

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 18, 2020

The Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, August 18, 2020, at 9:00 a.m.

Present:

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

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

Approved: August 25, 2020

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COUNCIL PRESIDENT

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CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 18, 2020

The City Council of the City of Mobile, Alabama met remotely via virtual meeting, on Tuesday, August 18, 2020, at 10:30 a.m., in regular meeting.

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

Rev. Katrina Brown-Kennedy, Women's Minister, Stone Street Baptist Church, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER:

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

APPROVAL OF MINUTES:

None.

COMMUNICATIONS FROM THE MAYOR:

None.

ADOPTION OF THE AGENDA:

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

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

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The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted and all items declared Essential/Covid-19 related.

### APPEALS:

The Council considered the request of Johnnie Robinson for a waiver of the Noise Ordinance at 4781 Lesure Road, on September 25 and 26, 2020, from 7:00 p.m. – 2:00 a.m. (District 4).

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

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

Nays: None

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

### PRESENTATIONS BY THE COUNCIL:

The Council presented a proclamation declaring August 18, 2020 as “100th Anniversary of the 19th Amendment to the U.S. Constitution Day.”

### PUBLIC HEARINGS:

#### PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1157 CHINQUAPIN STREET, \$4,050.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 1157 Chinquapin Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

#### PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1360 ST. MADAR STREET, \$2,950.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 1360 St. Madar Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

#### PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 508 HOLCOMBE AVENUE, \$1,400.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 508 Holcombe Avenue and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

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PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 664 JOHNSTON STREET, \$1,700.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 664 Johnston Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 458 PLUM STREET, \$3,075.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 458 Plum Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2708 RALSTON ROAD, \$3,575.00 (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 458 Plum Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1723 BOLDEN 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 1723 Bolden 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 at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2410 HART AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2410 Hart Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Angelique McAlpine, 2410 Hart Avenue, requested more time, so that she can arrange for repairs to be made to the structure.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

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PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2831 BEAR FORK ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2831 Bear Fork Road a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 477 MCCARLEY 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 477 McCarley 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 at a later date.

ESSENTIAL/COVID-19 ITEMS HELD OVER:

APPROVE PURCHASE ORDER TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC. FOR RENEWAL OF ARC GIS SOFTWARE & LICENSES, \$73,117.12.

The following resolution, which was introduced and read at the regular meeting of August 11, 2020 and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-593-2020

Sponsored by: Mayor Stimpson

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

| Requisition  | Fiscal Year | Department                           | Description                                                                                                                                                           | Amount      | Vendor                                                                                           |
|--------------|-------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------------|
| <u>15003</u> | 2020        | (5010)<br>GEOGRAPHIC INFO<br>SYSTEMS | RENEWAL OF ARC<br>GIS SOFTWARE<br>LICENSES AND<br>MAINTENANCE<br>SUPPORT<br>SUBSCRIPTIONS<br>(SOLE SOURCE –<br>SOFTWARE<br>ORIGINALLY<br>PURCHASED<br>UNDER BID 2487) | \$73,117.12 | <u>(050080)</u><br><u>ENVIRONMENTAL</u><br><u>SYSTEMS</u><br><u>RESEARCH</u><br><u>INSTITUTE</u> |

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH ERIC SWEETSER, D/B/A VES SPECIALISTS, FOR EMERGENCY ROLL-UP DOOR REPLACEMENTS AT VARIOUS CITY FIRE STATIONS; \$39,090.00. The following resolution, which was introduced and read at the regular meeting of August 11, 2020 and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-594-2020

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: ERIC SWEETSER d/b/a VES SPECIALISTS

Project name: VARIOUS FIRE STATIONS  
EMERGENCY ROLL-UP DOOR REPLACEMENTS

Project number: FM-130-20

Amount: \$39,090.00

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH AMERSON ROOFING, INC. FOR PUBLIC WORKS COMPLEX EQUIPMENT MAINTENANCE BUILDING – ROOF REPAIRS; \$35,364.00. The following resolution, which was introduced and read at the regular meeting of August 11, 2020 and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-595-2020

Sponsored by: Councilmember Small and Mayor Stimpson

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

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Name of company: Amerson Roofing, Inc.

Project name: Public Works Complex  
Equipment Maintenance Building – Roof Repairs

Project number: PW-053-20

Amount: \$35,364.00

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

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

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

AUTHORIZE CONTRACT WITH GALLS, LLC FOR MFRD UNIFORMS; \$192,500.00 PER YEAR. The following resolution, which was introduced and read at the regular meeting of August 11, 2020 and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-596-2020

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 Galls, LLC, in the amount not to exceed \$192,500.00 per year, for one year, renewable for two additional one year periods at the Mayor's discretion without further Council action, for uniforms for the Mobile Fire Rescue Department, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

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

AUTHORIZE CONTRACT WITH SECOR ENTERPRISES, INC., FOR RIGHT OF WAY MOWING ON KNOLLWOOD DRIVE, \$5,400 FY 2020, \$22,500 FOR FY 21 AND FY 22. The following resolution, which was introduced and read at the regular meeting of August 11, 2020 and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-597-2020

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 Secor Enterprises, Inc. for right of way ditch mowing of Knollwood Drive from Government to

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Grelot Road for the current mowing season and extendable for two (2) additional mowing seasons with the mutual approval of the City of Mobile and the provider as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

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

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

Councilmember Williams moved for the suspension of the rules to consider Essential/Covid-19 items 08-610, 09-603 and 40-608-37-618, being introduced for the first time, the motion was seconded by Councilmember Rich and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

ESSENTIAL/COVID19 ITEMS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH SPIRE GULF, INC. FOR RELOCATION OF UTILITY FACILITIES ON PUBLIC RIGHT-OF-WAY DURING THE ROUNDABOUT INSTALLATION AT THE INTERSECTION OF BROAD STREET AND CANAL STREET.  
The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 01-598-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile an agreement, and any necessary amendments thereafter, between Spire Gulf, Inc. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of company: Spire Gulf, Inc.  
COM project name: HSIP Roundabout Installation  
at Canal Street and Broad Street  
COM project number: 2019-3005-14  
Agreement: Non-Reimbursable Agreement  
for Relocation of Utility Facilities  
on Public Right-of-Way

APPROVE PURCHASE ORDER TO GULF MARINE CONSTRUCTION, INC. FOR BOAT LIFT, \$30,723.00. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 08-599-2020

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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>10260</u> | 2020        | (1530) POLICE<br>ADMIN SERVICES | BOAT LIFT (SEALED<br>BID 5360) | \$30,723.00 | <u>(296419) GULF<br/>MARINE<br/>CONSTRUCTION<br/>INC</u> |

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

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES, INC. FOR AERIAL LIFT TRUCK, \$203,585.00. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 08-600-2020

Sponsored by: Mayor Stimpson

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

| Requisition | Fiscal Year | Department            | Description                                                               | Amount       | Vendor                                            |
|-------------|-------------|-----------------------|---------------------------------------------------------------------------|--------------|---------------------------------------------------|
| <u>9015</u> | 2020        | (F7000) MOTOR<br>POOL | VERSALIFT VST-<br>6000-MHI 60FT<br>AERIAL LIFT TRUCK<br>(SEALED BID 5440) | \$203,585.00 | <u>(208560) TRUCK<br/>EQUIPMENT<br/>SALES INC</u> |

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

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APPROVE PURCHASE ORDER TO GULF COAST FITNESS SERVICE FOR FITNESS EQUIPMENT FOR THE PARKWAY SENIOR CENTER, \$47,186.45. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-601-2020  
Sponsored by: Mayor Stimpson

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

| Requisition  | Fiscal Year | Department  | Description                                                 | Amount      | Vendor                                        |
|--------------|-------------|-------------|-------------------------------------------------------------|-------------|-----------------------------------------------|
| <u>12246</u> | 2020        | (2035) SAIL | FITNESS EQUIPMENT - PARKWAY SENIOR CENTER (SEALED BID 5447) | \$47,186.45 | <u>(292197) GULF COAST FITNES SERVICE LLC</u> |

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

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

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

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

APPROVE PURCHASE ORDER TO TRANE US, INC. FOR FOUR VARIABLE FREQUENCY DRIVES FOR THE WEST MOBILE REGIONAL LIBRARY, \$24,403.00. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 08-602-2020  
Sponsored by: Mayor Stimpson

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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>15858</u> | 2020        | (3035) FACILITY MAINTENANCE | 4 TRANE TR200 VARIABLE FREQUENCY DRIVES (US COMMUNITIES COOPERATIVE PURCHASING AGREEMENT -NOT ON STATE CONTRACT) | \$24,403.00 | <u>(293908) TRANE US INC</u> |

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

AUTHORIZE BUDGET TRANSFER FROM THE GENERAL FUND TO CAPITAL PROJECT #C0508 FOR INSTALLING EMERGENCY BACKUP GENERATORS AT THE PUBLIC WORKS FACILITIES AT HURTEL STREET AND GAYLE STREET, \$158,000.  
The following resolution was introduced by Councilmember Daves.

RESOLUTION: 09-603-2020

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$50,000.00 be re-allocated from General Fund 1004.2086.42060 Public Services Maintenance - Hauling and the sum of \$108,000.00 be re-allocated from General Fund 1004.2050.42200 Fleet Management - Professional and Technical; to Capital Project #C0508 Var Public Works Facilities-Emer Ge Capital Improvement Fund 2000.2000.48010. These funds will be used for installing emergency backup generators at the Public Works facilities located at Hurtel Street and Gayle

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

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

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

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

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APPROPRIATE \$1,400,000.00 IN THE REBUILD ALABAMA SPECIAL REVENUE FUND FOR THE TIGER/DR. MLK, JR. AVE./BROAD STREET PROJECT. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 09-604-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,400,000.00 be appropriated in the Rebuild Alabama Special Revenue Fund (Fund 4055) for the following Capital Project.

TIGER/Dr. MLK Jr Ave./Broad St. \$1,400,000.00

AUTHORIZE CONTRACT WITH MID-WESTERN COMMERCIAL ROOFERS, INC. FOR HURTEL STREET ARMORY – RE-ROOFING, \$237,720.00. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 21-605-2020

Sponsored by: Councilmember Small and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL 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, a Contract, that is necessary to perform essential minimum functions of the Council, by and between the City of Mobile, and the company listed below, for work at 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: Mid-Western Commercial Roofers, Inc.

Project name: Hurtel Street Armory – Re-roofing

Project number: MX-034-19

Amount: \$237,720.00

AUTHORIZE CONTRACT MICHAEL BAKER INTERNATIONAL, INC., FOR CE&I ENGINEERING SERVICES, 2019 CIP BRIDGE MAINTENANCE AND REPAIRS, \$35,000.00. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 21-606-2020

Sponsored by: Councilmembers Richardson, Manzie, Small, Williams, Daves, Rich and Gregory and Mayor Stimpson

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

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

Name of company: Michael Baker International, Inc.

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Project name: 2019 CIP Bridge Maintenance and Repairs, D#1-7  
COM project no.: 2019-3005-23  
Estimated cost: \$35,000.00

AUTHORIZE CONTRACT WITH HARRIS CONTRACTING SERVICES, INC. FOR RICKARBY PARK – GRADING & DRAINAGE IMPROVEMENTS, \$56,000.00 – 2019 CIP #2009, D2. The following resolution was held over until the regular meeting of Tuesday, August 25, 2020.

RESOLUTION: 21-607-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: Harris Constructing Services, Inc.  
Project name: Rickarby Park - Grading & Drainage Improvements  
Project number: PR-034-20  
Amount: \$56,000.00 (C0069 2019 CIP ID#2009 D2)

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1157 CHINQUAPIN STREET, \$4,050.00 (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-608-2020

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 1157 CHINQUAPIN STREET

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 1157 Chinquapin Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 1157 Chinquapin Street to be \$4,050.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$4,050.00 shall constitute a special assessment against the 1157 Chinquapin Street and being that property more particularly described as follows:

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LOTS 14 & 15 SQ32 FISHER TRT DBK22 PG 332 BDED ON N BY CHINQUEPIN STE  
BY MAPLE STS BY PERSIMMON ST & W BY PLUM ST#SEC 13 T4S RIW #MP29 06 13  
0 002

Parcel no.: 29 06 13 0 002 055.XXX

Amount: \$4,050.00

Owner : COLEMAN NELSE L  
1563 CAPITAL CIR SE STE# 3-210  
TALLAHASSEE FL 32311-2107

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

Nays: None

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1360 ST. MADAR STREET, \$2,950.00 (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-609-2020

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 1360 ST. MADAR STREET

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 1360 St. Madar Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 1360 St. Madar Street to be \$2,950.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and In all respects should be confirmed;

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

Section 1. The amount of \$2,950.00 shall constitute a special assessment against the 1360 St. Madar Street and being that property more particularly described as follows:

MINUTES OF AUGUST 18, 2020

LOT 27 BLK 22 TISDALE SUB O F FISHER TRT DBK 75 PG 260 #SEC 13 T4S RIW  
#MP29 06 13 0 003

Parcel no.: 29 06 13 0 003 257.XXX

Amount: \$2,950.00

Owner: YOUNG HERMAN & SUE  
C/O SYNCERIA YOUNG JONES  
3375 MAPLELEAFCT  
LITHONIA, GA 30038-3465

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

Nays: None

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 508 HOLCOMBE AVENUE,  
\$1,400.00 (DISTRICT 2).

RESOLUTION: 40-610-2020

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE  
AT 508 HOLCOMBE AVENUE

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 508 Holcombe Avenue and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 508 Holcombe Avenue to be \$1,400.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$1,400.00 shall constitute a special assessment against the 508 Holcombe Avenue and being that property more particularly described as follows:

MINUTES OF AUGUST 18, 2020

LOT 29 BLK 17 BON AIR ESTS DBK 156 P 374 #SEC 29 T4S RIW #MP29 09 29 1 005

Parcel no.: 29 09 29 1005 023.XXX

Amount: \$1,400.00

Owner: LIFE HEALTHCARE LLC, AN ALABAMA  
6983 NICKLAUS DR N  
MOBILE AL 36618

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby In all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 664 JOHNSTON STREET, \$1,700.00 (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-611-2020

Sponsored by: Councilmember Manzie

A RESOLUTION FIXING THE COSTS FOR THE DEMOLITION OF THE STRUCTURE AT 664 JOHNSTON AVENUE

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 664 Johnston Avenue and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 664 Johnston Avenue to be \$1,700.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$1,700.00 shall constitute a special assessment against the 664 Johnston Avenue and being that property more particularly described as follows:

MINUTES OF AUGUST 18, 2020

LOT 29 BLK 23 BON AIR ESTS MBK 156 PG 374 #SEC 28 T4S RIW #MP29 10 28 3

Parcel no.: 29 10 28 3 003 037.XXX

Amount: \$1,700.00

Owner: YORK CARL  
664 JOHNSTON AVE  
MOBILE AL 36606

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

Nays: None

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 458 PLUM STREET, \$3,075.00 (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-612-2020

Sponsored by: Councilmember Manzie

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 458 Plum Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 458 Plum Street to be \$3,075.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$3,075.00 shall constitute a special assessment against the property 458 Plum Street and being that property more particularly described as follows:

FROM TH SE COR OF HERCULES & PLUM STS RUN SLY ALG TH E/L OF PLUM ST 80 FT TO AN IRON STAKE FOR TH POB TH ELY & PAR TO HERCULES ST 74 FT TO AN IRON STAKE TH SLY & PAR PAR TO PLUM ST 30 FT TO AN IRON STAKE TH WLY

MINUTES OF AUGUST 18, 2020

& PAR TO HERCULES ST 74 FT TO TH E/L OF PLUM ST TH NLY 30 FT TO POB #SEC  
13 T4S R1W #MP29 06 13 0 002

Parcel No. 29 06 13 0 002 427.XXX

Amount: \$3,075.00

Owner MARTIN MILDRED & NARBERT  
1308 WHISPERING PINES RD  
DAPHNE AL 36526

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby in all respects confirmed.

Section 2. it is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2708 RALSTON ROAD, \$3,575.00 (DISTRICT 5). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-613-2020

Sponsored by: Councilmember Daves

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure 2708 Ralston Road and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure at 2708 Ralston Road to be \$3,575.00 and the City Council, having received the report and heard all objections which have been raised by any of the Interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$3,575.00 shall constitute a special assessment against the 2708 Ralston Road and being that property more particularly described as follows:

LOT 71 BLK U WESTLAWN SUB MBK 4 P 516 #SEC 19 T4S RIW #MP29 08 19 4 001

Parcel No. 29 08 19 4 001 065.XXX

MINUTES OF AUGUST 18, 2020

Amount: \$3,575.00

Owner: BLACKMON CLARENCE L & DORA  
2708 RALSTON RD  
MOBILE AL 36606

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the securing of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

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

DECLARE THE STRUCTURE AT 1723 BOLDEN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-614-2020

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 1723 BOLDEN 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, 6, 7, 8 and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1723 BOLDEN STREET as:

LOTS 5 & 6 BLK 4 LINCOLN PK SUB MBK 4 P 260 SEC 44 T4S RIW #SEC 44 T4S RIW #MP29 02 44 0 009

Parcel Number: 29 02 44 0 009 420

Last Assessed to: PETTWAY AUSTIN & ANNIE MAE

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

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

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

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

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

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

DECLARE THE STRUCTURE AT 2410 HART AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-615-2020

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 2410 HART 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, 6, 7, 8 and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2410 HART AVENUE as:

LOT 16 BLK 1 FAIROAKS SUB MBK 4 P 95 #SEC 44 T4S R1W #MP29 02 44 0 027

Parcel Number: 29 02 44 0 027 039

Last Assessed to: MCALPINE BYRON

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

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 2831 BEAR FORK ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-616-2020

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 2831 BEAR FORK ROAD has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article 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, 6, 7, 8 and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2831 BEAR FORK ROAD as:

COM AT NE COR OF SEC 35 T3S R2W RUN TH W ALG N/L OF SD SEC 35 ALSO C/L OF BEAR FORK RD 660.35 FT TO PT TH S 01 DEG 11 MIN W 30 FT TO IRON MARKER ON S R/W LINE OF SD BEAR FORK RD FOR POB OF HEREIN DESC PPTY TH CONT S 01 DEG 11 MIN W ALG A FENCE ALSO W/L OF GRADED RDWY 273.80 FT TO PT TH W ALG A FENCE ALSO N/L OF LOT 31 BRUCEWOOD SUB REC MBK 9 PG 486. 112.98 FT TO PT TH N 00 DEG 01 MIN 30 SEC W 273.74 FT TO PT TH E ALG S R/W LINE OF BEAR FORK RD, 118.75 FT TO POB #SEC 35 T3S R2W #MP23 07 35 1 OOP

Parcel Number: 23 07 35 1000 005

Last Assessed to: JOHNSON ANDREW & MARILYN

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

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 477 MCCARLEY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-617-2020

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article 1! of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances." adopted December 5, 2017, the accessory structure at 477 MCCARLEY 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, 6, 7, 8 and 15; and

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

NOW. THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 477 MCCARLEY STREET as:

LOTS 130 & 131 DIV A MILLVILLE TRT DBK 121 PG 512 #SEC 17 T4S RIW #MP29 08 17 2 000

Parcel Number: 29 08 17 2 000 008

Last Assessed to: MACK JOHN & INEZ

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.

MINUTES OF AUGUST 18, 2020

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE FOR EL MILAGRO, 5951 OLD SHELL ROAD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-618-2020

Sponsored by: Councilmember Gregory

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: Restaurant Retail Liquor

Submitted by: Brandon Wilfredo Martir

Location: El Milagro  
5951 Old Shell Road  
Mobile, AL 36608

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

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

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

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. Reggie Hill, 1007 Center Street, addressed resolutions 08-600 and 08-601.
2. Michelle Dubose-Adams, 6008 Ridgefield Place, spoke in opposition of ordinance 57-016.
3. Areal Chaves, 5918 Peach Tree Place, spoke in opposition of ordinance 57-016.

NON-AGENDA ITEMS:

1. Dr. Eichold informed the City Council and citizens that the face coverings are working. The positive COVID-19 test results are decreasing.

## MINUTES OF AUGUST 18, 2020

**NOTE:** Councilmember Manzie stated for the record:

Any person, who attempted to sit in or engage in the meeting of the Mobile City Council while we were in the Auditorium, that did not have a mask on was either asked to put a mask on or they got the very same treatment. No one was singled out and no one was treated preferentially. We wore masks when we were in the Auditorium. The Mayor wore a mask, the Public Safety Director wore a mask and to be very frank with you, our previous speaker wore a mask up until he reached the microphone. Any other time prior to that, he wore a mask and so there is no preferential treatment. There is no singling out. We are all trying to make it through this pandemic until there is a vaccine available and we are able to return to some resemblance of normalcy. Until then everybody is going to have to be inconvenienced. There are restaurant owners who aren't able to have 100% occupancy. It has been an inconvenience to everybody. I have church on Sundays and can't hug my church members, can't have them come within 6 feet of me. That's totally abnormal. My brother works at Mobile County Transportation with the public school system and someone came to his job who had been around two (2) people who had caught the virus. For a whole week, he had to stay in a hotel and he is my source of help, so it has inconvenienced everybody. But nobody who wanted to wear the mask that would come up to the microphone was turned away from having their full five (5) minutes.

### ORDINANCES HELD OVER

ORDINANCE TO ESTABLISH PROCEDURES AND POLICIES FOR THE VACATION OR CLOSURE OF ANY STREET, ALLEY, OR DEDICATED PUBLIC RIGHT OF WAY. The following ordinance which was introduced and read at the regular meeting of June 16, 2020, and held over until the regular meetings of June 23 and August 4 and 18, 2020, was called up by the Presiding Officer.

ORDINANCE: 57-016-2020

Sponsored by: Councilmembers Richardson and Daves

AN ORDINANCE TO ESTABLISH PROCEDURES AND POLICIES FOR THE VACATION OR CLOSURE OF ANY STREET, ALLEY, OR DEDICATED PUBLIC WAY PURSUANT TO PETITION

WHEREAS, State law authorizes the City Council, as the governing body of the City of Mobile, to vacate or close, in whole or in part, streets, alleys, and dedicated public ways in accordance with certain mandated procedures and when such vacation is determined by the Council to be in the public interest; and,

WHEREAS, Section 11-49-6 of the Code of Alabama authorizes the Council, as the governing body of the City of Mobile, to require abutting landowners to pay a vacation of right-of-way fee as a condition to the Council's exercise of the power to vacate any street, alley, or dedicated public way; and,

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

WHEREAS, in the exercise of its legislative powers the Council desires to set forth in this Ordinance the policies and procedures to be followed for the vacation or closure of any street, alley, or dedicated public way pursuant to petition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Section 57-17 of the Mobile City Code is hereby amended and restated so that it now reads in its entirety as follows:

SECTION 57-17. VACATION OR CLOSURE OF STREETS, ALLEYS AND PUBLIC WAYS BY PETITION.

SECTION ONE. PROCEDURES.

## MINUTES OF AUGUST 18, 2020

### (A). FILING OF PETITION WITH CITY CLERK.

(1). Subject to the conditions and requirements of applicable State law and this Ordinance, the owner or owners of land abutting any street, alley, or dedicated public way, including unused rights-of-way, may petition the City Council to have the street, alley, or public way vacated, in whole or in part. These procedures apply equally to any request to have a street, alley, or dedicated public way closed to vehicular traffic but not vacated. The decision to vacate or close any street, alley, or dedicated public way is committed to the legislative discretion of the Council.

(2). Any person who desires to vacate a street, alley, or dedicated public way, open or unopen, or who desires to have a street, alley, or dedicated public way closed to vehicular and/or pedestrian traffic, shall submit to the City Clerk a written petition requesting that the street, alley, or public way be vacated or closed. The written petition must indicate whether the petitioner is seeking vacation or closure. The written petition must contain notarized signatures evidencing the consent of all of the following:

(a) the owner(s) of the land abutting the street, alley, or public way to be vacated or closed; and,

(b) if the petition requests the vacation or closure of an open, paved street, alley or public way, the owner(s) of any land contained within any platted subdivision in which the street, alley, or public way to be vacated or closed is located; and,

(c) if the petition requests the vacation or closure of an open, paved street, alley or public way, the owner(s) of any land within 300 feet of street, alley, or public way to be vacated or closed.

(3). When the written petition is submitted, the person(s) submitting the petition shall provide the following to the City Clerk with such petition:

(a). the correct legal description of the area sought to be vacated or closed;

(b). a plat or survey that clearly shows in detail:

(i) the area sought to be vacated or closed;

(ii) the location of all lots or tracts of land that abut the area sought to be vacated or closed;

(iii) the square footage of the area sought to be vacated or closed;

(iv) the square footage of each lot or tract of land that abuts the area sought to be vacated or closed.

(c). the current year assessed value, as determined by the Mobile County Revenue

Commissioner, of all lots or tracts of land that abut the easement or right-of-way sought to be vacated or closed.

(d). If the petition requests vacation or closure of an open street or road to vehicular traffic, then a traffic impact study and report prepared by a transportation engineer in accordance with the recommendations of the Institute of Transportation Engineers must be submitted with the petition. The study must show that the proposed closure or vacation will not impede the orderly flow of traffic within 300 feet of the street, alley or public way to be vacated or closed, and, if applicable, the platted subdivision in which such street, alley or public way is located.

(e). An agreement signed by all persons requesting the vacation wherein they jointly and severally agree to indemnify and hold the City of Mobile, and its officials and employees, harmless of and from any costs, expenses, and attorney fees that may be incurred in connection with any litigation that may be brought by any person or entity challenging the

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decision to vacate or close the street, alley, or public right of way. Such indemnification and hold harmless agreement shall be in a form approved by the Clerk.

(f). Three (3) sets of printed adhesive labels containing the names and addresses of the owner(s) of any applicable land referred to in Section One, sub-sections (A).(2).(a), (A).(2).(b) and (A).(2).(c) of this ordinance.

(4). The person(s) submitting the petition shall pay a \$100.00 fee to the Clerk at the time that the petition is submitted.

(5). The person(s) submitting the petition, or their designee, shall be responsible for notifying in writing all utility companies (including but not limited to Mobile Area Water and Sewer System, Alabama Power, Spire, AT&T, and Comcast Cable), and any other person or company that has any easement or right-of-way that would be affected by the proposed vacation or closure, of the proposed request for vacation or closure. Such notification shall contain a request that the utility consent in writing to the vacation or closure, or submit written objection thereto. Such written responses from the utilities shall be provided to the City Clerk at the time that the written petition is submitted.

(6). A petition will not be considered to have been submitted until all of the requirements of this section have been met, unless otherwise permitted by the laws of the State of Alabama.

### (B). REVIEW BY CITY DEPARTMENTS AND OFFICIALS.

(1). Following receipt of the written petition, the City Clerk will forward the documents to the Mayor, the city engineer, the city traffic engineer, the chief of police, the chief of the fire-rescue department, the city attorney, the council attorney, the real estate department, the right-of-way department, and the community and housing development department, for their review and comment. Written comments and objections from such persons or departments, if any, shall be sent to the City Clerk within thirty (30) days thereafter.

(2). Before the petition may move forward City Clerk must receive written communication from the Chief of Police stating that the closure or vacation is in the interest of public safety and from the Chief of the Fire Rescue Department stating that the vacation or closure is consistent with applicable fire codes and will not hinder the Fire Rescue Department in responding to fire or rescue situations. The statement of the Chief of Police must include the data upon which he bases his conclusions.

### (C). SCHEDULING OF PUBLIC HEARING.

(1). After comments and any objections from city officials, departments or utility companies have been received by the City Clerk, the person(s) submitting the petition shall provide the Clerk with a declaration of vacation in a form approved by the Clerk if the petition is for a vacation. Upon receipt of the declaration, or, in the case of a closure, after the City official/department commentary period expires, the Clerk will prepare a resolution to set a public hearing on said proposed vacation or closure to be presented to the City Council. The director of urban development and planning, the city engineer, and the city traffic engineer, or their respective designees, shall attend the public hearing in order to respond to any council inquiries on the issue. They shall also make known to the council either in person or by correspondence their comments and recommendations made in regard to the vacation or closure.

(2). The public hearing shall be scheduled within 100 days from the date that the written petition is completed and deemed submitted. Notice of the hearing shall be provided as set out in Section 36-25A-3 of the Code of Alabama for notice of meetings and shall describe the street, alley, or public way, or portion thereof, requested to be vacated or closed in the petition. A copy of the notice shall also be served by U.S. Mail at least 30 days prior to the scheduled hearing to any owner identified in section A.(2.) hereof and to any entity known to have facilities or equipment such as utility lines, both above-ground or buried, within the public right-of-way of the street or alley, or portion thereof, requested to be vacated or closed in the petition.

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(3). In addition to the aforesaid notice provisions, two signs shall be conspicuously posted at the location of the street, alley, or public way, or portion thereof, requested to be vacated or closed in the petition. The signs shall be posted no less than 15 days before the day of the scheduled public hearing and shall remain so posted at all times until the hearing has been held. The signs shall be weatherproof and the petitioner shall be responsible for obtaining and posting such signs and providing photographic proof to the City Clerk that such signs were and remained posted as required herein. The wording on the signs shall not be less than two inches in height and shall be in substantially the following form:

### NOTICE OF PUBLIC HEARING

APPLICATION HAS BEEN MADE TO THE CITY OF MOBILE TO VACATE OR CLOSE THE STREET OR PUBLIC WAY ABUTTING THIS PROPERTY. FOR MORE INFORMATION CALL THE MOBILE CITY CLERK'S OFFICE AT 251-208-7414.

(4). The person(s) who submitted the petition shall pay all costs of scheduling the public hearing and providing notice thereof, including the costs of advertisement, mailing, and posting the signs required by this section. The Clerk shall submit an invoice to the petitioner for such costs which must be paid prior to the scheduling of such hearing. Failure to pay such costs shall constitute a withdrawal of the petition unless the City Council grants a waiver of this requirement.

### (D). CRITERIA AND CONDITIONS OF VACATION OR CLOSURE.

(1). The city council may consider in regard to any proposed vacation or closure the present and long-term effects on existing utilities, proposed utilities, master traffic plan, traffic patterns, traffic counts, reasonable and convenient ingress and egress, public services, and any other factor deemed relevant by the council.

(2). Any vacation or closure may be subject to reservation of easements and rights-of-way for utilities or conditioned upon easements or rights-of-way being given to the City, or other conditions, in the discretion of the city council.

(3). Any entities with utility lines, equipment or facilities in place shall continue to have the rights set forth in Code of Alabama § 23-4-20(f), as same now exists or may hereafter be amended.

(4). No vacation of any street, alley, or dedicated public way, and no closure of any street, alley, or public way to vehicular traffic, shall deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets, alleys, or dedicated public ways, then another street, alley, or dedicated public way affording such right must be dedicated as may be required by applicable State law.

(5). The City of Mobile reserves all of its rights and inherent and statutory police powers to re-open any street, alley or public way closed to vehicular or pedestrian traffic at any time. The City of Mobile further reserves its rights to close or vacate any street, alley or public way by its own action pursuant to its inherent and statutory police and other powers.

(6). Partial vacations may be approved but are not favored. Partial vacations of any alley will not be allowed without the notarized written consent of all owners of property that abut the entire length of the alley.

### (E). PAYMENT OF FEES.

(1). It shall be the policy of the City of Mobile to require abutting landowners who will benefit directly from the vacation of an easement or a public right-of-way for a road, street, alley, or other dedicated public way, open or unopen, to pay to the City a fee in accordance with section 11-49-6 of the Code of Alabama.

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(2). The fee shall be equal to the fair market value of the land which will be added to the holdings of the abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6.

(3). If the aggregate fee for all lots or tracts of abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6, is less than \$5,000.00, then no fee shall be required.

(4). If the aggregate fee for all lots or tracts of abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6, is equal to or greater than \$5,000.00, then the fee shall be finally determined and assessed by the City Council after a public hearing, notice of which shall be published and mailed in accordance with the requirements of section 11-49-6 of the Code of Alabama.

(5). The Council may, in its discretion, waive any fee as it determines to be justified or warranted under the circumstances presented.

(6). In the case of a closure of a street, alley or public way to vehicular or pedestrian traffic, but not a vacation, no fee shall be required.

### (F). COMPLETION OF PROCESS.

Once all fee(s) and cost(s) have been paid, and any other conditions of the vacation or closure have been met, in the case of a vacation the person(s) who submitted the written petition will receive a certified copy of the Council's resolution to be filed by them together with the declaration of vacation in the Office of the Judge of Probate of Mobile County. In the case of a closure of a street, alley or public way to vehicular or pedestrian traffic by the Council, because the same is subject to being re-opened by the City, no resolution regarding same shall be recorded at Probate Court and any such recordation shall not confer any permanent property rights in any abutting landowner, or their heirs, successors and/or assigns.

### SECTION TWO. SEVERABILITY.

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

### SECTION THREE. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be tabled, until the regular meeting of August 25, 2020, which was seconded by Councilmember Richardson and the vote was as follows:

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

Nays: None

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

ORDINANCE TO REGULATE FOOD TRUCKS. The following ordinance which was introduced and read at the regular meeting of July 28, 2020, and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

ORDINANCE: 27-024-2020

Sponsored by: Councilmember Manzie

## MINUTES OF AUGUST 18, 2020

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

### Section One. Definitions.

a) Food truck means a food service establishment (as defined in Chapter 34 of the Mobile City Code) that is mobile and located upon or within a vehicle, or which can be pulled by a vehicle, or which can be pulled or pushed by human or animal power (such as a pushcart), where food or beverage is cooked, prepared and/or served for individual portion service. This definition shall not apply to coffee, frozen dessert or ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.

b) Commissary means a designated facility or fixed food establishment that the food truck operates from and reports to for supplies and for cleaning and service operations.

### Section Two. License Requirements.

a) It shall be unlawful for any food truck to sell, or offer for sale, any food or beverage without first obtaining a business license as provided in Chapter 34 of the Mobile City Code.

b) In addition to any other requirements, each applicant for a food truck business license must provide:

1) The name, home and business address of the applicant and copy of their current food permit and any other permits required by state or county health departments.

2) A description of the food and/or beverage to be sold.

3) A description and photograph or drawing of the food truck for which a license is sought.

4) Proof of at least one million dollars (\$1,000,000) of liability/personal injury insurance coverage.

5) Such information as the applicant may choose or as may be reasonably requested by the city.

### Section Three. Locations.

a) Subject to the restrictions and limitations set forth in this ordinance, food trucks shall be permitted on private property, and at locations in the public right-of-way and in public parking lots that have posted permanent signs identifying parking reserved for food trucks.

b) Food trucks may not:

1) Operate within three-hundred (300) feet of any restaurant located within a permanent structure or building.

2) Operate at any City park or other City property unless:

A) At a special event hosted by the City; or,

B) At a designated mobile food vending site approved by the City Planning Department (designated as such by appropriate signage).

3) Operate in R-1, R-2 or R-3 zoning districts without first obtaining a special, single use/single day permit for operation for no more than two hours, from the City of Mobile. No such permit shall be issued for the same location more than two times per year.

### Section Four. Specific Regulations.

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a) A food truck shall only sell food and beverages. No other merchandise or items of any kind shall be sold at a food truck. A food truck shall meet or exceed all federal, state and local regulations pertaining to the quality of food products offered for sale.

b) In addition to any and all other ordinances, laws, rules and regulations, the food truck shall:

- 1) Display a valid City of Mobile business license.
- 2) Display a valid permit issued by the Mobile County Health Department.
- 3) If operating on private property, provide, upon request, a written agreement between the property owner and the food truck operator stating permission has been granted to operate at said location. An agreement must be provided for each location of operation.
- 4) Contain food preparation completely within the food truck.
- 5) Not obstruct the flow of traffic on the public right-of-way.
- 6) If parked other than on the public right-of-way, meet setback requirements for all respective zoning districts.
- 7) Be parked a minimum of twenty (20) feet from any street intersection.
- 8) If operating on a public right-of-way, be parked so that the food/beverage distribution side is away from traffic.
- 9) Not occupy an area that would be greater than two parking spaces.
- 10) Not utilize public utility connections. Utility service is the responsibility of the operator.
- 11) Constantly contain and police waste materials and refuse.
- 12) Provide a trash receptacle for use by customers.
- 13) Not set out or provide tables or chairs for customer use.
- 14) Not be left overnight at any location or left unattended at any time.
- 15) Only operate, and only be parked on public right-of-way or property, between the hours of 6:00 a.m. and 10:00 p.m.
- 16) Return to commissary on a daily basis to service the food truck. This includes getting fresh water, dumping waste, restocking supplies and disposing of garbage.
- 17) Not leave any location without first picking up, removing and disposing of all trash and refuse remaining from sales made by the food truck.
- 18) Not set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of the food truck.
- 19) Not solicit or conduct business with persons in a motor vehicle; that is, no drive-up business.
- 20) Not create sound or permit sound to emit from any device, including but not limited to, loud mechanisms, or equipment which produces a loud and raucous noise (except for generators as further set forth in this ordinance); or operate any loud speaker, public address system, radio, music player, sound amplifier or similar device to attract attention of the public or otherwise.
- 21) Not burn wood or charcoal or produce smoke.

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22) Permit any advertising on the food truck except to identify the name or identity of the food/beverage for sale, the name of the owner and/or business, and the posting of prices.

23) Secure all signs flat against the food truck. Signs may not project more than six inches from the exterior of the food truck.

24) Provide exterior lighting which must be hooded or shielded so that the light source is not scattering light to surroundings other than to the food truck and its adjacent service area.

25) Obtain electrical service only by an onboard generator, or, if the food truck is set up on private property, from a source on the private property. The total decibel level for any generator(s) shall not exceed eighty (80) dbA at any time.

26) If parking in public right-of-way or city owned parking lots with parking meters or fee based parking, pay on a daily basis all parking fees.

### Section Five. Special Events.

The City of Mobile may issue a special event permit to allow the operation of food trucks outside of normal requirements. Applications will be accepted by the City department hosting or in charge of the event and permits will be issued on a first come, first serve basis until the maximum number of allowed food trucks, as determined by such department, is reached. The number of food trucks allowed at an event will be dependent on the space available where the event is being held. In order to provide variety, the City of Mobile reserves the right to refuse to permit "same type" food trucks when issuing permits where space limitations are involved. Special event hours will be the duration of the event itself. Setup may occur beginning one hour prior to the start of the event and clean-up must be completed within one hour of the end of event.

### Section Six. Repealer.

All City ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

### Section Seven. Severability.

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

### Section Eight. Effective Date.

The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be held over until the regular meeting of September 22, 2020, which was seconded by Councilmember Rich and the vote was as follows:

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

Nays: None

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

ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING SHORT-TERM LODGING OR RENTALS. The following ordinance which was introduced and read at the regular meeting of July 28, 2020, and held over until the regular meeting of August 18, 2020, was called up by the Presiding Officer.

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ORDINANCE: 34-025-2020

Sponsored by: Councilmember Manzie

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

Section One. Findings and Purpose.

a) The City Council desires to make it clear that any person or entity providing short-term lodging or rentals as referenced in this Ordinance is, under the existing Mobile City Code, and shall continue in the future to be, a “business” required to obtain a “business license” as set forth in Article III of Chapter 34 of the Mobile City Code, and is currently, and shall continue to be, responsible for paying, either directly or through a third-party, the lodging tax set forth in Article VI of Chapter 34 of the Mobile City Code, unless exempted therein, in addition to any and all other applicable City of Mobile licenses, taxes and fees. Any currently existing contract between the City of Mobile and any entity collecting and remitting lodging taxes as an agent or third-party on behalf of persons or entities operating short-term rentals (as defined in this Ordinance) within the City of Mobile or its police jurisdiction is hereby ratified.

b) The City Council desires to set forth additional requirements for how owners and/or managers of real property, who intend to rent said property on a short-term basis, apply for and receive a business license.

c) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to “short-term” rental business licenses is necessary to protect the public health, safety and welfare.

d) The purpose of this ordinance is to amend the Schedule of Licenses in the Mobile City Code and further to impose operational requirements to minimize the potential adverse impacts of transient uses in residential and other areas relating to traffic, noise, and trash; and to ensure the health, safety and welfare of renters and guests patronizing short-term rentals.

e) The City Council hereby finds that the City's regulation of short-term rental uses is a valid exercise of the City's police power conferred by Code of Ala. 1975, § 11- 45-1 and its licensing power conferred by Code of Ala. 1975, § 11-51-90, and furthers the legitimate governmental interests of the City.

Section Two. Amendment of Article III, Chapter 34, of the Mobile City Code.

That the Schedule of Licenses section for NAICS Code 721311 for “Lodging Houses,” Code 237.0, set forth in Article III of Chapter 34 of the Mobile City Code titled “Business License Code and Schedule of Licenses,” is hereby amended and restated to read as follows:

|        |       |                                                                                                                                                                                                                                                                       |          |
|--------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 721199 | 237.0 | All other traveler accommodation. Comprises establishments primarily engaged in providing short-term lodging (except hotels, motels, casino hotels, and bed-and-breakfast inns). Includes guest houses, tourist homes, housekeeping cabins and cottages, and hostels. | 0.003259 |
|--------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

Section Three. Amendment of and Addition to Chapter 34 of the Mobile City Code.

That Chapter 34 of the Mobile City Code is hereby amended to add a new article entitled “Additional Requirements for the Issuance of a Business License to Provide Short-Term Lodging or Rentals” set forth as follows:

Section I. Definitions.

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- a) "Business license" has the same meaning set forth in Sec. 34-43 of the Mobile City Code.
- b) "Dwelling" means a structure or the part of a structure, including a manufactured home, that is or can be utilized as a sleeping place by one or more persons.
- c) "Short-term rental" means the rental of a Dwelling for less than thirty (30) consecutive days per rental period, and also means "short-term lodging" as set forth in Article III, Chapter 34, of the Mobile City Code.
- d) "Short-term rental manager" means any person or entity that arranges the rental, cleaning, listing, advertising, management, or otherwise assists in the operation of a Short-term rental for a profit. Short-term rental manager does not include listing services or online platforms for Short-term rental listings.
- e) "Short-term rental unit" means the Dwelling that is offered, available or held out for Short-term rental purposes.

### Section II. Short-term rentals –Generally.

- a) A valid City of Mobile Business license number must be stated on any advertisement or listing for a Short-term rental.
- b) The name and telephone number of a local responsible party shall be conspicuously posted within the Short-term rental unit. The local responsible party shall answer and respond to calls twenty-four (24) hours a day, seven (7) days a week for the duration of each Short-term rental period to address problems or complaints associated with the Short-term rental unit.

Section III. Insurance. Every person or entity offering Short-term rentals must provide proof of the following insurance coverage upon the issuance or renewal of their business license:

- a) A rider on a homeowner's insurance policy that expressly covers Short-term rentals and provides a minimum of one million dollars (\$1,000,000) of liability and personal injury coverage; or
- b) A commercial insurance policy covering Short-term rentals at the permitted address that provides a minimum of one million dollars (\$1,000,000) of liability and personal injury coverage.

### Section IV. Building code compliance required; Inspections.

- a) Every Short-term rental must meet all current and applicable building and fire codes and be equipped with the following safety equipment and features:
  - 1) Operational smoke and carbon monoxide detectors.
  - 2) Operable egress windows in sleeping areas.
  - 3) One (1) 2.5 lb. Class A-B-C fire extinguisher per floor.
  - 4) Prominently displayed and legible 9-1-1 address on building exterior.
- b) Prior to the issuance or renewal of a Short-term rental business license every Short-term rental must be inspected for compliance with this section as follows:
  - 1) Short-term rentals located in a single-family Dwelling must be inspected by a licensed home inspector, or other individual approved by the City's chief building official. An inspection report must be completed on the form established by the City's chief building official.

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2) Short-term rentals located in commercial or multi-family buildings must be inspected by the City fire inspector and/or building inspector.

Section V. Designation of agent; Short-term rental managers.

a) In order to be eligible for a Short-term rental Business license the person or entity desiring to offer a Short-term rental must be the owner of the property proposed to be covered under the license or have a completed "designation of agent" form from the property's owner.

b) Any person or entity operating as a Short-term rental manager must obtain their own separate business license pursuant to the Mobile City Code, and must be professionally licensed if required by Alabama law.

Section Four. Existing Law. All other provisions and sections of the Business License Code and Schedule of Licenses set forth in the Mobile City Code shall remain in full force and effect.

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

Section Six. Effective Date. The Ordinance shall be effective within the corporate limits and police jurisdiction of the City of Mobile on January 1 of the first year following its enactment and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Gregory moved that the ordinance be held over until the regular meeting of August 25, 2020, which was seconded by Councilmember Rich. Following comments from Councilmember Gregory and the vote was as follows:

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

Nays: None

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

ORDINANCES BEING INTRODUCED

ORDINANCE TO AMEND THE CAPITAL IMPORVEMENT PLAN. The following ordinance was held over until the regular meeting of August 25, 2020.

ORDINANCE: 34-026-2020

Sponsored by: Councilmember Manzie

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

Section 1. Findings/Purpose.

(a) On October 2, 2012, the Council adopted Ordinance No. 34-028, which levied an additional one-cent sales and use tax upon persons engaged in the business of selling tangible personal property within the City and its police jurisdiction. The ordinance provided for the dedication of the proceeds, and further established a sunset date of July 31, 2015.

(b) On September 16, 2014, the Council adopted Ordinance No. 34-039 which established a new sunset date for said tax of September 30, 2018.

(c) On November 18, 2014, the Council adopted Ordinance No. 34-052 to amend the dedication of proceeds. The purpose of that amendment was to ensure a funding source

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for much-needed capital improvements throughout the city, and to provide for an even distribution of funding throughout the seven council districts for the ongoing maintenance and renewal of streets, sidewalks, drainage, parks, and other key infrastructure vital to the public health, safety and welfare.

(d) On August 11, 2015, the Council adopted Resolution No. 60-496 creating a three-year capital improvement plan which identified and rated more than 200 infrastructure projects.

(e) On February 6, 2018 the Council adopted Ordinance 34-003 which established a new sunset date for the one-cent tax increase as September 30, 2023. The purpose of the new sunset date was to secure a stable funding source so that the capital planning horizon could be extended from three to five years. It is estimated that the one-cent extension of the sales tax generates 31 million dollars per year.

(f) On July 10, 2018, the Council adopted Ordinance 34-017 further amending the dedication of the use of the proceeds from the one-cent sales and use tax identified above.

(g) The purpose of this ordinance is to further amend the capital improvement plan to include an option for application of certain funds to neighborhood revitalization projects.

### Section. 2. Amendment/Dedication.

The unnumbered section of Ordinance 34-028-2012 that follows Section 3.(b)(2) thereof, entitled "Dedication," as amended by Ordinances 34-039-2014, 34-052-2014 and 34-017-2018, is hereby amended and restated in its entirety to read as follows:

DEDICATION: Beginning with fiscal year 2020-2021 on October 1, 2020, and each year thereafter, the proceeds from the additional one-cent sales and use tax levied and collected pursuant to this Ordinance shall be dedicated and allocated as follows:

(1) Three million dollars for each of the seven council districts to be applied towards miscellaneous capital improvement projects and neighborhood revitalization projects (NRPs), for a total of 21 million dollars, each labeled as follows: "Miscellaneous Capital Improvements/NRPs-District 1; Miscellaneous Capital Improvements/NRPs-District 2; Miscellaneous Capital Improvements/NRPs-District 3; Miscellaneous Capital Improvements/NRPs-District 4; Miscellaneous Capital Improvements/NRPs-District 5; Miscellaneous Capital Improvements/NRPs-District 6; Miscellaneous Capital Improvements/NRPs-District 7;

(2) Four million dollars to be used for municipal buildings, infrastructure studies, and other citywide capital expenses; and

(3) Any amount exceeding the 25 million dollars allocated above that is attributable to the additional one-cent sales and use tax last extended by Ordinance No. 34-003, (estimated at approximately 6 million dollars) shall be allocated to such other capital expenditures as may be approved by the Council.

### Section 3. Miscellaneous.

(a) All other provisions and sections of the aforesaid Ordinances not amended herein shall remain in full force and effect.

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

(c) This Ordinance shall be effective within the City of Mobile and its police jurisdiction immediately upon its adoption and publication as required by law.

### CALL FOR PUBLIC HEARINGS:

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CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED ON THE SOUTH SIDE OF TENNESSEE STREET, 200' + EAST OF SOUTH SCOTT STREET, FROM R-2 TO B-2 (DISTRICT 3). The following resolution was introduced by Councilmember Small.

WHEREAS, the City of Mobile Planning Commission has recommended approving an application to rezone property located on the south side of Tennessee Street, 200'± east of South Scott Street, from R-2, Two-Family Residential District to B-2, Neighborhood Business District. ,

1. As required by section 64-9(B)(6) of the Mobile City Code, 1991, the Commission has furnished to Council a copy of its report, recommendation and supporting documents.
2. The Council has considered the information provided and finds it necessary and desirable to schedule the rezoning for a public hearing.

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

1. That the date and time set for the public hearing shall be September 15 2020, at 10:30 a.m. in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama;
2. That the City Clerk shall publish in full the proposed ordinance for one insertion and an additional insertion of a synopsis of the proposed ordinance one week after the first insertion in a newspaper of general circulation published within the municipality as required by Ala. Code . §11-52-77.
3. That at the hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance.
4. That after the close of the public hearing, the Council may approve the proposed ordinance with or without conditions; deny the proposed ordinance; consider zoning classifications other than those sought by the applicant; and take any other action allowed by law.
5. BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

Councilmember Small then moved to call for the public hearing, which move was seconded by Councilmember Richardson and the vote was as follows:

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as September 15, 2020.

### ANNOUNCEMENTS:

Councilmember Daves reminded citizens that the Finance Committee will meet on Tuesday, August 25, 2020 at 2:00 p.m., via virtual meeting, to discuss the budget for Fiscal Year 2020-2021.

Councilmember Daves announced the public hearing for the FY 2020-2021 budget will be held during the regular Council meeting of September 1, 2020, at 10:30 a.m.

Councilmember Daves also announced that the Finance Committee will meet on September 15, 2020, at 2:00 p.m. to discuss Ordinance 27-024.

Councilmember Gregory announced the Administrative Service Committee will meet virtually on Friday, August 21, 2020, to discuss Ordinance 34-025.

MINUTES OF AUGUST 18, 2020

Councilmember Richardson reminded citizens that the Public Safety Committee will meet today at 2:00 p.m. regarding the ordinance that established the Police Citizens Community Relations Advisory Council.

Councilmember Manzie asked the City Council Attorney to advise the Council on how to remedy the problems with a boarding house located near South Broad Street and Augusta Street.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 12:06 p.m.

Adopted: August 25, 2020

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COUNCIL PRESIDENT

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CITY CLERK