

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 8, 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 8, 2018, at 9:00 a.m.

Present:

Chairman: Manzie

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

Absent: None

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m. on Tuesday, May 8, 2018.

The Presiding Officer adjourned the meeting.

Approved: May 15, 2018

COUNCIL VICE PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, MAY 8, 2017

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, May 8, 2018, at 10:30 a.m., in regular meeting.

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

Reverend Charlotte Greene, Itinerant Elder, Bethel AME Church, President of the Interdenominational Ministerial Alliance, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Manzie

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

Absent: None

STATEMENT OF RULES BY 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 1, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson reported that he attended an event on Monday to showcase the public-private partnership known as the 3MC Partnership to advance the Three Mile Creek Greenway Initiative.

Mayor Stimpson announced the State of the City will be held at the Mobile Convention Center on Thursday, May 10, 2018, at 12:00 p.m.

Mayor Stimpson encouraged the public to attend Art Walk this Friday for the re-opening of the Mobilia Art Center.

PRESENTATIONS BY THE COUNCIL:

Councilmember Rich presented read a proclamation declaring May 2018 as "Older Americans Month" in recognition and honor of the older adults that serve as a vital part of our community.

Councilmember Richardson presented proclamations to City Clerk Lisa Lambert and Assistant City Clerk Mary Ann Merchant proclaiming the week of May 6 – May 12, 2018 as "City Clerks Week" in Mobile and extending appreciation to them for their dedication to the communities they serve.

Councilmember Gregory hosted Cub Scout Dylan Driskell. He is working on a merit badge and brought a painting to the Council in appreciation for their service to the community.

Visit Mobile President David Clark provided an overview of activities in Mobile to commemorate Tourism and Travel Day.

NEW COMMITTEE ASSIGNMENTS:

None.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS:

The Council considered the request of Denise Patterson, Life Center CDC, for a waiver of the Noise Ordinance at Figures Park, 658 Donald Street, on May 26, 2018, from 3:00 p.m. – 6:00 p.m. (District 1).

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Councilmember Richardson moved to grant the waiver, which motion 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 waiver granted.

The Council considered the request of John P. Wilson and Elizabeth Dexter-Wilson for a waiver of the Noise Ordinance at 2010 Emogene Street on May 27, 2018, from 5:00 p.m. – 8:00 p.m. (District 1).

Councilmember Richardson moved to grant the waiver, which motion 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 waiver granted.

The Council considered the request of Shanta D. White for a waiver of the Noise Ordinance at 6517 Victoria Place South on May 27, 2018, from 5:30 p.m. – 10:30 p.m. (District 7).

Councilmember Richardson moved to grant the waiver, which motion 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 waiver granted.

The Council considered the request of Pastor Wayne Nickerson, The Potter's House Christian Fellowship, for a waiver of the Noise Ordinance at Langan Park, 4901 Zeigler Boulevard, on June 1 and June 2, 2018, from 1:00 p.m. – 5:00 p.m. (District 7).

Councilmember Richardson moved to grant the waiver, which motion 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 waiver granted.

PUBLIC HEARINGS:

PUBLIC HEARING TO CONSIDER ASSENTING TO THE VACATION OF AN UNOPENED RIGHT-OF-WAY AT WIMBLEDON DRIVE AT BYRNES BOULEVARD (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to consider assenting to the vacation of an unopened right-of-way at Wimbledon Drive at Byrnes Boulevard and asked if there was anyone present to speak for or against this matter.

Frazier Christy, 3621 Kings Hill Road, Birmingham, Alabama, spoke in support of his application for the vacation.

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

PUBLIC HEARING TO CONSIDER A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF UNOPENED RIGHT-OF-WAY AT WIMBLEDON DRIVE AT BYRNES BOULEVARD (DISTRICT 5).

The Presiding Officer announced that today was the day for the public to consider a vacation of right-of-way fee as a condition of the vacation of unopened right-of-way at Wimbledon Drive at Byrnes Boulevard and asked if there was anyone present to speak for or against this matter.

John Olszewski, City of Mobile Real Estate Officer, advised that the maximum fee allowed by law is \$5,974.64.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. Greg Gardner, 361 Regina Avenue, and Wayne Gardner, 1009 Pace Parkway, indicated to the Council that the City's zoning department incorrectly advised that the property associated with their application for a Lounge Retail Liquor-Class I License, Resolution 37-317, was properly zoned for a bar. Mayor Stimpson and Shayla Beaco apologized for the error.
2. Timothy Hollis, 1924 Seale Street, voiced his support for Resolution 21-320 that will allow for construction of basketball courts at Figures Park.

NON-AGENDA ITEMS:

1. The following persons spoke in support of Public Works employees:
 - a. Joe Keffer, 328 South Sage Avenue
 - b. David J. Smith, Jr., 6861 Greenway Drive, South
 - c. Reverend Cleveland McFarland, Jr., 1525 West Carlisle Drive
2. Michael Beech, 2874 Pages Lane, asked the Council that Public Works employees be given the same raises/bonuses that were given to Public Safety employees.

NOTE: At approximately 11:37 a.m. Councilmember Williams excused himself from the meeting.

3. Reggie Hill, 1007 Center Street, asked the Council to form a non-profit empowerment commission.

CONSENT RESOLUTIONS HELD OVER:

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE FOR RIVERSIDE MARKET, 1751 RIVERSIDE DRIVE. The following resolution which was introduced and read at the regular meeting of Tuesday, April 10, 2018, was held over for one (1) week until the regular meeting of April 17, 2018, held over again until the regular meeting of April 24, 2018, and was held over once more until the regular meeting of May 8, 2018, was called up by the Presiding Officer.

RESOLUTION: 37-249-2018

Sponsored by: Councilmember Small

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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: Retail Beer/Table Wine (Off Premises Only) License

Submitted by: YM1, LLC

Location: Riverside Market
 1751 Riverside Drive
 Mobile, AL 36605

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE FOR THE RUBY SLIPPER CAFÉ, 100 NORTH ROYAL STREET. 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, was called up by the Presiding Officer.

RESOLUTION: 37-291-2018

Sponsored by: Councilmember Manzie

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

Type of application: Restaurant Retail Liquor License

Submitted by: RSC Mobile, LLC

Location: The Ruby Slipper Cafe
 100 North Royal Street
 Mobile, AL 36602

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which 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 resolution held over.

CIP RESOLUTIONS HELD OVER:

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

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regular meeting of May 1, 2018, and was held over for one (1) week until the regular meeting of May 8, 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)

Estimated cost: \$127,900.00

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be held over until the regular meeting of Tuesday, May 22, 2018, which was seconded by Councilmember Rich 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 resolution held over.

AUTHORIZE CONTRACT WITH MICOR INC. D/B/A MDS CONSTRUCTION FOR DENTON PARK-NEW WALKING TRAIL AND LIGHTING, \$153,252.00 (\$55,000.00 G-CPD3149; \$98,252.00 2018 CIP #2017-351) (PR-129-17; CO124; 20002000-48010).

The following resolution which was introduced and read at the regular meeting of Tuesday, May 1, 2018, and held over for one (1) week until the regular meeting of May 8, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-312-2018

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: Micor Inc., dba MDS Construction

Project name: Denton Park - New Walking Trail and Lighting

Project number: PR-129-17

Amount: \$55,000.00
\$98,252.00
\$153,252.00

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

Ayes: Richardson, Manzie, Small, 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 PROJECT AGREEMENT WITH GULF HAULING & CONSTRUCTION, INC. FOR RECEIVING, PROCESSING AND DISPOSAL OF RESIDENTIAL TRASH, \$2,810,304.00. The following resolution which was introduced and read at the regular meeting of Tuesday, February 6, 2018, was held over until the regular meeting of March 6, 2018, and held over until the regular meeting of April 3, 2018, and was held over once more until the regular meeting of May 8, 2018, was called up by the Presiding Officer.

RESOLUTION: 01-072-2018

Sponsored by: Mayor Stimpson

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

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

RE-ALLOCATE \$378,819.00 FROM GENERAL FUND TO TRASH DEPARTMENT "HAULING" TO PAY MONTHLY INVOICES TO WASTE MANAGEMENT PER SETTLEMENT. The following resolution which was introduced and read at the regular meeting of Tuesday, February 6, 2018, was held over until the regular meeting of March 6, 2018, and held over until the regular meeting of April 3, 2018, and was held over once more until the regular meeting of May 8, 2018, was called up by the Presiding Officer.

RESOLUTION: 09-073-2018

Sponsored by: Mayor Stimpson

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

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

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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 resolution tabled.

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

Councilmember Richardson moved for the suspension of the rules to consider Ordinance 52-010 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the item.

ORDINANCES BEING INTRODUCED:

AMEND CHAPTER 52 OF THE MOBILE CITY CODE FOR THE ABATEMENT AND REMOVAL OF INOPERABLE MOTOR VEHICLES AS PUBLIC NUISANCES. The following ordinance was introduced by Councilmember Daves.

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.

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:

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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 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;

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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:

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.

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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.

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.

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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 resolution be held over for two (2) weeks until the regular meeting of Tuesday, May 22, 2018, which was seconded by Councilmember Rich. Following comments from Councilmember Rich, 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 ordinance held over.

DEEM PROPERTY LOCATED ON THE EAST SIDE OF BROAD STREET, SOUTH OF TEXAS STREET AND NORTH OF VIRGINIA STREET NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE THEREOF TO BROAD STREET RESTORATION SOCIETY, \$96,750.00. The following ordinance was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

ORDINANCE: 88-011-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

AN ORDINANCE DEEMING CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE THEREOF

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 property hereinafter described in Exhibit "A", 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 Broad Street Restoration Society, Inc.

See Exhibit "A" attached hereto

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

SECTION THREE: The Mayor and City Clerk are 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 in Exhibit "A", when said deed is prepared.

SECTION FOUR: 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 ancillary forms necessary to complete the transfer of said property.

SECTION FIVE: Said Purchase Agreement and Deed are 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 and in the office of the Real Estate Department of the City of Mobile, 4th Floor, Government Plaza, 205 Government Street, Mobile, Alabama.

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 2-A BLK 42-D RESUB OF LOT 2 UNIT 23 MAP 1 CENTRAL TEXAS ST AREA MBK 28/77, KEY NO. 00946748; PARCEL NO. R022910380002104.

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

Councilmember Richardson moved for the suspension of the rules to consider Consent Resolutions 31-314 through 37-318 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

AUTHORIZE THE MAYOR TO APPLY, ACCEPT AND RECEIVE FUNDING FROM THE ALABAMA LAW ENFORCEMENT AGENCY (ALEA) EOD GRANT, \$30,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Small.

RESOLUTION: 31-314-2018

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 Alabama Law Enforcement Agency (ALEA) for grant assistance in the approximately amount of \$30,000.00 for the ALEA EOD 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 Alabama Law Enforcement Agency.

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

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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 resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A NON-PROFIT TAX EXEMPT LICENSE FOR 2018 PORK AND POLITICS, 2703 BATTLESHIP PARKWAY (PAVILLION). The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-315-2018

Sponsored by: Councilmember Manzie

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

Type of application: Non-Profit Tax Exempt License

Submitted by: Mobile Area Chamber of Commerce, Inc.

Location: 2018 Pork and Politics
2703 Battleship Parkway (pavilion)
Mobile, AL 36603

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS II (PACKAGE STORE) LICENSE FOR SAI PACKAGE STORE, 2306 AIRPORT BOULEVARD, UNIT A, SUITE B. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-316-2018

Sponsored by: Councilmember Richardson

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: Sai Saran, LLC

Location: Sai Package Store
2306 Airport Boulevard, Unit A Suite B
Mobile, AL 36606

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

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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 resolution adopted.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR-CLASS I LICENSE FOR WILLIE'S PLACE, 1500 GOVERNMENT STREET SUITE C. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-317-2018

Sponsored by: Councilmember Manzie

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

Type of application: Lounge Retail Liquor-Class I License

Submitted by: Twin G Enterprises, LLC

Location: Willie's Place
1500 Government Street, Suite C
Mobile, AL 36604

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

Councilmember Daves then moved to reconsider the resolution, which move was seconded by Councilmember Rich 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 motion to reconsider approved.

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (ON/OFF PREMISES) LICENSE FOR WINE AND CANVAS, 907 HILLCREST ROAD, SUITES F AND G. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-318-2018

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Sponsored by: Councilmember Rich

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: Retail Beer/Table Wine (On/Off Premises) License

Submitted by: WNC of Mobile, LLC

Location: Wine and Canvas
907 Hillcrest Road, Suite F & G
Mobile, AL 36695

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

RESOLUTIONS BEING INTRODUCED:

RE-ALLOCATE \$350.00 FROM GENERAL FUND DISTRICT 03, 04, 05, 06 AND 07 TO THE BUREAU OF FIRE PREVENTION DEPARTMENT 1514 TO BE USED TO PROVIDE REFRESHMENTS DURING THE FIRE SAFETY EXPO ON MAY 12, 2018 AT THE DOTCH COMMUNITY CENTER. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

RESOLUTION: 09-319-2018

Sponsored by: Councilmembers Small, Williams, Daves, Rich and Gregory

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following transfers be made within the General Fund 1000:

Transfer \$350.00 from the General Fund District Three Discretionary Account DSC-03, General Ledger Number 10041020 42080, to the Bureau of Fire Prevention Department 1514, General Ledger Account 10041514 44020. The funds are to be used to provide refreshments during the Fire Safety Expo that will be held May 12, 2018 at the Dotch Community Center.

Transfer \$350.00 from the General Fund District Four Discretionary Account DSC-04, General Ledger Number 10041020 42080, to the Bureau of Fire Prevention Department 1514, General Ledger Account 10041514 44020. The funds are to be used to provide refreshments during the Fire Safety Expo that will be held May 12, 2018 at the Dotch Community Center.

Transfer \$350.00 from the General Fund District Five Discretionary Account DSC-05, General Ledger Number 10041020 42080, to the Bureau of Fire Prevention Department 1514, General Ledger Account 10041514 44020. The funds are to be used to provide refreshments during the Fire Safety Expo that will be held May 12, 2018 at the Dotch Community Center.

Transfer \$350.00 from the General Fund District Six Discretionary Account DSC-06, General Ledger Number 10041020 42080, to the Bureau of Fire Prevention Department 1514, General Ledger Account 10041514 44020. The funds are to be used to provide

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refreshments during the Fire Safety Expo that will be held May 12, 2018 at the Dotch Community Center.

Transfer \$350.00 from the General Fund District Seven Discretionary Account DSC-07, General Ledger Number 10041020 42080, to the Bureau of Fire Prevention Department 1514, General Ledger Account 10041514 44020. The funds are to be used to provide refreshments during the Fire Safety Expo that will be held May 12, 2018 at the Dotch Community Center.

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR MICHAEL A. FIGURES PARK-BASKETBALL COURT, \$243,700.00 (PR-015-18; CO197; 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

RESOLUTION: 21-320-2018

Sponsored by: Councilmembers Richardson 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: Aeiker Construction Corporation

Project name: Michael A. Figures Park - Basketball Court

Project number: PR-015-18

Amount: \$243,700.00

AUTHORIZE CONTRACT WITH ARENA FIRE PROTECTION, INC. FOR FIRE SPRINKLER SYSTEM REPAIRS-VARIOUS LOCATIONS, \$8,500.00 (SR-005-18; CO018; 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

RESOLUTION: 21-321-2018

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: Arena Fire Protection Inc.

Project name: Fire Sprinkler System Repairs
Various Locations

Project number: SR-005-18

Amount: \$8,500.00

ASSENT TO THE VACATION OF UNOPENED RIGHT-OF-WAY AT WIMBLEDON DRIVE AT BYRNES BOULEVARD (DISTRICT 5). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

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RESOLUTION: 47-322-2018

Sponsored by: Councilmember Daves

WHEREAS, Frazier Properties, LLC, Sisters of Mercy of the Americas South Central Community, Inc., and Hubert H. Parker, IV and Pamela Perry Parker as the abutting property owners of the following described right-of-way known as Wimbledon Drive, have requested the Mobile City Council to assent to the vacation and closing by them as the abutting property owners of the right-of-way hereinafter described;

WHEREAS, it has been shown to the satisfaction of the Mobile City Council that Frazier Properties, LLC, Sisters of Mercy of the Americas South Central Community, Inc., and Hubert H. Parker, IV and Pamela Perry Parker own all of the property abutting-along said right-of-way, that the same is not needed as a public road in the City of Mobile, Alabama, that the vacation of same will not deprive any other property owners of such right as such property owners may have to convenient and reasonable ingress and egress to and from such other property, and that it would be to the best interest of the Mobile City Council to vacate the same;

WHEREAS, said abutting property owners have consented to this vacation;

NOW, THEREFORE, BE IT RESOLVED, by the Mobile City Council that its assent be, and it is hereby given to Frazier Properties, LLC and Sisters of Mercy of the Americas South Central Community, Inc., the abutting property owners, to the vacation and closing by them of the following described right-of-way, more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, by the Mobile City Council, that its assent be and the same hereby is, given to vacate and annul the herein described right-of-way Wimbledon Drive, Mobile, Alabama, subject, however, to the following conditions:

EXHIBIT "A"

STATE OF ALABAMA

MOBILE COUNTY

A PART OF WIMBLEDON DRIVE RIGHT-OF-WAY TO BE VACATED BEING DESCRIBED AS FOLLOWS:

Begin at the Westerly most corner of Lot 8, New Country Club Estates, Fourth Unit, as recorded in Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, and run north 28 degrees 30 minutes 15 seconds west, along the westerly most end of the Wimbledon Drive right-of-way and along its common line with Lot 7, New Country Club Estates, Fourth Unit, as recorded in Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, a distance of 80.28 feet to a point on the northerly right-of-way of said Drive, the point of beginning of a curve having a chord bearing of north 66 degrees 02 minutes 04 seconds east that is concave to the north having a central angle of 8 degrees 26 minutes 05 seconds to the right, and a radius of 1999.24 feet; thence continue along the arc of the last described right-of-way curve in a northeasterly direction a distance of 294.31 feet to a point; thence departing said existing right-of-way continue south 15 degrees 39 minutes 00 seconds west a distance of 150.32 feet to a point on the northerly right-of-way of Byrnes Boulevard and the southerly right-of-way said Drive, the point of beginning of a curve having a chord bearing of north 48 degrees 40 minutes 30 seconds west that is concave to the northeast having a central angle of 128 degrees 39 minutes 00 seconds to the left, and a radius of 25.00 feet; thence continue along the arc of the last described right-of-way curve in a northerly to southwesterly direction a distance of 56.13 feet to a point of beginning of a curve having a chord bearing of south 64 degrees 24 minutes 55 seconds west that is concave to the northwest having a central angle of 5 degrees 10 minutes 10 seconds to the left, and a radius of 1919.24 feet; thence continue along the arc of the last described right-of-

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way curve in a southwesterly direction a distance of 173.16 feet, more or less to the point of beginning, containing 21,338 square feet, more or less.

SOUTHERLY SPLIT OF VACATED RIGHT-OF-WAY TO FRAZIER PROPERTIES, LLC

Begin at the westerly most corner of Lot 8, New Country Club Estates, Fourth Unit, as recorded in Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, and run north 28 degrees 30 minutes 15 seconds west, along the westerly most end of the Wimbledon Drive vacated right-of-way and along its common line with Lot 7, New Country Club Estates, Fourth Unit, as recorded in Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, a distance of 40.14 feet to a point, the point of beginning of a curve having a chord bearing of north 65 degrees 36 minutes 55 seconds east that is concave to the north having a central angle of 7 degrees 35 minutes 47 seconds to the right, and a radius of 1959.11 feet; thence continue along the arc of the last described curve in a northeasterly direction a distance of 259.74 feet to a point; thence south 15 degrees 39 minutes 00 seconds west a distance of 100.83 feet to a point on the northerly right-of-way of Byrnes Boulevard and the northeast most corner of said Lot 8 of said subdivision, the point of beginning of a curve having a chord bearing of north 48 degrees 40 minutes 30 seconds west that is concave to the northeast having a central angle of 128 degrees 39 minutes 00 seconds to the left, and a radius of 25.00 feet; thence continue along the arc of the last described curve in a northerly to southwesterly direction a distance of 56.13 feet to a point of beginning of a curve having a chord bearing of south 64 degrees 24 minutes 55 seconds west that is concave to the northwest having a central angle of 5 degrees 10 minutes 10 seconds to the left, and a radius of 1919.24 feet; thence continue along the arc of the last described curve in a southwesterly direction a distance of 173.16 feet, more or less to the point of beginning, containing 0.24 acres, more or less.

NORTHERLY SPLIT OF RIGHT-OF-WAY TO SISTERS OF MERCY

Commence at the westerly most corner of Lot 8, New Country Club Estates, Fourth Unit, as recorded in Map Books, Page 142 in the office of the Probate Judge of Mobile County, Alabama, and run north 28 degrees 30 minutes 15 seconds west, along the westerly most end of the vacated Wimbledon Drive right-of-way and along its common line with Lot 7, New Country Club Estates, Fourth Unit, as recorded In Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, a distance of 40.14 feet to the POINT OF BEGINNING; thence continue along the last described course a distance of 40.14 feet to a point on the northerly right-of-way of said vacated right-of-way, the point of beginning of a curve having a chord bearing of north 66 degrees 02 minutes 04 seconds east that is concave to the north having a central angle of 8 degrees 26 minutes 05 second to the right, and a radius of 1999.24 feet; thence continue along the arc of the last described curve in a northeasterly direction a distance of 294.31 feet to a point; thence departing said vacated right-of-way continue south 15 degrees 39 minutes 00 seconds west a distance of 49.49 feet to a point, the point of beginning of a curve having a chord bearing of south 65 degrees 36 minutes 55 seconds west that is concave to the northeast having a central angle of 7 degrees 35 minutes 47 second to the left, and a radius of 1959.11 feet; thence continue along the arc of the last described curve in a southwesterly direction a distance of 259.74 feet, more or less, to the point of beginning, containing 0.26 acres, more or less.

ACCESS EASEMENT FROM FFP TO SOM

Commence at the westerly most corner of Lot 8, New Country Club Estates, Fourth Unit, as recorded in Map Book 6, Page 142 in the office of the Probate Judge of Mobile County, Alabama, and run north 28 degrees 30 minutes 15 seconds west, along the westerly most end of the Wimbledon Drive vacated right-of-way and along its common line with Lot 7, New Country Club Estates, Fourth Unit, as recorded In Map Book 6, Page 142 In the office of the Probate Judge of Mobile County, Alabama, a distance of 40.14 feet to a point; the point of beginning of a curve having a chord bearing of north 64 degrees 56 minutes 21 seconds east that is concave to the north having a central angle of 6 degrees 14 minutes 38 seconds to the right, and a radius of 1959.11 feet; thence continue along the arc of the last described curve in a northeasterly direction a distance

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of 213.39 feet to a point; the POINT OF BEGINNING OF SAID ACCESS EASEMENT and the point of beginning of a curve having a chord bearing of north 68 degrees 44 minutes 14 seconds east that is concave to the north having a central angle of 1 degree 21 minutes 09 seconds to the right, and a radius of 1959.11 feet; thence continue along the arc of the last described curve in a northeasterly direction a distance of 46.25 feet to a point on the northerly right-of-way of Byrnes Boulevard; thence south 15 degrees 39 minutes 00 seconds west a distance of 61.62 feet to a point; thence north 31 degrees 52 minutes 55 seconds west a distance of 50.13', more or less, to the point of beginning.

APPROVE A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF UNOPENED RIGHT-OF-WAY AT WIMBLEDON DRIVE AT BYRNES BOULEVARD (DISTRICT 5). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 15, 2018.

RESOLUTION: 47-323-2018

Sponsored by: Councilmember Daves

RESOLUTION ESTABLISHING A VACATION OF RIGHT OF WAY FEE AS A CONDITION OF THE VACATION OF UNOPENED RIGHT OF WAY AT WIMBLEDON DRIVE AT BYRNES BOULEVARD BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, as follows:

That the Council, after conducting a public hearing on May 8, 2018, does hereby determine that the right-of-way fee for the vacation of an unopened right of way at Wimbledon Drive at Byrnes Boulevard to be vacated pursuant to Resolution 47-322, is set at \$5,988.64 and that such amount is due to be assessed as the reasonable fee for the vacation of such right-of-way.

The payment of the fee set in this Resolution is and shall be a condition precedent to the exercise of the power to vacate the right-of-way, such that payment of such fee is required before the vacation of the right-of-way shall become effective.

CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT THE 1011 AND 1037 HILLCREST ROAD AND 6353 CHANDLER STREET (SOUTHEAST CORNER OF HILLCREST ROAD AND CHANDLER STREET EXTENDING TO THE NORTH SIDE OF JOHNSON LANE, 240' ± EAST OF HILLCREST ROAD) FROM R-1, B-1 AND B-2, TO B-1 TO ELIMINATE SPLIT ZONING IN A PROPOSED SUBDIVISION (DISTRICT 6). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 41-324-2018

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish the attached proposed amendment to the Zoning Ordinance at least once a week for two consecutive weeks in a newspaper of general circulation within the municipality, together with the attached notice stating the time and place that said proposed amendment is to be considered by the City Council, and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such amendment.

NOTICE OF HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Notice is hereby given that the City Council of Mobile proposes to consider the adoption of the attached amendment to the Ordinance adopted on the 16th day of May, 1967, and known as the "Zoning Ordinance." The adoption of such amendment will be considered by the City Council of Mobile in the Mobile Government Plaza Auditorium, 205 Government Street, Mobile, Alabama, on the 5th day of June, 2018, at 10:30 a.m. At such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of the amendment. Furthermore, the City Council, at this public

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hearing, may consider zoning classifications other than that sought by the applicant for this property.

This notice is published pursuant to a resolution of the City Council of Mobile adopted on the 8th day of May, 2018.

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 1 AND 2, HILLCREST COMMONS PHASE TWO, RESUBDIVISION OF AND ADDITION TO LOT 1 AS RECORDED IN MAP BOOK 121 PAGE 37, PROBATE COURT RECORDS, MOBILE COUTNY, ALABAMA, AND LOTS 5, 6, 7, 8, 9, 11 AND 12, BLOCK 80, PBVEHURST, DELANY'S ADDITION TO SPRINGHILL AS RECORDED IN DEED BOOK 138 PAGES 118-122 OF THE FORESAID RECORDS,

AND

LOTS 5, 6, 7, 8, 9, 11 AND 12, BLOCK 80, PINEHURST, DELANY'S ADDITION TO SPRINGHILL AS RECORDED IN DEED BOOK 138 PAGES 118-122 OF THE AFORESAID RECORDS,

AND

THE NORTH HALF OF DUNCAN STREET THAT ADJOINS BLOCK 80, PINEHURST, DELANY'S ADDITION TO SPRINGHILL AS RECORDED IN DEED BOOK 138 PAGES 118-122 OF THE AFORESAID RECORDS.

The classification of said property is hereby changed from R-1, Single-Family Residential District, B-1, Buffer Business District, and B-2, Neighborhood Business 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; 2) Limited to an approved Planned Unit Development; and 3) 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.

Councilmember Rich then moved to call for the public hearing, which move 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 whereupon the Presiding Officer set the date for the public hearing as June 5, 2018.

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ANNOUNCEMENTS:

Councilmember Small encouraged residents to call Mobile 311 to report overgrown or blighted property.

Councilmember Small invited Mayor Stimpson to attend the ad hoc Public Safety Committee meeting today.

Councilmember Richardson announced a district one meeting will be held on Thursday, May 17, 2018, at 6:00 p.m., at Forest Hill Elementary School.

Councilmember Richardson announced the Mobile Fire-Rescue Department will host its 2018 Fire Safety Expo on May 12, 2018, from 9:00 a.m. – 1:00 p.m., at the Dotch Community Center

Councilmember Richardson invited citizens to Creek Fest this weekend at Tricentennial Park.

Councilmember Daves commended the Council for unanimously approving Resolution 21-312 that will provide a walking trail and lighting at Denton Park.

Councilmember Rich stated that the Council will receive crime statistics for Mobile at today's Public Safety Committee meeting.

City Attorney Ricardo Woods informed the Council that Mayor Stimpson has not received any formal requests for a meeting from Public Works employees.

Councilmember Gregory thanked the University of South Alabama Health System for the information they presented last week.

Councilmember Gregory indicated that she enjoyed the Mobile Museum of Art's Cuban Festival last Saturday.

Councilmember Gregory advised that the Alpine Hills Community Action Group will meet tonight at St. John's United Methodist Church to discuss failing schools.

Councilmember Manzie announced that summer dates for a series of district two community meetings will be announced soon.

Councilmember Daves moved to convene into Executive Session and to not reconvene the regular Council meeting after the Executive Session.

Council Attorney Wanda Cochran stated:

"The Alabama Open Meetings Act requires that an attorney make a declaration that it is appropriate for you to enter into Executive Session to discuss threatened and pending litigation and I am putting that declaration on the record."

Councilmember Rich then seconded the motion, 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 regular meeting adjourned at approximately 12:42 p.m.

Approved: May 15, 2018

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COUNCIL VICE PRESIDENT

CITY CLERK