

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 17, 2018

The Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, July 17, 2018, at 9:00 a.m.

Present:

Chairman: Manzie

Councilmembers: Williams, Daves, Rich and Gregory

Absent: Richardson and Small

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. on Tuesday, July 17, 2018.

The Presiding Officer adjourned the meeting.

Approved: July 24, 2018

COUNCIL VICE PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 17, 2017

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, July 17, 2018, at 10:30 a.m., in regular meeting.

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

Reverend Jon Seale, Spring Hill Avenue United Methodist Church, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

Councilmember Gregory asked everyone to remain standing for a moment of silence in honor of the passing of Charles Wood. Mr. Wood was a World War II veteran, one of the founding members of the Mobile ARC and the founder of the Charles Wood Japanese Gardens.

Present on Roll Call:

Chairman: Manzie

Councilmembers: Williams, Daves, Rich and Gregory

Absent: Richardson and Small

STATEMENT OF RULES BY TEMPORARY CHAIR:

The Presiding Officer stated that all cell phones must be turned off and that there will be no hats, hoods, sunglasses or large bags permitted in the meeting room.

1) Any person desiring to address the Council must register upon entering the meeting area. When addressing the Council, the speaker must state his/her name and address.

2) Each speaker is allowed five minutes to address the Council. A bell will sound to indicate the end of 4 minutes. One minute is allowed for summarizing. The second bell indicates the time has expired.

3) To maintain decorum, there will be no undue applause and/or public outcry allowed.

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4) When addressing the Council, there is to be no personal address to any individual Councilmember. All statements are to be made to the Chair who will recognize any Councilmember who wishes to respond.

5) Any person desiring to speak to the Council on a non-agenda item must contact the City Clerk's Office no later than 2:00 p.m. on the Thursday prior to the Council Meeting. The subject he/she wishes to address must be identified. Any person attending the meeting who has not given proper notice to the Clerk's Office and wishes to speak on a non-agenda item will not be allowed to address the Council.

6) Those persons desiring to speak on agenda items must indicate the resolution, ordinance, appeal, or public hearing item on arrival when signing in for the meeting.

APPROVAL OF MINUTES:

The minutes of the meetings of July 10, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

None.

NEW COMMITTEE ASSIGNMENTS:

None.

ADOPTION OF THE AGENDA:

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

Ayes: Manzie, 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:

The Council considered the appeal of Lance and Ellen Lynch concerning the Architectural Review Board's denial of the application to alter the property at 1110 Palmetto Street.

Councilmember Williams moved to hold the appeal over to the meeting of Tuesday, July 31, 2018, which motion was seconded by Councilmember Rich and the vote was as follows:

Ayes: Manzie, Williams, Daves, Rich and Gregory

Nays: None

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

The Council considered the request of Casi Callaway, Mobile BayKeeper, Inc., for a waiver of the Noise Ordinance at 101 South Water Street, Cooper Riverside Park, on July 25, 2018, from 5:00 p.m. – 9:00 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: Manzie, 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 waiver granted.

The Council considered the request of Laqueena Wright, Loving Though Neighbor As You Love Yourself, for a waiver of the Noise Ordinance at 4901 Zeigler Boulevard, Langan/Municipal Park, on August 4, 2018, from 2:00 p.m. – 7:00 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: Manzie, Williams, Daves, Rich and Gregory

Nays: None

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

The Council considered the request of Dr. Catherine Collins, Behind the Veil Ministry, Inc., for a waiver of the Noise Ordinance at 4901 Zeigler Boulevard, Langan/Municipal Park, on August 4, 2018, from 12:00 p.m. – 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: Manzie, Williams, Daves, Rich and Gregory

Nays: None

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

The Council considered the request of Wiley Blankenship for a waiver of the Noise Ordinance at 6 South Joachim Street, Saenger Theater, on July 31, 2018, from 5:00 p.m. – 10:00 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: Manzie, Williams, Daves, Rich and Gregory

Nays: None

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

PUBLIC HEARINGS:

PUBLIC HEARING TO REZONE PROPERTY AT 451 AND 457 DAUPHIN ISLAND PARKWAY, 1965 AND 1967 ANTOINE STREET AND 1968 DUNCAN STREET (SOUTHEAST CORNER OF DAUPHIN ISLAND PARKWAY AND ANTOINE STREET, EXTENDING TO THE NORTH SIDE OF DUNCAN STREET, 150' ± EAST OF DAUPHIN ISLAND PARKWAY) FROM R-1, B-1 AND B-3 TO B-3 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to rezone property at 451 and 457 Dauphin Island Parkway, 1965 and 1967 Antoine Street and 1968 Duncan Street from R-1, B-1 and B-3 to B-3 and asked if there was anyone present to speak for or against this matter.

Tim Spafford, 1263 Lake Circle West, spoke on behalf of the applicant in support of the rezoning.

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

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PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 313 LINCOLN BOULEVARD IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 313 Lincoln Boulevard is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 550 CEDAR AVENUE IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 550 Cedar Avenue is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 572 WESTWOOD STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 572 Westwood Street is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 573 WESTWOOD STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 573 Westwood Street is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 621 DR. THOMAS AVENUE NORTH AKA 611 STIMRAD ROAD IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 621 Dr. Thomas Avenue North aka 611 Stimrad Road is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

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PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 712 JOHNSTON AVENUE IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 712 Johnston Avenue is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 1012 NEW ST. FRANCIS IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 1012 New St. Francis is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

David Daughenbaugh, Municipal Enforcement, advised the Council that the owner is in the process of applying for grant funds to secure the structure. Mr. Daughenbaugh requested the Council hold the matter over for two (2) weeks.

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 DETERMINE IF THE STRUCTURE AT 607 RICKARBY STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 607 Rickarby Street is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

None.

NON-AGENDA ITEMS:

1. Don Comeaux, Gulf Coast Exploreum, 65 Government Street, announced the 2019 International Exhibit "Genghis Khan; The Great Civilizer" and provided a general update on activities at the Exploreum.

2. Cheria Chambers and Andrea Brown, City of Mobile Parks and Recreation Department, recognized the department's youth track and field teams. Several members of the teams have made it to the national finals and asked the Council for financial assistance to help pay for room and board while at the competition in North Carolina.

3. Shree Shaw Lovett, 4050 Cottage Hill Road, invited the Council to attend the "Shrink the Divide; A Gathering from Racial Divide" event.

4. Irene Anton, 2202 Clinton Street, presented the Council with her concerns regarding litter, the Civic Center and Ladd-Peebles Stadium.

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5. Carolyn Blanks Mays, 1103 Antwerp Street, expressed her opposition to the closing or demolition of Ladd-Peebles Stadium.

6. Eddy Irby, 1116 Richard Road, inquired about the closing of the National African American Archives and Museum.

ORDINANCES HELD OVER:

AMEND CHAPTER 52 OF THE MOBILE CITY CODE PERTAINING TO BOARDING STANDARDS, HAZARD TREES AND TREE LIMBS AND UPDATED WEED ABATEMENT FEES. The following ordinance, which was introduced and read at the regular meeting of Tuesday, June 19, 2018, was held over until the regular meeting of June 26, 2018, and held over until the regular meeting of July 3, 2018, and held over again until the regular meeting of July 17, 2018 was called up by the Presiding Officer.

ORDINANCE: 52-015-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

AN ORDINANCE TO AMEND CHAPTER 52 OF THE MOBILE CITY CODE

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

SECTION ONE. That CHAPTER 52, ARTICLE I, of Mobile City Code, is hereby amended to read as follows:

Delete the existing Section 108.2 and replace to read as follows:

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as to not be an attractive nuisance in accordance with §108.2.2. Upon failure of the owner to close up the premises within twenty (20) days of the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof, plus a fee equal to all direct and indirect costs incurred with administration and enforcement of this section in regard of the structure, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

Add the following section:

108.2.2 Boarding Methods.

(a) General Requirement. Unless otherwise provided in this Chapter, all residential property that is unsecure shall be secured by boarding unsecure windows, doors, and other openings with sheeting material in accordance with this Section. As used herein, "sheeting material" or "sheeting" means a minimum of .177-inch thick clear or semi-clear shatter-proof polycarbonate material with a strength capable of sustaining impact without breaking or shattering, absent excessive force. Sheeting shall be installed in a manner intended to provide an appearance approximating glass in the window casings and consistent in appearance with the surrounding surface in the case of all other openings that require securing. Unless otherwise granted a variance by the Code Official from strict compliance herewith, materials such as plywood, particle board, wafer board, Masonite or other similar material shall not be used for boarding up residential property.

(b) Boarding Standard – Windows.

i. Internal Compression Method. Windows with broken, missing, or removed glass, or that are otherwise unsecure, shall be boarded as follows:

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1. All remaining broken glass shall be removed from the window opening including damaged frames as to provide a clean opening;
 2. The sheeting material shall be cut to match the dimensions of the inside of the window casing so that when installed, the sheeting will fit tightly and not permit a tool to be placed behind it;
 3. A ½-inch hole shall be drilled into each of the four corners of the sheeting material. The holes shall be positioned so they are no more than 1-inch from the window frame at the width and no more than 6 inches from the window sill and top frame.
 4. Two solid continuous composite cross-beams shall be cut in sufficient length to be no less than 3.5 inches longer than the horizontal width of the interior window casing and extending not longer than 6 inches longer than the horizontal width of the interior window casing. Each cross-beam shall be predrilled with 7/16-inch holes that are positioned to match the horizontal pattern of the holes in the sheeting.
 5. The sheeting shall be secured in place over the exterior of the window opening by placing a 3/8-inch corrosion resistant, smooth-head carriage bolt through each of the holes in the sheeting and then placing one washer onto each of the carriage bolts; the cross-beams shall then be aligned and affixed to such carriage bolts from the interior of the window opening. Another nut and washer shall be placed onto each of the carriage bolts and tightened with a ratchet to achieve sufficient torque and a slight deflection in the cross-beams so that the nuts cannot be loosened by hand. Once secured, no space shall exist between the sheeting and the exterior window casing.
- ii. Exterior Screw Method. Fixed or inoperable windows with intact glass; or windows in which the internal compression method is impractical shall be secured as follows:
1. The sheeting material shall be cut to match the dimensions of the inside of the window casing so that when installed, the sheeting will fit tightly and not permit a tool to be placed behind it;
 2. Drill and countersink holes shall be made along the perimeter of the sheeting material starting with a hold at each of the four corners and adding additional holes at 10-inch increments around the perimeter of the sheeting. Minimum length 2-inch corrosion resistant security head screws shall be used in each hole to affix the sheeting to the window frame or exterior casing.
 3. In the event the sheeting cannot be secured by cutting the sheeting material so as to neatly fit the inside window casing, the sheeting shall be placed over the exterior window casing such that the sheeting material covers the entire window casing and is flush with the exterior dimension of the casing. The sheeting material shall be secured with minimum length 2-inch corrosion resistant security head screws secured at the corners, and along the sheeting outer edges in 10-inch spaced increments as described in subsection (a) above.
- iii. Waivers. The Code Official may grant waivers from this section under, but not limited to, the following circumstances:
1. Physical characteristics which make installation of the sheeting impractical (for example, due to excessive frame, door and/or wall damage, or windows that are in an arc or other unusual inset or characteristic);
 2. Economic Hardships; or,
 3. Unavailability of the sheeting material.

Properties the subject of the waiver may be secured in any manner, subject to the Code Official's approval, necessary to achieve substantive compliance with this chapter.

- c. Boarding Standard – Unsecure Doors; Sliding or Other Doors.

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i. Exterior Access Door. At least one exterior door shall allow authorized persons access to the interior of the residential property. Such exterior access door may be secured by:

1. Using a solid core wood or steel door with no windows or other openings in the door;

2. Or hinged sheeting material. The door shall be securely locked using a padlock and hasp assembly that is bolted through the door or sheeting material. The lock loop portion of the hasp shall be attached to the door frame using a minimum of 3-inch long security screws.

i. Sliding glass doors and other exterior doors. Sliding glass doors or exterior doors other than the exterior access door shall be secured in the same manner as described in Section 180.2.2. (b).ii.

Delete Appendix A Boarding Standard, Section A101 General through A103.5 Doors.

Amend 202 General Definitions, to include the following terms and definitions to read as follows:

Hazard Tree - A tree the Urban Forester has determined to have a structural defect and location that increases the chance of failing and hitting a target. The combination of a defect and target can result in property damage or personal injury.

Hazard Limb – A tree limb the Urban Forester has determined to have a structural defect and location that increases the chance of failing and hitting a target. The combination of a defect and target can result in property damage or personal injury.

Tree - A large woody perennial plant that grows to a mature height greater than 16 feet and typically has a single erect main stem (trunk) with side branches.

Urban Forester – The City of Mobile employee specially trained in forestry, urban forestry, arboriculture and urbiculture, or his/her duly authorized designee.

Tree Limb – Any of the main branches arising from the main stem (trunk) of the tree.

Amend 302 Exterior Property Areas, to include and read as follows:

302.10 Hazard Tree – Any dead or Hazard Tree located on the premises which has the possibility to fall into the public way or right of way shall be removed. Failure to remove the Hazard Tree after receiving a notice of violation from the Urban Forester shall constitute a violation of this code section.

302.11 Hazard Limb – Any dead or Hazard Tree limb 2 inches in diameter or larger that is attached to a tree located on the premises which have the possibility to fall into the public way or right of way shall be removed. Failure to remove the Hazard Limb after receiving a notice of violation from the Urban Forester shall constitute a violation of this code section.

SECTION TWO. That CHAPTER 52, ARTICLE III, of Mobile City Code, is hereby amended to read as follows:

Delete existing Section 12 (now codified as Sec. 52-72) in its entirety and replace to read, as follows:

Section 72. Charges. (a) The following charges will be established for cutting/cleaning of properties designated as a public nuisance by the city council under provisions of this article and Code of Alabama, Section 11-67-1 et seq.:

(1) Abatement costs:

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(a) Per square foot cut \$0.0125; with a minimum lot cutting cost of \$125.00 per lot.

(b) Per cubic yard debris removal \$7.00

(c) Per spare tire \$3.00

(2) Administrative charges are to accrue as follows:

(a) If the lot is cut prior to abatement by either the contractor or City \$50.00

(b) If the lot is cut by the contractor \$50.00

(c) If the lot is cut by the city \$50.00

(3) Penalties:

(a) For every additional time a lot is cut by the City or a contractor within a 36 month period from the date of the initial nuisance declaration, administrative charges will increase by a \$100 per abatement.

(b) In the event that subject property is brought into complete compliance with this article after the property is declared a public nuisance and prior to the private contractor or city crew being dispatched for cutting, the property will not be cut; however, the assessed owner will be subject to and liable for the administrative charges which will be collected in the same manner as other charges in accordance with this article and Code of Alabama, Section 11-67-1 et seq.

(c) In the event that subject property is not brought into complete compliance with this article prior to the date designated by the city council for the property to be delegated to a private contractor or city crew for cleaning, subject property will be completely cleaned and a "weed lien" shall be assessed against the property in the amount of administrative charges and cleaning costs in accordance with this article and Code of Alabama, Section 11-67-1 et seq

(d) Prior to a vacant lot being declared a public nuisance by the city council, a private contractor and individual property owners may mutually contract for the regular maintenance of subject property at a different rate from those prescribed in this article by the city. However, once such property is declared a public nuisance by the city council, the areas must be in compliance with this article.

SECTION THREE. That CHAPTER 52, ARTICLE VI, of Mobile City Code, is hereby amended to read as follows:

Deleted existing Section 151, Findings and Purpose, and replace to read as follows:

(a) The city council has found and declared:

(1) That there exist in the city blighted areas, as defined herein, or areas in the process of becoming blighted;

(2) That such areas impair economic values and tax revenues, cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the city, and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;

(3) That restoration, clearance, re-planning, and/or rebuilding of these areas and the prevention or the reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are considered governmental functions of state and city concern;

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(4) That the traditional method of boarding up windows with plywood is unsightly and can contribute to blight and decline in property values in neighborhoods with large number of vacant and abandoned buildings;

(5) That redevelopment activities will stimulate residential construction which is closely correlated with general economic activity and that the undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment; and

(6) That it is in the public interest that advance preparation for such projects and activities be made now.

(b) The necessity in the public interest for this chapter is hereby declared as a matter of legislative determination.

(Ord. No. 65-048-2017, § 6, 12-5-17)

Amend Section 152, subsection (c) to read and include, immediately following subsection (9), as follows:

(10) The presence of vacant or abandoned property which has not been secured, and/or property which has been attempted to have been secured by improper or ineffectual means, including but not limited to using materials such as plywood, particle board, wafer board, Masonite or other similar material.

SECTION THREE. That CHAPTER 52, ARTICLE II, of Mobile City Code, is hereby amended to read as follows:

Delete existing subsection 25 and replace to read, as follows:

All dangerous and unsafe buildings or structures are hereby declared to be public nuisances, and shall be repaired, secured, demolished and/or vacated as provided by this article.

SECTION FOUR. Effective Date. This Ordinance, and the amendments to the Property Maintenance Code made by this Ordinance, shall be in full force and effect from and after its adoption and publication as required by law.

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. Conflicts. All ordinances and laws, or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be held over for two (2) weeks until the regular meeting of July 31, 2018, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Manzie, 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.

AMEND SECTION 57-36 AND SECTION 39-77 OF THE CODE OF ORDINANCES FOR THE CITY OF MOBILE, ALABAMA TO PROHIBIT THE SALE, USE OR POSSESSION OF PLASTIC CONFETTI OR SERPENTINE. The following ordinance which was introduced and read at the regular meeting of Tuesday, July 10, 2018 and held over for

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one (1) week until the regular meeting of July 17, 2018, was called up by the Presiding Officer.

ORDINANCE: 65-018-2018

Sponsored by: Councilmembers Williams and Daves

AN ORDINANCE TO AMEND SECTION 57-36 AND SECTION 39-77 OF THE CODE OF ORDINANCES FOR THE CITY OF MOBILE, ALABAMA TO PROHIBIT THE SALE, USE OR POSSESSION OF PLASTIC CONFETTI OR SERPENTINE

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

Section 1. Chapter 57-36 of the Code of Ordinances is hereby amended and restated as follows:

Sec. 57-36. - Trash, etc., in streets.

Except as otherwise provided in this Code, no person shall obstruct or encumber any street or public place in any way, or throw, leave or deposit in any street, gutter, ditch, drain or public place any cotton, lumber, firewood, cart, dray, wagon, hay, dung, ashes, kitchen stuff, cans, broken glass, parings, leather, paper, cloth, shavings, chips, brush, leaves or any kind of filth or trash or any other article whatever; provided, however, that the provisions hereof shall not apply to the throwing of trinkets, candy or biodegradable, non-plastic based, confetti or serpentine during Mardi Gras of each year.

Section 2. Chapter 39-77 of the Code of Ordinances is hereby amended and restated as follow:

Sec. 39-77. - Use, sale, etc., of confetti.

It shall be unlawful and an offense against the City for any person to have in possession, keep, store, use, manufacture, sell, offer for sale, give away or handle any non-biodegradable, plastic-based confetti, serpentine, or other substance or matters similar thereto within the city or within its police jurisdiction.

Section 3. This ordinance shall be effective on and after 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, which was seconded by Councilmember Rich and the vote was as follows:

Ayes: Manzie, Williams, Daves, Rich and Gregory

Nays: None

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

ORDINANCES BEING INTRODUCED:

REZONE PROPERTY AT 451 AND 457 DAUPHIN ISLAND PARKWAY, 1965 AND 1967 ANTOINE STREET AND 1968 DUNCAN STREET (SOUTHEAST CORNER OF DAUPHIN ISLAND PARKWAY AND ANTOINE STREET, EXTENDING TO THE NORTH SIDE OF DUNCAN STREET, 150' ± EAST OF DAUPHIN ISLAND PARKWAY) FROM R-1, B-1 AND B-3 TO B-3 (DISTRICT 2). The following ordinance was held over for one (1) week until the regular meeting of Tuesday, July 24, 2018.

ORDINANCE: 64-019-2018

Sponsored by: Councilmember Manzie

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

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

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

LOT 2, BETBEZE DIVISION OF THE ANTOINE TRACT AS RECORDED IN MAP BOOK 3 PAGE 375 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA AND THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHWEST CORNER OF LOT 3, BETBEZE DIVISION OF THE ANTOINE TRACT AS RECORDED IN MAP BOOK 3 PAGE 375 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA, THENCE SOUTH 89°-04'-46" WEST ALONG THE NORTH LINE OF LOT 2, BETBEZE DIVISION OF THE ANTOINE TRACT 148.82 FEET TO A POINT ON THE EAST LINE OF DAUPHIN ISLAND PARKWAY; THENCE NORTH 00"-14'-48" WEST ALONG SAID EAST LINE 140.87 FEET TO A POINT ON THE SOUTH LINE OF ANTOINE STREET; THENCE SOUTH 88"-23'-30" EAST ALONG SAID SOUTH LINE 188.68 FEET TO THE NORTHWEST CORNER OF LOT 1, MARY A. ANTOINE PROPERTY; THENCE SOUTH 00"-26'-19" EAST ALONG THE WEST LINE OF LOT 1 A DISTANCE OF 132.71 FEET TO THE SOUTHWEST CORNER OF LOT 1 AND A POINT ON THE NORTH LINE OF LOT 2, BETBEZE DIVISION OF TBE ANTOINE TRACT; THENCE SOUTH 89"-19'-50" WEST ALONG SAID NORTH LINE 40.21 FEET TO THE POINT OF BEGINNING

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

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

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

Councilmember Daves moved for the suspension of the rules to consider Consent Resolutions 03-482 through 60-496 being introduced for the first time. The motion was seconded by Councilmember Gregory, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

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APPOINT LANE GOTTLIEB TO THE MOBILE CITY-COUNTY YOUTH COUNCIL. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 03-482-2018

Sponsored by: Councilmember Rich

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Lane Gottlieb is appointed to the Mobile City-County Youth Council effective immediately.

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

Ayes: Manzie, 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 SCOTT PEACH TO THE CODES ADVISORY COMMITTEE. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 03-483-2018

Sponsored by: Councilmember Rich

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Scott Peach is re-appointed to the Codes Advisory Committee effective August 1, 2018 for a term ending August 1, 2021.

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

Ayes: Manzie, 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 THE MAYOR TO APPLY, ACCEPT AND RECEIVE FUNDING FROM THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES PROGRAM, \$4,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 31-484-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Justice, a Notice of Award and Memorandum of Agreement for grant assistance in the approximate amount of \$4,000.00 for the Organized Crime Drug Enforcement Task Forces (OCDETF) Program.

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

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

Ayes: Manzie, 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 313 LINCOLN BOULEVARD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-485-2018

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the structure at 313 Lincoln Blvd. 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 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 313 Lincoln Blvd. described as:

LOTS 1, 2, 3 & 4 BLK 21 MOBILE TERRACE ACC TO SUB MADE BY MOBILE TERRACE DEV CO DBK 156 PG 540 #SEC 18 T4S R2W #MP28 0418 1003

Parcel number: 28 04181003 011

Last assessed to: TAYLOR BARRY L & HARRISON TAYLOR III

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 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 Rich and the vote was as follows:

Ayes: Manzie, 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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DECLARE THE STRUCTURE AT 550 CEDAR AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-486-2018

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 structure at 550 Cedar Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article 11 of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public; nuisance: Nuisance Abatement inspection Checklist/Exhibit A - No. 4, 6, 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 550 Cedar Avenue described as:

THE W 85 FT OF LOT 1 BLK 8 OF WOLFE HEIGHTS OTHERWISE KNOWN AS 550 CEDAR AVE & BEING SAME PPTY CONVEYED TO SANDY PORTIS JR BY SANDY PORTIS SR & EMMA PORTIS #SEC 13 T4S RIW #IV1P29 0613 0 003

Parcel number: 29 0613 0 003141

Last assessed to: PORTIS HELEN

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 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 Rich and the vote was as follows:

Ayes: Manzie, 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 572 WESTWOOD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-487-2018

Sponsored by: Councilmember Daves

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WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the structure at 572 Westwood 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 M 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, 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 572 Westwood Street described as:

LOT 19 BLK 10 BON-AIR ESTS MBK 156 P 374 #SEG 29 T4S R1W#MP29 09 291002 I

Parcel number: 29 09 29 1 002 034

Last assessed to: AGEE ELAINE L

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 62, 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 resolution by registered or certified mail to the interested persons listed certified copy of this 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 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 Rich and the vote was as follows:

Ayes: Manzie, 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 573 WESTWOOD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-488-2018

Sponsored by: Councilmember Daves

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 structure at 573 Westwood 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, 8 and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 573 Westwood Street described as:

LOTS 1 & 2 BLK 7 BON AIR ESTS DBK 156 PG 374 #SEC 29 T4S RIW #MP29 09 29 1 002

Parcel number: 29 09 29 1 002 014

Last assessed to: DIAZ EDGARDO M III & ROBERT

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 H of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

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

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

Ayes: Manzie, 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 621 DR. THOMAS AVENUE NORTH AKA 611 STIMRAD ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-489-2018

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article 11 of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the structure at 621 Dr. Thomas Avenue N. aka 611 Stimrad Road has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance:

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 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 621 Dr. Thomas Avenue N. aka 611 Stimrad Road described as:

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LOT A BLK 4 HAPPY HILL S/D MBK 4 P 431-432 #SEC 44 T4S RIW #MP29 02 44 0 017

Parcel number: 29 02 44 0 017 047

Last assessed to: LEWIS ANGELIA P

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

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

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

Ayes: Manzie, 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 712 JOHNSTON AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-490-2018

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 structure at 712 Johnston Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement inspection Checklist/Exhibit A - No. 4, 7, B 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 712 Johnston Avenue described as:

LOT E RESUBD OF LOTS 19 TO 24 INCLUS BLK 22 BON AIR DBK 156 PG 530-531 #SEC 28 T4S RIW #MP29 10 28 3 003

Parcel number: 2910 28 3 003 049

Last assessed to: NELSON ROZELIA O.

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

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said structure be demolished in accordance with the terms of said Chapter 52, Article II, of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

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

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

Ayes: Manzie, 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 1012 NEW ST. FRANCIS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-491-2018

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 structure at 1012 New St. Francis 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, 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 1012 New St Francis Street described as:

COM AT NE COR OF THE INTERSEON OF NEW ST FRANCIS ST AND PINE ST & RUNNING TH ELY ALG THE N/L OF NEW ST FRANCIS ST A DIS OF 42.4 FT M/L TO PT ON EXISTING FENCE LINE BETWEEN PPTY CONVEYED & PPTY NOW OR FORMERLY BELONGING TO APPLETON E. PRITCHARD & DRURY O PRITCHARD LYING IMMEDIATELY EAST THEREOF RUNNING TH NLY ON & ALG SAID FENCE LINE A DIS OF 114.2 FT M/L TO PT ON EXISTING FENCE LINE IN REAR OF PPTY HEREIN CONVEYED RUNNING TH WLY ON & ALG SAID FENCE LINE A DIS OF 43.2 FT M/L TO PT ON E/L OF PINE ST RUNNING TH SLY ALG E/L OF PINE ST 115.7 FT M/L TO POB ALL ACCORDING TO PLAT OF SURVEY MADE BY DURANT ENGINEERING CO DTD 17/15/42 DEED BK 329 NS P 411 #SEC 40 T4S RIW #MP29 06 40 6 009

Parcel number: 29 06 40 0 009 229

Last assessed to: BENNETT LARRY D & LELA

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

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said structure be demolished in accordance with the terms of said Chapter 52, Article Code, "Abatement of Unsafe Buildings and Structural Nuisances."

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

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

Ayes: Manzie, 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 607 RICKARBY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-492-2018

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 structure at 607 Rickarby 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 607 Rickarby Street described as:

LOT 12 BLK 3 RICKARBY PLACE DBK 116 P 208 #SEC 28 T4S RIW #MP29 10 28 2 005

Parcel number: 29 10 28 2 005 026

Last assessed to: CRABTREE JERE AUSTILL JR

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 Judge of Probate of Mobile County, Alabama.

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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 Rich and the vote was as follows:

Ayes: Manzie, 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 REMOVAL OF WEEDS, GROUP #1581. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-493-2018

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

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

WHEREAS, Parcels Nos. 1 through 21 described in the resolution adopted on the 12th day of June, 2018, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

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

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

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 21, as described in the resolution adopted on the 12th day of June, 2018, and entitled: "A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES."

(Lot Cleaning Liens, Group No. 1581, on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the

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City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

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

Ayes: Manzie, 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 EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO NU IMAGE FOR YOUTH ON THE WINNING SIDE SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-494-2018

Sponsored by: Councilmembers Manzie and Daves

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES
SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS, Councilmember Daves wishes to donate \$500.00 and Councilmember Manzie wishes to donate \$500.00 to the Nu Image for Youth on the Winning Side from their discretionary funds, and

WHEREAS, the Nu Image for Youth on the Winning Side 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 payment of certain expenses is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this contribution to the Nu Image for Youth on the Winning Side will be used to help with their annual music workshop for youth & young people ages 3 to 25 yrs. old to be held July 22-27, 2018 and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that a donation to the Nu Image for Youth on the Winning Side serves a public purpose and further approves and directs the payment of same.

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

Ayes: Manzie, 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 EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO THE MOBILE REGIONAL SENIOR COMMUNITY CENTER FOUNDATION SERVES A

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PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-495-2018

Sponsored by: Councilmember Rich

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS, Councilmember Rich wishes to donate \$10,000.00 to the Mobile Regional Senior Community Center Foundation from her discretionary funds; and

WHEREAS, the Mobile Regional Senior Community Center Foundation is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this contribution to the Mobile Regional Senior Community Center Foundation will be used to help with their landscaping enhancement project and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that a donation to the Mobile Regional Senior Community Center Foundation serves a public purpose and further approves and directs the payment of same.

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

Ayes: Manzie, 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 AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, JONATHAN RIVERS, \$500.00. The following resolution was introduced by Councilmember Daves.

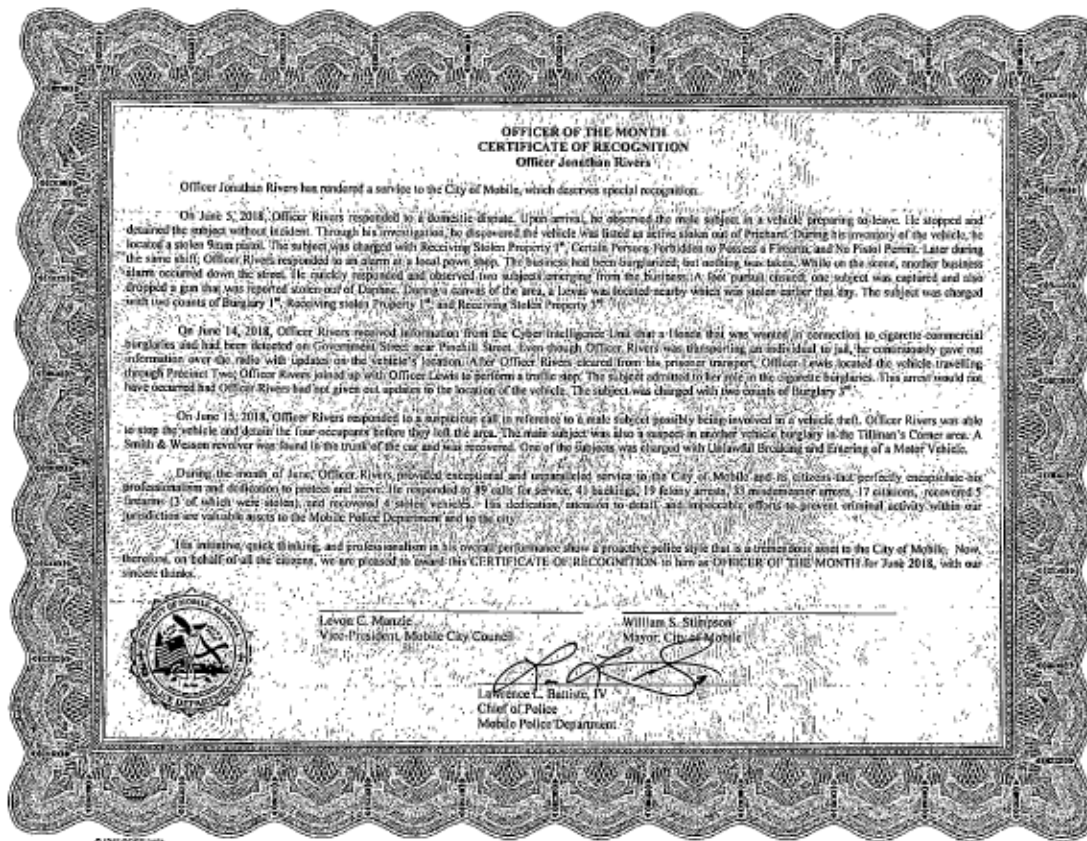
RESOLUTION: 60-496-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor, upon the nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the employees on the attached list.

These employees are to be commended for their exemplary work performance or innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

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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 Rich and the vote was as follows:

Ayes: Manzie, 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 BEING INTRODUCED:

REALLOCATE \$378,819.00 FROM THE GENERAL FUND "TRANSFER TO THE SOLID WASTE AUTHORITY" ACCOUNT 1004999 94310, TO THE TRASH DEPARTMENT ACCOUNT 10042090 42060 "HAULING". The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 24, 2018.

RESOLUTION: 09-498-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$378,819 will be transferred from the General Fund "Transfer to the Solid Waste Authority" account 1004999 94310, to the Trash Department account 10042090 42060, "Hauling" to pay monthly invoices to Waste Management per the settlement agreement for diverted trash for FY2018.

AUTHORIZE CONTRACT WITH SANDERS HYLAND CORPORATION FOR GOVERNMENT PLAZA-ACCOUNTING DEPARTMENT-LAMINATE FLOORING & CARPET, \$33,780.00 (AD-051-18). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 24, 2018.

RESOLUTION: 21-499-2018

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,

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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: Sanders Hyland Corporation

Project name: Government Plaza - Accounting Department
Laminate Flooring & Carpet

Project number: AD-051-18

Amount: \$33,780.00

AUTHROIZE CONTRACT WITH STANTEC CONSULTING SERVICES, INC. FOR PROFESSIONAL SERVICES AGREEMENT FOR STRATEGIC ADVISORY SERVICES-ASSET AND PORTFOLIO MANAGEMENT, \$396,000.00 (PL-055-18; C0381). The following resolution was held over for one (1) week until the regular meeting of Tuesday, July 24, 2018.

RESOLUTION: 21-500-2018

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: Stantec Consulting Services, Inc.

Project name: Professional Services Agreement for
Strategic Advisory Services –
Asset and Portfolio Management

Project number: PL-055-18

Amount: \$396,000.00

ANNOUNCEMENTS:

Councilmember Gregory announced the Mobile Terrace Community Development Corporation will host a back to school event at McCants-Chavers Park on Saturday, July 21, 2018, from 10:00 a.m. – 3:00 p.m.

Councilmember Gregory invited the public to visit the Market in the Park at Lavretta Park from 3:00 – 6:00 p.m. on Thursdays, May 31 through July 31, 2018.

Councilmember Gregory expressed her appreciation to the volunteers that have been working on various improvements at Langan Park.

Councilmember Manzie announced he will hold a community meeting to discuss the future of Ladd-Peebles Stadium on Monday, July 23, 2018 at 6:00 p.m., in the Williamson High School auditorium.

Councilmember Rich announced the Public Safety Committee will meet today at 1:00 p.m. in the Council's conference room. The purpose of the meeting is to discuss Mayor Stimpson's plan to roll back fire and emergency medical services in the police jurisdiction.

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

Ayes: Manzie, 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 11:45 a.m.

Approved: July 24, 2018

COUNCIL VICE PRESIDENT

CITY CLERK