

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 27, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, June 27, 2023, at 9:00 a.m.

Councilmembers:

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

Absent:

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 27, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, June 27, 2023, at 10:30 a.m., for the regular meeting.

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

Reverend Michael Precht, Senior Pastor, Dauphin Way United Methodist Church, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small

Vice-Chairman: Gregory

Councilmembers: Penn, Carroll, Reynolds, and Daves

STATEMENT OF RULES BY PRESIDING OFFICER

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

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson, informed citizens that a family friendly Fourth of July celebration will be at Cooper Riverside Park on July 4, 2023, from 4:00 p.m. – 9:00 p.m.

Mayor Stimpson stated that the intersection of Dauphin Street and S. McGregor Avenue will be closed from July 7 - July 11, 2023.

Mayor Stimpson said that the section between Dauphin Street to Vickers Place on S. McGregor Avenue will be closed from July 7 – July 28, 2023.

Mayor Stimpson read a proclamation declaring June 29, 2023 as “Summer Meals for Kids Day” in Mobile.

Mayor Stimpson presented a proclamation declaring the week of June 26 – June 30, 2023, as “National Boys and Girls Club Week” to the Boys and Girls Club of South Alabama.

MINUTES OF JUNE 27, 2023

Robert Bryant, Director of Animal Services, presented Ceymone King as Employee of the Month for Administrative Services.

MONTHLY FINANCE REPORT

Celia Sapp, Deputy Finance Director, presented the monthly finance report of May, 2023.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS

Request of Carol Hunter for a waiver of the Noise Ordinance at Cathedral Square on June 29, 2023, from 7:00 p.m. – 8:30 p.m. (District 2).

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

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

Nays: None

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

Request of Patricia Beard for a waiver of the Noise Ordinance at 762 Marine Street on July 3-4, 2023, from 2:00 p.m. – 9:30 p.m. (District 3).

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

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

Nays: None

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

Request of Patricia Beard for a waiver of the Noise Ordinance at 762 Marine Street on July 5, 2023, from 2:00 p.m. – 7:00 p.m. (District 3).

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

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

Nays: None

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

Request of Stephen Schoenewald for a waiver of the Noise Ordinance at Langan Park on August 31 – September 1, 2023, from 3:00 p.m. – 6:00 p.m. (District 7).

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

MINUTES OF JUNE 27, 2023

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

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

Request of Stephen Schoenewald for a waiver of the Noise Ordinance at Langan Park on September 2, 2023, from 7:30 a.m. – 11:00 a.m. (District 7).

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 DECLARE THE STRUCTURE AT 1823 ST. CHARLES AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1823 St. Charles Avenue (District 1) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Nathan Woods, Mobile, AL, requested more time to fix the property.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 815 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 815 Stanton Road (District 1) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 360 W. HIGHLAND AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 360 W. Highland Avenue (District 2) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1301 LOLA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1301 Lola Street (District 2) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

MINUTES OF JUNE 27, 2023

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 501 YUKERS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 501 Yukers Street (District 2) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1156 OLIVER STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1156 Oliver Street (District 3) a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 7217 3RD STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 7217 3RD Street (District 7) 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 FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2410 CONE STREET; \$5,600.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 2410 Cone Street (District 1) 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 FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2659 REAVES STREET; \$4,950.00 (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 2659 Reaves Street (District 1) and asked if there was anyone present to speak for or against this matter.

No one appeared.

MINUTES OF JUNE 27, 2023

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 FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 209 LEXINGTON AVENUE; \$4,200.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 209 Lexington Avenue (District 2) and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 215 ½ NORMAN STREET; \$2,550.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 215 ½ Norman Street (District 2) and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 3201 CENTER ROAD; \$2,550.00 (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 3201 Center Road (District 7) 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:

James Jackson, 224 Garrison Avenue, gave comments in opposition to ordinance 88-029.

Reggie Hill, 1007 Center Street, offered comments in opposition to ordinance 88-029 and 38-030.

NON-AGENDA ITEMS:

David Clark, 1 S. Water Street, Provided the 2022 Alabama Tourism Economic Report.

Sabrina Mass, 1050 Belvedere Circle, Gave comments on the right to peacefully protest in any Government, State, or City Chamber.

Timothy Hollis, 1924 Seale Street, Spoke about HUD concerns, the affordable housing crisis and ARP funding, ordinance 88-029, and ordinance 38-030.

ORDINANCES HELD OVER

MINUTES OF JUNE 27, 2023

AUTHORIZE THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1621 VIRGINIA STREET. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meetings of June 20, 2023, and June 27, 2023, was called up by the Presiding Officer.

ORDINANCE: 88-029-2023

Sponsored by: Mayor Stimpson

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

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

SEE ATTACHED EXHIBIT 'A'

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

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

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

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

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

EXHIBIT "A"

Lot 1, Ladd Peebles Stadium Subdivision, according to plat thereof recorded in Map Book 136, page 48 of the records in the Office of the Judge of Probate, Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to hold the ordinance over for one week, which move was seconded by Councilmember Daves, following comments by Councilmembers Carroll, Penn, and Small the vote was as follows:

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

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

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 2623 FIRST AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was introduced and read at the regular meeting of April 25, 2023, and held over until the regular meeting of June 27, 2023, was called up by the Presiding Officer.

MINUTES OF JUNE 27, 2023

RESOLUTION: 40-452-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2623 First Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **2623 First Avenue described as:**

LOT 567 TRINITY GARDENS 4TH ADD MBK 4 PCS 195-196 #SEC 44 T4S R1W #MP29 02 44 0 009

Parcel Number: 29 02 44 0 009 299

Last Assessed to: KRISTEN J JOHNSON

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 2661 NALL STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was introduced and read at the regular meeting of April 25, 2023, and held over until the regular meeting of June 27, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-453-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2661 Nall Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

MINUTES OF JUNE 27, 2023

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **2661 Nail Street described as:**

LOT 6 BLK 1 S MILLVILLE S/D DBK 128 N S P 253 #SEC 23 T4S R1W #MP29 07 23 0 002

Parcel Number: 29 07 23 0 002 318

Last Assessed to: RICHARD & AMANDA SCOTT

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 748 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was introduced and read at the regular meeting of April 25, 2023, and held over until the regular meeting of June 27, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-454-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 748 Stanton Road has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance:

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

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

MINUTES OF JUNE 27, 2023

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **748 Stanton Road** described as:

LOT 61st ADD TO CECILIA COURT MBK 6 PG 423 #SEC 44 TSHRU 317 #SEC 27 T4S R1W #MP29 02 44 0 025

Parcel Number: 29 02 44 0 025 318

Last Assessed to: CREOLA OSBEY

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

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

Nays: None

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

NOTE: C.J. Small, City Council President, called for a recess at approximately 11:37 a.m.

NOTE: C. J. Small, City Council President, reconvened the meeting at approximately 11:46 am.

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO ELECTIONS SYSTEMS & SOFTWARE, LLC FOR ELECTION MATERIALS FOR SPECIAL MUNICIPAL ELECTION; \$16,619.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-695-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF JUNE 27, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10885</u>	2023	(1030) CITY CLERK	BALLOTS AND ELECTION MATERIALS FOR DISTRICT 6 SPECIAL ELECTION (ELECTION MATERIAL AND SUPPLIES, 41-16-51(A)(2))	\$16,619.00	<u>(295007) ELECTION SYSTEMS & SOFTWARE LLC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 EMPIRE TRUCK SALES, LLC FOR 5 KNUCKLE BOOM TRUCKS FOR TRASH DEPARTMENT; \$1,121,020.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-696-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6635</u>	2023	(F7000) MOTOR POOL	5 KNUCKLE BOOM TRUCKS FOR TRASH DEPARTMENT (SEALED BID 5801)	\$1,121,020.00	<u>(55656) EMPIRE TRUCK SALES LLC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 HARRELLS, LLC FOR FERTILIZER FOR AZALEA CITY GOLF COURSE; \$24,835.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-697-2023

Sponsored by: Mayor Stimpson

MINUTES OF JUNE 27, 2023

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9938</u>	2023	(F6130) AZALEA CITY GOLF COURSE	FERTILIZER FOR AZALEA CITY GOLF COURSE (SEALED BID 5813)	\$24,835.20	<u>(270772) HARRELLS LLC</u>

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 HELLAS CONSTRUCTION, INC. FOR SYNTHETIC TURF FOR LADD-PEEBLES STADIUM; \$470,352.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-698-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11097</u>	2023	(3032) ARCHITECTURAL ENGINEERING	SYNTHETIC TURF FOR LADD-PEEBLES STADIUM (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$470,352.00	<u>(298422) HELLAS CONSTRUCTION INC</u>

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

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

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

MINUTES OF JUNE 27, 2023

APPROVE PURCHASE ORDER TO QUANTICO TACTICAL, INC. FOR PATROL RIFLE OPTICS FOR MPD; \$44,172.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 08-699-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10847</u>	2023	(1530) POLICE ADMIN SERVICES	100 AIMPOINT PATROL RIFLE OPTICS FOR MPD (GSA CONTRACT)	\$44,172.00	(297215) <u>QUANTICO</u> <u>TACTICAL INC</u>

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

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

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

TRANSFER FUNDS FROM CAPITAL IMPROVEMENT PROJECT ENGINEERING, ROW AND TESTING TO PROJECT G-ACAMP-23; \$45,500.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 09-700-2023

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$45,500.00 be transferred from capital improvement project C0049 (20002000.94070) Engineering, ROW, and Testing to Project G-ACAMP23 (50005000.93030). These funds will be reallocated and used as match for the Alabama Department of Conservation and Natural Resources (ADCNR) Coastal Area Management Program Grant.

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

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

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

AUTHORIZE CONTRACT WITH BAY AREA CONTRACTING, INC., FOR CITY-WIDE FACILITY PARKING LOT RESURFACING AND SPOT STREET REPAIR; \$1,111,786.10. The following resolution was introduced by Councilmember Daves.

MINUTES OF JUNE 27, 2023

RESOLUTION: 21-701-2023

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small, Reynolds, Daves, District 6, Gregory

WHEREAS, bids for parking lot resurfacing and spot street repairs for districts 1,2,3,4,5,6 and 7 were received and opened on May 17, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from Bay Area Contracting, Inc., in the amount of \$1,111,786.10.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by Bay Area Contracting, Inc.

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: Bay Area Contracting, Inc.

Project Name: City Wide Facility Parking Lot Resurfacing and Spot Street Repair (D #1-7)

Project Number: 2023-3005-10

Amount: \$1,111,786.10

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH JPAYNE ORGANIZATION, LLC, FOR RELOCATION OF HANK AARON'S HOME FROM ITS CURRENT LOCATION TO A NEW LOCATION; \$124,500.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-702-2023

Sponsored by: Mayor Stimpson and Councilmember Penn

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: JPAYNE ORGANIZATION, LLC

Project Name: HANK AARON HOUSE RELOCATION

Project Number: PR-030-22

Amount: \$124,500.00

MINUTES OF JUNE 27, 2023

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

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

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA EMERGENCY MANAGEMENT AGENCY FOR THE HAZARD MITIGATION GRANT PROGRAM; \$400,000.00 (25% LOCAL MATCH OF \$100,000.00). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-703-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), funded through the Alabama Emergency Management Agency, a Notice of Award for grant assistance in the amount of \$400,000.00 for the Hazard Mitigation Grant Program. There is a 25% match requirement.

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 DHS/FEMA and the Alabama Emergency Management Agency. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

BE IT FURTHER RESOLVED that the Mobile City Council authorizes the expenditure of a 25% match in the amount of \$100,000.00 if said grant is awarded for a total project cost of \$500,000.00.

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

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

Nays: None

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

AUTHORIZE LEASE AGREEMENT BETWEEN THE CITY OF MOBILE AND THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 35-704-2023

Sponsored by: Mayor Stimpson

LEASE AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____ 2023, by and between the **City of Mobile** (which will hereinafter be referred to as the "**City**") and the **Board of School Commissioners of Mobile County**, (which will hereinafter be referred to as the "**Tenant**") (collectively the "**Parties**").

WITNESSETH

MINUTES OF JUNE 27, 2023

WHEREAS, the City is the fee owner of the parcels described in Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the parcels described in Exhibit A have been subject to a 99-year lease entered into between the Parties on February 13, 1973 and amended May 29, 1973 to correct the legal description (the 99-year lease and all amendments thereto together will collective be referred to herein as the “**Original Lease**”), and Tenant has been operating Williamson High School (“**Williamson**”) on said parcels pursuant to the terms thereof;

WHEREAS, the Original Lease became void when neither the Original Lease itself nor a memorandum thereof was recorded within the time frame required under Ala. Code § 35-4-6; and

WHEREAS, the Parties desire to enter into this Agreement so that there is an enforceable lease agreement providing the terms under which the Tenant may continue to lease and use the parcels described in Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the Parties hereto agree that this Lease shall supersede and replace the Original Lease, and further agree as follows:

1. Agreement to Lease:

(a) Tenant agrees to lease from the City the parcels described in Exhibit A and shown in Exhibit B (the “**Leased Premises**”) on the terms and conditions hereinafter set out for the “**Lease Term**” which shall be a 99-year period beginning on the above-stated date being the same date this Agreement was executed by both Parties (the “**Commencement Date**”) and ending on the 99th anniversary of the Commencement Date.

2. Leased Premises:

(a) Tenant has inspected the Leased Premises, and accepts it “AS IS” and has concluded it is adequate for Tenant’s continued operation of Williamson High School and the construction of a new stadium.

(b) Tenant understands that Parcel G referenced in Exhibit A shall be included in the “Leased Premises,” and subject to this Agreement, as soon as the parcel has been properly vacated by the City. Once the vacation document has been recorded by the City, the Parties agree to enter an amendment agreement updating the legal description for Parcel G in Exhibit A.

(c) Tenant shall not make any alterations to the Leased Premises without the prior written consent of the majority of its Board, however, if the Board’s bylaws require unanimous consent for such action to be taken, then such unanimous consent shall be required in order for the alternation to be permitted by this Agreement.

3. Occupancy and Use:

(a) Tenant may occupy the Leased Premises at all times during the Lease Term.

(b) Nothing contained herein is intended to restrict the right of entry or access of the City, its designees, it’s staff, and emergency and security personnel, it being specifically acknowledged by the Tenant that the City, it’s designees, it’s staff, and emergency and security personnel, shall have access to and right of entry to all areas of the Leased Premises at all times, except that access to any buildings including the planned new stadium on the Leased Premises shall require prior consent from the Tenant, which shall not be unreasonably withheld.

4. Rent, Expenses, and Costs:

MINUTES OF JUNE 27, 2023

(a) As consideration for the use of the Leased Premises, Tenant shall pay the City, rent in the amount of **One and No/100 Dollars (\$1.00)** for the entire Lease Term, receipt of which is hereby acknowledged by the City.

(b) The Tenant shall be responsible for ensuring that Tenant employs or contracts for a reasonable amount of security and maintenance personnel on the Leased Premises at the times needed throughout the Lease Term, and Tenant shall be solely responsible for maintenance, repairs, cleanup and any damages with respect to the Leased Premises which were not caused by the City.

