

MUNICIPAL BUILDING, MOBILE, ALABAMA, OCTOBER 30, 2018

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, October 30, 2018, at 9:00 a.m.

Present:

Chairman: Lisa C. Lambert

Councilmembers: Richardson, Small, Williams, Daves, Rich and Gregory

Absent: Manzie

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. on Tuesday, October 30, 2018.

The Presiding Officer adjourned the meeting.

Approved: November 6, 2018

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, OCTOBER 30, 2018

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, October 30, 2018, at 10:30 a.m., in regular meeting.

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

Dr. Julius Bryant, Sweet Pilgrim Baptist Church, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Council Vice President Manzie asked everyone to remain standing for a moment of silence in memoriam of those killed at the Pittsburgh, PA synagogue.

Present on Roll Call:

Chairman: Manzie

Councilmembers: Richardson, Small, Daves, Rich and Gregory

Absent: Williams

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer stated that all cell phones must be turned off and that there will be no hats, hoods, sunglasses or large bags permitted in the meeting room.

1) Any person desiring to address the Council must register upon entering the meeting area. When addressing the Council, the speaker must state his/her name and address.

2) Each speaker is allowed five minutes to address the Council. A bell will sound to indicate the end of 4 minutes. One minute is allowed for summarizing. The second bell indicates the time has expired.

3) To maintain decorum, there will be no undue applause and/or public outcry allowed.

4) When addressing the Council, there is to be no personal address to any individual Councilmember. All statements are to be made to the Chair who will recognize any Councilmember who wishes to respond.

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5) Any person desiring to speak to the Council on a non-agenda item must contact the City Clerk's Office no later than 2:00 p.m. on the Thursday prior to the Council Meeting. The subject he/she wishes to address must be identified. Any person attending the meeting who has not given proper notice to the Clerk's Office and wishes to speak on a non-agenda item will not be allowed to address the Council.

6) Those persons desiring to speak on agenda items must indicate the resolution, ordinance, appeal, or public hearing item on arrival when signing in for the meeting.

APPROVAL OF MINUTES:

The minutes of the meetings of October 23, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Frank Harkins, Goodwill Easter Seals, 2448 Gordon Smith Drive, presented the Council with the official 25th Christmas on the Gulf Coast ornament.

Angie Jordan, Muscular Dystrophy Association, presented a plaque to the Mobile Fire Rescue Department in appreciation for their participation in the Fill the Boot program.

PRESENTATIONS BY THE COUNCIL:

Councilmember Manzie presented a proclamation and key to the city to Chief Master Sergeant Gloria Green.

Councilmember Williams introduced students from the Tillman's Corner Area Learning Leadership (T.A.L.L.) program.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS:

The Council considered the request of Laqueena Wright, Loving Thou Neighbor as You Love Yourself, for a waiver of the Noise Ordinance at 2204 Halls Mill Road on November 17, 2018, from 11:00 a.m. until 3:00 p.m. (District 5).

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

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

Nays: None

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

PUBLIC HEARINGS:

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 2060 CLINTON STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

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The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 2060 Clinton Street is 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 at a later date.

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 2062 CLINTON STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 2062 Clinton Street is 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 at a later date.

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 653 CRAWFORD LANE IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 653 Crawford Lane is 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 at a later date.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. Reggie Hill, 1007 Center Street, offered his opinions related to Resolution 60-775.

NON-AGENDA ITEMS:

1. Wesley Young, 3058 Jane Street, provided an explanation for Public Works employees' attendance at the October 9, 2018 Council meeting.
2. Michael Brown, 5185 West Santos Drive, informed the Council of his experiences while employed in the Public Works department.
3. Randall Wheeler, 3308 Dauphin Island Parkway, Suite C, invited the Council to participate in the Badges Building Badges event.

CIP RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH GORAM AIR CONDITIONING COMPANY, INC., FOR THE DEARBORN YMCA CHILLER REPLACEMENT, \$295,870.00 (2018 CIP #2017-149 & G-CPD3246). The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-749-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: GORAM AIR CONDITIONING COMPANY, INC.

Project name: DEARBORN YMCA - CHILLER REPLACEMENT

Project number: MP-128-18

Amount: \$ 80,000.00 (2018 CIP #2017-149)
+ \$215,870.00 (G-CPD3246)
\$295,870.00

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

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

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

RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH GAILLARD BUILDERS, INC. FOR THE MOBILE PUBLIC LIBRARY ADMINISTRATION BUILDING-EXTERIOR REPAIRS, \$179,826.00.
The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-750-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, 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: Gaillard Builders, Inc.

Project name: Mobile Public Library Administration Building – Exterior Repairs

Project number: LI-159-17

Amount: \$179,826.00

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

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

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

AUTHORIZE CONTRACT WITH GORAM AIR CONDITIONING COMPANY, INC., FOR HVAC REPLACEMENT, PHASE II-MOBILE ALABAMA CRUISE TERMINAL, \$176,900.00. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-751-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on the 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: Goram Air Conditioning Company, Inc.

Project name: Mobile, Alabama Cruise Terminal-HVAC Replacement
Phase II

Project number: CT-079-18

Amount: \$176,900.00

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

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

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

APPROVE CONTRACT WITH BLUE CROSS AND BLUE SHIELD OF ALABAMA FOR 2019 ADMIN FEES. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-752-2018

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 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 Blue Cross and Blue Shield of Alabama for Administrative Services for the purposes stating the fees for third party administration of the City of Mobile Health and Dental Plan and Flexible Spending Accounts as outlined in the Enrollment Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Enrollment Agreement is on file in the office of the City Clerk.

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

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

Nays: None

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

APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MICHAEL DORIE, D/B/A WILD NATIVE, INC., TO OPERATE A BOAT CHARTER SERVICE. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 37-753-2018

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, pursuant to the provisions of Ordinance #59-073, 2005, that the application of Michael Dorie d/b/a Wild Native, Inc., for a Certificate of Public Convenience and Necessity to operate a boat charter service is hereby approved. A copy of said application is on file in the office of the City Clerk.

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

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

Nays: None

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

APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CURTIS W. CARKUM, III, D/B/A A & C NET, LLP, TO OPERATE A SHUTTLE SERVICE. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 37-754-2018

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, pursuant to the provisions of Ordinance #59-073, 2005, that the application of Curtis W. Carkum, III d/b/a A & C Net, LLP, for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

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

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

Nays: None

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

APPROVE \$1,000 AWARD TO WANDA BONHAM FOR EMPLOYEE SUGGESTION 4-2018. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 23, 2018 and held over for one (1) week until the regular meeting of October 30, 2018, was called up by the Presiding Officer.

RESOLUTION: 60-755-2018

Sponsored by: Mayor Stimpson

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor recommends to the City Council that it authorize awards, pursuant to section 11-40-22 code of Alabama 1975, of \$1,000.00 for the approved suggestion under the City of Mobile Employee Suggestion Program, HR Policy-003.1-95.

This employee is to be commended for the suggestion which will result in beneficial cost savings to the City of Mobile.

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

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

Nays: None

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

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

Councilmember Richardson moved for the suspension of the rules to consider Consent Resolutions 40-759 – 60-768 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

DECLARE THE STRUCTURE AT 2060 CLINTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-759-2018

Sponsored by: Councilmember Richardson

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 2060 Clinton 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, 7,6,14 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 2060 Clinton Street as:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 13 BLOCK B TOULMIMVILLE EXTENSION MBK 3 PAGE 701 THEN RUN SOUTHWESTERLY ALONG THE NORTH LINE OF CUNTON STREET 50 FTS) TO THE POINT OF BEGINNING. CONTINUE SOUTHWESTERLY 40 FT THEN RUN NORTHERLY 202.16

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FT THEN NORTH 100.72 FT THEN SOUTHERLY 195.39 FT THEN CONTINUE SOUTHERLY 100 FT TO THE POINT OF BEGINNING.

Parcel number: 29 02 44 0 024 255.007

Last assessed to: FOX ANNIE D

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 Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

DECLARE THE STRUCTURE AT 2062 CLINTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-760-2018

Sponsored by: Councilmember Richardson

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 2062 Clinton 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, 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 2062 Clinton Street as:

A PT OF LOTS 12 & 15 BIK B TOULMINVILLE EXT MBK 3 PGS 701-702 COMM AT THE EXIST WW COR OF WELLWORTH & CLINTON STS & RUN ALG EXIST N ROW/L OF CLINTON ST ON BEARINGS & PIS OF S 51 PEG 46 MIN SO SEC W 120.86 FT S 65 DEG 30 MIN W 52.92 FT S 67 DEG 25 MIN 30 SEC W FOR 133.16 FT TO THE POB TH CONT S 67 DEG 25 MIN W FOR 50 FTTH RUN 23 DEG 26 MIN 30 SEC W FOR 115.77 FT TH RUM W 03 DEG 46 MIN 30 SEC E ALG THE E ROW/L OF THE E TOULMIWVILIE DRAINAGE FOR 96.20 FT TH RUN S 25 DEG 08 MIN 30 SEC E FOR 202, 16 FT TO THE POB & CONTG 0.1744 ACS M/I #SEC 44 T4S RIW #MP29 02 44 Q 024

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Parcel number: 29 02 44 0 024 255.009

Last assessed to: BARNES LEBARON

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 Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

DECLARE THE STRUCTURE AT 653 CRAWFORD LANE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 40-761-2018

Sponsored by: Councilmember Manzie

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 653 Crawford Lane 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. 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 653 Crawford Lane Street as:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 29 CRAWFORD PLACE MBK 14/5 THEN RUN NORTHEAST 130 FT(S) ALONG THE NORTH ROW OF CRAWFORD IN TO THE FOB. THEN RUN NORTH 542 FT. THEN RUN EAST 34 FT. THEN RUN SOUTH 280 FT(S) THEN RUN EAST 17 FT. THEN RUN SOUTH 330 FT(S) TO THE NORTH ROW OF CRAWFORD IN THEN RUN SOUTHWEST 50 FTISI TO THE FOB.

Parcel number: 29 02 44 0 022 008.001

Last assessed to: ROCKER, RANDAL MAURICE, JR.

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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 Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

DECLARE WEEDS NOXIOUS, GROUP 1585. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 58-762-2018

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1585 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza 205 Government Street, Mobile, Alabama, on the 4th day of December, 2018, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel

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of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

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

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

Nays: None

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

AUTHORIZE REMOVAL OF WEEDS, GROUP #1582. The following resolution was introduced by Councilmember Richardson.

A RESOLUTION DETERMINING WHAT OBJECTIONS SHALL BE ALLOWED AND WHAT OBJECTIONS SHALL BE OVERRULED TO THE REMOVAL OF NOXIOUS OR DANGEROUS WEEDS ON OR IN FRONT OF CERTAIN PARCELS OF LAND.

WHEREAS, notice has been duly given and posted at least five days prior to the date of this resolution in the manner provided by law offering full opportunity to all interested parties to object to the removal of noxious or dangerous weeds on the hereinafter described parcels of land, and the City Council of Mobile having held such public hearing in connection with the notices given and no objections having been filed or made by any of the interested parties; and

WHEREAS, Parcels Nos. 1 through 23 described in the resolution adopted on the 25th day of September, 2018, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

SECTION 1. It is hereby ascertained and determined that the dangerous and noxious weeds growing on the hereinafter described parcels of real property are public nuisances, and it is hereby ordered and directed that the employees of the City of Mobile assigned to that work promptly remove the weeds on such parcels of property:

PARCELS OR PIECES OF PROPERTY ON WHICH NOXIOUS OR DANGEROUS WEEDS ARE TO BE REMOVED:

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 23, as described in the resolution adopted on the 25th day of September, 2018, and entitled: 'A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.'

(Lot Cleaning Liens, Group No. 1582, on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on

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each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

WEED LIEN					
GROUP 1585					Res. No.
10/30/2018	LOTS TO BE DECLARED				58-
12/4/2018	LOTS FOR PUBLIC HEARING				58-
//2018	LOTS TO BE ASSESSED FOR COST				58-
No.	Address	SRO No.	Amount Assessed	Dis	N/A CBO
1	1621 Levene Rd	894931		3	
2	1306 Olive St	894932		3	
3	1504 Terrell Rd	894934		3	
4	2227 Cassie Ln	894938		3	
5	1919 St Stephens Rd	894940		1	
6	2506 Pineway Dr	894944		4	
7	2972 Northwest Dr	894946		1	
8	1577 Polk St	894948		3	
9	2710 Ralston Rd	894949		5	
10	1155 Cottrell St	889326		3	
11	1153 Cottrell St	894951		3	
12	1152 ½ Arlington St	890816		3	
13	1106 Arlington St	894955		3	
14	1257 Bernice Hudson Dr/1255 Easton St	894956		3	
15	1151 Cottrell St	894958		3	
16	1853 Toulmin Ave	895694		1	
17	1454 Butler St	895696		1	
18	1948 Bay Bridge Rd	895697		2	
19	483 Chin St	895699		2	
20	459 Chin St	895700		2	
21	461 Chin St	895702		2	
22	1802 Dr Martin Luther King Jr Ave	895703		2	
23	811 Kentucky St	897478		3	
Total			\$ -		
District total for this group		Numbers of lots cut			
1	4		1		
2	5		2		
3	12		3		
4	1		4		
5	1		5		
6	0		6		
7	0		7		
	23		0		
*ADD Added in from other Groups					
*CBO Cut By Owner					
*N/A Taken out by Inspector					

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

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

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO THE RIVIERE DU CHIEN ESTATES PROPERTY OWNERS ASSOCIATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 60-764-2018

Sponsored by: Councilmember Williams

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RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS. Councilmember Williams wishes to donate \$3,600.00 to the Riviere Du Chien Estates Property Owners Association from his discretionary funds] and

WHEREAS, the Riviere Du Chien Estates Property Owners Association 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 payment of certain expenses is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this contribution to the Riviere Du Chien Estates Property Owners Association will be used for improving our neighborhood by cleaning out our curbs, gutters and re-painting numbers on the curbs throughout the neighborhood and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that a donation to the Riviere Du Chien Estates Property Owners Association serves a public purpose and further approves and directs the payment of same.

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

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

Nays: None

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO THE QUILTS OF VALOR SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.

The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 60-765-2018

Sponsored by: Councilmember Rich

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS. Councilmember Rich wishes to donate \$1,250.00 to the Quilts of Valor from her discretionary funds, and

WHEREAS, the Quilts of Valor 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 payment of certain expenses is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this contribution to the Quilts of Valor will be used to buy supplies to award our wounded veterans with a handmade quilt to thank them for their service to our country and thus serves a public purpose.

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

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

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

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO HISTORIC MOBILE PRESERVATION SOCIETY SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 60-766-2018

Sponsored by: Councilmembers Williams and Rich

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS, Councilmember Williams wishes to donate \$2,000.00 and Councilmember Rich wishes to donate \$2,500.00 (Total of \$4,500.00) to the Historic Mobile Preservation Society from his/her discretionary funds, and

WHEREAS, the Historic Mobile Preservation Society 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 payment of certain expenses is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this contribution to the Historic Mobile Preservation Society will be used to support the operation of the Historic Oakleigh House Museum and thus serves a public purpose.

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

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

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

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO MOBILE UNITED SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 60-767-2018

Sponsored by: Councilmembers Richardson, Manzie, Williams, Rich and Gregory

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

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WHEREAS Councilmember Richardson wishes to donate \$200.00, Councilmember Manzie wishes to donate \$200.00, Councilmember Williams wishes to donate \$300.00, Councilmember Rich wishes to donate \$200.00 and Councilmember Gregory wishes to donate \$200.00 (Total \$1,100.00) to the Mobile United from his/her discretionary funds; and

WHEREAS, the Mobile United 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 payment of certain expenses is proper if the City Council determines that the same serves a public purpose, and

WHEREAS, the Mobile City Council determines that this contribution to Mobile United will be used to distribute 459 copies of "Just Mercy" books across our community for their 2018 Community Read Project and thus serves a public purpose.

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

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

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

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

APPROVE AWARD OF SPECIAL BONUS TO JEFFREY LEE, FIREFIGHTER OF THE MONTH, \$500.00. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 60-768-2018

Sponsored by: Mayor Stimpson

BE, IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor, upon the nomination by City supervisors recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the employees on the attached list marked as Exhibit A.

These employees are to be commended for their exemplary work performance or Innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

Firefighter of the Month			
Last Name	First Name	Award	Date
Lee	Jeffrey	Firefighter of the Month	Oct-18

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

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

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

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

Councilmember Richardson moved for the suspension of the rules to consider CIP Resolution 21-769 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the item.

CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE A CONTRACT AMENDMENT WITH HUTCHINSON, MOORE & RAUCH, LLC FOR MOORE'S CREEK EAST BRANCH-2016 DRAINAGE IMPROVEMENTS, ADD \$15,509.15 (CIP #212, D4). The following resolution was introduced by Councilmember Williams.

RESOLUTION: 21-769-2018

Sponsored by: Councilmember Williams and Mayor Stimpson

Whereas, the City entered Into a contract dated October 27, 2015 with Hutchinson, Moore & Rauch, LLC for engineering services on the project know as Moore's Creek East Branch, 2016 Drainage Improvements; COM Project No. 2016-202-05.

Whereas, the fees for the engineering services on the design stage are based on a lump sum amount of \$5,000.00; and

Whereas, the fees for the engineering services on the construction stage are based on a percentage of the total project cost, percentage for contracts less than \$250,000.00 being 6.3% for the construction stage; and

Whereas, at the time the contract was entered into it was estimated that the contract cost would be \$250,000.00, and engineering fees to be \$20,750.00; and

Whereas, the final project cost is \$452,439.14 and professional engineering fees have been adjusted to properly compensate Hutchinson, Moore & Rauch, LLC in accordance with the fee schedule in the contract, thereby increasing professional engineering fees by \$15,509.15 to a total of \$36,259.15; and

Whereas, the contract provides on Page 13 (V,A(d) that the "Total fees (design and construction phases) to be paid the ENGINEER shall not exceed \$20,750.00 unless authorized the CITY;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Council does hereby authorize the additional fee of \$15,509.15, for a total of \$36,259.15, to be paid to Hutchinson, Moore & Rauch, LLC for engineering services on the Moore's Creek East Branch, 2016 Drainage Improvements Project.

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

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

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

AUTHORIZE CONTRACT WITH OZARK STRIPING CO., INC. FOR APPLICATION OF THERMOPLASTIC STRIPING ON VARIOUS STREETS, \$603,750.00 (2018-2060-09).

The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 21-770-2018

Sponsored by: City Council and Mayor Stimpson

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

Name of company: Ozark Striping Co., INC

COM project name: Application of Thermoplastic Striping, Marking, and Legends on Various City of Mobile Roadways

Capital project no.: RWS18

Contract amount: \$603,750.00

RESOLUTIONS BEING INTRODUCED:

REALLOCATE \$6,801.50 FROM MISCELLANEOUS CITY WIDE DRAINAGE-ALABAMA MUNICIPAL TRUST FUND CONSTRUCTION TO ALABAMA MUNICIPAL TRUST FUND MCNALLY PARK DREDGING, DISTRICT 3 (2018-3005-23).

The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 09-771-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY GOUHCIL OF MOBILE, ALABAMA, that the sum of \$6,801.50 be reallocated from Capital Project (C0052), Miscellaneous Citywide Drainage - Alabama Municipal Trust Fund 20102010.48010 Construction to Alabama Municipal Trust Fund 20102010.48010 (C0382) McNally Park Dredging - 2018, Districts, 20102010.48010 Construction.

AUTHORIZE CHANGE ORDER #1 TO THE CONTRACT WITH C & C MARINE, LLC, FOR MCNALLY PARK MAINTENANCE DREDGING, \$21,951.50.

The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 13-772-2018

Sponsored by: Mayor Stimpson

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

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attached hereto and made a part hereof as set forth in full, subject to the company signing the change order and furnishing the required bonds and insurance.

A copy of said executed change order will be on file in the office of the City Clerk.

Name of company: C & C Marine, LLC
Project name: McNally Park Maintenance Dredging
Project no.: 2018-3005-23
Estimated cost: \$21,951.50

AUTHORIZE CONTRACT WITH A-1 FIRE PROTECTION, INC. FOR FIRE SPRINKLER REPAIRS-VARIOUS BUILDINGS, \$26,727.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 21-773-2018
Sponsored by: City Council and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, 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: A1 Fire Protection, Inc.
Project name: Fire Sprinkler Repairs
Various City of Mobile Facilities
Project number: SR-005-18
Amount: \$26,727.00

AUTHORIZE CONTRACT WITH BARTER & ASSOCIATES, INC. FOR PARKING DECK REPAIRS-PHASE 2, MOBILE ALABAMA CRUISE TERMINAL, \$8,500.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 21-774-2018
Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, 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: Barter & Associates, Inc.
Project name: Alabama Cruise Terminal
Parking Deck Repairs - Phase 2
Project number: CT-004-19
Amount: \$8,500.00

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AUTHORIZE AN INVESTIGATION INTO THE WORKING CONDITIONS IN THE PUBLIC WORKS DEPARTMENT AND APPOINT A SPECIAL COUNSEL TO ASSIST IN THE INVESTIGATION. The following resolution was held over for one (1) week until the regular meeting of Tuesday, November 6, 2018.

RESOLUTION: 60-775-2018

Sponsored by: Councilmembers Richardson, Manzie, Small and Rich

RESOLUTION AUTHORIZING AN INVESTIGATION INTO THE WORKING CONDITIONS IN THE PUBLIC WORKS DEPARTMENT AND TO APPOINT A SPECIAL COUNSEL TO ASSIST IN THE INVESTIGATION

FINDINGS

1. The City of Mobile is an Alabama Class II municipal corporation vested with a portion of the State's sovereign power to protect the public health, safety and welfare. Ala. Code §§ 11-45-1; 11-44C-10 et seq.
2. All powers of the City are vested in the Council, subject only to such limitations as may be prescribed by law Ala. Code §11-44C-11.
3. In exercising its power, the Council must do so in the manner prescribed by Ala. Code §§ 11-44C-1 through 99, "or if not prescribed, then in such manner as may be prescribed by law or by ordinance Id."
4. Section 11-44C-87 empowers the Council to make investigations into the conduct of any office, department, agency, or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.
5. Section 11-44C-38(c) authorizes the Council to obtain legal counsel outside the City merit system to advise and defend them in their respective capacities as Council members and in the pursuit of the operation of government.
6. For the past several months, employees of the Public Works Department, representatives from the Mobile Public Service Workers Association, and citizens have appeared before the Council and voiced complaints about the working conditions within the department, especially in the residential trash division. Among other issues, employees have alleged that there is systematic mistreatment of employees by supervisors; that the department is understaffed and the employees are overworked; and that the administration has retaliated against employees who sought to redress their grievances with the administration.
7. The Council is mindful that its power of investigation should be reserved for only the most serious matters.
8. The number and severity of complaints made over so long a period of time is unprecedented, and the Council believes an investigation is warranted so that the Council has a full understanding of the facts underlying the complaints.
9. If the cause of these complaints is not investigated and addressed, the potential exists for a more general malaise among employees, and for the erosion of citizens' confidence in the public service.
10. It is not the intent of the Council to duplicate or bypass the personnel grievance system; rather the Council seeks to establish facts that can be the basis for further discussions with the administration and/or the Mobile County Personnel Board, new legislation, or other steps deemed necessary.

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

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11. That the Vice-President shall appoint an Investigative Committee, composed of not less than three Council members, to direct an investigation into the working conditions in the Public Works Department;

12. That Patrick Sims, Attorney, is hereby appointed to serve as special counsel to the Committee in the conduct of the investigation and shall be compensated at the rate of two hundred dollars per hour;

13. That the Committee, in conjunction with Mr. Sims, shall establish the parameters of the investigation and a budget for his work;

14. That no later than December 15, 2018, the Committee shall file a full report with the City Council setting forth its findings and recommendations.

CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 916 CHURCH STREET (NORTHEAST CORNER OF CHURCH STREET AND MARINE STREET) FROM B-1 TO R-B.. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 41-776-2018

Sponsored by: Councilmember Manzie

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish the attached proposed amendment to the Zoning Ordinance at least once a week for two consecutive weeks in a newspaper of general circulation within the municipality, together with the attached notice stating the time and place that said proposed amendment 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 such amendment.

NOTICE OF HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Notice is hereby given that the City Council of Mobile proposes to consider the adoption of the attached amendment to the Ordinance adopted on the 16th day of May, 1967, and known as the "Zoning Ordinance." The adoption of such amendment will be considered by the City Council of Mobile in the Auditorium of Government Plaza, 205 Government Street, Mobile Alabama, on the 27th day of November, 2018, at 10:30 am. At such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of the amendment. Furthermore, the City Council, at this public hearing, may consider zoning classifications other than that sought by the applicant for this property.

This notice is published pursuant to a resolution of the City Council of Mobile adopted on the 30th day of October, 2018.

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:

PARCEL B: FROM THE SOUTHEAST CORNER OF GOVERNMENT AND MARINE STREETS, RUN S19d37'E ALONG THE EAST LINE OF MARINE ST 200 FT TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE N71d50'34"E 145.28'; THENCE N69d58'51"E 49.59 FT; THENCE S19d24'12"E 59.23

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FT; THENCE S70d14'08"W 35.13 FT; THENCE S19d53'00"E 92.70 FT TO A POINT ON THE NORTH ROW LINE OF CHURCH STREET; THENCE S70d27'17"W ALONG SAID NORTH LINE 159.71 FT TO THE EAST ROW LINE OF MARINE STREET; THENCE N19d41'17"W ALONG SAID EAST LINE 155.18 FT TO THE POINT OF BEGINNING.

PARCEL D: BEGINNING AT A POINT ON THE NORTH SIDE OF CHURCH STREET 294 FT WEST OF BROAD STREET; THENCE S70d27'17"W ALONG THE NORTH SIDE OF CHURCH STREET 48.58 FT TO A POINT; THENCE N19d53'00"W ALONG PROPERTY FORMERLY OF 951 GOVERNMENT STREET, INC. 92.70 FT; THENCE N70d14'06"E ALONG PROPERTY FORMERLY OF 951 GOVERNMENT STREET, INC. AND PROJECTION THEREOF 44.76 FT; THENCE S22d17'51"E 92.98 FT TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from B-1, Buffer Business District to R-B, Residential Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a R-B, Residential Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a R-B, Residential Business District, until all of the conditions set forth below have been complied with: 1) submission of a Subdivision application; 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 Richardson then moved to call for the public hearing, which move was seconded by Councilmember Small, and the vote was as follows:

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

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as November 27, 2018.

ANNOUNCEMENTS:

Councilmember Richardson noted that a district one community meeting will be held on Thursday, November 15, 2018, 6:00 p.m., at Ashland Place United Methodist Church.

Councilmember Richardson provided an update on new businesses opening in the Midtown Shopping Village.

Councilmember Daves reported the district five community meeting was well attended and thanked everyone involved.

Councilmember Gregory stated she met with residents of Hillsdale to garner their feedback for upcoming improvements in the community.

Councilmember Gregory related that the Making Strides against Breast Cancer walk was a great success.

Councilmember Gregory mentioned she will meet with Mobile Botanical Gardens next week to receive an update on current projects.

Councilmember Gregory confirmed that the district seven Christmas party will be held December 10, 2018 at the Mobile Museum of Art.

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Councilmember Small stated he will attend the Maysville Community Action block party on Halloween.

Councilmember Small encouraged district three residents to participate in a rally to unite the community this Saturday, noon – 4:00 p.m., at B. C. Rain High School. The rally is being hosted by the Revitalize D.I.P. group.

Councilmember Small wished citizens a safe and happy Halloween.

Councilmember Williams announced the Rules Committee will meet today at 1:00 p.m. The main focus of the meeting is to discuss procedures regarding the public addressing the Council.

Councilmember Rich invited the public to attend a memorial service dedicated to the victims of the Pittsburgh, Pennsylvania synagogue shooting. The service will be held this evening from 6:30 p.m. – 7:30 p.m., at 705 Regents Way. Councilmember Rich thanked everyone for their support in light of the tragedy.

Councilmember Manzie announced dates for several district two community meetings.

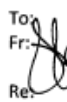
Councilmember Manzie said he is working in conjunction with the Downtown Mobile Alliance on the Mob Town Mural Project to enhance the vibrancy of downtown.

Wanda Cochran, City Council Attorney, stated:

“It would be appropriate for you to make a motion to go into executive session. I have provided the Clerk with the proper declaration that is required by law.”

October 29, 2018

Confidential Attorney-Client Memorandum

To: Members, Mobile City Council
Fr:  Wanda Cochran, Council Attorney
Re: Executive Session

This will confirm that as attorney for the Mobile City Council I have requested a meeting of the members of the City Council to discuss with the legal ramifications of, and legal options for, controversies not yet being litigated but imminently likely to be litigated if the City pursues a proposed course of action. To the extent that the Council will desire to discuss with me such legal ramifications and legal options, an executive session is authorized under the exception provided under section 7(a)(3) of the Alabama Open Meetings Act (*Ala. Code* § 36-25A-7), and this letter constitutes my written opinion as an attorney licensed to practice law in Alabama that Section 7(a)(3) of the Act is applicable to such an attorney-client discussion.

The Office of the General Counsel of the Alabama State Bar has previously issued a formal opinion addressing the professional obligation of an attorney representing a governmental body: “[I]f an attorney representing a public entity that comes within the scope of this [Open Meetings] statute makes a good faith professional judgment that a meeting with his client is for the purpose of imparting legal advice and discussing strategy concerning pending litigation, contemplated litigation or other purely legal matter, the attorney would not be guilty of violating any of the provisions of the Code of Professional Responsibility of the Alabama State Bar by insisting that the meeting be held in closed or executive session and if the attorney is of the opinion that it would be detrimental to the best interest of his client to allow public access to the meeting, he would be guilty of a violation of the Code of Professional Responsibility should he not insist upon a closed or executive meeting.” OGC Opinion 1995-09. I am of the opinion that it would be detrimental to the best interest of the City as my client to allow public access to any meeting in which my comments and opinions are sought by the Council on the legal ramifications and legal options in question. As part of my professional responsibility to the City I must insist that any such meeting be conducted as an executive session as permitted under Section 7(a)(3) of the Open Meetings Act.

As provided in the Open Meetings Act, if any deliberation begins among the members of the Council regarding what Council action to take based on the advice of counsel, the executive session shall be concluded and the deliberation shall be conducted in the open portion of the meeting or deliberation shall cease.

Please let me know if you need any clarification of the foregoing.

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Councilmember Daves made a motion to go into executive session and to not reconvene, which move was seconded by Councilmember Small and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 12:03 p.m.

Approved: November 6, 2018

COUNCIL VICE PRESIDENT

CITY CLERK