

MUNICIPAL BUILDING, MOBILE, ALABAMA, MARCH 21, 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, March 21, 2023, at 9:00 a.m.

Councilmembers:

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

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, MARCH 21, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, March 21, 2023, at 10:30 a.m., for the regular meeting.

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

Pastor Dr. W. A. James, Grace and Truth Christian Fellowship 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 Jones
Absent: Daves

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 meeting of March 14, 2023, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson announced the Women’s Health Screenings Resources and Blood Drive will be on Wednesday, March 22, 2023, at the Hillsdale Community Center from 10:00 a.m. – 2:00 p.m.

Mayor Stimpson said that “Movies in the Park” will be showing the movie “Top Gun Maverick” on Thursday, March 23, 2023, at Matthews Park at 6:00 p.m.

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Paul Prine, Chief of the Mobile Police Department, presented William Elliott as Officer of the Month for February 2023.

James Frank, Chief of Operations for the Mobile Fire and Rescue Department, presented Brandon Ripple as Firefighter of the Month for February 2023.

Steven Milhouse of the Mobile Fire Rescue Department presented some of the police officers, firefighters, and an off-duty paramedic with Newman's Ambulance the Meritorious Service Award for outstanding operations at an emergency scene for responding to the active shooting in downtown Mobile on December 31, 2022.

ADOPTION OF THE AGENDA:

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

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

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

APPEALS

Request of Krystn Bohannon for a waiver of the Noise Ordinance at Washington Square on March 25, 2023, from 5:00 p.m. – 9:00 p.m. (District 2).

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

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

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

Request of Quinton Cross for a waiver of the Noise Ordinance at James Seals Park on April 8, 2023, from 11:00 a.m. – 3:30 p.m. (District 2).

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

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

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

Request of Shaminique Padgett for a waiver of the Noise Ordinance at Cathedral Square on April 9, 2023, from 3:00 p.m. – 6:00 p.m. (District 2).

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

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

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

Request of Strikers Club, Inc. for a waiver of the Noise Ordinance at Mardi Gras Park on September 3, 2023, from 4:00 p.m. – 8:00 p.m. (District 2).

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

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

Nays: None

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

Request of Letrisha West for a waiver of the Noise Ordinance at Public Safety Memorial Park on April 8, 2023, from 11:00 a.m. – 2:00 p.m. (District 5).

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 CONSIDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO LEE ANTHONY CLARKE TO OPERATE A SHUTTLE SERVICE.

The Presiding Officer announced that today was the day for the public hearing to consider a certificate of public convenience and necessity to Lee Anthony Clarke to operate a shuttle service and asked if there was anyone present to speak for or against this matter.

Lee Clarke, 7684 Broome Court Theodore, Alabama, offered comments in support of this application.

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 2663 GLASS 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 2663 Glass Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Patience Dennis, 2663 Glass Avenue, requested an extension in order to get the deed to begin fixing the 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 1254 ESLAVA LANE 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 1254 Eslava Lane a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Nonnie Parker, 1254 Eslava Lane, requested an extension in order to get the property changed over into the buyer's name.

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 559 NORTH CAROLINA STREET 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 559 North Carolina Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 7033 SMITH ALY A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 7033 Smith Aly 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 7123 SMITH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 7123 Smith Street a public nuisance and order it demolished. and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 402 N. CODY ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 402 N. Cody Road 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:

Natel Foster, 1141 Montlimar Drive, Suite 2012, provided information about A&O Healthcare Institute, the school she started in Mobile.

Valenia Green, 603 Delaware Street, gave comments regarding homeless and housing issues in the city.

Ryan McMillian, 109 S. Monterey Street, spoke about abuse of power regarding Aniah's Law.

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Pastor W. A. James, 1408 Dr. Martin Luther King, Jr. Avenue, gave comments regarding the pros and cons of annexation.

Sherri Graham, 513 A Magnolia Road, encouraged the Council to create positive strategies to help combat mental health in the community.

Rodney Toomer, 202 Navco Road, asked about the plans for annexation and how they will affect his district.

Timothy Hollis, 1924 Seale Street, spoke about abuse of power, Council rules, body cameras, and annexation.

Reggie Hill, 1007 Center Street, spoke regarding ARP spending, Civic Center, and public safety.

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 meeting of March 21, 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.

(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

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Register of Historic Places," located in a local Historic District or designated by the City Council as a Historic Property.

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

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

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

(2) Demolition or relocation of a Historic Property;

(3) Commencement of excavation for construction purposes;

(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.

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

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

(c) Commission Membership. The Commission shall consist of 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;

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(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 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:

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- (1) Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the city, county, state, region or nation;
- (2) Represents a significant aspect of the cultural, political, economic, military or social history of the locality, region, state or nation;
- (3) Has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation;
- (4) Is a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state or nation; or
- (5) Contains vernacular structures which contribute to an overall character and sense of place which is representative of the city.

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

- (1) Contributing to the historic character of the district; or
- (2) Not Contributing to the historic character of the district.

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

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

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

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

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

- (1) A physical description;
- (2) A statement of the historical, cultural, architectural and/or aesthetic significance;
- (3) A map showing district boundaries and classification of individual properties therein (contributing, non-contributing) or showing boundaries of individually designated Historic Properties;

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

(5) Representative photographs; and

(6) A proposed ordinance that:

(i) Lists each property in a proposed Historic District;

(ii) Requires a Certificate of Appropriateness prior to any Material Change in appearance of a property in a local Historic District; and

(iii) requires the district be shown on the City's official zoning map.

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

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

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

(i) Notification of Adoption of Ordinance for Designation. Within thirty (30) days following the adoption of the ordinance for a designation by the City Council, the owners and occupants of each designated Historic Property and the owners of each structure, site or 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

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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.

(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;

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- (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 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

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detrimental to the historic or architectural character of the District. In making this determination, the Board shall consider:

- (1) The historical or architectural significance of the structure;
- (2) The importance of the structure to the integrity of the local Historic District, the immediate vicinity or area, or relationship to other structures;
- (3) The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
- (4) Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood; and
- (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area.

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

- (1) The date the owner acquired the property, purchase price, and condition on date of acquisition;
- (2) The number and types of adaptive uses of the property considered by the owner;
- (3) Whether the property has been listed for sale, prices asked and offers received, if any;
- (4) Description of the options currently held for the purchase of such property, including the price received for such option, the conditions placed upon such option and the date of expiration of such option;
- (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

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Board may request additional information from the applicant, as necessary, to make informed decisions. Certificates of Economic Hardship are granted only to the applicant and are not transferable.

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

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

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

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

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

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

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

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

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

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

(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;

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(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.

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The ordinance was read by the City Clerk, whereupon Councilmember Carroll moved to hold the ordinance over for thirty days, which was seconded by Councilmember Jones and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for thirty days until the regular meeting of April 25, 2023.

REZONE PROPERTY LOCATED AT 1101 AND 1107 OLD SHELL ROAD FROM R-1 AND B-2 TO B-2. The following ordinance which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-013-2023

Sponsored by: Councilmember Carroll

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 THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF OLD SHELL ROAD AND THE WEST RIGHT-OF-WAY OF NORTH HALLETT STREET; THENCE RUN SOUTH 89°56'58" WEST ALONG THE SOUTH RIGHT-OF-WAY OF OLD SHELL ROAD, A DISTANCE OF 150.18 FEET TO A POINT; THENCE RUN SOUTH 0°07'59" EAST 120.00 FEET TO A POINT; THENCE RUN NORTH 89°53'24" EAST 60.00 FEET TO A POINT; THENCE RUN SOUTH 0°02'45" EAST 120.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF NEW ST. FRANCIS STREET; THENCE RUN NORTH 88°57'40" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 89.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF NORTH HALLETT STREET; THENCE RUN NORTH 0°11'52" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 238.40 FEET TO THE POINT OF BEGINNING, CONTAINING 0.7 +/- ACRES.

The classification of said property is hereby changed from R-1, Single-Family Residential 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) paving of the West parking area in asphalt, concrete or an approved alternative paving surface, or the obtaining of a Parking Surface Variance from the Board of Zoning Adjustment; and 3) 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.

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

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

Nays: None

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

CONSENT RESOLUTIONS BEING INTRODUCED

DECLARE THE STRUCTURE AT 3201 LEES LANE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced and read at the regular meeting of January 24, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-080-2023

Sponsored by: Councilmember Reynolds

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances adopted December 5, 2017, the accessory structure at 3201 Lees Lane has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 3201 Lees Lane described as:

BEG AT INT OF E RWL OF LEES WLN & N RWL OF 1-10 FOR POB TH RUN N 100 FT TH E 210 FT TH SWLY 230FT TO POB #SEC 12 T5S R2W #MP33 01 12 4 000

Parcel: 33 01 12 4 000 004

Last Assessed to: RODGERS WALTER JR & RITA

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

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

The resolution was read by the City Clerk, whereupon Councilmember Reynolds moved to adopt the resolution, which was seconded by Councilmember Gregory, following comments from Councilmember Reynolds the vote was as follows:

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

Nays: None

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

RESOLUTIONS HELD OVER

AUTHORIZE AGREEMENT WITH THE VILLAGE OF SPRING HILL, INC. TO FACILITATE LANDSCAPING AND IRRIGATION IN PUBLIC RIGHT-OF-WAY. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-278-2023

Sponsored by: Mayor Stimpson and Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement to Facilitate Landscaping and Irrigation in Public Right of Way, a copy of which is attached hereto and made a part hereof as though fully set forth herein, and, further, that the Landscaping and Irrigation serve the purpose of beautifying public right of way, which the Council determines to be a public purpose.

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

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

Nays: None

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

APPROVE ITEM BASED BID FOR UNMARKED VEHICLE LIGHT AND SIREN UPFITS FOR MFRD. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-279-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5771</u>	Unmarked vehicle light and siren upfits for MFRD	1	\$5,126.00	For three- to - five vehicles through June 2023	<u>(294963)</u> <u>Emergency Equipment</u> <u>Professional Inc</u>

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

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

Nays: None

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

APPROVE ITEM BASED BID FOR REPLACEMENT BROOMS AND BRUSHES FOR STREET SWEEPERS. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-280-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5774</u>	Replacement Brooms and Brushes for Street Sweepers	5	See bid tab	One year, renewable for two additional one-year periods.	<u>(206760) Tractor & Equipment Co.</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 DENNIS ALUMINUM PRODUCTS FOR DECORATIVE STREET SIGN POSTS; \$49,175.00. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-281-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>5020</u>	2023	(2060) TRAFFIC ENGINEERING	ALUMINUM DECORATIVE STREET SIGNPOSTS AND EXTENSIONS (SEALED BID 5766)	\$49,175.00	<u>(44605) DENNIS ALUMINUM PRODUCTS</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 TRANTEX TRANSPORTATIONS PRODUCTS OF TEXAS, INC. FOR TRAFFIC CONTROL SPEED CUSHIONS FOR TRAFFIC ENGINEERING; \$16,468.38. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-282-2023

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>6335</u>	2023	(2060) TRAFFIC ENGINEERING	18 TRAFFIC CONTROL SPEED CUSHIONS FOR TRAFFIC ENGINEERING (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$16,468.38	<u>(297168) TRANTEX TRANSPORTATION PRODUCTS OF TEXAS INC.</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC. FOR TRAFFIC CONTROL BARRICADES FOR TRAFFIC ENGINEERING;

MINUTES OF MARCH 21, 2023

\$149,800.00. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-283-2023

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>6326</u>	2023	(2060) TRAFFIC ENGINEERING	POLYETHYLENE TRAFFIC CONTROL BARRICADES FOR TRAFFIC ENGINEERING (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$149,800.00	<u>(297168) TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 UJ CHEVROLET CO., INC. FOR SUBURBAN SUV FOR MPD; \$62,575.57. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-284-2023

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>4992</u>	2023	(F7000) MOTOR POOL	CHEVROLET SUBURBAN SUV FOR MPD (SEALED BID 5769)	\$62,575.57	<u>(210000) UJ CHEVROLET CO INC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 C & H CONSTRUCTION SERVICES FOR MINI MESSAGE BOARD WITH TRAILER FOR THE CRUISE TERMINAL; \$16,755.00. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-285-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4978</u>	2023	(F6020) CRUISE TERMINAL	WANCO MINI MESSAGE BOARD WITH TRAILER FOR CRUISE TERMINAL (SEALED BID 5772)	\$16,755.00	<u>(287601) C & H CONSTRUCTION SERVICES LLC.</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 SHI INTERNATIONAL CORP. FOR ANNUAL SUBSCRIPTION FOR TERRANOVA SECURITY AWARENESS TRAINING LIBRARY SERVICES; \$18,898.64. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-286-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6323</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL SUBSCRIPTION FOR TERRANOVA SECURITY AWARENESS TRAINING LIBRARY SERVICES (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$18,898.64	<u>(272641) SHI INTERNATIONAL CORP</u>

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

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

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

AUTHORIZE CONTRACT WITH ARENA FIRE PROTECTION, INC. FOR FIRE SPRINKLER AND BACKFLOW PREVENTER INSPECTIONS AND REPAIRS AT VARIOUS CITY FACILITIES; \$105,648.00 COMBINED. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-287-2023

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, 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: ARENA FIRE PROTECTION INC.

Project Name: VARIOUS CITY OF MOBILE FACILITIES -
FIRE SPRINKLER AND BACKFLOW PREVENTER
INSPECTIONS AND REPAIRS
(3-YEAR SERVICE CONTRACT)

Project Number: SC-016-23

Amount: \$105,648.00 COMBINED TOTAL

\$35,216.00 FIRST YEAR ONLY
\$35,216.00 SECOND YEAR ONLY
\$35,216.00 THIRD YEAR ONLY

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

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

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Nays: None

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

AUTHORIZE CONTRACT WITH CINTAS CORPORATION FOR UNIFORM AND EQUIPMENT RENTAL SERVICES; \$7,000.00 PER MONTH, FOR ONE YEAR. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-288-2023

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 Cintas Corporation No. 2, in the amount of approximately \$7,000 per month, for one year, renewable for two additional one year periods without further Council action, for uniform and equipment rental services as needed and as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH VIRGINIA WRECKING COMPNAY, INC. FOR PHASE 2 ASBESTOS ABATEMENT AND DEMOLITION OF WOODLAWN APARTMENTS; \$92,399.00. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-289-2023

Sponsored by: Councilmember Small

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: Virginia Wrecking Company. Inc.

Project Name: Woodlawn Apartments - Asbestos Abatement and Demolition
(Phase 2) 1050 Dauphin Island Parkway

Project Numbers: ME-118-22; ME-119-22

Amount: \$92,399.00

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH THE UNIVERSITY OF SOUTH ALABAMA, USA HEALTH DIVISION TO PROVIDE PHARMACEUTICAL SERVICES AND MEDICATIONS FOR MFRD; \$125,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-291-2023

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 University of South Alabama, USA Health Division, to provide pharmaceutical services and medications for the Mobile Fire Rescue Department Drug Box and Special Event box program, for one year, renewable annually without further approval required by Council, in an amount as needed not to exceed \$125,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

The resolution was read by the City Clerk, whereupon Councilmember Reynolds moved to adopt the resolution, which was seconded by Councilmember Gregory

Councilmember Reynolds moved to amend the resolution as follows:

“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 University of South Alabama, USA Health Division, to provide pharmaceutical services and medications for the Mobile Fire Rescue Department Drug Box and Special Event box program, for one year, renewable annually for up to three years without further approval required by Council, in an amount as needed not to exceed \$125,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.”

The move was seconded by Councilmember Small and the vote was as follows:

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

Nays: None

The Presiding Officer declared the amendment adopted.

The Presiding Officer called for the vote on the original motion as amended and the vote was as follows:

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

Nays: None

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

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AUTHORIZE CONTRACT WITH AMERSON ROOFING, INC. FOR RE-ROOFING OF VARIOUS CITY FACILITIES; \$117,873.00. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-292-2023

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: AMERSON ROOFING, INC.

Project Name: REROOFING - VARIOUS CITY OF MOBILE
LOCATIONS (GROUP 4)

Project Number: BG-035-22

Amount: \$117,873.00

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

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

Nays: None

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

AUTHORIZE PERFORMANCE CONTRACT WITH FRIENDS OF MOBILE HISTORIC DEVELOPMENT. The following resolution was introduced by Councilmember Gregory. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 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 thirty days, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for thirty days until the regular meeting of April 25, 2023.

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AUTHORIZE PERFORMANCE CONTRACT WITH SOCIETY MOBILE-LA HABANA, INC. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-294-2023

Sponsored by: Mayor Stimpson

WHEREAS, the purpose of Society Mobile-La Habana, Inc. ("Contractor") is to promote and develop the relationship between the City of Mobile ("City") and Havana, Cuba, including the recognition and documentation of the rich history of mutual trade, travel and the exchange of culture between the two port cities; and

WHEREAS, the Contractor is promoting and funding the publication of a joint bi-lingual book documenting the shared histories of the two cities (Project), which book will incorporate extensive research and unprecedented access by the Alabama project researchers to records in Havana and allow Cuban researchers access to records in Mobile; and

WHEREAS, City, by Resolution 21-290 adopted April 27, 2021, has previously authorized funding of \$15,000.00 to Contractor, and now desires to further financially assist Contractor in this effort by providing additional supplemental funding for Project with the knowledge that the support of such research promotes the documented history and knowledge of City thereby serving educational, cultural, tourism and marketing purposes, and thus being an appropriate and justified use of public funds and public purpose;

NOW THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an additional appropriation of \$15,000.00 to Society Mobile-La Habana, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, that this action is necessary to perform essential minimum functions of the Council, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile the contract attached hereto or one substantially similar, and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY/FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE FY22 FIRE PREVENTION AND SAFETY GRANT; \$650,000.00 (5% MATCH REQUIREMENT). The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 31-295-2023

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 Homeland Security (DHS), Federal Emergency Management Agency (FEMA), a Notice of

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Award for grant assistance in the amount of \$650,000.00 for the FY 2022 Fire Prevention and Safety Grant.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the U.S. Department of Homeland Security/Federal Emergency Management Agency. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

BE IT FURTHER RESOLVED that the Council authorizes the expenditure of 5% matching funds in the amount of \$32,500.00 in the event this grant is received.

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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; MCKEAN, EVANS, & BYRD. The following resolution which was introduced and read at the regular meeting of March 14, 2023, and held over until the regular meeting of March 21, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-296-2023

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 arising out of the claims of Patrick McKean, Joshua Evans and William Byrd, as outlined in the Settlement Agreement and Release. 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 Gregory moved to adopt the resolution, which was seconded by Councilmember Carroll and the vote was as follows:

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

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

ORDINANCES BEING INTRODUCED

AUTHORIZE THE CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 2451 FILLINGIM ST. NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES. The following ordinance was held over until the regular meeting of March 28, 2023.

ORDINANCE: 88-014-2023

Sponsored by: Mayor Stimpson and Councilmember Penn

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

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

SEE ATTACHED EXHIBIT 'A'

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

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

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

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

SECTION SIX: That certain Lease of the above-described property made by Grantor to Mobile County Hospital Board dated November 30, 1967 and recorded in Real Property Book 817, Page 747 of the records in the office of the Judge of Probate of Mobile County, Alabama which was transferred to Grantee herein by instrument dated December 31, 1970, and recorded in Real Property Book 1019, Page 498 of said Probate records is hereby terminated and shall have no further force and effect.

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

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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 03-298 through 03-339 being introduced for the first time, with the exception of Resolutions 31-300 and 03-339. The motion was seconded by Councilmember Jones, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

APPOINT LUCY KASTRANTAS TO THE MOBILE MUSEUM OF ART BOARD. The following resolution was introduced by Councilmember Small.

RESOLUTION: 03-298-2023

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Lucy Kastrantas is appointed to the Mobile Museum of Art Board effective immediately, with a term ending March 21, 2026.

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

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

Nays: None

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

TRANSFER FUNDS FROM DISTRICT 7 DISCRETIONARY ACCOUNT TO PARKS & REC. REVENUE TO ASSIST WITH FACILITY FEES FOR SERVICE IT UP WITH LOVE TENNIS TOURNAMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 09-299-2023

Sponsored by: Councilmember Gregory

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$200.00 to be transferred from the General Fund, District 7 Discretionary Account DSC-07, General Fund Account 10041020-42140 to the Parks & Recreation Department, Revenue Account 10042033-42140, to assist with the facility fees for the Serve It up With Love Tennis Tournament April 2,3, & 4, 2023 on behalf of the Child Advocacy Center, Inc.

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

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

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE FOR THE FY23 CONNECT AND PROTECT: LAW ENFORCEMENT BEHAVIORAL HEALTH RESPONSE PROGRAM; \$550,000.00 (MATCH REQUIREMENT WILL BE PROVIDED IN FULL BY ALTAPOINTE HEALTH). The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 31-300-2023

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 a grant from the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA), for grant assistance in the amount of \$550,000.00 in support of the FY23 Connect and Protect: Law Enforcement Behavioral Health Response Program. The match requirement, an escalating percentage cash or in-kind match, will be provided in full by AltaPointe Health, if awarded.

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/Bureau of Justice Assistance. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

AUTHORIZE PRE-PROPOSAL APPLICATION TO THE NATIONAL FISH AND WILDLIFE FOUNDATION'S NATIONAL COASTAL RESILIENCE TO FUND SHORELINE STABILIZATION AND RESTORATION AT BROOKLEY BY THE BAY

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PARK; \$10,000,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Small.

RESOLUTION: 31-301-2023
Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to submit a pre-proposal application to The National Fish & Wildlife Foundation's (NFWF) National Coastal Resilience Fund for grant assistance in the amount of \$10,000,000 for the Brookley by the Bay project. There is no required match for this grant program. A full proposal will be submitted if invited by the funding agency.

BE IT FURTHER RESOLVED that, if the City is invited to submit a full proposal and that proposal is approved, the Mayor or his designee be authorized to accept said grant and to sign any agreements or other documents in connection with the grant application and to provide any information required by NFWF. Any agreements for grant assistance, together with exhibits, shall be filed with the City Clerk after award and execution.

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LICENSE TO BOTTLES UP MOBILE, MARDI GRAS PARK. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-302-2023
Sponsored by: Councilmember Carroll

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

Type of application: Special Events Retail License
Submitted by: Bottles Up Mobile, Inc.
Location: Sip N Paint
104 South Royal Street
Mobile, AL 36602

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LICENSE TO IRON HAND BREWING, 204 STATE STREET. The following resolution was introduced by Councilmember Small.

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RESOLUTION: 37-303-2023

Sponsored by: Councilmember Carroll

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

Type of application: Special Events Retail License
Submitted by: Iron Hand Brewing, LLC

Location: Iron Hand Home Brew Pest
204 State Street
Mobile, AL 36603

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 2663 GLASS AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-304-2023

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 2663 Glass 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 **2663 Glass Avenue described as:**

LOT 669 TRINITY GDNS 4TH ADD MBK 4 P 195#SEC 44T4S R1W.#MP29 02 44 0 009

Parcel Number: 29 02 44 0 009 562

Last Assessed to: HEIR OF EDDIE & KATIE DENNIS, C/O LEON DENNIS

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 shall be published in the manner and as prescribed for the publication of municipal 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 60 days, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 May 23, 2023.

DECLARE THE STRUCTURE AT 1254 ESLAVA LANE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-305-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article 11 of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1254 Eslava Lane has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that It is a public nuisance;

WHEREAS, the Code Official has Identified the following factors, in accordance with Section 4, subsection 5 of Article II of Chapter 52, In support of the determination that the 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 C11Y COUNCIL OF THE CITY OF MOBILE that the structure at **1254 Eslava Lane described as:**

LOT 27 BLK 4 FULTON RIDGE ESTS MBK 4 PG 110 #SEC 32T4S R1W #MP29 11 32 4003

Parcel Number: 29 11 32 4 003 044

Last Assessed to: VINCENT L & NONNIE WI PARKER

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 60 days, which was seconded by Councilmember Jones and the vote was as follows:

MINUTES OF MARCH 21, 2023

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 May 23, 2023.

DECLARE THE STRUCTURE AT 559 NORTH CAROLINA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-306-2023

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 559 North Carolina 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 62, 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 **559 North Carolina Street described as:**

BEG AT SE COR WARREN & NORTH CAROLINA STS TH RUN E ALG S/L OF NORTH CAROLINA ST 69.2 FT TO PT TH S & PAR WITH WARREN ST 100 FT TO PT TH W & PAR WITH NORTH CAROLINA ST 69.2 FT TO PT TH N ALG E/L WARREN ST DIS OF 100 FT TO POB SEC 37 T4S R1W #SEC 37T4S R1W#MP29 10 37 0 003

Parcel Number: 29 10 37 0 003 009

Last Assessed to: BETTIE E MAGEE

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 registers d 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 adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

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

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DECLARE THE STRUCTURE AT 7033 SMITH ALY A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-307-2023

Sponsored by: Councilmember Reynolds

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 7033 Smith Aly 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 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 **7033 Smith Aly described as:**

LOT1 J C SULLIVAN SUB MBK 42 PG 99 #SEC 10 T6S R2W #MP38 02 10 1 000

Parcel Number: 38 02 10 1 000 013.001

Last Assessed to: STEVEN J COX & ROBIN K COX

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 adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 7123 SMITH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-308-2023

Sponsored by: Councilmember Reynolds

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the

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accessory structure at 7123 Smith 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 – 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, THEREFOR, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **7123 Smith Street Drive described as:**

E 1/2 LOT 2 HOUSTON ST EXT MBK 3 P 351 #SEC 28 T4S R1W #MP29 10 28 3 001

Parcel Number: 38 02 10 2 000 056

Last Assessed to: BELINDA COLEMAN (FKA BELINDA COLEMAN)

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 adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 402 N. CODY ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-309-2023

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 402 N Cody 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, 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;

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NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **402 N Cody Road described as:**

LOT 2 BLK 5 HILLSDALE HGTS MBK10 P 183 #SEC 17 T4S R2W #MP28 04 17 2 002

Parcel Number: 28 04 17 2 002 065

Last Assessed to: HEIR OF RUBY M PATTERSON, 0/0 ANTHONY TRAYLOR

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 adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

Nays: None

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

AUTHORIZE REMOVAL OF WEEDS, WEED LIEN GROUP 1640. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-310-2023

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

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

WHEREAS, Parcels Nos. 1 through 7 described in the resolution adopted on the **14th day of February 2023**, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

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

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

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Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 7, as described in the resolution adopted on the 14th day of February, 2023, and entitled:

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

(Lot Cleaning Liens, **Group No.1640** on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above-described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

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WEED LIEN						
1640						Res. No.
2/14/2023	LOTS TO BE DECLARED					58-
3/21/2022	LOTS FOR PUBLIC HEARING					58-
//2023	LOTS TO BE ASSESSED FOR COST					58-
				Amount	Dis	N/A
No.	Address	SRO No.	CASE #	Assessed		CBO
1	218 Rylands Lane	18349	23502		2	
2	2061 Tucker St	9779	23503		1	
3	603 Golden Ave	27187	23504		1	
4	0 Golden Ave	27188	23505		1	
	Par No. (29 02 44 0 014 090.XXX)					
5	1569 Polk St	11657	23506		3	
6	704 South Carolina St	30549	23507		3	
7	1213 Rotterdam St	12846	23508		2	
8	559 Virginia St	12502	23509		3	
9	3057 Kendale Dr	27596	23510		5	
10	401 N Ann St	27937	23511		2	
11	285 Bishop Phillips Ave	22459	23512		7	
12	654 Halifax Dr	22592	23513		5	
13	5921 Theles Dr	22591	23514		6	
14	6201 Howells Ferry Rd	22169	23515		7	
15	5800 Helen St	30368	23516		7	
16	4804 Chaudron Dr	22223	23517		7	
17	564 Roslyn Dr W	12951	23518		7	
18	2400 Railroad St	23122	23520		2	
19	2250 Green St	23223	23520		2	
20	1014 Front St	23139	23521		2	
				\$ -		
District total for this group		Numbers of lots cut				
1	3		1			
2	6		2			
3	3		3			
4	0		4			
5	2		5			
6	1		6			
7	5		7			
	20		0			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector						

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

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

Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1637. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-311-2023

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

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council

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Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

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

Section 1. The amount set opposite each described parcel of real property contained in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as **Weed Lien Group 1637** shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

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

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

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 OFFICER OF THE MONTH, ELLIOTT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-312-2023
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 each to the following employee:

FEBRUARY 2023: Officer William Elliott

The employee is to be commended for his 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

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

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APPROVE AWARD OF SPECIAL BONUS TO THE FIREFIGHTER OF THE MONTH, RIPPLE. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-313-2023

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 each to the following employee(s): **Firefighter Brandon W. Ripple (Emp #18190)** This employee is to be commended for his 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 BOOKER T. WASHINGTON MIDDLE SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-314-2023

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **\$1,000.00** to Booker T. Washington Middle School, from his discretionary funds; and

WHEREAS, Booker T. Washington Middle 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 Booker T. Washington Middle School will be used to assist with Teacher Appreciation Week, May 1st – 5th, 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 Booker T. Washington Middle School for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO THE DOWNTOWN MOBILE DISTRICT MANAGEMENT CORP. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.

The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-315-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$2,000.00** to Downtown Mobile District Management Corp., from his discretionary funds; and

WHEREAS, Downtown Mobile District Management Corp, 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 Downtown Mobile District Management Corp., will be used to assist with the Isom Clemon Civil Rights Memorial Park sculpture, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$2,000.00** to Downtown Mobile District Management Corp., 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE FUSE PROJECT SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.

The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-316-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,000.00** to The Fuse Project, from his discretionary funds; and

WHEREAS, The Fuse Project, is an Alabama non-profit corporation which provides a service to the community; and

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

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WHEREAS, the Mobile City Council determines that this appropriation to The Fuse Project, will be used to assist with the with the 3rd Annual Lip Sync Battle on Thursday, April 27, 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 The Fuse Project, 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 HOLIDAY TRANSITIONAL CENTER SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-317-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,000.00** to Holiday Transitional Center, from his discretionary funds; and

WHEREAS, Holiday Transitional Center, 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 Holiday Transitional Center, will be used to assist with the expense needed to renovate 1805 Government Street, 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 Holiday Transitional Center, 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

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

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DETERMINE AN APPROPRIATION TO PROVIDENCE FOUNDATION, FESTIVAL OF FLOWERS, SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-318-2023

Sponsored by: Councilmember Jones

WHEREAS, Councilmember Jones wishes to appropriate **\$2,500.00** to Providence Foundation for its Festival of Flowers, from his discretionary funds; and

WHEREAS, Providence 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 Providence Foundation will be used for their 30th Annual Festival of Flowers to be held March 23-26, 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 **\$2,500.00** to Providence 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 MARCHFIELD PROPERTY OWNERS, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-319-2023

Sponsored by: Councilmember Reynolds

WHEREAS, Councilmember Small wishes to appropriate **\$4,300.00** to Marchfield Property Owners, Inc., from his discretionary funds; and

WHEREAS, Marchfield Property Owners, 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 Marchfield Property Owners, Inc., will be used to assist with the installation of security cameras, which will serve a public purpose benefitting the City of Mobile and its citizens.

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NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$4,300.00** to Marchfield Property Owners, 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 SUGAR CREEK HOMEOWNERS ASSOCIATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-320-2023

Sponsored by: Councilmember Jones

WHEREAS, Councilmember Jones wishes to appropriate **\$5,000.00** to Sugar Creek Homeowners Association, Inc., from his discretionary funds; and

WHEREAS, Sugar Creek Homeowners Association, 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 Sugar Creek Homeowners Association, Inc., will be used to assist with the cost of two new power poles and two additional cameras, 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 Sugar Creek Homeowners Association, 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-321-2023

MINUTES OF MARCH 21, 2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$4,000.00** 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 Annual Banquet & Awards Presentation, 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 **\$4,000.00** 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Jones, 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 ST. PAUL'S EPISCOPAL SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-322-2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$500.00** to St. Paul's Episcopal School, from her discretionary funds; and

WHEREAS, St. Paul's Episcopal School, is catholic 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 St. Paul's Episcopal School will be used to assist with the 2023 Saints Run (a 5k and 1-mile run) to be held on the Dogwood Lane campus on March 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 **\$500.00** to St. Paul's Episcopal 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 Small moved to adopt the resolution, which was seconded by Councilmember Jones and the vote was as follows:

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

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

CONCUR IN THE RE-APPOINTMENT MARY STEWART NELSON TO THE ALTAPOINTE HEALTH SYSTEMS, INC. BOARD. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 03-339-2023

Sponsored by: City Council

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the City Council concurs in the re-appointment of Mary Stewart Nelson to the AltaPointe Health Systems, Inc. Board, effective April 1, 2023, for a term ending April 1, 2029.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

CIP RESOLUTIONS BEING INTRODUCED

AUTHORIZE CONTRACT WITH WATERMARK DESIGN GROUP, LLC FOR DESIGN OF THE NEW TOULMINVILLE FIRE STATION: \$143,400.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 21-323-2023

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: WATERMARK DESIGN GROUP, LLC
Project Name: TOULMINVILLE FIRE STATION -
DESIGN, SITE ADAPTION AND CONSTRUCTION
OBSERVATION OF NEW FIRE STATION

Project Number: FD-003-23

Amount: \$143,400.00

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH KENNETH HUSSEY TO PROVIDE RACQUET STRINGER SERVICES FOR PARKS AND RECREATION DEPARTMENT; \$70,000.00 PER YEAR. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 01-324-2023

Sponsored by: Mayor Stimpson

MINUTES OF MARCH 21, 2023

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, an Agreement with Kenneth Hussey to provide racquet stringer services for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$70,000 per year 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.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

AUTHORIZE AGREEMENT WITH DUSTIN SCOTT TO PROVIDE RACQUET STRINGER SERVICES FOR PARK AND RECREATION DEPARTMENT; \$40,000.00 PER YEAR. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 01-325-2023

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, an Agreement with Dustin Scott to provide racquet stringer services for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$40,000 per year 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.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR ANNUAL RENEWAL OF MICROSOFT WINDOWS LICENSES; \$26,247.20. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 08-326-2023

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>6600</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF CITY MICROSOFT WINDOWS LICENSES (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT)	\$26,247.20	<u>(272932) CDW GOVERNMENT LLC</u>

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR ANNUAL RENEWAL OF MICROSOFT 365 LICENSES; \$383,226.91. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 08-327-2023

MINUTES OF MARCH 21, 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>6598</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF CITY MICROSOFT 365 USER LICENSES (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT)	\$383,226.91	<u>(272932) CDW GOVERNMENT LLC</u>

APPROVE PURCHASE ORDER TO SAFEWARE, INC. FOR HAZMAT DETECTION DEVICES AND MONITORS FOR MFRD; \$96,551.75. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 08-328-2023

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>4568</u>	2023	(1510) FIRE ADMINISTRATION	HAZMAT DETECTION DEVICES AND MONITORS FOR MFRD (SEALED BID 5773)	\$96,551.75	<u>(274594) SAFEWARE INC</u>

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR 7 FORD SUPERCREW PICKUP TRUCKS; \$237,909.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 08-329-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6862</u>	2023	(F7000) MOTOR POOL	7 FORD F150 SUPERCREW PICKUP TRUCKS FOR INSPECTION SERVICES (AL STATE CONTRACT)	\$237,909.00	<u>(292393)</u> <u>STIVERS FORD</u> <u>LINCOLN INC</u>

RE-ALLOCATE FUNDS FROM CAPITAL PROJECT ENGINEERING, ROW, AND TESTING TO GRANT FUND USA SPECIAL EVENT TRAFFIC PLAN TO DEVELOP SPECIAL EVENTS TRAFFIC PLANS FOR CITY STREETS; \$40,000.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 09-330-2023

Sponsored by: Mayor Stimpson and Councilmembers Jones and Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$40,000.00 be reallocated from Capital Project (C0049) Engineering, ROW, & Testing 20002000.48050 Architectural to Grant Fund (G-USASETP) USA Special Events Traffic Plan, 50015001.48020 Engineering Fees, for the purpose of developing traffic plans for the City streets specifically for special events that take place on the University of South Alabama campus SPR-PART3-APMB(022).

AUTHORIZE CONTRACT WITH THE MADINA GROUP CONSULTING, LLC FOR IMPLEMENTATION OF A REGIONAL RECYCLING EDUCATION AND MARKETING PROGRAM; \$48,500.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 21-331-2023

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 contract, by and between the City of Mobile and The Medina Group Consulting (D.B.A. The Medina Group) in the amount not to exceed \$48,500 to begin upon execution for the provision of regional recycling education, marketing, and consulting services 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 ROLIN CONSTRUCTION, INC. FOR SOFTWASH OF THE EXTERIOR AT THE ARTHUR R. OUTLAW CONVENTION CENTER; \$80,294.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 21-332-2023

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: ROLIN CONSTRUCTION, INC.

Project Name: ARTHUR R. OUTLAW CONVENTION CENTER

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SOFTWASH

Project Number: CN-029-23

Amount: \$80,294.00

AUTHORIZE CONTRACT WITH HOWARD TECHNOLOGY SOLUTIONS FOR CYBERSECURITY SERVICES; NTE \$40,000.00. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 21-333-2023

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 Howard Technology Solutions in the amount not to exceed \$40,000 for cybersecurity services, 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.

CONSIDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO LEE ANTHONY CLARKE TO OPERATE A SHUTTLE SERVICE. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 37-334-2023

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Lee Anthony Clarke 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.

ACCEPT "LEIGHTON PLACE DRIVE' OF LEIGHTON VILLAGE FOR CITY MAINTENANCE. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 45-335-2023

Sponsored by: Mayor Stimpson

WHEREAS Twilley Builders, Inc., as developer of Leighton Village, has requested acceptance by the City of Mobile of the street in Leighton Village, said street being named "Leighton Place Drive", as a public street within the boundaries of the City of Mobile;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE ALABAMA, that the street "Leighton Place Drive" of Leighton Village (the legal description of which is shown on the attached Leighton Village RIGHT OF WAY MAP), together with the drainage structures in, and which are a part of said streets and which are located in dedicated street rights of way, are hereby approved by and accepted for maintenance by the City. The drainage structures described herein are those which are a part of or are located in the streets (curbs and gutter, catch basins, flumes and pipes) and do not include any drainage systems or facilities in the subdivision or shown on the plat thereof which are not located on the right of way.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BRYANT. The following resolution was held over until the regular meeting of March 28, 2023.

RESOLUTION: 60-336-2023

Sponsored by: Mayor Stimpson

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BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Robert Lee Bryant, 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.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 4701 HALLS MILL ROAD FROM R-1 TO I-1 (SCHEDULED FOR APRIL 25, 2023) (DISTRICT 4). The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-337-2023

Sponsored by: Mayor Stimpson

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 4701 Halls Mill Road (South side of Halls Mill Road, 246' ± east of Rochelle Street)

Pursuant to Resolution of the Mobile, Alabama City Council adopted December 14, 2021, a public hearing will be held on the 25TH day of April, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 4701 Halls Mill Road (South side of Halls Mill Road, 246' ± east of Rochelle Street) from R-1, Single-Family Residential District, to I-I, Light Industry District.

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

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED 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

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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°-20'-24" EAST, 414.29 FEET TO THE SOUTHWEST CORNER OF LOT 1, SAID N.D.H. SUBDIVISION; THENCE NORTH 77°-37'-30" EAST AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 101.19 FEET TO A RECOVERED REBAR; THENCE NORTH 00°-13'-42" EAST AND ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 399.55 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HALLS MILL ROAD (RIGHT-OF-WAY VARIES); THENCE NORTH 77°-44'-05" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, 101.37 FEET TO A RECOVERED ROD AND CAP (BYRD), SAID POINT MARKING THE NORTHWEST CORNER OF PROPERTY CONVEYED BY INSTRUMENT RECORDED IN LAND RECORD BOOK 6647, PAGE 1809, SAID PROBATE RECORDS; THENCE SOUTH 03°-03'-42" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 190.48 FEET TO A RECOVERED ROD AND CAP (BYRD); THENCE SOUTH 11°-14'-45" EAST AND ALONG THE WEST LINE OF SAID PROPERTY, 202.44 FEET TO A RECOVERED REBAR; THENCE NORTH 77°-43'-01" EAST, ALONG THE SOUTH LINE OF SAID PROPERTY, 307.46 FEET TO A RECOVERED REBAR; THENCE NORTH 02°-31'-00" EAST AND ALONG THE EAST LINE OF SAID PROPERTY, 403.70 FEET TO A RECOVERED REBAR; THENCE NORTH 01°-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-I, 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-I, Light Industry District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said 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-I, Light Industry District until all of the conditions set forth

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below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

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

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

Ayes: Penn, Carroll, Small, Reynolds, 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 April 25, 2023.

CALL FOR PUBLIC HEARING PROPOSING AN AMENDMENT TO TAX INCREMENT FINANCING DISTRICT ONE IN THE CITY OF MOBILE, AUTHORIZING THE PREPARATION OF AN AMENDMENT TO THE TAX INCREMENT FINANCING DISTRICT ONE PLAN, AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO PERFORM CERTAIN ACTIONS REQUIRED BY ALABAMA LAW, AND DIRECTING THE PUBLICATION OF THIS RESOLUTION. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-387-2023

Sponsored by: Mayor Stimpson

A RESOLUTION CALLING FOR A PUBLIC HEARING PROPOSING AN AMENDMENT TO TAX INCREMENT FINANCING DISTRICT ONE IN THE CITY OF MOBILE, AUTHORIZING THE PREPARATION OF AN AMENDMENT TO THE TAX INCREMENT FINANCING DISTRICT ONE PLAN, AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO PERFORM CERTAIN ACTIONS REQUIRED BY ALABAMA LAW, AND DIRECTING THE PUBLICATION OF THIS RESOLUTION

WHEREAS, City of Mobile, Alabama (the "City") proposes an amendment to Tax Increment Financing District One ("TIF District One"), created as authorized by Resolution of the City Council of the City of Mobile, Resolution No. 60-528 adopted September 21, 1993, pursuant to Ala. Code § 11-99-1 et seq, (the "Act") and located within the city limits of the City; and

WHEREAS, pursuant to the Act, the City Council of the City desires to initiate certain procedures required by the Act and to authorize certain actions to be taken in furtherance thereof.

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

1. The City Council proposes an amendment to TIF District One, pursuant to the Act. TIF District One includes certain parcels of real property in downtown Mobile within the Henry Aaron Loop and the industrial areas on both sides of the Mobile River adjacent to downtown and along Highway 98 and Battleship Parkway, as depicted on Exhibit A hereto and incorporated herein by reference. The boundaries of TIF District One will stay the same.
2. The Mayor of the City is hereby authorized to direct City staff to prepare an amendment to the Project Plan for TIF District One.
3. The President of the City Council (or in his absence, the president pro tempore) is hereby authorize and directed to make written or other submissions required and give any notices or notifications Required by the Act, with respect to consideration of the amendment to TIF District One, on behalf of the City Council.

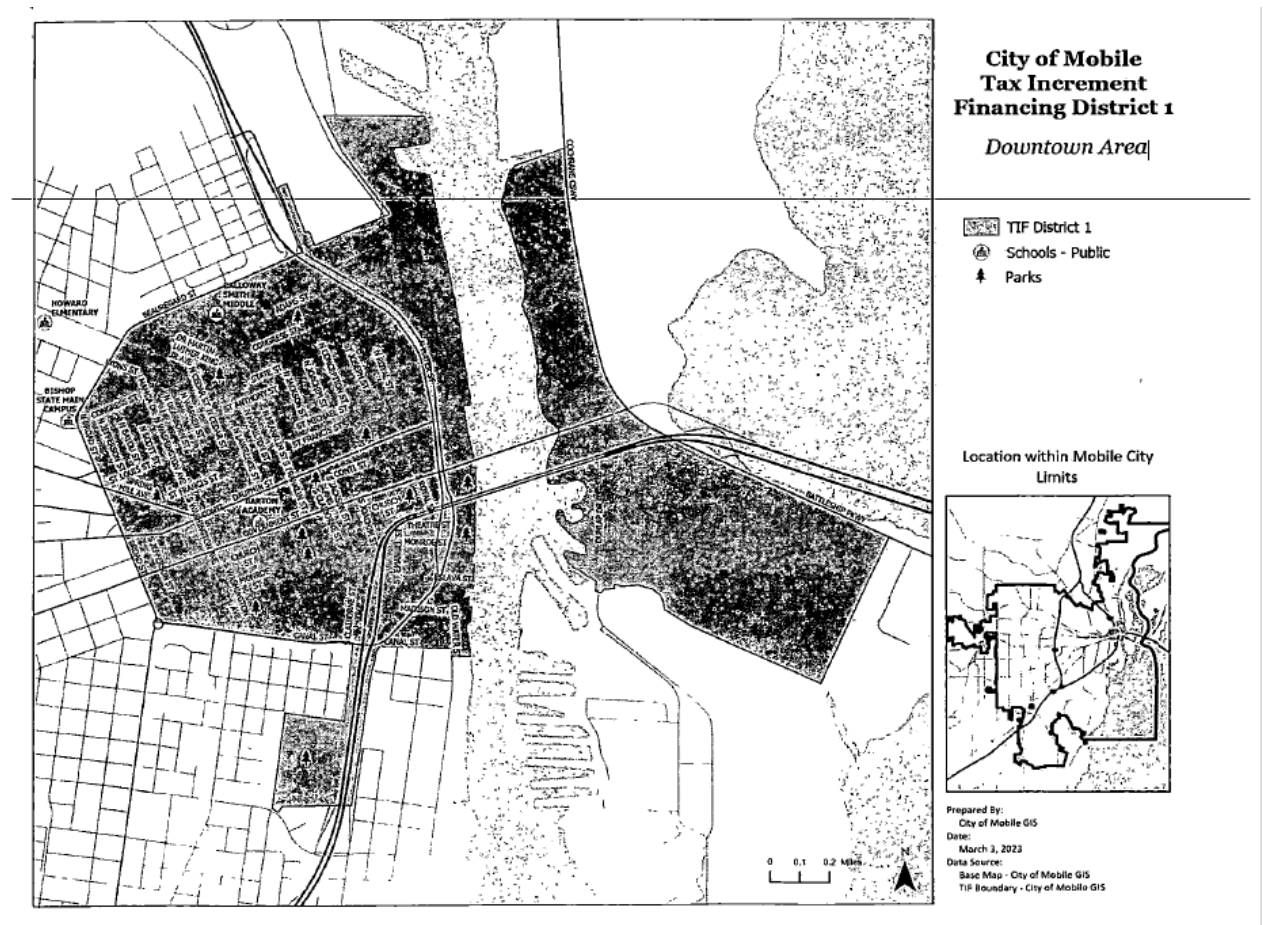
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4. The City Council shall meet at 10:30 a.m. on the 4th day of April, 2023, in the Council Chambers of the City of Mobile, Alabama, located at 205 Government Street, Mobile, Alabama, for the purpose of holding a public hearing, pursuant to Ala. Code §§ 11-99-1 et seq., at which date, time and place all interested parties will be afforded a reasonable opportunity to express their views on the concept of tax increment financing, on the proposed amendment to TIF District One with its existing boundaries, and its benefits to the City.

5. This Resolution shall be published at length in the Lagniappe on the 22nd day of and on the 29th day of March, 2023, both of which publications shall be within the day period immediately preceding the date of the public hearing and shall constitute aforementioned public hearing.

6. Any prior actions taken by any officers of the City in connection with the proposed TIF District are hereby ratified and confirmed.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA this the 21 day of March 2023.



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

Ayes: Penn, Carroll, Small, Reynolds, 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 April 4, 2023.

ANNOUNCEMENTS

Councilmember Jones thanked Virginia Guy and the Drug Educational Council for inviting him to their annual luncheon on yesterday.

Councilmember Carroll encouraged citizen to watch his Facebook page for upcoming meeting dates concerning the PFM annexation study.

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Councilmember Reynolds stated the Ascension Providence Foundation will be hosting “Festival of Flowers” this weekend.

Councilmember Penn announced a Spring Fling will be held at the Dotch Community Center (Trinity Gardens Park) on April 8, 2023, from 10:00 a.m. – 4:00 p.m.

Councilmember Penn encouraged residents to come out on April 18, 2023, for “Take Care of Toulminville” clean-up day.

Councilmember Penn stated that a District 1 community meeting will be held on April 25, 2023, at Ashland Place Church.

Councilmember Penn encouraged citizens to report any and all problems to Mobile

Councilmember Gregory stated that she will be giving out rewards for the children’s art program on Sunday, March 26, 2023, at the Festival of Flowers.

Councilmember Gregory reminded everyone to avoid construction zones during the McGregor Avenue project for safety reasons.

Councilmember Small announced a District 3 meeting will be held on April 6, 2023, at Revelation Baptist Church at 6:00 p.m.

Councilmember Small said the annual District 3 Easter Egg Hunt will be at Gilliard Elementary School on April 8, 2023, at 3:00 p.m.

Councilmember Small stated a community meeting will be held on April 20, 2023, at Riverside Baptist Church at 6:00 p.m.

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

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:55 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK