

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 2, 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 2, 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 2, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, May 2, 2023, at 10:30 a.m., for the regular meeting.

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

Reverend Aarif G. Bradley, Mt. Sinai Missionary Baptist Church, 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.

APPROVAL OF MINUTES

The minutes of the meetings of April 25, 2023, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

James Barber, Chief of Staff, gave comments on behalf of Mayor Stimpson.

James Barber reported that USA Today named Mobile as the second-best summer travel destination in the United States and thanked Visit Mobile and everyone that voted for Mobile.

James Barber stated that “Market in the Park” will begin on Saturday, May 6, 2023, and continue on every Saturday through July 8, 2023, in Cathedral Square from 7:00 a.m. – 12:00 p.m. James Barber announced that the Mobile Tennis Center will be having events celebrating “National Tennis Month” all this month.

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James Barber read and presented a proclamation to the Mobile Tennis Center declaring May 2023 “National Tennis Month” in Mobile.

NOTE: Councilmember Carroll presented a proclamation declaring May 2023 as “Historic Preservation Month in Mobile”.

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 Junior League of Mobile, Inc. for a waiver of the Noise Ordinance at 57 N. Sage Avenue on May 9, 2023, from 6:00 p.m. – 10:00 p.m. (District 1).

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

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

Nays: None

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

Request of Paul Shorosh for a waiver of the Noise Ordinance at 1906 Spring Hill Avenue on June 17, 2023, from 8:00 p.m. – 11:00 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 O’Daly’s Irish Pub for a waiver of the Noise Ordinance at 564 Dauphin Street on May 5, 2023, from 6:00 p.m. – 12:00 a.m. (District 2).

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

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

Nays: None

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

Request of ASD Employee’s Club for a waiver of the Noise Ordinance at Cooper Riverside Park on May 20, 2023, from 11:30 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

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Nays: None

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

Request of Kingdom Covenant Connections, Inc. for waiver of the Noise Ordinance at 180 Lyons Park Avenue from August 30, 2023 – September 7, 2023, from 5:00 p.m. – 6:30 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 Kingdom Covenant Connections, Inc. for a waiver of the Noise Ordinance at 180 Lyons Avenue from September 8, 2023 – September 10, 2023, from 7:00 a.m. – 7:00 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 hold the waiver over for one week, 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 held over for one week until the regular meeting of May 9, 2023.

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 hold the waiver over for one week, 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 held over for one week until the regular meeting of May 9, 2023.

Request of Ruby Rawls for a waiver of the Noise Ordinance at Medal of Honor Park on May 6, 2023, from 8:00 a.m. – 3:00 p.m. (District 6).

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

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

Request of Necole Earl for a waiver of the Noise Ordinance at Medal of Honor Park on July 2, 2023, from 4:00 p.m. – 8:00 p.m. (District 6).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 356 BURTON AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 356 Burton Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 611 MCDONOUGH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 611 McDonough Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1056 GHENT STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1056 Ghent Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1950 SABBATH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1950 Sabbath Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1703 WEXFORD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1703 Wexford Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGEND ITEMS:

Pamela Laffitte, 6307 Fontaine Drive, gave comments regarding Resolution 40-227.

NON-AGENDA ITEMS:

David Clark, President of Visit Mobile, provided a preview of the 2023 Tourism Roadmap.

Kent Blackinton, President of the Mobile Area Lodging Association, presented the 2022 Tourism Improvement District Annual Report.

Michael Woodard, 4200 Rollins Avenue, offered comments regarding growing the city of Mobile by surrounding community annexations, regardless of race.

Ben Harris, 203 S. Georgia Avenue, discussed the importance of preserving the current black voting age population majority during proposed annexation.

Roosevelt Edwards, 3769 Sheips Lane, asked questions about the proposed annexation.

Frederick Richardson, 1803 S. Indian Creek Drive, spoke in opposition to annexation.

Reverend Clinton Johnson, 1101 Dunaway Drive, commented on the importance of annexation.

NOTE: Councilmember Daves made a motion to suspend the rules to allow an individual to speak on a public hearing, which motion was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted.

Willie Robinson requested a sixty-day extension to finish demolishing the structure at 1703 Wexford Street.

NOTE: Councilmember Gregory made a motion to suspend the rules to open presentations of petitions and other communications to the Council to allow an individual to speak, which motion was seconded by Councilmember Carroll, following comments from Councilmember Daves the vote was as follows:

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

Nays: None

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The Presiding Officer declared unanimous consent granted.

Nettie Pendleton, 306 Breamwood Avenue, discussed the need for police protection from her neighbors destroying her shrubs.

ORDINANCES HELD OVER

ORDINANCE TO AMEND “PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL,” MOBILE CITY CODE SECTION 2-62. The following ordinance which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

ORDINANCE: 02-020-2023

Sponsored by: City Council

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

SECTION ONE: Mobile City Code Section 2-62 is hereby amended and restated in full as follows:

Sec. 2-62 – Communications with Council at Council Meetings

(a) Presentations of petitions and other communications to the council:

(1) Interested parties or their authorized representatives wishing to address the council on non-agenda items (items not included on the agenda) must submit in writing to the city clerk a request to address the council with their name, address, and identifying the subject matter to be discussed and describing in detail the specific question or issue to be addressed. Single word descriptions or topics are insufficient - the request must contain enough information so that the council will have enough information to adequately respond if desired. The written communication must relate to city government and must be received by the city clerk on or before 2:00 p.m. the Thursday preceding the regular council meeting at which the person desires to speak. Persons who do not provide the required information in their request will not be called on to address the council unless allowed by a super-majority vote of the council.

(2) Interested parties or their authorized representatives wishing to address the council on items included on the agenda for a regular council meeting must sign in with the city clerk with their name, address, and identify the specific agenda item(s) to be addressed prior to the start of the regular council meeting.

(3) In the event a regular council meeting is conducted remotely, interested persons or their authorized representatives wishing to address the council on items included on the agenda for a regular council meeting must submit in writing to the city clerk a request to address the council at such remote meeting with their name, address, and identify the specific agenda item(s) to be addressed, which written request must be received by the city clerk at least 24 hours preceding the remotely conducted meeting.

(4) Each person from the general public addressing the council on either agenda or non-agenda items, when called, shall step up to the podium or other location provided to address the council and, prior to making any other comments, give their name in an audible and clear tone of voice for the record.

(5) Each person addressing the council on either agenda or non-agenda items shall be limited to a total of three (3) minutes on all subjects, provided that a single one (1) minute extension shall be granted upon the request of any council member. No further extension shall be allowed except by permission granted by super-majority vote of the council. Persons addressing the council may not share or reserve time. Upon the expiration of the allotted time the person speaking shall return to their seat or exit the council chambers.

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(6) There shall be no dialogue between the person addressing the council and any individual council member.

(7) After the person addressing the council has returned to their seat or exited the council chambers, the council president shall ask if any councilmember or member of the City administration wishes to respond to the speaker's comments or ask questions of the speaker.

(b) *Public hearings or appeals.* Where required by law, or by unanimous consent of the council, public hearings on matters before the council, or appeals to the council (excluding appeals for waiver of the noise ordinance), shall be held by the council at which taxpayers, residents of the city, other interested parties, or their authorized legal representatives, shall be permitted to present oral statements for or against the matter made a subject of the hearing or appeal. Requests to appear at such a public hearing or appeal may be filed in writing in advance with the city clerk and shall include the speaker's name and address. The city clerk shall refer the same to the president of the council prior to the hearing or appeal. Persons making requests in writing shall, together with witnesses requested to appear by the council, be heard prior to other persons who appear at the hearing or appeal. Each person addressing any public hearing or appeal without submitting a written request shall, when called, step up to the podium and give their name in an audible tone of voice for the record. No person shall speak more than five (5) minutes on the subject, and rebuttal speakers shall be limited to two (2) minutes, after an issue has been discussed by both sides, except by permission granted by majority vote of the council. Those speaking on the subject will be limited to four (4) spokespersons on each side (for or against) of the issue, unless permission is granted by unanimous consent of the councilmembers present to allow others to speak. Speakers will be determined by the chronological order in which they signed up to speak. Speakers may not share or reserve speaking time. The president must notify each speaker, before they have begun to speak, that said speaker will be limited to five (5) minutes on the subject, and additionally must also notify rebuttal speakers, before said speaker has begun to speak, that they will be limited to two (2) minutes on the subject. All persons wishing to address the council shall be required to register with the city clerk prior to the meeting, including their name and address, and listing with specificity the subject matter to be discussed and whether they are for or against the matter subject to the hearing or appeal.

(c) *Communication with committees.* Taxpayers or residents of the city or their authorized legal representatives may, at the option of the committee chair, be permitted to orally address any committee of the council on any matter referred to that committee. Requests to appear before a committee of the council shall be filed with the city clerk and include the name and address of the speaker. The city clerk shall refer the same to the chairman of the committee. The chairman of the committee may call a meeting of the committee to hear the matters presented or shall bring the matter before the council to set a time and place for a public hearing.

(d) *Violations of council rules and disruptive behavior.* Any speaker addressing the council who violates any of the rules contained in Chapter 2, Article II, Division 2 of the Mobile City Code is to be warned by the presiding officer that they are in violation of the rules and given the opportunity to bring themselves to order. If the speaker continues in violation of the rules, the presiding officer may order that the person be removed from the council chambers for the remainder of that meeting. Any member of the public present in the council chambers during a meeting who engages in loud, boisterous, or other conduct that disrupts the meeting may be removed in like manner.

(e) *Repeated violations of council rules or disruptive behavior.* Any person who is twice removed from the council chambers under the previous subsection (d) will be subject to a thirty day ban on attendance at council meetings. Any person who has previously been subject to a thirty-day ban who is again removed from a council meeting will automatically be subject to a further thirty-day ban.

SECTION TWO: Miscellaneous.

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

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

The ordinance was read by the City Clerk, whereupon Councilmember Daves moved to adopt the ordinance, 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 ordinance adopted.

ORDINANCE TO AMEND CHAPTER 39, ARTICLE X, DIVISION 1 AND CHAPTER 22 "FIREWORKS" MOBILE CITY CODE. The following ordinance which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

ORDINANCE: 22-021-2023

Sponsored by: Mayor Stimpson

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

SECTION I. THE CODE OF ORDINANCES OF THE CITY OF MOBILE, AT CHAPTER 39, ARTICLE X, DIVISION 1 AND CHAPTER 22, ARTICLE II is hereby amended as follows:

Chapter 39, Article X, Division 1 - Generally

Chapter 39, Article X, Division 1 is hereby amended at Section 39-201, Fireworks during Mardi Gras to read as follows:

Sec. 39-201. Fireworks during Mardi Gras.

(a) *Definitions.*

(1) For purposes of this section, the term "Fireworks" shall include Fireworks as defined by the International Fire Code, as adopted by the City of Mobile, including Novelties and Sparring Devices, as defined in Ala. Code 1975, Section 8-17-210 (10) and (15).

(2) For purposes of this section, the Period Observed as Mardi Gras shall run from 12:01 a.m. on the fourteenth day prior to Ash Wednesday to 6:00 a.m. on Ash Wednesday.

(3) For purposes of this section, "public" shall be defined as an area open to all persons, maintained by or for the people at large, including but not limited to public streets, sidewalks, alleyways, and buildings.

(b) *Use.* It shall be unlawful and an offense against the city for any person to use any type of Fireworks as defined in this section in public in the city, during the Period Observed as Mardi Gras.

(c) *Minors.* It shall be unlawful and an offense against the city for any parent to allow a minor child to use Fireworks, as defined in this section, in public in the city during the Period Observed as Mardi Gras.

SECTION II.- Chapter 22, Fire Prevention, Article II, In General, is hereby amended by adding a new Section 22-20 as follows:

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Sec. 22-20. – Fireworks

a) It shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use or explode any Fireworks. Fireworks shall include Fireworks as defined by the International Fire Code, as adopted by the City of Mobile. The term “Fireworks” shall not include Novelties and Sparkling Devices, as defined in Ala. Code of 1975, Section 8-17-210 (10) and (15), the sale and use of which shall be allowed.

b) Notwithstanding the provisions of subsection (a) of this section, fireworks display reviews shall be conducted for any public or private fireworks display to determine:

1) All current provisions of NFPA and the International Fire Code, as adopted by the City of Mobile, are met; and

2) Proof is shown to the fire official that the display being conducted is done by a competent operator who has been approved by the fire official and that the display is of such character and so located, discharged, or fired so as not to be hazardous to property or endanger any person.

c) A fee shall be assessed at the time of the application for a fireworks display review as set forth in the schedule of fees for the Mobile Fire and Rescue Department. A copy of the fee schedule is available from the office of the city clerk or on the website for the city.

d) The foregoing notwithstanding, the fire chief may, at any time and from time to time, suspend the outdoor use of Novelties and Sparkling Devices inside the city limits where he/she determines, in his/her sole discretion, that drought conditions, other weather-related conditions, or the promotion and preservation of public safety warrant suspension. It shall be unlawful to use Novelties and Sparkling Devices during any such suspension period after a verbal warning to cease from fire or law enforcement officers and shall subject the Novelties and Sparkling Devices to seizure and destruction in accordance with subsection (e) below.

e) Fireworks possessed, manufactured, stored, sold, handled, or used in violation of this section shall be subject to seizure and destruction by the fire chief or his/her designees or subordinates.

SECTION III - Miscellaneous

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

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

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

The ordinance was read by the City Clerk, whereupon Councilmember Reynolds moved to hold the ordinance over for two weeks, 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 ordinance held over for two weeks until the regular meeting of May 16, 2023.

REZONE PROPERTY LOCATED AT 4701 HALLS MILL ROAD FROM R-1 TO I-1. The following ordinance which was read and introduced at the regular meeting of April 25, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

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ORDINANCE: 64-022-2023

Sponsored by: Councilmember Reynolds

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

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

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

BEGINNING AT A RECOVERED REBAR MARKING THE NORTHWEST CORNER OF LOT 2, N.D.H. SUBDIVISION, AS RECORDED IN MAP BOOK 40, PAGE 41, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, RUN SOUTH 00°-58'-16" WEST AND ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 400.13 FEET TO A RECOVERED REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 71°-49'-53" EAST AND ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 250.31 FEET; THENCE SOUTH 00°-56'-51" WEST, 7.01 FEET TO A RECOVERED ROD AND CAP (BRYANT); THENCE NORTH 66°-24'-42" EAST, 163.39 FEET TO A RECOVERED ROD AND CAP (BYRD); THENCE NORTH 66°-17'-24" EAST, 163.86 FEET TO A RECOVERED IRON MARKING THE SOUTHEAST CORNER OF LOT 1, B & G SUBDIVISION, AS RECORDED IN MAP BOOK 47, PAGE 83, SAID PROBATE RECORDS, SAID POINT BEING ON THE WEST LINE OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN REAL PROPERTY BOOK 635, PAGE 338, SAID PROBATE RECORDS; THENCE SOUTH 00°-08'-25" EAST AND ALONG THE WEST LINE OF SAID PROPERTY AND ALONG THE WEST PROPERTY LINE OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN REAL PROPERTY BOOK 1909, PAGE 188, SAID PROBATE RECORDS, A DISTANCE OF 588.18 FEET TO A RECOVERED CONCRETE MONUMENT MARKING THE NORTHWEST CORNER LOT 15, LAUGHLIN INDUSTRIAL PARK SUBDIVISION, AS RECORDED IN MAP BOOK 122, PAGE 4, SAID PROBATE RECORDS; THENCE SOUTH 00°-06'-18" EAST AND ALONG THE WEST LINE OF SAID LOT 15, A DISTANCE OF 390.48 FEET TO A RECOVERED ROD AND CAP (ROWE); THENCE SOUTH 65°-38'-27" EAST, 137.91 FEET TO A SET ROD AND CAP (ROWE); THENCE NORTH 89°-39'-27" WEST AND ALONG THE NORTH LINE OF SAID PROPERTY, 2152.29 FEET TO A RECOVERED ROD AND CAP (BYRD), SAID POINT BEING ON THE EAST LINE OF GRIFFIN PLACE, AS RECORDED IN MAP BOOK 34, PAGE 108, SAID PROBATE RECORDS; THENCE NORTH 00°-33'-17" EAST AND ALONG THE EAST LINE OF SAID GRIFFIN PLACE, 191.96 FEET TO A RECOVERED ROD AND CAP (SPEAKS); THENCE NORTH 89°-26'-47" EAST, 533.30 FEET; THENCE NORTH 00°-21'-24" EAST, 414.29 FEET TO THE SOUTHWEST CORNER OF LOT 1, SAID N.D.H. SUBDIVISION; THENCE NORTH 77°-37'-30" EAST AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 101.19 FEET TO A RECOVERED REBAR; THENCE NORTH 00°-13'-42" EAST AND ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 399.55 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HALLS MILL ROAD (RIGHT-OF-WAY VARIES); THENCE NORTH 77°-44'-05" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, 101.37 FEET TO A RECOVERED ROD AND CAP (BYRD), SAID POINT MARKING THE NORTHWEST CORNER OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN LAND RECORD BOOK 6647, PAGE 1809, SAID PROBATE RECORDS; THENCE SOUTH 03°-03'-42" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 190.48 FEET TO A RECOVERED ROD AND CAP (BYRD); THENCE SOUTH 11°-14'-45" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 202.44 FEET TO A RECOVERED REBAR; THENCE NORTH 77°-43'-01" EAST, ALONG THE SOUTH LINE OF SAID PROPERTY, 307.46 FEET TO A RECOVERED REBAR; THENCE NORTH 02°-31'-00" EAST AND ALONG THE EAST LINE OF SAID PROPERTY, 403.70 FEET TO A RECOVERED REBAR; THENCE NORTH 77°-44'-05" EAST AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HALLS MILL ROAD, 308.28 FEET TO THE PC OF A 2,032.21 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWARDLY AND WESTWARDLY

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ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 76°-36'-42" WEST, 89.97 FEET), A DISTANCE OF 89.97 FEET TO THE POINT OF BEGINNING. BEING SUBJECT TO A 30-FOOT-WIDE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 2, N.D.H. SUBDIVISION, AS RECORDED IN MAP BOOK 40, PAGE 41, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, RUN SOUTHWARDLY AND WESTWARDLY ALONG THE ARC OF A 2,032.21 FOOT RADIUS CURVE (CHORD BEARS SOUTH 75°-48'-24" WEST, 15.00 FEET), A DISTANCE OF 15.00 FEET TO THE CENTERLINE AND POINT OF BEGINNING OF SAID EASEMENT. SAID EASEMENT BEING 15.0 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: THENCE SOUTH 00°-58'-16" WEST AND ALONG SAID CENTERLINE, 416.54 FEET; THENCE NORTH 73°-18'-37" EAST, 271.73 FEET; THENCE NORTH 66°-24'-42" EAST, 163.39 FEET; THENCE NORTH 66°-17'-24" EAST, 140.95 FEET; THENCE SOUTH 00°-08'-25" EAST, 565.27 FEET; THENCE SOUTH 00°-06'-18" WEST, 446.38 FEET TO THE TERMINUS OF SAID EASEMENT.

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

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

The ordinance was read by the City Clerk, whereupon Councilmember Reynolds moved to adopt the ordinance, 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 ordinance adopted.

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 meeting of May 2, 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.

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

(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

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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;

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

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(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.

(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

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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.

(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.

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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;
- (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.

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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).

(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

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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.

(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.

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(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;
- (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;

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(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;

(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

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(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.

(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

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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.

(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:

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(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 June 1, 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 Carroll moved to hold the ordinance over for one week, 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 ordinance held over for one week until the regular meeting of May 9, 2023.

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 1210 ALBA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of February 28, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-225-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the structure at 1210 ALBA STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the

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structure is dangerous and unsafe to the extent that It is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 1, 3, 4, 5, 6, 7, 8, 14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED COUNCIL OF THE CITY OF MOBILE that the structure at **1210 ALBA STREET** described as:

LOT 6 SQR 10 BASCOMBE TRT DBK 128 P 1 #SEC 27 T4S R1W #MP29 10 27 3 004

Parcel Number: 29 10 27 3 004 036

Last Assessed to: MOLTON WILLIE MAE C/O SCHAROLETTE MOTEN

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 919 NELLIE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of February 28, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-226-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article 11 of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 919 NELLIE STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 1, 3, 4, 5, 6, 7, 8, 14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **919 NELLIE STREET** described as:

LOT 36 BLK 2 ARLINGTON TERR ACE MBK 156 P 256 #SEC 36 T4S R1W #MP29 11 36 0 002

Parcel Number: 29 11 36 0 002 113

Last Assessed to: DUVAL @ BROAD LLC

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

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

The resolution was read by the City Clerk, whereupon Councilmember Daves moved 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.

DECLARE THE STRUCTURE AT 5937 WESTHAVEN DRIVE, SOUTH A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of February 28, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-227-2023

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 5937 WESTHAVEN DRIVE SOUTH has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 1, 3, 4, 5, 7 and B; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **5937 WESTHAVEN DRIVE SOUTH** described as:

LOT 4 BLK 11 HILLSDALE HGTS MBK 10 P 183 SECT 17 T4S R2W #SEC 17 T4S R2W #MP28 04 17 2 002

Parcel Number: 28 04 17 2 002 002

Last Assessed to: HAYNES MARK A

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

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

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

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

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

DECLARE THE STRUCTURE AT 4019 TULSA DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of March 28, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-347-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 4019 Tulsa Drive has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **4019 Tulsa Drive described as:**

LOT 10 AMELIA COURT MBK 8/8 #SEC 40 T5S R1W #MP32 11 40 0 001

Parcel Number: 32 11 40 0 001 073

Last Assessed to: KURLEY V JOHNSON

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

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the

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publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 650 ST. MICHAEL STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of April 4, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-378-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 650 ST. MICHAEL STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52. in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 3, 4, 5, 7, 8, 9, 11 and 14; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **650 ST. MICHAEL STREET** described as:

BEG NW COR DEARBORN & ST MICHAEL STS TH WLY ALG N/S ST MICHAEL ST 55 FT(S) TH NLY 48 FT(S) TH ELY 55 FT(S) 1 TH SLY 48 FT(S) TO POB BEING PART GRT SEC 40 T4S R1W #SEC 40 T4S R1W #MP29 06 40 0 010

Parcel Number: 29 06 40 0 010 026

Last Assessed to: SINGLETON KEITH

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

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

The resolution was read by the City Clerk, whereupon Councilmember Carroll moved to hold the resolution over for thirty days, which was seconded by Councilmember Gregory 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 held over for thirty days until the regular meeting of June 6, 2023.

DECLARE THE STRUCTURE AT 4400 GOVERNMENT BOULEVARD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was read and introduced at the regular meeting of April 4, 2023, and held over until the regular meeting of May 2, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-380-2023

Sponsored by: Councilmember Reynolds

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 4400 GOVERNMENT BOULEVARD has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance:

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52. in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 3, 4, 5, 7, 8, 14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **4400 GOVERNMENT BOULEVARD** described as:

THAT CERTAIN LOT OF LAND FORMED BY A LINE DESC AS FOIL TO WIT: TO THE POB COM AT THE SW COR OF SEC 11 T5S R2W OF THE ST STEPHENS MERIDIAN AL RUN ELY ALG THE S/L OF SD SEC 11 A PIS OF 111.73 FT TO A PT SO PT BEING ON A PROJ OF THE E RWL OF U S HWY 90 TH WITH A DEFL ANG OF 56 PEG 19 MIN TO THE LT RUN NELY ALG A PROJ OF THE E RWL OF U S HWY 90 A DIS OF 1159.54 FT TO A PT TH WITH A DEFL ANG OF 90 PEG 00 MIN TO THE LT RUN NWLY A DIS OF 250 FT TO A PT ON THE W RWL OF U S HWY 90 TH WITH A DEFL OF 90 PEG 00 MIN TO THE RT RUN NELY ALG SD W RWL OF U S HWY 90 A DIS OF 120 FT TO THE POB OF THE PPTY HEREIN DESC FROM SD POB TH WITH A DEFL OF 89 PEG 38 MIN 30 SECTO THE LT RUN NWLY A DIS OF 200 FTTH WITH AN INT ANG OF 90 PEG 21 MIN 30 SEC RUN NELY A DIS OF 278.85 FT TH WITH AN INT ANG OF 90 PEG 00 MIN RUN SELY A DIS OF 200 FT TO A PT ON SD W RWL OF U S HWY 90 TH RUN SWLY ALG SD W ROWL OF U S HWY 90 A DIS OF 35.22 FT TO A PT TH AN INT INT ANG OF 180 PEG 01 MIN RUN SWLY ALG SD W RWL A DIS OF 244.78 FT TO THE POB CONTG 1.28 ACRES M/L #SEC 11 TSS R2W #MP33 01 11 3 002

Parcel Number: 33 01 11 3 002 028

Last Assessed to: CITY OF GRACE MOBILE ALABAMA

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

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the

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publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

TRANSFER FUNDS FROM DISTRICT 4 DISCRETIONARY ACCOUNT TO MOBILE PARKS & RECREATION GENERAL FUND TO ASSIST WITH THE PURCHASE OF NEW UTILITY VEHICLE TO SERVICE MIMS PARK ATHLETICS. 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, was called up by the Presiding Officer.

RESOLUTION: 09-443-2023

Sponsored by: Councilmember Reynolds

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$6,100.00 be transferred from the District 4 General Fund, Discretionary Account DSC-04, from General Fund Account 10041020-42080 to the Mobile Parks & Recreation General Fund Account 10042032-44020 and will be used to assist with the purchase of a new utility vehicle to service Mims Park Athletics.

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

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

Nays: None

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

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 meeting of May 2, 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.

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

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The resolution was read by the City Clerk, whereupon Councilmember Small moved to hold the resolution over for one week 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 held over for one week until the regular meeting of May 9, 2023.

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 meeting of May 2, 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 hold the resolution over for one week 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 held over for one week until the regular meeting of May 9, 2023.

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH DELL CONSULTING LLC FOR ELECTRICAL AND LIGHTING IMPROVEMENTS AT SPRINGHILL RECREATION CENTER/HARMON RECREATION CENTER/HILLSDALE COMMUNITY CENTER; \$40,500.00 COMBINED.

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, was called up by the Presiding Officer.

RESOLUTION: 21-465-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll and Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached 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: DELL CONSULTING, LLC

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Project Name: LIGHTING IMPROVEMENTS

Project Name & Number: PR-005-23
SPRINGHILL RECREATION CENTER
C0785 / CIP:2023-P-006 D2 / \$16,500.00

PR-006-23
HARMON RECREATION CENTER
C0786 / CIP:2023-0-008 D2 / \$16,500.00

PR-012-23
HILLSDALE COMMUNITY CENTER
C0793 / CIP:2022-P-013 D7 / \$7,500.00
Amount: \$40,500.00 COMBINED CONTRACT AMOUNT

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

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

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

AUTHORIZE CONTRACT WITH CHRISTIAN PREUS LANDSCAPE ARCHITECTURE P.L.L.C. FOR THE DESIGN OF A NEW RECREATION FACILITY AT STOTTS PARK; \$74,092.00. 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, was called up by the Presiding Officer.

RESOLUTION: 21-466-2023

Sponsored by: Mayor Stimpson and Councilmember Reynolds

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: CHRISTIAN PREUS LANDSCAPE ARCHITECTURE P.L.L.C.

Project Name: STOTTS PARKNEW
RECREATION FACILITY

Project Number: PR-080-22

Amount: \$74,092.00
(C0835-2023-P-010 D4)

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

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

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

RESOLUTIONS HELD OVER

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AUTHORIZE AGREEMENT WITH THE STATE OF ALABAMA FOR THREE MILE CREEK GREENWAY TRAIL SECTION 6N; INCREASE BY \$500,000. 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, 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 hold the resolution over for one week, 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 held over for one week until the regular meeting of May 9, 2023.

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.

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, was called up by the Presiding Officer.

RESOLUTION: 08-468-2023

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8531</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8532</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8533</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8534</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION
<u>8535</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION
<u>8536</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION

<u>8537</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$23,004.50	(279229) PETROLEUM TRADERS CORPORATION
<u>8538</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8539</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8540</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$21,362.64	(279229) PETROLEUM TRADERS CORPORATION
<u>8541</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION
<u>8542</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION
<u>8543</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION
<u>8544</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$20,175.00	(279229) PETROLEUM TRADERS CORPORATION

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:

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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.

APPROVE PURCHASE ORDER TO VULCAN, INC. FOR STREET SIGNS; \$28,369.95.

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, was called up by the Presiding Officer.

RESOLUTION: 08-469-2023

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>6823</u>	2023	(2060) TRAFFIC ENGINEERING	STREET SIGNS FOR TRAFFIC ENGINEERING (SEALED BID 5789)	\$28,369.95	<u>(270972)</u> <u>VULCAN INC</u>

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 PURCHASE ORDER TO TECHNICAL & SCIENTIFIC APPLICATION, INC. FOR HP DESKTOP COMPUTERS AND MONITORS FOR PUBLIC SERVICES DEPT.; \$21,400.00.

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, was called up by the Presiding Officer.

RESOLUTION: 08-470-2023

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>8495</u>	2023	(2570) PUBLIC SERVICES ADMINISTRATION	HP DESKTOP COMPUTERS AND MONITORS FOR PUBLIC SERVICES (AL STATE CONTRACT)	\$21,400.00	<u>(279402) TECHNICAL & SCIENTIFIC APPLICATION, INC</u>

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 PURCHASE ORDER TO WARD INTERNATIONAL TRUCKS, LLC FOR INTERNATIONAL TRUCK CAB AND CHASSIS FOR A SIGN TRUCK FOR TRAFFIC ENGINEERING DEPT.; \$70,507.00. 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, was called up by the Presiding Officer.

RESOLUTION: 08-471-2023

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>7028</u>	2023	(F7000) MOTOR POOL	2023 CV515 INTERNATIONAL TRUCK CAB AND CHASSIS FOR TRAFFIC ENGINEERING SIGN TRUCK (SEALED BID 5793)	\$70,507.00	<u>(232872) WARD INTERNATIONAL TRUCKS LLC</u>

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 PURCHASE ORDER TO NOBLE SUPPLY & LOGISTICS, LLC FOR SMARTRAY VISION PORTABLE X-RAY SYSTEM FOR MPD; \$69,207.38. 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, was called up by the Presiding Officer.

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RESOLUTION: 08-472-2023

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>5822</u>	2023	(1530) POLICE ADMIN SERVICES	SMARTRAY VISION PORTABLE X-RAY SYSTEM FOR MPD SPECIAL OPERATIONS (SEALED BID 5798)	\$69,207.83	<u>(298428) NOBLE SUPPLY & LOGISTICS LLC</u>

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 PURCHASE ORDER TO SANSOM EQUIPMENT CO., INC. FOR REAR LOAD GARBAGE TRUCK; \$197,041.30. 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, was called up by the Presiding Officer.

RESOLUTION: 08-473-2023

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>8459</u>	2023	(F7000) MOTOR POOL	2023 REAR LOAD GARBAGE TRUCK WITH FREIGHTLINER CHASSIS AND NEW WAY COBRA BODY (SEALED BID 5691)	\$197,041.30	<u>(190715) SANSOM EQUIPMENT CO INC</u>

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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APPROVE PURCHASE ORDER TO CARAHSOFT TECHNOLOGY CORP. FOR ANNUAL RENEWAL OF CONCUR TRAVEL MANAGEMENT SOFTWARE; \$17,571.33.

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, was called up by the Presiding Officer.

RESOLUTION: 08-474-2023

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>8620</u>	2023	(2510) ACCOUNTING	ANNUAL RENEWAL OF SAP CONCUR TRAVEL MANAGEMENT SOFTWARE (GSA CONTRACT)	\$17,571.33	<u>(295556)</u> <u>CARAHSOFT</u>

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 PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR ONE-YEAR SUBSCRIPTION FOR NETWORK SECURITY SOFTWARE FOR MIT; \$73,051.01.

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, was called up by the Presiding Officer.

RESOLUTION: 08-475-2023

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>8174</u>	2023	(5000) INFORMATION TECHNOLOGY	ONE-YEAR SUBSCRIPTION FOR NETWORK SECURITY SOFTWARE FOR MIT (AL STATE CONTRACT)	\$73,051.01	<u>(272932)</u> <u>CDW</u> <u>GOVERNMENT</u> <u>LLC</u>

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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 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 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 meeting of May 2, 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)

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to hold the resolution over for one week, 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 held over for one week until the regular meeting of May 9, 2023.

AUTHORIZE FOR CITY-WIDE TREE MAINTENANCE AND REMOVAL SERVICES; NTE \$75,000.00 PER YEAR. 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, was called up by the Presiding Officer.

RESOLUTION: 21-477-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the Chris Francis Tree Care, LLC, to provide city-wide tree maintenance and removal services, for one year, renewable annually without further approval required by Council, for up to a total

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of three years, in an amount not to exceed \$750,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

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

AUTHORIZE CONTRACT WITH MOTT MACDONALD ALABAMA, LLC FOR ENGINEERING AND DESIGN SERVICES AT THE MOBILE CIVIC CENTER; \$149,040.00. 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, was called up by the Presiding Officer.

RESOLUTION: 21-478-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: MOTT MacDONALD ALABAMA, LLC

Project Name: MOBILE CIVIC CENTER
MASTER PLAN IMPROVEMENTS

Project Number: CC-034-22

Amount: \$149,040.00

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

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

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

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, 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,

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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 hold the resolution over for one week, 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 held over for one week until the regular meeting of May 9, 2023.

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 03-485 through 60-516 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

RE-APPOINT RICHARD MEADOWS TO THE ELECTRICAL EXAMINERS BOARD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 03-485-2023

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Richard Meadows is re-appointed to the Electrical Examiners Board effective immediately for a term ending May 2, 2025.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

RE-APPOINT STEPHEN MCNAIR TO THE HISTORY MUSEUM OF MOBILE BOARD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 03-486-2023

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Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Stephen McNair (D5) is re-appointed to the History Museum of Mobile Board effective immediately for a term ending May 2, 2026.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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 JASON CAIN TO THE INDUSTRIAL DEVELOPMENT BOARD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 03-487-2023

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Jason Crain is hereby appointed to the Industrial Development Board effective May 2, 2023, for a term ending as follows:

	<u>TERM ENDING</u>
Jason Crain	November 11, 2028

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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 DISTRICT 1 DISCRETIONARY ACCOUNT TO PARKS & RECREATION DEPARTMENT TRAVEL ACCOUNT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 09-488-2023

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$2,419.28 be transferred from the District 1 General Fund, Discretionary Account DSC-01, from General Fund Account 10041020-42080 to the Mobile Parks & Recreation General Travel Account 10042034-45070 and will be used to assist with the Bush Park Youth Basketball State Championship Tournament.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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

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

TRANSFER FUNDS FROM DISTRICT 2 DISCRETIONARY ACCOUNT PARKS & RECREATIONS TRAVEL ACCOUNT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 09-489-2023

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$2,418.96 be transferred from the District 2 General Fund, Discretionary Account DSC-02, from General Fund Account 10041020-42200 to the Mobile Parks & Recreations Travel Account 10042034-45070 and will be used to assist with the Texas Street Youth Basketball State Championship Tournament.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LIQUOR LICENSE TO BOTTLES UP MOBILE (FRIDAY NIGHT LIVE); MARDI GRAS PARK. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-490-2023

Sponsored by: Councilmember Carroll

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

Type of application: Special Events Retail Liquor License

Submitted by: Bottles Up Mobile, Inc.

Location: Friday Night Live
104 S. Royal Street (Mardi Gras Park)
Mobile, AL 36602

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LIQUOR LICENSE TO BOTTLES UP MOBILE (SIP N PAINT); MARDI GRAS PARK. The following resolution was introduced by Councilmember Reynolds.

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RESOLUTION: 37-491-2023

Sponsored by: Councilmember Carroll

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

Type of application: Special Events Retail Liquor License

Submitted by: Bottles Up Mobile, Inc.

Location: Sip N Paint
104 S. Royal Street (Mardi Gras Park)
Mobile, AL 36602

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

DECLARE THE STRUCTURE AT 356 BURTON AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-492-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 356 BURTON AVENUE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **356 BURTON AVENUE** described as:

BEG AT A PT 39 FT S OF NW COR OF LOT 6 BLK F OF NEESE ADDN TO CRICHTON MBK 4 NS PG 168 TH CONT ALG W/L OF LOT 6 & E/S OF BURTON AVE 56 FT M/L TO S/L OF LOT 6 & N BDRY OF THE DRAIN CANAL TH NELY ALG SD DRAIN CANAL 139.7 FT M/L TO E/L OF SD LOT 6 TH NLY ALG E/L OF LOT 6 35 FT TH SWLY 142 FT M/L TO THE W/ROW OF BURTON AVE AND THE POB #SEC 18 T4S R1W #MP29 08 18 1 001

Parcel Number: 29 08 18 1 001 068.003

Last Assessed to: CHAPMAN MICHELLE S

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

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

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

DECLARE THE STRUCTURE AT 611 MCDONOUGH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-493-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 611 MCDONOUGH STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **611 MCDONOUGH STREET** described as:

LOT41 MCDONOUGH SUBDIV DBK156 P 495 GRT SEC 44 T4S R1W #SEC 44 T4S R1W #MP29 02 44 0 015

Parcel Number: 29 02 44 0 015 329

Last Assessed to: PARKER BIRDIE LEE C/O JANICE HOLLINGS

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

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the

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publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

DECLARE THE STRUCTURE AT 1056 GHENT STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-494-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 6, 2017, the accessory structure at 1056 GHENT STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance:

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 5, 6, 7, and 8; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1056 GHENT STREET described as:**

LOT 7 BLK 6 TOULMIN TRT DBK 112 N S P 175 #SEC 28 T4S R1W #MP29 10 28 4 001

Parcel Number: 29 10 28 4 001 087

Last Assessed to: HENDERSON EARL III

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

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

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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

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

DECLARE THE STRUCTURE AT 1950 SABBATH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-495-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1950 SABBATH STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1950 SABBATH STREET** described as:

E 75 FT OF S 40 FT OF LOT 8 & E 75 FT OF N 10 FT OF LOT 9 BLK 2 FULTON HOMES DBK 156 N.S. P 426-427 #SEC 28 T4S R1W #MP29 10 28 3 002

Parcel Number: 29 10 28 3 002 095

Last Assessed to: DUMAS MARION C

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

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

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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.

DECLARE THE STRUCTURE AT 1703 WEXFORD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-496-2023

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Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1703 WEXFORD STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1703 WEXFORD STREET described as:**

LOT 4 SQR 23 TOULMIN TRACT DBK 112/175 #SEC 28 T4S R1W #MP29 10 28 4 002

Parcel Number: 29 10 28 4 002 090

Last Assessed to: ROWSER WILUE LEE

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

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

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

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

Nays: None

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

ASSESS COSTS FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1634. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 58-497-2023

RESOLUTION ASSESSING THE COST OF REMOVAL OF NOXIOUS OR DANGEROUS WEEDS IN FRONT OF OR ON CERTAIN PARCELS OF LAND IN THE CITY OF MOBILE, ALABAMA.

WHEREAS, an Itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be

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confirmed.

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF MOBILE as follows:

Section 1. The amount set opposite each described parcel of real property contained in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as **Repeat Weed Lien Group 1634** shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount-set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

Section 2. it is directed that a copy of this resolution be delivered to the Tax Collector of the City of Mobile, and it shall be his duty to add the amounts of the above respective assessments to the next regular bills for ad valorem taxes levied against the said respective lots and parcels of land for municipal purposes, and such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedure on foreclosure and sale as in the case of delinquency as provided for ordinary ad valorem taxes.

WEED LIEN						
1634						Res. No.
10/4/2022	LOTS TO BE DECLARED					58-870
11/8/2022	LOTS FOR PUBLIC HEARING					58-983
5/2/20223	LOTS TO BE ASSESSED FOR COST					58-
				Amount	Dis	N/A
No.	Address	SRO No.	CASE #	Assessed		CBO
1	1202 Bernice Hudson Dr	28741	21533	\$ 307.00	3	
2	1512 Dominick St	28302	21534	\$ 50.00	2	CBO
3	902 Gulf Terra Dr W	29239	21535	\$ 182.00	3	
4	711 Euclid Ave	29295	21536	\$ 50.00	5	CBO
5	1051 Choctaw St	29262	21537	\$ -	3	CBD
6	2558 Hillcrest Rd	29482	21538	\$ 50.00	6	CBO
7	0 Schwarz St/James Finley Dr	26950	21552	347.44	1	
	Par. No. (29 07 42 0 001 544.XXX)					
8	1159 Rotterdam St	28816	21539	\$ 50.00	2	CBO
9	4044 Marchfield Dr N	29326	21540	\$ 204.21	4	
10	515 Wisconsin Ave	28707	21541	\$ 280.00	2	
11	0 University Blvd N	21280	21542	\$ 867.29	7	
	Par. No. (28 02 10 1 003 028.005)					
12	0 Wealthy/Wellington St	19649	21543	\$ 659.60	1	
	Par. No. (29 02 44 0 008 416.XXX)					
13	0 Cody Rd	18800	21544	\$ 210.00	7	
	Par. No. (28 04 18 1 002 068.XXX)					
14	5327 Halls Mill Rd	11850	21545	\$ 50.00	4	CBO
15	4060 Moffett Rd	28203	21546	\$ 50.00	1	CBO
16	0 Cassidy St	19834	21547	\$ -	2	CBD
	Par. No. (29 02 44 0 030 350.XXX)					
17	3607 Heritage Dr N	28997	21548	\$ 210.00	5	
18	624 Mohawk St	28990	21549	\$ 50.00	5	CBO
19	730 Bankhead Place A	19337	21550	\$ 295.86	5	
20	808 Baltimore St	21523	21551	\$ 224.00	3	
				\$ 4,137.40		
District total for this group		Numbers of lots cut				
1	3	1	2			
2	4	2	1			
3	4	3	3			
4	2	4	1			
5	4	5	2			
6	1	6	0			
7	2	7	2			
	20		11			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector						

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The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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 MAIN STREET MOBILE, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-498-2023

Sponsored by: Councilmember Carroll

WHEREAS, Former Councilmember Levon Manzie previously donated **\$3,000.00** to Main Street Mobile, Inc. from his discretionary funds in April 2019; and

WHEREAS, these funds were originally to be utilized to purchase property adjacent to the Isom Clemon Civil Rights Memorial Park at the corner of Congress Street and Dr. Martin Luther King, Jr. Avenue; and

WHEREAS, the intended purchase of the land acquisition was subsequently rejected following distribution to Main Street Mobile; and

WHEREAS, these funds have now been requested to be used to support the placement of a sculpture in the Isom Clemon Park.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that this donation to Main Street Mobile, Inc. serves a public purpose and further approves and directs the payment of same.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds 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 OF E.R. DICKSON ELEMENTARY SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-499-2023

Sponsored by: Councilmember Daves

WHEREAS, Councilmember Daves wishes to appropriate **\$3,000.00** to E.R. Dickson Elementary School, from his discretionary funds; and

WHEREAS, E.R. Dickson Elementary School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

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

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WHEREAS, the Mobile City Council determines that this appropriation to E.R. Dickson Elementary School will be used to assist students in need of uniforms, 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 E.R. Dickson Elementary School 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 Reynolds 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 VILLAGE OF SPRING HILL, INC. SERVCS A PUBLIC PUPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-500-2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$8,500.00** to The Village of Spring Hill, from her discretionary funds; and

WHEREAS, The Village of Spring Hill, 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 Village of Spring Hill, will be used to assist with maintenance work in District 7 for the following: maintenance for pocket park, power substation and clock planter; maintenance on N. McGregor Avenue around the roundabout and center bed; cutting grass in the City Right of Way around the roundabout; yearly maintenance for the Village of Spring Hill St. trees on City Right of Way; maintenance for the Spring Hill Fire Station and community amenities in the area, 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 **\$8,500.00** to The Village of Spring Hill, 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 Reynolds 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

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

DETERMINE AN APPROPRIATION TO 100 BLACK MEN OF GREATER MOBILE, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-501-2023

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Sandy Stimpson wishes to appropriate **\$2,500.00** to 100 Black Men of Greater Mobile, Inc., from his discretionary funds; and

WHEREAS, 100 Black Men of Greater Mobile, 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 100 Black Men of Greater Mobile, Inc., will be used to assist with the 22nd Annual Gala on Thursday, June 1, 2023 at the Mobile Convention Center, 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 **\$2,500.00** to 100 Black Men of Greater Mobile, 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 Reynolds 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 COMPASSION IN ACTION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-502-2023

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Sandy Stimpson wishes to appropriate **\$5,000.00** to Compassion In Action, Inc., from his discretionary funds; and

WHEREAS, Compassion In Action, 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

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WHEREAS, the Mobile City Council determines that this appropriation to Compassion In Action, Inc., will be used in support of Compassion In Action, Inc's purchase of a crew cab pickup truck, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to Compassion In Action, 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 Reynolds 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 MIMS PARK ATHLETICS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-516-2023

Sponsored by: Councilmember Reynolds

WHEREAS, Councilmember Reynolds wishes to appropriate **\$6,100.00** to Mims Park Athletics, from his discretionary funds; and

WHEREAS, Mims Park Athletics, 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 Mims Park Athletics, will be used to assist with the purchasing of a new utility vehicle (UTV) to service the 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 **\$6,100.00** to Mims Park Athletics, 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 Reynolds 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.

CIP RESOLUTIONS BEING INTRODUCED

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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 was held over until the regular meeting of May 9, 2023.

RESOLUTION: 21-503-2023

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

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

RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO CARRIER CORPORATION FOR CHILLER FOR BEN MAY LIBRARY; \$175,740.00. The following resolution was held over until the regular meeting of May 9, 2023.

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:

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	<u>(297060)</u> <u>CARRIER</u> <u>CORPORATION</u>

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APPROVE PURCHASE ORDER TO CARAHSOFT TECHONOLGY CORP. FOR ANNUAL SUBSCRIPTION FOR MICROSOFT 365 CLOUD BACKUP SOFTWARE; \$30,412.80. The following resolution was held over until the regular meeting of May 9, 2023.

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>

APPROVE PURCHASE ORDER TO LEADSONLINE, LLC FOR ANNUALSUBSCRIPTION RENEWAL FOR CRIME INVESTIGATION SOFTWARE; \$31,133.00. The following resolution was held over until the regular meeting of May 9, 2023.

RESOLUTION: 08-506-2023

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

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR SUBSCRIPTION RENEWAL FOR MALWAREBYTES PROTECTION SOFTWARE; \$23,333.01. The following resolution was held over until the regular meeting of May 9, 2023.

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:

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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	<u>(272932) CDW GOVERNMENT LLC</u>

APPROVE PURCHASE ORDER TO MIKE HOFFMAN EQUIPMENT SERVICES, INC. FOR RENTAL OF GAS TANK FOR MUNICIPAL GARAGE; \$29,600.00. The following resolution was held over until the regular meeting of May 9, 2023.

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>

ACCEPT EASEMENT FROM THE MOBILE HOUSING AUTHORITY TO CONSTRUCT THE TRAIL AND TRAILHEAD FOR THE THREE MILE CREEK GREENWAY TRAIL. The following resolution was held over until the regular meeting of May 9, 2023.

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.

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 was held over until the regular meeting of May 9, 2023.

RESOLUTION: 31-510-2023

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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.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BURRELL.

The following resolution was held over until the regular meeting of May 9, 2023.

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.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; EDWARDS.

The following resolution was held over until the regular meeting of May 9, 2023.

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.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; T. JAMES.

The following resolution was held over until the regular meeting of May 9, 2023.

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.

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 (KINGS BRANCH AREA). The following resolution was held over until the regular meeting of May 9, 2023.

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

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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 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,

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RANGE 2 WEST; SAID POINT BEING SITUATED ON THE EXISTING MOBILE CITY 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.

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 was held over until the regular meeting of May 9, 2023.

RESOLUTION: 02-518-2023

Sponsored by: Mayor Stimpson

MINUTES OF MAY 2, 2023

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, 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

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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.

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

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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.

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 (COTTAGE HILL CORRIDOR AREA). The following resolution was held over until the regular meeting of May 9, 2023.

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.

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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 1, 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, 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 R/W) 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°43'0" 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 01°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

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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 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

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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 1, 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 1, DIX 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 99, 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 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°58'10" 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

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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, 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;

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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 OR LESS, 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°31' 46" 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,

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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 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.

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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.

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 was held over until the regular meeting of May 9, 2023.

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,

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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 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

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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 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,

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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 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 LINE OF AIRPORT BOULEVARD; THENCE RUN NORTHWARDLY, 80 FEET,

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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 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 1, 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-R3W; 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

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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 COURTS, 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 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).

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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.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 650 MICHIGAN AVENUE FROM R-1, R-3, AND I-1 (SCHEDULED FOR MAY 30, 2023) (DISTRICT 2).

The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 41-514-2023

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

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Notice of Public Hearing for the Proposed Rezoning of Property Located at 650 Michigan Avenue (Southwest corner of Michigan Avenue and Tennessee Street, extending to the northwest corner of Michigan Avenue and Douglas Street)

Pursuant to Resolution of the Mobile, Alabama City Council adopted May 2, 2023, a public hearing will be held on the 24TH day of June, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 650 Michigan Avenue (southwest corner of Michigan Avenue and Tennessee Street, extending to the northwest corner of Michigan Avenue and Douglas Street) from R-1, Single-Family Residential District, R-3, Multiple-Family Residential District, and I-1, Light Industry District, to I-I Light Industry District/

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

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

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

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

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 4 SOUTH, RANGE 1 WEST, MOBILE COUNTY, ALABAMA (NO MONUMENT, FOUND); THENCE RUN WESTWARDLY A DISTANCE OF 50.00 FEET TO A POINT (A CONCRETE MARKER, FOUND (ALABAMA POWER COMPANY); THENCE RUN SOUTH 89 DEGREES 43 MINUTES 01 SECONDS WEST A DISTANCE OF 189.85 FEET TO THE POINT OF BEGINNING (A CONCRETE MARKER, FOUND (ALABAMA POWER COMPANY); THENCE RUN NORTH 11 DEGREES 05 MINUTES 16 SECONDS WEST A DISTANCE OF 470.76 FEET (ALONG PROPERTY OWNED BY THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN SOUTH 81 DEGREES 49 MINUTES 41 SECONDS EAST A DISTANCE OF 207.58 FEET (ALONG THE SOUTH RIGHT OF WAY LINE OF ILLINOIS CENTRAL GULF RAILROAD) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN NORTH 21 DEGREES 36 MINUTES 35 SECONDS WEST A DISTANCE OF 14.54 FEET (ALONG THE SOUTH RIGHT OF WAY LINE OF ILLINOIS CENTRAL GULF RAILROAD) TO A POINT (A 1" REBAR, FOUND); THENCE RUN SOUTH 81 DEGREES 40 MINUTES 14 SECONDS EAST A DISTANCE OF 795.70 FEET (ALONG THE SOUTH RIGHT OF WAY LINE OF ILLINOIS CENTRAL GULF RAILROAD) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN SOUTH 11 DEGREES 37 MINUTES 10 SECONDS WEST A DISTANCE OF 1238.53 FEET (ALONG THE WEST RIGHT OF WAY LINE OF MICHIGAN AVENUE) TO A POINT (A 6" X 6" CONCRETE MARKER, FOUND); THENCE RUN SOUTH 89 DEGREES 52 MINUTES 39 SECONDS WEST A DISTANCE OF 394.83 FEET (ALONG THE NORTH LINE OF CLOVER LEAF PARK ADDITION MAP BOOK 4 PAGE 6) TO A POINT (A 1" CRIMP IRON PIPE, FOUND); THENCE RUN SOUTH 89 DEGREES 52 MINUTES 39 SECONDS WEST A DISTANCE OF 25.00 FEET TO A POINT (A 1/2" REBAR CAP SET, CRENSHAW); THENCE RUN SOUTH 90 DEGREES 27 MINUTES 53 SECONDS EAST A DISTANCE OF 119.98 FEET TO A POINT (A 1/2" REBAR CAP, SET); THENCE RUN NORTH 89 DEGREES 57 MINUTES 42 SECONDS EAST A DISTANCE OF 225.61 FEET (ALONG THE NORTH RIGHT OF WAY LINE OF GAYNOR STREET) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN NORTH 00 DEGREES 14 MINUTES 04 SECONDS WEST A DISTANCE OF 495.48 FEET (ALONG PROPERTY OWNED BY THE CITY OF MOBILE) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN NORTH 00

MINUTES OF MAY 2, 2023

DEGREES 18 MINUTES 37 SECONDS EAST A DISTANCE OF 12.50 FEET (ALONG PROPERTY OWNED BY THE CITY OF MOBILE) TO A POINT (A CONCRETE MARKER, FOUND ALABAMA POWER COMPANY); THENCE RUN NORTH 00 DEGREES 07 MINUTES 00 SECONDS WEST A DISTANCE OF 495.19 FEET TO THE POINT OF BEGINNING. SAID DESCRIPTION ENCLOSURES 23.90 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-1, Single-Family Residential District, R-3, Multiple-Family Residential District, and I-I, Light Industry District to I-I, Light Industry District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in I-I, Light Industry District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-I, Light Industry District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) full compliance with all municipal codes and ordinances.

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

Councilmember Reynolds moved to call for the public hearing, 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 set the date for the public hearing as May 30, 2023.

CALL FOR PUBLIC HEARING TO CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO AFRICATOWN FREEDOM TOURS, LLC TO OPERATE A BUS SERVICE (SCHEDULED FOR MAY 16, 2023). The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 41-515-2023

NOTICE OF HEARING ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Africatown Freedom Tours, LLC to operate a bus service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza, located at 205 Government Street, Mobile, Alabama, on May 16, 2023, at 10:30 a.m. At such time and place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

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

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

MINUTES OF MAY 2, 2023

Councilmember Reynolds moved to call for the public hearing, 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 set the date for the public hearing as May 16, 2023.

ANNOUNCEMENTS

Councilmember Carroll said that a meeting will be held on May 4, 2023, to discuss the Mobile Historic District Commission ordinance at All Saints Episcopal Church at 6:00 p.m.

Councilmember Reynolds stated that a Rules Committee meeting about the Mobile Historic District Commission ordinance will be held today in the pre-council room at 1:00 p.m.

Councilmember Penn said that he enjoyed family time with the residents of District 1 at the Toulminville Branch Library this past weekend.

Councilmember Penn shared that he enjoyed answering students' questions about city government at Dodge Elementary School.

Councilmember Gregory stated that she had a great time last Friday at the Mobile Alumni Chapter of the Kappa Alpha Psi Fraternity's annual Joe Smith Senior Memorial Scholarship Golf Tournament fundraiser event.

Councilmember Gregory announced that a neighborhood meeting for the LeBaron Woods residents will be held on May 18, 2023, to discuss a proposed subdivision behind their neighborhood at the Moffett Road Baptist Church at 6:00 p.m.

Councilmember Small encouraged citizens to meet at Duval Street Park on May 5, 2023, for a "Maysville Community Neighborhood Cleanup Day" from 8:00 a.m. to 10:30 a.m.

NOTE: Councilmember Carroll asked that the City Clerk submit the following annexation resolutions for publication as soon as possible: 02-517, 02-518, 02-519, and 02-520.

Councilmember Reynolds moved to adjourn the meeting, which move 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 regular meeting adjourn at approximately 12:20 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK