MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 20, 2021

The Council of the City of Mobile, Alabama met in the Auditorium of the Mobile Government Plaza on Tuesday, July 20, 2021, at 9:00 a.m.

Present:

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

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

Approved:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK

Chris Arledge, Council Attorney, deemed it appropriate for Council to enter into executive session immediately after pre-council regarding competitive matters of trade or commerce.

Declaration from Chris Arledge:

To: All Councilors
From: Chris Arledge
Date: July 16, 2021
RE: Executive Session Declaration for July 20, 2021, Special Meeting

It has been requested that the Council at its meetings on July 20, 2021, consider going into executive session to discuss matters described in § 36-25A-7(a)(7) (competitive matters of trade or commerce) of the Alabama Open Meetings Act. As an attorney licensed to practice law in Alabama this constitutes my written opinion that this exception provided for by the OMA is applicable to the planned discussion and the discussion would have a detrimental effect upon the competitive position of a party to the negotiations if disclosed outside of an executive session.

The process to convene an executive session is as follows:

1. A quorum of the governmental body must first convene a regular or special meeting.

2. There should be a motion made to enter executive session to discuss competitive matters of trade or commerce.

3. Before the vote, I should be called upon to state that I have provided this written declaration to council that the matter is exempted under the OMA.

4. The motion should be seconded and a majority of the members present must adopt, by roll call vote, the motion.

5. Prior to entering executive session the presiding officer should announce the approximate time of the session (30 minutes) and whether the body expects to reconvene afterwards.

6. The minutes should reflect all of the foregoing.

Councilmember Daves moved for the Council to enter into executive session and reconvene into the regular meeting at 10:30 a.m., which move was seconded by Councilmember Rich and the vote was as follows:

Following a roll call, the vote was as follows:

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

The vote was then announced by the Assistant City Clerk whereupon the Presiding Officer declared the meeting moved into executive session at approximately 9:30 a.m.

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 20, 2021

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, July 20, 2021, at 10:30 a.m., in regular meeting.

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

Bishop Antonio Jackson, Christ Temple Apostolic 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.

APPROVAL OF MINUTES:

None

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson stated that the Federal Emergency Management Agency (FEMA) has awarded the City of Mobile a Port Security Grant for $1.6 million and that the Saenger Theater has received a grant for 1.2 million dollars.

Mayor Stimpson announced that Carnival Cruises in Mobile will tentatively resume on October 31, 2021.

Mayor Stimpson noted that the Alabama Department of Environmental Management (ADEM) issued a storm water permit to the City of Mobile.

Mayor Stimpson reported that all City recycling centers will be closed until further notice.

Mayor Stimpson encouraged citizens to get their COVID-19 vaccination due to the spike in numbers of new cases.

Mayor Stimpson communicated that his meeting with President Biden was informative.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda, which move 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 agenda adopted.

APPEALS

Request of Allan J. Barnes for a waiver of the Noise Ordinance at Municipal Park on August 1, 2021, from 12:00-4:00 p.m. (District 7).

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

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

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

Request of Lawanda Shinn, 1805 Pallister Place West, for a waiver of the Noise Ordinance on August 7, 2021, from 3:00-8:00 p.m. (District 1).

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

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

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

Request of Octivia Oliver for a waiver of the Noise Ordinance in James Seal Park on August 14, 2021, from 11:00 a.m. – 4:00 p.m. (District 2).

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

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

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

Request of Karen LeBeaux, 4100 Yorkshire Lane, for a waiver of the Noise Ordinance on July 31, 2021, from 4:00 – 10:00 p.m. (District 5).

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

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

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

Request of Cliff Downey for a waiver of the Noise Ordinance in Cooper Riverside Park on January 15, 2022, from 9:00 a.m. – 5:00 p.m. (District 2).

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

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

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

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER THE VACATION OF A 7.5' DRAINAGE AND UTILTY EASMENT IN MONTLIMAR OFFICE PARK SUBDIVISION (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to consider the vacation of a 7.5' drainage and utility easement in Montlimar Office Park Subdivision and asked if there was anyone present to speak for or against this matter.

Sumpter McGowin, Attorney with Phelps Dunbar LLP, 101 Dauphin Street, Suite 1000,.spoke in favor of the vacation.

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

PUBLIC HEARING TO CONSIDER THE DEVELOPMENT OF A PLAYGROUND IN WALSH PARK (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to consider the development of a playground in Walsh Park and asked if there was anyone present to speak for or against this matter.

Corey Hanson, Vice President/General Manager at WALA-TV Fox 10, 1501 Satchel Paige Drive, provided details related to the project.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. James A. Raymond, 2118 Barron Place, requested more time to remove personal items from the property located at 2118 Barron Place.

2. Terri Mitchell, 117 W. Tally Court, spoke in support of Resolution 03-548.

3. Carol Hunter , 261 Dauphin Street, spoke in support of Resolution 21-566.

4. William Wolfenden, 7880 Indrio Avenue, Semmes, expressed his concerns about the mold and asbestos in Dunbar Magnet School and asked for an allocation of the American Rescue Plan funds.

5. Brandyn Ulmer, 2200 Perimeter Road, requested that Project Thrive receive assistance from the American Rescue Plan to help the fight against gun violence and drugs.

NOTE: At approximately 11:08 a.m., Councilmember Richardson excused himself from the Council meeting.

6. Christy Barnette, 9730 Winchester Drive North, Semmes, and Shelia Osborne, 6605 Cherry Pointe Court, requested the Council to advocate for students and staff of Dunbar Magnet School pertaining to the mold and asbestos.

7. Reggie Hill, 1007 Center Street, addressed Resolutions 08-56, 08-560, 31-567 and 60-555.

NON-AGENDA ITEMS:

1. Raymond Bell, 11 N. Water Street, reported on the state of affairs at Hank Aaron Stadium.

2. Jon Hilliard, 755 Bolling Brothers Boulevard, provided information for the Cleon Jones Tournament and other events at the Hank Aaron Stadium.

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 962 GOVERNMENT STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of May 25, 2021 and held over until the regular meetings of June 22, 2021, and July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 40-379-2021

Sponsored by: Councilmember Manzie

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 962 Government 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. 1, 2, 3, 4, 5, 7, 8, 12, 14 and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 962 GOVERNMENT STREET as:

COM ON THE N/S OF GOVT ST 855.45 FT TH W FROM THE W/L OF BROAD ST TH RUN WLY ALG THE N/L OF GOVT ST 61 FT TO A PT IN THE CNTR OF A CONC WALL 6 IN HIGH TH RUN N 16 DEG 01 MIN 15 SEC W (ALG CTR/L OF SD WALL & OF A FENCE WHICH STARTS AT THE END OF SD WALL) A DIS OF 239.9 FT TO PT TH S/L OF CONTI ST TH RUN ELY ALG THE S/L OF CONTI ST 59.1 FT TO A PT WHICH PT IS 854.5 FT W FROM THE W/L OF BROAD ST TH RUN S 16 DEG 28 MIN 30 SEC E 240.1 FT TO THE N/L OF GOVT ST TH POB SD PPTY BEING SAME CONVEYED BY THE HOME OWNERS LOAN CORP TO GEORGE E FULLER BY DEED DTD DEC 20, 1939 DBK 219 NS PG 158 & SAME CONVEYED BY F & L CO TO THE GRANTOR BY V/I DEED DTD April 8, 1996 RPBK 4353/1867 #SEC 40 T4S R1W #MP29 06 40 0 009

Parcel Number: 29 06 40 0 009 387

Last Assessed to: SPRING HILL INSURANCE COMPANY INC
C/O 962 GOVERNME

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 and 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 filled in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

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

DECLARE THE STRUCTURE AT 2118 BARRON PLACE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution, which was introduced and read at the regular meeting of June 22, 2021 and held over until the regular meetings of July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 40-467-2021

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances” adopted December 5, 2017, the accessory structure at 2118 BARRON PLACE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2118 BARRON PLACE as:

LOT 6 BLK B BARRON SUB MBK 4 P 685 #SEC 35 T5S R1W #MP32 04 35 0 003

Parcel Number: 32 04 35 0 003 134

Last Assessed to: RAYMOND JAMES ANTHONY

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and 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 and the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

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

Ayes: 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.

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION COMPANY, LLC., FOR 2019 CIP GROUP B DRAINAGE IMPROVEMENTS (TOULMIN SPRINGS, BELVEDERE, SUNNYVALE/GAYLARK, MARSTON), COM PROJECT NO. 2019-3005-04 (D#1, 3, 5, & 7); $577,126.00. The following resolution, which was introduced and read at the regular meeting of July 13, 2021, and held over until the regular meeting of July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-542-2021

Sponsored by: Councilmembers Richardson, Small, Daves, Gregory & Mayor Stimpson

WHEREAS, bids for Drainage Improvements for districts #1, 3, 5 & 7 were received and opened on May 26, 2021.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from McElhenney Construction Company, LLC., in the amount of $577,126.00

WHEREAS, the City Council finds that the lowest responsible bid was submitted by McElhenney Construction Company, LLC.

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

Name of Company: McElhenney Construction Company, LLC

Project Name: 2019 CIP Group B Drainage Improvements (D#1, 3, 5 & 7)

Project Number: 2019-3005-04

Amount: $577,126.00

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

Ayes: 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.

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO CARAHSOFT TECHNOLOGY CORPORATION FOR SAP CONCUR TRAVEL EXPENSE MANAGEMENT SOFTWARE, $33,786.00. The following resolution, which was introduced and read at the regular meeting of July 13, 2021 and held over until the regular meeting of July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-543-2021

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
13527	2021	(2510) ACCOUNTING	SAP CONCUR TRAVEL EXPENSE MANAGEMENT SOFTWARE – SUBSCRIPTION RENEWAL FOR TWO YEARS (GSA CONTRACT)	$33,786.00	(295556) CARAHSOFT TECHNOLOGY CORPORATION

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

Ayes: 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 PETROLEUM TRADERS CORPORATION FOR FUEL FOR VARIOUS LOCATIONS. The following resolution, which was introduced and read at the regular meeting of July 13, 2021 and held over until the regular meeting of July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-544-2021

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
12208	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,742.50	(279229) PETROLEUM TRADERS CORPORATION
12209	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17.742.50	(279229) PETROLEUM TRADERS CORPORATION
12210	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,742.50	(279229) PETROLEUM TRADERS CORPORATION
12211	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,742.50	(279229) PETROLEUM TRADERS CORPORATION
12213	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$18,909.00	(279229) PETROLEUM TRADERS CORPORATION
12214	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$19,343.35	(279229) PETROLEUM TRADERS CORPORATION
12215	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$19,343.35	(279229) PETROLEUM TRADERS CORPORATION
12220	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER 4th PRECINCE DIESEL FUEL (AL STATE CONTRACT)	$17,742.50	(279229) PETROLEUM TRADERS CORPORATION
12221	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER 4th PRECINCT UNLEADED FUEL (AL STATE CONTRACT)	$17,138.50	(279229) PETROLEUM TRADERS CORPORATION

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

Ayes: 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 AMENDMENT WITH WATKINS ACY STRUCK DESIGN, INC. (WAS DESIGN, INC.) FOR MARDI GRAS PARK IMPROVEMENTS, $15,275.00. The following resolution, which was introduced and read at the regular meeting of July 13, 2021 and held over until the regular meeting of July 20, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-545-2021

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an amendment to the 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: Watkins Acy Struck Design, Inc. {WAS Design, Inc.).

Project Name: Mardi Gras Park Improvements

Amount: $15.275.00

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

Ayes: 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.

ORDINANCES BEING INTRODUCED

ORDINANCE GRANTING A SMALL CELL WIRELESS FACILITIES LICENSE TO VERIZON. The following ordinance was held over until the regular meeting of July 27, 2021.

ORDINANCE: 57-028-2021

Sponsored by: Mayor Stimpson

GRANTING A SMALL CELL WIRELESS FACILITIES LICENSE

BE IT ORDAINED, by the City Council of the City of Mobile, Alabama, as follows:

Section 1. Incorporation of Chapter 57, Article IX. The provisions of Chapter 57, Article IX, of the Code of the City of Mobile, Alabama, 1991 (Ordinance No. 57-009-2021), as such may be amended from time to time (hereinafter referred to as "Article IX"), are incorporated herein by reference as if fully set out herein, including, but not limited to, the definitions set forth therein.

Section 2. Grantee. Cellco Partnership d/b/a Verizon Wireless, as a wireless provider, who, along with its lawful successor(s), transferee(s), or assignee(s), shall hereinafter be referred to as "Grantee", has made application for a License pursuant to and in accordance with Article IX.

Section 3. Grant. The City of Mobile, Alabama (hereinafter "City"), where the City has the right and authority to do so, hereby grants to the Grantee a non-exclusive license to construct, maintain, and operate small cell facilities and/or support structures in the rights-of-way in accordance with and subject to the provisions of Article IX, applicable law, and any mutually acceptable additional terms, as may be set forth in an attachment to this License. Approval of installation of facilities at specific locations or on specific support structures will be administered through the SCF permit process set forth in Article IX.

Section 4. Certifications. Grantee hereby certifies as follows:

(a) Grantee is a general partnership, duly organized, validly existing, and in good standing under the laws of the State of Delaware, is qualified to do business under the laws of the State of Alabama, and has the power and authority to own its properties, to carry on its business as now being conducted, to execute and deliver the acceptance of this license, to carry out the transactions contemplated hereby, and to perform and carry out all obligations on its part to be performed under and pursuant to this license.

(b) Grantee, as of the date of the grant of this License, has adequate financial resources to install the small cell facilities or support structures in accordance with the provisions of Chapter 57, Articles VIII and IX, Mobile City Code, 1991, and knows of no technical or legal impediment which would prevent it from performing as contemplated in said articles.

(c) Grantee is not prohibited by any agreement or applicable law from executing and accepting a license.

(d) All corporate actions and consents required on Grantee's part to execute and deliver the acceptance of the license have been completed.

The foregoing certifications are material to the grant of the License. A breach of any of the certifications in subsections (a) through (c) above shall constitute a non-curable default under the License, and shall entitle the City to immediately revoke the License for cause. A breach of the certification contained in subsection (d) shall constitute a curable default under the License, wherein following written notice, Grantee will have reasonable time to cure such default.

Section 5. Nonexclusive. Grantee's use of the rights-of-way pursuant to Article IX and this License shall be nonexclusive. The City specifically reserves the right to grant, at any time and from time to time, such additional franchises, licenses, use agreements or other rights to use the
rights-of-way for any purpose as determined by the City, and to any other person, including itself, as it deems appropriate, subject to applicable law.

Section 6. No title. The grant of this License shall not convey title, equitable or legal, in the rights-of-way, and the rights granted by the License do not excuse the Grantee from obtaining appropriate access or attachment agreements before locating its facilities on another person's support structures in the rights-of-ray, including the City.

Section 7. Term of license.

(a) Term. Subject to termination or revocation in accordance with Article IX, this License shall be valid for a period of five (5) years commencing on the date of publication of this ordinance (hereinafter referred to as "Effective Date"), and shall be subject to renewal as provided in Article IX. Upon Grantee's written certification to the city manager within 30 days of the expiration of the License that Grantee remains in compliance with the provisions of Article IX, including this License and each permit, then the License will be automatically renewed for an additional five (5) year term without further action required by the City.

(b) Operation after termination; holding over. Any holding over by Grantee after the termination, revocation or expiration of this License shall be subject to the applicable provisions of Article IX.

Section 8. Fees. The Grantee will pay the City all application and annual license lees in accordance with applicable provisions of Article IX.

Section 9. Insurance, security and indemnification. The Grantee understands it is bound by and shall comply with the provisions of Article IX applicable to insurance, security, and indemnification.

Section 10. Construction. In the case of an irreconcilable conflict between Article IX and any other provision of Chapter 57, Article IX shall apply.

Section 11. Inducements not offered. The Grantee, by its written Acceptance of this License, acknowledges that it has not been induced to accept this License by an understanding or promise or other statement, whether verbal or written, by or on behalf of the City concerning any term or condition of said License that is not included in this License.

Section 12. Grantee accepts terms of License. The Grantee, by its written acceptance of this License, acknowledges that it has thoroughly examined and is familiar with the terms and conditions of this License and Article IX and agrees to be bound by them.

Section 13. Administration and Enforcement. Administration and enforcement of this License shall be in accordance with Article IX.

Section 14. Notice. All notices or demands pursuant to Article IX shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested to the following addresses:

If to the City, to:	City Clerk P.O Box 1827 Mobile, AL 36633
With a copy to:	City Attorney P.O Box 1827 Mobile. AL 36633
If to Grantee. to:	CELLCO PARTNERSHIP d/b/a Verizon Wireless 180 Washington Valley Road Bedminster, New Jersey 07921 Attention: Network Real Estate
With a copy to:	CELLCO PARTNERSHIP d/b/a Verizon Wireless 600 Hidden Ridge Irving, TX 75038 Attention: Legal Department

All notices or demands shall be deemed effective, if personally delivered, upon delivery, and if mailed, certified mail, return receipt requested, three (3) days after mailing. The City or Grantee may from time to time designate in writing any other address for this purpose to the other party; provided, however, in no event will either the City or Grantee be required at any time to send any notices or demands to more than two (2) designated addresses, even in the event that this License is transferred or assigned in whole or part. Nothing herein shall prevent the parties from effecting personal delivery via e-mail.

Section 15. Captions. The captions to sections and subsections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

Section 16. 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 17. Governing Law. This License granted and every question arising hereunder shall be construed or determined according to the laws of the State of Alabama and applicable federal law.

Section 18. Publication. The City Clerk of the City of Mobile is hereby authorized and directed to publish this Ordinance in full once a week for three consecutive weeks in a newspaper of general circulation published in the City of Mobile. Publication of this ordinance shall be at the expense of the Grantee.

Section 19. When ordinance effective. Subject to the provisions of Code of Alabama § 11-44C-29, this Ordinance shall be in full force and effect thirty (30) days after both the final enactment of same by the City Council and publication of this ordinance as required by law.

ORDINANCE TO AMEND AND RESTATE CHAPTER 15 OF THE CITY CODE REGARDING THE MOBILE PUBLIC LIBRARY BOARD. The following ordinance was held over until the regular meeting of July 27, 2021.

ORDINANCE: 15-029-2021

Sponsored by: Councilmember Manzie

15-71 redline:

AN ORDINANCE TO AMEND AND RESTATE CERTAIN SECTIONS OF CHAPTER 15, ARTICLE III, DIVISION 2 OF THE MOBILE CITY CODE, 1991, REGARDING THE MOBILE PUBLIC LIBRARY BOARD

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

Section 1.

That Sec. 15-71 of Chapter 15, Article III, Division 2 of the Mobile City Code, 1991, is hereby amended and restated in its entirety as follows:

Sec. 15-71. – Government and supervision vested in library board; appointment and number of members of board.

The government and supervision of the "Mobile Public Library," hereinafter referred to in this article as the "library," shall be vested in the "Mobile Public Library Board," hereinafter referred to as the "library board," which shall be composed of seven (7) members to be appointed as follows: One (1) member for each of the seven (7) City Council Districts, to be nominated by the Councilor representing each such respective district, which nominees shall be placed on the Council agenda for approval.

Section 2.

That Sec. 15-72 of Chapter 15, Article III, Division 2 of the Mobile City Code, 1991, is hereby amended and restated in its entirety as follows:

Sec. 15-72. – Terms of members.

All appointments to the library board shall be for a term of four (4) years. Board members shall be eligible for reappointment upon the expiration of their terms. There shall be no limit to the number of terms for which a member may be reappointed.

Section 3.

That Sec. 15-73 of Chapter 15, Article III, Division 2 of the Mobile City Code, 1991, is hereby amended and restated in its entirety as follows:

Sec. 15-73. – Vacancies.

The City Council shall fill all vacancies on the library board, including expired and unexpired terms, in the manner set forth in Sec. 15-71 of the Mobile City Code, 1991.

Section 4.

That Sec. 15-75 of Chapter 15, Article III, Division 2 of the Mobile City Code, 1991, is hereby amended and restated in its entirety as follows:

Sec. 15-75. – Officers and bylaws.

The library board shall elect its officers and adopt its bylaws, provided, however, that all powers of nomination, appointment and reappointment of members to the library board are reserved to the City Council.

Section 5.

(a) All other provisions and sections of the Mobile City Code, 1991, not amended and restated 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.

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

Councilmember Small moved for the suspension of the rules to consider Consent Resolutions 03-549, 37-550, 58-552 through 03-570 being introduced for the first time. The motion was seconded by Councilmember Daves.

Councilmember Williams stated he will withhold unanimous consent for Resolution 03-348, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for all items with the exception of Resolution 03-548.

CONSENT RESOLUTIONS BEING INTRODUCED:

CREATE AN AD HOC ANIMAL SHELTER CITIZENS' ADVISORY COMMITTEE. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 03-548-2021

Sponsored by: Councilmember Richardson

BE IT RESOLVED by the City Council of the City of Mobile as follows:

Section 1: There is hereby established an ad hoc Animal Shelter Citizens' Advisory Committee (the "Committee").

Section 2: The Committee shall serve in an advisory capacity to the City Council. The City Council wishes to investigate and obtain information regarding the operation of the City of Mobile's animal shelter and condition of animals housed therein pursuant to its authority as set forth in Code of Alabama § 11-44C-87, and the Committee shall be the Council's designee in this regard. The Committee is tasked with visiting and touring the City of Mobile Animal Shelter, 855 Owens St., Mobile, AL 36604, at least once. The timing of the visit(s) and access to the Animal Shelter must be coordinated through the Mayor. The Committee shall develop and provide recommendations to the City Council concerning the conditions in the Animal Shelter and condition of the animals housed therein. It is requested that the Committee report its recommendations to the City Council in written form on or before September 30, 2021.

Section 3: The Committee shall be composed of seven (7) volunteer members, all of whom shall be resident citizens of the City of Mobile and serve without compensation, appointed as follows: One (1) member for each of the seven (7) City Council Districts, each to be nominated by the Councilor representing such respective districts, which nominees shall be placed on the Council agenda for approval.

It is requested that all appointments by Councilors be submitted in a timely fashion so as to allow the Committee appropriate time to complete its work.

Section 4: The Committee should hold no less than one (1) meeting in working towards its goals. All Committee meetings shall be open to the public and held in accordance with the Alabama Open Meetings Act. Four (4) members of the Committee shall constitute a quorum.

Section 5: The Committee shall dissolve on October 1, 2021.

APPOINT BOB ALLEN TO THE ARCHITECTURAL REVIEW BOARD. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 03-549-2021

Sponsored by: Councilmember Manzie

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Bob Allen is appointed to the Architectural Review Board effective immediately for a term ending December 31, 2025.

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

Ayes: 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 LOUNGE RETAIL CLASS I LICENSE FOR KANARY BAR, 105 N. JACKSON STREET. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 37-550-2021

Sponsored by: Councilmember Manzie

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.

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.

Type of application: Lounge Retail Liquor – Class 1

Submitted by: Kanary Bar LLC

Location: Kanary Bar
105 N. Jackson Street

The resolution was read by the City Clerk; whereupon Councilmember Rich moved that the resolution be held over until the regular meeting of August 10, 2021, which was seconded by Councilmember Small and the vote was as follows:

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL CLASS I LICENSE FOR THE STABLES BAR, 352 ST. FRANCIS STREET. The following resolution was held over until the meeting of July 27, 2021.

RESOLUTION: 37-551-2021

Sponsored by: Councilmember Manzie

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

Type of application: Lounge Retail Liquor – Class 1

Submitted by: FGW Ventures LLC

Location: The Stables Bar
352 Saint Francis Street

DECLARE WEEDS NOXIOUS, WEED LIEN GROUP 1616. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 58-552-2021

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

WHEREAS, a survey has been made to determine the properties upon which or in front of which noxious or dangerous weeds are growing and the agents or employees of the City of Mobile have obtained the legal description of parcels of property in the City of Mobile upon which or in front of which such weeds are growing, and it has been determined to follow the provisions of Act No. 329 of the Legislature of the State of Alabama, approved on April 28, 1988, and to have caused such weeds to be cut or otherwise abated as public nuisances:

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1616 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the 25th of August, 2021, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

	WEED LIEN					
	1616				Res. No.	
7/20/2021	LOTS TO BE DECLARED				58-	
8/24/2021	LOTS FOR PUBLIC HEARING				58-	
//2021	LOTS TO BE ASSESSED FOR COST				58-	
		OLD CASE/		Amount	Dis	N/A
No.	Address	SRO#	CASE #	Assessed		CBO
1	1254 Cook Ave	12200	12921		3	
2	1268 Dauphin Island Pkwy	12223	12922		3	
3	1100 Gimon Cir W	12226	12923		3	
4	2651 Faure Dr S	7858	12924		4	
5	1612 Marengo Dr	7754	12925		3	
6	126 Covin St	7597	12927		1	
7	1001 Houston St	7594	12928		2	
8	1553 Orange St	7578	12929		2	
9	1552 Orange St	7577	12930		2	
10	1100 Arlington St	7195	12931		3	
11	1003 B Houston St	7595	12932		2	
12	325 Border Dr W	7674	12933		7	
13	566 Belsaw St	12135	12934		2	
14	6404 Biloxi St	12832	12935		1	
15	283 Jackson Blvd	11759	12936		5	
16	4219 Moffett Rd	9931	12937		7	
17	1701 Sandstone Ct	12542	12938		1	
18	458 Cedar Ave	10539	12939		2	
19	1416 Garland St	12467	12940		7	
				$ -		

District total for this group		Numbers of lots cut	
1	3	1	
2	6	2	
3	5	3	
4	1	4	
5	1	5	
6	0	6	
7	3	7	
	19		0
*ADD Added in from other Groups		*CBC Cut By Contractor	
*CBO Cut By Owner		*UDL Undeveloped Lot	
*N/A Taken out by Inspector		*CBD Cut By Declared	

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

Ayes: 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.

ASSESS THE COST FOR REMOVAL OF WEEDS, REPEAT WEED LIEN GROUP 44. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 58-553-2021

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

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

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

Section 1. The amount set opposite each described parcel of real property contained in exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Repeat Weed Lien Group 44 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

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

	REPEAT WEED LIEN							
	GROUP 44						Res. No.	
11/25/2020	1st REPEAT WEED LIEN LETTERS SENT						11-058	
7/20/2021	REPEAT WEED LIEN LOTS TO BE ASSESSED FOR COST							
			Old	New	Initial	Times	Amount	CBO
Item		Dis	SRO/Case	Case #		cut within	Assessed	CBO
No.								
1	624 Patton Ave VL	2	7115	8669	6/5/2018	1	$ 275.00	
2	1904 Seale St	1	7159	8671	10/16/2018	1	$ 50.00	CBO
3	2213 Largo Ave	6	7862	8672	6/5/2018	2	$ 480.00	
4	718 Johnston Ave	2	7382	8673	8/27/2019	1	$ 282.00	
5	1580 Polk St	3	7185	8674	3/26/2019	1	$ 1,325.00	
6	1504 Terrell Rd	3	2211	8675	5/28/2019	2	$ 467.49	
7	572 Westwood St	5	7977	8676	12/17/2019	1	$ 50.00	CBO
8	2915 Dauphin Island Pkwy F/k/a 2911 Dauphin Island Pkwy	3	6956	8677	10/19/2018	2	$ 783.78	
9	5050 Washington Blvd	4	6741	8678	10/16/2018	2	$ 50.00	CBO
10	1101 Sutton Ave	3	6762	8679	6/25/2019	2	$ 789.78	
11	1408 Tampa Dr	3	7319	8680	6/16/2020	1	$ 282.00	
12	700 Whitney St VL	2	8098	8681	6/12/2018	2	$ 728.00	
13	2063 Kentwood Lane	3	7674	8682	10/16/2018	2	$ 591.00	
14	1462 Fairfield St	3	7553	8683	1/16/2018	2	$ 546.30	
15	1154 Newman Lane	2	7324	8684	8/29/2019	1	$ 282.00	
16	1815 St Charles Ave VL	1	6679	8685	3/26/2019	1	$ 649.00	
17	2972 Northwest Dr	1	8233	8686	8/13/2019	2	$ 424.00	
18	1651 Wexford St	2	7298	8687	10/22/2019	1	$ 275.00	
19	2217 Hoppin St	3	8000	8689	10/22/2019	1	$ 930.90	
	Total						$ 9,261.25	

District total for this group		Numbers of lots cut	
1	3	1	2
2	5	2	5
3	8	3	8
4	1	4	0
5	1	5	0
6	1	6	1
7	0	7	0
	19		16
*CBO Cut By Owner		*CBC Cut By Contractor	
*N/A Taken out by Inspector		*UDL Undeveloped Lot	
*ADD Added in from other Groups		*Fka Formerly known as	

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

Ayes: 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.

DETERMINE AN APPROPRIATION TO THE DEARBORN YMCA SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, $2,000.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-554-2021

Sponsored by: Councilmember Richardson

WHEREAS, Councilmember Richardson wishes to appropriate $2,000.00 to Dearborn Young Men's Christian Association, Inc., (Dearborn YMCA) from his discretionary funds; and

WHEREAS, Dearborn Young Men's Christian Association, Inc, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Dearborn Young Men's Christian Association, Inc., will be used to help with a fundraiser "Jazzy Blues" to benefit the Dearborn YMCA to be held on August 8, 2021 at the Cooper Riverside Park, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of $2,000.00 to Dearborn Young Men's Christian Association, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

Ayes: 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.

DETERMINE AN APPROPRIATION TO W. H. LEINKAUF ELEMENTARY SCHEOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, $2,500.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-555-2021

Sponsored by: Councilmember Manzie

WHEREAS, Councilmember Manzie wishes to appropriate $2,500.00 to W.H. Leinkauf Elementary School, from his discretionary funds; and

WHEREAS, W.H. Leinkauf Elementary School, is a public elementary school in Mobile, Alabama; and

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

WHEREAS, the Mobile City Council determines that this appropriation to W.H. Leinkauf Elementary School will be used to help purchase item to show appreciation and gratitude to our teachers and students (materials & supplies, school T-shirt, lunch for employees, teacher celebration and bags) which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of $2,500.00 to W.H. Leinkauf Elementary School for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

Ayes: 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.

DETERMINE AN APPROPRIATION TO THE GULF COAST ETHNIC AND HERITAGE JAZZ FESTIVAL PRODUCTIONS, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, $1,000.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-556-2021

Sponsored by: Councilmember Manzie

WHEREAS, Councilmember Manzie wishes to appropriate $1,000.00 to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., from his discretionary funds; and

WHEREAS, Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., is an Alabama nonprofit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Gulf Coast Ethnic and Heritage Jazz Festival Productions, Inc., will be used for the 23rd Annual Gulf Coast Ethnic & Jazz Festival 2021 (two weeks of summer jazz camp and three concerts) all in downtown Mobile, which will serve a public purpose benefitting the City of Mobile and its citizens.

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

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

Ayes: 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.

DETERMINE AN APPROPRIATION TO C. F. VIGOR HIGH SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, $1,000.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-536-2021

Sponsored by: Councilmember Manzie

WHEREAS, Councilmember Manzie wishes to appropriate $1,000.00 to C.F. Vigor High School, from his discretionary funds; and

WHEREAS, C.F. Vigor High School, is a public high school in Mobile County; and

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

WHEREAS, the Mobile City Council determines that this appropriation to C.F. Vigor High School will be used for the support of the Vigor Alumni Boosters Association to help with their "All Class Weekend" to be held August 13-15, 2021, which will serve a public purpose benefitting the City of Mobile and its citizens.

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

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

Ayes: 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 CONTRACTS WITH ABSENTEE ELECTION WORKERS. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 21-569-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with Betty Shinn, Janice Small, Zennia Calhoun and Shalela Dowdy for services as Absentee Election Specialists for the 2021 Municipal Election, as outlined in the contracts 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 Rich moved that the resolution be adopted, which was seconded by Councilmember Williams and the vote was as follows:

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

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

RE-APPOINT WILLIAM ROOKS TO THE MOBILE HISTORIC DEVELOPMENT COMMISSION. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 03-570-2021

Sponsored by: Councilmember Rich

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that William Rooks is re-appointed to the Mobile Historic Development Commission effective immediately for a term ending August 31, 2024.

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

Ayes: 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.

CIP RESOLUTIONS BEING INTRODUCED:

APPROVE PURCHASE ORDER TO MUSCO SPORTS LIGHTING LLC FOR LIGHTING FOR MIMS PARK SPORTS FIELDS, $369,700.00. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 08-558-2021

Sponsored by: Councilmember Williams and 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
12967	2021	(3032) ARCHITECTURAL ENGINEERING	22 LUMINAIRE ASSEMBLIES, 96 LUMINAIRES WITH LIGHT CONTROL SYSTEM FOR MIMS PARK SPORTS FIELDS (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	$369,700.00	(278697) MUSCO SPORTS LIGHTING LLC

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

Councilmember Small moved for the suspension of the rules to consider Resolutions 01-559 and 47-568 being introduced for the first time. The motion was seconded by Councilmember Daves and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH THE MAKE AN IMPACT FOUNDATION, INC. FOR A PLAYGROUND IN WALSH PARK. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 01-559-2021

Sponsored by: Councilmember Small and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Make An Impact Foundation, Inc. for a playground in Walsh Park for Parks and Recreation Department, there will be no compensation as this will be a contribution by the Donor as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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

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

Ayes: 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 CRFTSHO LLC FOR FILM PRODUCTION SERVICES OF PSAS FOR THE MPD, $26,331.00. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 08-560-2021

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
12964	2021	(1530) POLICE ADMIN SERVICES	FILM PRODUCTION SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS FOR MPD. (PROFESSIONAL SERVICES)	$26,331.00	(296775) CRFTSHO LLC

APPROVE PURCHASE ORDER TO SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR 30 DECORATIVE STREET LIGHT POLES FOR THE TRAFFIC ENGINEERING DEPARTMENT, $73,500. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 08-561-2021

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
12321 & 12556	2021	(2060) TRAFFIC ENGINEERING	30 11FT BLACK DECORATIVE STREET LIGHT POLES FOR TIF AND CITY ELECTRICAL DEPT STOCK (SEALED BID5573)	$73,500.00	(278464) SOUTHERN LIGHTING & TRAFFIC SYSTEMS

APPROVE BID AWARDS FOR FUEL FOR EQUIPMENT SERVICES. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 08-562-2021

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
13807	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,969.00	(279229) PETROLEUM TRADERS CORPORATION
13808	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17.969.000	(279229) PETROLEUM TRADERS CORPORATION
13809	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,969.000	(279229) PETROLEUM TRADERS CORPORATION
13810	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,969.000	(279229) PETROLEUM TRADERS CORPORATION
13811	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,969.000	(279229) PETROLEUM TRADERS CORPORATION
13812	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$17,969.000	(279229) PETROLEUM TRADERS CORPORATION

13805	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13806	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER GARAGE UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13813	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13814	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13815	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER MOTOR POOL UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13816	2021	(2050) EQUIPMENT SERVICES	PRE-LANGAN PARK UNLEADED FUEL (SEALED BID 5216)	$19,321.50	(42474) DAVISON OIL COMPANY INC
13817	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER 4th PRECINCT DIESEL FUEL (AL STATE CONTRACT)	$17,969.00	(279229) PETROLEUM TRADERS CORPORATION
13818	2021	(2050) EQUIPMENT SERVICES	PRE-ORDER 4th PRECINCT DIESEL FUEL (AL STATE CONTRACT)	$17,969.00	(279229) PETROLEUM TRADERS CORPORATION

ACCEPT PERMANENT & TEMPORARY CONSTRUCTION EASEMENTS FOR THE TWELVE MILE CREEK BANK STABILIZATION PROJECT (2018-3005-09). The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 23-563-2021

Sponsored by: Councilmember Gregory and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts the following easements for the 2018-3005-09 Twelve Mile Creek Bank Stabilization project:

1. Tract 1, Permanent Drainage Easement, from Fredro C. Knight and Rollie D. Steele (2 documents signed separately)

2. Tract 2, Permanent Drainage Easement, from Brian Davidson AKA George O. Davidson

3. Tract 3, Permanent Drainage Easement, from Timothy Paul Vidos and James Vidos

4. Tract 6, Temporary Construction Easement, from South Landing Green, LLC

5. Tract 7, Permanent Drainage Easement, from Ber-Dem, LLP

6. Tract 8, Permanent Drainage Easement and Temporary Construction Easement, from Paul E. Weaver and Ramona G. Weaver

7. Tract 9, Permanent Drainage Easement, from Kleban Shed, LLC

SAID documents with sketches being attached hereto and made a part hereof as fully as if set forth herein.

AUTHORIZE CONTRACT WITH ARENA FIRE PROTECTION INC FOR FIRE ALARM SYSTEM UPGRADES AT THE HISTORY MUSEUM OF MOBILE; $66,350.00. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 21-564-2021

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

Name of Company: ARENA FIRE PROTECTION INC.

Project Name: HISTORY MUSEUM OF MOBILE
FIRE ALARM SYSTEM UPGRADES

Project Number: SR-018-21

Amount: $66,350.00

AUTHORIZE CONTRACT WITH GEOSYNTEC, INC. FOR THE THREE MILE CREEK WATERSHED RESTORATION PROJECT (DESIGN & ENGINEERING SERVICES) (LANGAN PARK DREDGING) $186,040.00 The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 21-565-2021

Sponsored by: Councilmember 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, 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. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Geosyntec Consultants, Inc.

COM Project Name: THREE MILE CREEK WATERSHED RESTORATION (STATE EXPENDITURE PLAN #16)

COM Project Number: 2016-3005-34

AUTHORIZE PERFORMANCE CONTRACT WITH THE DOWNTOWN PARKS CONSERVANCY INC. TO UNDERTAKE THE TEMPORARY REMOVAL, RESTORATION AND REPLACEMENT OF THE FOUNTAIN IN BIENVILLE SQUARE. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 21-566-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Performance Contract between the City of Mobile and the Downtown Parks Conservancy, Inc., to undertake the temporary removal, restoration and replacement of the Fountain and the phased revitalization of Bienville Square, a public park in downtown Mobile, to accept donations for that purpose, to sign any agreements or other documents in connection with the contract, and to perform all acts necessary 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.

ADOPT THE U.S. TREASURY ARP ACTION PLAN. The following resolution was held over until the regular meeting of July 27, 2021.

RESOLUTION: 31-567-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Action Plan for the American Rescue Plan is hereby adopted. Said Plan shall direct resources to respond to and prepare for pandemics including those items that address negative economic impacts and provide assistance in a manner consistent with the legislative intent of equity focus. These items additionally will assist in the development of a viable urban community by providing decent affordable housing and a suitable living environment along with expanding economic opportunities primarily for low and moderate-income persons. Said American Rescue Plan shall be adopted locally into the City of Mobile's comprehensive Housing and Urban Development (HUD) Action Plan as part of its third installment within the City's overall five-year "2018-2022 Consolidated Housing and Community Development Plan". This adoption will include all HUD and City Council approved Citizen Participation and Substantial Amendment requirements. The HUD Program Year 2021 Action Plan was adopted by the City Council on March 2, 2021 and established projects, to be funded with assistance from the following three programs which are funded by the U.S. Department of Housing and Urban Development (HUD): Community Development Block Grants (CDBG), HOME Investment Partnership Grants (HOME), and Emergency Solutions Grants (ESG). The City followed its HUD and City Council approved Citizen Participation Plan throughout the process.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is directed and authorized to act on behalf of the City of Mobile in the filing of the American Rescue Plan slate of projects with the U.S. Department of Treasury, and that this authorization extends to the execution of all required certifications and to all other actions required to obtain referenced Federal funds. The Mayor, or his designee, is further authorized to execute Subrecipient Agreements, Conditional Commitment Letters, Developer Agreements, Administrative Agreements, Loan Agreements, and associated security documents on behalf of the City in accordance with the funding recommendations attached herein as Exhibit 1.

A copy of this Plan shall remain on file in the office of the City Clerk.

EXHIBIT 1

American Rescue Plan
Potential Uses of Funding Revised 07/15/2021
CITY COUNCIL

PROJECT	2021 LOCAL ARP FUNDING ALLOCATED	2022 LOCAL ARP FUNDING ALLOCATED	TOTAL FUNDING REQUIRED
BUCKET 1: PREMIUM PAY FOR ESSENTIAL WORKERS	5/10/21	05/10/22	
Premium Pay for COM Employees			
FT employee x 2000 employees @ $5000 EACH	10,000,000.00	-	10,000,000.00
PT employee x 200 employees @ $2500 EACH	500,000.00	-	500,000.00
FICA (estimated)	750,000.00	-	750,000.00
TOTAL	11,250,000.00	-	11,250,000.00
BUCKET 2: ADDRESS NEGATIVE ECONOMIC IMPACTS			
Gun Violence Technology and CPTED	1,000,000.00	2,500,000.00	3,500,000.00
Community Violence Intervention Program (CVIP)	500,000.00	500,000.00	1,000,000.00
Summer Camp/After School Learning	250,000.00	250,000.00	500,000.00
Community -Based Violence Prevention Programs	100,000.00		100,000.00
Small Business Assistance	1,000,000.00	1,000,000.00	2,000,000.00
Rental Assistance	1,500,000.00	1,000,000.00	2,500,000.00
Down Payment Assistance (est. 340 Families Assisted)	2,000,000.00	1,400,000.00	3,400,000.00
Utility Assistance	1,000,000.00	-	1,000,000.00
Social Services Assistance	1,000,000.00	1,000,000.00	2,000,000.00
Tourism	750,000.00	601,632.50	1,351,632.50
TOTAL	9,100,000.00	8,251,632.50	17,351,632.50
BUCKET 5: EQUITY-FOCUSED SERVICES			
Gayfer's Project (94 Units rehab; all affordable)	6,150,000.00	1,850,000.00	8,000,000.00
Affordable Housing (Targeted East of I-65 in CDBG Census Tracts)	1,101,632.50	3,000,000.00	4,101,632.50
Affordable Rental Housing (Revolving fund; Mich. Ave. Area)	-	14,000,000.00	14,000,000.00
Affordable Homebuyer Housing (Scattered Site Homeownership)		2,000,000.00	2,000,000.00
Housing Rehabilitation (100 Owner-occupied Rehabs)	1,000,000.00	-	1,000,000.00
TOTAL	8,251,632.50	20,850,000.00	29,101,632.50
DIRECT GRANT ADMINISTRATION			
Grant Administration	500,000.00	-	500,000.00
TOTAL	500,000.00	-	500,000.00
TOTAL	29,101,632.50	29,101,632.50	58,203,265.00

ASSESS TO THE VACATION OF A 7.5 DRAINAGE AND UTILITY EASEMENT IN MONTLIMAR OFFICE PARK. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 47-568-2021

Sponsored by: Councilmember Daves

WHEREAS, it having been made known to the City Council of the City of Mobile that:

CCAE, LLC, a Louisiana limited liability company ("CCAE"), ANTHONY W. HAMMONTREE and MITZI S. HAMMONTREE ("Hammontree"), and MONTLIMAR, LLC, an Alabama limited liability company ("Montlimar LLC"), constitute all of the landowners abutting a portion of an unused easement in the City of Mobile, Alabama reserved in the Montlimar Office Park Subdivision plat, said easement being more particularly described as follows , to-wit:

That certain "7.5' DRAINAGE AND UTILITY EASEMENT" located along the western boundary of Lot 9 of Montlimar Office Park, as shown on that certain plat recorded at Map Book 33, Pag 3 recorded in the Probate Court of Mobile County, Alabama on August 6,1980 ("Montlimar Office Park Plat").

WHEREAS, the easement, a portion of which is sought to be vacated, was reserved for "drainage and utility" purposes on the Montlimar Office Park Plat recorded in 1980 prior to the development of the subdivision. Since that time, the subdivision has been fully developed and the easement is not used and has never been used by the City of Mobile, any utility, nor any property owner in the Montlimar Office Park subdivision for drainage, utility access, or any other purpose; and

WHEREAS, it has been shown to the satisfaction of the Mobile City Council that CCAE, Hammontree, and Montlimar LLC are the only owner of lands abutting said easement; and,

WHEREAS, CCAE, Hammontree, and Montlimar LLC desire to vacate the portion of said easement on Lot 9 of the Montlimar Office Park subdivision, have requested the City of Mobile to vacate same, and have provided notice of their request to vacate to all utility providers with utility lines or facilities within the area to be vacated in accordance with the

Code of Alabama, provided, however, that entities with utility lines, equipment or facilities in place within said right of way at the time of vacation shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred; and,

WHEREAS, CCAE, Hammontree, and Montlimar LLC have now submitted a request to the City of Mobile to vacate such portion of easement more particularly described herein, lying with the city limits of the City of Mobile, Alabama, pursuant to Code of Alabama § 35-2-54, as amended; and,

WHEREAS, all utility providers have issued their written consent to the aforesaid vacation; and,

WHEREAS, the said easement is not used or needed for drainage or utility purposes in the subdivision, and the aforesaid vacation is in the public interest; and,

WHEREAS, no other property owners own any land within or abutting the areas affected by this vacation and thus will not be denied means of ingress and egress to and from their property or be otherwise affected by the vacation of said right of way; and,

WHEREAS, the square footage of the area to be vacated is 7,500 square feet (75' x 100');

WHEREAS, the square footage of each lot that abuts the area to be vacated is:

(i) Lot 8: 31,322 square feet (100' x 313.22');

(ii) Lot 9: 31,254 square feet (100' x 312.54'); AND

(iii)Lot 11: 31,254 square feet (100' x 312.54').

NOW, THEREFORE, the premises considered, BE IT RESOLVED by the City Council of the City of Mobile, pursuant to § 35-2-54 of the Code of Alabama (1975), as amended, that the following described portion of an unused easement in the City of Mobile, Alabama reserved in the Montlimar Office Park Subdivision plat is hereby vacated:

That certain "7.5' DRAINAGE AND UTILITY EASEMENT" located along the western boundary of Lot 9 of Montlimar Office Park, as shown on that certain plat recorded at Map Book 33, Pag 3 recorded in the Probate Court of Mobile County, Alabama on August 6,1980

Notice of this Resolution shall be published once in a newspaper in Mobile County no later than fourteen (14) days after its adoption.

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

Ayes: 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.

ANNOUNCEMENTS:

Councilmember Small reminded citizens that food trucks will be at Arlington Park this afternoon from 4:00-9:00 p.m.

Councilmember Small announced that the 4th Annual Chat and Chew will be held at the Gulf Quest Museum on July 23, 2021.

Councilmember Daves reported an eventful District 5 community meeting and thanked the Administration for attending.

Councilmember Williams asked that the requirement that a board member "must be a Mobile resident" be stricken from Resolution 03-548.

Councilmember Gregory congratulated Tangie Lett, Wendy's General Manager, Springhill Avenue, for being recognized as one of the top 500 General Managers for 2020 by the entire Wendy's Company, in the United States and Canada.

Councilmember Rich announced that there will be a Candidate and Mayoral Debate today at Christ United Methodist Church at 6:30 p.m.

Councilmember Rich thanked the Administration and Parks and Recreation Department for working to repair the Splash Pad at Medal of Honor Park.

Councilmember Rich reminded citizens that the Mobile recycling centers are closed until further notice. The County recycling center on Hitt Road is open.

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

Ayes: 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 11:56 a.m.

Adopted:

____
COUNCIL PRESIDENT

____
CITY CLERK