5. Taxes, Licenses, Permits, Assessments:

(a) The Tenant shall be responsible for the collection and payment of any taxes, including sales taxes, that are due to state or local government from proceeds received by Tenant as a result of the occupancy of use of the Leased Premises or the performance of any service by Tenant upon the Leased Premises, or as a result of the sale by Tenant of tickets to a sporting event or any other item, novelty or commodity sold at the Leased Premises by Tenant.

(b) The Tenant shall be responsible for ensuring that Tenant obtains all necessary State and local business licenses required for Tenant's operation and use of the Leased Premises. Copies of all licenses and permits shall be provided by Tenant to the City upon written request from the City.

(c) The City shall not be liable for the payment of any tax, late charge, or penalty of any nature incurred by Tenant in Tenant's use of the Leased Premises, or any revenue received by or payments made to or by Tenant. Tenant shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, damages, license fees, municipal liens, levies, excises or imposts, whether general or special or ordinary or extraordinary, or every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature or kind, which may be levied, assessed, charged or imposed, or which may become a lien or charge against this Agreement or the property of the Tenant or of the City, caused or incurred by Tenant in its use of the Leased Premises.

6. Limitations on Use:

(a) Tenant shall not commit, allow or permit:

(i) Any waste or damage to, on, or about the Leased Premises;

(ii) Any unlawful or immoral uses or acts in, on, or about the Leased Premises;

(iii) Any uses or acts so as to injure persons or property in, on or about the Leased Premises; or,

(iv) Any nuisance in, on, or about the Leased Premises.

(b) Tenant shall comply with all legal requirements governing the use and the occupancy of the Leased Premises contemplated by this Agreement.

(c) Tenant shall not cause or permit Hazardous Material to be used, stored, or generated on, or transported to and from the Leased Premises in amounts prohibited by any applicable local, state or federal environmental law. "Hazardous Material" shall mean, without limitation, those substances included within the definitions of "hazardous substances", "hazardous materials", "toxic substances", or "solid waste" in any applicable local, state or federal environmental law.

7. Civil Rights Act.

During the performance of this Agreement, Tenant shall comply fully with Title VI and Title VII of the Civil Rights Act of 1964, as amended, and all other regulations promulgated thereunder, in addition to all applicable state and local ordinances concerning Civil Rights.

8. Americans With Disabilities Act.

MINUTES OF JUNE 27, 2023

Tenant shall be responsible for ensuring that the Leased Premises complies and continues to comply in all respects with the ADA, including accessibility, usability and configuration insofar as Tenant modifies, rearranges or sets up the Leased Premises in order to accommodate Tenant's usage. Tenant shall be responsible for any violations of the ADA on the Leased Premises as long as such violation was not caused by the City.

9. Insurance.

Tenant is self-insured for General Liability under the Alabama Trust for Boards of Education (\$1,000,000 for each claim made, \$2,000,000 in the aggregate).

10. Termination and Default.

The bankruptcy or insolvency of the Tenant, the failure to retain the liability coverage described above or similar coverage, Tenant's failure to secure the proper licenses or permits (those required by applicable law), or Tenant's failure to perform any other obligations hereunder shall be an "**Event of Default**" by Tenant. The City shall have the right to terminate this Agreement if Tenant ceases to use the Leased Premises for the purposes described herein.

The waiver by either party of any Event of Default, or other default, breach or violation of the terms of this Agreement, or the failure by either Party to enforce any of the provisions of this Agreement, or any rights herein, shall not in any respect limit, prejudice, diminish or constitute a waiver of any other right to otherwise act as allowed by law or this Agreement with respect to that Event of Default, default, breach or violation or of any continuing, prior, contemporaneous, or subsequent Event of Default, default, breach or violation, or to enforce any provisions or rights allowed under this Agreement.

11. Assignment:

This Agreement is not assignable or transferable without the prior written approval of the other Party. Tenant shall not encumber, hypothecate, or otherwise use as security its interests in this Agreement for any purpose whatsoever without the express written consent of the City.

This Agreement and the rights and obligations set forth herein shall inure only to the benefit of, and be binding only upon, the Parties hereto and their respective permitted successors and assigns. This Agreement shall not be construed as giving any person, other than the Parties hereto and their permitted successors and assigns any legal or equitable right, remedy or claim under or arising out of this Agreement, it being for the sole and exclusive benefit of the Parties and their permitted successors and assigns.

12. Severability:

The invalidity or unenforceability of any particular provision, or part of any provision, of this Agreement shall not affect the other provisions or parts hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions or parts were omitted.

17. Headings:

The paragraph headings are meant to be descriptive only and are not intended to affect or limit the content of the paragraph, nor are they to be used in interpreting the meaning of the paragraph or of this Agreement, it being intended that they only be used as a means to reference the provisions of this Agreement.

18. Singular and Plural:

Whenever the context shall so require, the singular shall include the plural, and the plural shall include the singular.

19. Counterparts:

MINUTES OF JUNE 27, 2023

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original copy of this Agreement.

20. Notices:

Any notice given pursuant to this Agreement shall be in writing and shall be transmitted to the City or to the Tenant, as the case may be as follows:

Notice to the City:

205 Government Street
Mobile, AL 36602
Attn: City Clerk

With copy to:

205 Government Street
Mobile, AL 36602
Attn: City Attorney

Notice to the Tenant:

Board of School Commissioners of Mobile County
Attn: Superintendent
1 Magnum Pass (physical)
P.O. Box 180069 (mailing)
Mobile, Alabama 36618

Any changes to the notice information for the Parties above must be provided to the other Party in advance and in writing.

21. Governing Law:

This Agreement shall be governed by and construed in accordance with the internal laws of the State of Alabama without giving effect to otherwise applicable principles of conflicts of law. Venue shall be in the Circuit Court of Mobile County, Alabama.

22. Entire Agreement:

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings with respect thereto. No other agreements, representations, warranties or other matters, whether oral or written, will be deemed to bind the Parties hereto with respect to the subject matter hereof. This Agreement shall not be altered, modified or amended in whole or in part, except in writing executed by each of the Parties hereto.

23. Force Majeure:

The Parties shall be liable to or responsible to the other for any future performance (future performance does not include the payment of monies then owed) prevented by an act of God, an occurrence of nature, pandemic, epidemic, an act of war, or because of a governmental prohibition.

EXHIBIT A

That real property situated in the County of Mobile, State of Alabama, described as follows, to-wit:

Parcel A

That parcel of land being bounded by a line described as follows, to wit: Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, run thence West along the Half Section line 240.00 feet to a point; thence run South 00 degrees, 12 minutes East, 339.20 feet to the point of beginning of the property herein described; thence continue South 00 degrees 12 minutes

MINUTES OF JUNE 27, 2023

East, 451.75 feet to a point, said point being the Southeast corner of property conveyed to Pate by Sweeney, by instrument recorded in Deed Book 572, page 132 of the Probate Court Records of Mobile County, Alabama; thence run West along the South line of property conveyed to Pate by Sweeney, a distance of 840.42 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company; thence run North along said East line, and a projection thereof a distance of 295.60 feet to a point; on the North line of said 100 foot right of way; thence run West along said North line and a projection thereof a distance of 246.72 feet, more or less, to a point on the East line of Antwerp Street; thence along the East line of Antwerp Street run North 605.36 feet to the Southeast corner of Antwerp and Dublin Streets; thence along the South line of Dublin Street run North 69 degrees 44 minutes East, 398.15 feet to the Southwest corner of Dublin Street and Swallow Drive; thence along the West line of Swallow Drive run South 00 degrees 01 minutes West, 636.82 feet to a point where the South line of Kingbird Drive, if extended Westwardly, would intersect; thence along said extension and along the South line of Kingbird Drive run South 89 degrees 59 minutes East, 441.80 feet to the P.C. of a curve to the left, said curve having a radius of 172.37 feet; thence along the arc of said curve and along the South line of Kingbird Drive run Eastwardly 134.69 feet to a point which bears North 67 degrees 37 minutes 50 seconds East, 131.29 feet from the P.C. of said curve; thence run South 89 degrees 59 minutes East, 149.28 feet to the point of beginning.

Parcel B

That parcel of land being bounded by a line more particularly described as follows, to-wit: From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.00 feet to a point, thence South 0 degrees 07 minutes 30 seconds East a distance of 494.40 feet to a point, thence West a distance of 937.75 feet to the point on the West line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence South and along said West line parallel with the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the North line of property conveyed by John C. McAleer, Sr. to James Smith and Johnnie V. Smith by deed dated October 1, 1956 and recorded in Real Property Book 323, page 619 of the records in the Office of the Judge of Probate of Mobile County, Alabama, thence West and along said North line a distance of 145.0 feet to a point of the East line of Antwerp Street, thence North along the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 145.00 feet to the point of beginning.

Parcel C

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama run West a distance of 240.00 feet to a point, thence South 0 degrees, 07 minutes, 30 seconds East a distance of 494.40 feet to a point, thence South 0 degrees, 12 minutes East, a distance of 295.6 feet to the point of beginning of the property herein described (said point being on the South line of the property of J. F. Pate), thence continue South 0 degrees 12 minutes East a distance of 199.75 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 201.12 feet to the Northeast corner of Gaynor Street and Swan Drive, thence North 0 degrees 02 minutes, 45 seconds West along the East line of Swan Drive a distance of 199.75 feet to a point on the South line of said Pate property, thence East and parallel with the North line of Gaynor Street a distance of 200.86 feet to the point of beginning.

Parcel D

From the Northeast corner of the Northeast One-Quarter of the Southeast One-Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet; thence South 0 degrees 07 minutes 30 seconds East a distance of 494.4 feet to a point; run thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street; run thence West along the North line of Gaynor Street a distance of 839.46 feet to the East line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described;

MINUTES OF JUNE 27, 2023

thence continue West along the North line of Gaynor Street a distance of 100 feet to a point on the West line of said right of way; run thence North along said West right of way line a distance of 495.35 feet to an angle point in said right of way line, run thence East and along the North line of said right of way a distance of 100 feet to a point on the projection of the East line of said right of way; run thence South along the projection of and along the said East line 495.35 feet to a point on the North line of Gaynor Street which is the point of beginning.

Parcel E

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet, thence South 0 degrees, 07 minutes 30 seconds East, a distance of 494.4 feet to a point, thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 251.12 feet to the Northwest corner of Gaynor Street and Swan Drive for the point of beginning of the property herein described, thence continue West along the North line of Gaynor Street a distance of 588.34 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company, thence North on said East line a distance of 199.75 feet to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 157.25 feet to a point on a 84 foot radius curve to the left and the South line of Kingfisher Drive, thence Southeastwardly along the arc of said curve and the South line of Kingfisher Drive a distance of 54.99 feet to the point of tangency, thence North 89 degrees 58 minutes 30 seconds East along the South line of Kingfisher Drive a distance of 375.94 feet to the Southwest corner of Kingfisher Drive and Swan Drive, thence South 0 degrees 02 minutes 45 seconds East along the West line of Swan Drive a distance of 180.59 feet to the point of beginning.

Parcel F

That portion of the vacated right of way of Swan Street lying North of Gaynor Street and South of the property conveyed to the City of Mobile, a municipal corporation, by Warranty Deed dated September 16, 1969 and recorded in Real Property Book 932, page 87.

Parcel G

The vacated right of way of Kingfisher Drive as evidence by _____.

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

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

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

ORDINANCES BEING INTRODUCED

ORDINANCE TO AMEND CHAPTER 38 OF MOBILE CITY CODE, MUNICIPAL COURT.

The following ordinance was held over until the regular meeting of July 5, 2023.

ORDINANCE: 38-030-2023

Sponsored by: Mayor Stimpson

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

SECTION 1: FINDINGS AND PURPOSE

MINUTES OF JUNE 27, 2023

The municipal Court of the City of Mobile, complies with the laws of the State of Alabama and the Code of the City of Mobile. The City Council of the City of Mobile hereby repeals in their entirety Sections 38-13 and 38-73 of the City Code and replaces them as follows:

SECTION 2: WORKING OUT JUDGMENT

Section 38-13 of the Mobile City Code is hereby repealed in its entirety and the following is adopted in substitution therefor:

Sec. 38-13. Working out judgment.

The judgment of the municipal court may provide that if a fine and costs are not paid within the time prescribed, the defendant shall work out the amount of the judgment under the direction of the municipal authority, allowing not less than ten dollars (\$10.00) for each day's service.

SECTION 3: APPEAL BOND

Section 38-73 of the Mobile City Code is hereby repealed in its entirety and the following is adopted in substitution therefor:

Sec. 38-73. Appeal bond.

A defendant may appeal in any case within fourteen (14) days from the entry of judgment by filing notice of appeal and giving bond, with or without surety, approved by the court or the clerk in an amount not more than twice the amount of the fine and costs, as fixed by the court, or in the event no fine is levied the bond shall be in an amount not to exceed one thousand dollars (\$1,000.00) or such other amount hereafter authorized by State law, as fixed by the court, conditioned upon the defendant's appearance before the circuit court. The municipal court may waive appearance bond upon satisfactory showing that the defendant is indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, a defendant sentenced to imprisonment shall not be released from custody, but may obtain release at any time by filing a bond approved by the municipal court.

SECTION 4:

SEVERABILITY: In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

SECTION 5:

REPEALER: All City Code sections and ordinances or parts of City Code sections and ordinances in conflict are repealed upon the effective date of this Ordinance.

SECTION 6:

EFFECTIVE DATE: This Ordinance shall become effective upon its adoption and publication as required by law.

ORDINANCE FOR A LEASE AGREEMENT BETWEEN THE CITY OF MOBILE AND THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY FOR CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES. The following ordinance was held over until the regular meeting of July 5, 2023.

ORDINANCE: 88-031-2023

Sponsored by: Mayor Stimpson

MINUTES OF JUNE 27, 2023

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

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

SEE ATTACHED EXHIBIT 'A' AND 'B'

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

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

SECTION FOUR: That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance in accordance with the terms and conditions set forth in Resolution No. 40-342, adopted April 15, 1986.

LEASE AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____, 2023, by and between the **City of Mobile** (which will hereinafter be referred to as the "**City**") and the **Board of School Commissioners of Mobile County**, (which will hereinafter be referred to as the "**Tenant**") (collectively the "**Parties**").

WITNESSETH

WHEREAS, the City is the fee owner of the parcels described in Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the parcels described in Exhibit A have been subject to a 99-year lease entered into between the Parties on February 13, 1973 and amended May 29, 1973 to correct the legal description (the 99-year lease and all amendments thereto together will collectively be referred to herein as the "**Original Lease**"), and Tenant has been operating Williamson High School ("**Williamson**") on said parcels pursuant to the terms thereof;

WHEREAS, the Original Lease became void when neither the Original Lease itself nor a memorandum thereof was recorded within the time frame required under Ala. Code § 35-4-6; and

WHEREAS, the Parties desire to enter into this Agreement so that there is an enforceable lease agreement providing the terms under which the Tenant may continue to lease and use the parcels described in Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the Parties hereto agree that this Lease shall supersede and replace the Original Lease, and further agree as follows:

1. Agreement to Lease:

(a) Tenant agrees to lease from the City the parcels described in Exhibit A and shown in Exhibit B (the "**Leased Premises**") on the terms and conditions hereinafter set out for the "**Lease Term**" which shall be a 99-year period beginning on the above-stated date being the same date this Agreement was executed by both Parties (the "**Commencement Date**") and ending on the 99th anniversary of the Commencement Date.

2. Leased Premises:

(a) Tenant has inspected the Leased Premises, and accepts it "AS IS" and has concluded it is adequate for Tenant's continued operation of Williamson High School and the construction of a new stadium.

(b) Tenant understands that Parcel G referenced in Exhibit A shall be included in the "Leased Premises," and subject to this Agreement, as soon as the parcel has been properly vacated by the City. Once the vacation document has been recorded by the City, the Parties agree to enter an amendment agreement updating the legal description for Parcel G in Exhibit A.

(c) Tenant shall not make any alterations to the Leased Premises without the prior written consent of the majority of its Board, however, if the Board's bylaws require unanimous consent for such action to be taken, then such unanimous consent shall be required in order for the alternation to be permitted by this Agreement.

3. Occupancy and Use:

(a) Tenant may occupy the Leased Premises at all times during the Lease Term.

(b) Nothing contained herein is intended to restrict the right of entry or access of the City, its designees, it's staff, and emergency and security personnel, it being specifically acknowledged by the Tenant that the City, it's designees, it's staff, and emergency and security personnel, shall have access to and right of entry to all areas of the Leased Premises at all times, except that access to any buildings including the planned new stadium on the Leased Premises shall require prior consent from the Tenant, which shall not be unreasonably withheld.

4. Rent, Expenses, and Costs:

(a) As consideration for the use of the Leased Premises, Tenant shall pay the City, rent in the amount of **One and No/100 Dollars (\$1.00)** for the entire Lease Term, receipt of which is hereby acknowledged by the City.

(b) The Tenant shall be responsible for ensuring that Tenant employs or contracts for a reasonable amount of security and maintenance personnel on the Leased Premises at the times needed throughout the Lease Term, and Tenant shall be solely responsible for maintenance, repairs, cleanup and any damages with respect to the Leased Premises which were not caused by the City.

5. Taxes, Licenses, Permits, Assessments:

(a) The Tenant shall be responsible for the collection and payment of any taxes, including sales taxes, that are due to state or local government from proceeds received by Tenant as a result of the occupancy of use of the Leased Premises or the performance of any service by Tenant upon the Leased Premises, or as a result of the sale by Tenant of tickets to a sporting event or any other item, novelty or commodity sold at the Leased Premises by Tenant.

(b) The Tenant shall be responsible for ensuring that Tenant obtains all necessary State and local business licenses required for Tenant's operation and use of the Leased Premises. Copies of all licenses and permits shall be provided by Tenant to the City upon written request from the City.

(c) The City shall not be liable for the payment of any tax, late charge, or penalty of any nature incurred by Tenant in Tenant's use of the Leased Premises, or any revenue received by or payments made to or by Tenant. Tenant shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, damages, license fees, municipal liens, levies, excises or imposts, whether general or special or ordinary or extraordinary, or every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature or kind, which may be levied,

assessed, charged or imposed, or which may become a lien or charge against this Agreement or the property of the Tenant or of the City, caused or incurred by Tenant in its use of the Leased Premises.

6. Limitations on Use:

(a) Tenant shall not commit, allow or permit:

(i) Any waste or damage to, on, or about the Leased Premises;

(ii) Any unlawful or immoral uses or acts in, on, or about the Leased Premises;

(iii) Any uses or acts so as to injure persons or property in, on or about the Leased Premises; or,

(iv) Any nuisance in, on, or about the Leased Premises.

(b) Tenant shall comply with all legal requirements governing the use and the occupancy of the Leased Premises contemplated by this Agreement.

(c) Tenant shall not cause or permit Hazardous Material to be used, stored, or generated on, or transported to and from the Leased Premises in amounts prohibited by any applicable local, state or federal environmental law. "Hazardous Material" shall mean, without limitation, those substances included within the definitions of "hazardous substances", "hazardous materials", "toxic substances", or "solid waste" in any applicable local, state or federal environmental law.

7. Civil Rights Act.

During the performance of this Agreement, Tenant shall comply fully with Title VI and Title VII of the Civil Rights Act of 1964, as amended, and all other regulations promulgated thereunder, in addition to all applicable state and local ordinances concerning Civil Rights.

8. Americans With Disabilities Act.

Tenant shall be responsible for ensuring that the Leased Premises complies and continues to comply in all respects with the ADA, including accessibility, usability and configuration insofar as Tenant modifies, rearranges or sets up the Leased Premises in order to accommodate Tenant's usage. Tenant shall be responsible for any violations of the ADA on the Leased Premises as long as such violation was not caused by the City.

9. Insurance.

Tenant is self-insured for General Liability under the Alabama Trust for Boards of Education (\$1,000,000 for each claim made, \$2,000,000 in the aggregate).

10. Termination and Default.

The bankruptcy or insolvency of the Tenant, the failure to retain the liability coverage described above or similar coverage, Tenant's failure to secure the proper licenses or permits (those required by applicable law), or Tenant's failure to perform any other obligations hereunder shall be an "**Event of Default**" by Tenant. The City shall have the right to terminate this Agreement if Tenant ceases to use the Leased Premises for the purposes described herein.

The waiver by either party of any Event of Default, or other default, breach or violation of the terms of this Agreement, or the failure by either Party to enforce any of the provisions of this Agreement, or any rights herein, shall not in any respect limit, prejudice, diminish or constitute a waiver of any other right to otherwise act as allowed by law or this Agreement with respect to that Event of Default, default, breach or violation or of any continuing, prior, contemporaneous, or subsequent Event of Default, default, breach or violation, or to enforce any provisions or rights allowed under this Agreement.

11. Assignment:

This Agreement is not assignable or transferable without the prior written approval of the other Party. Tenant shall not encumber, hypothecate, or otherwise use as security its

MINUTES OF JUNE 27, 2023

interests in this Agreement for any purpose whatsoever without the express written consent of the City.

This Agreement and the rights and obligations set forth herein shall inure only to the benefit of, and be binding only upon, the Parties hereto and their respective permitted successors and assigns. This Agreement shall not be construed as giving any person, other than the Parties hereto and their permitted successors and assigns any legal or equitable right, remedy or claim under or arising out of this Agreement, it being for the sole and exclusive benefit of the Parties and their permitted successors and assigns.

12. Severability:

The invalidity or unenforceability of any particular provision, or part of any provision, of this Agreement shall not affect the other provisions or parts hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions or parts were omitted.

17. Headings:

The paragraph headings are meant to be descriptive only and are not intended to affect or limit the content of the paragraph, nor are they to be used in interpreting the meaning of the paragraph or of this Agreement, it being intended that they only be used as a means to reference the provisions of this Agreement.

18. Singular and Plural:

Whenever the context shall so require, the singular shall include the plural, and the plural shall include the singular.

19. Counterparts:

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original copy of this Agreement.

20. Notices:

Any notice given pursuant to this Agreement shall be in writing and shall be transmitted to the City or to the Tenant, as the case may be as follows:

Notice to the City:

205 Government Street
Mobile, AL 36602
Attn: City Clerk

With copy to:

205 Government Street
Mobile, AL 36602
Attn: City Attorney

Notice to the Tenant:

Board of School Commissioners of Mobile County
Attn: Superintendent
1 Magnum Pass (physical)
P.O. Box 180069 (mailing)
Mobile, Alabama 36618

Any changes to the notice information for the Parties above must be provided to the other Party in advance and in writing.

21. Governing Law:

MINUTES OF JUNE 27, 2023

This Agreement shall be governed by and construed in accordance with the internal laws of the State of Alabama without giving effect to otherwise applicable principles of conflicts of law. Venue shall be in the Circuit Court of Mobile County, Alabama.

22. Entire Agreement:

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings with respect thereto. No other agreements, representations, warranties or other matters, whether oral or written, will be deemed to bind the Parties hereto with respect to the subject matter hereof. This Agreement shall not be altered, modified or amended in whole or in part, except in writing executed by each of the Parties hereto.

23. Force Majeure:

The Parties shall be liable to or responsible to the other for any future performance (future performance does not include the payment of monies then owed) prevented by an act of God, an occurrence of nature, pandemic, epidemic, an act of war, or because of a governmental prohibition.

EXHIBIT A

That real property situated in the County of Mobile, State of Alabama, described as follows, to-wit:

Parcel A

That parcel of land being bounded by a line described as follows, to wit: Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, run thence West along the Half Section line 240.00 feet to a point; thence run South 00 degrees, 12 minutes East, 339.20 feet to the point of beginning of the property herein described; thence continue South 00 degrees 12 minutes East, 451.75 feet to a point, said point being the Southeast corner of property conveyed to Pate by Sweeney, by instrument recorded in Deed Book 572, page 132 of the Probate Court Records of Mobile County, Alabama; thence run West along the South line of property conveyed to Pate by Sweeney, a distance of 840.42 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company; thence run North along said East line, and a projection thereof a distance of 295.60 feet to a point; on the North line of said 100 foot right of way; thence run West along said North line and a projection thereof a distance of 246.72 feet, more or less, to a point on the East line of Antwerp Street; thence along the East line of Antwerp Street run North 605.36 feet to the Southeast corner of Antwerp and Dublin Streets; thence along the South line of Dublin Street run North 69 degrees 44 minutes East, 398.15 feet to the Southwest corner of Dublin Street and Swallow Drive; thence along the West line of Swallow Drive run South 00 degrees 01 minutes West, 636.82 feet to a point where the South line of Kingbird Drive, if extended Westwardly, would intersect; thence along said extension and along the South line of Kingbird Drive run South 89 degrees 59 minutes East, 441.80 feet to the P.C. of a curve to the left, said curve having a radius of 172.37 feet; thence along the arc of said curve and along the South line of Kingbird Drive run Eastwardly 134.69 feet to a point which bears North 67 degrees 37 minutes 50 seconds East, 131.29 feet from the P.C. of said curve; thence run South 89 degrees 59 minutes East, 149.28 feet to the point of beginning.

Parcel B

That parcel of land being bounded by a line more particularly described as follows, to-wit: From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.00 feet to a point, thence South 0 degrees 07 minutes 30 seconds East a distance of 494.40 feet to a point, thence West a distance of 937.75 feet to the point on the West line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence South and along said West line parallel with the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the North line of

MINUTES OF JUNE 27, 2023

property conveyed by John C. McAleer, Sr. to James Smith and Johnnie V. Smith by deed dated October 1, 1956 and recorded in Real Property Book 323, page 619 of the records in the Office of the Judge of Probate of Mobile County, Alabama, thence West and along said North line a distance of 145.0 feet to a point of the East line of Antwerp Street, thence North along the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 145.00 feet to the point of beginning.

Parcel C

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama run West a distance of 240.00 feet to a point, thence South 0 degrees, 07 minutes, 30 seconds East a distance of 494.40 feet to a point, thence South 0 degrees, 12 minutes East, a distance of 295.6 feet to the point of beginning of the property herein described (said point being on the South line of the property of J. F. Pate), thence continue South 0 degrees 12 minutes East a distance of 199.75 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 201.12 feet to the Northeast corner of Gaynor Street and Swan Drive, thence North 0 degrees 02 minutes, 45 seconds West along the East line of Swan Drive a distance of 199.75 feet to a point on the South line of said Pate property, thence East and parallel with the North line of Gaynor Street a distance of 200.86 feet to the point of beginning.

Parcel D

From the Northeast corner of the Northeast One-Quarter of the Southeast One-Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet; thence South 0 degrees 07 minutes 30 seconds East a distance of 494.4 feet to a point; run thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street; run thence West along the North line of Gaynor Street a distance of 839.46 feet to the East line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence continue West along the North line of Gaynor Street a distance of 100 feet to a point on the West line of said right of way; run thence North along said West right of way line a distance of 495.35 feet to an angle point in said right of way line, run thence East and along the North line of said right of way a distance of 100 feet to a point on the projection of the East line of said right of way; run thence South along the projection of and along the said East line 495.35 feet to a point on the North line of Gaynor Street which is the point of beginning.

Parcel E

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet, thence South 0 degrees, 07 minutes 30 seconds East, a distance of 494.4 feet to a point, thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 251.12 feet to the Northwest corner of Gaynor Street and Swan Drive for the point of beginning of the property herein described, thence continue West along the North line of Gaynor Street a distance of 588.34 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company, thence North on said East line a distance of 199.75 feet to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 157.25 feet to a point on a 84 foot radius curve to the left and the South line of Kingfisher Drive, thence Southeastwardly along the arc of said curve and the South line of Kingfisher Drive a distance of 54.99 feet to the point of tangency, thence North 89 degrees 58 minutes 30 seconds East along the South line of Kingfisher Drive a distance of 375.94 feet to the Southwest corner of Kingfisher Drive and Swan Drive, thence South 0 degrees 02 minutes 45 seconds East along the West line of Swan Drive a distance of 180.59 feet to the point of beginning.

Parcel F

MINUTES OF JUNE 27, 2023

That portion of the vacated right of way of Swan Street lying North of Gaynor Street and South of the property conveyed to the City of Mobile, a municipal corporation, by Warranty Deed dated September 16, 1969 and recorded in Real Property Book 932, page 87.

Parcel G

The vacated right of way of Kingfisher Drive as evidence by _____.

EXHIBIT B

Parcels A through G described in Exhibit A are shown below.



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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 37-705 through 60-721 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LIQUOR LICENSE TO BOTTLES UP MOBILE, INC.; COOPER RIVERSIDE PARK. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 37-705-2023

Sponsored by: Councilmember Carroll

MINUTES OF JUNE 27, 2023

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

Type of application: Special Events Retail Liquor License

Submitted by: Bottles Up Mobile, Inc.

Location: July 4th Celebration
1 Government Street
Cooper Riverside Park
Mobile, Al 36602

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 LIQUOR CLASS II (PACKAGE STORE) LICENSE TO HILLWOOD LIQUORS, 2370 HILLCREST ROAD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 37-706-2023

Sponsored by: City Council

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 II (Package Store) License

Submitted by: Hillwood Liquors, LLC

Location: Hillwood Liquors
2370 Hillcrest Road, Suite K
Mobile, Al 36695

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 1823 ST. CHARLES AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-707-2023

Sponsored by: Councilmember Penn

MINUTES OF JUNE 27, 2023

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 1823 ST CHARLES 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. 3, 4, 5, 7, and 8; 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 **1823 ST. CHARLES AVENUE** described as:

W 1/2 OF LOT 16 STRAUSS 1ST ADD TO TOULMINVILLE DBK 156 P 294-295 #SEC 44 T4S R1W #MP29 02 44 0 033

Parcel Number: 29 02 44 0 033 085.01

Last Assessed to: HERRON ADOLPH & ROSE MARIE

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

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

The resolution was read by the City Clerk, whereupon Councilmember Penn moved to hold the resolution over for sixty days, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of August 29, 2023.

DECLARE THE STRUCTURE AT 815 STANTON ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-708-2023

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code. "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 815 STANTON 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

MINUTES OF JUNE 27, 2023

structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 5, 7, and 8; 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 **815 STANTON ROAD described as:**

LOTS 7 & 8 LAWRENCE BROWN S/D MBK 6/45 #SEC 44 T4S R1W #MP29 02 44 0 025

Parcel Number: 29 02 44 0 025 229

Last Assessed to: HUDSON DUDLEY & LELIA

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 360 W. HIGHLAND AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-709-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 360 W HIGHLAND 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, 5, 6, 7, 8, and 14; 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

MINUTES OF JUNE 27, 2023

BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **360 W. HIGHLAND AVENUE** described as:

LOT 11 BLK 1 ELIZABETH HGTS MBK 4 P 230 #SEC 44 T4S R1W #MP29 02 44 0 016

Parcel Number: 29 02 44 0 016 089.01

Last Assessed to: KIDD MARY ELLA C/O EDNA BAILEY ALDRIDGE

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 1301 LOLA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-710-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1301 LOLA 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. 3, 4, 5, 7, 8, and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1301 LOLA STREET** described as:

E 28.5 FT LOT 1J J MCMAHON ADD DBK 128 PG 7 #SEC 40 T4S R1W #MP29 06 40 0 007

Parcel Number: 29 06 40 0 007 224

Last Assessed to: ROBERTS ROSS & ROSIE MARY C/O EMANUEL ROBERTS

MINUTES OF JUNE 27, 2023

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

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 501 YUKERS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-711-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 501 YUKERS 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. 2, 3, 4, 5, 7 and 8; 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 **501 YUKERS STREET** described as:

LOT 1 DOSS S/D MBK 76/85 #SEC 44 T4S R1W #MP29 02 44 0 030

Parcel Number: 29 02 44 0 030 047.001

Last Assessed to: SELWONK ENTERPRISE INC

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

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

MINUTES OF JUNE 27, 2023

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 1156 OLIVER STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-712-2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1156 OLIVER STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 7, 8, 9 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 **1158 OLIVER STREET described as:**

PART LOT C ROWELL EST S/D MBK 4 P 160 DESC AS BEG AT A PT ON W/L OLIVER ST 195 FT SLY FR SW COR OF SAID ST & POLLARD LANE TH CONT SLY 91 FT TH W 210.5 FT N 60 FT E 142 FT TO POB #SEC 51 T4S R1W #MP29 09 51 0 007

Parcel Number: 29 09 510 007 213

Last Assessed to: THOMPSON HORACE S & MILDRED S

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

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

Nays: None

MINUTES OF JUNE 27, 2023

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

DECLARE THE STRUCTURE AT 7217 3rd STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-713-2023

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 7217 3RD 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, 3, 4, 5, 7, 8 and 15; and**

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **7217 3RD STREET** described as:

LOTS 47 - 49 BLOCK 5 OF MOBILE TERRACE DBK 156 N S 540-2

Parcel Number: 28 0418 4 005 079

Last Assessed to: MORRIS DANIEL & OCTAVIA DAVIS

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

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2410 CONE STREET; \$5,600.00. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-714-2023

Sponsored by: Councilmember Penn

MINUTES OF JUNE 27, 2023

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at **2410 Cone Street** and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 2410 Cone Street to be \$5,600.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$5,600.00 shall constitute a special assessment against the property at structure 2410 Cone Street and being that property more particularly described as follows:

LOT 6 BLK 6 FAIR OAKS SUBD MBK 4 PG 95 #SEC 44 T4S R1W #MP29 02 44 0 025

Parcel No.: 29 02 44 0 025 239

**Owner: HALL HENRY & NATHANIEL PINE
1 FREEDOM CIR
HAMPTON VA 23666-2859**

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

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

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

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

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

**FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 2659 REAVES STREET;
\$4,950.00.** The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-715-2023

Sponsored by: Councilmember Penn

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at **2659 Reaves Street** and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 2659 Reaves Street to be 54,950.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost

MINUTES OF JUNE 27, 2023

of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$4,950.00 shall constitute a special assessment against the property at structure 2659 Reaves Street and being that property more particularly described as follows:

LOT 24 MBK 3 P 513 RESUB OF LOTS 15-16 BLK F RIVERSIDE SUBDIV MBK 3 PG 296 #SEC 40 T5S R1W #MP32 07 40 0 003

Parcel No.: 29 07 23 0 002 152

**Owner: BETTIS LOUELLA
2659 REAVES ST
MOBILE AL 36607-2025**

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

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

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

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

Nays: None

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 209 LEXINGTON AVENUE: \$4,200.00. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-716-2023

Sponsored by: Councilmember Carroll

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at **209 Lexington Avenue** and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 209 Lexington Avenue to be \$4,200.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$4,200.00 shall constitute a special assessment against the property at structure 209 Lexington Avenue and being that property more particularly described as follows:

MINUTES OF JUNE 27, 2023

THE N PART OF LOT 37 BLK 1 DBK 70 N.S. P 126 MORE DESC AS FOLL THE N PART OF LOT 37 BLK 1 COMM AT THE XW COR OF ST STEPHENS RD & LEXINGTON AVE & RUN TH WLY ALG THE S/L OF ST.STEPHENS RD 115.8 FT TO A PT TH SLY ALG THE E/L OF PPTY NOW OR FORMERLY OF MRS.SWAIN 34.4 FT TO THE N LINE OF THE LOT OF AMIE I. I EDEN TH ELY ALG SAID LINE TO THE W LINE OF LEXINGTON AVE AT A PT DIS 30 FT N OF LOT 36 OF SAID BLK 1 & TH NLY ALG THE W/L OF LEXINGTON AVE TO THE PLACE OF BEG BEING THE SAME PPTY CONVEYED TO KIRK

Parcel No.: 29 07 25 0 005 159

**Owner: JAVIER AGUSTIN - ESCAMILLA & ALICIA T De JAVIER
6501 HARDING ST
HOLLYWOOD FL 33024-4004**

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

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

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

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 215 ½ NORMAN STREET: \$2,550.00. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-717-2023

Sponsored by: Councilmember Carroll

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at **215 ½ Norman Street** and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 215 ½ Norman Street to be \$2,550.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of \$2,550.00 shall constitute a special assessment against the property at structure 215 ½ Norman Street and being that property more particularly described as follows:

COMG SW COR LOLA ST AND NORMAN STS TH S 36.5 FT TO POB CONT S 25 FT(S) TH WLY 113.52 FT TH N 35 FT(S) TH ELY 125 FT TO BEG #SEC 40 T4S R1W #MP29 06 40 0 007

MINUTES OF JUNE 27, 2023

Parcel No.: 29 06 40 0 007 236

**Owner: ZEINE RAYNODD & JAPQNICA ZEINE
5215 MONTIELCT
MOBILE AL 36693-2577**

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

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

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

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

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

**FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 3201 CENTER ROAD;
\$2,550.00.** The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-718-2023

Sponsored by: Councilmember Small

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at **3201 Center Road** and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 3201 Center Road to be \$2,550.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1, The amount of \$2,550.00 shall constitute a special assessment against the property at structure 3201 Center Road and being that property more particularly described as follows:

**LOT 24 MBK 3 P 513 RESUB OF LOTS 15-16 BLK F RIVERSIDE SUBDIV MBK 3 PG
296 #SEC 40 T5S R1W #MP32 07 40 0 003**

**Parcel No.: 32 07 40 0 003 054
Owner: CKC PROPERTIES LLC
PO BOX 91866
MOBILE AL 36691**

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

MINUTES OF JUNE 27, 2023

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

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

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

Nays: None

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

DECLARE WEEDS NOXIOUS, GROUP 1643. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 58-719-2023

Sponsored by: Mayor Stimpson

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 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 cutting such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

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 (if which is on hie 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 1643** 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 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.

MINUTES OF JUNE 27, 2023

WEED LIEN						
1643						Res. No.
6/27/2023	LOTS TO BE DECLARED					58-
8/1/2023	LOTS FOR PUBLIC HEARING					58-
//2023	LOTS TO BE ASSESSED FOR COST					58-
		OLD SRO		Amount	Dis	N/A
No.	Address	CASE #	CASE #	Assessed		CBO
1	603 Williams St	31346	25664		2	
2	1951 St Stephens Rd	24710	25665		1	
3	2971 Cottage Hill Rd	21786	25666		5	
4	2071 Foster Lane	22209	25667		3	
5	1310 Linwood Dr	25019	25668		3	
6	2455 Second Ave	28143	25669		1	
7	1553 Plover St	31237	25670		2	
8	1083 Dauphin Island Pkwy	31272	25671		3	
9	550 Dexter Ave	12504	25672		2	
10	508 Holcombe Ave	30324	25673		2	
11	2059 Gimon Cir S	30240	25674		3	
12	1069 Wellington St	24151	25675		1	
13	2107 Felix St	24573	25676		1	
14	1104 Partridge St	28555	25677		2	
15	1120 Partridge St	24765	25678		2	
16	2018 Tucker St	11609	25679		1	
17	403 Robbins St	29417	25680		2	
18	1060 Etta Ave	24876	25681		1	
19	765 Donald St	24847	25682		1	
20	2406 Brewton Ave	24827	25683		1	
				\$ -		
District total for this group						
1	8					
2	7					
3	4					
4	0					
5	1					
6	0					
7	0					
	20		0			
*ADD Added in from other Groups						
*CBO Cut By Owner						
*N/A Taken out by Inspector						

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 ADMINISTRATIVE SERVICES EMPLOYEE OF THE MONTH; KING. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-720-2023

Sponsored by: Mayor Stimpson

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

MAY 2023 – CEYMONE KING (Employee #20431) ANIMAL SERVICES ANIMAL PLACEMENT SPECIALIST

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, 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 MOBILE ALUMNI CHAPTER KAPPA ALPHA PSI, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-721-2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$1,000.00** to Mobile Alumni Chapter Kappa Alpha Psi, Inc., from her discretionary funds; and

WHEREAS, Mobile Alumni Chapter Kappa Alpha Psi, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Mobile Alumni Chapter Kappa Alpha Psi, Inc., will be used to assist with the 16th Annual Golf Tournament, 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 Mobile Alumni Chapter Kappa Alpha Psi, 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 Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO UNIVERSITY OF SOUTH ALABAMA FOR EMT CERTIFICATION CLASS FOR MFRD; \$60,000.00. The following resolution was held over until the regular meeting of July 5, 2023.

MINUTES OF JUNE 27, 2023

RESOLUTION: 08-722-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11275</u>	2023	(1510) FIRE ADMINISTRATION	EMT CERTIFICATION CLASS FOR MFRD (INTERGOVERNMENTAL AGREEMENT)	\$60,000.00	(281269) <u>UNIVERSITY OF SOUTH ALABAMA</u>

APPROVE PURCHASE ORDER TO SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR LED STREET LIGHT LUMINIARIES FOR TRAFFIC ENGINEERING DEPARTMENT; \$53,880.00. The following resolution was held over until the regular meeting of July 5, 2023.

RESOLUTION: 08-723-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6671</u>	2023	(2060) TRAFFIC ENGINEERING	30 PARAGON ACORN LED STREET LIGHT LUMINAIRES FOR TRAFFIC ENGINEERING (SEALED BID 5814)	\$53,880.00	(278464) <u>SOUTHERN LIGHTING & TRAFFIC SYSTEMS</u>

APPROVE PURCHASE ORDER TO SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING DEPARTMENT; \$69,500.00. The following resolution was held over until the regular meeting of July 5, 2023.

RESOLUTION: 08-724-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF JUNE 27, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11305</u>	2023	(2060) TRAFFIC ENGINEERING	5 TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING (SEALED BID 5803)	\$69,500.00	(278464) SOUTHERN LIGHTING & TRAFFIC SYSTEMS

APPROVE PURCHASE ORDER TO SOUTHERN LIGHTING & TRAFFIC SYSTEMS FOR TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING DEPARTMENT; \$100,700.00. The following resolution was held over until the regular meeting of July 5, 2023.

RESOLUTION: 08-725-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11128</u>	2023	(2060) TRAFFIC ENGINEERING	7 TRAFFIC SIGNAL CONTROLLER CABINETS FOR TRAFFIC ENGINEERING (SEALED BID 5803)	\$100,700.00	(278464) SOUTHERN LIGHTING & TRAFFIC SYSTEMS

APPROVE PURCHASE ORDRE TO GRAYBAR ELECTRIC CO., INC. FOR DECORATIVE STREET LIGHT POLES FOR TRAFFIC ENGINEERING DEPARTMENT; \$27,591.48. The following resolution was held over until the regular meeting of July 5, 2023.

RESOLUTION: 08-726-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11263</u>	2023	(2060) TRAFFIC ENGINEERING	9 DUCTILE IRON DECORATIVE STREET LIGHT POLES FOR TRAFFIC ENGINEERING (SEALED BID 5814)	\$27,591.48	(075199) GRAYBAR ELECTRIC CO INC

AUTHORIZE CONTRACT WITH JPAYNE ORGANIZATION, LLC FOR FOUNTAIN & SITE AMENITIES IMPROVEMENTS AT BIENVILLE SQUARE; \$3,247,560.00. The following resolution was held over until the regular meeting of July 5, 2023.

MINUTES OF JUNE 27, 2023

RESOLUTION: 21-727-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: JPAYNE ORGANIZATIONS, LLC

Project Name: BIENVILLE SQUARE FOUNTAIN
AND SITE AMENITIES IMPROVEMENTS

Project Number: PR-021-22

Amount: \$3,247,560.00

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MAHARAJ.

The following resolution was held over until the regular meeting of July 5, 2023.

RESOLUTION: 60-728-2023

Sponsored by: Mayor Stimpson

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

A copy of said settlement agreement is on file in the Office of the City Clerk.

ANNOUNCEMENTS

Lisa Lambert, City Clerk, announced that the Absentee Office for the Special District 6 Municipal Election is now open Monday – Friday from 8:30 a.m. – 4:30 p.m.

Councilmember Reynolds gave comments addressing the various disruptions during the council meeting today.

Councilmember Penn stated that he was excited to bring Hank Aaron's home back to Toulminville.

Councilmember Penn announced a Neighborhood Planning meeting will be on tonight at Franklin Street Baptist Church at 6:00 p.m.

Councilmember Carroll informed citizens that he will be attending the Leinkauf community meeting on tonight at 6:00 p.m.

Councilmember Greogry shared that she presented the award to the "2023 Distinguished Young Woman of America" on this past Saturday at the Mobile Civic Center.

Councilmember Small stated that a Revitalize DIP community meeting will be on tonight at the First Precinct at 6:00 p.m.

Councilmember Small announced a "Back To School Rally" will be at the Pleasant Valley shopping center on July 30, 2023, at 2:00 p.m.

Councilmember Gregory informed citizens that the resurfacing of the Hillsdale Recreation Center will begin soon.

MINUTES OF JUNE 27, 2023

Lisa Lambert, City Clerk, stated that the regular Council meeting scheduled on July 4, 2023, has be moved to July 5, 2023, due to the July 4th Holiday.

Michael Linder, Council Attorney, stated that it is appropriate for the Council to move into executive session immediately following the regular meeting to discuss general character, reputation, and behavior of certain people and discussions of safety and security

Councilmember Small called for a roll call vote to go into executive session, and to not reconvene, and the vote was as follows:

- Penn: Aye
- Carroll: Aye
- Small: Aye
- Reynolds: Aye
- Daves: Aye
- Gregory: Aye

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:58 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK