MUNICIPAL BUILDING, MOBILE, ALABAMA, APRIL 24, 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, April 24, 2018, at 9:00 a.m.

Present:

Chairman:	Manzie
Councilmembers:	Richardson, Small, Williams, Daves and Rich
Absent:	Gregory

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, April 24, 2018.

The Presiding Officer adjourned the meeting.

Approved: May 1, 2018

COUNCIL VICE PRESIDENT

CITY CLERK

MUNCIPAL BUILDING, MOBILE, ALABAMA, APRIL 24, 2017

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, April 24, 2018, at 10:30 a.m., in regular meeting.

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

Pastor Vincent Robinson, Right Way Christian Center, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Councilmember Manzie asked everyone to remain standing for a moment of silence in memory of Eugene "Bo" Trotter.

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. 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 April 17, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson and the Council participated in the Aubreigh’s Army lemon challenge. Mayor Stimpson then passed the challenge to the Mobile County Commissioners, Demarcus Cousins and Jimmy Buffett.

Mayor Stimpson announced that the City’s recycling facilities are now accepting plastic bags and electronics.

NEW COMMITTEE ASSIGNMENTS:

Councilmember Manzie announced the formation of a new public safety committee. Councilmember Rich will chair the committee with Councilmembers Richardson and Daves as members.

MONTHLY FINANCE REPORT:

Executive Director of Finance Paul Wesch stated:

“Good morning. We talked a lot yesterday about the revenues of the City and how much our sales tax rate produces. The background of that for the last few months has been focused on our flat sales tax revenue which was the case for the first three (3) months of the year. If you will remember last month we had a nice pick up and we wondered if that would continue as some sort of trend or if that was an anomalous result. We did have a pick up last month which results in us being ahead on sales tax revenue that goes into all of our various funds by about 4.2% so far this year. That’s good news. The bad news is that’s against a flat revenue projection. We’re doing better than our pessimistic projections for the year, but it’s better than failing to achieve our budget.”

“On the expenditure side our departments across the board continue to do better than budget; that is there are savings in each of the departments. It is still relatively early in the year so we hope that continues and we will watch it as we go forward.”

“I’d be happy to answer any questions.”

Councilmember Rich:

“I read in the newspaper about the agreement that the County has entered in for the payments of rent and utilities. How is that being budgeted since it was not budgeted going into this year and you don’t have the tax coming into it?”

Paul Wesch:

“That’s right. There will be no rent payments going forward and the contribution of the City towards expenditures is roughly half of what was in the budget and was projected. At the end of the day we will be good in terms of our expenditures against the budget.”

Councilmember Rich:

"I understand that the City sent a check, I think it was in the middle of October, for the prior year's rental. Where did those funds come from? I think it was almost $1 million that the City had owed the County and did pay."

Paul Wesch:

"That's right. That came out of City Hall Overhead which is where it typically comes from. The settlement anticipates that the forgiveness of rent going expenditures going forward will balance with any payments that have been made and will result in actually a net to the good for the City."

Councilmember Daves:

"How are we doing in terms of General Fund overall revenues and expenditures versus the same period last year?"

Paul Wesch:

"I'm not sure I can give you same period last year, but I can tell you that to date we are about $9 million ahead of budget. That's a combination of more than expected revenues and expenditures under. I always caution at this point in time that these things tend to even out over the course of the year, or have for the last four (4) years. While that's very positive I do not believe that is where we will end up, but so far so good."

ADOPTION OF THE AGENDA:

Councilmember Gregory 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 Jennifer Moore, Hargrove Engineers & Constructors, for a waiver of the Noise Ordinance at Cooper Riverside Park on May 10, 2018, from 5:30 p.m. – 8:30 p.m. (District 2).

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

The Council considered the request of the Claudette Prince, Tabernacle Praise, for a waiver of the Noise Ordinance at 3084 Cottage Hill Road on May 19, 2018, from 10:00 a.m. – 6:00 p.m. (District 5).

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

The Council considered the request of the Tony Poiroux, IMS Construction, for a waiver of the Noise Ordinance at 151 Du Rhu Drive (The Highlands at Springhill) on April 26, 2018, from 4:30 a.m. – 6:00 a.m. (District 7).

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

The Council considered the request of the Matthew Lemonde, O'Daly's Irish Pub, for a waiver of the Noise Ordinance at 564 Dauphin Street every Tuesday beginning April 24, 2018 and ending June 12, 2018, from 6:00 p.m. – 10:00 p.m. (District 2).

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

Reggie Hill, 1007 Center Street, asked questions regarding Resolution 21-266.

NON-AGENDA ITEMS:

1. Linda St. John, 230 Avalon Street, and Sherry Pierce, 3966 Pine Brook Drive, South, gave the Council information about the Village of Spring Hill's annual Sidewalk-A-Thon.

2. John Young, 4641 Hermitage Road, voiced his concerns about gun violence in Mobile.

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, and held over once more until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 37-249-2018

Sponsored by: Councilmember Small

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 held over for one (2) weeks until the regular meeting of May 8, 2018, 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 held over.

CIP RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH HUGHES PLUMBING & UTILITY CONTRACTORS, INC. FOR 2017 CIP MISCELLANEOUS DRAINAGE REPAIRS PROJECT NO. 2017-3005-13(A), PHASE II, $290,825.50 (DRC17; 20002000-48010). The following resolution which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over one (1) week until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-266-2018

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 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:	Hughes Plumbing & Utility Contractors, Inc.
Project name:	2017 CIP Miscellaneous Drainage Repairs
Project no.:	2017-3005-13(A), Phase II
Estimated cost:	$290,825.50

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

Ayes: 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:

AMENDMENT TO THE PY 2017 ACTION PLAN-ESG TO ALLOCATE $166,609.00 IN HUD ESG SUPPLEMENTAL FUNDING AWARDED FOR THE SALVATION ARMY ($99,000.00-EMERGENCY SHELTER), FAMILY COUNSELING CENTER ($55,113.00-HOMELESS PREVENTION) AND ADMINISTRATION ($12,496.00). The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 31-258-2018

Sponsored by: Councilmember Richardson and Mayor Stimpson

WHEREAS, the City of Mobile receives grant funds form the United States Department of Housing and Urban Development (HUD) Emergency Solutions Grant (ESG) Program, under the Stewart B. McKinney Vento Homeless Assistance Act of 1987, as amended by The Homeless Emergency and Rapid Transition to Housing (HEARTH) Act, and the Stewart B. McKinney Homeless Assistance Amendments Act, and the Cranston-Gonzalez National Affordable Housing Act of 1990 for the provision of services for the homeless population; and

WHEREAS, HUD periodically awards additional funding to eligible grantees throughout the fiscal year;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the 2017 Action Plan is amended in accordance with the table below to reflect allocation of additional funds:

Administration (City of Mobile)	Administration	$12,496
Salvation Army	Emergency Shelter	$99,000
Family Counseling Center (CCCS)	Homeless Prevention	$55,113
Total Additional ESG Allocation		**$166,609**

BE IT FURTHER RESOLVED that the Mayor, or his designee, is directed and authorized to act on behalf of the City of Mobile in the filing of the Amendment to the 2017 Action Plan with HUD, and that this authorization extends to the execution of all required certifications, agreements, and loan documents as well as all other actions required by said Federal funds.

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

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 HUD 2018-2019 ANNUAL ACTION PLAN FOR CDBG, EMERGENCY SOLUTIONS GRANT AND HOME INVESTMENTS PARTNERSHIP ENTITLEMENT FUNDS. The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 31-259-2018

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Action Plan for 2018 is hereby adopted. Said Plan shall direct resources to develop a viable urban community by providing decent affordable housing and a suitable living environment along with expanding economic opportunities for low and moderate-income persons. Said Action Plan is the first installment within the City's overall five-year "2018-

2022 Consolidated Housing and Community Development Plan," and establishes projects for the next Program Year from May 1, 2018 through April 30, 2019, to be funded with assistance from the following three programs which are funded by the U.S. Department of Housing and Urban Development (HUD): Community Development Block Grants (CDBG), HOME Investment Partnership Grants (HOME), and Emergency Solutions Grants (ESG). The City followed its HUD and City Council approved Citizen Participation Plan throughout the process.

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

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

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 MEMORANDUM OF UNDERSTANDING WITH THE MOBILE AIRPORT AUTHORITY TO ALLOW USE OF EQUIPMENT. The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 01-272-2018

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 Memorandum of Understanding by and between the City of Mobile and the Mobile Airport Authority, to establish the terms and conditions under which the City of Mobile will permit the Mobile Airport Authority to use the equipment identified on Exhibit A attached to the Memorandum of Understanding, as outlined in the Memorandum of Understanding attached hereto and made a part hereof as though set forth in full. A copy of said Memorandum of Understanding is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 WATER STREET COMPLETE STREETS AGREEMENT WITH ALDOT FOR RESURFACING, STRIPING AND SIGN REPLACEMENT ON I-65. The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 01-273-2018

Sponsored by: Mayor Stimpson

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

1. That the CITY enters into an Agreement with the State of Alabama, acting by and Alabama Department of Transportation for:

Construction program for Project ST-049-165-001, Project Reference Number 100068233 for resurfacing, striping, and sign replacement on 1-165 from MP 4.67 to MP 4.7, in the CITY of Mobile, Alabama; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.

3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 CHANGE ORDER WITH THOMPSON ENGINEERING TO INCLUDE THE ADDITIONAL SCOPE OF ROADWAY RESURFACING PLANS AND BID DOCUMENTS FOR WATER STREET COMPLETE STREETS PROJECT, ADD $60,925.00 (CO279; 2016-2060-07; 20002000-48010). The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 13-274-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: Thompson Engineering

COM project name: Water Street Complete Streets Project 2016-2060-07

Capital project no.: C0279

Change order amount: $60,925.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 CONTRACT WITH PLUMBING MASTERS, INC. FOR WOODCOCK SCHOOL (TSAC)-EMERGENCY REPAIRS, $9,100.00 (PR-034-18; CO185; 20002000-48010). The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-275-2018

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: Plumbing Masters, Inc.

Project name: Woodcock School (TSAC) - Emergency Repairs

Project number: PR-034-18

Amount: $9,100.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 CONTRACT WITH CLARK PERSONNEL, INC. FOR SERVICES RENDERED IN SUPPORT OF THE 2018 YOUTH EMPOWERED FOR SUCCESS (YES) PROGRAM, NTE $150,000.00. The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-276-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and 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 Clark Personnel, Inc., in an amount not to exceed $150,000, for a period to begin on or about April 15, 2018, and to expire upon completion of services rendered In support of the 2018 Youth Empowered for Success (YES) program, for personnel staffing services for the 2018 YES program, attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file In the Office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small 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 CONTRACT WITH TELEPAK NETWORKS, INC. FOR VOICE-OVER-INTERNET PROTOCOL TELEPHONE SERVICE AND SUPPORT, $15,255.00 MONTHLY ESTIMATE (10045000-46060). The following resolution, which was introduced and read at the regular meeting of Tuesday, April 17, 2018 and held over until the regular meeting of April 24, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-277-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and 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 Telepak Networks, Inc., doing business as C Spire Business Solutions, for a period to begin on or about May 1, 2018, for period of five years, for Voice-Over-Internet Protocol telephone service and support, attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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 03-279 through 58-284 being introduced for the first time. The motion was seconded by Councilmember Gregory, 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 items.

CONSENT RESOLUTIONS BEING INTRODUCED:

APPOINT ELLIS FOSTER, JR. TO THE CITIZENS' PARKS AND RECREATION ADVISORY COMMITTEE. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-279-2018

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that Ellis Foster, Jr. is appointed to the Citizens' Parks and Recreation Advisory Committee effective immediately for a term ending November 1, 2019.

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.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LICENSE FOR 2018 FUEGO, 2066 OLD SHELL ROAD (PARKING LOT). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-280-2018

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: Special Events Retail License

Submitted by: Nightwing Restaurant, LLC

Location: 2018 Fuego
2066 Old Shell Road (Parking Lot)
Mobile, AL 36607

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.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A NON-PROFIT TAX EXEMPT LICENSE FOR 2018 INFIRMARY DUATHLON, 166 MOBILE INFIRMARY DRIVE (PARKING LOT). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-281-2018

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: Non-profit Tax Exempt License

Submitted by: Infirmary Foundation, Inc.

Location: 2018 Infirmary Duathlon
166 Mobile Infirmary Boulevard (Parking Lot)
Mobile, AL 36607

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.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A NON-PROFIT TAX EXEMPT LICENSE FOR 2018 NATIONAL WILD TURKEY FEDERATION BANQUET, 1035 NORTH CODY ROAD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-282-2018

Sponsored by: Councilmember Gregory

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: The National Wild Turkey Federation, Inc.

Location: 2018 National Wild Turkey Federation Banquet
1035 North Cody Road
Mobile, AL 36608

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.

DECLARE WEEDS NOXIOUS, GROUP #1579. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-283-2018

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1579 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above, described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the 29th day of n/lav. 2018. at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

	WEED LIEN				
	GROUP 1579			Res. No.	
4/24/2018	LOTS TO BE DECLARED			58-	
5/29/2018	LOTS FOR PUBLIC HEARING			58-	
//2018	LOTS TO BE ASSESSED FOR COST			58-	
No.	Address	SRO No.	Amount Assessed	Dis	N/A CBO
1	2855 Pages Lane	862399		1	
2	1606 Sharon Dr	862400		1	
3	200 Parkway Dr E	862402		7	
4	176 Third Ave	862403		7	
5	1823 Blackman St	862404		1	
6	1852 Calmes St	862405		2	
7	851 Washington Ave S	862406		2	
8	798 Gorgas St	862407		3	
9	354 St Charles Ave	862409		2	
10	5200 S Border Dr	862414		7	
11	2522 Muriel Ave	866355		1	
12	1014 Dauphin St	866357		2	
13	361 Cherry St	866360		2	
14	1360 St. Madar St	866363		2	
15	2505 Morningside Dr	866365		4	
16	758 Lawrence St	867504		2	
17	170 Sage Ave	867507		1	
18	700 Montclaire Way	867508		5	
19	2814 Warsaw Ave	867509		1	
20	2812 Warsaw Ave	867510		1	
21	2806 Warsaw Ave	867512		1	
22	2660 Atoll Dr	867513		4	
23	2704 Reaves St	867514		1	
	Total		$ -		
District total for this group		Numbers of lots cut			
1		1			
2		2			
3		3			
4		4			
5		5			
6		6			
7		7			
	0		0		
*ADD Added in from other Groups					
*CBO Cut By Owner					
*N/A Taken out by Inspector					

The resolution was read by the City Clerk; whereupon Councilmember 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 REMOVAL OF WEEDS, GROUP #1578. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-284-2018

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

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

WHEREAS, Parcels Nos. 1 through 21 described in the resolution adopted on the 20th day of March, 2018, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

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

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

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 21, as described in the resolution adopted on the 20th day of March, 2018, and entitled: "A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES."

(Lot Cleaning Liens, Group No. 1578, on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

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

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 21-286 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 INFRASTRUCTURE MANAGEMENT SERVICES, LLC, FOR 2018 CIP CITYWIDE 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 was held over for one (1) week until the regular meeting of Tuesday, May 1, 2018.

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 Citywide Pavement Inspection
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

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION TO INSTALL TRASH RECEPTACLES IN BRITISH PARK, SULLIVAN PARK, LYONS PARK, HOPE COMMUNITY CENTER, SPRINGHILL RECREATION CENTER AND JAMES M. SEALS, JR. PARK, $29,500.00 (2017 CIP #130, D2). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-286-2018

Sponsored by: Councilmember Manzie

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: Trash Receptacle Installation at Various Parks in District 2;
-British Park - 209 South Dearborn Street
-Sullivan Park - 351 North Catherine Street
-Lyons Park - 180 Lyons Park Avenue
-Hope Community Center - 850 Edwards Street
-Springhill Recreation Center - 1151 Springhill Avenue
-James M. Seals Jr., Park - 540 Texas Street

Project Number: PR-244-17

Amount: $29,500.00

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Gregory. Following comments from Councilmembers Manzie 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.

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

Councilmember Daves moved for the suspension of the rules to consider Resolutions 01-287 and 21-288 being introduced for the first time. The motion was seconded by Councilmember Rich. Following discussion between the Council, Wanda Cochran and Ricardo Woods, the vote was as follows:

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

The Presiding Officer declared unanimous consent denied for the items.

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH MOBILE COUNTY, AIRBUS AMERICAS, INC. AND MOBILE AIRPORT AUTHORITY FOR ARLINGTON PARK DOCK DREDGING, PROJECT, $125,000.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 1, 2018.

RESOLUTION: 01-287-2018

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, Project Agreement by an among the City of Mobile, Mobile County, Airbus Americas, Inc., and Mobile Airport Authority, as outlined in the Arlington Point Dock Improvement 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.

AUTHORIZE CONTRACT WITH BELLCO, INC., TO REPLACE FLOORING AT THE TAPIA FIRE STATION, 4710 AIRPORT BOULEVARD, $29,775.00 (C0109, 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, May 1, 2018.

RESOLUTION: 21-288-2018

Sponsored by: Councilmember Rich 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: Bellco, Inc.

Project name: Fire Station #5/#22 - Flooring Replacement

Project number: FD-016-18

Amount: $29,775.00

CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO 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 resolution was introduced by Councilmember Richardson.

RESOLUTION: 41-289-2018

Sponsored by: Councilmember Richardson

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 22nd day of May, 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 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 24th day of April, 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 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.

Councilmember Richardson then moved to call for the public hearing, which move was seconded by Councilmember Rich, and the vote was as follows:

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as May 22, 2018.

ANNOUNCEMENTS:

Councilmember Richardson provided an overview of improvements planned for several parks and community centers in district one.

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 Gregory encouraged residents to participate in the Village of Spring Hill's 7th annual Sidewalk-A-Thon on Friday, April 27, 2018, at 4:00 p.m. Proceeds will be used for the construction of additional sidewalks in the community.

Councilmember Gregory thanked the University of South Alabama ROTC and Savannah Long for donating their time to repaint the airplane at Langan Park.

Councilmember Small reported that yesterday's CIP committee meeting was productive. The committee's next meeting will be held on Tuesday, May 15, 2018 immediately following the Council meeting.

Councilmember Small reminded district three residents to report overgrown or blighted properties to Mobile 311.

Councilmember Rich asked Councilmembers Richardson and Daves to coordinate with her on dates and times for the ad hoc Public Safety Committee to meet.

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

Councilmember Richardson moved to convene into Executive Session and to not reconvene the regular Council meeting after the Executive Session, which move was seconded by Councilmember Rich.

Council Attorney Wanda Cochran stated:

“The Executive Session is being called to discuss pending and threatened litigation. The Alabama Open Meetings Act requires that an attorney certify to the Council that it is appropriate for you to meet for that purpose. I am licensed to practice law in Alabama and I hereby make the declaration.”

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 11:52 a.m.

Approved: May 1, 2018

COUNCIL VICE PRESIDENT

CITY CLERK