

MUNICIPAL BUILDING, MOBILE, ALABAMA, MARCH 14, 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 14, 2023, at 9:00 a.m.

Councilmembers:

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

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, MARCH 14, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, March 14, 2023, at 10:30 a.m., for the regular meeting.

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

Elder Delacey Holley, Anointed Word Ministries, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small
Vice-Chairman: Gregory
Councilmembers: Penn, Carroll, Reynolds, Daves, and Jones
Absent:

STATEMENT OF RULES BY PRESIDING OFFICER

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

APPROVAL OF MINUTES

The minutes of the meeting of March 7, 2023, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson announced that the \$1.9 million dollar Capital Improvement Plan contract for sidewalk improvements throughout the City have been approved.

Mayor Stimpson stated that the Parks and Recreation Department is starting a series of community engagement events and the first one will be in District 4 at Covenant Academy tonight, from 6:00 p.m. to 7:30 p.m.

MINUTES OF MARCH 14, 2023

Mayor Stimpson introduced Mrs. Nija Hill to talk about “Mothers Involved Against Gun Violence” an organization she started after she lost her son to gun violence almost two years ago.

Mrs. Nija Hill, 600 McDonald Street, said that “Mothers Involved Against Gun Violence” was created to help mothers that lost their children to gun violence. They will have their first walk, rally, and picnic at Figures Park on Sunday, March 19, 2023, at 12:00 noon.

Mayor Stimpson read a proclamation declaring March 12th – 18th as “AmeriCorps” Week in Mobile.

Mayor Stimpson read a proclamation declaring March 17th as “Friendly Sons of St. Patrick Day” in Mobile.

Shonnda Smith, Deputy Executive Director of Public Works, presented the following employees of the month:

1. D. Logan Anderson, Public Works at Large
2. Rhonda McDaniel, Parks and Recreation
3. Joseph Orr, Public Services Employee

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, Daves, 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 Lawanda Shinn for a waiver of the Noise Ordinance at 1805 Pallister Place W. on April 8-9, 2023 from 4:00 p.m. – 10:00 p.m. (District 1).

Councilmember Penn moved to change the end time of the waiver from 10:00 p.m. to 9:00 p.m., which motion was seconded by Councilmember Jones and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted to end at 9:00 p.m.

Request of Savannah Nichols for a waiver of the Noise Ordinance at Cathedral Square on March 19, 2023, from 8:00 a.m. – 10:00 a.m. (District 2).

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

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

Nays: None

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

Request of Aionios International School and Cultural Center for a waiver of the Noise Ordinance at Cooper Riverside Park on March 25, 2023, from 1:00 p.m. – 4:00 p.m. (District 2).

MINUTES OF MARCH 14, 2023

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

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

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

Request of Eunice Galloway for a waiver of the Noise Ordinance at Cooper Riverside Park on June 22, 2023, from 8:00 a.m. – 10:00 a.m. (District 2).

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

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

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

Request of Hargrove and Associates, Inc. for a waiver of the Noise Ordinance at Mardi Gras Park on May 25, 2023, from 5:00 p.m. – 8:00 p.m. (District 2).

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

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

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

Request of Eunice Galloway for a waiver of the Noise Ordinance at Mardi Gras Park on June 22, 2023, from 8:00 a.m. – 10:00a.m. (District 2).

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

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

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

Request of Carol Hunter for a waiver of the Noise Ordinance at 51 S. Conception Street on March 30 – April 2, 2023, from 2:00 p.m. – 12:00 a.m. (District 2).

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

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

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

Request of Anna Maple for a waiver of the Noise Ordinance at Medal of Honor Park on April 1, 2023, from 12:30 p.m. – 5:00 p.m. (District 6).

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

MINUTES OF MARCH 14, 2023

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

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

Request of Lechra Lewis for a waiver of the Noise Ordinance at Langan Municipal Park on June 3, 2023, from 8:00 a.m. – 6:00 p.m. (District 7).

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

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

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

PUBLIC HEARINGS

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 1101 and 1107 OLD SHELL ROAD FROM R-1 AND B-2 TO B-2 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 1101 Old Shell Road and 1107 Old Shell Road from R-1 and B-2 to B-2 and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1704 GRIFFIN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1704 Griffin 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 414 GASTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 414 Gaston 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 218 RYLAND STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

MINUTES OF MARCH 14, 2023

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 218 Ryland 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 759 CHARLES 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 759 Charles 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 1707 MARENGO DRIVE 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 1707 Marengo Drive a public nuisance and order it demolished. and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGENDA ITEMS:

Timothy Maness, 260 Michigan Avenue, Apt. L., gave comments in support of Ordinance 01-012.

Stephen McNair, 65 S. Ann Street, offered comments about Ordinance 01-012.

Bruce McGowin, 250 Levert Street, spoke in support of Ordinance 01-012.

NON-AGENDA ITEMS:

Darlene Martin, 2411 Cross Street, talked about public safety issues in her community.

Ryan McMillan, 109 S. Monterey Street, gave comments regarding abuse of power.

Thomas Mitchell, 109 S. Monterey Street, offered comments concerning City business and finance.

Reverend Jim Flowers, 151 S. Ann Street, spoke about annexation concerns in regard to current City infrastructure.

Reverend Bobby Brown, 3651 Wenlock Court, talked about annexation.

Reggie Hill, 1007 Center Street, spoke regarding ARP spending, Civic Center, and vehicle inventory.

MINUTES OF MARCH 14, 2023

ORDINANCES HELD OVER

REZONE PROPERTY LOCATED AT 1459 MONTLIMAR COURT FROM B-2 AND B-3 TO B-3. The following ordinance which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-011-2023

Sponsored by: Councilmember Daves

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:

THE SOUTHWESTERLY PORTION OF LOT 1, MONTLIMAR COMMERCIAL PARK, AS PER PLAT THEREOF RECORDED IN MAP BOOK 18, PAGE 113 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

MORE PARTICULARLY DESCRIBED. AS FOLLOWS:

BEGINNING AT A CAPPED REBAR (WATTIER) AT THE SOUTHWEST CORNER OF LOT 1, MONTLIMAR COMMERCIAL PARK, AS RECORDED IN MAP BOOK 18, PAGE 113 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN NORTH 27°-34'-13" EAST ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 180.80' TO A CAPPED REBAR (BSI); THENCE RUN SOUTH 62°-19'-33" EAST A DISTANCE OF 105.56 FEET TO A CAPPED REBAR (BSI) ON THE EAST LINE OF SAID LOT 1; THENCE RUN SOUTH 27°-37'-06" WEST ALONG SAID EAST LINE A DISTANCE OF 150.04 FEET TO A CRIMP TOP PIPE AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE RUN WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 1, ALONG THE NORTH RIGHT-OF-WAY LINE OF MONTLIMAR COURT (60' R/W) AND ALONG THE ARC OF A CURVE TO THE RIGHT (HAVING A DELTA 13°-58'-42", A RADIUS OF 451.08 FEET, A CHORD BEARING OF NORTH 78°-35'-40" WEST, AND A CHORD LENGTH OF 109.78 FEET) AN ARC DISTANCE OF 110.05 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PORTION CONTAINS 0.41 ACRES, MORE OR LESS.

The classification of said property is hereby changed from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of 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-3, Community Business District, provided, however, that the plans for any structure of 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-3, Community Business District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and, 2) full compliance with all municipal codes and ordinances.

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

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

MINUTES OF MARCH 14, 2023

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

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

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 2411 NOBLE C. BEASLEY AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was introduced and read at the regular meeting of January 10, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-029-2023

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 2411 Noble 0 Beasley 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 **2411 Noble C. Beasley Avenue described as:**

LOT 15 LENNOX CT MBK 9 PG 302 #SEC 44 T4S R1W #MP29 02 44 0013

Parcel Number: 29 02 44 0 013 536

Last Assessed to: Heir of Earnest & Mary Richardson, C/O Marie D Wilhoite

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

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

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

MINUTES OF MARCH 14, 2023

DECLARE THE STRUCTURE AT 404 DUNHAM STREET A PUBLIC NUISANCE AND ORDER IT SECURED/DEMOLISHED. The following resolution which was introduced and read at the regular meeting of January 10, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-031-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 404 Dunham Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **404 Dunham Street described as:**

THAT LOT OF LAND BEING BDED BY A LINE DESC AS FOLL BEG AT PT ON W/S OF DUNHAM ST 80.5 FT SLY OF THE SW COR OF TEXAS & DUNHAM STS TH RUN SLY 39.5 FT TO PT 120 FT SLY TO TEXAS ST TH RUN WLY & PAR WITH TEXAS ST 110 FT TO PT TH RUN NLY & PAR WITH DUNHAM ST 39.5 FT TH RUN ELY 110 FT TO POB BEING PT GRT SEC 38 T4S R1W #SEC 38 T4S R1W #MP29 10 38 0 003

Parcel Number: 29 10 38 0 003 233

Last Assessed to: GET MAD LLC, C/O CHARLES KIRK

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

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

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

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

Nays: None

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

RESOLUTIONS HELD OVER

REALLOCATE FUNDS IN CAPITAL PROJECT STORMWATER-MISC. BRIDGE IMPROVEMENTS; ALABAMA MUNICIPAL TRUST FUND TO CAPITAL PROJECT PINTO PASS BRIDGE-SETTLEMENT ALDOT. The following resolution was introduced

MINUTES OF MARCH 14, 2023

and read at the regular meeting of February 22, 2023, and held over until the regular meetings of February 28, 2023, and March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 09-215-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$100,623.64 in Capital Project #C0048 Stormwater-Misc. Bridge Improvements; Alabama Municipal Trust Fund (2010); be reallocated to Capital Project Pinto Pass Bridge-Settlement ALDOT. These funds will be used to pay the final settlement invoice received from Alabama Department of Transportation (ALDOT).

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

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

Nays: None

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

AUTHORIZE AGREEMENT WITH ALDOT FOR ALABAMA TRANSPORTATION REHABILITATION AND IMPROVEMENT PROGRAM PROJECT.

The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-255-2023

Sponsored by: Mayor Stimpson

WHEREAS, the Alabama Department of Transportation has awarded a 2022 ATRIP-II project to the City of Mobile in the amount of \$1,762,850.67;

WHEREAS, the City of Mobile does not anticipate a project cost overrun about the awarded ATRIP-II amount on this project; and

WHEREAS, in the event that such an overrun should occur, the City agrees to be responsible for this overrun.

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

That the City of Mobile hereby agrees to be responsible for a project cost overrun above the ATRIP-II award amount on the 2022 ATRIP-II project in the event such an overrun should occur; and

That the City Council hereby authorizes the payment of aforementioned cost overrun; and if the total sum of any overrun exceeds \$176,285.07, said overrun will be brought to the City Council for approval.

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

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

Nays: None

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

MINUTES OF MARCH 14, 2023

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY LOCATIONS. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-256-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6368</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,625.00	(279229) PETROLEUM TRADERS CORPORATION
<u>6369</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,625.00	(279229) PETROLEUM TRADERS CORPORATION
<u>6370</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,625.00	(279229) PETROLEUM TRADERS CORPORATION
<u>6372</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$20,625.00	(279229) PETROLEUM TRADERS CORPORATION
<u>6374</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED (SEALED BID 5624)	\$18,082.64	(279229) PETROLEUM TRADERS CORPORATION
<u>6375</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED (SEALED BID 5624)	\$18,082.64	(279229) PETROLEUM TRADERS CORPORATION

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 INSIGHT PUBLIC SECTOR FOR CASE MANAGEMENT SOFTWARE AND TRAINING; \$26,021.91. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-257-2023

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

MINUTES OF MARCH 14, 2023

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>5014</u>	2023	(1545) POLICE CYBER DIVISION	APRICOT ESSENTIALS CASE MANAGEMENT SOFTWARE AND SOCIAL SOLUTIONS TRAINING (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$26,021.91	<u>(296399)</u> <u>INSIGHT PUBLIC</u> <u>SECTOR</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 STIVERS FORD LINCOLN, INC. FOR FORD F150 SUPERCREW PICKUP TRUCKS FOR FACILITY MAINTENANCE DEPT.; \$75,594.00.

The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-258-2023

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>6112</u>	2023	(F7000) MOTOR POOL	2 FORD F150 SUPERCREW PICKUP TRUCKS FOR FACILITY MAINTENANCE (AL STATE CONTRACT)	\$75,594.00	<u>(292393) STIVERS</u> <u>FORD LINCOLN</u> <u>INC</u>

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

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

Nays: None

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

MINUTES OF MARCH 14, 2023

APPROVE PURCHASE ORDER TO SOFTWARE VENDOR FOR ANNUAL RENEWAL OF SECURITY INFORMATION AND EVENT MANAGEMENT PLATFORM SERVICE FOR MIT; \$21,060.00. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-259-2023

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>6451</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF SECURITY INFORMATION AND EVENT MANAGEMENT PLATFORM SERVICE FOR MIT (BID EXEMPT AL CODE 41-16-51(A)(15))	\$21,060.00	<u>(297326) SOFTWARE VENDOR</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 INTERFACE AMERICAS, INC. FOR FLOORING REPLACEMENT FOR REVENUE DEPT.; \$126,230.86. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-260-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF MARCH 14, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4332</u>	2023	(3032) ARCHITECTURAL ENGINEERING	FLOORING REPLACEMENT FOR REVENUE DEPARTMENT (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$126,230.86	(297858) <u>INTERFACE</u> <u>AMERICAS, INC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 KONE, INC. FOR ELEVATOR REPAIRS AT WEST REGIONAL LIBRARY; \$67,975.08. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-261-2023

Sponsored by: Mayor Stimpson and Councilmember Reynolds

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>5357</u>	2023	(3032) ARCHITECTURAL ENGINEERING	REPAIR ELEVATORS AT WEST REGIONAL LIBRARY (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$67,975.08	(273592) KONE, <u>INC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 MOBILE AREA WATER AND SEWER SYSTEM FOR METERS AND HOOKUP FEES FOR LANGAN PARK RESTROOMS; \$17,110.00.

MINUTES OF MARCH 14, 2023

The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-262-2023

Sponsored by: Mayor Stimpson and Councilmember Gregory

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>6471</u>	2023	(3032) ARCHITECTURAL ENGINEERING	METERS AND HOOKUP FEES AND SERVICES FOR LANGAN PARK RESTROOM IMPROVEMENTS (AL CODE 41-16- 51(A)(13) SOLE SOURCE; AGO 2008- 093 OTHER GOVT AGENCY)	\$17,110.00	<u>(138351) MOBILE AREA WATER AND SEWER SYSTEM</u>

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH ROGERS & WILLARD, INC. FOR IMPROVEMENTS TO 200 GOVERNMENT STREET; \$572,576.00. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-263-2023

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 tile 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 ls on file in the office of the City Clerk.

Name of Company: ROGERS & WILLARD, INC.

Project Name: 200 GOVERNMENT STREET -
THIRD FLOOR RENOVATIONS

Project Number: MX-068-22

Amount: \$572,576.00

MINUTES OF MARCH 14, 2023

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 GORAM AIR CONDITIONING, INC. FOR HVAC MAINTENANCE AND REPAIRS AT VARIOUS CITY FACILITIES; NOT TO EXCEED \$300,000.00. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-264-2023

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

Name of Company: GORAM AIR CONDITIONING COMPANY, INC.

Project Name: VARIOUS CITY OF MOBILE FACILITIES -
HVAC MAINTENANCE AND REPAIR CONTRACT FOR
CITY-OWNED BUILDINGS
(1-YEAR SERVICE CONTRACT)

Project Number: SC-015-23

Amount: NOT TO EXCEED \$300,000,00

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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; GULF COAST UNDERGROUND. The following resolution which was introduced and read at the regular meeting of March 7, 2023, and held over until the regular meeting of March 14, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-265-2023

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 and directed 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

MINUTES OF MARCH 14, 2023

the claim of Gulf Coast Underground, LLC, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

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

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

ORDINANCE TO AMEND CHAPTER 44, ARTICLE IV, "HISTORIC PRESERVATION".
The following ordinance was held over until the regular meeting of March 21, 2023.

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

MINUTES OF MARCH 14, 2023

(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.

(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

MINUTES OF MARCH 14, 2023

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;

MINUTES OF MARCH 14, 2023

(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:

MINUTES OF MARCH 14, 2023

- (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 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;

(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;

MINUTES OF MARCH 14, 2023

- (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 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;

MINUTES OF MARCH 14, 2023

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 44-81. CERTIFICATE OF ECONOMIC HARDSHIP.

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

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

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

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

MINUTES OF MARCH 14, 2023

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

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

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

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

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

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

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

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

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

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

(i) Failure to perform normal maintenance and repairs;

(ii) Failure to diligently solicit and retain tenants;

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

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

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

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

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

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

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

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

Sec. 44-82. APPEALS.

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

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

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

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

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

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

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

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

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

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

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

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

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

MINUTES OF MARCH 14, 2023

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.

REZONE PROPERTY LOCATED AT 1101 AND 1107 OLD SHELL ROAD FROM R-1 AND B-2 TO B-2. The following ordinance was held over until the regular meeting of March 21, 2023.

ORDINANCE: 64-013-2023

Sponsored by: Councilmember Carroll

MINUTES OF MARCH 14, 2023

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.

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 Resolutions 31-268 through 60-277 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

AUTHORIZE A GRANT APPLICATION TO THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE FOR THE FY23 LAW ENFORCEMENT-BASED DIRECT VICTIM SERVICES GRANT; \$300,000.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-268-2023

MINUTES OF MARCH 14, 2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Justice (DOJ), through the International Association of Chiefs of Police, a Grant Subaward in the amount of \$300,000.00 for the FY 2023 Law Enforcement-Based Victim Services (LEV) Program.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the U.S. Department of Justice or the International Association of Chiefs of Police. The Subrecipient Agreement for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 RETAIL BEER/TABLE WINE (ON/OFF PREMISES) LICENSE TO GRIZZLY AXES, 4325 DOWNTOWNER LOOP. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-269-2023

Sponsored by: Councilmember Daves

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

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

Submitted by: Grizzly Axes, LLC

Location: Grizzly Axes
4325 Downtowner Loop South
Mobile, AL 36609

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 1704 GRIFFIN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-270-2023

MINUTES OF MARCH 14, 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 1704 Griffin Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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 **1704 Griffin Street described as:**

LOT 24 BLK 1 LINCOLN PARK SUBDIVISION. BEING RESUBDIVISION OF LOTS 5 AND 6. RANGE 4, WEST, OF THE OWENS DIVISION OF THE ST. LOUIS TRACT MBK 4/260 #SEC 44 T4S R1W #MP29 02 44 0 009

Parcel number: 29 02 44 0 009 480

Last assessed to: CHARLES & SHAMIKA GREEN

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 414 GASTON STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-271-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5. 2017, the accessory structure at 414 Gaston 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;

MINUTES OF MARCH 14, 2023

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 **414 Gaston Street described as:**

BEG AT A PT ON THE E/S OF GASTON ST 100 FT SLY FROM THE SE INTERSEC OF GASTON ST & DAVIS AVE & RUN TH SLY ALG E/S OF GASTON ST 25 FT MIL TO N/L OF MARION I GOOD LOE TH ELY ALG SD N/L 135 FT WL TO E/L OF LOT 17 SQR 69 OF CAMP GROUND TRT TH NLY ALG SD E/L 25 FT TO A PT TH WLY 135 FT MIL TO THE POB BEG THE N 1/2 OF LOT 17 IN SQR 69 OF CAMP GROUND TRACT #SEC 40 T4S R1W #MP29 06 40 0 004

Parcel Number: 29 06 40 0 004 113

Last Assessed to: Deborah H Jackson

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 218 RYLAND STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-272-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code. Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5. 2017, the accessory structure at 218 Ryland 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 H 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**

MINUTES OF MARCH 14, 2023

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 **218 Ryland Street described as:**

COM AT PT ON E/S OF RYLAND LN 105 FT N OF RYALND LN & LOLA ST TH RUN NLY OR NRLY SO ALG E/L OF RYLAND LN 50 FT 6 IN TO PT TH ELY OR NRLY SO PARA W/CONGRESS ST 162 FT TO PT TH SLY OR NRLY SO 47 FT 4 IN TH RUN WLY OR NRLY SO & PAR W/CONGRESS ST 159 FT TO PT ON W/L OF RYLAND LN & POB PER SURVEY DTD 11/16/22 #SEC 40 T4S R1W #MP29 06 40 0 007

Parcel Number: 29 06 40 0 007157

Last Assessed to: HEIR OF QUEENIE WILLIAMS, C/O TAFT B WILLIAMS

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 759 CHARLES STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-273-2023

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 759 Charles 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 11 of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 12,14 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **759 Charles Street described as:**

MINUTES OF MARCH 14, 2023

LOT 14 BLK 8 OF WILSONS 2ND ADD DBK 80 PG 190 #SEC 37 T4S R1W #MP2010 37 0 004

Parcel Number: 29 10 37 0 004 056

Last Assessed to: HEIR OF ETHEL JACKSON, C/O MARIA J SANDERS

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 1707 MARENGO DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-274-2023

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 1707 Marengo Drive has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE. BASED UPON THE EVIDENCE PRESENTED. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1707 Marengo Drive described as:**

LOT 142 GULF MANOR 1ST ADD MBK 8 P 159 #SEC 36 TSS R1W # #MP32 03 36 0 004

Parcel Number: 29 02 44 0 009 480

Last Assessed to: HEIR OF KAREN BRYANT JOHNSON, C/O MELVIN A BRYANT

MINUTES OF MARCH 14, 2023

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 PUBLIC WORKS AT LARGE EMPLOYEE OF THE MONTH; ANDERSON. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-275-2023

Sponsored by: Mayor Stimpson

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

March 2023 – D. Logan Anderson (Employee #15992) Public Works at Large (Planning & Zoning)

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 Reynolds moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

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

Nays: None

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

APPROVE AWARD OF SPECIAL BONUS TO THE PARKS AND RECREATION EMPLOYEE OF THE MONTH; MCDANIEL. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-276-2023

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

MINUTES OF MARCH 14, 2023

authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 to the following employee:

Date March 14, 2023 – Name: Rhonda McDaniel (Employee #10730) Parks & Recreation (Community Centers)

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

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

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

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

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

RESOLUTION: 60-277-2023

Sponsored by: Mayor Stimpson

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

March – Joseph Orr (Employee #5294 – Fleet Management)

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

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

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

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

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

Councilmember Gregory moved for the suspension of the rules to consider Resolution 21-290 being introduced for the first time. The motion was seconded by Councilmember Jones, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the item.

RESOLUTIONS BEING INTRODUCED

MINUTES OF MARCH 14, 2023

AUTHORIZE AGREEMENT WITH THE VILLAGE OF SPRING HILL, INC. TO FACILITATE LANDSCAPING AND IRRIGATION IN PUBLIC RIGHT-OF-WAY. The following resolution was held over until the regular meeting of March 21, 2023.

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.

APPROVE ITEM BASED BID FOR UNMARKED VEHICLE LIGHT AND SIREN UPFITS FOR MFRD. The following resolution was held over until the regular meeting of March 21, 2023.

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>

APPROVE ITEM BASED BID FOR REPLACEMENT BROOMS AND BRUSHES FOR STREET SWEEPERS. The following resolution was held over until the regular meeting of March 21, 2023.

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.

MINUTES OF MARCH 14, 2023

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>

APPROVE PURCHASE ORDER TO DENNIS ALUMINUM PRODUCTS FOR DECORATIVE STREET SIGN POSTS; \$49,175.00. The following resolution was held over until the regular meeting of March 21, 2023.

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:

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>

APPROVE PURCHASE ORDER TO TRANTEX TRANSPORTATIONS PRODUCTS OF TEXAS, INC. FOR TRAFFIC CONTROL SPEED CUSHIONS FOR TRAFFIC ENGINEERING; \$16,468.38. The following resolution was held over until the regular meeting of March 21, 2023.

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>

APPROVE PURCHASE ORDER TO TRANTEX TRANSPORTATION PRODUCTS OF TEXAS, INC. FOR TRAFFIC CONTROL BARRICADES FOR TRAFFIC ENGINEERING;

MINUTES OF MARCH 14, 2023

\$149,800.00. The following resolution was held over until the regular meeting of March 21, 2023.

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>

APPROVE PURCHASE ORDER TO UJ CHEVROLET CO., INC. FOR SUBURBAN SUV FOR MPD; \$62,575.57. The following resolution was held over until the regular meeting of March 21, 2023.

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>

APPROVE PURCHASE ORDER TO C & H CONSTRUCTION SERVICES FOR MINI MESSAGE BOARD WITH TRAILER FOR THE CRUISE TERMINAL; \$16,755.00. The following resolution was held over until the regular meeting of March 21, 2023.

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,

MINUTES OF MARCH 14, 2023

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>

APPROVE PURCHASE ORDER TO SHI INTERNATIONAL CORP. FOR ANNUAL SUBSCRIPTION FOR TERRANOVA SECURITY AWARENESS TRAINING LIBRARY SERVICES; \$18,898.64. The following resolution was held over until the regular meeting of March 21, 2023.

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:

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>

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 was held over until the regular meeting of March 21, 2023.

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

MINUTES OF MARCH 14, 2023

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

AUTHORIZE CONTRACT WITH CINTAS CORPORATION FOR UNIFORM AND EQUIPMENT RENTAL SERVICES; \$7,000.00 PER MONTH, FOR ONE YEAR. The following resolution was held over until the regular meeting of March 21, 2023.

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.

AUTHORIZE CONTRACT WITH VIRGINIA WRECKING COMPNAY, INC. FOR PHASE 2 ASBESTOS ABATEMENT AND DEMOLITION OF WOODLAWN APARTMENTS; \$92,399.00. The following resolution was held over until the regular meeting of March 21, 2023.

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

AUTHORIZE CONTRACT WITH SOUTHERN EARTH SCIENCES, INC. ANNUAL LANDFILL SAMPLING REQUIREMENTS FOR BATES C & D LANDFILL AND HICKORY STREET LANDFILL. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 21-290-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll and Gregory

MINUTES OF MARCH 14, 2023

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, an amendment to the contract, by and between the City of Mobile and Southern Earth Sciences, Inc., dated February 9, 2021 for Professional Services for Annual Landfill Sampling Requirements for Bates C&D Landfill and Hickory Street Landfill for the second one-year renewal period. An amendment to the contract is 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 table the resolution, which was seconded by Councilmember Carroll, and the vote was as follows:

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

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

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 was introduced by Councilmember Gregory.

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.

AUTHORIZE CONTRACT WITH AMERSON ROOFING, INC. FOR RE-ROOFING OF VARIOUS CITY FACILITIES; \$117,873.00. The following resolution was introduced by Councilmember Gregory.

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

AUTHORIZE PERFORMANCE CONTRACT WITH FRIENDS OF MOBILE HISTORIC DEVELOPMENT. The following resolution was introduced by Councilmember Gregory.

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.

AUTHORIZE PERFORMANCE CONTRACT WITH SOCIETY MOBILE-LA HABANA, INC. The following resolution was introduced by Councilmember Gregory.

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.

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 was introduced by Councilmember Gregory.

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

MINUTES OF MARCH 14, 2023

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.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MCKEAN, EVANS, & BYRD. The following resolution was introduced by Councilmember Gregory.

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.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 4570, 4580, AND 4590 SHIPYARD ROAD, FROM B-3 AND B-5 (SCHEDULED FOR APRIL 18, 2023) (DISTRICT 4). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-297-2023

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

Notice of Public Hearing for the Proposed Rezoning of Property Located at 4570, 4580, and 4590 Shipyard Road (West side of Shipyard Road, 413' ± north of Higgins Road) Pursuant to Resolution of the Mobile, Alabama City Council adopted September 6, 2022, a public hearing will be held on the 18th day of April, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 4570, 4580, and 4590 Shipyard Road (west side of Shipyard Road, 413' ± north of Higgins Road) from B-3, Community Business District, and B-5, Office Distribution District, to B-5, Office Distribution 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:

MINUTES OF MARCH 14, 2023

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

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

TOGETHER WITH:

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

TOGETHER WITH:

LOT A, RESUBDIVISION OF LOTS 3 AND 4 CREEKLINE ELEVENTH ADDITION AS RECORDED IN INSTRUMENT NO.20200053952 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from B-3, Community Business District, "and B-5, Office-Distribution District, to B-5, Office-Distribution District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-5, Office-Distribution District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-5, Office-Distribution District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) full compliance with all municipal codes and ordinances.

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 18, 2023.

ANNOUNCEMENTS

Lisa C. Lambert, City Clerk, announced a Committee of the Whole meeting will be on Tuesday, March 21, 2023, in the council conference room immediately following the City Council meeting.

Councilmember Reynolds stated that a Rules Committee meeting will be on Tuesday, March 21, 2023, in the council conference room at 8:00 a.m.

Councilmember Gregory announced that the Plantasia Spring Plant pre-sale will begin on March 16, 2023, at the Mobile Botanical Gardens and the general sale starts on March 17th and 18th.

Councilmember Gregory stated that the Chocolate Festival will be held on March 18, 2023, at the Grounds from 10:00 a.m. to 3:00 p.m.

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

MINUTES OF MARCH 14, 2023

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, Daves, 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 12:08 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK