

MUNICIPAL BUILDING, MOBILE, ALABAMA, APRIL 25, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, April 25, 2023, at 9:00 a.m.

Councilmembers:

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

Absent:

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, APRIL 25, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, April 25, 2023, at 10:30 a.m., for the regular meeting.

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

Reverend Billy Burt, Riverside Baptist Church, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small

Vice-Chairman: Gregory

Councilmembers: Penn, Carroll, Reynolds, and Daves

Absent:

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council’s rules of procedure.

APPROVAL OF MINUTES

The minutes of the meetings of April 11, 2023, and April 18, 2023, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

James Barber, Chief of Staff, gave comments on behalf of the Mayor’s absence.

James Barber stated that the Building a Business Legacy Program was launched today with Commonwealth National Bank. It is designed to support small and disadvantaged business enterprise businesses.

James Barber announced that the Prince Tribute Concert will be on June 7, 2023 at Cooper Riverside Park from 6:00 p.m. – 9:00 p.m.

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James Barber read a proclamation declaring April 23rd – April 29th, as “Crime Victims Rights’ Week” in Mobile.

James Barber read a proclamation declaring April 28, 2023 as “Kick Butts Day” in Mobile.

Darlene Martin presented a tree to the Council on behalf of “Earth Day.”

Joe Snowden, Administrative Services Executive Director & Transportation & Maritime, presented Erin Bryars as Employee of the Month for Administrative Services.

NOTE: Councilmember Gregory read and presented a proclamation to Rosie Seaman in honor of her 90th birthday, declaring April 26, 2023 as “Rosie Seaman Day” in Mobile.

MONTHLY FINANCE REPORTS

Robert Holt, Finance Executive Director, provided the monthly finance report for March 2023.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS

Request of Kim Anez for a waiver of the Noise Ordinance at 1906 Springhill Avenue on May 6, 2023, from 7:00 p.m. – 11:00 p.m. (District 1).

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

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

Nays: None

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

Request of Richard Heidal for a waiver of the Noise Ordinance at 17 S. Monterey Street and 22 S. Monterey Street on April 29, 2023, from 6:00 p.m. – 10:00 p.m. (District 2).

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

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

Nays: None

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

Request of Lindsey Binion for a waiver of the Noise Ordinance at the corner of Old Shell Road and Catherine Street on April 29, 2023, from 9:00 a.m. – 10:00 p.m. (District 2).

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

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

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Nays: None

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

Request of David Cagle for a waiver of the Noise Ordinance at 251 St. Francis Street on April 30, 2023, from 7:00 a.m. – 12:00 p.m. (District 2).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 4701 HALLS MILL ROAD FROM R-1 TO I-1 (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to rezone property at 4701 Halls Mill Road from R-1 to I-1 and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2623 FIRST AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2623 First Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Kristen Lawrence, 2801 Berkley Avenue, requested an extension to fix property.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2661 NALL STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2661 Nall Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Raynita Smith, 2661 Nall Street, requested an extension to fix property.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 748 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 748 Stanton Road a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

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No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 408 ST. CHARLES AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 408 St. Charles Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 459 HOLCOMBE AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 459 Holcombe Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1111 SPRING HILL AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1111 Spring Hill Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 3903 VALLAS DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 3903 Vallas Drive a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Reverend Tonny Algoood, 214 A DeSales Avenue, discussed his concerns for a no-knock warrant issued by the Mobile Police Department.

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Eddie Irby, Jr., 1116 Richard Road, What is the full strength of the MPD? What are the plans to address the traffic on Moffett Road between Overlook Road and I-65? What does a community have to do to have SHOTSPOTTER set up in their community?

Pastor Sandy McQueen, 350 S. Scott Street, annexation and voter dilution.

Reggie Hill, 1007 Center Street, Continued remarks regarding annexation, ARP spending, and offered an amendment to Section 2.62 of the Council’s Rules of Procedure.

ORDINANCES HELD OVER

ORDINANCE TO AMEND CHAPTER 44, ARTICLE IV, “HISTORIC PRESERVATION”.

The following ordinance which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meetings of March 21, 2023, and April 25, 2023, was called up by the Presiding Officer.

ORDINANCE: 01-012-2023

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE that Article IV, Chapter 44, Mobile City Code is hereby amended as follows:

Sec. 44-70. FINDINGS AND PURPOSE.

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

(b) In 1989, the State enacted legislation authorizing all municipalities to adopt ordinances to establish historic development commissions and architectural review boards, and to promote educational, cultural, economic and general welfare of Alabama municipalities through preservation and protection of historic resources. (Alabama Code section 11-68-1 through 11-68-15). Pursuant to Ala. Code Sec. 11-68-14 (1975).

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

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

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

Sec. 44-71. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Reconstruction or alteration of the size, shape or elevation of a Historic Property, including, but not limited to, relocation or replacement of any doors or windows removal or alteration of any architectural features, details or elements, including selection of paint colors;
- (2) Demolition or relocation of a Historic Property;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the materials, size or location of advertising visible from the public right-of-way;
- (5) The erection, alteration, restoration or removal of any building or other structure within a local Historic District, including walls, fences, steps, drives and pavements or other appurtenant features;
- (6) Any exterior work that must be permitted by the City; or
- (7) The painting of originally unpainted surfaces.

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

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

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

- (1) shall have legal title to any property, with or without an accompanying right of possession; or
- (2) shall have charge, care or control of any property as owner, executor, executrix, administrator, trustee, guardian of the estate owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm or corporation in control of a property.

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

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

- (1) the owner will effectively be deprived of all reasonable and beneficial use of or return from the property; and
- (2) the owner would be unfairly penalized given that the owner did not create the conditions at issue.

SEC. 44-72. HISTORIC PRESERVATION COMMISSION CREATED.

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

(b) Tax-exempt status. The Commission shall have tax-exempt status. The properties of the Commission and the income therefrom, together with all leases, agreements, and

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contracts made by it shall be forever exempt from any and all taxation by the State and any political subdivision thereof, including, but not limited to, sales and use tax, gross receipts tax, income, admission, amusement, excise, and ad valorem taxes.

(c) Commission Membership. The Commission shall consist of nine (9) members. Commissioners shall be bona fide residents of the City of Mobile and shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology, or law, or who shall be residents of a local Historic District. A minimum of five (5) members shall reside or work in a Local Historic District. No elected official shall serve on the Commission. Members of the Commission shall be nominated by the Mayor and appointed by the City Council. Nomination and appointment of members of the Commission shall be made so as to ensure that the Commission will be composed of persons with as much of the training and experience identified in this section as is possible.

(d) Terms. Members of the Commission shall serve three- (3) year, overlapping terms, with two (2) Members to be initially appointed for a one (1) year term, two (2) Members to be initially appointed for a two (2) year term and the remaining initial Members to be appointed for a three (3) year term; thereafter, as terms expire for such initial Members, subsequent Members shall be appointed for full three (3) year terms. All appointments shall be made per Section 44-72 (c). Terms shall begin on January 1 of the appointment year and end on December 31 of the termination year. Members of the Commission may be reappointed to the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Make such investigations and studies of matters relating to historic preservation as the City deems necessary and appropriate for the purposes of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A physical description;

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

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

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

(5) Representative photographs; and

(6) A proposed ordinance that:

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- (i) Lists each property in a proposed Historic District;
- (ii) Requires a Certificate of Appropriateness prior to any Material Change in appearance of a property in a local Historic District; and
- (iii) requires the district be shown on the City's official zoning map.

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

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

(h) City Council Action on Commission Recommendation. Following receipt of the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

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

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

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

Sec. 44-75. ARCHITECTURAL REVIEW BOARD CREATED.

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

(b) Composition. The Board shall be comprised of nine (9) Board Members who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law. Board Members need not be residents of the City. No member of the City Council or the Mayor shall serve on the Board.

(c) Appointment. Board Members shall be nominated by the Mayor from persons qualified per Mobile City Code Sec. 44-75 (b) and appointed by the City Council.

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

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

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

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

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

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

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

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

- (1) Apply general design standards adopted by the Commission in considering the granting and denial of Certificates of Appropriateness;
- (2) Adopt rules and regulations governing the procedure for submission and consideration of applications for Certificates of Appropriateness and Certificates of Economic Hardship;
- (3) Review applications for Certificates of Appropriateness and Certificates of Economic Hardship and grant, conditionally grant, assign to a design review committee, hold over for further action, or deny same in accordance with the provisions of this Chapter and the guidelines;
- (4) Prescribe a reasonable fee to help defray the costs of processing the application;

- (5) Seek technical advice from outside its membership on any application;
- (6) Subject to funding, attend at least two (2) informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, the National Trust for Historic Preservation, the National Alliance of Preservation Commissions, the Alabama Trust for Historic Preservation, the Commission's Preservation Leadership Class or other training approved by the Commission. One of the two meetings should be regional or statewide.
- (7) Receive, review and assess each application for a Certificate of Appropriateness to determine if the application qualifies for Expedited Review by City staff. Should the application be found to so qualify, designated City staff shall conduct the Expedited Review to determine whether the application adheres to the design guidelines and does not impair the architectural integrity of the building, the property, or the surrounding neighborhood. If an application does not qualify for Expedited Review, Staff shall prepare an analysis of the application and present it to the applicant and to the Board, including any recommendations, for full review;
- (8) Successful applicants shall be awarded a Certificate of Appropriateness.
- (9) The records of the Board and all Expedited Reviews shall be retained in such a manner that decisions are secure and readily available to the public and cataloged for easy reference.

Sec. 44-77. CERTIFICATES OF APPROPRIATENESS.

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

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

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

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

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

(f) Interior Alterations. In reviewing applications for Certificates of Appropriateness, the Board shall not consider interior room arrangement or use having no effect on Exterior

Architectural Features; however, the Board may require a floor plan to aid in understanding the exterior design scheme.

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

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

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

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

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

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

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

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

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

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

(2) Does the request impair the historic integrity of the neighborhood. If the answer to both questions is negative, the Board shall grant a Certificate of Appropriateness. If the answer to either or both questions is affirmative, the Board shall deny the application, approve the

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application with conditions, assign the application to a design review committee, or hold over the request for further information or action.

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

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

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

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

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

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

Sec. 44-79. STANDARD OF REVIEW.

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

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

Sec. 44-80. DEMOLITION/RELOCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 44-81. CERTIFICATE OF ECONOMIC HARDSHIP.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Failure to perform normal maintenance and repairs;

(ii) Failure to diligently solicit and retain tenants;

(iii) Failure to prescribe a rental amount which is reasonable;

(iv) Failure to provide normal tenant improvements; and,

(v) Purchase of the subject property without making said purchase contingent upon first obtaining the approvals required by this Chapter or earlier versions of this chapter.

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

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

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

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

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

Sec. 44-82. APPEALS.

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

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

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

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

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

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

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

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

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

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

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

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

(8) Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be substantially protected from the elements and decay by painting or other

protective covering or treatment. All siding shall be weather resistant and watertight. All masonry joints shall be sufficiently tuck-pointed to insure water and air tightness.

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

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

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

Sec. 44-84. PENALTY PROVISIONS.

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

- (1) Make or permit to be made any Material Change without first obtaining a Certificate of Appropriateness as required by this Chapter; or
- (2) violate any other provision of this Chapter.

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

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

Sec. 44-85. SEVERABILITY.

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

Sec. 44-86. REPEALER.

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

Sec. 44-87. EFFECTIVE DATE.

This Ordinance shall become effective on publication, and its provisions shall apply to any application that is pending at the time of its adoption.

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

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

Nays: None

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

REZONE PROPERTY LOCATED AT 4570, 4580, AND 4590 SHIPYARD ROAD, FROM B-3 AND B-5 TO B-5. The following ordinance which was introduced and read at the regular meeting of April 18, 2023, and held over until the regular meeting of April 25, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-019-2023

Sponsored by: Councilmember Reynolds

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

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

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

LOT 2, CREEKLINE. NINTH ADDITION, AS RECORDED IN MOP BOOK 83, PAGE 105 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

TOGETHER WITH:

LOTS 2, CREEKLINE, ELEVENTH ADDITION, AS RECORDED IN MAP BOOK 93, PAGE 76, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

TOGETHER WITH:

LOT A, RESUBDIVISION OF LOTS 3 AND 4 CREEKLINE ELEVENTH ADDITION AS RECORDED IN INSTRUMENT N0.20200053952 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from B-3, Community Business District, "and B-5, Office-Distribution District, to B-5, Office-Distribution 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 commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-5, Office-Distribution 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 B-5, Office-Distribution District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

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

RESOLUTIONS HELD OVER

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

RESOLUTION: 21-293-2023

Sponsored by: Mayor Stimpson

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

The resolution was read by the City Clerk, whereupon Councilmember Carroll moved to hold the resolution over for two weeks, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for two weeks until the regular meeting of May 9, 2023.

APPROVE PURCHASE ORDER TO MARSF MARINE SAFETY CONSULTING FOR MARITIME SECURITY PLAN TRAINING EXERCISE SERVICES FOR THE CRUISE TERMINAL; \$24,500.00. The following resolution which was read and introduced at the regular meeting of April 18, 2023, and held over until the regular meeting of April 25, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-438-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6541</u>	2023	(F6020) CRUISE TERMINAL	PROVIDE MARITIME SECURITY PLAN TRAINING EXERCISE SERVICES FOR CRUISE TERMINAL (PROFESSIONAL SERVICE)	\$24,500.00	(298359) MARSF MARITIME SAFETY CONSULTING

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

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

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

APPROVE PURCHASE ORDER TO SCHAEFER PLASTICS NORTH AMERICA, LLC FOR PLASTIC GARBAGE CARTS; \$45,958.00. The following resolution which was read and introduced at the regular meeting of April 18, 2023, and held over until the regular meeting of April 25, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-439-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7920</u>	2023	(2090B) GARBAGE COLLECTION	793 95GAL PLASTIC GARBAGE CARTS (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$45,958.00	<u>(297915) SCHAEFER PLASTICS NORTH AMERICA, LLC</u>

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

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

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

AUTHORIZE CONTRACT WITH CHRIS BREWER CONTRACTING, INC., FOR HILLWOOD ROAD SIDEWALK PROJECT; \$387,852.00. The following resolution which was read and introduced at the regular meeting of April 18, 2023, and held over until the regular meeting of April 25, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-440-2023

Sponsored by: Mayor Stimpson and Councilmember Daves

WHEREAS, bids for sidewalk and ramp repairs for district 5 were received and opened on March 8, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from Chris Brewer Contracting, Inc., in the amount of \$387,852.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by Chris Brewer Contracting, Inc.

NOW, THEREFORE, 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

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and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: Chris Brewer Contracting, Inc.
Project Name: Millwood Rd. Sidewalk Project (D# 5)
Project Number: 2023-3005-07
Amount: \$387,852.00

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

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

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

CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO THE WAY TO GO, INC. TO OPERATE A SEDAN AND SHUTTLE SERVICE. The following resolution which was read and introduced at the regular meeting of April 18, 2023, and held over until the regular meeting of April 25, 2023, was called up by the Presiding Officer.

RESOLUTION: 37-441-2023

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of The Way to Go, Inc. for a Certificate of Public Convenience and Necessity to operate a sedan and 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

ORDINANCES BEING INTRODUCED

ORDINANCE TO AMEND “PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL,” MOBILE CITY CODE SECTION 2-62. The following ordinance was held over until the regular meeting of May 2, 2023.

ORDINANCE: 02-020-2023

Sponsored by: City Council

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

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

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

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

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

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

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

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

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

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

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

(b) Public hearings or appeals. Where required by law, or by unanimous consent of the council, public hearings on matters before the council, or appeals to the council (excluding appeals for waiver of the noise ordinance), shall be held by the council at which taxpayers, residents of the city, other interested parties, or their authorized legal representatives, shall be permitted to present oral statements for or against the matter made a subject of the hearing or appeal. Requests to appear at such a public hearing or appeal may be filed in writing in advance with the city clerk and shall include the speaker's name and address. The city clerk shall refer the same to the president of the council prior to the hearing or appeal. Persons making requests in writing shall, together with witnesses requested to appear by the council, be heard prior to other persons who appear at the hearing or appeal. Each person addressing any public hearing or appeal without submitting a written request shall, when called, step up to the podium and give their name in an audible tone of voice for the record. No person shall speak more than five (5) minutes on the subject, and rebuttal speakers shall be limited to two (2) minutes, after an issue has been discussed by both sides, except by permission granted by majority vote of the council. Those speaking on the subject will be limited to four (4) spokespersons on each side (for or against) of the

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issue, unless permission is granted by unanimous consent of the councilmembers present to allow others to speak. Speakers will be determined by the chronological order in which they signed up to speak. Speakers may not share or reserve speaking time. The president must notify each speaker, before they have begun to speak, that said speaker will be limited to five (5) minutes on the subject, and additionally must also notify rebuttal speakers, before said speaker has begun to speak, that they will be limited to two (2) minutes on the subject. All persons wishing to address the council shall be required to register with the city clerk prior to the meeting, including their name and address, and listing with specificity the subject matter to be discussed and whether they are for or against the matter subject to the hearing or appeal.

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

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

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

SECTION TWO: Miscellaneous.

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

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

ORDINANCE TO AMEND CHAPTER 39, ARTICLE X, DIVISION 1 AND CHAPTER 22 “FIREWORKS” MOBILE CITY CODE. The following ordinance was held over until the regular meeting of May 2, 2023.

ORDINANCE: 22-021-2023

Sponsored by: Mayor Stimpson

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

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

Chapter 39, Article X, Division 1 - Generally

Chapter 39, Article X, Division 1 is hereby amended at Section 39-201, Fireworks during

Mardi Gras to read as follows:

Sec. 39-201. Fireworks during Mardi Gras.

(a) Definitions.

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

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

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

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

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

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

Sec. 22-20. – Fireworks

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

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

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

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

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

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

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

SECTION III - Miscellaneous

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

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

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

REZONE PROPERTY LOCATED AT 4701 HALLS MILL ROAD FROM R-1 TO I-1. The following ordinance was held over until the regular meeting of May 2, 2023.

ORDINANCE: 64-022-2023

Sponsored by: Councilmember Reynolds

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

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

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

BEGINNING AT A RECOVERED REBAR MARKING THE NORTHWEST CORNER OF LOT 2, N.D.H. SUBDIVISION, AS RECORDED IN MAP BOOK 40, PAGE 41, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, RUN SOUTH 00°-58'-16" WEST AND ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 400.13 FEET TO A RECOVERED REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 71°-49'-53" EAST AND ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 250.31 FEET; THENCE SOUTH 00°-56'-51" WEST, 7.01 FEET TO A RECOVERED ROD AND CAP (BRYANT); THENCE NORTH 66°-24'-42" EAST, 163.39 FEET TO A RECOVERED ROD AND CAP (BYRD); THENCE NORTH 66°-17'-24" EAST, 163.86 FEET TO A RECOVERED IRON MARKING THE SOUTHEAST CORNER OF LOT 1, B & G SUBDIVISION, AS RECORDED IN MAP BOOK 47, PAGE 83, SAID PROBATE RECORDS, SAID POINT BEING ON THE WEST LINE OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN REAL PROPERTY BOOK 635, PAGE 338, SAID PROBATE RECORDS; THENCE SOUTH 00°-08'-25" EAST AND ALONG THE WEST LINE OF SAID PROPERTY AND ALONG THE WEST PROPERTY LINE OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN REAL PROPERTY BOOK 1909, PAGE 188, SAID PROBATE RECORDS, A DISTANCE OF 588.18 FEET TO A RECOVERED CONCRETE MONUMENT MARKING THE NORTHWEST CORNER LOT 15, LAUGHLIN INDUSTRIAL PARK SUBDIVISION, AS RECORDED IN MAP BOOK 122, PAGE 4, SAID PROBATE RECORDS; THENCE SOUTH 00°-06'-18" EAST AND ALONG THE WEST LINE OF SAID LOT 15, A DISTANCE OF 390.48 FEET TO A RECOVERED ROD AND CAP (ROWE); THENCE SOUTH 65°-38'-27" EAST, 137.91 FEET TO A SET ROD AND CAP (ROWE); THENCE NORTH 89°-39'-27" WEST AND ALONG THE NORTH LINE OF SAID PROPERTY, 2152.29 FEET TO A RECOVERED ROD AND CAP (BYRD), SAID POINT BEING ON THE EAST LINE OF GRIFFIN PLACE, AS RECORDED IN MAP BOOK 34, PAGE 108, SAID PROBATE RECORDS; THENCE NORTH 00°-33'-17" EAST AND ALONG THE EAST LINE OF SAID GRIFFIN PLACE, 191.96 FEET TO A RECOVERED ROD AND CAP (SPEAKS); THENCE NORTH 89°-26'-47" EAST, 533.30 FEET; THENCE NORTH 00°-21'-24" EAST, 414.29 FEET TO THE SOUTHWEST CORNER OF LOT 1, SAID N.D.H. SUBDIVISION; THENCE NORTH 77°-37'-30" EAST AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 101.19 FEET TO A RECOVERED REBAR; THENCE NORTH 00°-13'-42" EAST AND ALONG THE EAST LINE OF SAID

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LOT 1, A DISTANCE OF 399.55 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HALLS MILL ROAD (RIGHT-OF-WAY VARIES); THENCE NORTH 77°-44'-05" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, 101.37 FEET TO A RECOVERED ROD AND CAP (BYRD), SAID POINT MARKING THE NORTHWEST CORNER OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN LAND RECORD BOOK 6647, PAGE 1809, SAID PROBATE RECORDS; THENCE SOUTH 03°-03'-42" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 190.48 FEET TO A RECOVERED ROD AND CAP (BYRD); THENCE SOUTH 11°-14'-45" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 202.44 FEET TO A RECOVERED REBAR; THENCE NORTH 77°-43'-01" EAST, ALONG THE SOUTH LINE OF SAID PROPERTY, 307.46 FEET TO A RECOVERED REBAR; THENCE NORTH 02°-31' -00" EAST AND ALONG THE EAST LINE OF SAID PROPERTY, 403.70 FEET TO A RECOVERED REBAR; THENCE NORTH 77°- 44'-05" EAST AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HALLS MILL ROAD, 308.28 FEET TO THE PC OF A 2,032.21 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWARDLY AND WESTWARDLY ALONG THE ARC OF SAID CURVE (CHORD BEARS NORTH 76°-36'-42" WEST, 89.97 FEET), A DISTANCE OF 89.97 FEET TO THE POINT OF BEGINNING. BEING SUBJECT TO A 30-FOOT-WIDE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 2, N.D.H. SUBDIVISION, AS RECORDED IN MAP BOOK 40, PAGE 41, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, RUN SOUTHWARDLY AND WESTWARDLY ALONG THE ARC OF A 2,032.21 FOOT RADIUS CURVE (CHORD BEARS SOUTH 75°-48'-24" WEST, 15.00 FEET), A DISTANCE OF 15.00 FEET TO THE CENTERLINE AND POINT OF BEGINNING OF SAID EASEMENT. SAID EASEMENT BEING 15.0 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: THENCE SOUTH 00°-58'-16" WEST AND ALONG SAID CENTERLINE, 416.54 FEET; THENCE NORTH 73°-18'-37" EAST, 271.73 FEET; THENCE NORTH 66°-24'- 42" EAST, 163.39 FEET; THENCE NORTH 66°-17'-24" EAST, 140.95 FEET; THENCE SOUTH 00°-08'-25" EAST, 565.27 FEET; THENCE SOUTH 00°-06'-18" WEST, 446.38 FEET TO THE TERMINUS OF SAID EASEMENT.

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

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

ORDINANCE TO AMEND CHAPTER 44, ARTICLE IV, MOBILE CITY CODE ENTITLED "HISTORIC PRESERVATION". The following ordinance was held over until the regular meeting of May 2, 2023.

ORDINANCE: 01-023-2023

Sponsored by: Councilmember Carroll

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE that Article IV, Chapter 44, Mobile City Code is hereby amended as follows:

Sec. 44-70. FINDINGS AND PURPOSE.

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

(b) In 1989, the State enacted legislation authorizing all municipalities to adopt ordinances to establish historic development commissions and architectural review boards, and to promote educational, cultural, economic and general welfare of Alabama municipalities through preservation and protection of historic resources. (Alabama Code Section 11-68-1 through 11-68-15).

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

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

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

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

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

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

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

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

Sec. 44-71. DEFINITIONS.

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

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

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

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

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

(f) "Certified Local Government ("CLG")" – means a local government certified by the National Park Service and the Alabama Historical Commission to participate in the federal

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Historic Preservation Program and eligible to receive federal technical assistance and funding for preservation activities. The City of Mobile is a Certified Local Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Demolition or relocation of a Historic Property;

(3) Commencement of excavation for construction purposes;

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

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

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

(7) The painting of originally unpainted surfaces.

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

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

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

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

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

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

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

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

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

SEC. 44-72. HISTORIC PRESERVATION COMMISSION CREATED.

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

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

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(c) Commission Membership. The Commission shall consist of thirteen (13) members. Commissioners shall be bona fide residents of the City of Mobile and shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology, or law, or who shall be residents of a Local Historic District. No elected official shall serve on the Commission. A minimum of seven (7) members of the Commission shall reside or own property in a Local Historic District. The remaining six (6) Members of the Commission may reside or own property in a local Historic District but such shall not be required for their nomination by the Mayor. Members of the Commission shall be nominated by the Mayor, with the Mayor to nominate one Commissioner from each of the Local Historic Districts existing from time to time, with representation of the Local Historic Districts not to exceed seven (7) in total, and shall be appointed by the City Council. Nomination and appointment of members of the Commission shall be made so as to ensure that the Commission will be composed of persons with as much of the training and experience identified in this section as is possible. In making such appointments, the Mayor shall solicit non-binding recommendations of potential Commissioners from the following:

Recommendations of Additional Commission Members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) It is an outstanding example of a structure representative of its era;
- (2) It is one of the few remaining examples of a past architectural style;
- (3) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or region;
- (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state or region; or
- (5) The building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the city or which is unique to the City.

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

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

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

- (1) A physical description;
- (2) A statement of the historical, cultural, architectural and/or aesthetic significance;
- (3) A map showing district boundaries and classification of individual properties therein (contributing, non-contributing) or showing boundaries of individually designated Historic Properties;
- (4) A statement justifying the district or individual property boundaries;
- (5) Representative photographs; and
- (6) A proposed ordinance that:
 - (i) Lists each property in a proposed Historic District;
 - (ii) Requires a Certificate of Appropriateness prior to any Material Change in appearance of a property in a local Historic District; and
 - (iii) requires the district be shown on the City's official zoning map.

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

(g) Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within

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forty-five (45) days following the Public Hearing and shall be in the form of a resolution to the City Council.

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

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

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

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

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

Sec. 44-75. ARCHITECTURAL REVIEW BOARD CREATED.

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

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

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

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

(1) The Historic Mobile Preservation Society;

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

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

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

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

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

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

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

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

(1) Provide that Board meetings shall be publicly announced, open to the public, and shall be held at designated times and places as set forth in the Board's rules and regulations;

(2) Provide for notice of its meetings to the applicants, Board Members, and the City Clerk;

(3) Provide that minutes of all decisions and actions of the Board, including the reasons for making these decisions, be kept on file and available for public inspection;

(4) Require the annual election of a chairman and vice chairman and such other officers as the Board deems necessary;

(5) Specify the number of Board Members needed for a quorum; and

(6) Provide for design assistance through a Design Review Committee.

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

(1) Apply general design standards adopted by the Commission in considering the granting and denial of Certificates of Appropriateness;

(2) Adopt rules and regulations governing the procedure for submission and consideration of applications for Certificates of Appropriateness and Certificates of Economic Hardship;

(3) Review applications for Certificates of Appropriateness and Certificates of Economic Hardship and grant, conditionally grant, assign to a design review committee, hold over for further action, or deny same in accordance with the provisions of this Chapter and the guidelines;

(4) Prescribe a reasonable fee to help defray the costs of processing the application;

(5) Seek technical advice from outside its membership on any application;

(6) Subject to funding, attend at least two (2) informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, the National Trust for Historic Preservation, the National Alliance of Preservation Commissions, the Alabama Trust for Historic Preservation, the Commission's Preservation Leadership Class or other training approved by the Commission. One of the two meetings should be regional or statewide;

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(7) Receive, review and assess each application for a Certificate of Appropriateness to determine if the application qualifies for Expedited Review by City staff. Should the application be found to so qualify, designated City staff shall conduct the Expedited Review to determine whether the application adheres to the design guidelines and does not impair the architectural integrity of the building, the property, or the surrounding neighborhood. If an application does not qualify for Expedited Review, Staff shall prepare an analysis of the application and present it to the applicant and to the Board, including any recommendations, for full review;

(8) Award a Certificate of Appropriateness to applicants who duly qualify for such;

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

Sec. 44-77. CERTIFICATES OF APPROPRIATENESS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 44-79. STANDARD OF REVIEW.

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

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

Sec. 44-80. DEMOLITION/RELOCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 44-81. CERTIFICATE OF ECONOMIC HARDSHIP.

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

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

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

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

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

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

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- (3) The current level of economic return on the property;
- (4) The economic feasibility of rehabilitation or reuse of the existing property or structures;
- (5) The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. Evidence of this factor shall include testimony and relevant documents regarding:
 - (i) Any real estate broker or firm engaged to sell or lease the property;
 - (ii) Reasonableness of the price or rent sought by the applicant; and,
 - (iii) Any advertisements placed for the sale or lease of the property by the owner or applicant;
- (6) Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the economic hardship provision; and
- (7) The extent to which the owner is responsible for his or her own economic hardship, if any, such as the owner's:
 - (i) Failure to perform normal maintenance and repairs;
 - (ii) Failure to diligently solicit and retain tenants;
 - (iii) Failure to prescribe a rental amount which is reasonable;
 - (iv) Failure to provide normal tenant improvements; and,
 - (v) Purchase of the subject property without making said purchase contingent upon first obtaining the approvals required by this Chapter or earlier versions of this chapter.
- (e) Hearing. The Board shall hold a public hearing as soon as practicable but not longer than forty-five (45) days after receipt of a completed application for a Certificate of Economic Hardship. Notice shall be provided in the same manner the Board uses for hearings on Certificates of Appropriateness. At the hearing, the Board shall take testimony presented by the owner and any other interested parties on the standards set forth above. The Board shall issue its decision within forty-five (45) days of the hearing. If the Board fails to timely hold a public hearing or, having conducted a hearing, fails to render a decision within forty-five (45) days, the application for a Certificate of Economic Hardship shall be deemed granted.
- (f) Denial. If the Board denies the application for a Certificate of Economic Hardship, the applicant shall be notified in writing and shall be provided a copy of the Board's final determination and a Certificate of Appropriateness shall not be issued.
- (g) Initial Determination. If the Board makes an initial determination that the applicant has presented a case which may establish substantial economic hardship, but finds that reasonable alternatives may exist which should be pursued by the applicant, the Board may delay its final determination for a period of no more than six (6) months. The applicant shall be notified of the initial determination and shall be provided a copy of the Board's findings and reasons for the postponement.
- (h) Postponement. Within any period of postponement specified in subsection (g), the Board, in cooperation with the City, the Commission, and the owner, may explore alternatives that will assure reasonable use of the property including, but not limited to, loans or grants from public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce the cost of maintenance, restoration, rehabilitation or renovation or changes in applicable zoning regulations sufficient to allow reasonable use of the property.
- (i) Issuance of Certificate. Upon the expiration of the period of postponement, the Board shall issue the Certificate of Economic Hardship. The Certificate may be subject to conditions including adherence to the design guidelines for subsequent construction. The Certificate of Economic Hardship shall be valid for a period of one hundred twenty (120) days from approval by the Board.

Sec. 44-82. APPEALS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Time for Compliance. The Building Inspector shall allow owners a reasonable period of time, but not more than two (2) years, to bring their properties into compliance with the standards prescribed herein. In the event repairs are not timely completed, or there is no

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attempt to correct the problems, the Inspector may issue a citation for violation of a municipal ordinance or file a criminal Complaint with a Magistrate or a civil Complaint with the Clerk of the Circuit Court.

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

Sec. 44-84. PENALTY PROVISIONS.

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

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

Certificate of Appropriateness as required by this Chapter; or

(2) violate any other provision of this Chapter.

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

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

Sec. 44-85. SEVERABILITY.

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

Sec. 44-86. REPEALER.

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

Sec. 44-87. EFFECTIVE DATE.

This Ordinance shall become effective upon June 1, 2023 ("Effective Date"), and its provisions shall apply to any application that is pending on the Effective Date.

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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 09-443 through 03-483 being introduced for the first time with the exception of Resolutions 09-443, 37-447, and 37-448. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

TRANSFER FUNDS FROM DISTRICT 4 DISCRETIONARY ACCOUNT TO MOBILE PARKS & RECREATION GENERAL FUND TO ASSIST WITH THE PURCHASE OF NEW UTILITY VEHICLE TO SERVICE MIMS PARK ATHLETICS. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 09-443-2023

Sponsored by: Councilmember Reynolds

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

AUTHORIZE A GRANT APPLICATION TO THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES FOR THE FY23 COMMUNITY POLICING DEVELOPMENT PROGRAM; \$175,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-444-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Justice, Office of Community Oriented Policing Services, a Notice of Award for grant assistance in the amount of \$175,000.00 for the FY 23 Microgrants - Community Policing Development Program. There is no match requirement.

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

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS I LICENSE TO O'DALY'S IRISH PUB, 564 DAUPHIN STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-445-2023

Sponsored by: Councilmember Carroll

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

Type of application: Lounge retail Liquor Class I License

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Submitted by: Corlem LLC

Location: O'Daly's Irish Pub
564 Dauphin Street
Mobile, AL 36602

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS REAL LICENSE TO FESTIVE DAY PARTY, 119 DAUPHIN STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-446-2023

Sponsored by: Councilmember Carroll

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

Type of application: Special Events License

Submitted by: The Breakfast Spot, LLC

Location: Festive Day Party
119 Dauphin Street
Mobile, AL 36602

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS II (PACKAGE STORE) LICENSE TO VIKING LIQUOR STORE, 2551 HALLS MILL ROAD. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 37-447-2023

Sponsored by: Councilmember Small

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

Type of application: Lounge retail Liquor Class I License

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS I LICENSE TO VIKING CONVENIENCE STORE, 2551 HALLS MILL ROAD. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 37-448-2023

Sponsored by: Councilmember Small

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

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

Submitted by: Viking Convenience Store, LLC

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR A RETAIL /BEER TABLE WINE (OFF PREMISES ONLY) LICENSE TO BD FOOD MART, 4444 GOVERNMENT BLVD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-449-2023

Sponsored by: Councilmember Reynolds

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

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

Submitted by: Desh Petroleum, LLC

Location: BD Food Mart
4444 Government Boulevard
Mobile, AL 36693

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE TO FAMILY DOLLAR STORE #32455. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-450-2023

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Sponsored by: Councilmember Reynolds

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

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

Submitted by: Family Dollar Stores of Alabama, LLC

Location: Family Dollar Store #32455
6890 Carol Plantation Road
Mobile, AL 36582

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF SPECIAL EVENTS RETAIL LICENSE TO CINCO DE MAYO BLOCK PARTY, 880 SCHILLINGER ROAD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-451-2023

Sponsored by: City Council

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

Type of application: Special Events Retail License

Submitted by: RFA Mexican Restaurant, Inc.

Location: Cinco de Mayo Block Party
880 Schillinger Road South
Mobile, AL 36695

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

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

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

DECLARE THE STRUCTURE AT 2623 FIRST AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-452-2023

Sponsored by: Councilmember Penn

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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 2623 First 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, 8,12,14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **2623 First Avenue described as:**

LOT 567 TRINITY GARDENS 4TH ADD MBK 4 PCS 195-196 #SEC 44 T4S R1W #MP29 02 44 0 009

Parcel Number: 29 02 44 0 009 299

Last Assessed to: KRISTEN J JOHNSON

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

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the 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 Penn moved to hold the resolution over for sixty days, which was seconded by Councilmember Gregory and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of June 27, 2023.

DECLARE THE STRUCTURE AT 2661 NALL STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-453-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2661 Nail Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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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 **2661 Nail Street described as:**

LOT 6 BLK 1 S MILLVILLE S/D DBK 128 N S P 253 #SEC 23 T4S R1W #MP29 07 23 0 002

Parcel Number: 29 07 23 0 002 318

Last Assessed to: RICHARD & AMANDA SCOTT

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 Penn moved to hold the resolution over for sixty days, which was seconded by Councilmember Gregory and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of June 27, 2023.

DECLARE THE STRUCTURE AT 748 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-454-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 748 Stanton Road 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, B, 12, 14 and 15; and**
WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **748 Stanton Road described as:**

LOT 61st ADD TO CECELIA COURT MBK 6 PG 423 #SEC 44 TSHRU 317 #SEC 27 T4S R1W #MP29 02 44 0 025

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Parcel Number: 29 02 44 0 025 318

Last Assessed to: CREOLA OSBEY

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 11 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 Small moved to hold the resolution over for sixty days, which was seconded by Councilmember Daves and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of June 27, 2023.

DECLARE THE STRUCTURE AT 408 ST. CHARLES AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-455-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 408 St. Charles 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, 8,12,14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **408 St. Charles AVENUE** described as:

LOT 6 MODESTA SATORIA PLAT DBK156 P 592 #SEC 44 T4S R1W #MP29 02 44 0 030

Parcel Number: 29 02 44 0 030 370

**Last Assessed to: WILLIAM DEES, C/O CONSERVATOR OF ESTATE
GREGORY CARWIE**

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."

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

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

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

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

DECLARE THE STRUCTURE AT 459 HOLCOMBE AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-456-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 459 Holcombe 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 11 of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12,14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **459 Holcombe Avenue described as:**

LOTS 21-22 BLK 25 BON AIR ESTATE DBK 156 P 374 #SEC 28 T4S R1W #MP2910 28 2 002

Parcel Number: 29 10 28 2 002 102

Last Assessed to: SHARMAN D CHATMAN

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

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

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

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

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

DECLARE THE STRUCTURE AT 1111 SPRING HILL AVNEUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-457-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1111 SPRINGHILL 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 11 of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12, 14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1111 SPRINGHILL AVENUE** described as:

COMG AT NW COR OF OAK & HAILETT STS TH RUN W 300 FT (S) TO POB TH CONT W 44.22 FT TH NLY 227 FT(S) TH E 38.53 FT TH N 225.1 FT TH ELY 54.08 FT TH S 100 FT TH SE 35 FT TH N 100 FT TH E 35 FT TH S 275 FT(S) TH W 126 FT TH S 227 FT(S) TO POB #SEC 40 T4S R1W #MP29 06 40 0 009

Parcel Number: 29 06 40 0 009 083 009

Last Assessed to: MICHAEL L MEEKS

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

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

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

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

DECLARE THE STRUCTURE AT 3903 VALLAS DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-458-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 3903 Vallas Drive has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **3903 Vallas Drive described as:**

LOT C PETE VALLAS COURT RESUBD OF LOTS 4-10 MBK19 PG 108 #SEC 40 T5S R1W #MP32 11 40 0 002

Parcel Number: 32 11 40 0 002 053

Last Assessed to: LAMAR ELLIOT

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 Small moved to table the resolution, which was seconded by Councilmember Penn and the vote was as follows:

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

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

DECLARE WEEDS NOXIOUS, GROUP 1642. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-459-2023

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.

MINUTES OF APRIL 25, 2023

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 #1642** 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 **30th day of May 2023**, 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 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

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

RESOLUTION: 60-460-2023

Sponsored by: Mayor Stimpson

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

**MARCH 2023 – ERIN BRYARS (Employee #19896)
COMMUNICATION GRAPHIC DESIGN MANAGER**

MINUTES OF APRIL 25, 2023

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

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

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

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

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

RESOLUTION: 60-461-2023

Sponsored by: Councilmember Small

WHEREAS, Councilmember Small wishes to appropriate **\$1,000.00** to Mobile Law Enforcement Foundation, Inc., from her discretionary funds; and

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

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

WHEREAS, the Mobile City Council determines that this appropriation to Mobile Law Enforcement Foundation, Inc., will be used to assist with the Mobile Police Department Awards Presentation on Friday, May 19, 2023, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,000.00** to Mobile Law Enforcement Foundation, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO SOUTHWEST MOBILE COUNTY CHAMBER FOUNDATION SERVES A PUBLIC PUPROSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-462-2023

Sponsored by: Councilmember Reynolds

MINUTES OF APRIL 25, 2023

WHEREAS, Councilmember Reynolds wishes to appropriate **\$5,000.00** to Southwest Mobile County Chamber Foundation, from her discretionary funds; and

WHEREAS, Southwest Mobile County Chamber Foundation, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Southwest Mobile County Chamber Foundation, will be used to assist with the T.A.L.L. Youth Leadership Academy, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to Southwest Mobile County Chamber Foundation, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO JOHN L. LEFLORE MAGNET HIGH SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-463-2023

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **\$300.00** to John L. LeFlore Magnet High School, from his discretionary funds; and

WHEREAS, John L. LeFlore Magnet High School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

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

WHEREAS, the Mobile City Council determines that this appropriation to John L. LeFlore Magnet High School will be used to assist with the first Spring-Coming Classic combine, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$300.00** to John L. LeFlore Magnet High School for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; PRICE. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-464-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the settlement agreement and release of claims to settle the claim for personal injury of Carletha Lovette McClain Price suffered on May 7, 2022, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

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

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

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

AUTHORIZE CONTRACT FOR EMERGENCY REPAIR AND REMEDIATION OF DRAINAGE PIPES ON DAUPHIN STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-482-2023

Sponsored by: Mayor Stimpson

WHEREAS, Code of Alabama 1975, Section 39-2-2 (e) provides an exception to the requirement for the advertisement of public works contracts in case of "emergency affecting public health, safety, or convenience which would result from delay"; and

WHEREAS, the City Engineer has determined that there is an emergency drainage repair issue on Dauphin Street approximately 0.4 miles west of Springhill Memorial Hospital wherein two drainage pipes in the median of Dauphin Street have failed and need immediate repair. Total collapse is imminent and will cause a back-up of the upstream drainage, closure of at least one lane of traffic in both directions, potential risk of damage to property and persons and jeopardize the health and safety of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that pursuant to Section 39-2-2 (e) of the Code of Alabama, 1975, that, as of April 20, 2023, at 2:00 p.m., a public works "emergency affecting public health, safety or convenience" has existed as stated above warranting immediate remedial action.

BE IT FURTHER RESOLVED that the City Engineer is authorized to obtain a public works contract for the repair and remediation of the above emergency without advertisement.

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

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

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

APPOINT ALYSON CAIN TO THE CITIZEN PARKS AND RECREATION ADVISORY COMMITTEE. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-483-2023

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Alyson Cain is appointed to the Citizens Parks and Recreation Advisory Committee effective immediately for a term ending April 25, 2025.

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

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

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

CIP RESOLUTIONS BEING INTRODUCED

AUTHORIZE CONSULTANT CONTRACTS PR-0006/007/012-23 WITH DELL CONSULTING LLC FOR ELECTRICAL AND LIGHTING IMPROVEMENTS AT SPRINGHILL RECREATION CENTER/HARMON RECREATION CENTER/HILLSDALE COMMUNITY CENTER; \$40,500.00 COMBINED. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 21-465-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll and Gregory

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

Name of Company: DELL CONSULTING, LLC

Project Name: LIGHTING IMPROVEMENTS

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

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

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

AUTHORIZE CONTRACT PR-80-22 WITH CHRISTIAN PREUS LANDSCAPE ARCHITECTURE P.L.L.C. FOR THE DESIGN OF A NEW RECREATION FACILITY AT STOTTS PARK; \$74,092.00.

RESOLUTION: 21-466-2023

Sponsored by: Mayor Stimpson and Councilmember Reynolds

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

Name of Company: CHRISTIAN PREUS LANDSCAPE ARCHITECTURE P.L.L.C.
Project Name: STOTTS PARKNEW
RECREATION FACILITY
Project Number: PR-080-22
Amount: \$74,092.00
(C0835-2023-P-010 D4)

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH THE STATE OF ALABAMA FOR THREE MILE CREEK GREENWAY TRAIL SECTION 6N; INCREASE BY \$500,000. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 01-467-2023

Sponsored by: Mayor Stimpson

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

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.
The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-468-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF APRIL 25, 2023

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

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

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

The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-469-2023

MINUTES OF APRIL 25, 2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6823</u>	2023	(2060) TRAFFIC ENGINEERING	STREET SIGNS FOR TRAFFIC ENGINEERING (SEALED BID 5789)	\$28,369.95	<u>(270972)</u> <u>VULCAN INC</u>

APPROVE PURCHASE ORDER TO TECHNICAL & SCIENTIFIC APPLICATION, INC. FOR HP DESKTOP COMPUTERS AND MONITORS FOR PUBLIC SERVICES DEPT.; \$21,400.00. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-470-2023

Sponsored by: Mayor Stimpson

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

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

APPROVE PURCHASE ORDER TO WARD INTERNATIONAL TRUCKS, LLC FOR INTERNATIONAL TRUCK CAB AND CHASSIS FOR A SIGN TRUCK FOR TRAFFIC ENGINEERING DEPT.; \$70,507.00. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-471-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF APRIL 25, 2023

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

APPROVE PURCHASE ORDER TO NOBLE SUPPLY & LOGISTICS, LLC FOR SMARTRAY VISION PORTABLE X-RAY SYSTEM FOR MPD; \$69,207.38. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-472-2023

Sponsored by: Mayor Stimpson

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

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

APPROVE PURCHASE ORDER TO SANSOM EQUIPMENT CO., INC. FOR REAR LOAD GARBAGE TRUCK; \$197,041.30. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-473-2023

Sponsored by: Mayor Stimpson

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

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

APPROVE PURCHASE ORDER TO CARAHSOFT TECHNOLOGY CORP. FOR ANNUAL RENEWAL OF CONCUR TRAVEL MANAGEMENT SOFTWARE; \$17,571.33. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-474-2023

MINUTES OF APRIL 25, 2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8620</u>	2023	(2510) ACCOUNTING	ANNUAL RENEWAL OF SAP CONCUR TRAVEL MANAGEMENT SOFTWARE (GSA CONTRACT)	\$17,571.33	<u>(295556)</u> <u>CARAHSOFT</u>

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR ONE-YEAR SUBSCRIPTION FOR NETWORK SECURITY SOFTWARE FOR MIT; \$73,051.01. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 08-475-2023

Sponsored by: Mayor Stimpson

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

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

AUTHORIZE CHANGE ORDER #2 WITH MCCRORY WILLIAMS, INC. FOR DESIGN AND ENGINEERING SERVICES OF THE THREE MILE CREEK GREENWAY TRAIL SECTION 3; \$241,980.00. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 21-476-2023

Sponsored by: Mayor Stimpson

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

Name of Company: McCrory & Williams, Inc.
Project Name: Mobile Greenway Initiative: Three Mile Creek Trail,
Segments 1, 2 & 3

MINUTES OF APRIL 25, 2023

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

AUTHORIZE FOR CITY-WIDE TREE MAINTENANCE AND REMOAL SERVICES; NTE \$75,000.00 PER YEAR. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 21-477-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the Chris Francis Tree Care, LLC, to provide city-wide tree maintenance and removal services, for one year, renewable annually without further approval required by Council, for up to a total of three years, in an amount not to exceed \$750,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

AUTHORIZE CONTRACT WITH MOTT MACDONALD ALABAMA, LLC FOR ENGINEERING AND DESIGN SERVICES AT THE MOBILE CIVIC CENTER; \$149,040.00. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 21-478-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: MOTT MacDONALD ALABAMA, LLC

Project Name: MOBILE CIVIC CENTER
MASTER PLAN IMPROVEMENTS

Project Number: CC-034-22

Amount: \$149,040.00

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE THREE MILE CREEK GREENWAY TRAIL SECTION 6N; \$1,405,086.40. The following resolution was held over until the regular meeting of May 2, 2023.

RESOLUTION: 21-479-2023

Sponsored by: Mayor Stimpson

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

Name of Company: McElhenney Construction Company, LLC

MINUTES OF APRIL 25, 2023

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

Cost: \$1,405,086.40

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FAR WESTSIDE LIMO & SHUTTLE TO OPERATE A SHUTTLE SERVICE (SCHEDULED FOR MAY 9, 2023). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-480-2023

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

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

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Far Westside Limo & Shuttle to operate a shuttle service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza, located at 205 Government Street, Mobile, Alabama, on May 9, 2023, at 10:30 a.m. At such time and, place, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

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

Councilmember Gregory moved to call for the public hearing, which was seconded by Councilmember Daves and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as May 9, 2023.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 908 KENDRICK DRIVE FROM R-1 TO B-3 (SCHEDULED FOR MAY 23, 2023) (DISTRICT 7). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-481-2023

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

Notice of Public Hearing for the Proposed Rezoning of Property Located at 908 Kendrick Drive.

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Pursuant to Resolution of the Mobile, Alabama City Council adopted December 14, 2021, a public hearing will be held on the 23rd day of May 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 908 Kendrick Drive (east side of Kendrick Drive, 297' ± south terminus of Kendrick Drive) from R-1, Single-Family Residential District, to B-3, Community Business District.

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

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

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

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

LOT 11 OF THE FRY TRACT, ACCORDING TO PLAT RECORDED IN DEED BOOK 156, PAGE 268, OF THE RECORDS, LYING NORTH OF THE ILLINOIS CENTRAL GULF RAILROAD, EXCEPT THAT PART IN KENDRICK DRIVE AND EXCEPT LOT 1 OF MORRIS SUBDIVISION RECORDED IN MAP BOOK 36, PAGE 60, IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from R-1, Single-Family Residential District to B-3, Community Business District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in B-3, Community 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 Unified Development Code of July 12, 2022.

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

Councilmember Gregory moved to call for the public hearing, which was seconded by Councilmember Daves and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as May 23, 2023.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT THE NORTH SIDE OF GOVERNMENT STREET, 140' +/- EAST OF SOUTH ANN STREET FROM B-1, AND B-2 TO B-2 (SCHEDULED MAY 23, 2023) (DISTRICT 2). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-484-2023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed

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amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the Proposed Rezoning of property located at the North side of Government Street, 140' ± east of South Ann Street

Pursuant to Resolution of the Mobile, Alabama City Council adopted April 25, 2023, a public hearing will be held on the 23rd day of May, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at the north side of Government Street, 140' ± east of South Ann Street from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.

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

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED 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:

COMMENCING AT THE NORTHEAST CORNER OF ANN STREET AND GOVERNMENT STREET; THENCE NORTH 70° - 53' - 43" EAST ALONG THE NORTH LINE OF GOVERNMENT STREET 140.28 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 70° - 53' - 43" EAST 171.90 FEET TO A POINT THAT IS 130.05 FEET WEST OF THE NORTHWEST CORNER OF GOVERNMENT STREET AND GEORGIA AVENUE; THENCE NORTH 06° - 03' - 32" EAST 205.77 FEET; THENCE NORTH 84° - 14' - 58" WEST 56.94 FEET; THENCE SOUTH 06° - 29' - 00" WEST 77.22 FEET TO THE NORTHEAST CORNER OF LOT 1, GRIFFITH SUBDIVISION AS RECORDED IN MAP BOOK 40, PAGE 107, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE NORTH 83° - 25' - 46" WEST 48.20 FEET TO A CORNER OF LOT 1 WHICH IS ON THE SOUTH LINE OF A 10 FOOT ALLEY; THENCE SOUTH 63° - 30' - 14" WEST ALONG THE SOUTH LINE OF SAID ALLEY AND ALONG THE NORTH LINE SAID LOT 1 A DISTANCE OF 48.87 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE CONTINUE SOUTH 08° - 53' - 35" WEST 175.67 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood 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 B-2, Neighborhood 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 B-2, Neighborhood Business District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; 2) full compliance with all municipal codes and ordinances; and 3) compliance with the Voluntary Conditions & Use Restrictions submitted by the applicant.

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

Councilmember Gregory moved to call for the public hearing, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as May 23, 2023.

ANNOUNCEMENTS

Councilmember Reynolds stated that the “Mud Bottom Revival” hosted by the Dog River Clearwater Revival was a great success this past weekend.

Councilmember Penn thanked the Mayor, the administration, and the citizens of District 1 for participating in the neighborhood clean-up last weekend.

Councilmember Penn announced a community meeting will be held on April 25, 2023, at Dumas Wesley Community Center about annexation at 6:00 p.m.

Councilmember Carroll said that a meeting will be held on May 9, 2023, to discuss the Mobile Historic District Commission ordinance.

Councilmember Daves informed citizens that starting on Monday, May 1, 2023, S. McGregor Avenue will close for improvements and that businesses facing Airport Boulevard will remain open.

Councilmember Daves said a combined meeting about annexation of District 5 and District 7 will be held on May 1, 2023, at the Mobile Museum of Art at 6:00 p.m.

Councilmember Gregory announced a meeting about a proposed subdivision will be held on May 18, 2023, at the Moffett Road Baptist Church at 6:00 p.m.

Councilmember Gregory stated that the Heroes Celebration at the Springhill Fire Station was a great success this past Sunday.

Councilmember Small announced that the community meeting at Riverside Baptist Church concerning the revitalization of DIP was a great success.

Councilmember Small stated a community meeting will be held on April 27, 2023, at Craighead Elementary School about annexation at 6:00 p.m.

Councilmember Small informed citizens that a community clean-up day will be held on May 5, 2023, at Duval Street Park starting at 7:45 a.m.

Councilmember Reynolds announced that a combined meeting of District 4 and District 6 will be held on April 27, 2023, at the Connie Hudson Senior Center at 6:00 p.m.

Councilmember Reynolds stated that a Rules Committee Meeting will be held on May 2, 2023, immediately following the regular Council meeting.

Councilmember Gregory updated citizens about the re-opening of a portion of Zeigler Boulevard within the next four months.

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

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

Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:59 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK