropriateness shall be required by the City for the demolition of all or part of a structure, building or other property deemed to be a public nuisance and ordered to be demolished by the City Council.

(b) Signs on Historic Properties or within Historic Districts. Signs shall be considered as structures, and no sign in a local Historic District or along Government Street from Water Street to Dauphin Island Parkway shall be demolished, changed or erected unless and until the Board approves a Certificate of Appropriateness in accordance with design guidelines adopted by the Commission.

(c) Alterations or Demolitions of Public Property within Local Historic Districts or Public Property which has been designated as a Historic Property. The requirement of a Certificate of Appropriateness shall apply to any public property which has been designated a Historic Property or which is contained in a local Historic District, excepting those addressed in Section 11-68-15 of the Alabama Code, and shall apply to actions by public authorities which involve Historic Properties and properties within local Historic Districts; notwithstanding the foregoing, those properties that have been ordered demolished by order of the City Council pursuant to the Unsafe Building Act shall be exempt from a Certificate of Appropriateness. At such time as the City issues its notice to the property owner that such property is in violation of the City's Unsafe Building Act, a copy of such notice shall be provided to the Commission.

(d) Demolition by Neglect. Demolition by neglect and the failure to maintain a Historic Property or a structure within a local Historic District shall constitute a Material Change for which a Certificate of Appropriateness is required.

(e) Paint Colors. The Board shall review paint color and placement. The painting of originally unpainted surfaces shall require a Certificate of Appropriateness.

(f) Interior Alterations. In reviewing applications for Certificates of Appropriateness, the Board shall not consider interior room arrangement or use having no effect on Exterior Architectural Features; however, the Board may require a floor plan to aid in understanding the exterior design scheme.

(g) Prior to Receiving Building Permit. A Certificate of Appropriateness must be obtained prior to an Applicant receiving a building permit from the City of Mobile for any work to the outside of any property located within a local Historic District.

(h) Enforcement of Inspections. For adherence to the requirements of this Chapter, the reporting of conditions and the enforcement of punitive actions when necessary shall be administered by the Staff who will receive the administrative support of the City of Mobile. Included within its enforcement authority, the City shall have all rights and remedies specified by law.

Sec. 44-78. PROCEDURE FOR GRANTING OR DENYING APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

(a) Applications. An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Board. Applications involving demolition or relocation shall also conform to the requirements in Sec. 44-79 (a-b).

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(b) Expedited Review. Staff shall assess applications and execute Expedited Review on items approved by the Commission and found to meet the design guidelines. Expedited review shall be approved for the following minor projects, routine maintenance and minor alterations, including awnings, in-kind repairs, fencing, painting, repair and resurfacing of existing driveways and sidewalks; and accessory structures utilizing stock designs previously approved by the Board; and for those other instances that may be allowed by resolution. Routine maintenance shall include ordinary maintenance or repair of any exterior architectural or environmental feature to correct deterioration, decay or damage, or to sustain the existing form, while not impairing the historic integrity of the building, the property, or the neighborhood.

(c) Hearings on Applications. Except for matters considered under procedures for Expedited Review, applications for Certificates of Appropriateness shall be considered by the Board at public meetings, held at least once a month, provided there is business before the Board, at a time and place set out in the rules of the Board. All applicants, owners of the property in the local Historic District, and other interested parties shall be afforded a reasonable opportunity to be heard on the application.

(d) Notice of Hearing. At least seven (7) days prior to the hearing, the Board shall notify the applicant of the time and place of the hearing and shall provide the applicant with a copy of any staff reports pertaining to the application. A notice shall be posted on the property indicating that an application is pending. The Board or Staff may take such further action as may reasonably be required to inform the owners of any property likely to be affected by the application.

(e) Deadline for Approval or Rejection of Application. Failure of the Board to act within forty-five (45) days of submission shall constitute approval, and no other evidence of approval shall be needed. Upon request, the Board shall notify the building official that a permit may be issued for the work specified in the application. An applicant requesting a delay or a Board-adopted motion to holdover an application shall relieve the Board of the 45-day deadline. An application may be amended at the meeting to remedy any problems with the consent of the applicant and the Board.

(f) Basis for Decision. In considering an application the Board shall consider two criteria:

(1) Does the request impair the historic integrity of the building;

(2) Does the request impair the historic integrity of the neighborhood.

If the answer to both questions is negative, the Board shall grant a Certificate of Appropriateness. If the answer to either or both questions is affirmative, the Board shall deny the application, approve the application with conditions, assign the application to a design review committee, or hold over the request for further information or action.

(g) Notice of Decision. Notice of the Board's decision shall be sent to the applicant and all other persons who have requested such notice in writing filed with the Board.

(h) Necessary Actions to be taken by the Board upon Rejection of Application for Certificate of Appropriateness.

(1) In the event the Board rejects an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the applicant. The Board may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. Resubmission of the same application is not allowed for a period of six months following the meeting at which the request was denied. However, the applicant may make modifications to the plans and resubmit the application at any time provided the modifications are significant in addressing the concerns of the Board.

(2) The rejection of the application for a Certificate of Appropriateness by the Board shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such cases, no permits shall be issued.

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(i) Certificate of Appropriateness Void if Construction not Commenced. A Certificate of Appropriateness shall become void unless construction is commenced within one (1) year from the date of issuance. Certificates of Appropriateness are renewable by Staff for one (1) additional year.

(j) Requirements of Conformance with Certificate of Appropriateness. All work performed pursuant to a Certificate of Appropriateness shall strictly comply with all conditions of such certificate. In the event work is performed not in accordance with such Certificate, the City shall issue a cease-and-desist order and all work shall cease.

Sec. 44-79. STANDARD OF REVIEW.

(a) Required Findings for Approval. The Board shall not approve any application ./ or issue a Certificate of Appropriateness unless it finds that the proposed change, erection or demolition conforms to the design guidelines; is compatible with the character of the Historic Property or local Historic District; and does not detract from the value of the Historic Property or local Historic District. In making this determination, the Board shall consider, in addition to any other pertinent factors, the historical and architectural features involved and the proposed change thereto, and the relationship thereof, to the exterior architectural style, and pertinent features of other structures in the immediate neighborhood.

(b) New Structures in a Local Historic District. In the case of a proposed new building, the Board shall not approve any application or issue a Certificate of Appropriateness unless it finds that such building will not, in itself or by reason of its location on the site, materially impair the architectural or historical value of the buildings on adjacent sites or in the immediate vicinity and that such building will not be injurious to the general visual character of the local Historic District in which it is to be located.

Sec. 44-80. DEMOLITION/RELOCATION.

(a) Required Findings. The Board shall not grant Certificates of Appropriateness for the demolition or relocation of any Historic Property or property within a local Historic District unless the Board finds that the removal or relocation of such building will not be detrimental to the historic or architectural character of the District. In making this determination, the Board shall consider:

(1) The historical or architectural significance of the structure;

(2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures;

(3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;

(4) Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood; and

(5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.

(b) Content of Applications. All applications to demolish or remove a Historic Property or a structure in a local Historic District shall contain the following minimum information:

(1) The date the owner acquired the property, purchase price, and condition on date of acquisition;

(2) The number and types of adaptive uses of the property considered by the owner;

(3) Whether the property has been listed for sale, prices asked and offers received, if any;

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(4) Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;

(5) Replacement construction plans for the property in question, amounts expended upon such plans, and the dates of such expenditures;

(6) Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and

(7) Such other information as may reasonably be required by the Board. With respect to applications for relocation of a building, the required information shall clearly define the anticipated impact on both the present site and the future site.

(c) Post Demolition or Relocation Plans Required. In no event shall the Board entertain any application for the demolition or relocation of any Historic Property or property in a local Historic District, unless the applicant also presents at the same time the post-demolition or post-relocation plans for the site.

Sec. 44-81. CERTIFICATE OF ECONOMIC HARDSHIP.

(a) Substantial Economic Hardship. If the Board denies an application for a Certificate of Appropriateness, a property owner may apply for a Certificate of Economic Hardship. The purpose of the Certificate of Economic Hardship is to provide relief where the application of this chapter would otherwise impose a Substantial Economic Hardship.

(b) Burden of Proof. The burden of proof rests on the applicant to show that the denial of the Certificate of Appropriateness will result in a Substantial Economic Hardship.

(c) Applications. The applicant shall provide such information as may reasonably be required by the Board to establish the owner's claim of Substantial Economic Hardship. The data provided by the applicant must be substantiated by either professionals in an applicable field or by thorough documentation of how the information was obtained. The Board may request additional information from the applicant, as necessary, to make informed decisions. Certificates of Economic Hardship are granted only to the applicant and are not transferable.

(d) Standards for Consideration. In making its determination, the Board may consider, but is not limited to, the following factors, evidence, and testimony:

(1) The date the property was acquired and status of the property under this Chapter at the time of acquisition, e.g., whether the property was protected by this Chapter or earlier versions of this chapter, its condition, etc.;

(2) The structural soundness of the building, or any structures on the property and their suitability for rehabilitation;

(3) The current level of economic return on the property;

(4) The economic feasibility of rehabilitation or reuse of the existing property or structures;

(5) The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. Evidence of this factor shall include testimony and relevant documents regarding:

(i) Any real estate broker or firm engaged to sell or lease the property;

(ii) Reasonableness of the price or rent sought by the applicant; and,

(iii) Any advertisements placed for the sale or lease of the property by the owner or applicant;

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(6) Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the economic hardship provision; and

(7) The extent to which the owner is responsible for his or her own economic hardship, if any, such as the owner's:

- (i) Failure to perform normal maintenance and repairs;
- (ii) Failure to diligently solicit and retain tenants;
- (iii) Failure to prescribe a rental amount which is reasonable;
- (iv) Failure to provide normal tenant improvements; and,
- (v) Purchase of the subject property without making said purchase contingent upon first obtaining the approvals required by this Chapter or earlier versions of this chapter.

(e) Hearing. The Board shall hold a public hearing as soon as practicable but not longer than forty-five (45) days after receipt of a completed application for a Certificate of Economic Hardship. Notice shall be provided in the same manner the Board uses for hearings on Certificates of Appropriateness. At the hearing, the Board shall take testimony presented by the owner and any other interested parties on the standards set forth above. The Board shall issue its decision within forty-five (45) days of the hearing. If the Board fails to timely hold a public hearing or, having conducted a hearing, fails to render a decision within forty-five (45) days, the application for a Certificate of Economic Hardship shall be deemed granted.

(f) Denial. If the Board denies the application for a Certificate of Economic Hardship, the applicant shall be notified in writing and shall be provided a copy of the Board's final determination and a Certificate of Appropriateness shall not be issued.

(g) Initial Determination. If the Board makes an initial determination that the applicant has presented a case which may establish substantial economic hardship but finds that reasonable alternatives may exist which should be pursued by the applicant, the Board may delay its final determination for a period of no more than six (6) months. The applicant shall be notified of the initial determination and shall be provided a copy of the Board's findings and reasons for the postponement.

(h) Postponement. Within any period of postponement specified in subsection (g), the Board, in cooperation with the City, the Commission, and the owner, may explore alternatives that will assure reasonable use of the property including, but not limited to, loans or grants from public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce the cost of maintenance, restoration, rehabilitation or renovation or changes in applicable zoning regulations sufficient to allow reasonable use of the property.

(i) Issuance of Certificate. Upon the expiration of the period of postponement, the Board shall issue the Certificate of Economic Hardship. The Certificate may be subject to conditions including adherence to the design guidelines for subsequent construction. The Certificate of Economic Hardship shall be valid for a period of one hundred twenty (120) days from approval by the Board.

Sec. 44-82. APPEALS.

(a) Notice of Appeal. Within fifteen (15) days after a final decision of the Board, any person having a request for a Certificate of Appropriateness denied by the Board may appeal the decision to the Circuit Court of Mobile County.

(b) Record of Proceedings. Upon receiving notice of appeal, the Board shall transmit to the Clerk of the Court a certified record of the proceedings in the case.

(c) Standard of Review. The appeal shall be determined solely on the question of whether the Board, in rendering its decision, acted beyond the limits of its powers or abused its discretion.

Sec. 44-83. MAINTENANCE OF HISTORIC PROPERTIES AND PROPERTIES IN HISTORIC DISTRICTS.

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(a) Failure to Provide Ordinary Maintenance or Repair. Owners of Historic Properties and/or properties within local Historic Districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. It shall be a violation of this Chapter for an Owner to fail to maintain any structure or to prevent the deterioration of any exterior appurtenance or architectural features. At a minimum, Owners shall keep such structure or property, including all accessory structures, adequately maintained and repaired in accordance with the following:

(1) Foundation. The building foundation shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon;

(2) Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit vermin, rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair;

(3) Roofs. Roofs shall be structurally sound and maintained in a safe condition and have no defects that might admit vermin, rain or cause dampness in the walls or interior portion of the building;

(4) Stairs, Porches and Appurtenances. Every outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair;

(5) Windows and Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, watertight, rodent proof and in good repair. Only material consistent with the design and architectural integrity of the building shall be used to enclose windows or doorways. Every uncovered window shall be fully supplied with glass windowpanes or an approved substitute, which are without open cracks or holes. Windowpanes shall not be painted;

(6) Hardware. Every exterior door shall be provided with proper hardware and be maintained in good condition;

(7) Door Frames. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the building; and

(8) Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be substantially protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and watertight. All masonry joints shall be sufficiently tuck-pointed to insure water and air tightness.

(b) Vacant Buildings. In the case of unoccupied buildings, a mothballing plan approved by the Board may be used in lieu of the standards contained in this section.

(c) Time for Compliance. The Building Inspector shall allow owners a reasonable period of time, but not more than two (2) years, to bring their properties into compliance with the standards prescribed herein. In the event repairs are not timely completed, or there is no attempt to correct the problems, the Inspector may issue a citation for violation of a municipal ordinance or file a criminal Complaint with a Magistrate or a civil Complaint with the Clerk of the Circuit Court.

(d) Affirmation of Existing Building and Zoning Codes. Nothing in this Chapter shall be construed as to exempt property owners of occupied buildings from complying with existing City building and zoning codes, nor to prevent any property owner from making any use of his or her property not prohibited by other statutes, ordinances or regulations. Nothing herein shall limit, modify, supersede or restrict any other existing law or regulation governing buildings, the issuance of building permits, the inspection of buildings or any other law or regulation.

Sec. 44-84. PENALTY PROVISIONS.

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(a) Criminal Penalties. It shall be unlawful for an owner of a Historic Property or any property, any portion of which is contained within a local Historic District, to:

(1) Make or permit to be made any Material Change without first obtaining a

Certificate of Appropriateness as required by this Chapter; or

(2) violate any other provision of this Chapter.

(b) Fines. All violations shall be punished by a fine of \$100, plus costs and fees of court. Any person convicted of a second violation of this Chapter within a five-year period shall be punished by a fine of \$500 plus costs and fees of court. Every day any violation of this Chapter shall continue shall constitute a separate offense.

(c) Other Remedies. The Commission and/or the City may institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any Material Change to any property, any portion of which is contained in a local Historic District; or to prevent any illegal act or conduct with respect to such Historic Property or local Historic District, and to recover any damages that may have been caused by the violation of this Chapter.

Sec. 44-85. SEVERABILITY.

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

Sec. 44-86. REPEALER.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Sec. 44-87. EFFECTIVE DATE.

This Ordinance shall become effective upon July 14, 2023 ("Effective Date"), and its provisions shall apply to any application that is pending on the Effective Date.

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

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

Nays: None

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

CONSENT RESOLUTIONS HELD OVER

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS II (PACKAGE STORE) LICENSE TO VIKING LIQUOR STORE, 2551 HALLS MILL ROAD. The following resolution which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meetings of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 37-447-2023

Sponsored by: Councilmember Small

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.

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Type of application: Lounge retail Liquor Class I License

Submitted by: Viking Liquor Store, LLC
Location: Viking Liquor Store
2551 Halls Mill Road, Ste. B
Mobile, AL 36606

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS I LICENSE TO VIKING CONVENIENCE STORE, 2551 HALLS MILL ROAD. The following resolution which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meetings of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 37-448-2023

Sponsored by: Councilmember Small

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

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

Submitted by: Viking Convenience Store, LLC

Location: Viking Convenience Store
2551 Halls Mill Road, Ste. B
Mobile, AL 36606

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

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

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

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH WATKINS ACY STRUNK DESIGN, INC. FOR NEW TENNIS COURTS, PICKLEBALL COURTS, AND ASSOCIATED PARKING AT CRAWFORD-MURPHY, HILLSDALE AND STOTTS PARKS; \$168,750.00 TOTAL. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-503-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll, Gregory, and Reynolds

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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: WATKINS ACY STRUNK (WAS) DESIGN, INC.

Project Information: PR-035-23
 CRAWFORD-MURPHY PARK
 NEW PICKLEBALL AND TENNIS COURTS
 \$63,350.00 (C0706-2023-P-003 D2)

 PR-041-22
 HILLSDALE PARK
 NEW PICKLEBALL COURTS AND ASSOCIATED PARKING
 \$50,400.00 (C0671 – 2022-P-013 D7)

 PR-047-23
 STOTTS PARK
 NEW PICKLEBALL COURTS
 \$55,000.00 (C0152-2023-P-010 D4)

Amount: \$168,750.00 COMBINED CONTRACT AMOUNT

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

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

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

RESOLUTIONS HELD OVER

AUTHORIZE PERFORMANCE CONTRACT WITH FRIENDS OF MOBILE HISTORIC DEVELOPMENT. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meetings of March 21, 2023, April 25, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-293-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Performance Contract between the City of Mobile and Friends of Mobile Historic Development, attached hereto or one substantially similar, and made a part hereof, as though set forth in full, and to take such further action necessary to effectuate the Agreement. A copy of said Performance Contract is on file in the office of the City Clerk.

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

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

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

AUTHORIZE AGREEMENT WITH THE STATE OF ALABAMA FOR THREE MILE CREEK GREENWAY TRAIL SECTION 6N; INCREASE BY \$500,000.00. The following resolution which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meetings of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-467-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Supplemental Agreement #1 between the City of Mobile and the State of Alabama for existing grant agreement Project No. TAPAA-TA18(923) Three Mile Creek: Section 6 North Project, and to take all actions necessary to effectuate said Agreement, as outlined in the Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Agreement is on file in the office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE CHANGE ORDER #2 WITH MCCRORY WILLIAMS, INC. FOR DESIGN AND ENGINEERING SERVICES OF THE THREE MILE CREEK GREENWAY TRAIL SECTION 3; \$241,980.00. The following resolution which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meetings of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-476-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Change Order, by and between the City of Mobile and McCrory & Williams, Inc. as outlined in the Change Order Number Two (2), attached hereto and made a part hereof as though set forth in full, to increase their contract dated October 19, 2021, in total contract sum from \$395,720.00 to \$637,700.00, with the \$241,980.00 being specifically allocated to Segment 3 of the Three Mile Creek Greenway Trail Design and CE&I activities. A copy of said Change Order and Justification is on file in the office of the City Clerk.

Name of Company: McCrory & Williams, Inc.

Project Name: Mobile Greenway Initiative: Three Mile Creek Trail,
Segments 1, 2 & 3

Amount: \$241,980.00
(Existing Contract Amount: \$395,720.00)

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE THREE MILE CREEK GREENWAY TRAIL SECTION 6N; \$1,405,086.40. The following resolution which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meeting of May 2, 2023, and May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-479-2023

Sponsored by: Mayor Stimpson

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

Project Name: Three Mile Creek Greenway Trail – 6N
COM Project No. 2022-2045-02

Cost: \$1,405,086.40

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO CARRIER CORPORATION FOR CHILLER FOR BEN MAY LIBRARY; \$175,740.00. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-504-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8404</u>	2023	(3032) ARCHITECTURAL ENGINEERING	CHILLER FOR BEN MAY LIBRARY (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$175,740.00	(297060) <u>CARRIER</u> <u>CORPORATION</u>

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO CARAHSOFT TECHONOLGY CORP. FOR ANNUAL SUBSCRIPTION FOR MICROSOFT 365 CLOUD BACKUP SOFTWARE;

\$30,412.80. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-505-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8418</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL SUBSCRIPTION FOR MICROSOFT 365 CLOUD BACKUP SOFTWARE	\$30,412.80	(295556) <u>CARAHSOFT</u>

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO LEADSONLINE, LLC FOR ANNUALSUBSCRIPTION RENEWAL FOR CRIME INVESTIGATION SOFTWARE;

\$31,133.00. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-506-2023

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Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9089</u>	2023	(1530) POLICE ADMIN SERVICES	ANNUAL SUBSCRIPTION RENEWAL FOR LEADSONLINE CRIME INVESTIGATION SOFTWARE (SOLE SOURCE)	\$31,133.00	(292802) <u>LEADSONLINE</u> <u>LLC</u>

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR SUBSCRIPTION RENEWAL FOR MALWAREBYTES PROTECTION SOFTWARE; \$23,333.01. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-507-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8520</u>	2023	(5000) INFORMATION TECHNOLOGY	SIX MONTH SUBSCRIPTION RENEWAL FOR MALWAREBYTES ENDPOINT MALWARE PROTECTION SOFTWARE (AL STATE CONTRACT)	\$23,333.01	(272932) <u>CDW</u> <u>GOVERNMENT</u> <u>LLC</u>

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO MIKE HOFFMAN EQUIPMENT SERVICES, INC. FOR RENTAL OF GAS TANK FOR MUNICIPAL GARAGE; \$29,600.00. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-508-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8252</u>	2023	(2050) FLEET MAINTENANCE- GARAGE	8 MONTH RENTAL OF 10K GAL GAS TANK FOR MUNICIPAL GARAGE WITH FUELMASTER SWITCH (SOLE SOURCE COMPATIBLE WITH CITY FUEL DELIVERY SYSTEMS)	\$29,600.00	<u>(085814) MIKE HOFFMAN EQUIPMENT SERVICES</u>

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

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

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

ACCEPT EASEMENT FROM THE MOBILE HOUSING AUTHORITY TO CONSTRUCT THE TRAIL AND TRAILHEAD FOR THE THREE MILE CREEK GREENWAY TRAIL. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 25-509-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts a Deed for Easement from the Mobile Housing Authority as needed for the Three Mile Creek Greenway Trail and Trailhead.

SAID DOCUMENT is by reference made a part of this resolution as fully as set forth herein and copies will be on file in the office of the City Clerk and in the office of the Real Estate Department of the City of Mobile.

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

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

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

AUTHORIZE A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY, FEMA FOR THE FY23 PORT SECURITY GRANT PROGRAM; \$804,143.44 (25% LOCAL MATCH). The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 31-510-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department Homeland Security (DHS), Federal Emergency Management Agency (FEMA), a Notice of Award and Memorandum of Agreement for grant assistance in the amount of \$804,143.44 for the Department of Homeland Security's FY 2023 Port Security Grant Program.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the U. S. Department of Homeland Security and any other federal agency.

BE IT FURTHER RESOLVED that the Council authorizes the expenditure of 25% matching funds in the amount of \$201,035.86 in the event this grant is received in full.

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

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

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BURRELL. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-511-2023

Sponsored by: Mayor Stimpson

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

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

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

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Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; EDWARDS.

The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-512-2023

Sponsored by: Mayor Stimpson

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

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

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; T. JAMES. The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-513-2023

Sponsored by: Mayor Stimpson

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

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

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

Nays: None

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

DECLARE THAT THE PUBLIC GOOD REQUIRES THAT CERTAIN TERRITORY SHALL BE BROUGHT WITHIN THE LIMITS OF THE CITY OF MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE 11, CHAPTER 42, ARTICLE 3 OF THE CODE OF ALABAMA (KINGS BRANCH AREA). The following resolution which was introduced and

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read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 02-517-2023

Sponsored by: Mayor Stimpson

WHEREAS, Section 11-42-40 of the Code of Alabama provides that any City having a population of 25,000 or more, as shown by the last federal census, may extend its corporate limits in the manner and with the rights, powers, and privileges set forth in Title 11, Chapter 42, Article 3; and,

WHEREAS, Section 11-42-41 of the Code of Alabama provides that the City Council may pass a resolution to the effect that the public health or public good requires that certain territory described in the resolution shall be brought within the limits of the City; and,

WHEREAS, § 11 -42-43 of the Code of Alabama provides that upon passage of such a resolution by the Council and certification by the Mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the City; and,

WHEREAS, § 11 -42-47 of the Code of Alabama provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the City for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

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

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST, AS SHOWN ON THE RECORD PLAT OF STEINER ESTATES, MAP BOOK 68, PAGE 42 OF THE MOBILE COUNTY PROBATE COURT RECORDS, SAID POINT BEING SITUATED ON THE EXISTING MOBILE CITY LIMITS; THENCE RUN WEST ALONG THE EXISTING MOBILE CITY LIMITS, 5360 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE DEPARTING SAID MOBILE CITY LIMITS RUN WEST 110 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF CHARMINGDALE WEST SUBDIVISION; THENCE RUN NORTH 1730 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF LOT 1 CHARMINGDALE SUBDIVISION; THENCE RUN EAST 210 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN NORTH ALONG THE WEST RIGHT-OF-WAY LINE OF CHARMINGDALE DRIVE WEST 166 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY 60 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CHARMINGDALE DRIVE WEST; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF CHARMINGDALE DRIVE WEST AND CONTINUATION THEREOF RUN NORTHWARDLY 163 FEET, MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF MOFFETT ROAD; THENCE RUN NORTHWESTWARDLY ALONG THE NORTH RIGHT-OF-WAY LINE OF MOFFETT ROAD, 257 FEET, MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD; THENCE RUN NORTH

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ALONG EAST RIGHT-OF-WAY LINE, 3820 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 15, CHING DAIRY ROAD ESTATES, AS RECORDED IN MAP BOOK 23, PAGE 91 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF ROSE CHING DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF ROSE CHING DRIVE, RUN EASTWARDLY 152 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 15, CHING DAIRY ROAD ESTATES; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 15, CHING DAIRY ROAD ESTATES, RUN NORTHWARDLY 182 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF REMINGTON ESTATES UNIT ONE PART "A" AS RECORDED IN MAP BOOK 59, PAGE 36 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; THENCE RUN WEST 170 FEET, MORE OR LESS, TO A POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF CHING DAIRY ROAD, RUN NORTHWARDLY 1961 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL "A", REMINGTON CORRECTED PLAT AS RECORDED IN MAP BOOK 46, PAGE 122 IN THE RECORDS OF THE MOBILE COUNTY PROBATE COURT; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A", REMINGTON CORRECTED PLAT, RUN EASTWARDLY 191 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID PARCEL "A", REMINGTON CORRECTED PLAT; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", REMINGTON CORRECTED PLAT, RUN NORTHWARDLY, 116 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 24 OF SAID REMINGTON CORRECTED PLAT; THENCE ALONG THE SOUTH LINE OF SAID LOT 24, REMINGTON CORRECTED PLAT, RUN EASTWARDLY 205 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF REMINGTON COURT; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF REMINGTON COURT, RUN NORTHWARDLY 167 FEET TO A POINT ON THE SOUTH LINE OF LOT 22 OF SAID REMINGTON CORRECTED PLAT; THENCE ALONG SAID SOUTH LINE OF LOT 22, REMINGTON CORRECTED PLAT, RUN NORTHWESTWARDLY 113 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 22, REMINGTON CORRECTED PLAT, THENCE ALONG THE WEST LINE OF SAID LOT 22, REMINGTON CORRECTED PLAT, RUN NORTHWARDLY 102 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 22, REMINGTON CORRECTED PLAT; THENCE ALONG THE NORTH LINE OF SAID REMINGTON CORRECTED PLAT, RUN EASTWARDLY 1257 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER 1307 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SECTION 20; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 20, RUN SOUTHWARDLY 521 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHEASTWARDLY AND ALONG THE NORTH BOUNDARY OF KINGS BRANCH SUBDIVISION, PHASE TWO, UNIT THREE AS PER PLAT RECORDED IN INSTRUMENT NO. 2020019996 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, AND ALONG THE NORTH BOUNDARY OF KINGS BRANCH SUBDIVISION, PHASE TWO, UNIT TWO, AS PER PLAT RECORDED IN MAP BOOK 122, PAGE 84 OF SAID PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, A DISTANCE OF 3064 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID SECTION 20; THENCE ALONG THE EAST LINE OF SAID SECTION 20, RUN SOUTHWARDLY 813 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN EAST, 2640 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 1335 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG THE NORTH LINE OF SAID SECTION 28, RUN EAST 2180 FEET, MORE OR LESS TO A POINT; THENCE RUN SOUTH 215 FEET, MORE OR LESS TO A POINT; THENCE RUN EAST 55 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTH 211 FEET, MORE OR LESS, TO A POINT; THENCE RUN EAST 380 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF JARRETT ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF JARRETT ROAD, RUN SOUTH 3576 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST; SAID POINT BEING SITUATED ON THE EXISTING MOBILE CITY

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LIMITS; THENCE ALONG SAID NORTH LINE OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 WEST AND THE EXISTING MOBILE CITY LIMITS, RUN WEST, 5253 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution with the attached map to the Judge of Probate for Mobile County pursuant to and in accordance with § 11 -42-42 of the Code of Alabama.

3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period often (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the Code of Alabama; except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the Code of Alabama.

4. Pursuant to § 11-42-83 of the Code of Alabama, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation under the provisions of this Resolution; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Title 11, Chapter 42, Article 3 of the Code of Alabama, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the Code of Alabama.

NOTE: Councilmember Carroll called for a roll call vote.

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

Small – Aye
Penn – Aye
Carroll – Aye

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Gregory- Aye
Daves – Aye
Reynolds - Aye

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

DECLARE THAT THE PUBLIC GOOD REQUIRES THAT CERTAIN TERRITORY SHALL BE BROUGHT WITHIN THE LIMITS OF THE CITY OF MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE 11, CHAPTER 42, ARTICLE 3 OF THE CODE OF ALABAMA (ORCHARD ESTATES AREA). The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 02-518-2023

Sponsored by: Mayor Stimpson

WHEREAS, Section 11-42-40 of the Code of Alabama provides that any City having a population of 25,000 or more, as shown by the last federal census, may extend its corporate limits in the manner and with the rights, powers, and privileges set forth in Title 11, Chapter 42, Article 3; and,

WHEREAS, Section 11-42-41 of the Code of Alabama provides that the City Council may pass a resolution to the effect that the public health or public good requires that certain territory described in the resolution shall be brought within the limits of the City; and,

WHEREAS, § 11 -42-43 of the Code of Alabama provides that upon passage of such a resolution by the Council and certification by the Mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the City; and,

WHEREAS, § 11-42-47 of the Code of Alabama provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the City for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

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

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

BEGINNING AT THE NORTHEAST CORNER OF LOT 43 ORCHARD ESTATES (MAP BOOK 11 PAGE 12, MOBILE COUNTY PROBATE COURT RECORDS), SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF CODY ROAD; THENCE RUN EAST, 23 FEET TO A POINT ON THE WEST LINE OF THE MOBILE CITY LIMITS, THENCE RUN SOUTH ALONG THE PRESENT MOBILE CITY LIMITS, 5300 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN WEST, 2800 FEET,

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MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH, 2600 FEET, MORE OR LESS TO THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD AND THE EAST LINE OF LOT 4, CENTRAL INDUSTRIAL PARK (MAP BOOK 34, PAGE 34, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN WEST ALONG THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD, 2100 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 2B, ZEIGLER CORNERS, PHASE 2, RESUBDIVISION OF LOT 2 (MAP BOOK 131 PAGE 44, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH, 815 FEET, MORE OR LESS; THENCE RUN WEST, 755 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE RUN SOUTH ALONG THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD, 603 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 1, WESTERN COMMERCIAL PARK (UNRECORDED PLAT BY NEAL GIBSON & ASSOCIATES DATED 06/23/73); THENCE RUN WEST, 1320 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 14 OF SAID WESTERN COMMERCIAL PARK; THENCE RUN SOUTH, 860 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF LOT 2, FAITH ACADEMY ATHLETIC COMPLEX (MAP BOOK 119, PAGE 115, MOBILE COUNTY PROBATE COURT RECORDS); THENCE DEPARTING THE AFOREMENTIONED WEST LINE OF THE MOBILE CITY LIMITS, RUN WEST, 420 FEET, MORE OR LESS; THENCE RUN NORTH ALONG THE WEST LINE OF FAITH ACADEMY ATHLETIC COMPLEX AND THE CONTINUATION THEREOF, 560 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF ZEIGLER BOULEVARD, RUN WEST, 250 FEET, MORE OR LESS, TO THE EAST LINE OF LOT 1, PRENTISS FAMILY DIVISION (MAP BOOK 107, PAGE 11, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH, 2630 FEET, MORE OR LESS; THENCE RUN EAST, 665 FEET, MORE OR LESS, TO THE WEST LINE OF SCHILLINGER ROAD COMMERCIAL PARK (MAP BOOK 29, PAGE 90, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN NORTH ALONG THE WEST LINE OF SAID COMMERCIAL PARK AND THE CONTINUATION THEREOF, 1320 FEET, MORE OR LESS; THENCE RUN EAST, 670 FEET, MORE OR LESS, TO A POINT THAT IS 611 FEET, MORE OR LESS, WEST OF SCHILLINGER ROAD NORTH; THENCE RUN NORTH, 673 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF HOWELLS FERRY ROAD; THENCE RUN SOUTHEASTWARDLY ALONG SAID RIGHT OF WAY, 380 FEET, MORE OR LESS; THENCE RUN NORTHEASTWARDLY, 80 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HOWELLS FERRY ROAD; THENCE RUN NORTH, 350 FEET, MORE OR LESS; THENCE RUN NORTHWESTWARDLY, 150 FEET, MORE OR LESS; THENCE RUN NORTH, 300 FEET, MORE OR LESS; THENCE RUN EAST, 215 FEET, MORE OR LESS; THENCE RUN NORTH, 206 FEET, MORE OR LESS; THENCE RUN EAST, 303 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE RUN NORTH ALONG SAID EAST RIGHT OF WAY LINE, 4296 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF WESTERN PARK, INC. SUBDIVISION (MAP BOOK 80, PAGE 79, MOBILE COUNTY PROBATE COURT RECORDS); THENCE ALONG SAID NORTH BOUNDARY OF WESTERN PARK, INC. SUBDIVISION, RUN EAST, 1389 FEET, MORE OR LESS TO THE EXISTING MOBILE CITY LIMITS; THENCE RUN SOUTH ALONG SAID CITY LIMITS, 4205 FEET, MORE OR LESS; THENCE CONTINUE EAST ALONG SAID CITY LIMITS, 2800 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF CAMELLIA TRAIL SUBDIVISION (MAP BOOK 122, PAGE 1, MOBILE COUNTY PROBATE COURT RECORDS); THENCE CONTINUE ALONG SAID EXISTING MOBILE CITY LIMITS RUN NORTH, 2650 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 31 ORCHARD ESTATES (MAP BOOK 11, PAGE 12, MOBILE COUNTY PROBATE COURT RECORDS); THENCE RUN EAST ALONG SAID EXISTING MOBILE CITY LIMITS, 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

A map depicting this area is attached hereto and Incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

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2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution with the attached map to the Judge of Probate for Mobile County pursuant to and in accordance with § 11 -42-42 of the Code of Alabama.

3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period often (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the Code of Alabama] except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the Code of Alabama.

4. Pursuant to § 11-42-83 of the Code of Alabama, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation under the provisions of this Resolution; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Title 11, Chapter 42, Article 3 of the Code of Alabama, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the Code of Alabama.

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

Small – Aye
Penn – Aye
Carroll – Aye
Gregory- Aye
Daves – Aye
Reynolds – Aye

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

DECLARE THAT THE PUBLIC GOOD REQUIRES THAT CERTAIN TERRITORY SHALL BE BROUGHT WITHIN THE LIMITS OF THE CITY OF MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE 11, CHAPTER 42, ARTICLE 3 OF THE CODE OF

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ALABAMA (COTTAGE HILL CORRIDOR AREA). The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 02-519-2023

Sponsored by: Mayor Stimpson

WHEREAS, Section 11-42-40 of the Code Of Alabama provides that any City having a population of 25,000 or more, as shown by the last federal census, may extend its corporate limits in the manner and with the rights, powers, and privileges set forth in Title 11, Chapter 42, Article 3; and,

WHEREAS, Section 11-42-41 of the Code of Alabama provides that the City Council may pass a resolution to the effect that the public health or public good requires that certain territory described in the resolution shall be brought within the limits of the City; and,

WHEREAS, § 11-42-43 of the Code of Alabama provides that upon passage of such a resolution by the Council and certification by the Mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the City; and,

WHEREAS, § 11-42-47 of the Code of Alabama provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the City for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

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

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

BEGINNING AT THE NORTHEAST CORNER OF LOT 41, BLOCK 6, HIGHLAND PARK (MAP BOOK 4, PAGE 380, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE EXTENSION OF THE NORTH LINE OF SAID LOT 41, BLOCK 6, HIGHLAND PARK AND THE WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 60 FEET, MORE OR LESS, TO THE EAST LINE OF SECTION 19, T4S-R2W; THENCE ALONG SAID EAST LINE OF SAID SECTION 19, T4S-R2W AND CONTINUING ALONG SAID WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 3590 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN WESTWARDLY 60 FEET, MORE OR LESS, TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF PINE RUN ROAD AND THE WEST RIGHT OF WAY LINE OF CODY ROAD; SAID POINT BEING ON THE NORTH BOUNDARY OF LOT I, COVENANT SUBDIVISION (MAP BOOK 60, PAGE 83, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF PINE RUN ROAD, SAID NORTH BOUNDARY OF LOT 1, COVENANT SUBDIVISION AND THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN WESTWARDLY, 550 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 1, COVENANT SUBDIVISION; THENCE ALONG THE WEST LINE OF LOT 1, COVENANT SUBDIVISION AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 2400 FEET, MORE OR LESS,

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TO THE SOUTHWEST CORNER OF SAID LOT 1, COVENANT SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, COVENANT SUBDIVISION AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHEASTWARDLY, 953 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 370 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS AND ALONG THE SOUTH RIGHT OF WAY LINE OF HITT ROAD (VARIABLE RAV) RUN NORTHWESTWARDLY, 736 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 495 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHEASTWARDLY, 80 FEET, MORE OR LESS TO A POINT; THENCE ALONG THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 1075 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 679 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 10,437 FEET, MORE OR LESS, TO A POINT ON THE EASTWARD EXTENSION OF THE NORTH LINE OF DARBY CREEK (MAP BOOK 67, PAGE 71, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID NORTH LINE OF DARBY CREEK AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN N 89°45'40" W, 480 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 14 OF SAID DARBY CREEK; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: N 00°14'20" E, 45.00 FEET; N 89°45'40" W, 159.53 FEET; S 00°14'20" W, 45.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14, DARBY CREEK; THENCE CONTINUING ALONG SAID NORTH LINE OF DARBY CREEK AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN N 89°45'40" W, 10.99 FEET TO THE NORTHWEST CORNER OF LOT 15 OF SAID DARBY CREEK; THENCE ALONG THE WEST LINE OF SAID DARBY CREEK AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN S 02°17'22" W, 36.03 FEET TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: S 89°43'00" W, 60 FEET; S 02°17'22" W, 90 FEET; N 89°43'10" E, 60 FEET TO A POINT ON SAID WEST LINE OF DARBY CREEK; THENCE ALONG SAID WEST LINE OF DARBY CREEK AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: S 0°27'57" W, 266.59 FEET; S 01°01'35" W, 80.84 FEET; S 00°07'02" W, 87.42 FEET; S 00°57'45" W, 115.08 FEET; S 01°36'24" W, 118.31 FEET; S 00°19'56" E, 264.37 FEET TO THE SOUTHWEST CORNER OF DARBY CREEK; THENCE ALONG THE SOUTH LINE OF DARBY CREEK AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN S 89°41'50" E, 666.3 FEET TO A POINT ON THE EAST LINE OF SECTION 7, T5S-R2W; THENCE ALONG SAID EAST LINE OF SECTION 7, T5S-R2W AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 2676 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: WESTWARDLY, 2698 FEET, MORE OR LESS; NORTHWARDLY, 915 FEET, MORE OR LESS; WESTWARDLY, 1317 FEET, MORE OR LESS; SOUTHWARDLY, 666 FEET, MORE OR LESS; WESTWARDLY, 660 FEET, MORE OR LESS; SOUTHWARDLY, 645 FEET, MORE OR LESS; EASTWARDLY, 657 FEET, MORE OR LESS; SOUTHWARDLY, 678 FEET, MORE OR LESS; EASTWARDLY, 4026 FEET, MORE OR LESS; SOUTHWARDLY, 1339 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF SECTION 7, T5SR2W; THENCE DEPARTING SAID EXISTING MOBILE CITY LIMITS, RUN WESTWARDLY ALONG SAID SOUTH LINE OF SECTION 7, T5S-R2W AND ALONG THE SOUTH LINE OF SECTION 12, T5S-R3 W, A DISTANCE OF 7870 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF LEROY STEVENS ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF LEROY STEVENS ROAD, RUN NORTHWARDLY, 2659 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, T5S-R3W; THENCE ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 12, T5S-R3W, RUN EASTWARDLY, 2541 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD, RUN NORTHWARDLY, 3324 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER

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OF THE SOUTHEAST QUARTER OF SECTION 1, T5S-R3W; THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, T5S-R3W, RUN WESTWARDLY, 1250 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 1, T5S-R3W; THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, T5S-R3W AND THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 1, T5S-R3W, RUN NORTHWARDLY, 1350 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, T5S-R3W; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, T5S-R3W AND THE WESTWARD EXTENSION THEREOF, RUN WESTWARDLY, 1365 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF LEROY STEVENS ROAD; THENCE ALONG SAID LEROY STEVENS ROAD, RUN NORTHWARDLY, 45 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 4, STEVENS SUBDIVISION (MAP BOOK 22, PAGE 47, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 4, STEVENS SUBDIVISION, RUN NORTHWESTWARDLY, 255 FEET, MORE OR LESS, TO A POINT ON THE EAST BOUNDARY OF "TWIN LAKES", SECOND UNIT (MAP BOOK 27, PAGE 6, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST BOUNDARY OF "TWIN LAKES", SECOND UNIT, RUN N 00°44'20"E, 229 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID "TWIN LAKES", SECOND UNIT; THENCE ALONG THE NORTH BOUNDARY OF SAID "TWIN LAKES", SECOND UNIT, RUN S 88°17'21"W 365.39 FEET TO A POINT ON THE EAST BOUNDARY OF "TWIN LAKES", FIRST UNIT (MAP BOOK 27, PAGE 5, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST BOUNDARY OF "TWIN LAKES", FIRST UNIT, RUN N 00°18'10" W, 293 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN WESTWARDLY, 1983 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN NORTHWARDLY, 32 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN WESTWARDLY, 664 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN SOUTHWARDLY, 39 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN WESTWARDLY, 465 FEET TO THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD AND THE NORTHWARD EXTENSION OF THE WEST RIGHT OF WAY LINE OF D'IBERVILLE DRIVE NORTH; THENCE ALONG SAID NORTHWARD EXTENSION OF THE WEST RIGHT OF WAY LINE OF D'IBERVILLE DRIVE NORTH AND ALONG THE WEST RIGHT OF WAY LINE OF D'IBERVILLE DRIVE NORTH, RUN S00°04'30"E, 221 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF RESUBDIVISION OF LOTS 22 & 23, D'IBERVILLE ESTATES (MAP BOOK 122, PAGE 79, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE SOUTH BOUNDARY OF SAID RESUBDIVISION OF LOTS 22 & 23, D'IBERVILLE ESTATES, RUN S89°12'28"W, 199.95 FEET TO A POINT ON THE EAST BOUNDARY OF LOT I, DIX SUBDIVISION, RESUBDIVISION OF LOTS 1 AND 2 (MAP BOOK 112, PAGE 111, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST LINE OF SAID LOT 1, DIX SUBDIVISION, RESUBDIVISION OF LOTS 1 AND 2, RUN S 00°04'30" E, 319 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT I, DDC SUBDIVISION, RESUBDIVISION OF LOTS 1 AND 2; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, DDC SUBDIVISION, RESUBDIVISION OF LOTS 1 AND 2, RUN S 89°13'53" W, 824.55 FEET TO THE NORTHWEST CORNER OF LOT 1, COVINGTON SUBDIVISION (MAP BOOK 54, PAGE E99, MOBILE COUNTY PROBATE COURT); SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWESTWARDLY, 22 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY, 110 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 1, DIX SUBDIVISION, UNIT THREE (MAP BOOK 121, PAGE 31, MOBILE COUNTY

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PROBATE COURT); THENCE ALONG THE SOUTH LINE OF SAID LOT 1, DIX SUBDIVISION, UNIT THREE, RUN S 89°36'44" W, 402.54 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, DIX SUBDIVISION, UNIT THREE; THENCE ALONG THE WEST LINE OF SAID LOT 1, DDC SUBDIVISION, UNIT THREE AND THE WEST LINE OF LOT 1, DIX SUBDIVISION, UNIT TWO, RESUBDIVISION OF AND ADDITION TO LOT 2, UNIT ONE (MAP BOOK 97, PAGE 4, MOBILE COUNTY PROBATE COURT), AND THE NORTHWARD EXTENSION THEREOF, RUN N 00°07'02" W, 618 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 1, DAWES POINT, UNIT ONE (MAP BOOK 27, PAGE 17, MOBILE COUNTY PROBATE COURT); 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 N 89°58'00" W, 1315 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 72 OF SAID DAWES POINT, UNIT ONE; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN S 00°12'55" E, 11 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 5, FIELD BROOK - UNIT TWO, CORRECTION PLAT (MAP BOOK 80, PAGE 65, MOBILE COUNTY PROBATE COURT); THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN WESTWARDLY, 932 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 1, AZALEA HILLS CHRISTIAN CHURCH SUBDIVISION (MAP BOOK 113, PAGE 80, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE EAST BOUNDARY OF SAID LOT 1, AZALEA HILLS CHRISTIAN CHURCH SUBDIVISION, RUN S 00°00'31" W 678.21 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, AZALEA HILLS CHRISTIAN CHURCH SUBDIVISION; THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 1, AZALEA HILLS CHRISTIAN CHURCH SUBDIVISION, RUN AS FOLLOWS: N 89°54'49" W, 150.96 FEET; N 83°14'37" W, 75.54 FEET; S 89°54'49" W, 65.0 FEET; S 02°18'49" E 8.91 FEET; S 89°54'49" W, 109.04 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MCFARLAND ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF MCFARLAND ROAD, RUN NORTHWARDLY, 48 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY, 55 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 3, COTTAGE HILL PLACE (MAP BOOK 75, PAGE 78, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 3, COTTAGE HILL PLACE, RUN WESTWARDLY, 380 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 3, COTTAGE HILL PLACE; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 3, COTTAGE HILL PLACE, RUN NORTHWARDLY, 172 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 3, COTTAGE HILL PLACE; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 3, COTTAGE HILL PLACE, RUN EASTWARDLY, 131 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 1 OF SAID COTTAGE HILL PLACE; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 1, COTTAGE HILL PLACE AND THE NORTHWARD EXTENSION THEREOF, RUN NORTHWARDLY, 531 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF COTTAGE HILL ROAD, RUN WESTWARDLY, 134 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE PROPERTY NOW OR FORMERLY OF PRIMITIVE BAPTIST OF THE PRE-DESTINATION OF FAITH & ORDER; THENCE ALONG THE WEST BOUNDARY OF PROPERTY NOW OR FORMERLY OF PRIMITIVE BAPTIST OF THE PRE-DESTINATION OF FAITH & ORDER, RUN NORTHWARDLY 210 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY OF PRIMITIVE BAPTIST OF THE PRE-DESTINATION OF FAITH & ORDER; THENCE ALONG THE NORTH BOUNDARY OF PROPERTY NOW OR FORMERLY OF PRIMITIVE BAPTIST OF THE PRE-DESTINATION OF FAITH & ORDER, RUN EASTWARDLY, 150 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF "HOWARD SHUMOCK ESTATES", UNIT TWO (MAP BOOK 45, PAGE 94, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE WEST BOUNDARY OF SAID "HOWARD SHUMOCK ESTATES", UNIT TWO, RUN NORTH, 300 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF "HOWARD SHUMOCK ESTATES", UNIT TWO; THENCE ALONG THE NORTH BOUNDARY OF SAID "HOWARD SHUMOCK ESTATES", UNIT TWO, RUN N 89°55' E, 229.5 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MCFARLAND ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MCFARLAND ROAD, RUN NORTHWARDLY, 1793 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 1 A, RESURVEY OF LOTS 1 -4 OF LIVINGSTONE ESTATES CORRECTION PLAT (INSTRUMENT #2020057888,

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MOBILE COUNTY PROBATE COURT); THENCE RUN EASTWARDLY 112 FEET, MORE OR LESS. TO A POINT ON THE EAST RIGHT OF WAY LINE OF MCFARLAND ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF MCFARLAND ROAD, RUN NORTHWARDLY AND NORTHEASTWARDLY, A DISTANCE OF 160 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD, RUN NORTHEASTWARDLY, 3936 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWARDLY 319 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY 90 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHWARDLY 214 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF CLARKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF CLARKE ROAD, RUN EASTWARDLY 68 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY 60 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CLARKE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF CLARKE ROAD, RUN WESTWARDLY, 75 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHWARDLY 128 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD, AS WIDENED; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD, AS WIDENED, RUN NORTHEASTWARDLY, 507 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWESTWARDLY, 44 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD, RUN SOUTHWESTWARDLY 163 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY, 114 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHEASTWARDLY, 3186 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF GRELOT ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF GRELOT ROAD, RUN EASTWARDLY 642 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY 122 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GRELOT ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF GRELOT ROAD, RUN WESTWARDLY 395 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHEASTWARDLY 392 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWESTWARDLY 65 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWESTWARDLY 273 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWESTWARDLY, 164 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF AIR TERMINAL ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF AIR TERMINAL ROAD, RUN NORTHWARDLY, 5614 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; THENCE RUN NORTHWESTWARDLY, 134 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS; THENCE ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHEASTWARDLY, 1512 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 1024 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF WESTMINSTER ESTATES (MAP BOOK 23, PAGE 86, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH BOUNDARY OF SAID WESTMINSTER AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 2015 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF DAWES ROAD AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWESTWARDLY, 111 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY AND ALONG THE SOUTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN A DISTANCE OF 713 FEET, MORE

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ORLESS, TO THE NORTHEAST CORNER OF LOT 122, KIMBERLIN SUBDIVISION (MAP BOOK 13, PAGE 103, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE EAST BOUNDARY OF SAID KIMBERLIN SUBDIVISION AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN S 00°00'18"W, 2554 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 155 OF SAID KIMBERLIN SUBDIVISION; SAID POINT BEING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, T4S-R3W; THENCE ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, T4S-R3 W AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 1281 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SCHILLINGER ROAD AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 17 FEET, MORE OR LESS, TO A POINT ON THE WESTWARD EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF HITT ROAD; THENCE ALONG SAID EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF HITT ROAD AND THE SAID SOUTH RIGHT OF WAY LINE OF HITT ROAD (AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS), RUN N 89°3r46" E, 1530 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHWARDLY, 1335 FEET, MORE OR LESS, TO A POINT; THENCE ALONG THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: WESTWARDLY, 50 FEET, MORE OR LESS; NORTHWARDLY, 691 FEET, MORE OR LESS; EASTWARDLY, 40 FEET, MORE OR LESS; NORTHWARDLY 650 FEET, MORE OR LESS; EASTWARDLY 720 FEET, MORE OR LESS; NORTHWARDLY, 221 FEET, MORE OR LESS TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD; THENCE RUN NORTHWARDLY, 50 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OLD GOVERNMENT STREET ROAD; THENCE ALONG THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: NORTHWARDLY, 1079 FEET, MORE OR LESS; WESTWARDLY, 723 FEET, MORE OR LESS; NORTHWARDLY, 1337 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1, MILL CREEK (MAP BOOK 90, PAGE 18, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE SOUTH LINE OF SAID LOT 1, MILL CREEK, THE SOUTH LINE OF LOT 1, MOORE FAMILY SUBDIVISION (MAP BOOK 49, PAGE 39, MOBILE COUNTY PROBATE COURT) AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 1399 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF WESTOVER, UNIT FOUR (MAP BOOK 66, PAGE 23, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE BOUNDARY OF SAID WESTOVER, UNIT FOUR AND SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: N 01°40'00" E, 722.93 FEET; N 72°26'20" E, 300.03 FEET; N 01°40'00" E, 150.73 FEET; S 89°05'30" E, 371.55 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF PORTSIDE BOULEVARD; THENCE CONTINUING ALONG SAID EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 51.4 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 1, WESTOVER, UNIT ONE (MAP BOOK 61, PAGE 100, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH LINE OF SAID LOT 1, WESTOVER, UNIT ONE AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: S 89°08'30" E, 265 FEET; S 00°51 '30" W, 52.86 FEET TO THE NORTHWEST CORNER OF LOT 4, WESTOVER, UNIT TWO (MAP BOOK 63, PAGE 111, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH LINE OF SAID 10 WESTOVER, UNIT TWO AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN AS FOLLOWS: S 89°08'30" E, 425.00 FEET; S00°51'30" W, 101.13 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 8 OF THE AFOREMENTIONED HIGHLAND PARK; THENCE ALONG THE NORTH LINE OF SAID LOT 6, BLOCK 8, HIGHLAND PARK AND THE EASTWARD EXTENSION THEREOF, AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 306 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF LAKEVIEW DRIVE; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF LAKEVIEW DRIVE AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHWARDLY, 253.1 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT "B", RESUBDIVISION OF LOTS 42 & 43, BLOCK 5, HIGHLAND PARK SUB (MAP BOOK 99, PAGE 76, MOBILE COUNTY PROBATE COURT); SAID POINT BEING

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A POINT ON THE ARC OF A 79.52 FOOT RADIUS CURVE CONCAVE NORTHWESTWARDLY; THENCE ALONG THE NORTH LINE OF SAID LOT "B", RESUBDIVISION OF LOTS 42 & 43, BLOCK 5, HIGHLAND PARK SUB AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 67.57 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH LINE OF LOT "B", RESUBDIVISION OF LOTS 42 & 43, BLOCK 5, HIGHLAND PARK SUB AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 144.09 FEET TO THE NORTHEAST CORNER OF SAID LOT "B", RESUBDIVISION OF LOTS 42 & 43, BLOCK 5, HIGHLAND PARK SUB; THENCE ALONG THE EAST LINE OF SAID LOT "B", RESUBDIVISION OF LOTS 42 & 43, BLOCK 5, HIGHLAND PARK SUB AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 93 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 204 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 2, BLOCK 5 OF THE AFOREMENTIONED HIGHLAND PARK; SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF PARK AVENUE; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 50 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT "A", ESCHOL PLACE (MAP BOOK 116, PAGE 29, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH LINE OF SAID LOT "A", ESCHOL PLACE AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN N 89°29'28" E, 200 FEET TO THE NORTHEAST CORNER OF SAID LOT "A", ESCHOL PLACE; THENCE ALONG THE EAST LINE OF SAID LOT "A", ESCHOL PLACE AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN S 00°02'23" W, 100 FEET TO THE SOUTHEAST CORNER OF SAID LOT "A", ESCHOL PLACE; SAID POINT BEING THE SOUTHWEST II CORNER OF LOT 3, BLOCK 6 OF THE AFOREMENTIONED HIGHLAND PARK; THENCE ALONG THE SOUTH LINE OF SAID LOT 3, BLOCK 6, HIGHLAND PARK AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 34 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 99 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF LOT 9 OF SAID BLOCK 6, HIGHLAND PARK; THENCE ALONG THE NORTH LINE OF SAID LOT 9, BLOCK 6, HIGHLAND PARK, THE NORTH LINE OF LOT 41 OF SAID BLOCK 6, HIGHLAND PARK AND ALONG SAID CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 334 FEET TO THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution with the attached map to the Judge of Probate for Mobile County pursuant to and in accordance with § 11-42-42 of the Code of Alabama.

3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period often (10) years from the time when such territory is brought within the corporate limits of the City, ail as provided by § 11 -42-57 of the Code of Alabama; except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the Code of Alabama.

4. Pursuant to § 11-42-83 of the Code of Alabama, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts

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received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation under the provisions of this Resolution; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00 and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Title 11, Chapter 42, Article 3 of the Code of Alabama, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the Code of Alabama.

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

Small – Aye
Penn – Aye
Carroll – Aye
Gregory- Aye
Daves – Aye
Reynolds – Aye

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

DECLARE THAT THE PUBLIC GOOD REQUIRES THAT CERTAIN TERRITORY SHALL BE BROUGHT WITHIN THE LIMITS OF THE CITY OF MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE 11, CHAPTER 42, ARTICLE 3 OF THE CODE OF ALABAMA (AIRPORT CORRIDOR AREA). The following resolution which was introduced and read at the regular meeting of May 2, 2023, and held over until the regular meeting of May 9, 2023, was called up by the Presiding Officer.

RESOLUTION: 02-520-2023

Sponsored by: Mayor Stimpson

WHEREAS, Section 11 -42-40 of the Code of Alabama provides that any City having a population of 25,000 or more, as shown by the last federal census, may extend its corporate limits in the manner and with the rights, powers, and privileges set forth in Title 11, Chapter 42, Article 3; and,

WHEREAS, Section 11-42-41 of the Code of Alabama provides that the City Council may pass a resolution to the effect that the public health or public good requires that certain territory described in the resolution shall be brought within the limits of the City; and,

WHEREAS, § 11-42-43 of the Code of Alabama provides that upon passage of such a resolution by the Council and certification by the Mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the City; and,

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WHEREAS, § 11 -42-47 of the Code of Alabama provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the City for three months next preceding the election may vote at such election; and.

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic well-being of these residents as well as all persons residing within the metropolitan Mobile area.

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

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 15, T4S-R3W, MOBILE COUNTY, ALABAMA AND THE EAST RIGHT OF WAY LINE OF SNOW ROAD NORTH; SAID POINT BEING ON THE EAST LINE OF THE EXISTING MOBILE CITY LIMITS; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF SNOW ROAD NORTH AND THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 7967 FEET, MORE OR LESS, TO A POINT; THENCE ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 1260 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF HORTON ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF HORTON ROAD AND THE CONTINUATION OF SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHWARDLY, 1323 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 1370 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 3316 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 674 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHWARDLY, 664 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 3333 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 1330 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SECTION 23, T4S-R3W; THENCE ALONG SAID SOUTH LINE OF SECTION 23, T4S-R3W AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 1368 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF FLAVE PIERCE ROAD (A PRIVATE ROAD); THENCE ALONG SAID EAST RIGHT OF WAY LINE OF FLAVE PIERCE ROAD (A PRIVATE ROAD) AND CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 671 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHEASTWARDLY, 300 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHWARDLY, 561 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 226 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 468 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID SOUTH LINE OF THE EXISTING MOBILE CITY LIMITS, RUN NORTHEASTWARDLY, 2217 FEET, MORE OR LESS, TO A POINT; THENCE RUN

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SOUTHWARDLY, 134 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD, RUN SOUTHWESTWARDLY, 20 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF AIR TERMINAL DRIVE; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF AIR TERMINAL DRIVE, RUN SOUTHWARDLY 5758 FEET, MORE OR LESS, TO A POINT ON THE NORTHWEST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID NORTHWEST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHEASTWARDLY 273 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHEASTWARDLY 65 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID SOUTHEAST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWESTWARDLY 392 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GRELOT ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF GRELOT ROAD, RUN EASTWARDLY 395 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHWARDLY 122 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF GRELOT ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF GRELOT ROAD, RUN WESTWARDLY 642 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OAK POINTE COURT; THENCE RUN SOUTHWESTWARDLY 95 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED SOUTHEAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID SOUTHEAST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWESTWARDLY 3091 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY 114 FEET, MORE OR LESS, TO A POINT ON THE NORTHWEST RIGHT OF WAY LINE OF JEFF HAMILTON ROAD EXTENSION; THENCE ALONG SAID NORTHWEST RIGHT OF WAY LINE OF JEFF HAMILTON ROAD EXTENSION, RUN NORTHEASTWARDLY 163 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHEASTWARDLY 44 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEAST RIGHT OF WAY LINE OF JEFF HAMILTON ROAD EXTENSION; THENCE RUN SOUTHWESTWARDLY 507 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE AFOREMENTIONED DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWARDLY 128 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CLARKE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF CLARKE ROAD, RUN EASTWARDLY 75 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHWARDLY 60 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF CLARKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF CLARKE ROAD, RUN WESTWARDLY 68 FEET, MORE OR LESS, TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DAWES ROAD, RUN SOUTHWARLDY 214 FEET, MORE OR LESS, TO A POINT; THENCE RUN EASTWARDLY 90 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF DAWES ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF DAWES ROAD, RUN NORTHWARDLY 319 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED SOUTHEAST RIGHT OF WAY LINE OF JEFF HAMILTON ROAD EXTENSION; THENCE ALONG SAID SOUTHEAST RIGHT OF WAY LINE OF JEFF HAMILTON ROAD EXTENSION, RUN SOUTHWESTWARDLY 3941 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF MCFARLAND ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF MCFARLAND ROAD, RUN SOUTHWARDLY 160 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY 112 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF MCFARLAND ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MCFARLAND ROAD, RUN NORTHWARDLY, 43 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD; THENCE RUN NORTHWESTWARDLY 80 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF JEFF HAMILTON ROAD, RUN NORTHEASTWARDLY 68 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF SNOW ROAD SOUTH; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SNOW ROAD SOUTH, RUN NORTHWARDLY 1590 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 2, AUTUMN LEAF ESTATES (MAP BOOK 60, PAGE 31, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 2, AUTUMN LEAF ESTATES, THE NORTH BOUNDARY OF AUTUMN LEAF ESTATES, FIRST ADDITION (MAP BOOK 77, PAGE

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61, MOBILE COUNTY PROBATE COURT), AND THE NORTH BOUNDARY OF LOT 3, MCCAWLEY SUBDIVISION (MAP BOOK 111, PAGE 59, MOBILE COUNTY PROBATE COURT), RUN S 89°59'15" W, 2115.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, MCCAWLEY SUBDIVISION; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 3, MCCAWLEY SUBDIVISION, RUN S 03°15'16" E, 1258.57 FEET TO A POINT ON THE SOUTH LINE OF SECTION 34, T4S-R3W; THENCE ALONG SAID SOUTH LINE OF SECTION 34, T4S-R3W, RUN WESTWARDLY, 2923 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 34, T4SR3W; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF ALDERBROOK (MAP BOOK 29, PAGE 66, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE EAST BOUNDARY OF SAID ALDERBROOK, AND ALONG THE EAST BOUNDARY OF REVISION TO THE RESUBDIVISION OF LOT 1, MILLER CREEK ESTATES (MAP BOOK 126, PAGE 26, MOBILE COUNTY PROBATE COURT), AND ALONG THE EAST BOUNDARY OF BRENTBROOKE SUBDIVISION REVISED (MAP BOOK 87, PAGE 66, MOBILE COUNTY PROBATE COURT), AND ALONG THE EAST BOUNDARY OF TURNBURY (MAP BOOK 76, PAGE 68, MOBILE COUNTY PROBATE COURT), RUN NORTHWARDLY, 5500 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL "A", THE DOMINION, UNIT ONE (MAP BOOK 60, PAGE 124, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE SOUTH BOUNDARY OF SAID PARCEL "A", THE DOMINION, UNIT ONE, RUN N 81°56'17" E 615.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SNOW ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SNOW ROAD, RUN NORTHWARDLY, 2223 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID THE DOMINION, UNIT ONE; THENCE ALONG THE NORTH BOUNDARY OF SAID THE DOMINION, UNIT ONE, RUN S 81°56'30" W 319.18 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF THE DOMINION, UNIT ONE, RUN N 00°34'14" E 128.62 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF THE DOMINION, UNIT ONE, AND ALONG THE NORTH BOUNDARY OF "THE DOMINION", SECOND UNIT (MAP BOOK 81, PAGE 95, MOBILE COUNTY PROBATE COURT), RUN S 89°22'42" W 1340 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 21 OF SAID "THE DOMINION", SECOND UNIT; SAID POINT BEING ON THE EAST BOUNDARY OF WAKEFIELD, UNIT SEVEN, PHASE ONE (MAP BOOK 85, PAGE 58, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST BOUNDARY OF WAKEFIELD, UNIT SEVEN, PHASE ONE, RUN N 00°44'36" E, 178 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID EAST BOUNDARY OF WAKEFIELD, UNIT SEVEN, PHASE ONE, RUN S 84°47'25" W 100 FEET TO A POINT; THENCE CONTINUING ALONG SAID EAST BOUNDARY OF WAKEFIELD, UNIT SEVEN, PHASE ONE, RUN N 00°46'41" E 169.94 FEET TO THE NORTHEAST CORNER OF LOT 6, WAKEFIELD, UNIT SEVEN, PHASE ONE; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 6, WAKEFIELD, UNIT SEVEN, PHASE ONE, RUN S 84°34'38" W, 178.31 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF WAKEFIELD DRIVE EAST; THENCE RUN WESTWARDLY, 50 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT OF WAY LINE OF WAKEFIELD DRIVE EAST; SAID POINT BEING THE NORTHEAST CORNER OF LOT 5 OF SAID WAKEFIELD, UNIT SEVEN, PHASE ONE; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 5, WAKEFIELD, UNIT SEVEN, PHASE, ONE AND ALONG THE NORTH BOUNDARY OF WAKEFIELD, UNIT THREE (MAP BOOK 70, PAGE 87, MOBILE COUNTY PROBATE COURT), RUN WESTWARDLY, 447 FEET TO THE NORTHWEST CORNER OF LOT 9 OF SAID WAKEFIELD, UNIT THREE; SAID POINT BEING ON THE EAST BOUNDARY OF WAKEFIELD, UNIT ONE (MAP BOOK 61, PAGE 5, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST BOUNDARY OF WAKEFIELD, UNIT ONE, RUN NORTHWARDLY, 209 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LDIE OF AIRPORT BOULEVARD; THENCE RUN NORTHWARDLY, 80 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 2, AIRPORT WEST COMMERCIAL PARK (MAP BOOK, PAGE 64, MOBILE COUNTY PROBATE COURT); SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF AIRPORT BOULEVARD, RUN SOUTHWESTWARDLY, 503 FEET, MORE OR LESS, THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET; THENCE RUN NORTHWESTWARDLY ALONG THE ARC OF SAID CURVE AND NORTHWARDLY ALONG THE EAST RIGHT OF WAY LINE OF DYKES ROAD, A DISTANCE OF 825 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 1, SGORLON SUBDIVISION (MAP BOOK 53, PAGE

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11, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1, SGORLON SUBDIVISION, AND ALONG THE NORTH BOUNDARY OF AIRPORT WEST COMMERCIAL PARK (MAP BOOK 73, PAGE 64, MOBILE COUNTY PROBATE COURT), AND ALONG THE NORTH BOUNDARY OF RESUBDIVISION OF LOTS A, B & C OF A RESUBDIVISION OF LOT I, S & B ESTATES (MAP BOOK 111, PAGE 76, MOBILE COUNTY PROBATE COURT), AND ALONG THE NORTH BOUNDARY OF BROADWAY AIRPORT-WAKEFIELD SUBDIVISION (INSTRUMENT #2020047929, MOBILE COUNTY PROBATE COURT), RUN EASTWARDLY 1307 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF HUNTER'S PARK, UNIT III - PART "B" (MAP BOOK 117, PAGE 19, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE EAST BOUNDARY OF SAID HUNTER'S PARK, UNIT III - PART "B", AND ALONG THE EAST BOUNDARY OF HUNTER'S PARK, UNIT IV (MAP BOOK 117, PAGE 80, MOBILE COUNTY PROBATE COURT), AND ALONG THE EAST BOUNDARY OF DOSS FAMILY DIVISION (PL BOOK 130, PAGE 12, MOBILE COUNTY PROBATE COURT), AND ALONG THE EAST BOUNDARY OF "SUMMERLAKE" REVISED PLAT (MAP BOOK 79, PAGE 97, MOBILE COUNTY PROBATE COURT), RUN NORTHWARDLY 1652 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF Z & F SUBDIVISION (MAP BOOK 100, PAGE 36, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE NORTH BOUNDARY OF SAID Z & F SUBDIVISION, RUN AS FOLLOWS: S 89°33'31" E, 365.34 FEET; N 53°00'23" E, 115.31 FEET; N 79°10'56" E, 261.27 FEET; N 68°25'02" E, 155.67 FEET; N 84°09'44" E, 68.87 FEET; S 74°09'15" E, 85.00 FEET; S 54°09'48", 173.66 FEET; S 89°36'32" E, 109.85 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SNOW ROAD SOUTH; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SNOW ROAD SOUTH, RUN NORTHWARDLY, 427 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF WEST SNOW SUBDIVISION (MAP BOOK 81, PAGE 32, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE SOUTH BOUNDARY OF SAID WEST SNOW SUBDIVISION, AND ALONG THE SOUTH BOUNDARY OF COMMON AREA "B", BRIARCLIFF, FIRST ADDITION (MAP BOOK 85, PAGE 59, MOBILE COUNTY PROBATE COURT), RUN NORTHWESTWARDLY, 1641 FEET, MORE OR LESS, TO A POINT ON THE EAST BOUNDARY OF LOT 2, BILL ROBINSON SUBDIVISION (MAP BOOK 79, PAGE 22, MOBILE COUNTY PROBATE COURT); THENCE ALONG SAID EAST BOUNDARY OF LOT 2, BILL ROBINSON SUBDIVISION, RUN S 00°05'27" E, 120 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 2, BILL ROBINSON SUBDIVISION; THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 2, BILL ROBINSON SUBDIVISION, RUN N 89°51'42" W, 695.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, BILL ROBINSON SUBDIVISION; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 2, BILL ROBINSON SUBDIVISION, RUN AS FOLLOWS; NORTH, 390.00 FEET; S 89°51'42" E, 50.00 FEET; NORTH, 200.00 FEET; N 89°51'42" W, 89.62 FEET; NORTH, 200.00 FEET; N 89°51'42" W 560.38 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF DYKES ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF DYKES ROAD, RUN NORTHWARDLY, 640 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EAST HALF OF SECTION 21, T4S-R3 W; THENCE ALONG SAID WEST LINE OF THE EAST HALF OF SECTION 21, T4S-R3W, RUN NORTHWARDLY, 2135 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SECTION 16, T4S-R3W; THENCE ALONG SAID SOUTH LINE OF SECTION 16, T4S-R3W, RUN WESTWARDLY, 2612 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT OF WAY LINE OF ELIZA JORDAN ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF ELIZA JORDAN ROAD, RUN NORTHWARDLY, 5292 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID SECTION 16, T4S-R3W; THENCE ALONG THE NORTH LINE OF SAID SECTION 16, T4S-R3W, RUN EASTWARDLY, 4606 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 2, MAGGIE'S SNOW ROAD SUBDIVISION (MAP BOOK 109, PAGE 15, MOBILE COUNTY PROBATE COURT); THENCE ALONG THE WEST BOUNDARY OF SAID LOT 2, MAGGIE'S SNOW ROAD SUBDIVISION, AND ALONG THE WEST BOUNDARY OF RESUBDIVISION OF LOT 3, BECK ESTATES, (MAP BOOK 84, PAGE 111, MOBILE COUNTY PROBATE COURT), AND ALONG THE WEST BOUNDARY OF BECK ESTATES (MAP BOOK 79, PAGE 70, MOBILE COUNTY PROBATE COURT), AND ALONG THE WEST BOUNDARY OF SNOW & TANNER ESTATES (MAP BOOK 82, PAGE 14, MOBILE COUNTY PROBATE COURT), AND ALONG THE WEST BOUNDARY OF RESUBDIVISION OF LOT 3, SNOW & TANNER ESTATES (MAP BOOK 85, PAGE 63, MOBILE COUNTY PROBATE COURT

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RECORDS), RUN NORTHWARDLY, 2022 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD, RUN EASTWARDLY, 146 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY, 92.5 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD; SAID POINT BEING THE SOUTHWEST CORNER OF LOT 3, RESUBDIVISION OF SUNBELT CONVENIENT FOODS, SNOW ROAD, RESUBDIVISION OF LOT "A" (MAP BOOK 89, PAGE 117, MOBILE COUNTY, PROBATE COURT); THENCE ALONG THE WEST BOUNDARY OF SAID RESUBDIVISION OF SUNBELT CONVENIENT FOODS, SNOW ROAD, RESUBDIVISION OF LOT "A", RUN N 02°53'36" E 515.84 FEET TO THE NORTHWEST CORNER OF SAID RESUBDIVISION OF SUNBELT CONVENIENT FOODS, SNOW ROAD, RESUBDIVISION OF LOT "A"; THENCE ALONG THE NORTH BOUNDARY OF SAID RESUBDIVISION OF SUNBELT CONVENIENT FOODS, SNOW ROAD, RESUBDIVISION OF LOT "A", RUN N 89°19'42" E 449.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SNOW ROAD NORTH; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF SNOW ROAD NORTH, RUN SOUTH, 509 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD, RUN WESTWARDLY, 16 FEET, MORE OR LESS, TO A POINT; THENCE RUN SOUTHWARDLY, 80 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD; SAID POINT BEING ON THE ARC OF A CURVE CONCAVE SOUTHWESTWARDLY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD AND ALONG THE ARC OF SAID CURVE, RUN SOUTHEASTWARDLY, 61 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF SNOW ROAD NORTH; THENCE RUN EASTWARDLY, 140 FEET, MORE OR LESS, TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF TANNER WILLIAMS ROAD, RUN EASTWARDLY, 270 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EXISTING MOBILE CITY LIMITS; THENCE ALONG SAID WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 390 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN EASTWARDLY, 305 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID WEST LINE OF THE EXISTING MOBILE CITY LIMITS, RUN SOUTHWARDLY, 1720 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED NORTH LINE OF SECTION 15, T4S-R3W; THENCE ALONG SAID NORTH LINE OF SECTION 15, T4S-R3W AND THE CONTINUATION OF THE EXISTING MOBILE CITY LIMITS, RUN WESTWARDLY, 617 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS AND EXCEPT ALL OF THE PROPERTY SHOWN ON THE PLAT OF BRECKINRIDGE, UNIT ONE (MAP BOOK 51, PAGE 124, MOBILE COUNTY PROBATE COURT), BRECKINRIDGE, UNIT TWO (MAP BOOK 54, PAGE 72, MOBILE COUNTY PROBATE COURT), RESUBDIVISION OF LOTS 10 & 11, BRECKINRIDGE, UNIT TWO (MAP BOOK 54, PAGE 112), BRECKINRIDGE, UNIT THREE (MAP BOOK 58, PAGE 53), BRECKINRIDGE, UNIT FOUR (MAP BOOK 59, PAGE 37, MOBILE COUNTY PROBATE COURT), WEDGEFIELD, UNIT ONE (MAP BOOK 62, PAGE 46, MOBILE COUNTY PROBATE COURT), WEDGEFIELD, UNIT TWO (MAP BOOK 67, PAGE 57, MOBILE COUNTY PROBATE COURT), AND WEDGEFIELD, UNIT THREE (MAP BOOK 72, PAGE 18, MOBILE COUNTY PROBATE COURT).

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution with the attached map to the Judge of Probate for Mobile County pursuant to and in accordance with § 11 -42-42 of the Code of Alabama.

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3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period often (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11 -42-57 of the Code of Alabama] except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the Code of Alabama.

4. Pursuant to § 11-42-83 of the Code of Alabama, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation under the provisions of this Resolution; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Title 11, Chapter 42, Article 3 of the Code of Alabama, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the Code of Alabama.

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

Small – Aye
Penn – Aye
Carroll – Aye
Gregory- Aye
Daves – Aye
Reynolds – Aye

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

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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 03-521 through 60-531 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

APPOINT WILLIAM CARROLL TO THE MOBILE PLANNING COMMISSION. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-521-2023

Sponsored by: City Council

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that William Carroll is appointed to the Mobile Planning Commission effective immediately for a term ending November 2, 2025.

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

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

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

APPOINT HERMAN THOMAS, RODNEY TOOMER, AND JUSTINE BIXLER TO THE CITIZENS PARKS AND RECREATION ADVISORY COMMITTEE. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-522-2023

Sponsored by: Councilmembers Penn, Small, and Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Herman Thomas (D1), Rodney Toomer (D3), and Justine Bixler (D7) are appointed to the Citizens Parks and Recreation Advisory Committee effective immediately for terms ending May 9, 2025.

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

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

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

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR THE FY23 PROJECT SAFE NEIGHBORHOODS GRANT PROGRAM; \$40,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-523-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the Bureau of Justice Assistance

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(BJA) through the Alabama Department of Economic and Community Affairs (ADECA) as fiscal agent, a Notice of Award for grant assistance in the amount of \$40,000.00 for the FY 23 Project Safe Neighborhoods (PSN) Grant Program. There is no match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the Bureau of Justice Assistance or the Alabama Department of Economic and Community Affairs.

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

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

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE FOR THE USDA 2023 INFLATION REDUCTION ACT FOR URBAN AND COMMUNITY FORESTRY GRANT; \$5,000,000.00 (MATCH REQUIREMENT IS WAIVED). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-524-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Agriculture (USDA) Forest Service, a Notice of Award for grant assistance in the amount of \$5,000,000 for the USDA 2023 Inflation Reduction Act for Urban and Community Forestry grant. There is no match required for this grant as it will be carried out in the historically disadvantaged census tracts in each City Council District.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the USDA Forest Service. Any agreements for grant assistance, together with exhibits, shall be filed with the City Clerk after award and execution.

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

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

Nays: None

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

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

RESOLUTION: 60-525-2023

Sponsored by: Mayor Stimpson

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

May– Carl Craig (Employee # 11809 – Public Services, Sanitation Trash Division)

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

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

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

Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC WORKS AT LARGE EMPLOYEE OF THE MONTH; DONOVAN. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-526-2023

Sponsored by: Mayor Stimpson

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

May 2023 – Jason Donovan (Employee # 19035) Public Works at Large (Building Services)

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

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

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

Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PARKS AND RECREATION EMPLOYEE OF THE MONTH; HALL. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-527-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City Supervisors, recommends to the City Council that it

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authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 to the following employee:

May 9, 2023 – Name: Spencer Hall (Employee #10566) Parks & Recreation (Maintenance Division)

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

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

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

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

DETERMINE AN APPROPRIATION TO KINGDOM COVENANT CONNECTIONS, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-528-2023

Sponsored by: Mayor Stimpson

WHEREAS, Councilmember Penn wishes to appropriate **\$700.00** to Kingdom Covenant Connections, Inc., from her discretionary funds; and

WHEREAS, Kingdom Covenant Connections, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Kingdom Covenant Connections, Inc., will be used to assist with the 18th Annual Unity Walk Weekend Celebration, September 8-10, 2023, at Lyons Park, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$700.00** to Kingdom Covenant Connections, 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 to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

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DETERMINE AN APPROPRIATION TO FUTURE LEADERS WORKING SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-529-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,500.00** to Future Leaders Working, from his discretionary funds; and

WHEREAS, Future Leaders Working, 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 Future Leaders Working, will be used to assist with the 2nd Annual Award Banquet celebrating Administrative Professionals, called "Amazin Admins", 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 Future Leaders Working, 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 to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

DETERMINE AN APPROPRIATION TO MOBILE LAW ENFORCEMENT FOUNDATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-530-2023

Sponsored by: Councilmember Reynolds

WHEREAS, Councilmember Reynolds wishes to appropriate **\$4,000.00** to Mobile Law Enforcement Foundation, Inc., from her discretionary funds; and

WHEREAS, Mobile Law Enforcement Foundation, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Mobile Law Enforcement Foundation, Inc., will be used to assist with the Annual Law Enforcement Recognition Banquet and Mobile Police Department Awards Presentation planned for

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Friday, May 19, 2023, 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 **\$4,000.00** to 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 to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE COURTYARDS AT MAGNOLIA GROVE PROPERTY OWNERS ASSOCIATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-531-2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$3,000.00** to The Courtyards at Magnolia Grove Property Owners Association, Inc., from her discretionary funds; and

WHEREAS, The Courtyards at Magnolia Grove Property Owners Association, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to The Courtyards at Magnolia Grove Property Owners Association, Inc, will be used to assist with lawn services, 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 **\$3,000.00** to The Courtyards at Magnolia Grove Property Owners Association, 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 to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

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

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Councilmember Daves moved for the suspension of the rules to consider Resolutions 09-544 and 09-545 being introduced for the first time. The motion was seconded by Councilmember Reynolds, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

AUTHORIZE AGREEMENT BETWEEN THE CITY OF MOBILE, ALDOT, AND THE MOBILE COUNTY COMMISSION FOR REGIONAL TRANSPORTATION OPERATIONS PROGRAM CONGESTION MANAGEMENT. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 01-532-2023

Sponsored by: Mayor Stimpson

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

That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Purchase and installation (excluding the PTZ Cameras) of materials in relation to the Regionwide Transportation Operations Program (RTOP) Congestion Management project throughout the City of Mobile and Mobile County; Project# CRPMB-STPMB-CRPAA-NR23[]; CPMS Ref# 100076376.

Which agreement is before this Council, and that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

I, the undersigned qualified and acting Clerk of the City of Mobile, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City named therein, at a regular meeting of such Council held on the ____ day of _____, and that such resolution is on file in the City Clerk's Office.

AUTHORIZE AGREEMENT WITH PAYTON HICKMAN TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS & RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 01-533-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Payton Hickman to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

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APPROVE PURCHASE ORDER TO CAPITAL TRACTOR, INC. FOR 2 UTILITY CARTS FOR PARKS & RECREATION DEPARTMENT.; \$32,949.74. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-534-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3375</u>	2023	(F7000) MOTOR POOL	2 KUBOTA RTV-X900 UTILITY CARTS FOR PARKS DEPARTMENT (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$32,949.74	<u>(293637) CAPITAL TRACTOR INC</u>

APPROVE PURCHASE ORDER TO GLOBAL INDUSTRIES, INC. FOR OFFICE FURNITURE FOR OFFICE OF PROFESSIONAL RESPONSIBILITIES; \$36,684.03. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-535-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7906</u>	2023	(3032) ARCHITECTURAL ENGINEERING	OFFICE FURNITURE FOR OPR AT 200 GOVERNMENT ST (TIPS COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$36,684.03	<u>(073476) GLOBAL INDUSTRIES INC</u>

APPROVE PURCHASE ORDER TO NORTH AMERICAN FIRE EQUIPMENT CO., INC. FOR HYDRAFUSION RESCUE STRUTS WITH ACCESSORIES; \$35,178.50. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-536-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order

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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>9070</u>	2023	(1510) FIRE ADMINISTRATION	PARATECH HYDRAFUSION RESCUE STRUTS WITH ACCESSORIES (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$35,178.50	<u>(149290) NORTH AMERICAN FIRE EQUIPMENT CO INC</u>

APPROVE PURCHASE ORDER TO COAST TO COAST CUSTOM MOBILE VENDING, LLC FOR ENCLOSED TRAILER FOR MPD; \$35,690.00. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-537-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4180</u>	2023	(1545) POLICE CYBER DIVISION	ONE 28FT ENCLOSED TRAILER FOR MPD CYBER (SEALED BID 5794)	\$35,690.00	<u>(298447) COAST TO COAST</u>

APPROVE PURCHASE ORDER TO SANDY SANSING FORD LINCOLN, LLC FOR REPLACEMENT ENGINE FOR FORD AMBULANCE; \$25,666.97. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-538-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9148</u>	2023	(2050) FLEET MANAGEMENT- GARAGE	REPLACE ENGINE ON 2016 FORD F450 AMBULANCE CHASSIS (SEALED BID 5802)	\$25,666.97	<u>(290150) SANDY SANSING FORD LINCOLN LLC</u>

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APPROVE PURCHASE ORDER TO SUNSOUTH, LLC FOR JOHN DEERE MOWER FOR MOBILE FIRE RESCUE DEPARTMENT.; \$27,100.00. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-539-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3372</u>	2023	(F7000) MOTOR POOL	2023 JOHN DEERE FC15R WINGED SPACE MOWER FOR PARKS DEPT (SEALED BID 5791)	\$27,100.00	<u>(291912) SUNSOUTH LLC</u>

APPROVE PURCHASE ORDER TO TSA, INC. FOR NOTEBOOK COMPUTERS FOR MOBILE FIRE RESCUE DEPARTMENT.; \$22,800.00. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-540-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9078</u>	2023	(1510) FIRE ADMINISTRATION	15 HP ELITEBOOK 860 G9 NOTEBOOK COMPUTERS FOR MFRD (AL STATE CONTRACT)	\$22,800.00	<u>(279402) TSA, INC</u>

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR SURVEILLANCE CAMERAS AND ACCESSORIES FOR POLICE DEPARTMENT.; \$26,168.25. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-541-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8975</u>	2023	(1530) POLICE ADMIN SERVICES	NETWORK SURVEILLANCE CAMERAS AND ACCESSORIES FOR MPD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$26,168.25	<u>(272932) CDW GOVERNMENT LLC</u>

APPROVE PURCHASE ORDER TO SUNSOUTH, LLC FOR 2 JOHN DEERE ZERO TURN MOWERS FOR PARKS DEPARTMENT; \$34,866.24. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-542-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3106</u>	2023	(F7000) MOTOR POOL	TWO 2023 JOHN DEERE Z970R ZERO- TURN MOWERS FOR PARKS DEPT (SEALED BID 5790)	\$34,866.24	<u>(291912) SUNSOUTH LLC</u>

APPROVE PURCHASE ORDER TO SUNSOUTH, LLC FOR 2 JOHN DEERE GROOMING MOWERS FOR PARKS DEPARTMENT.; \$60,153.56. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 08-543-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3104</u>	2023	(F7000) MOTOR POOL	TWO JOHN DEERE FM4117 FLEX-WING GROOMING MOWERS FOR PARKS DEPT (SEALED BID 5791)	\$60,153.56	<u>(291912) SUNSOUTH LLC</u>

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TRANSFER FUNDS FROM CAPITAL PROJECT CIP GREENWAY TRAIL SECTIONS 1 & 2 TO PROJECT G-TAP3MC AS MATCH FOR THE FY22 TAP GRANT; \$100,000.00.

The following resolution was introduced by Councilmember Daves.

RESOLUTION: 09-544-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$100,000.00 be transferred from capital project C0526 (20002000.94070) CIP Greenway Trail Sections 1 & 2 to Project G-TAP3MC (50015001.93030). These funds will be reallocated and used as match for the FY22 TAP Grant.

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

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

Nays: None

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

TRANSFER FUNDS FROM CAPITAL PROJECT CIP MOBILE GREENWAY INITIATIVE TO PROJECT MOBILE GREENWAY INITIATIVE; 3MC AS MATCH FOR THE FY18 TAP GRANT; \$263,773.00.

The following resolution was introduced by Councilmember Daves.

RESOLUTION: 09-545-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$263,773.00 be transferred from capital project C0291 (20002000.94070) CIP Mobile Greenway Initiative to Project G-3MCGREEN (50235023.93030) Mobile Greenway Initiative: 3MC. These funds will be reallocated and used as match for FY18 TAP Grant.

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

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

Nays: None

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

TRANSFER FUNDS FROM UNASSIGNED GENERAL FUND TO VARIOUS CAPITAL PROJECTS IN THE CAPITAL IMPROVEMENTS FUND; \$40,550,000.00.

The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 09-546-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$40,550,000.00 be specifically allocated pursuant to Alabama Code Section 11-44C-57 from the unassigned fund balance in the General Fund (Fund 1000) to the following Capital Projects in the Capital Improvements Fund (2000):

C0721US 45 Median Improvements	\$2,700,000
C0758Parking Lot-Resurfacing-City Fac	950,000

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NEW	Boys & Girls Club/Ctr & Pantry	500,000
NEW	Civic Center Site Design & Util Reloc	1,000,000
NEW	Civic Center Project Management	1,000,000
NEW	Civic Center Arena & Theatre	3,000,000
NEW	Equipment-Police Security Shields	150,000
C0660	Brookley By the Bay	1,600,000
C0826	Civic Center Parking Facility	29,000,000
NEW	Civic Center Marketing Contract	150,000
NEW	Citywide Small Asphalt Repairs	500,000

TRANSFER FUNDS FROM PUBLIC FACILITY IMPROVEMENT FUND TO MISCELLANEOUS GRANT FUND AS MATCH FOR THE ALABAMA DEPARTMENT OF ECONOMIC & COMMUNITY AFFAIRS STATE-FUNDED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE GRANT PROGRAM; \$40,012.00 IF AWARDED. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 09-547-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$40,012.00 be transferred from C0019 (20002000.94070) Public Facility Improvement Fund to Miscellaneous Grant Fund (50005000.93030). These funds will be reallocated and used as match for the Alabama Department of Economic & Community Affairs (ADECA) State-Funded Electric Vehicle Charging Infrastructure Grant Program, if awarded funding.

AUTHORIZE CONTRACT WITH BILL SMITH ELECTRIC, INC. FOR INSTALLATION OF EMERGENCY GENERATOR AT MPD FIRST PRECINCT; \$68,200.00. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 21-548-2023

Sponsored by: Mayor Stimpson and Councilmember Small

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: BILL SMITH ELECTRIC, INC.

Project Name: MOBILE POLICE DEPARTMENT - FIRST PRECINCT
EMERGENCY GENERATOR INSTALLATION

Project Number: PD-071G-21

Amount: \$68,200.00

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION COMPANY, LLC FOR PHASE 2 CONSTRUCTION OF THE THREE MILE CREEK WATERSHED RESTORATION PROJECT, TWELVE MILE CREEK BANK STABILIZATION. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 21-549-2023

Sponsored by: Mayor Stimpson

MINUTES OF MAY 9, 2023

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, subject to the company signing the contract. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: MCELHENNEY CONSTRUCTION COMPANY, LLC

COM Project Name: THREE MILE CREEK WATERSHED RESTORATION PHASE 2 (STATE EXPENDITURE PLAN #16)

COM Project Number: 2018-3005-09

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF ECONOMIC & COMMUNITY AFFAIRS FOR THE STATE-FUNDED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE GRANT PROGRAM; \$200,060.00 (20% LOCAL MATCH). The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 31-550-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the Alabama Department of Economic & Community Affairs (ADECA), a Notice of Award for grant assistance in the amount of \$200,060.00 for the State-Funded Electric Vehicle Charging Infrastructure Grant Program. Available grant funding not to exceed \$200,060 with a 20% match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by ADECA. Any agreements for grant assistance, together with exhibits, shall be filed with the City Clerk after award and execution.

BE IT FURTHER RESOLVED that the Mobile City Council commits to a maximum \$40,012 local match, which will come from the Capital Improvements Fund.

CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FAR WESTSIDE LIMO & SHUTTLE TO OPERATE A SHUTTLE SERVICE. The following resolution was held over until the regular meeting of May 16, 2023.

RESOLUTION: 37-551-2023

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

ANNOUNCEMENTS

NOTE: No announcements were made.

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

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

Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:32 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK