

MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 3, 2020

The Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, November 3, 2020, at 9:00 a.m.

Present:

Councilmembers: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Absent: None

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, NOVEMBER 3, 2020

The City Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, November 3, 2020, at 10:30 a.m., in regular meeting.

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

Council President Manzie, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Manzie
Councilmembers: Richardson, Small, Williams, Daves, Rich and Gregory
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council rules of procedure, to include special provisions to facilitate social distancing because of the Covid-19 virus.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson stated that Mobile County Probate Court has taken measures to ensure all citizens can cast their vote safely with no interference.

Mayor Stimpson reported that the City of Mobile was recently awarded \$742,088 as part of the "Justice and Mental Health Collaboration Grant" from the U.S. Department of Justice. These funds will help provide more streamlined services to those who come in contact with law enforcement while experiencing a mental health crisis.

Mayor Stimpson announced that a Facebook Live event will take place at 10:00 a.m. on November 4. To answer questions from small business owners regarding recent hurricanes.

Mayor Stimpson extended kudos to Alabama Power Company for quickly restoring power after Hurricane Zeta.

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Mayor Stimpson encouraged citizens to continue wearing masks and abiding by social distancing.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda and declare the items on the agenda Essential/Covid-19 related, which move was seconded by Councilmember Small and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted and all items declared Essential/Covid-19 related.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

None

NON-AGENDA ITEMS:

None

ESSENTIAL/COVID-19 ITEMS HELD OVER:

ORDINANCE TO REGULATE FOOD TRUCKS. The following ordinance which was introduced and read at the regular meeting of July 28, 2020, and held over until the regular meetings of August 18, September 22 & November 3, 2020, was called up by the Presiding Officer.

ORDINANCE: 27-024-2020

Sponsored by: Councilmember Manzie

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

Section One. Definitions.

a) Food truck means a food service establishment (as defined in Chapter 34 of the Mobile City Code) that is mobile and located upon or within a vehicle, or which can be pulled by a vehicle, or which can be pulled or pushed by human or animal power (such as a pushcart), where food or beverage is cooked, prepared and/or served for individual portion service. This definition shall not apply to coffee, frozen dessert or ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.

b) Commissary means a designated facility or fixed food establishment that the food truck operates from and reports to for supplies and for cleaning and service operations.

Section Two. License Requirements.

a) It shall be unlawful for any food truck to sell, or offer for sale, any food or beverage without first obtaining a business license as provided in Chapter 34 of the Mobile City Code.

b) In addition to any other requirements, each applicant for a food truck business license must provide:

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- 1) The name, home and business address of the applicant and copy of their current food permit and any other permits required by state or county health departments.
- 2) A description of the food and/or beverage to be sold.
- 3) A description and photograph or drawing of the food truck for which a license is sought.
- 4) Proof of at least one million dollars (\$1,000,000) of liability/personal injury insurance coverage.
- 5) Such information as the applicant may choose or as may be reasonably requested by the city.

Section Three. Locations.

a) Subject to the restrictions and limitations set forth in this ordinance, food trucks shall be permitted on private property, and at locations in the public right-of-way and in public parking lots that have posted permanent signs identifying parking reserved for food trucks.

b) Food trucks may not:

1) Operate within three-hundred (300) feet of any restaurant located within a permanent structure or building.

2) Operate at any City park or other City property unless:

A) At a special event hosted by the City; or,

B) At a designated mobile food vending site approved by the City Planning Department (designated as such by appropriate signage).

3) Operate in R-1, R-2 or R-3 zoning districts without first obtaining a special, single use/single day permit for operation for no more than two hours, from the City of Mobile. No such permit shall be issued for the same location more than two times per year.

Section Four. Specific Regulations.

a) A food truck shall only sell food and beverages. No other merchandise or items of any kind shall be sold at a food truck. A food truck shall meet or exceed all federal, state and local regulations pertaining to the quality of food products offered for sale.

b) In addition to any and all other ordinances, laws, rules and regulations, the food truck shall:

1) Display a valid City of Mobile business license.

2) Display a valid permit issued by the Mobile County Health Department.

3) If operating on private property, provide, upon request, a written agreement between the property owner and the food truck operator stating permission has been granted to operate at said location. An agreement must be provided for each location of operation.

4) Contain food preparation completely within the food truck.

5) Not obstruct the flow of traffic on the public right-of-way.

6) If parked other than on the public right-of-way, meet setback requirements for all respective zoning districts.

7) Be parked a minimum of twenty (20) feet from any street intersection.

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- 8) If operating on a public right-of-way, be parked so that the food/beverage distribution side is away from traffic.
- 9) Not occupy an area that would be greater than two parking spaces.
- 10) Not utilize public utility connections. Utility service is the responsibility of the operator.
- 11) Constantly contain and police waste materials and refuse.
- 12) Provide a trash receptacle for use by customers.
- 13) Not set out or provide tables or chairs for customer use.
- 14) Not be left overnight at any location or left unattended at any time.
- 15) Only operate, and only be parked on public right-of-way or property, between the hours of 6:00 a.m. and 10:00 p.m.
- 16) Return to commissary on a daily basis to service the food truck. This includes getting fresh water, dumping waste, restocking supplies and disposing of garbage.
- 17) Not leave any location without first picking up, removing and disposing of all trash and refuse remaining from sales made by the food truck.
- 18) Not set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of the food truck.
- 19) Not solicit or conduct business with persons in a motor vehicle; that is, no drive-up business.
- 20) Not create sound or permit sound to emit from any device, including but not limited to, loud mechanisms, or equipment which produces a loud and raucous noise (except for generators as further set forth in this ordinance); or operate any loud speaker, public address system, radio, music player, sound amplifier or similar device to attract attention of the public or otherwise.
- 21) Not burn wood or charcoal or produce smoke.
- 22) Permit any advertising on the food truck except to identify the name or identity of the food/beverage for sale, the name of the owner and/or business, and the posting of prices.
- 23) Secure all signs flat against the food truck. Signs may not project more than six inches from the exterior of the food truck.
- 24) Provide exterior lighting which must be hooded or shielded so that the light source is not scattering light to surroundings other than to the food truck and its adjacent service area.
- 25) Obtain electrical service only by an onboard generator, or, if the food truck is set up on private property, from a source on the private property. The total decibel level for any generator(s) shall not exceed eighty (80) dbA at any time.
- 26) If parking in public right-of-way or city owned parking lots with parking meters or fee based parking, pay on a daily basis all parking fees.

Section Five. Special Events.

The City of Mobile may issue a special event permit to allow the operation of food trucks outside of normal requirements. Applications will be accepted by the City department hosting or in charge of the event and permits will be issued on a first come, first serve basis until the maximum number of allowed food trucks, as determined by such department, is reached. The number of food trucks allowed at an event will be dependent

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on the space available where the event is being held. In order to provide variety, the City of Mobile reserves the right to refuse to permit "same type" food trucks when issuing permits where space limitations are involved. Special event hours will be the duration of the event itself. Setup may occur beginning one hour prior to the start of the event and clean-up must be completed within one hour of the end of event.

Section Six. Repealer.

All City ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section Seven. Severability.

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

Section Eight. Effective Date.

The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be held over until the regular meeting of December 15, 2020, which was seconded by Councilmember Rich and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory

Nays: None

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

ORDINANCE DEEMING PROPERTY AT 2318 ST. STEPHENS RD. NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO AHM INVESTMENT, LLC. The following ordinance, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

ORDINANCE: 88-037-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

AN ORDINANCE DEEMING CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE THEREOF

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be sold to AHM Investment, LLC. This ordinance is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

SEE ATTACHED EXHIBIT 'A'

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

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

SECTION FOUR: The Mayor and City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name and on behalf of the City of Mobile, the deed for the property shown above, when said deed is prepared.

SECTION FIVE: The Real Estate Officer of the City of Mobile is hereby authorized and directed to negotiate, and to execute for and in the name and on behalf of the City of Mobile, whatever supporting documents, affidavits, closing statements, or other ancillary forms necessary to complete the sale of said property.

SECTION SIX: The proceeds from this sale to be placed in a Public Facility Improvement Fund.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Exhibit A

2318 St. Stephens Road Mobile, AL 36617

KEY NO. - 00688349
PARCEL NO - 29 02 44 0 023 030

LEGAL DESCRIPTION: COMG NW COR LOT 1 BLK 2 WILSONS 3RD ADD DBK 102/449 TH SELY ALG E/L ST STEPHENS RD 275 FT S TO POB TH NELY 292 S TH NLY 292 FT S TH WLY 185 FT S TH SLY 412 FT S TH SWLY 60 FT S TH SLY 70 FT S TO POB EXEMPT CITY OF MOBILE #SEC 44 T4S R1W #MP29 02 44 0 023. CONTAINING 75,346 SQ. FT. OR 1.7297 ACRES.



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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory

Nays: None

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

ORDINANCE DEEMING PROPERTY LOCATED ON E. I-65 SERVICE RD. N. NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO DUFF REAL ESTATE, LLC. The following ordinance, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

ORDINANCE: 88-038-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

AN ORDINANCE DEEMING CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE THEREOF

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be sold to Duff Real Estate, LLC, a Mississippi Limited Liability Company.

SEE ATTACHED EXHIBIT 'A'

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

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

SECTION FOUR: The Mayor and City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name and on behalf of the City of Mobile, the deed for the property shown above, when said deed is prepared.

SECTION FIVE: The Real Estate Officer of the City of Mobile is hereby authorized and directed to negotiate, and to execute for and in the name and on behalf of the City of Mobile, whatever supporting documents, affidavits, closing statements, or other ancillary forms necessary to complete the sale of said property.

SECTION SIX: The proceeds from this sale to be placed in a Public Facility Improvement Fund.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

EXHIBIT "A"

Land Address: East I-65 Service Rd. N., Mobile, AL 36618 and Georgia Pacific Ave.

Parcel No. R022903072000003, Key No. 710216.

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LEGAL DESCRIPTIONS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, T4S, R1W, RUN THENCE EASTWARDLY ALONG THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 1,059.93 FEET TO THE EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65; THENCE S 2 DEGREES 32' W., ALONG SAID EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65, A DISTANCE OF 150.47 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 2 DEGREES 32' W ALONG SAID EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65, A DISTANCE OF 1,012 FEET TO A CONCRETE MONUMENT MARKING THE P.T. OF A CURVE; THENCE CONTINUING ALONG THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 65, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 11.609.16, (THE CHORD OF WHICH BEARS S 3 DEGREES 09' W) A DISTANCE OF 250.04 FEET TO THE NORTH RIGHT OF WAY LINE OF GEORGIA PACIFIC AVENUE; THENCE S 87 DEGREES 28' E ALONG SAID NORTH RIGHT OF WAY LINE OF GEORGIA PACIFIC AVENUE A DISTANCE OF 41.16 FEET; THENCE N 43 DEGREES 10' 30" E A DISTANCE OF 489.92 FEET; THENCE N 68 DEGREES 58' 34" E A DISTANCE OF 183.98 FEET; THENCE S 86 DEGREES 58' E A DISTANCE OF 480 FEET; THENCE N 3 DEGREES 02' E A DISTANCE OF 40 FEET; THENCE S 86 DEGREES 58' E A DISTANCE OF 624.28 FEET, MORE OR LESS TO THE EAST LINE OF THE GRANTOR'S PROPERTY; THENCE N 0 DEGREES 28' W ALONG SAID EAST PROPERTY LINE A DISTANCE OF 195 FEET TO A POINT AND CORNER ON THE GRANTOR'S PROPERTY LINE; THENCE N 53 DEGREES 20' W ALONG THE SOUTH LINE OF THE ALABAMA POWER COMPANY PROPERTY A DISTANCE OF 262.47 FEET; THENCE N 86 DEGREES 58' W A DISTANCE OF 878.84 FEET; THENCE N 58 DEGREES 24' 40" W A DISTANCE OF 167.36 FEET; THENCE N 28 DEGREES 51' 26" W A DISTANCE OF 430.62 FEET TO A POINT ON THE MOST NORTHERLY PROPERTY LINE OF THE GRANTOR'S PROPERTY; THENCE S 88 DEGREES 01' W, ALONG SAID NORTH PROPERTY LINE, A DISTANCE OF 154.42 FEET TO THE POINT OF BEGINNING.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 7, T4S, R1W, MOBILE COUNTY, ALABAMA, RUN THENCE EASTWARDLY ALONG THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 1059.93 FEET TO THE EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65; THENCE S 02 DEGREES 32' W ALONG SAID EAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65, A DISTANCE OF 150.47 FEET TO THE SOUTH-WEST CORNER OF PROPERTY OF ALABAMA POWER COMPANY, THENCE RUN N 88 DEGREES 02' E ALONG THE SOUTH BOUNDARY OF SAID ALABAMA POWER COMPANY PROPERTY 154.42 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 88 DEGREES 02' E ALONG SAID SOUTH BOUNDARY OF ALABAMA POWER COMPANY PROPERTY 1033.53 FEET; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF ALABAMA POWER COMPANY PROPERTY RUN S 53 DEGREES 20' E 239.09 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE PROPOSED DONALD STREET EXTENSION; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF THE PROPOSED DONALD STREET EXTENSION AS FOLLOWS; N 86 DEGREES 58' W 878.84 FEET, N 58 DEGREES 24' 40" W 167.36 FEET, N 28 DEGREES 51' 26" W 430.62 FEET TO THE POINT OF BEGINNING.

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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

ORDINANCE DEEMING PROPERTY AT 320 DAUPHIN ST., NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO JAN J. IRWIN.
The following ordinance, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

ORDINANCE: 88-039-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

AN ORDINANCE DEEMING CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE THEREOF

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be sold to Jan J. Irwin.

SEE ATTACHED EXHIBIT 'A'

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

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

SECTION FOUR: The Mayor and City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name and on behalf of the City of Mobile, the deed for the property shown above, when said deed is prepared.

SECTION FIVE: The Real Estate Officer of the City of Mobile is hereby authorized and directed to negotiate, and to execute for and in the name and on behalf of the City of Mobile, whatever supporting documents, affidavits, closing statements, or other ancillary forms necessary to complete the sale of said property.

SECTION SIX: The proceeds from this sale to be placed in a Public Facility Improvement Fund.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

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“EXHIBIT A”

Legal Description: Lot 1 Zoghby Building S/D Unit One recorded in Map Book 76, Page 12
Mobile County Probate Court Records in Mobile, Alabama.

320 Dauphin St., Mobile, AL 36602



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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR MIMS PARK – SYNTHETIC TURF FIELD A, \$1,405,522.00. The following resolution, which was

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introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-811-2020

Sponsored by: Councilmember Williams and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, that is necessary to perform essential minimum functions of the Council, 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: Aeiker Construction Corporation

Project Name: Mims Park – Synthetic Turf Field A

Project Number: PR-029-20

Amount: \$1,405,522.00 (2020 CIP ID#2054 & 2021 CIP D4)

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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory

Nays: None

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

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR TRICENTENNIAL PARK – SPLASH PAD IMPROVEMENTS, \$249,960.00. The following resolution, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-812-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, that is necessary to perform essential minimum functions of the Council, 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: Aeiker Construction Corporation

Project Name: Tricentennial Park – Splashpad Improvements

Project Number: PR-031-20 (2021 CIP D1)

Amount: \$249,960.00

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

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Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

APPROVE CLOSING A PORTION OF SOUTH CONCEPTION STREET. The following resolution, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

RESOLUTION: 47-814-2020

Sponsored by: Councilmember Manzie

A RESOLUTION CLOSING A PORTION OF SOUTH CONCEPTION STREET

WHEREAS, Code of Alabama Sec.11-43-56 vests management and control of municipal streets, alleys, and public ways in the City Council; and

WHEREAS, the decision to close any street, alley, or public way is committed to the legislative discretion of the City Council; and

WHEREAS, pursuant to its statutory and inherent legislative and police powers, the City Council may indefinitely close or partially close any street, alley, or public way to vehicular or foot traffic whenever it determines such closure necessary for any reason it deems to be in the public interest; and such closure shall not be deemed to be a vacation or abandonment of the affected street, alley, or public way; and

WHEREAS, the City Council desires to close a portion of South Conception Street, west of Mobile Metro Jail, for reasons of public safety and security, and by its adoption of this resolution specifically finds such closure to be in the public interest;

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

1. The following described portion of South Conception Street is closed:

Beginning at the intersection of the north right-of-way line of Savannah Street (50' R/W) and the east right-of-way line of S. Conception Street (64' R/W); thence run north 81°-57'-35" west a distance of 64.00 feet to the west right-of-way line of said S. Conception Street; thence run north 08°-02'-25" east along said west right-of-way line a distance of 793.41 feet; thence run northeastwardly along the arc of a curve to the right (having a delta of 06°-32'-00", a radius of 1,871.00 feet, a chord bearing of north 25°-30'-22" east, and a chord length of 213.24 feet) an arc distance of 213.35 feet to the east right-of-way line of said S. Conception Street; thence run south 08°-02'-25" west along said east right-of-way line a distance of 996.81 feet to the Point of Beginning.

2. The street closure as above said shall remain effective until further action by the City Council and shall not be deemed a vacation or abandonment of said street, and the Council reserves the right to re-open such street in the future, provided, however, that reasonable notice shall first be given to Mobile County of such action.

3. During such time as the street closure remain effective, building setback requirements and other requirements relating to the construction of improvements over, across, and within the aforesaid public right-of-way shall be inapplicable, and improvements to be constructed at Mobile Metro Jail now or hereafter may encroach upon, across, and over the right-of-way of the portions of South Conception Street closed hereby.

4. Spire Alabama, Inc., Comcast, Mobile Area Water & Sewer System, and AT&T (the Utilities), as well as the City of Mobile, are reserved the right to continue to access,

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maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the street closure had not occurred; and may continue to move across and along the closed portion of said street to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the closures had not occurred; and, all other rights, title and interests held by the Utilities with respect to the closed portions of the street under any statute or other law or under any other conveyance or agreement whether recorded or unrecorded, shall remain fully effective including without limitation all the rights and privileges necessary or convenient for the full enjoyment and use of their lines, equipment and facilities now or hereafter located within or adjacent to the closed portion of said streets and the right of ingress and egress to and from said lines, equipment and facilities; and the right to cut and/or trim trees which, in the sole opinion of the Utilities, would interfere with said lines, equipment and facilities; and the right to prohibit use of the area vacated in a manner which violates the National Electric Safety Code.

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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory

Nays: None

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

APPROVE CLOSING A PORTION OF ST. EMANUEL STREET. The following resolution, which was introduced and read at the regular meeting of October 27, 2020, and held over until the regular meeting of November 3, 2020, was called up by the Presiding Officer.

RESOLUTION: 47-815-2020

Sponsored by: Councilmember Manzie

A RESOLUTION CLOSING A PORTION OF ST. EMANUEL STREET

WHEREAS, Code of Alabama Sec. 11-43-56 vests management and control of municipal streets, alleys, and public ways in the City Council; and

WHEREAS, the decision to close any street, alley, or public way is committed to the legislative discretion of the City Council; and

WHEREAS, pursuant to its statutory and inherent legislative and police powers, the City Council may indefinitely close or partially close any street, alley, or public way to vehicular or foot traffic whenever it determines such closure necessary for any reason it deems to be in the public interest; and such closure shall not be deemed to be a vacation or abandonment of the affected street, alley, or public way; and

WHEREAS, the City Council desires to close a portion of St. Emanuel Street, east of Mobile Metro Jail, for reasons of public safety and security, and by its adoption of this resolution specifically finds such closure to be in the public interest;

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

1. The following described portion of St. Emanuel Street is closed:

Beginning at the intersection of the north right-of-way line of Savannah Street (50' R/W) and the west right-of-way line of St. Emanuel Street (50' R/W); thence run north 08°-07'-54" east along said west right-of-way line a distance of 707.03 feet; thence run south 81°-52'-06" east a distance of 50.00 feet to the east right-of-way line of said St. Emanuel Street; thence run south 08°-07'-54" west along said east right-of-way line a distance of 707.03 feet; thence run north 81°-52'-06" west a distance of 50.00 feet to the Point of Beginning.

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2. The street closure as above said shall remain effective until further action by the City Council and shall not be deemed a vacation or abandonment of said street, and the Council reserves the right to re-open such street in the future, provided, however, that reasonable notice shall first be given to Mobile County of such action.

3. During such time as the street closure remains effective, building setback requirements and other requirements relating to the construction of improvements over, across, and within the aforesaid public right-of-way shall be inapplicable, and improvements to be constructed at Mobile Metro Jail now or hereafter may encroach upon, across, and over the right-of-way of the portions of St. Emanuel Street closed hereby.

4. Spire Alabama, Inc., Comcast, Mobile Area Water & Sewer System, and AT&T (the Utilities), as well as the City of Mobile, are reserved the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the street closure had not occurred; and may continue to move across and along the closed portion of said street to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the closures had not occurred; and, all other rights, title and interests held by the Utilities with respect to the closed portions of the street under any statute or other law or under any other conveyance or agreement whether recorded or unrecorded, shall remain fully effective including without limitation all the rights and privileges necessary or convenient for the full enjoyment and use of their lines, equipment and facilities now or hereafter located within or adjacent to the closed portion of said streets and the right of ingress and egress to and from said lines, equipment and facilities; and the right to cut and/or trim trees which, in the sole opinion of the Utilities, would interfere with said lines, equipment and facilities; and the right to prohibit use of the area vacated in a manner which violates the National Electric Safety Code.

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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory

Nays: None

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

ESSENTIAL/COVID19 ITEMS BEING INTRODUCED:

ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING SHORT-TERM LODGING OR RENTALS. The following ordinance was held over until the regular meeting of November 10, 2020.

ORDINANCE: 34-040-2020

Sponsored by: Councilmembers Manzie and Gregory

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

Section One. Findings and Purpose.

a) The City Council desires to make it clear that any person or entity providing short-term lodging or rentals as referenced in this Ordinance is a "business" required to obtain a "business license" as defined in Article III of Chapter 34 of the Mobile City Code.

b) The City Council desires to set forth requirements for how owners and/or managers of real property, who intend to rent said property on a short-term basis, apply for and receive a business license.

c) The City Council hereby finds that the City's regulation of short-term rental uses is a valid exercise of the City's police power conferred by Code of Ala. 1975, § 11-45-1 and its

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licensing power conferred by Code of Ala. 1975, § 11-51-90, and furthers the legitimate governmental interests of the City.

Section Two. Amendment of Article III, Chapter 34, of the Mobile City Code.

That the Schedule of Licenses section set forth in Article III of Chapter 34 of the Mobile City Code titled “Business License Code and Schedule of Licenses,” is hereby amended to add an additional business activity category as follows:

721199	237.0A	Short-term rentals – rentals of rooms, buildings, houses or other structures to be used as a sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period (excludes 721310, 721313, 721311 and 721111).	0.003259
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Section Three. Amendment of and Addition to Chapter 34 of the Mobile City Code.

That Chapter 34 of the Mobile City Code is hereby amended to add a new article entitled “Additional Requirements for the Issuance of a Business License to Provide Short-Term Lodging or Rentals” set forth as follows:

Section I. Definitions.

- a) “Business license” has the same meaning set forth in Sec. 34-43 of the Mobile City Code.
- b) “Dwelling” means a structure or the part of a structure, including a manufactured home, that is or can be utilized as a sleeping place by one or more persons.
- c) “Short-term rental” means the rental of a Dwelling for less than one-hundred eighty (180) consecutive days per rental period, and also means “short-term lodging” as set forth in Article III, Chapter 34, of the Mobile City Code.
- d) “Short-term rental manager” means any person or entity that arranges the rental, cleaning, listing, advertising, management, or otherwise assists in the operation of a Short-term rental for a profit. Short-term rental manager does not include listing services or online platforms for Short-term rental listings.
- e) “Short-term rental unit” means the Dwelling that is offered, available or held out for Short-term rental purposes.

Section II. Short-term rentals –Generally.

- a) A valid City of Mobile Business license must be obtained for each Short-term rental and the business license number must be stated on any advertisement or listing for a Short-term rental.
- b) The name and telephone number of a local responsible party shall be conspicuously posted within each Short-term rental unit. The local responsible party shall answer and respond to calls twenty-four (24) hours a day, seven (7) days a week for the duration of each Short-term rental period to address problems or complaints associated with the Short-term rental unit.

Section III. Building code compliance required; Safety features.

- a) Every Short-term rental must meet applicable building and fire codes and be equipped with the following safety equipment and features:
 - 1) Operational smoke and carbon monoxide detectors.
 - 2) One (1) 2.5 lb. Class A-B-C fire extinguisher per floor.
 - 3) Prominently displayed and legible 9-1-1 address on building exterior.

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b) To obtain a Short-term rental Business license or renewal thereof the person or entity applying for same must submit a notarized affidavit to the City of Mobile Revenue Department attesting that the requirements of the Section have been met.

Section IV. Designation of agent; Short-term rental managers.

a) In order to be eligible for a Short-term rental Business license the person or entity desiring to offer a Short-term rental must be the owner of the Short-term rental unit proposed to be covered under the license or possess a letter from the unit's owner designating the person or entity as the owner's designated agent for such purpose.

b) Any person or entity operating as a Short-term rental manager that is not also the owner of the property proposed to be covered under the license must obtain their own separate Business license pursuant to the Mobile City Code, and must be professionally licensed if required by Alabama law.

Section Four. Existing Law; Nonconforming Use Provision.

All other provisions and sections set forth in the Mobile City Code not specifically amended herein shall remain in full force and effect. All Short-term rentals in operation as of the effective date of this Ordinance that are or are alleged to be in violation of the City of Mobile Zoning Ordinance are hereby deemed a "nonconforming use" as defined in Mobile City Code 64-2 as of said effective date.

Section Five. Severability.

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

Section Six. Effective Date.

The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

APPROVE PURCHASE ORDER TO LYTX INC. FOR 483 ANNUAL SUBSCRIPTIONS FOR FLEET TRACKING, DRIVECAM ACCESS & DRIVER SAFETY MANAGEMENT SERVICES, \$192,176.04. The following resolution was held over until the regular meeting of November 10, 2020.

RESOLUTION: 08-816-2020

Sponsored by: Mayor Stimpson

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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>526</u>	2021	(F7000) MOTOR POOL	483 ANNUAL SUBSCRIPTIONS FOR FLEET TRACKING, DRIVECAM ACCESS, AND DRIVER SAFETY MANAGEMENT SERVICES (GSA CONTRACT)	\$192,176.04	<u>(291836) LYT</u> <u>INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

APPROVE PURCHASE ORDER TO UJ CHEVROLET CO INC. FOR ONE 2021 15 PASSENGER VAN, \$28,692.00. The following resolution was held over until the regular meeting of November 10, 2020.

RESOLUTION: 08-817-2020
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>1024</u>	2021	(F7000) MOTOR POOL	1 2021 CHEVROLET 3500 EXPRESS 15-PASSENGER VAN (SEALED BID 5457)	\$28,692.00	<u>(210000) U J</u> <u>CHEVROLET CO</u> <u>INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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APPROVE PURCHASE ORDER TO INSIGHT PUBLIC SECTOR FOR 73 REFURBISHED COMPUTERS, \$33,074.84. The following resolution was held over until the regular meeting of November 10, 2020.

RESOLUTION: 08-818-2020
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>1050</u>	2021	(1530) POLICE ADMIN SERVICES	73 REFURBISHED HP 800 G1 CORE I7 COMPUTERS (OMNIA COOPERATIVE PURCHASING AGREEMENT – NOT ON STATE CONTRACT)	\$33,074.84	<u>(296399)</u> <u>INSIGHT PUBLIC</u> <u>SECTOR</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary 1to perform essential minimum functions of the Council.

AUTHORIZE CONTRACT (RENEWAL) WITH CHRIS BREWER CONTRACTING, INC. FOR 2021 CITY WIDE ANNUAL SIDEWALK REPAIR & MAINTENANCE (D1-7); \$1,775,000.00. The following resolution was held over until the regular meeting of November 10, 2020.

RESOLUTION: 21-819-2020
Sponsored by: City Council and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, finds that the subject of this Resolution is either necessary to respond to COVID 19, or necessary to perform essential minimum functions of the Council.

WHEREAS, the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed contract will be on file in the office of the City Clerk.

Name of Company: Chris Brewer Contracting, Inc.
Project Name: 2021 City Wide Annual Sidewalk Repair & Maintenance, COM Project No. 2021-3005-01(D1-7; COM Contract Renewal of 2019 City Wide Annual Sidewalk Repair & Maintenance, Project No. 2019-3005-02 and 2020 City Wide Annual Sidewalk Repair & Maintenance

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Project No. 2020-3005-01
Estimated Cost: \$1,775,000.00

AUTHORIZE CONTRACT WITH H. M. YONGE & ASSOCIATES, INC., FOR SAENGER THEATER – MECHANICAL UPGRADES, \$101,400.00. The following resolution was held over until the regular meeting of November 10, 2020.

RESOLUTION: 21-820-2020
Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of Company: H. M. Yonge & Associates, Inc., Consulting Engineers
Project Name: Saenger Theatre – Mechanical Upgrades
Project Number: CL-076-20
Amount: \$101,400.00

ANNOUNCEMENTS:

Councilmember Daves recited the “Earnest Prayer” written by General Washington in Newbrugh, New York, at the close of the Revolutionary War on June 4, 1783.

Councilmembers Small, Rich, Gregory, Williams, Richardson and Manzie urged citizens to vote.

Councilmembers Williams and Manzie recognized Eddie Irby and his volunteers for their hard work and dedication to maintaining Oaklawn Memorial Cemetery.

Councilmember Richardson spoke about upcoming improvements to the Tricentennial Park Splash Pad.

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

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:05 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK