

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 22, 2018

The Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, May 22, 2018, at 9:00 a.m.

Present:

Chairman: City Clerk Lisa C. Lambert

Councilmembers: Small, Williams, Daves, Rich and Gregory

Absent: Richardson and Manzie

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m. on Tuesday, May 22, 2018.

The Presiding Officer adjourned the meeting.

Approved: May 29, 2018

CHAIR

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 22, 2017

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, May 22, 2018, at 10:30 a.m., in regular meeting.

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

Dr. Robbins Sims, Senior Pastor, Dauphin Way United Methodist Church, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Manzie

Councilmembers: Richardson, Small, Daves, Rich and Gregory

Absent: Williams

STATEMENT OF RULES BY COUNCIL VICE PRESIDENT:

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

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

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

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

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

5) Any person desiring to speak to the Council on a non-agenda item must contact the City Clerk's Office no later than 2:00 p.m. on the Thursday prior to the Council Meeting.

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The subject he/she wishes to address must be identified. Any person attending the meeting who has not given proper notice to the Clerk's Office and wishes to speak on a non-agenda item will not be allowed to address the Council.

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

APPROVAL OF MINUTES:

The minutes of the meeting of May 15, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson introduced interns Adam Schmitt and Carim Garcia, along with recent Davidson High School graduate Haley Harrell who is shadowing the Mayor today.

Mayor Stimpson reminded citizens to pause and reflect on the sacrifices of those that we celebrate on Memorial Day.

Mayor Stimpson commented on how Ordinance 52-010 will allow the City to abate blighted vehicles.

Mayor Stimpson announced that three (3) public meetings will be held for the public's input regarding parks and recreation improvements.

PRESENTATIONS BY THE COUNCIL:

None.

NEW COMMITTEE ASSIGNMENTS:

None.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS:

The Council considered the request of Andrew Howell, Regency Church of Christ, for a waiver of the Noise Ordinance at 501 South University Boulevard (Regency Church building back parking lot) on June 1, 2018, from 7:30 p.m. – 10:00 p.m. (District 5).

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

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

Nays: None

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

PUBLIC HEARINGS:

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PUBLIC HEARING TO REZONE PROPERTY AT THE SOUTH SIDE OF KOOIMAN ROAD, 375' ± EAST OF U. S. HIGHWAY 90 WEST, FROM R-1 TO B-1 (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to rezone property at the south side of Kooiman Road from R-1 to B-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.

NOTE: At approximately 10:47 a.m. Councilmember Williams joined the meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. John Burke, 1775 Pake Avenue, stated his concerns regarding Ordinance 52-010.

NON-AGENDA ITEMS:

1. Joe Keffer, 328 South Sage Avenue, addressed the Council regarding issues concerning City Public Works employees and the poor. Mr. Keffer's comments were a continuation of his comments from the May 8, 2018 meeting.
2. Mark Bass, 505 Dr. Martin Luther King, Jr. Avenue, voiced his concerns about the working conditions of City Public Works employees and their lack of pay increases.
3. The City Attorney provided the Council with information comparing the pay rates of Mobile Public Works employees to comparable positions in other cities in Alabama.

ORDINANCES HELD OVER:

AMEND CHAPTER 52 OF THE MOBILE CITY CODE FOR THE ABATEMENT AND REMOVAL OF INOPERABLE MOTOR VEHICLES AS PUBLIC NUISANCES. The following ordinance, which was introduced and read at the regular meeting of Tuesday, May 8, 2018 and held over until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

ORDINANCE: 52-010-2018

Sponsored by: Mayor Stimpson

AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL OF INOPERABLE MOTOR VEHICLES AS PUBLIC NUISANCES

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

SECTION ONE. That Chapter 52 of the Mobile City Code is hereby amended by adding the following as Article VII:

Section 52 -162. Short Title.

This Article shall be known and cited as the Inoperable Motor Vehicle Ordinance.

Section 52 -163. Authorization.

This Article is authorized and enacted pursuant to Alabama Act No. 2018 - 197.

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Section 52 -164. Purpose.

The declared purposes of this Article are to:

1. Carry into effect the powers and duties conferred by Alabama Act No. 2018-197.
2. Provide for, promote, and protect the safety, health, and general welfare of the residents and property owners of the City of Mobile.
3. Limit the outdoor storage of junked and inoperable motor vehicles for the purpose of promoting and protecting property values and the general appearance of residential neighborhoods and the City as a whole.

Section 52 -165. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

1. The term "Inoperable motor vehicle" means any motor vehicle, trailer, recreational vehicle, camper, or semi-trailer that has remained on private property and in view of the general public for thirty (30) days or more and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train, or wheels, are missing or are not functional, or the vehicle otherwise constitutes a nuisance.
2. The term "official" means the City's Code Official, a municipal law enforcement officer, a municipal enforcement officer, or any other municipal employee designated by the Mayor to exercise the authority and perform the duties required by this Article.
3. The term "City" means the City of Mobile, Alabama.

Section 52 -166. Declaration of public nuisance.

Inoperable motor vehicles are hereby declared to be public nuisances.

Section 52 -167. Exceptions.

An inoperable motor vehicle shall not be deemed a public nuisance, and therefore the abatement procedures established by this Article do not apply, under any of the following circumstances:

1. The motor vehicle has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, provided that no such motor vehicle may remain on private property for a period not to exceed an aggregate total of thirty (30) days.
2. The motor vehicle is on the premises of a place of business engaged in the wrecking or junking of motor vehicles or primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers, provided that such place of business has a duly-issued and current City of Mobile business license.
3. The motor vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties. Covering inoperable motor vehicles with tarps or car covers does not meet the requirements of this ordinance.

Section 52 -168. Procedures and enforcement.

1. Whenever an official shall find an inoperable motor vehicle as is defined herein, the official shall cause a notice of violation to be issued by placing a notice on the vehicle and by providing written notice to the owner of record of the property on which the vehicle is located and, in cases where the vehicle is in such a condition that identification numbers are available to determine ownership, to the last registered owner of record of

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the vehicle and to any secured party or other holder of a recorded or registered security interest or lien on the motor vehicle.

2. The Notice of Violation shall state the following:

- a. That the vehicle has been determined to be a public nuisance;
- b. That the owner of the vehicle is given thirty (30) days from the date the notice is received to either cause the vehicle to be removed from said property or to cause the vehicle to be stored in an enclosed building completely shielded from the view of individuals on the adjoining properties;
- c. That if the vehicle is not removed or stored in an enclosed building within that period of time the city will cause its removal;
- d. That all expenses incurred in removing the vehicle from the property will be assessed against the registered owner of the vehicle if the identity of the owner can be determined, or against the owner of the property on which the vehicle is located; and;
- e. That a hearing before the City Council on the question of abatement and removal of the inoperable motor vehicle as a public nuisance may be requested by the owner of the vehicle, any secured party or the property owner within the thirty-day period, and that if no hearing is requested then the vehicle will be removed by the city.

3. Request for Hearing.

- a. If a request for a hearing is received within the thirty day period, the City Council shall schedule the hearing to be held at a regularly scheduled meeting within fourteen (14) days after the request has been received. Notice giving the time, location, and date of the hearing on the question of abatement and removal of the inoperable motor vehicle as a public nuisance shall be mailed by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll, to the last registered owner of record of the vehicle, and to any registered or recorded secured party or lienholder unless the vehicle is in such a condition that identification numbers are not available to determine ownership.
- b. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land or otherwise show his or her plans to abate the nuisance. No cost of the administration or removal of the vehicle shall be assessed against the landowner if it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence.
- c. The registered owner of the vehicle may appear in person at the hearing and present any reason why such vehicle should not be determined to be a public nuisance, why removal should not occur, or why the cost of abatement should not be assessed against said owner, or may present a plan for abatement of said vehicle within a set period of time.
- d. Any secured party may appear at the hearing and present a plan for removal of the vehicle or may present reasons why the vehicle should not be removed and sold by the City.
- e. The Council shall consider the information presented at the meeting at which it is presented unless the Council shall affirmatively find that the information or evidence submitted raises issues which require additional investigation, in which case the matter may be passed to a meeting no later than the second regularly scheduled meeting subsequent to the meeting at which the matter is initially presented, at which time the Council shall act on the matter. At the conclusion of the hearing the Council may:

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1. Deny any requested relief and order the abatement of the vehicle and its disposal to proceed.
2. Declare that the property owner on whose property the vehicle is located is not responsible for the vehicle due to the vehicle having been placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence.
3. Determine that the vehicle is not a public nuisance and that removal is not required.
4. Accept an adequate plan for removal of the vehicle presented by the property owner or owner of the vehicle, set a date certain by which time the vehicle shall be removed and direct that in the event the vehicle is not removed by the date set, the vehicle shall be immediately abated by the City and all costs assessed against the party presenting the plan for removal.

Section 52 -169. Removal by owner.

The owner of the land on which the vehicle is located, any secured party, or the registered owner of the vehicle may remove the vehicle at his or her own expense prior to the removal of the vehicle by the City.

Section 52 -170. List of providers of vehicle removal services.

The city will maintain a list of names of persons or private contractors, or both, who perform vehicle removal services. Any company or individual providing such service may request to be added to this list. The City will not recommend any particular individual or company but will, upon request of the registered owner of the vehicle, secured party or property owner provide them with a copy of the list. The registered owner of the vehicle, secured party or property owner shall not be required to utilize the services of any company or individual listed, but may use any lawful means to cause the removal of the vehicle and may utilize the services of any individual or company for said removal.

Section 52 -171. Removal by City.

1. After the expiration of thirty (30) days from the date the Notice of Violation is issued, if the vehicle has not been removed from the property or moved to an enclosed building completely shielded from the view of individuals on the adjoining properties, and if a request for hearing before the City Council has not been made, then the City shall cause the vehicle to be removed. If request is made for a hearing before the City Council and the City Council determines that the vehicle is a public nuisance and that removal should proceed, and the property owner, vehicle owner or holder of the security interest has not removed the vehicle or moved it to an enclosed building completely shielded from the view of individuals on the adjoining properties within five (5) days from the date of the decision of the City Council, then the City shall cause the vehicle to be removed. If a plan for removal of the vehicle had been presented to the City Council and accepted and removal has not been accomplished by the date set, then the City shall cause the immediate removal of the vehicle.
2. Any private contractors used by the City for removal of inoperable motor vehicles shall be selected on a rotation schedule among the contractors providing vehicle removal services in the city.
3. Inoperable motor vehicles removed by the City pursuant to the provisions of this Ordinance will be towed and stored at the City Impound Lot.

Section 52 -172. Disposal of vehicles.

1. Inoperable motor vehicles that have been stored at the City Impound Lot for sixty (60) days without anyone having made claim thereto may be sold at public auction.

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2. Notice of the date, time, and place of the sale and a description of the vehicle to be sold, including the year, make, model, and vehicle identification number, shall be given by publication once a week for two consecutive weeks in a newspaper of general circulation.

3. Written notice of the date, time, and place of the sale, a description of the vehicle to be sold, including the year, make, model, and vehicle identification number, and the approximate amount of the costs of towing and storage, shall be given to the registered owner, any secured party or lienholder, and the property owner no less than ten (10) days before the scheduled date of the public auction.

4. The proceeds of any such sale shall first be applied toward the payment of any and all costs incurred by the City. Any excess funds from the sale, minus the costs of removal and administration, shall be returned to the owner.

Section 52 -173. Notice to the Department of Revenue.

The City shall notify the Department of Revenue of the sale or disposition of the inoperable motor vehicle on a form supplied by the Department.

Section 52 -174. Assessment of costs.

Costs of removal, including towing and storage charges, may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, or may be assessed against the owner of the property on which the vehicle was stored. No cost of the administration or removal of the vehicle shall be assessed against the landowner if it is determined by the City Council that the vehicle was placed on the land without the consent of the landowner and that he or she had not subsequently acquiesced in its presence.

SECTION TWO. The provisions of this Ordinance are supplemental and shall not be construed as limiting or restricting any power or authority the City may now have or possess under any other provision of law or to repeal any other ordinance or law except to the extent of any conflict, in which case the provisions of this Ordinance shall prevail.

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

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

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be adopted, which was seconded by Councilmember Small.

Following comments from Councilmember Williams, Councilmember Daves then moved to substitute the original ordinance with the revised ordinance, which move was seconded by Councilmember Gregory, and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the original ordinance substituted with the following revised ordinance.

AN ORDINANCE PROVIDING FOR THE ABATEMENT AND REMOVAL OF INOPERABLE MOTOR VEHICLES AS PUBLIC NUISANCES

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

SECTION ONE. Short Title.

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This Ordinance shall be known and cited as the Inoperable Motor Vehicle Ordinance.

SECTION TWO. Authorization.

This Ordinance is authorized and enacted pursuant to Alabama Act No. 2018-197

SECTION THREE. Purpose.

The purpose of this Ordinance is to:

1. Carry into effect the powers and duties conferred by Alabama Act No. 2018-197.
2. Provide for, promote and protect the safety, health, and general welfare of the residents and property owners of the City of Mobile.
3. Limit the outdoor storage of junked and inoperable motor vehicles for the purpose of promoting and protecting property values and the general appearance of residential neighborhoods and the City as a whole.

SECTION FOUR. Definitions.

For purposes of this Ordinance, the following terms shall have the following meaning:

1. The term "inoperable motor vehicle" means any motor vehicle, trailer, recreational vehicle, camper, or semi-trailer that has remained on private property and in view of the general public for thirty (30) days or more and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train, or wheels, are missing or are not functional, or the vehicle otherwise constitutes a nuisance.
2. The term "official" means the City's Code Official, a municipal law enforcement officer, a municipal enforcement officer, or any other municipal employee designated by the Mayor to exercise the authority and perform the duties provided in this Ordinance.
3. The term "City" means the City of Mobile, Alabama.

SECTION FIVE. Declaration of public nuisance.

Inoperable motor vehicles are hereby declared to be public nuisances.

SECTION SIX. Exceptions.

An inoperable motor vehicle shall not be deemed a public nuisance, and therefore the abatement procedures established by this Ordinance do not apply, under any of the following circumstances:

1. The motor vehicle has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, provided that the motor vehicle has a valid and current license tag displayed thereon in accordance with Alabama law provided that the motor vehicle has a valid and current license tag displayed thereon in accordance with Alabama law, and provided further that no such motor vehicle may remain on private property for a period not to exceed an aggregate total of thirty (30) days.
2. The motor vehicle is on the premises of a place of business engaged in the wrecking or junking of motor vehicles or primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers, provided that such place of business has a duly-issued and current City of Mobile business license.

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3. The motor vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties. Covering inoperable motor vehicles with tarps or car covers does not meet the requirements of this ordinance.

SECTION SEVEN. Procedures and enforcement.

1. Whenever an official shall find an inoperable motor vehicle as is defined herein, the official shall cause a notice of violation to be issued by placing a notice on the vehicle and by providing written notice to the owner of record of the property on which the vehicle is located and, in cases where the vehicle is in such a condition that identification numbers are available to determine ownership, to the last registered owner of record of the vehicle and to any secured party or other holder of a recorded or registered security interest or lien on the motor vehicle.

2. The Notice of Violation shall state the following:

a. That the vehicle has been determined to be a public nuisance;

b. That the owner of the vehicle is given thirty (30) days from the date the notice is received to either cause the vehicle to be removed from said property or to cause the vehicle to be stored in an enclosed building completely shielded from the view of individuals on the adjoining properties;

c. That if the vehicle is not removed or stored in an enclosed building within that period of time the City will cause its removal.

d. That all expenses incurred in removing the vehicle from the property will be assessed against the registered owner of the vehicle if the identity of the owner can be determined, or against the owner of the property on which the vehicle is located; and,

e. That a hearing before the City Council on the question of abatement and removal of the inoperable motor vehicle as a public nuisance may be requested in writing by the owner of the vehicle, any secured party or the property owner within the thirty-day period, and that if no hearing is requested in writing then the vehicle will be removed by the City.

3. Request for Hearing.

a. If a written request for a hearing is received by the designated Code official at 205 Government Street, Mobile, Alabama 36602 within the thirty day period, the City Council shall schedule the hearing to be held at a regularly scheduled meeting within fourteen (14) days after the request has been received. Notice giving the time, location, and date of the hearing on the question of abatement and removal of the inoperable motor vehicle as a public nuisance shall be mailed by certified mail, with a five day return receipt requested, to the owner of the land as shown on the last equalized assessment roll, to the last registered owner of record of the vehicle, and to any registered or recorded secured party or lienholder unless the vehicle is in such a condition that identification numbers are not available to determine ownership.

b. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land or otherwise show his or her plans to abate the nuisance. No cost of the administration or removal of the vehicle shall be assessed against the landowner if it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence.

c. The registered owner of the vehicle may appear in person at the hearing and present any reason why such vehicle should not be determined to be a public nuisance, why removal should not occur, or why the cost of abatement should not be assessed against said owner, or may present a plan for abatement of said vehicle within a set period of time.

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d. Any secured party may appear at the hearing and present a plan for removal of the vehicle or may present reasons why the vehicle should not be removed and sold by the City.

e. The Council shall consider the information presented at the meeting at which it is presented unless the Council shall affirmatively find that the information or evidence submitted raises issues which require additional investigation, in which case the matter may be passed to a meeting no later than the second regularly scheduled meeting subsequent to the meeting at which the matter is initially presented, at which time the Council shall act on the matter. The Council may:

4. Deny any requested relief and order the abatement of the vehicle and its disposal to proceed.

5. Declare that the property owner on whose property the vehicle is located is not responsible for the vehicle due to the vehicle having been placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence.

6. Determine that the vehicle is not a public nuisance and that removal is not required.

7. Accept an adequate plan for removal of the vehicle presented by the property owner or owner of the vehicle, set a date certain by which time the vehicle shall be removed and direct that in the event the vehicle is not removed by the date set, the vehicle shall be immediately abated by the city and all costs assessed against the party presenting the plan for removal.

SECTION EIGHT. Removal by owner.

The owner of the land on which the vehicle is located, any secured party, or the registered owner of the vehicle may remove the vehicle at his or her own expense prior to the removal of the vehicle by the City.

SECTION NINE. List of providers of vehicle removal services.

The city will maintain a list of names of persons or private contractors, or both, who perform vehicle removal services. Any company or individual providing such service may request to be added to this list. The city will not recommend any particular individual or company but will, upon request of the registered owner of the vehicle, secured party or property owner, provide them with a copy of the list. The registered owner of the vehicle, secured party or property owner shall not be required to utilize the services of any company or individual listed, but may use any lawful means to cause the removal of the vehicle and may utilize the services of any individual or company for said removal.

SECTION TEN. Removal by City.

After the expiration of thirty (30) days from the date the Notice of Violation is issued, if the vehicle has not been removed from the property or moved to an enclosed building completely shielded from the view of individuals on the adjoining properties, and if a request for hearing before the City Council has not been made, then the City shall cause the vehicle to be removed. If a written request is made for a hearing before the City Council and the City Council determines that the vehicle is a public nuisance and that removal should proceed, and the property owner, vehicle owner or holder of the security interest has not removed the vehicle or moved it to an enclosed building completely shielded from the view of individuals on the adjoining properties within five (5) days from the date of the decision of the City Council, then the City shall cause the vehicle to be removed. If a plan for removal of the vehicle had been presented to the City Council and accepted and removal has not been accomplished by the date set, then the City shall cause the immediate removal of the vehicle.

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Any private contractors used by the City for removal of inoperable motor vehicles shall be selected on a rotation schedule among the contractors providing vehicle removal services in the City.

Inoperable motor vehicles removed by the City pursuant to the provisions of this Ordinance will be towed and stored at the City Impound Lot.

SECTION ELEVEN. Disposal of vehicles.

1. Inoperable motor vehicles that have been stored at the City Impound Lot for sixty (60) days without anyone having made claim thereto may be sold at public auction.
2. Notice of the date, time, and place of the sale and a description of the vehicle to be sold including the year, make, model, and vehicle identification number, shall be given by publication once a week for two consecutive weeks in a newspaper of general circulation.
3. Written notice of the date, time, and place of the sale, a description of the vehicle to be sold, including the year, make, model, and vehicle identification number, and the approximate amount of the costs of towing and storage, shall be given to the registered owner, any secured party or lienholder, and the property owner no less than ten (10) days before the scheduled date of the public auction.
4. The proceeds of any such sale shall first be applied toward the payment of any and all costs incurred by the City. Any excess funds from the sale, minus the costs of removal and administration, shall be returned to the owner.

SECTION TWELVE. Notice to the Department of Revenue.

The City shall notify the Department of Revenue of the sale or disposition of the inoperable motor vehicle on a form supplied by the Department.

SECTION THIRTEEN. Assessment of costs.

Costs of removal, including towing and storage charges, may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, or may be assessed against the owner of the property on which the vehicle was stored. No cost of the administration or removal of the vehicle shall be assessed against the landowner if it is determined by the City Council that the vehicle was placed on the land without the consent of the landowner and that he or she had not subsequently acquiesced in its presence.

SECTION FOURTEEN. Supplemental Authority.

The provisions of this Ordinance are supplemental and shall not be construed as limiting or restricting any power or authority the City may now have or possess under any other provision of law or to repeal any other ordinance or law except to the extent of any conflict, in which case the provisions of this Ordinance shall prevail.

SECTION FIFTEEN. Severability Clause.

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

SECTION SIXTEEN. Publication.

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

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Following comments from Councilmembers Rich, Williams, Small and Richardson, the Presiding Officer called for the vote on the original motion as revised and the vote was as follows:

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

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

REZONE PROPERTY AT THE NORTH SIDE OF MOFFETT ROAD SERVICE ROAD, 790' ± WEST OF GASH LANE, FROM R-1 TO B-1 TO ALLOW THE CONSTRUCTION OF A SINGLE-STORY OFFICE BUILDING (DISTRICT 1). The following ordinance which was introduced and read at the regular meeting of Tuesday, May 15, 2018 and held over for one (1) week until the regular meeting of May 22, 2018, was called up by the Presiding

ORDINANCE: 64-012-2018

Sponsored by: Councilmember Richardson

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

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

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

MOBILE COUNTY

ALABAMA

LOTS 3, 4, 5, 6, 19, AND 20, KOOIMAN DAIRY ESTATES, UNIT ONE, AS RECORDED IN MAP BOOK 31, PAGE 43, IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY.

ALONG WITH A PORTION OF THE 60' INGRESS & EGRESS RIGHT OF WAY, BEING A PART OF KOOIMAN DAIRY ESTATES, UNIT ONE, AS RECORDED IN MAP BOOK 31, PAGE 43, IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTH WEST CORNER OF LOT 20, KOOIMAN DAIRY ESTATES, UNIT ONE, AS RECORDED IN MAP BOOK 31, PAGE 43, IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY; THENCE NORTH 89°52'00" EAST ALONG THE SOUTH MARGIN OF A 60 FOOT INGRESS AND EGRESS RIGHT OF WAY A DISTANCE OF 394.80 FEET TO A POINT; THENCE DEPARTING SAID SOUTH MARGIN; NORTH 00°09'00" WEST A DISTANCE OF 60.00 FEET TO A POINT; THENCE NORTH 89°52'00" EAST A DISTANCE OF 60.00 FEET TO A POINT ON THE EXTENSION OF THE EAST MARGIN OF SAID RIGHT OF WAY; THENCE NORTH 00°09'00" WEST ALONG SAID EXTENSION AND SAID EAST MARGIN A DISTANCE OF 326.23 FEET TO A POINT AT THE INTERSECTION OF SAID EAST MARGIN WITH THE SOUTH MARGIN OF THE RIGHT OF WAY OF KOOIMAN DAIRY ROAD; THENCE SOUTH 89°46'42" WEST ALONG SAID SOUTH MARGIN A DISTANCE OF 85.03 FEET TO A POINT ON THE WEST MARGIN OF SAID INGRESS AND EGRESS RIGHT OF WAY, SAID POINT BEING THE POINT OF CURVATURE OF A NON-TANGENTIAL CURVE OF A 25.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST MARGIN A DISTANCE OF 39.30 FEET (CHORD BEARS SOUTH 45°11'09" EAST, 35.38') TO A POINT:

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THENCE CONTINUE ALONG SAID WEST MARGIN, SOUTH 00°09'00" EAST A DISTANCE OF 276.10 FEET TO THE POINT OF CURVATURE OF A 25.00' RADIUS CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID WEST MARGIN AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.28 FEET (CHORD BEARS SOUTH 44°51'30" WEST, 35.36') TO A POINT ON THE NORTH MARGIN OF SAID RIGHT OF WAY; THENCE SOUTH 89°52'00" WEST ALONG SAID NORTH MARGIN A DISTANCE OF 369.79 FEET TO A POINT; THENCE SOUTH 00°09'00" EAST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

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

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

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

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

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

CIP RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH INFRASTRUCTURE MANAGEMENT SERVICES, LLC, FOR 2018 CIP CITY-WIDE PAVEMENT INSPECTION AND EVALUATION OF ALL ROADWAYS, \$336,000.00 (ALL DISTRICTS, #1035, 1036, 1037, 1038, 1039, 1040, 1041; COM PROJECT NO. 2018-3005-17; CO324; 20002000-48020). The following resolution which was introduced and read at the regular meeting of Tuesday, April 24, 2018 and held over until the regular meeting of May 1, 2018, and held over once more until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-285-2018

Sponsored by: City Council and Mayor Stimpson

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

Name of company: Infrastructure Management Services, LLC

Project name: 2018 CIP City-wide Pavement Inspection

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and Evaluation of all Roadways
(All Districts, #1035, 1036, 1037, 1038, 1039, 1040, 1041)

COM project no. 2018-3005-17

Estimated cost: \$336,000.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Rich.

Following comments from Councilmembers Rich, Daves, Williams and Richardson, Councilmember Manzie stated for the record:

“I understand that Infrastructure Management Services will provide for us a product that will evaluate all roadways in district two. No information that Infrastructure Management Services will provide to me is going to usurp information that I receive from the citizens in my district. It does not matter what this report comes back to say. After getting the feedback from the citizens in my district, that feedback will trump any report that this company might present to us. I’m willing to accept it in the manner in which it is being presented, which is an aid to help us identify the priorities, but I’m going to take my marching orders from the citizens who sent me to represent them at all times as it relates to roadway re-surfacing. As an aid/supplement to the information provided to me by the citizens of district two I am totally embracing this concept, but I am not going to go down a road where we are going to unilaterally accept what this company presents to us as the official road map as to what gets re-surfaced and when. That barometer belongs to the citizens that I represent and I want to make certain that is understood before I vote for it, so that we don’t run into any encumbrances down the road.”

The Presiding Officer then called for the vote and the vote was as follows:

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

Nays: Rich

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

AUTHORIZE CONTRACT WITH BURK-KLEINPETER, INC. FOR 2018 CIP CITY WIDE MISCELLANEOUS DRAINAGE REPAIRS-GROUP B, \$127,900.00 (D1 #27; D2 #95; D3 #199; D4 #264; D6 #390; D7 #446; COM PROJECT NO. 2018-3005-22 BKI; DRC18; 20002000-48020). The following resolution which was introduced and read at the regular meeting of May 1, 2018, and was held over for one (1) week until the regular meeting of May 8, 2018, and held over once more until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-311-2018

Sponsored by: City Council and Mayor Stimpson

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

Name of company: Burk-Kleinpeter, Inc.

Project name: 2018 CIP City Wide Miscellaneous
Drainage Repairs-Group B
(D1 #27, D2 #95, 03 #199, 04 #264, D6 #390, 07 #446)

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Estimated cost: \$127,900.00

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

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

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

RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH S & O ENTERPRISES, INC. FOR SECURITY AND FIRE ALARM MONITORING-VARIOUS CITY OF MOBILE FACILITIES, \$32,886.00 3-YEAR CONTRACT (1ST YEAR \$10,854.00; 2ND YEAR \$11,016.00; 3RD YEAR \$11,016.00) (SC-035-18; 20002000-42210). The following resolution which was introduced and read at the regular meeting of Tuesday, May 15, 2018 and held over for one (1) week until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-328-2018

Sponsored by: Mayor Stimpson

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

Name of Company: S & O Enterprises, Inc.

Project name: Security and Fire Alarm Monitoring
Various City of Mobile Facilities

Project number: SC-035-18

Amount: \$10,854.00 1st Year Cost
\$11,016.00 2nd Year Cost
\$11,016.00 3rd Year Cost
\$32,886.00 3 Year Contract

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

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

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

AUTHORIZE PROFESSIONAL SERVICES CONTRACT WITH PYROTECNICO FIREWORKS, INC. FOR JULY 4, 2018 FIREWORKS SHOW, \$25,000.00 (10049000). The following resolution which was introduced and read at the regular meeting of Tuesday, May 15, 2018 and held over for one (1) week until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-329-2018

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Sponsored by: Mayor Stimpson

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

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

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

Nays: None

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

AUTHORIZE THE MAYOR TO APPLY, ACCEPT AND RECEIVE FUNDING FROM THE DHS FY17 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER), \$2,143,836.00 (GRANT FUNDS, \$1,322,033.00; LOCAL MATCH, \$821,803.00). The following resolution which was introduced and read at the regular meeting of Tuesday, May 15, 2018 and held over for one (1) week until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 31-330-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), a Notice of Award and Memorandum of Agreement for grant assistance in the approximate amount of \$2,143,836.00 for FY 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

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

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

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

Nays: None

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

APPROVE THE APPLICATION OF DORAL A. EDWARDS AND DANA MARIE JOLLY-EDWARDS D/B/A ANGEL WINGS LIFT SERVICE, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE. The following resolution which was introduced and read at the regular meeting of Tuesday, May 15, 2018 and held over for one (1) week until the regular meeting of May 22, 2018, was called up by the Presiding Officer.

RESOLUTION: 37-331-2018

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BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, pursuant to the provisions of Ordinance #59-073, 2005, that the application of Doral A. Edwards and Dana M. Jolly-Edwards d/b/a Angel Wings Life Service, LLC for a Certificate of Public Convenience and Necessity for a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

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

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

Nays: None

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

ORDINANCES BEING INTRODUCED:

REZONE PROPERTY AT THE SOUTH SIDE OF KOOIMAN ROAD, 375' ± EAST OF U. S. HIGHWAY 90 WEST, FROM R-1 TO B-1 (DISTRICT 4). The following ordinance was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

ORDINANCE: 64-013-2018

Sponsored by: Councilmember Williams

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

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

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

LOTS 9, MANDRELL'S SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 253, ON THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA LESS AND EXCEPT THE RIGHT OF WAY GRANTED FOR PUBLIC ROAD, AS RECORDED IN REAL PROPERTY BOOK 1777, PAGE 0793, IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

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

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

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

Councilmember Richardson moved for the suspension of the rules to consider CIP Resolution 21-335 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the item.

CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE CONTRACT WITH C & H CONSTRUCTION SERVICES, LLC FOR 2018 CIP CITY-WIDE GUARDRAIL REPAIR, \$148,048.30. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

RESOLUTION: 21-333-2018

Sponsored by: City Council and Mayor Stimpson

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

Name of company: C&H Construction Services, LLC

Project name: 2018 CIP City-wide Guardrail Repair

Estimated cost: \$148,048.30

AUTHORIZE CONTRACT WITH H. O. WEAVER & SONS, INC. FOR 2018 CIP CITY-WIDE RESURFACING, \$3,767,084.32. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

RESOLUTION: 21-334-2018

Sponsored by: City Council and Mayor Stimpson

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

Name of company: H.O. Weaver & Sons, Inc.

Project name: 2018 CIP City-wide Resurfacing

Estimated cost: \$3,767,084.32

AUTHORIZE CONTRACT WITH CHRISTIAN PREUS LANDSCAPE ARCHITECTURE FOR HACKMEYER PARK-MASTER PLANNING, \$19,575.00 (2018 CIP #2017-351, D5; PR-043-18; CO357). The following resolution was introduced by Councilmember Rich.

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RESOLUTION: 21-335-2018

Sponsored by: Councilmember Daves and Mayor Stimpson

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

Name of company: Christian Preus Landscape Architecture

Project name: Hackmeyer Park - Master Planning

Project number: PR-043-18

Amount: \$19,575.00

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

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

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

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE CONTRACT AMENDMENT WITH MCCRORY & WILLIAMS, INC. FOR ENGINEERING SERVICES-MCGREGOR AVENUE SIDEWALK (DAUPHIN STREET TO APPROXIMATELY 550' SOUTH OF OLD SHELL ROAD), ADD \$14,247.90 (CITY OF MOBILE PROJECT NO. 2016-202-06). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

REOSLUTION: 21-336-2018

Sponsored by: Councilmembers Daves and Gregory and Mayor Stimpson

WHEREAS, the City entered into a contract dated October 20, 2015 with McCrory & Williams, Inc. for engineering services on the project known as McGregor Avenue Sidewalk - Dauphin Street to approx. 550 ft. south of Old Shell Road, City of Mobile Project No. 2016-202-06; and

WHEREAS, the fees for the engineering services are based on a percentage of the total project cost, with the fee percentage for contracts between \$500,000 and \$750,000 being 6.5% for the design stage and 5.0% for the construction stage; and

WHEREAS, at the time the contract was entered into the estimated construction contract cost was \$500,000, and the engineering fees were estimated to be \$62,000.00 based on that contract amount; and

WHEREAS, the final project construction cost is \$663,025.18 and professional engineering fees are to be adjusted to properly compensate McCrory & Williams, Inc. in accordance with the standard fee schedule used in City of Mobile Professional Services Contracts, thereby increasing professional engineering fees by \$14,247.90 to a total of \$76,247.90; and,

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WHEREAS, the contract provides on Page 19 that the "Total fees (design and construction phases) to be paid the Engineer shall not exceed \$62,000 unless authorized by the City";

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Council does hereby authorize the additional fee of \$14,247.90, for a total of \$76,247.90, to be paid to McCrory & Williams, Inc. for engineering services on the McGregor Avenue Sidewalk Project.

AUTHORIZE CONTRACT WITH HUTCHINSON, MOORE & RAUCH, LLC FOR 2018 MISCELLANEOUS SIDEWALKS-NAVCO ROAD, LINCOLN BOULEVARD AND STEIN STREET, \$45,400.00 (COM PROJECT NO. 2018-3005-05). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

REOSLUTION: 21-337-2018

Sponsored by: Councilmembers Small and Gregory and Mayor Stimpson

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

Name of company: Hutchinson, Moore & Rauch, LLC

Project name: 2018 Miscellaneous Sidewalks-Navco Road,
Lincoln Boulevard and Stein Street
(COM Project No. 2018-3005-05)

Estimated cost: \$45,400.00

AUTHORIZE CONTRACT WITH YOUNGBLOOD-BARRETT CONSTRUCTION & ENGINEERING, LLC FOR ARTHUR R. OUTLAW CONVENTION CENTER-DISHWASHER REPLACEMENT, \$149,278.00 (CN-024-18; CO261). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

REOSLUTION: 21-338-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, 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: Youngblood-Barrett Construction & Engineering, LLC

Project name: Arthur R. Outlaw Convention Center-
Dishwasher Replacement

Project number: CN-024-18

Amount: \$149,278.00

ACCEPT FEE SIMPLE WARRANTY DEEDS, RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENTS NEEDED FOR ZEIGLER BOULEVARD ADD LANES

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FROM SCHILLINGER ROAD TO CODY ROAD PROJECT. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

REOSLUTION: 25-339-2018

Sponsored by: Councilmember Gregory and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts the following documents, when prepared, as needed for the Zeigler Boulevard Add Lanes from Schillinger Road to Cody Road Project# STPMB-7550 (601) CPMS # 1000046893 (CR-565):

1. Fee Simple Warranty Deed and Right of Entry from George B. Lewis, III.
2. Fee Simple Warranty Deed and a Temporary Construction Easement from Russ, Ltd.
3. Fee Simple Warranty Deed and two Temporary Construction Easements from Mobile County Emergency Management Agency.

SAID DOCUMENTS are by reference made a part of this resolution as fully as set forth herein and copies will be on file in the office of the City Clerk and in the office of the Real Estate Officer of the City of Mobile.

BE IT FURTHER RESOLVED THAT:

The 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 forms necessary to complete the transactions and pay the Grantors the amounts approved and authorized and pay all approved closing costs. All approved and funded by State of Alabama Department of Transportation.

DEDICATE WESTSIDE PARK AS A CITY PARK TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 29, 2018.

REOSLUTION: 46-340-2018

Sponsored by: Councilmember Rich

RESOLUTION DEDICATING WESTSIDE PARK AS A CITY PARK TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE

WHEREAS, the City of Mobile, Alabama owns property commonly known as Westside Park that is located within the police jurisdiction, as depicted in Exhibit A, which has been and is currently used for recreational activities by the citizens and visitors to Mobile; and

WHEREAS, Alabama Code section 11-47-19 (1975) authorizes cities to create and maintain public parks for the use and benefit of its citizens;

WHEREAS, Westside Park has never been formally dedicated as a City Park by the City Council;

WHEREAS, The City Council has determined that it is in the best interest of the city and its citizens to formally dedicate the herein described property as a City Park in so much as the park is forever preserved for the use and enjoyment of future generations in accordance with Alabama Code section 35-4-410 (1975);

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mobile as follows:

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1. That the following described property is hereby dedicated for the exclusive use as a public park or other public recreational facility:

DESCRIPTION OF PARCEL C-1:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP-4-SOUTH, RANGE-2-WEST, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'47" EAST A DISTANCE OF 1315.07 FEET TO A POINT; THENCE RUN NORTH 89° 26'10" WEST A DISTANCE OF 1460.69 FEET TO A POINT; THENCE RUN NORTH 00°06'55" WEST A DISTANCE OF 658.09 FEET TO A POINT; THENCE RUN SOUTH 89°18'29" EAST A DISTANCE OF 763.74 FEET TO A POINT; THENCE RUN NORTH 00°12'54" WEST A DISTANCE OF 659.28 FEET TO A POINT; THENCE RUN SOUTH 89°23'25" EAST A DISTANCE OF 700.10 FEET TO THE POINT OF BEGINNING, CONTAINING 32.61 ACRES, MORE OR LESS

2. That the Council hereby declares that the herein described property shall be dedicated to the public for their recreational use and enjoyment, and that the park shall be known as "Westside Park";

3. That a copy of this Resolution be recorded in the land records of the Mobile County Probate Office.

ANNOUNCEMENTS:

Councilmember Small reported that he and Mayor Stimpson gave greetings at the Crepe Myrtle Trail Ride this past weekend.

Councilmember Small thanked the Pillans Middle School administration for inviting him to speak at their awards ceremony on Wednesday.

Councilmember Small announced the Mobile Police and Fire-Rescue Departments will host a job fair at Revelation Missionary Baptist Church on Monday, June 4, 2018, at 6:00 p.m.

Councilmember Small reminded the public that the Capital Improvement Plan Committee will meet today, at 1:00 p.m. in the Council Conference room. The purpose of the meeting will be to discuss capital projects for the next five (5) years.

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

Councilmember Gregory gave an update on the utility work on Zeigler Boulevard.

Councilmember Gregory thanked volunteers from the Fire-Rescue Department for completing several improvement projects across district seven.

Councilmember Rich observed that the community embraced the Justin Billa Foundation sponsored event at Medal of Honor Park this past Saturday.

Councilmember Daves suggested citizens visit the monument dedicated to public safety workers that have lost their lives in the line of duty. The monument is located at Public Safety Memorial Park.

Councilmember Daves encouraged the public to focus on the reason we celebrate Memorial Day.

Councilmember Richardson reported that several companies were represented at the district one community meeting last week to speak about job opportunities.

Councilmember Richardson remarked that he was honored to serve as the commencement speaker for Hillcrest High School's graduation ceremony last weekend.

MINUTES OF MAY 22, 2018

Councilmember Manzie indicated he intends to announce dates for three (3) community meetings to be held this summer.

Councilmember Manzie announced he is partnering with the City's CDBG department and the MLK Re-Development Corporation for the "Paint the Bottom" campaign. The initiative selected fifteen low income homes in The Bottom community to be painted.

Councilmember Manzie mentioned that he and Councilmember Richardson recently attended the Alabama League of Municipalities convention.

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

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

Nays: None

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

Approved: May 29, 2018

COUNCIL VICE PRESIDENT

CITY CLERK