

MUNICIPAL BUILDING, MOBILE, ALABAMA, OCTOBER 27, 2020

The Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, October 27, 2020, at 9:00 a.m.

Present:

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

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, OCTOBER 27, 2020

The City Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, October 27, 2020, at 10:30 a.m., in regular meeting.

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

Rev. Allen Eldridge, Regency Church of Christ, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER:

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

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson announced he met with Executive Directors to prepare for Hurricane Zeta.

Mayor Stimpson reported the progress law enforcement officers have made in identifying and apprehending drug dealers who peddle opioids in our community.

Mayor Stimpson noted that he signed a 5-year lease renewal with Mobile County for Government Plaza.

Mayor Stimpson reminded citizens to get their flu shots.

Mayor Stimpson announced Joe Woodward's retirement after 42 years of service in the City's Mechanical Systems Department.

PRESENTATIONS BY THE COUNCIL:

MINUTES OF OCTOBER 27, 2020

The Council presented a proclamation to Joe Woodward, in honor of his retirement, declaring Tuesday, October 27, 2020, as "Mr. Joe Woodward Day" in Mobile.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda and declare the items on the agenda Essential/Covid-19 related, which move was seconded by Councilmember 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 and all items declared Essential/Covid-19 related.

APPEALS

Request of Annetta McIntosh, 904 Kooiman Street, for a waiver of the Noise Ordinance on October 31, 2020, from 4:00 p.m.-10:00 p.m. (District 4)

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Leon Bell, Jr., 661 S. Broad Street, for a waiver of the Noise Ordinance on October 29-30, 2020, from 6:30 p.m.-8:30 p.m. and October 31, 2020, from 9:00 a.m.-11:30 a.m. (District 2).

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARINGS

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 404 MORGAN AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 404 Morgan 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 ordinance authorizing the proper action would be introduced at a later date.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

Reggie Hill, 1007 Center street, addressed Resolutions 01-793, 47-767 and 47-768.

MINUTES OF OCTOBER 27, 2020

NON-AGENDA ITEMS:

None

ESSENTIAL/COVID-19 ITEMS HELD OVER:

DECLARE THE STRUCTURE AT 727 FLORIDA STREET EXTENSION A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of July 28, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 40-544-2020

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 727 FLORIDA STREET EXTENSION 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 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 727 Florida Street Extension as:

LOT 40 CECELIA COURT 2ND ADD MBK 8 P 93 #SEC 44 T4S R1W #MP29 02 44 0 024

Parcel Number: 29 02 44 0 024 187

Last Assessed to: HARMON CHARLES ANN

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 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.

MINUTES OF OCTOBER 27, 2020

ASSENT TO THE VACATION OF A PORTION OF SOUTH CONCEPTION STREET, WEST OF METRO JAIL. The following resolution, which was introduced and read at the regular meeting of October 6, 2020, and held over until the regular meetings of October 20 & 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 47-767-2020

Sponsored by: Councilmember Manzie

WHEREAS, it having been made known and shown to the satisfaction of the City Council of the City of Mobile, Alabama (the City), that Mobile County, Alabama, a body corporate and politic and a political subdivision of the State of Alabama (the County or the Petitioner), and the Alabama Department of Transportation (ALDOT) and Terry McLeod and Pamela McLeod (the McLeods) (ALDOT and the McLeods are sometimes collectively referred to as the Abutting Landowners) are the owners of all the land abutting that certain portion of South Conception Street located in the City of Mobile, Alabama, shown on the survey prepared by Wattier Surveying, Inc. dated January 8, 2020 and legally described as follows:

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

And

WHEREAS, said portion of South Conception Street is a public street lying within the City; and

WHEREAS, the Petitioner has now submitted a Petition to the City of Mobile to vacate said portion of South Conception Street, pursuant to and in accordance with Section 23-4-20, Code of Alabama, 1975, as amended; and

WHEREAS, the Abutting Landowners have consented to the vacation of the above described portion of South Conception Street; and

WHEREAS, all utility providers with utility lines, equipment, or facilities within the area to be vacated have consented to the vacation; provided, however, that such entities shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred; and may continue to move across and along a the vacated portion of the road to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the vacation had not occurred; and

WHEREAS, the vacation will not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, the said portion of South Conception Street is not needed as a public right-of-way in the City, and the aforesaid vacation is in the public interest; and

WHEREAS, the approximate square footage of the portion of South Conception Street to be vacated is 57,719 square feet; and

WHEREAS, the tax parcel number, 2020 Mobile County Revenue Commissioner's assessed value, and approximate area of each lot or tract adjoining the area to be vacated, all of which are owned by the County, are as follows:

MINUTES OF OCTOBER 27, 2020

Tax Parcel No.	Assessed Value	Approximate Area
R02-29-06-39-0-002-153	\$38,000	84,071 SF
R02-29-06-39-0-002-154	\$2,914	1,320 SF
R02-29-06-39-0-002-076	\$187,882	84,920 SF

NOW, THEREFORE, the premises considered, it is RESOLVED by the City Council of the City of Mobile, Alabama, pursuant to Section 23-4-20, id., that the above described portion of South Conception Street be, and it is hereby VACATED. The filing of this Resolution as required below shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the public street, alley, or highway vacated. Title and all public rights, including the right to close the street, alley, or highway vacated, shall vest in the Mobile County, Alabama. Provided, this vacation is subject to the following:

- (1) That of this resolution shall be published in a newspaper in Mobile County no later than fourteen (14) days after its adoption;
- (2) That the Declaration of Vacation and this Resolution assenting to the vacation of said portion of South Conception Street be recorded in the Office of the Judge of Probate of Mobile County, Alabama, together with an instrument granting the City an easement over the said portion;
- (3) A certified copy of this Resolution shall be immediately delivered to the Revenue Commissioner of Mobile County so that the property may be reassessed in the name of the County;
- (4) Spire Alabama, Inc., Comcast, Mobile Area Water & Sewer System Alabama and AT&T (the Utilities) are reserved the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred; and may continue to move across and along the vacated portion of the road to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the vacation had not occurred; and, all other rights, title and interests held by the Utilities with respect to the vacated property under any statute or other law or under any other conveyance or agreement whether recorded or unrecorded, including without limitation all the rights and privileges necessary or convenient for the full enjoyment and use of its lines, equipment and facilities now or hereafter located within or adjacent to the vacated property; and the right of ingress and egress to and from said lines, equipment and facilities; and the right to cut and/or trim trees which, in the sole opinion of the Utilities, would interfere with said lines, equipment and facilities; and the right to prohibit use of the area vacated in a manner which violates the National Electric Safety Code.

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be tabled, which was seconded by Councilmember Daves 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 tabled.

ASSENT TO THE VACATION OF A PORTION OF ST. EMANUEL STREET, EAST OF METRO JAIL. The following resolution, which was introduced and read at the regular meeting of October 6, 2020, and held over until the regular meetings of October 20 & 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 47-768-2020

Sponsored by: Councilmember Manzie

MINUTES OF OCTOBER 27, 2020

WHEREAS, it having been made known and shown to the satisfaction of the City Council of the City of Mobile, Alabama (the City), that Mobile County, Alabama, a body corporate and politic and a political subdivision of the State of Alabama (the County or the Petitioner), is the owner of all the land abutting that certain portion of St. Emanuel Street located in the City of Mobile, Alabama, legally described as follows:

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

WHEREAS, said portion of St. Emanuel Street is a public street lying within the City; and

WHEREAS, the Petitioner has now submitted a Petition to the City of Mobile to vacate said portion of St. Emanuel Street, and a Declaration of Vacation, pursuant to and in accordance with Section 23-4-20, Code of Alabama, 1975, as amended; and

WHEREAS, the Petitioner is the sole owner of all parcels abutting the above-described portion of St. Emanuel Street; and

WHEREAS, all utility providers with utility lines, equipment, or facilities within the area to be vacated have consented to the vacation; provided, however, that such entities shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred; and may continue to move across and along a the vacated portion of the road to reach their lines, equipment, and facilities for the above purposes and to the same extent as if the vacation had not occurred; and

WHEREAS, the vacation will not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, although such access may be somewhat less convenient; and

WHEREAS, the approximate square footage of the portion of St. Emanuel Street to be vacated is 35,352 square feet; and

WHEREAS, the requested vacation is in the public interest; and

NOW, THEREFORE, the premises considered, it is RESOLVED by the City Council of the City of Mobile, Alabama, pursuant to Section 23-4-20, id., that the above described portion of St. Emanuel Street be, and it is hereby VACATED. The filing of this Resolution as required by law shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the public street, alley, or highway vacated. Title and all public rights, including the right to close the street, alley, or highway vacated, shall vest in the Mobile County, Alabama. Provided, this vacation is subject to the following:

(1) That this resolution shall be published in a newspaper in Mobile County no later than fourteen (14) days after its adoption;

(2) That the Declaration of Vacation and this Resolution assenting to the vacation of said portion of St. Emanuel Street be recorded in the Office of the Judge of Probate of Mobile County, Alabama, together with an instrument granting the City an easement over the said portion;

(3) That a certified copy of this Resolution shall be immediately delivered to the Revenue Commissioner of Mobile County so that the property may be reassessed in the name of the County;

MINUTES OF OCTOBER 27, 2020

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

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be tabled, which was seconded by Councilmember Daves 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 tabled.

AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH MOBILE COUNTY FOR NEVIUS ROAD EXTENSION, \$1,500,000.00. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 01-793-2020

Sponsored by: Councilmember Rich and Mayor Stimpson

WHEREAS the City Council of the City of Mobile hereby determines that it is in the best interest of the City to enter an agreement with Mobile County, under which the City will contribute \$1,500,000.00 towards a County project to design and construct a two-lane extension of Nevius Road, within the corporate limits or police jurisdiction of the City, from Hillcrest Road to Sollie Road; and

WHEREAS upon completion and acceptance of the work by the County, the City will take over maintenance of the extension,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Intergovernmental Agreement between the City of Mobile ("City") and Mobile County, Alabama ("County") for the extension of Nevius Road as outlined in the contract attached hereto and made a part hereof.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be held over until the regular meeting of November 10, 2020, which was seconded by Councilmember Williams. Following comments from 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 resolution held over.

MINUTES OF OCTOBER 27, 2020

APPROVE PURCHASE ORDER TO FERNO WASHINGTON INC. FOR ONE AMBULANCE STRETCHER, \$26,567.09. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-794-2020

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4141</u>	2021	1510 FIRE ADMINISTRATION	1 FERNO POWERED X1 AMBULANCE STRETCHER W/5YEAR MAINT & BATTERY PLAN (SEALED BID 5468)	\$26,567.09	<u>(063090) FERNO WASHINGTON INC</u>

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

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

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

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

APPROVE PURCHASE ORDER TO AUTONATION FORD MOBILE FOR TWO 2020 FORD 250 PICKUP TRUCKS, \$56,381.00. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-795-2020

Sponsored by: Mayor Stimpson

MINUTES OF OCTOBER 27, 2020

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>669</u>	2021	(F7000) MOTOR POOL	2 2020 FORD F250 PICKUP TRUCKS (SEALED BID 5200)	\$56,381.00	<u>(270013)</u> <u>AUTONATION</u> <u>FORD MOBILE</u>

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

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

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

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

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES INC. FOR TWO 2020 FORD F450 FLATBED DUMP TRUCKS, \$111,662.00. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-796-2020

Sponsored by: Mayor Stimpson

MINUTES OF OCTOBER 27, 2020

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>112</u>	2021	(F7000) MOTOR POOL	2 2020 FORD F450 FLATBED DUMP TRUCKS (SEALED BID 5467)	\$111,662.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

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

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

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

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

RE-ALLOCATE \$55,405.48 FROM CAPITAL PROJECT (C0407), VILLAGE OF SPRINGHILL SIDEWALKS – ADVERTISING FEES, TO TAP PROJECT OLD SHELL ROAD SIDEWALKS – MYRTLEWOOD TO I-65. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 09-797-2020

Sponsored by: Councilmember Gregory

WHEREAS, the City Council of the City of Mobile, Alabama, finds that the subject of this Resolution is either necessary to respond to COVID 19, or necessary to perform essential minimum functions of the Council.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$55,405.48 be reallocated from Capital Project (C0407) Village of Springhill Sidewalks, 20002000.48040 Advertising Fees, to Grant Fund (G-TAPMYRTL) Transportation Alternative Project TAPMB-TA18(900) – Old Shell Road Sidewalks – Myrtlewood to I-65, 50015001.93030.

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

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

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

MINUTES OF OCTOBER 27, 2020

AUTHORIZE CONTRACT WITH C. THORNTON, INC., FOR SIDEWALKS ALONG OLD SHELL ROAD BETWEEN MYRTLEWOOD AND I-65, \$219,193.00. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-798-2020

Sponsored by: Councilmember Gregory

WHEREAS, the City Council of the City of Mobile, Alabama, finds that the subject of this Resolution is either necessary to respond to COVID 19, or necessary to perform essential minimum functions of the Council.

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 the construction of sidewalk and handicap ramps along Old Shell Road between Myrtlewood Avenue and I-65 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: C Thornton, Inc.

Project Name: COM 2020-2060-07 Federal Aid Project TAPMB-TA18(900)
Sidewalks along Old Shell Road between Myrtlewood and I-65

Capital Project No.: G-TAPMYRTL

Amount: \$219,193.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory. Following comments from Councilmember Richardson 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 RECOMMENDATION TO SELL VACANT PROPERTY (309 ± ACRES) ADJACENT TO MAGNOLIA GROVE GOLF COURSE. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 60-805-2020

Sponsored by: Councilmember Gregory and Mayor Stimpson

WHEREAS, the City of Mobile owns real property consisting of three hundred nine (309) ± undeveloped and vacant acres (the subject property), located adjacent to Magnolia Grove Golf Course and described in Exhibit A (attached); and

WHEREAS, the City has not ever utilized the property and is currently not utilizing the property; and

WHEREAS, the City would benefit from the sale of the subject property under favorable terms and conditions;

NOW, THEREFORE, the City Council of the City of Mobile hereby RESOLVES:

MINUTES OF OCTOBER 27, 2020

That it does not object to offering the subject property for sale. In the event that the City receives an offer to purchase under favorable terms and conditions, the purchase agreement will be presented to the Council for consideration, and the Council may, if it deems appropriate, adopt an ordinance declaring the property not needed for public purpose and authorizing the execution of the purchase agreement.

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

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

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

Nays: None

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

APPROVE RECOMMENDATION TO SELL VACANT PROPERTY (40 ± ACRES) OFF DOG RIVER ROAD. The following resolution, which was introduced and read at the regular meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 60-806-2020

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile owns real property consisting of forty (40) ± acres off of Dog River Road (the subject property), located outside the city limits in Mobile County, described in Exhibit A (attached); and

WHEREAS, the City is not utilizing the property; and

WHEREAS, the City would benefit from the sale of the subject property under favorable terms and conditions;

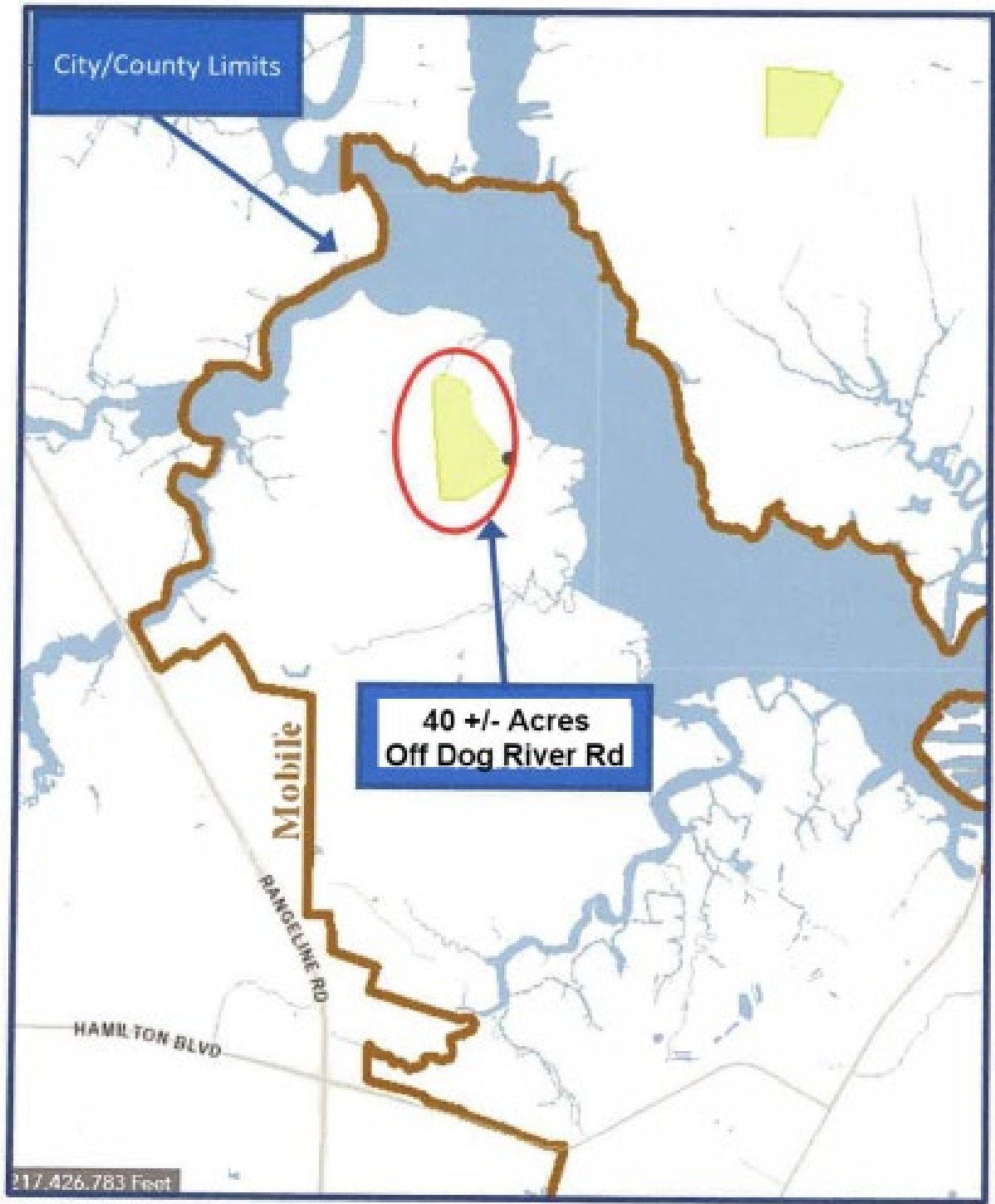
NOW, THEREFORE, the City Council of the City of Mobile hereby RESOLVES:

That it does not object to offering the subject property for sale. In the event that the City receives an offer to purchase under favorable terms and conditions, the purchase agreement will be presented to the Council for consideration, and the Council may, if it deems appropriate, adopt an ordinance declaring the property not needed for public purpose and authorizing the execution of the purchase agreement.

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

" EXHIBIT A "

**40 +/- ACRES OFF OF DOG RIVER ROAD
SoMo (South Mobile)/Outside City Limits**



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

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

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

APPROVE RECOMMENDATION TO SELL 5850 CAROL PLANTATION ROAD PROPERTY. The following resolution, which was introduced and read at the regular

MINUTES OF OCTOBER 27, 2020

meeting of October 20, 2020, and held over until the regular meeting of October 27, 2020, was called up by the Presiding Officer.

RESOLUTION: 60-807-2020

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile owns real property at 5850 Carol Plantation Road (the subject property), which consists of nineteen (19) ± acres, located outside the city limits in Mobile County, described in Exhibit A (attached); and

WHEREAS, the City is not utilizing the property; and

WHEREAS, there are no active organizations currently using or leasing the subject property; and

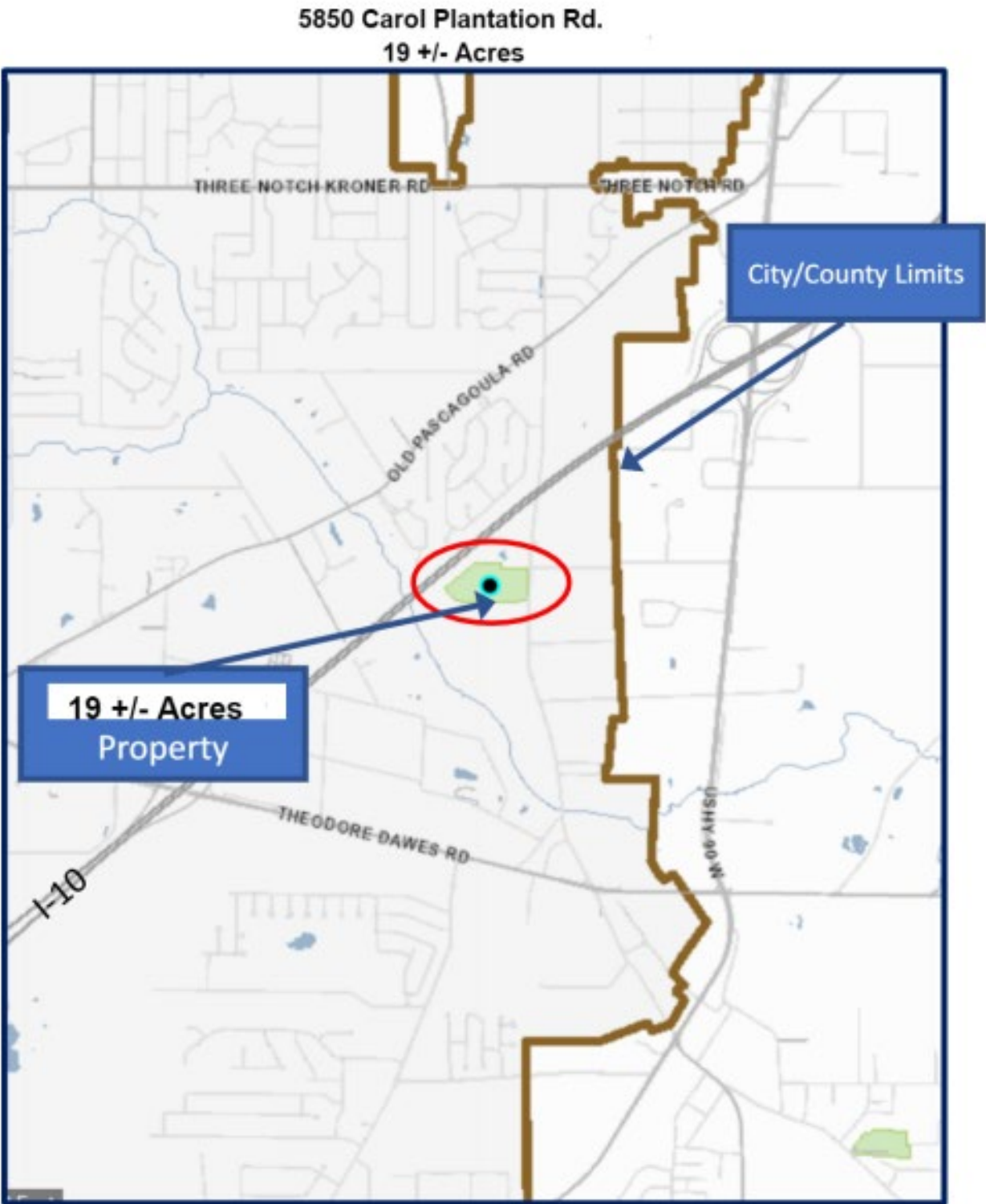
WHEREAS, the City would benefit from the sale of the subject property under favorable terms and conditions;

NOW, THEREFORE, the City Council of the City of Mobile hereby RESOLVES:

That it does not object to offering the subject property for sale. In the event that the City receives an offer to purchase under favorable terms and conditions, the purchase agreement will be presented to the Council for consideration, and the Council may, if it deems appropriate, adopt an ordinance declaring the property not needed for public purpose and authorizing the execution of the purchase agreement.

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

" EXHIBIT A "



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

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

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF
ESSENTIAL/COVID-19 ITEMS BEING INTRODUCED FOR THE FIRST TIME.

MINUTES OF OCTOBER 27, 2020

Councilmember Daves moved for the suspension of the rules to consider Essential/Covid-19 item 40-813, being introduced for the first time, the motion was seconded by Councilmember Williams 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.

ESSENTIAL/COVID19 ITEMS BEING INTRODUCED:

ORDINANCE DEEMING PROPERTY AT 2318 ST. STEPHENS RD. NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO AHM INVESTMENT, LLC. The following resolution was held over until the regular meeting of November 3, 2020.

ORDINANCE: 88-037-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

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

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

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

SEE ATTACHED EXHIBIT 'A'

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

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

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

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

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

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

Exhibit A

2318 St. Stephens Road Mobile, AL 36617

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

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



ORDINANCE DEEMING PROPERTY LOCATED ON E. I-65 SERVICE RD. N. NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO DUFF REAL ESTATE, LLC. The following ordinance was held over until the regular meeting of November 3, 2020.

ORDINANCE: 88-038-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

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

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

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

MINUTES OF OCTOBER 27, 2020

SEE ATTACHED EXHIBIT 'A'

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

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

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

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

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

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

EXHIBIT "A"

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

Parcel No. R022903072000003, Key No. 710216.

LEGAL DESCRIPTIONS:

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

MINUTES OF OCTOBER 27, 2020

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



ORDINANCE DEEMING PROPERTY AT 320 DAUPHIN ST., NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO JAN J. IRWIN.
The following ordinance was held over until the regular meeting of November 3, 2020.

ORDINANCE: 88-039-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

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

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

SEE ATTACHED EXHIBIT 'A'

MINUTES OF OCTOBER 27, 2020

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

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

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

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

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

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

MINUTES OF OCTOBER 27, 2020

“EXHIBIT A”

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

320 Dauphin St., Mobile, AL 36602



AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR MIMS PARK – SYNTHETIC TURF FIELD A, \$1,405,522.00. The following resolution was held over until the regular meeting of November 3, 2020.

RESOLUTION: 21-811-2020

Sponsored by: Councilmember Williams and Mayor Stimpson

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

MINUTES OF OCTOBER 27, 2020

and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: Aeiker Construction Corporation
Project Name: Mims Park – Synthetic Turf Field A
Project Number: PR-029-20
Amount: \$1,405,522.00 (2020 CIP ID#2054 & 2021 CIP D4)

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR TRICENTENNIAL PARK – SPLASH PAD IMPROVEMENTS, \$249,960.00. The following resolution was held over until the regular meeting of November 3, 2020.

RESOLUTION: 21-812-2020
Sponsored by: Councilmember Richardson and Mayor Stimpson

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

Name of Company: Aeiker Construction Corporation
Project Name: Tricentennial Park – Splashpad Improvements
Project Number: PR-031-20 (2021 CIP D1)
Amount: \$249,960.00

DECLARE THE STRUCTURE AT 404 MORGAN AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-813-2020
Sponsored by: Councilmember Daves

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 404 MORGAN AVENUE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 404 MORGAN AVENUE as:

LOT 5 BLK 8 GOVT ST HGTS DBK 124 P 219 #SEC 29 T4S R1W #MP29 09 29 1 002

MINUTES OF OCTOBER 27, 2020

Parcel Number: 29 09 29 1 002 062

Last Assessed to: PEPPER SETH B

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 and/or secured 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 person listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember 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 resolution adopted.

APPROVE CLOSING A PORTION OF SOUTH CONCEPTION STREET. The following resolution was held over until the regular meeting of November 3, 2020.

RESOLUTION: 47-814-2020

Sponsored by: Councilmember Manzie

A RESOLUTION CLOSING A PORTION OF SOUTH CONCEPTION STREET

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

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

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

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

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

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

Beginning at the intersection of the north right-of-way line of Savannah Street (50' R/W) and the east right-of-way line of S. Conception Street (64' R/W); thence run north 81°-57'-35" west a distance of 64.00 feet to the west right-of-way line of said S. Conception Street; thence run north 08°-02'-25" east along said west right-of-way line a distance of 793.41 feet; thence run northeastwardly along the arc of a curve to the right (having a delta of 06°-

MINUTES OF OCTOBER 27, 2020

32'-00", a radius of 1,871.00 feet, a chord bearing of north 25°-30'-22" east, and a chord length of 213.24 feet) an arc distance of 213.35 feet to the east right-of-way line of said S. Conception Street; thence run south 08°-02'-25" west along said east right-of-way line a distance of 996.81 feet to the Point of Beginning.

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

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

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

APPROVE CLOSING A PORTION OF ST. EMANUEL STREET. The following resolution was held over until the regular meeting of November 3, 2020.

RESOLUTION: 47-815-2020

Sponsored by: Councilmember Manzie

A RESOLUTION CLOSING A PORTION OF ST. EMANUEL STREET

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

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

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

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

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

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

MINUTES OF OCTOBER 27, 2020

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

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

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

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

ANNOUNCEMENTS:

Councilmember Rich urged citizens to be cautious of Halloween participants.

Councilmember Rich announced that some voting centers in District 6 have changed.

Councilmember Small advised citizens to keep updated on the upcoming storm and to have a safe and happy Halloween.

Councilmember Gregory announced ALDOT has approved Phase II of the Zeigler Boulevard Widening Project.

Councilmember Gregory met with the "Friends of Municipal Park" and was impressed with their eagerness to assist in the improvements of Langan Park.

Councilmember Gregory thanked her colleges for the support of the Resolutions 09-797 and 21-798.

Councilmember Richardson requested information from the Administration regarding a start date for improvements at Figures Park.

Councilmember Richardson stated that he has been contacted by citizens who are displeased with the storm water fee assessed to their property.

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

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

MINUTES OF OCTOBER 27, 2020

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:06 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK