

MUNICIPAL BUILDING, MOBILE, ALABAMA, MARCH 16, 2021

The Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, March 16, 2021, at 9:00 a.m.

Present:

Councilmembers: Richardson, Manzie, 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.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, MARCH 16, 2021

The City Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, March 16, 2021, at 10:30 a.m., in regular meeting.

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

Council President, Levon Manzie, District 2, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Councilmember Manzie asked citizens to keep Greg Cyprian, Special Events Assistant Manager, in their thoughts and prayers while he battles the coronavirus.

Present on Roll Call:

Chairman: Manzie
Councilmembers: Richardson, Small, Williams, Daves, Rich and Gregory
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council rules of procedure, to include special provisions to facilitate social distancing because of the Covid-19 virus.

APPROVAL OF MINUTES:

The minutes of the meeting of March 9, 2021, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson announced that Art Walk and the Festival of Flowers were a success.

Mayor Stimpson stated that this morning the Unified Command met for the last time due to the decline of COVID-19 cases.

Mayor Stimpson shared that a portion of Broad Street will be closed from March 18 until late summer for repairs.

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Mayor Stimpson announced that the roundabout on Canal Street is scheduled to open next week.

NOTE: Councilmember Williams introduced students enrolled in the TALL (Tillman's Corner Area Learning Leadership) Program from Cottage Hill Christian, McGill Toolen and Baker High Schools.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda and to declare the items on the agenda Essential/Covid-19 related and move Ordinance 34-003 to the top of the agenda, 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 by the City Clerk whereupon the Presiding Officer declared the agenda adopted and all items declared Essential/Covid-19 related.

ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO INCLUDE THE REAL PROPERTY BUSINESS PRIVILEGE TAX APPLICABLE TO LESSORS OF RESIDENTIAL BUILDINGS AND DWELLINGS TO THE SCHEDULE OF LICENSES. The following resolution was held over until the regular meeting of February 2, 2021.

ORDINANCE: 34-003-2021

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile, by and through its City Council, has heretofore adopted Ordinance 34-074, AN AMENDMENT TO ARTICLE VII OF CHAPTER 34 (LICENSES) OF THE MOBILE CITY CODE OF 1965, adopted October 6, 1987; Ordinance 34-091, AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 (1987), TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965, adopted November 24, 1987; Ordinance 34-033, AN ORDINANCE TO AMEND ORDINANCE 34-091 ADOPTED November 24, 1987, ENTITLED "AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 (1987) TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965," adopted March 8, 1988, and; Ordinance 34-070, AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE 34-033 ADOPTED MARCH 8, 1988 "ENTITLED AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 ADOPTED OCTOBER 6, 1987 TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965," adopted June 21, 1988; and,

WHEREAS, the City wishes to clarify the license fees and requirements for persons engaging in the business of leasing residential buildings and dwellings by adding to the Schedule of Licenses in Mobile City Code, Chapter 34, a listing for Lessors of Residential Buildings and Dwellings; and,

WHEREAS, the City desires to revoke the current exemption for owners of ten or less dwelling units that do not qualify for an owner-occupied exemption; and,

WHEREAS, this Ordinance is enacted to accomplish said goals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to amend the "2008 Schedule of Licenses" found in the Mobile City Code, Chapter 34 as follows:

(1) Change the title of "2008 Schedule of Licenses" as follows:

The title of "2008 Schedule of Licenses" found in the Mobile City Code, Chapter 34, shall be deleted and replaced by the following:

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“Schedule of Licenses”

(2) To levy a license fee on and against lessors of residential buildings and dwellings by amending the Schedule of Licenses located in Mobile City Code, Chapter 34, to include the following section:

NAICS	Code	Title	License Rate
531110	412	Lessor of Residential Buildings and Dwellings	0.002672
531110	412	All owners of real property who engage in renting or leasing of ten or more dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Lessor of Residential Building and Dwellings: All owners of real property who engage in renting or leasing <u>less than ten</u> dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Definitions for the purposes of this license: “dwelling unit” is a single-family residence and each separate family apartment or housing accommodation in multiple-family building. “location” is a parcel as assessed for ad valorem taxes. “owner” is any person who is the holder of record title of any real property, and any assignee thereof. “residential purposes” is a residential occupancy for hire not subject to City Lodging Tax under Article IV of this Chapter. Exemptions: (1) Owner-occupied buildings or owner-occupied dwellings in which there are not more than three (3) dwelling units offered for rent or lease at the same location. A building or	\$25.00 per dwelling unit

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		dwelling is owner-occupied only if it is the principal residence of the owner. (2) Residential properties assessed to the Mobile Housing Board Authority. Any owner claiming an exemption under the owner-occupied status, the Mobile Housing Board Authority exemption, or an exemption pursuant to Section 34-65(b), shall file an affidavit with the City Revenue Department which provides the name and address of the owner and property manager (if applicable) for said property, along with a detailed factual basis for the exemption.	

Repealer. The City hereby repeals Ordinance 34-074 adopted October 6, 1987; Ordinance 34-091 adopted November 24, 1987, Ordinance 34-033 adopted March 8, 1988, and Ordinance 34-070 adopted June 21, 1988. Additionally, all other City Code Sections and ordinances or part of any City Code Sections and ordinances in conflict are hereby repealed.

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

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

Publication. That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance as required by law.

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

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

Councilmember Daves moved to amend the ordinance as follows:

AN ORDINANCE TO AMEND THE MOBILE CITY CODE BY INCLUDING THE REAL PROPERTY BUSINESS PRIVILEGE TAX APPLICABLE TO LESSORS OF RESIDENTIAL BUILDINGS AND DWELLINGS TO THE SCHEDULE OF LICENSES

WHEREAS, the City of Mobile, by and through its City Council, has heretofore adopted Ordinance 34-074, AN AMENDMENT TO ARTICLE VII OF CHAPTER 34 (LICENSES) OF THE MOBILE CITY CODE OF 1965, adopted October 6, 1987; Ordinance 34-091, AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 (1987), TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965, adopted November 24, 1987; Ordinance 34-033, AN ORDINANCE TO AMEND ORDINANCE 34-091 ADOPTED November 24, 1987, ENTITLED "AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 (1987) TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965," adopted March 8, 1988, and; Ordinance 34-070, AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE 34-033 ADOPTED MARCH 8, 1988 "ENTITLED AN ORDINANCE TO AMEND ORDINANCE NO. 34-074 ADOPTED OCTOBER 6, 1987 TO PROVIDE FOR A BUSINESS LICENSE UNDER ARTICLE VII OF CHAPTER 34 OF THE MOBILE CITY CODE OF 1965," adopted June 21, 1988; and,

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WHEREAS, the City wishes to clarify the license fees and requirements for persons engaging in the business of leasing residential buildings and dwellings by adding to the Schedule of Licenses in Mobile City Code, Chapter 34, a listing for Lessors of Residential Buildings and Dwellings; and,

WHEREAS, the City desires to revoke the current exemption for owners of less than ten dwelling units that do not qualify for an owner-occupied exemption; and,

WHEREAS, this Ordinance is enacted to accomplish said goals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to amend the “2008 Schedule of Licenses” found in the Mobile City Code, Chapter 34 as follows:

1. Change the title of “2008 Schedule of Licenses” as follows:

The title of “2008 Schedule of Licenses” found in the Mobile City Code, Chapter 34, shall be deleted and replaced by the following:

“Schedule of Licenses”

2. To levy a license fee on and against lessors of residential buildings and dwellings and create certain exemptions and privileges for such lessors by amending the Schedule of Licenses located in Mobile City Code, Chapter 34, to include the following sections:

NAICS	Code	Title	License Rate
531110	412	Lessors of Residential Buildings and Dwellings	0.002652
531111	412	All owners of real property who engage in renting or leasing of ten or more dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Lessors of Residential Building and Dwellings: All owners of real property who engage in renting or leasing <u>less than ten</u> dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Definitions for the purposes of this license: “dwelling unit” is a single-family residence and each separate family apartment or housing accommodation in multiple-family building. “location” is a parcel as assessed for ad	\$15.00 per dwelling unit

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		valorem taxes. “owner” is any person who is the holder of record title of any real property, and any assignee thereof. “residential purposes” is a residential occupancy for hire not subject to City Lodging Tax under Article IV of this Chapter. Exemptions: (1) Owner-occupied buildings or owner-occupied dwellings in which there are not more than three (3) dwelling units offered for rent or lease at the same location. A building or dwelling is owner-occupied only if it is the principal residence of the owner. (2) Residential properties assessed to the Mobile Housing Board Authority. Any owner claiming an exemption under the owner-occupied status, the Mobile Housing Board Authority exemption, or an exemption pursuant to Section 34-65(b), shall file an affidavit with the City Revenue Department which provides the name and address of the owner and property manager (if applicable) for said property, along with a detailed factual basis for the exemption. Additional Exemptions and Privileges: (1) Lessors of Residential Buildings and Dwellings shall be required to only file a single business license application form which shall cover all of their dwelling unit locations; (2) Lessors of Residential Buildings and Dwellings shall be exempt from Mobile City Code Sec. 34-51 except that such license(s) must be present at their principal place of business; (3) Lessors of Residential Buildings and Dwellings shall be exempt from Mobile City Code Sec. 34-53(1) with regards to individual dwelling units.	
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Repealer. The City hereby repeals Ordinance 34-074 adopted October 6, 1987; Ordinance 34-091 adopted November 24, 1987, Ordinance 34-033 adopted March 8, 1988, and Ordinance 34-070 adopted June 21, 1988. Additionally, all other City Code Sections and ordinances or part of any City Code Sections and ordinances in conflict are hereby repealed to the extent of such conflict.

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

Effective Date. This Ordinance shall be in full force and effect within the City of Mobile and its police jurisdiction from and after its adoption and publication as required by law.

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The move was seconded by Councilmember Richardson. Following comments by Councilmembers Rich, Williams and Manzie 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 amendment adopted.

The Presiding Officer then called for the vote on the original motion as amended and the vote was as follows:

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

Nays: None

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

APPEALS

Request of Wes Pipes, 207 Levert Avenue, for a waiver of the Noise Ordinance on June 12, 2021, from 7:00-10:00 p.m. (District 1).

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Sue and Edward Courtney, 206 Woodlands Avenue, for a waiver of the Noise Ordinance on May 15, 2021, from 7:00-10:00 p.m. (District 1).

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

PUBLIC HEARINGS

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 456 BOOKER STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 456 Booker Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 912 ELMIRA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

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The Presiding Officer announced that today was the day for the public hearing to declare the structure at 912 Elmira Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1169 ELMIRA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1169 Elmira Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1212 SENECA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1212 Seneca Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Beverly Townser, 1862 Lewis Avenue, requested time to make improvements to the property.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2504 COURTNEY STREET SOUTH A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2504 Courtney Street South a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2304 BURMA HILLS COURT A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2304 Burma Hills Court a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO CONSIDER THE VACATION OF RIGHT OF WAY BETWEEN LOTS 3 & 4, WESTWOOD FARMS RESUBDIVISION ON HALLS MILL ROAD (DISTRICT 4).

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The Presiding Officer announced that today was the day for the public hearing to consider the vacation of right of way between Lots 3 & 4, Westwood Farms Resubdivision on Halls Mill Road and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO CONSIDER A VACATION FEE FOR VACATION OF RIGHT OF WAY LOCATED BETWEEN LOTS 3 & 4, WESTWOOD FARMS RESUBDIVISION ON HALLS MILL ROAD (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to consider a vacation fee for vacation of right of way located between Lots 3 & 4, Westwood Farms Resubdivision on Halls Mill Road and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a later date.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. Michele Bright, 1106 Bessemer Road Northwest, Huntsville, AL 35816, requested information related to minority contract percentages with the City of Mobile.
2. Reggie Hill, 1007 Center Street, discussed Resolution 60-207.

NON-AGENDA ITEMS:

None

NOTE: At approximately 12:00 p.m., Councilmember Daves excused himself from the meeting.

ESSENTIAL/COVID-19 ITEMS HELD OVER:

ORDINANCE TO AMEND AND RESTATE CHAPTER 65 OF THE CITY CODE ENTITLED "TREE PROTECTION AND MANAGEMENT." The following ordinance, which was introduced and read at the regular meeting of March 9, 2021 and held over until the meeting March 16, 2021, was called up by the Presiding Officer.

ORDINANCE: 65-018-2021

Sponsored by: Mayor Stimpson

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

SECTION ONE. That Chapter 65 of the Mobile City Code, entitled Tree Protection and Management, is hereby amended and restated in its entirety as follows:

Chapter 65 – Tree Protection and Management

Article I. General Purposes and Application.

1. Purposes. This Chapter is intended:

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- a. To promote environmental and ecological awareness;
- b. To improve the city's image and aesthetic charm and beauty;
- c. To protect property values from the adverse aesthetic and ecological effects of imprudent tree removal, pruning, or lack of maintenance;
- d. To promote water quality and ground and surface water stabilization and decrease the adverse impact of water table fluctuations caused by imprudent tree removal;
- e. To protect against greater noise and light pollution which is increased by the imprudent removal of buffer trees;
- f. To protect structures and existing vegetation from greater wind velocities resulting from the imprudent removal of buffer trees;
- g. To promote air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis;
- h. To stabilize the urban wildlife habitat and ecosystem balance;
- i. To provide for the public health, safety and welfare through a systematic process used to identify, analyze, and evaluate the likelihood of tree failure and associated consequences, and the application of policies, procedures, and practices to identify, evaluate, mitigate, monitor, and communicate tree risk;
- j. To support the provisions of the Mobile Tree Act
- k. To provide uniform standards in the removal and replacement of trees on public and private property within the corporate limits of the City of Mobile in accordance with both municipal and state laws;
- l. To educate the public in the economic, aesthetic and historic benefits of preserving trees, including conserving energy, reducing soil erosion, and protecting trees and the ecosystem;
- m. To preserve the economic base attracted to the City of Mobile by such factors.

2. Application. The requirements of this Chapter shall apply to all land located within the corporate limits of the City of Mobile, except single-family and two-family lots with an existing habitable structure, which are not located in an Historic District subject to the rules and regulations of the Architectural Review Board. Single-family and two-family lots which are located within a locally designated Historic District are subject to the requirements of this Chapter.

Article II. Definitions.

1. As used in this Chapter, the following words and terms shall have the following meanings:

American National Standards Institute (ANSI): A private non-profit organization that oversees the development of voluntary consensus standards by accredited representatives of government agencies, industry, and other stakeholders.

ANSI A300: The industry-developed, national consensus standards of practice for tree care in the United States.

Arborist: A person trained in the proper care and maintenance of trees who has passed an independent exam administered by the International Society of Arboriculture, and maintains the credential through continuing education.

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Bona Fide Agriculture: A land used to derive income from growing plants or trees on land, including but not limited to, land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.

Commercial Nursery or Tree Farm: A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of said licensee's business.

Critical Root Zone (CRZ): The area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. Per ANSI A300 (Part 5), these roots are located within 6 to 18 times the trunk diameter (DBH) depending on species tolerance to root loss, tree age and health.

Diameter at Breast Height (DBH): The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

Drip Line: The circumference of the tree's natural, unaltered canopy extended vertically to the ground.

Grubbing: The effective removal of understory vegetation such as, but not limited to, palmetto from the site. As herein defined, no tree greater than three (3) inches DBH will be removed.

Heritage Tree, existing: Any of the following list of trees which is at least 18 inches DBH: bald cypress (*Taxodium distichum*); hickory (*Carya* spp.); longleaf pine (*Pinus palustris*); Magnolia (*Magnolia* spp.); Oak (*Quercus* spp.), excluding water oak (*Quercus nigra*); river birch (*Betula nigra*); sweet gum (*Liquidambar styraciflua*); sycamore (*Platanus occidentalis*); and yellow poplar (*Liriodendron tulipifera*). In Historic Districts, Heritage Trees include the species previously noted, but have a minimum size of at least eight (8) inches DBH.

Heritage Tree, credit or compliance: any tree planted or claimed for credit for compliance with the UDC or tree planting and landscaping requirements of the City.

Historic District: A geographic area designated by the city council as a historic district, including all historic districts existing as of the date of this ordinance and future districts designated by the Mobile City Council.

Land Clearing: Those operations where trees and vegetation are removed and which occur previous to the construction of building; e.g., road right-of-way excavation or paving, lake and drainage system excavation, utility excavation, grubbing, and any other necessary clearing operations.

Landscape Material: Living plant material which shall include, but not be limited to, trees, shrubs, flowers, vines, lawn grass and other ground cover; natural features and areas; and nonliving durable material commonly used in landscaping which shall include, but not be limited to, rocks, pebbles, sand, mulch, wood chips, exterior lighting fixtures, planters, fountains, reflecting pools, works of art, walkways, fences, walls, benches and other types of appropriate outdoor furniture. Nonliving landscape material shall not include artificial or synthetic material in the form of trees, flowers, shrubs, vines, or ground cover.

Landscape Plan: a drawing representing existing and proposed tree and landscape elements for a site, and drawn to either a standard architectural or engineering scale.

Landscaped Area: An area which shall consist of landscape material, as defined, such that the use of living landscape material predominates over the use of nonliving landscape material.

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Mobile Tree Act: The common name of the local law enacted by the Alabama State Legislature (Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended) for the purpose of protecting the trees on both public and private property within the City.

Mobile Tree Commission: The entity (hereafter referred to as the "Commission") created by the Alabama State Legislature and specifically charged with the responsibility and duty of fostering the planting, growth and protection of trees on private property and publicly owned areas in accordance with the provisions of the Mobile Tree Act.

Overstory Tree: A tree whose mature canopy height is at least 35-feet.

Protective Barrier: A physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this article. Variations of these methods may be permitted by the urban forester upon written request if they satisfy the intent of this ordinance.

Public Tree: A tree located on any property owned by the City of Mobile, Alabama.

Selective Root Pruning: A process consisting of soil excavation using supersonic air tools, pressurized water, or hand tools, followed by cutting individual roots conducted under the supervision of an ISA certified arborist as set forth in ANSI A300 (part 8) Best Management Practices.

Streetscape: The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.

Tree: Any self-supporting, woody plant of a species suitable for growing in the proposed environment as well as the City of Mobile.

Understory Tree: A tree whose mature canopy height is between 15 and 35 feet.

Urban Forester: The city employee specially trained in forestry or arboriculture tasked with the management of naturally occurring and planted trees and associated plants within the corporate limits of the City of Mobile who has passed an independent exam administered by the International Society of Arboriculture, and maintains the credential through continuing education, or his/her duly authorized designee.

Article III. Urban Forestry.

1. **Establishment.** This Ordinance establishes an Urban Forestry Department charged with the responsibility of planning for and maintaining trees within the public rights-of-way and public parks. The Department shall be staffed with one full time Urban Forester, one or more full time arborists, and associated tree crew(s).

2. **Urban Forester.** The Urban Forester shall perform a variety of professional administrative duties involved in the study, planning, development, coordination and implementation of systems, programs, procedures, and practices in support of the City's urban forestry program. The Forester is responsible for managing the urban forest and the urban forest programs. Work involves instructing staff in the planting, cultivating, and maintenance of a variety of trees and other plant materials throughout the City, providing for an overall tree maintenance and replacement plan for trees in the rights-of-way, protection of public trees, and providing staff support to the Mobile Tree Commission. The Urban Forester, in coordination with any other involved City department(s), shall perform, or cause to be performed, the following duties and/or activities:

a. Direct the enforcement of this Chapter;

b. Coordinate and educate the various departments of the City and the general public which are affected by the provisions of this Chapter;

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- c. Develop and maintain a tree inventory for the purpose of creating a master data bank of all trees within the City's public rights-of-way and public properties;
 - d. Develop and maintain a tree disease and injury list for the purpose of establishing the most common problems which afflict trees in Mobile's urban environment; and,
 - e. Develop and maintain a tree plan for the purpose of establishing design standards for trees and other landscaping materials planted within the public rights-of-way.
3. Arborist. The Arborist job duties shall involve tree care operations such as planting, trimming, insect and disease control, and removal of tree limbs and debris giving careful consideration to all surroundings before, during, and after tree care activities. Work involves the execution of specific rules, regulations, or procedures.

Article IV. Mobile Tree Commission.

1. Establishment. The Mobile Tree Commission is established under the authority of the Mobile Tree Act and is charged with exercising the duties specifically provided in the Act.
2. Duties. The Mobile Tree Commission is specifically charged with the responsibility and duty of fostering the planting, growth, and protection of trees on private property and publicly owned areas within the City of Mobile and shall take active steps to:
- a. Educate the public as to the economic, aesthetic, health, storm protection, and historic benefits of trees to the City and its citizens, both on publicly and privately owned property;
 - b. Promote the planting and replacement of trees in the City, with the particular objective of establishing and protecting avenues of live oak trees and other trees deemed suitable by the Commission;
 - c. Promote the care, feeding, fertilization and other measures desirable for the health and growth of existing trees in street rights-of-way;
 - d. Protect trees located in street rights-of-way from damage, removal, lack of sustenance, or any other act or condition which might threaten the health and growth of such trees.
3. Membership.
- a. The Commission shall consist of the same number of members as the number of members of the City Council. The City Council shall make the appointments to the Commission.
 - b. The members of the Commission shall serve at the pleasure of the City Council.
 - c. Persons appointed to serve on the Commission shall serve until a successor takes office.
 - d. Any vacancies on the Commission shall be filled by appointment made by the City Council.
 - e. Members shall serve without salary or remuneration.
 - f. The Commission shall annually elect from among its members a Chair, a Vice-Chair, a Secretary, and a Treasurer.
 - g. The Commission shall hold regular meetings at least once each month and specially as it deems necessary in a public place open to the public in a manner conducive to public comment and participation.
 - h. The Commission shall cooperate with and coordinate its activities with the Urban Forestry Department, the Public Works Department, the Parks and Recreation

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Department, and other City departments. All departments of the City shall cooperate with the Commission in the exercise and discharge of the Commission's duties.

i. The Commission is authorized to accept contributions and to expend the same for the purposes of carrying out its duties and obligations imposed by the Mobile Tree Act. All contributions and funds received by the Commission shall be held in a Trust Fund known as the Tree Planting and Preservation Trust Fund. The Commission, using nationally accepted accounting methods, shall deliver an annual report to the City Council regarding the status of the Trust Fund.

j. The Commission shall adopt By-Laws and Regulations for carrying out its duties and obligations imposed by the Mobile Tree Act, and in accordance with its By-Laws:

i. May provide printed forms to be used as shall be necessary to govern its proceedings and to effectuate the provisions of the Mobile Tree Act;

ii. May cause studies to be made as it deems necessary;

iii. May perform its functions directly through its own agents or employees, or may contract with others for specific or general services to carry out its purposes; and,

iv. Shall keep a record of its proceedings and a register of all applications made to it and its action thereon, all of which shall be public records.

k. Any decision of the Commission, or any decision of any officer or agent of the Commission to whom its duties are delegated, may be appealed to the City Council by any person aggrieved by the decision by filing a written notice of appeal with the Commission and the City Clerk within fifteen (15) days from the date of the decision. The notice of appeal shall specify the particular grounds upon which the appeal is taken. Upon receipt of the notice of appeal, the Commission shall transmit to the City Clerk all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed is based. Any person aggrieved by the decision of the City Council may appeal the decision in accordance with State Code.

Article V. Tree Trails.

1. Designation. The following City streets are of significant historic and aesthetic value because of the trees adjoining the land, and hereby are declared Tree Trails of the City:

a. Government Street

b. Dauphin Street

c. Michigan Avenue

d. Park Avenue

e. Houston Street

f. Old Shell Road

g. Springhill Avenue

h. The Avenue of Oaks

i. Dauphin Island Parkway (between Duval St. and Dog River).

2. Designation of New Tree Trails. Other streets, such as those in Historic Districts, may be designated as Tree Trails by the City Council upon recommendation of the Commission, the Urban Forester, or the public.

3. Tree Trails shall be clearly marked with municipal signs.

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4. On all designated Tree Trails, utility companies shall work closely with both the Urban Forester and the Commission prior to performing any projects which would affect the trees along these designated streets.

5. All oversized vehicles, specifically those vehicles in excess of thirteen (13) feet, six (6) inches in height and ten (10) feet in width, and any vehicle hauling or pulling an oversized load in excess of the dimensions of an oversized vehicle, are prohibited from traversing Tree Trails without first obtaining a written permit therefor from the urban forester.

Article VI. Tree Trimming or Tree Removal from Private Property.

1. Permit. Any person wishing to trim, remove or relocate a Heritage Tree shall be required to obtain a Tree Permit from the Urban Forester.

a. Tree removal applications for a site not zoned R-1, Single-Family Residential, or R-2, Two-Family Residential, require a landscape plan identifying trees to be removed.

i. Pre-application inspection. In connection with applications involving extremely large tracts of property, the Urban Forester may arrange and coordinate a pre-application inspection of the site involved.

b. Tree trimming applications do not require a landscape plan unless otherwise deemed required by the Urban Forester.

c. Fees. Upon paying an administrative application fee of seventy-five dollars (\$75) per tree with a maximum charge of \$225 for one and two-family sites and \$675 for all other sites, to cover the costs of researching and processing the application, the application and plan shall be stamped with the date and time and forwarded to the city's Urban Forester for review and approval. All proceeds from the said processing fee shall be earmarked for the use of the City's Urban Forester for the administration of this Article.

d. Permit procedure. An application will be field checked prior to the issuance of a Tree Permit. The Urban Forester may request a recommendation concerning the application from any or all appropriate city departments, and/or the Tree Commission.

e. Criteria for issuance of Tree Permit. Upon receiving the field inspection report and any requested recommendations concerning the application, the Urban Forester shall issue a Tree Permit for the trimming, removal or relocation of trees if one (1) or more of the following criteria is met:

i. The tree is located in an area where a structure or improvement will be placed according to an approved plan;

ii. For one and two -family properties only, the tree is located where a swimming pool or detached carport or garage will be located;

iii. The tree is deemed a moderate to high level risk per ANSI A300 (Part 9) Tree Risk Assessment; or,

iv. The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations, including, but not limited to, laws and regulations pertaining to government programs for financing the construction.

f. Basis for denial of permit. The Urban Forester, upon a determination that an application for tree removal does not meet the criteria for issuance, shall deny the application and will notify the applicant of the reason(s) therefore.

g. Time of permit. Tree Permits issued pursuant to the requirements of this Article shall be valid for a period of six (6) months. The Urban Forester may extend the permit for no more

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than an additional six (6) months, but in no case will a permit be valid for more than twelve (12) months.

h. Historic Districts. In Historic Districts, Heritage Trees have a minimum size of at least eight (8) inches DBH.

i. No Heritage Tree can be removed, nor can land be cleared or grubbed, in any local Historic District except under a permit issued by the Urban Forester after application as provided above, which shall be granted only upon a showing that the said Heritage Tree is:

1. The tree is deemed a moderate to high level risk per ANSI A300 (Part 9) Tree Risk Assessment; or,

2. Certified by the Architectural Review Board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or,

3. The owner of the property on which the Heritage Tree is located has demonstrated, by way of an ISA certified arborist evaluation, clear and convincing evidence, meeting the standards set forth in ANSI A300 (Part 9) standards, that the owner will suffer extreme and extraordinary hardship unless the permit is granted.

ii. In all cases where removal is permitted, the said tree shall be relocated if deemed feasible by the Urban Forester and the cost of relocation does not exceed five hundred dollars (\$500.00). Otherwise said tree shall be replaced in coordination with and approval by the Urban Forester.

2. Appeal of grant or denial of permit. Appeals of either a grant or denial of a permit by the Urban Forester shall be to the City Council and may be taken by the applicant, by any officer, department or board of the city affected by any decision, or by any person aggrieved by the decision by filing a written notice of appeal with the Urban Forester and the City Clerk within fifteen (15) days from the date of the decision. The notice of appeal shall specify the particular grounds upon which the appeal is taken. Upon receipt of the notice of appeal, the Urban Forester shall transmit to the City Clerk all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed is based. Any person aggrieved by the decision of the City Council may appeal the decision in accordance with State Code.

Article VII. Trimming or Removal of Public Trees.

1. No tree shall be removed, cut, trimmed or damaged from any public right-of-way except as provided by the Mobile Tree Act, in accordance with the rules and regulations of the Mobile Tree Commission.

2. No Public Tree located on any City property other than a public right-of-way shall be removed without first filing a notice of intent with the Tree Commission at least two (2) weeks prior to obtaining a Resolution of Authority from the City Council. Said resolution and notice of intent requirements shall be in lieu of obtaining a permit from the Urban Forester. The foregoing provision shall not apply to public trees whose removal is authorized by the Urban Forester.

Article VIII. Tree Protection

1. Tree protection during construction.

a. It shall be unlawful for any person in the construction of any structure or other improvement to conduct non-selective root pruning within the Critical Root Zone (CRZ) as described in ANSI A300 (Part 5) of any tree retained on a land development or improvement, and selective root pruning shall be conducted under the supervision of an ISA certified arborist as described in ANSI A300 (part 8) Best Management Practices.

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b. It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery, or temporary soil deposits within the Critical Root Zone (CRZ) as described in ANSI A300 (Part 5) of any tree retained on a land development or improvement.

c. Before development, land clearing, filling, or any land alteration, a permit will be required. The developer shall be required to erect suitable protective barriers, and this protection, where required, shall remain until permanent barriers have been erected. Also, during construction, no attachments or wires shall be attached to any of said trees so protected.

d. Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt, or other impervious material within eight (8) inches per one (1) inch of DBH of any remaining Heritage Tree, not to exceed five (5) feet. The Urban Forester shall have the discretion to waive this requirement.

2. Emergencies. In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disasters, the requirements of these regulations may be waived by the Urban Forester, upon a finding that such waiver is necessary so that public or private work to restore order in the City will not be impeded.

3. Exemptions. The provisions of this Article shall not apply to any land recognized by the City upon which Bona Fide Agriculture or a Commercial Nursery or Tree Farm are being conducted, which land exceeds ten (10) acres. This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.

Article IX. Tree Trimming/Removal Companies.

1. Applicability. All provisions of this Chapter shall apply to any person removing trees on behalf of any other person, including tree removal companies, construction companies, or persons in the business of removing or trimming trees.

2. Display of permit; inspection.

a. The applicant shall prominently display on the site the permit issued.

b. Such permit shall be displayed continuously while trees are being trimmed, removed, or replaced, or work is being done as authorized on the permit, and for ten (10) days thereafter.

c. It shall be unlawful for any person or company to trim, remove, or cause to be trimmed or removed, any tree, or undertake any work for which a permit is required pursuant to this Chapter, unless a valid permit therefor is in effect and is displayed in accordance with the provisions of this Article.

d. If any such work or removal is performed without the permit being displayed as required in this Article, such removal or work shall constitute a violation of this Chapter and shall subject the person or company violating this Chapter to all penalties provided for herein.

e. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect at any time the permit and all work being done pursuant to the permit, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this Chapter and shall constitute failure to display the permit as required under this Chapter.

3. Arborists' license and bond. It shall be unlawful for any person, individual, corporation, institution, or agent of such, to engage principally in the business or occupation of trimming, pruning, fertilizing, or removing trees within the corporate limits of the City of Mobile, without first applying for and procuring the appropriate business license from the City. All arborists must abide by all relevant State laws and requirements.

4. Trimming or removal of trees in public rights-of-way or City parks.

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a. Trimming or removal of trees in public rights of way or city parks by private companies, corporations or individuals must be done under the supervision of a properly certified, licensed and bonded arborist. Trimming or pruning shall comply with ANSI A300 standards.

b. Where federal, state, and local laws require the certification of any person, individual, corporation, institution, or agent of such, to utilize the services of workers certified to practice arboriculture, said certification shall apply, in addition to having a business license from the city.

c. Before any permit is issued for work within the public right-of-way, public parks or other City properties, the applicant shall:

i. Provide a performance bond to the Urban Forester, either in the amount of ten thousand dollars (\$10,000.00), or in the minimum amount specified by the City for the type of development activity being performed, whichever amount is the greater of the two:

ii. Furnish the City with a Certificate of Insurance evidencing that the applicant has insurance coverages acceptable to the City with a company licensed and qualified to do business in the State of Alabama, including comprehensive general liability, bodily injury protection, indemnity, completed operations, personal injury protection, and worker compensation, in compliance with requirements mandated by the City's Legal Department. All policies of insurance must have Additional Insured provisions and be endorsed to provide coverage to the City and its officers and employees as additional insureds, and the Certificate of Insurance shall evidence that the City and its officers and employees are additional insureds under all policies. The Certificate of Insurance shall further provide that the City must receive sixty (60) days written notice of cancellation, non-renewal, or change in the insurance coverage before the effective date of any such cancellation, non-renewal, or change in the insurance coverage. Any cancellations or lapses of such insurance shall be deemed a material breach of contract.

iii. Agree in a writing acceptable to the City Legal Department to indemnify and hold the City, its officers and employees, whole and harmless from and against all costs, liabilities, and claims for damages of any kind (including judgments, interest, attorney's fees, and costs of investigation and defense) arising out of the performance of any work under the permit or within the public right-of-way, public parks or other City properties.

iv. Provision of proper certification that an ISA (International Society of Arboriculture) certified arborist will be responsible for the work.

Article X. Tree Abuse.

1. Removal, abuse or mutilation of Public Trees or Heritage Trees. No person shall:

a. Damage, cut, carve, transplant, mutilate, abuse, poison or remove any Public Tree or Heritage Tree;

b. Attach any rope, wire, nails, advertising posters, or other contrivance to any Public Tree or Heritage Tree;

c. Allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with any such tree;

d. Damage roots within the critical root zone (CRZ) through non-selective root pruning as opposed to selective root pruning as described in ANSI A300 (part 8) Best Management Practices, including roots damaged during curb cuts, sidewalk and driveway installation and repair.

2. Utility line clearing in conformance with International Society of Arboriculture, National Arborist Association Standards and the National Electrical Safety Code clearances does not constitute tree abuse.

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3. No action in removing or trimming trees due to lightning, hurricanes, or other natural disasters shall be considered tree abuse.
4. The removal of trees for which permits have been issued shall not be prohibited by this Article.
5. No curb cuts which involve Public Trees or Heritage Trees shall be allowed without prior coordination with the Urban Forester.
6. Notwithstanding the foregoing, Heritage Trees may be removed pursuant to a properly filed and approved landscape plan.

Article XI. Enforcement.

1. Interference with the Urban Forester. No person shall hinder, prevent, delay, or interfere with the Urban Forester, the Tree Commission, or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.

2. Punishment. Any person found guilty of violating any of the provisions of this Chapter shall be punished as prescribed in Chapter 1, Article II, Division 2, Mobile City Code, with a fine not to exceed five hundred dollars (\$500) per violation, plus court costs and restitution as may be ordered by the Court, and/or by imprisonment for a period not exceeding six (6) months, and/or by community service for a period not exceeding six (6) months, or by a combination of any of the foregoing, all at the discretion of the judge.

SECTION TWO. The provisions of this Ordinance are supplemental and shall not be construed 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 within the City of Mobile from and after its adoption and publication as required by law.

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

Councilmember Williams moved to amend the resolution as follows:

Amendment #1

Article XI, Sub-Section 2 to read as follows:

2. Punishment. Any person found guilty of violating any of the provisions of this Chapter shall be punished as prescribed in Chapter 1, Article II, Division 2, Mobile City Code, with a fine not to exceed five hundred dollars (\$500) per violation, plus court costs and restitution as may be ordered by the Court, and/or by imprisonment for a period not exceeding three (3) months, and/or by community service for a period not exceeding three (3) months, or by a combination of any of the foregoing, all at the discretion of the judge. It is recommended that any such restitution be based on the most current version of the American Society of Consulting Arborists (ASCA) Tree and Plant Appraisal Process, should sufficient evidence of such process be presented.

Amendment #2

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First Revision:

In Article II. Definitions. Amend to add a definition for Heritage live oak tree as follows:

Heritage live oak tree: A live oak tree which is at least eighteen (18) inches DBH.

Second Revision:

In Article II. Definitions. Amend to revise the definition of heritage trees to remove cypress, to read as follows:

Heritage Tree, existing: Any of the following list of trees which is at least 18 inches DBH: hickory (*Carya* spp.); Longleaf Pine (*Pinus palustris*); Magnolia (*Magnolia* spp.); Oak (*Quercus* spp.), excluding water oak (*Quercus nigra*); river birch (*Betula nigra*); sweet gum (*Liquidambar styraciflua*); sycamore (*Platanus occidentalis*); and yellow poplar (*Liriodendron tulipifera*). In Historic Districts, Heritage Trees include the species previously noted, but have a minimum size of at least eight (8) inches DBH.

Third Revision:

In Article VI. Tree Trimming or Tree Removal from Private Property. Amend Section 1 to make it clear that on R-1 or R-2 lots outside Historic Districts only removal of Heritage live oak trees requires a permit, to read as follows:

1. Permit. Any person wishing to trim, remove or relocate a Heritage live oak tree on property zoned R-1, Single-Family Residential, or R-2, Two-Family Residential that is not located within a Historic District shall be required to obtain a Tree Permit from the Urban Forester. Any person wishing to trim, remove or relocate a Heritage Tree in a Historic District or on any property lying in a zoning classification other than R-1, Single-Family Residential, or R-2, Two-Family Residential, shall be required to obtain a Tree Permit from the Urban Forester.

Fourth Revision:

In Article VI. Tree Trimming or Tree Removal from Private Property. Amend Sections 1(d) and 1(f) to read as follows:

d. Permit procedure. An application should be field checked prior to the issuance of a Tree Permit. Failure to deny the application, as provided herein, within fourteen (14) working days after the date of receipt of the application shall entitle the applicant to automatic issuance of the permit as requested in the application. The Urban Forester may request a recommendation concerning the application from any or all appropriate city departments, and/or the Tree Commission.

f. Basis for denial of permit. The Urban Forester, upon a determination that an application for tree removal does not meet the criteria for issuance, should deny the application and notify the applicant of the reason(s) therefor. Failure to deny the application, as provided herein, within fourteen (14) working days after the date of receipt of the application shall entitle the applicant to automatic issuance of the permit as requested in the application.

The move was seconded by Councilmember Daves. Following comments by Councilmember Rich the vote was as follows:

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

Nays: None

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

AN ORDINANCE TO AMEND AND RESTATE CHAPTER 65 OF THE MOBILE CITY CODE

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

SECTION ONE. That Chapter 65 of the Mobile City Code, entitled Tree Protection and Management, is hereby amended and restated in its entirety as follows:

Chapter 65 – Tree Protection and Management

Article I. General Purposes and Application.

1. Purposes. This Chapter is intended:

- a. To promote environmental and ecological awareness;
- b. To improve the city's image and aesthetic charm and beauty;
- c. To protect property values from the adverse aesthetic and ecological effects of imprudent tree removal, pruning, or lack of maintenance;
- d. To promote water quality and ground and surface water stabilization and decrease the adverse impact of water table fluctuations caused by imprudent tree removal;
- e. To protect against greater noise and light pollution which is increased by the imprudent removal of buffer trees;
- f. To protect structures and existing vegetation from greater wind velocities resulting from the imprudent removal of buffer trees;
- g. To promote air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis;
- h. To stabilize the urban wildlife habitat and ecosystem balance;
- i. To provide for the public health, safety and welfare through a systematic process used to identify, analyze, and evaluate the likelihood of tree failure and associated consequences, and the application of policies, procedures, and practices to identify, evaluate, mitigate, monitor, and communicate tree risk;
- j. To support the provisions of the Mobile Tree Act
- k. To provide uniform standards in the removal and replacement of trees on public and private property within the corporate limits of the City of Mobile in accordance with both municipal and state laws;
- l. To educate the public in the economic, aesthetic and historic benefits of preserving trees, including conserving energy, reducing soil erosion, and protecting trees and the ecosystem;
- m. To preserve the economic base attracted to the City of Mobile by such factors.

2. Application. The requirements of this Chapter shall apply to all land located within the corporate limits of the City of Mobile, except single-family and two-family lots with an existing habitable structure, which are not located in an Historic District subject to the rules and regulations of the Architectural Review Board. Single-family and two-family lots which are located within a locally designated Historic District are subject to the requirements of this Chapter.

Article II. Definitions.

1. As used in this Chapter, the following words and terms shall have the following meanings:

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American National Standards Institute (ANSI): A private non-profit organization that oversees the development of voluntary consensus standards by accredited representatives of government agencies, industry, and other stakeholders.

ANSI A300: The industry-developed, national consensus standards of practice for tree care in the United States.

Arborist: A person trained in the proper care and maintenance of trees who has passed an independent exam administered by the International Society of Arboriculture, and maintains the credential through continuing education.

Bona Fide Agriculture: A land used to derive income from growing plants or trees on land, including but not limited to, land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.

Commercial Nursery or Tree Farm: A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of said licensee's business.

Critical Root Zone (CRZ): The area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. Per ANSI A300 (Part 5), these roots are located within 6 to 18 times the trunk diameter (DBH) depending on species tolerance to root loss, tree age and health.

Diameter at Breast Height (DBH): The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

Drip Line: The circumference of the tree's natural, unaltered canopy extended vertically to the ground.

Grubbing: The effective removal of understory vegetation such as, but not limited to, palmetto from the site. As herein defined, no tree greater than three (3) inches DBH will be removed.

Heritage live oak tree: A live oak tree which is at least eighteen (18) inches DBH.

Heritage Tree, existing: Any of the following list of trees which is at least 18 inches DBH: hickory (*Carya* spp.); Longleaf Pine (*Pinus palustris*); Magnolia (*Magnolia* spp.); Oak (*Quercus* spp.), excluding water oak (*Quercus nigra*); river birch (*Betula nigra*); sweet gum (*Liquidambar styraciflua*); sycamore (*Platanus occidentalis*); and yellow poplar (*Liriodendron tulipifera*). In Historic Districts, Heritage Trees include the species previously noted, but have a minimum size of at least eight (8) inches DBH.

Heritage Tree, credit or compliance: any tree planted or claimed for credit for compliance with the UDC or tree planting and landscaping requirements of the City.

Historic District: A geographic area designated by the city council as a historic district, including all historic districts existing as of the date of this ordinance and future districts designated by the Mobile City Council.

Land Clearing: Those operations where trees and vegetation are removed and which occur previous to the construction of building; e.g., road right-of-way excavation or paving, lake and drainage system excavation, utility excavation, grubbing, and any other necessary clearing operations.

Landscape Material: Living plant material which shall include, but not be limited to, trees, shrubs, flowers, vines, lawn grass and other ground cover; natural features and areas; and nonliving durable material commonly used in landscaping which shall include, but not be limited to, rocks, pebbles, sand, mulch, wood chips, exterior lighting fixtures, planters,

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fountains, reflecting pools, works of art, walkways, fences, walls, benches and other types of appropriate outdoor furniture. Nonliving landscape material shall not include artificial or synthetic material in the form of trees, flowers, shrubs, vines, or ground cover.

Landscape Plan: a drawing representing existing and proposed tree and landscape elements for a site, and drawn to either a standard architectural or engineering scale.

Landscaped Area: An area which shall consist of landscape material, as defined, such that the use of living landscape material predominates over the use of nonliving landscape material.

Mobile Tree Act: The common name of the local law enacted by the Alabama State Legislature (Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended) for the purpose of protecting the trees on both public and private property within the City.

Mobile Tree Commission: The entity (hereafter referred to as the "Commission") created by the Alabama State Legislature and specifically charged with the responsibility and duty of fostering the planting, growth and protection of trees on private property and publicly owned areas in accordance with the provisions of the Mobile Tree Act.

Overstory Tree: A tree whose mature canopy height is at least 35-feet.

Protective Barrier: A physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this article. Variations of these methods may be permitted by the urban forester upon written request if they satisfy the intent of this ordinance.

Public Tree: A tree located on any property owned by the City of Mobile, Alabama.

Selective Root Pruning: A process consisting of soil excavation using supersonic air tools, pressurized water, or hand tools, followed by cutting individual roots conducted under the supervision of an ISA certified arborist as set forth in ANSI A300 (part 8) Best Management Practices.

Streetscape: The appearance or view of the street including trees, lighting fixtures, and street furnishings such as benches and trash receptacles.

Tree: Any self-supporting, woody plant of a species suitable for growing in the proposed environment as well as the City of Mobile.

Understory Tree: A tree whose mature canopy height is between 15 and 35 feet.

Urban Forester: The city employee specially trained in forestry or arboriculture tasked with the management of naturally occurring and planted trees and associated plants within the corporate limits of the City of Mobile who has passed an independent exam administered by the International Society of Arboriculture, and maintains the credential through continuing education, or his/her duly authorized designee.

Article III. Urban Forestry.

1. Establishment. This Ordinance establishes an Urban Forestry Department charged with the responsibility of planning for and maintaining trees within the public rights-of-way and public parks. The Department shall be staffed with one full time Urban Forester, one or more full time arborists, and associated tree crew(s).

2. Urban Forester. The Urban Forester shall perform a variety of professional administrative duties involved in the study, planning, development, coordination and implementation of systems, programs, procedures, and practices in support of the City's urban forestry program. The Forester is responsible for managing the urban forest and the urban forest programs. Work involves instructing staff in the planting, cultivating, and maintenance of a variety of trees and other plant materials throughout the City, providing

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for an overall tree maintenance and replacement plan for trees in the rights-of-way, protection of public trees, and providing staff support to the Mobile Tree Commission. The Urban Forester, in coordination with any other involved City department(s), shall perform, or cause to be performed, the following duties and/or activities:

- a. Direct the enforcement of this Chapter;
 - b. Coordinate and educate the various departments of the City and the general public which are affected by the provisions of this Chapter;
 - c. Develop and maintain a tree inventory for the purpose of creating a master data bank of all trees within the City's public rights-of-way and public properties;
 - d. Develop and maintain a tree disease and injury list for the purpose of establishing the most common problems which afflict trees in Mobile's urban environment; and,
 - e. Develop and maintain a tree plan for the purpose of establishing design standards for trees and other landscaping materials planted within the public rights-of-way.
1. Arborist. The Arborist job duties shall involve tree care operations such as planting, trimming, insect and disease control, and removal of tree limbs and debris giving careful consideration to all surroundings before, during, and after tree care activities. Work involves the execution of specific rules, regulations, or procedures.

Article IV. Mobile Tree Commission.

1. Establishment. The Mobile Tree Commission is established under the authority of the Mobile Tree Act and is charged with exercising the duties specifically provided in the Act.
2. Duties. The Mobile Tree Commission is specifically charged with the responsibility and duty of fostering the planting, growth, and protection of trees on private property and publicly owned areas within the City of Mobile and shall take active steps to:
 - a. Educate the public as to the economic, aesthetic, health, storm protection, and historic benefits of trees to the City and its citizens, both on publicly and privately owned property;
 - b. Promote the planting and replacement of trees in the City, with the particular objective of establishing and protecting avenues of live oak trees and other trees deemed suitable by the Commission;
 - c. Promote the care, feeding, fertilization and other measures desirable for the health and growth of existing trees in street rights-of-way;
 - d. Protect trees located in street rights-of-way from damage, removal, lack of sustenance, or any other act or condition which might threaten the health and growth of such trees.
3. Membership.
 - a. The Commission shall consist of the same number of members as the number of members of the City Council. The City Council shall make the appointments to the Commission.
 - b. The members of the Commission shall serve at the pleasure of the City Council.
 - c. Persons appointed to serve on the Commission shall serve until a successor takes office.
 - d. Any vacancies on the Commission shall be filled by appointment made by the City Council.
 - e. Members shall serve without salary or remuneration.

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- f. The Commission shall annually elect from among its members a Chair, a Vice-Chair, a Secretary, and a Treasurer.
- g. The Commission shall hold regular meetings at least once each month and specially as it deems necessary in a public place open to the public in a manner conducive to public comment and participation.
- h. The Commission shall cooperate with and coordinate its activities with the Urban Forestry Department, the Public Works Department, the Parks and Recreation Department, and other City departments. All departments of the City shall cooperate with the Commission in the exercise and discharge of the Commission's duties.
- i. The Commission is authorized to accept contributions and to expend the same for the purposes of carrying out its duties and obligations imposed by the Mobile Tree Act. All contributions and funds received by the Commission shall be held in a Trust Fund known as the Tree Planting and Preservation Trust Fund. The Commission, using nationally accepted accounting methods, shall deliver an annual report to the City Council regarding the status of the Trust Fund.
- j. The Commission shall adopt By-Laws and Regulations for carrying out its duties and obligations imposed by the Mobile Tree Act, and in accordance with its By-Laws:
 - i. May provide printed forms to be used as shall be necessary to govern its proceedings and to effectuate the provisions of the Mobile Tree Act;
 - ii. May cause studies to be made as it deems necessary;
 - iii. May perform its functions directly through its own agents or employees, or may contract with others for specific or general services to carry out its purposes; and,
 - iv. Shall keep a record of its proceedings and a register of all applications made to it and its action thereon, all of which shall be public records.
- k. Any decision of the Commission, or any decision of any officer or agent of the Commission to whom its duties are delegated, may be appealed to the City Council by any person aggrieved by the decision by filing a written notice of appeal with the Commission and the City Clerk within fifteen (15) days from the date of the decision. The notice of appeal shall specify the particular grounds upon which the appeal is taken. Upon receipt of the notice of appeal, the Commission shall transmit to the City Clerk all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed is based. Any person aggrieved by the decision of the City Council may appeal the decision in accordance with State Code.

Article V. Tree Trails.

- 1. Designation. The following City streets are of significant historic and aesthetic value because of the trees adjoining the land, and hereby are declared Tree Trails of the City:
 - a. Government Street
 - b. Dauphin Street
 - c. Michigan Avenue
 - d. Park Avenue
 - e. Houston Street
 - f. Old Shell Road
 - g. Springhill Avenue

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h. The Avenue of Oaks

i. Dauphin Island Parkway (between Duval St. and Dog River).

2. Designation of New Tree Trails. Other streets, such as those in Historic Districts, may be designated as Tree Trails by the City Council upon recommendation of the Commission, the Urban Forester, or the public.

3. Tree Trails shall be clearly marked with municipal signs.

4. On all designated Tree Trails, utility companies shall work closely with both the Urban Forester and the Commission prior to performing any projects which would affect the trees along these designated streets.

5. All oversized vehicles, specifically those vehicles in excess of thirteen (13) feet, six (6) inches in height and ten (10) feet in width, and any vehicle hauling or pulling an oversized load in excess of the dimensions of an oversized vehicle, are prohibited from traversing Tree Trails without first obtaining a written permit therefor from the urban forester.

Article VI. Tree Trimming or Tree Removal from Private Property.

1. Permit. Any person wishing to trim, remove or relocate a Heritage live oak tree on property zoned R-1, Single-Family Residential, or R-2, Two-Family Residential that is not located within a Historic District shall be required to obtain a Tree Permit from the Urban Forester. Any person wishing to trim, remove or relocate a Heritage Tree in a Historic District or on any property lying in a zoning classification other than R-1, Single-Family Residential, or R-2, Two-Family Residential, shall be required to obtain a Tree Permit from the Urban Forester.

a. Tree removal applications for a site not zoned R-1, Single-Family Residential, or R-2, Two-Family Residential, require a landscape plan identifying trees to be removed.

i. Pre-application inspection. In connection with applications involving extremely large tracts of property, the Urban Forester may arrange and coordinate a pre-application inspection of the site involved.

b. Tree trimming applications do not require a landscape plan unless otherwise deemed required by the Urban Forester.

c. Fees. Upon paying an administrative application fee of seventy-five dollars (\$75) per tree with a maximum charge of \$225 for one and two-family sites and \$675 for all other sites, to cover the costs of researching and processing the application, the application and plan shall be stamped with the date and time and forwarded to the city's Urban Forester for review and approval. All proceeds from the said processing fee shall be earmarked for the use of the City's Urban Forester for the administration of this Article.

d. Permit procedure. An application should be field checked prior to the issuance of a Tree Permit. Failure to deny the application, as provided herein, within fourteen (14) working days after the date of receipt of the application shall entitle the applicant to automatic issuance of the permit as requested in the application. The Urban Forester may request a recommendation concerning the application from any or all appropriate city departments, and/or the Tree Commission.

e. Criteria for issuance of Tree Permit. Upon receiving the field inspection report and any requested recommendations concerning the application, the Urban Forester shall issue a Tree Permit for the trimming, removal or relocation of trees if one (1) or more of the following criteria is met:

i. The tree is located in an area where a structure or improvement will be placed according to an approved plan;

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ii. For one and two -family properties only, the tree is located where a swimming pool or detached carport or garage will be located;

iii. The tree is deemed a moderate to high level risk per ANSI A300 (Part 9) Tree Risk Assessment; or,

iv. The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations, including, but not limited to, laws and regulations pertaining to government programs for financing the construction.

f. Basis for denial of permit. The Urban Forester, upon a determination that an application for tree removal does not meet the criteria for issuance, should deny the application and notify the applicant of the reason(s) therefor. Failure to deny the application, as provided herein, within fourteen (14) working days after the date of receipt of the application shall entitle the applicant to automatic issuance of the permit as requested in the application.

g. Time of permit. Tree Permits issued pursuant to the requirements of this Article shall be valid for a period of six (6) months. The Urban Forester may extend the permit for no more than an additional six (6) months, but in no case will a permit be valid for more than twelve (12) months.

h. Historic Districts. In Historic Districts, Heritage Trees have a minimum size of at least eight (8) inches DBH.

i. No Heritage Tree can be removed, nor can land be cleared or grubbed, in any local Historic District except under a permit issued by the Urban Forester after application as provided above, which shall be granted only upon a showing that the said Heritage Tree is:

1. The tree is deemed a moderate to high level risk per ANSI A300 (Part 9) Tree Risk Assessment; or,

2. Certified by the Architectural Review Board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or,

3. The owner of the property on which the Heritage Tree is located has demonstrated, by way of an ISA certified arborist evaluation, clear and convincing evidence, meeting the standards set forth in ANSI A300 (Part 9) standards, that the owner will suffer extreme and extraordinary hardship unless the permit is granted.

ii. In all cases where removal is permitted, the said tree shall be relocated if deemed feasible by the Urban Forester and the cost of relocation does not exceed five hundred dollars (\$500.00). Otherwise said tree shall be replaced in coordination with and approval by the Urban Forester.

2. Appeal of grant or denial of permit. Appeals of either a grant or denial of a permit by the Urban Forester shall be to the City Council and may be taken by the applicant, by any officer, department or board of the city affected by any decision, or by any person aggrieved by the decision by filing a written notice of appeal with the Urban Forester and the City Clerk within fifteen (15) days from the date of the decision. The notice of appeal shall specify the particular grounds upon which the appeal is taken. Upon receipt of the notice of appeal, the Urban Forester shall transmit to the City Clerk all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed is based. Any person aggrieved by the decision of the City Council may appeal the decision in accordance with State Code.

Article VII. Trimming or Removal of Public Trees.

1. No tree shall be removed, cut, trimmed or damaged from any public right-of-way except as provided by the Mobile Tree Act, in accordance with the rules and regulations of the Mobile Tree Commission.

2. No Public Tree located on any City property other than a public right-of-way shall be removed without first filing a notice of intent with the Tree Commission at least two (2) weeks prior to obtaining a Resolution of Authority from the City Council. Said resolution and notice of intent requirements shall be in lieu of obtaining a permit from the Urban Forester. The foregoing provision shall not apply to public trees whose removal is authorized by the Urban Forester.

Article VIII. Tree Protection

1. Tree protection during construction.

a. It shall be unlawful for any person in the construction of any structure or other improvement to conduct non-selective root pruning within the Critical Root Zone (CRZ) as described in ANSI A300 (Part 5) of any tree retained on a land development or improvement, and selective root pruning shall be conducted under the supervision of an ISA certified arborist as described in ANSI A300 (part 8) Best Management Practices.

b. It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery, or temporary soil deposits within the Critical Root Zone (CRZ) as described in ANSI A300 (Part 5) of any tree retained on a land development or improvement.

c. Before development, land clearing, filling, or any land alteration, a permit will be required. The developer shall be required to erect suitable protective barriers, and this protection, where required, shall remain until permanent barriers have been erected. Also, during construction, no attachments or wires shall be attached to any of said trees so protected.

d. Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt, or other impervious material within eight (8) inches per one (1) inch of DBH of any remaining Heritage Tree, not to exceed five (5) feet. The Urban Forester shall have the discretion to waive this requirement.

2. Emergencies. In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disasters, the requirements of these regulations may be waived by the Urban Forester, upon a finding that such waiver is necessary so that public or private work to restore order in the City will not be impeded.

3. Exemptions. The provisions of this Article shall not apply to any land recognized by the City upon which Bona Fide Agriculture or a Commercial Nursery or Tree Farm are being conducted, which land exceeds ten (10) acres. This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.

Article IX. Tree Trimming/Removal Companies.

1. Applicability. All provisions of this Chapter shall apply to any person removing trees on behalf of any other person, including tree removal companies, construction companies, or persons in the business of removing or trimming trees.

2. Display of permit; inspection.

a. The applicant shall prominently display on the site the permit issued.

b. Such permit shall be displayed continuously while trees are being trimmed, removed, or replaced, or work is being done as authorized on the permit, and for ten (10) days thereafter.

c. It shall be unlawful for any person or company to trim, remove, or cause to be trimmed or removed, any tree, or undertake any work for which a permit is required pursuant to this

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Chapter, unless a valid permit therefor is in effect and is displayed in accordance with the provisions of this Article.

d. If any such work or removal is performed without the permit being displayed as required in this Article, such removal or work shall constitute a violation of this Chapter and shall subject the person or company violating this Chapter to all penalties provided for herein.

e. As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his premises by representatives of the city and all law enforcement officers to inspect at any time the permit and all work being done pursuant to the permit, and such entry shall be lawful. Failure to allow such entry shall be unlawful, shall constitute a violation of this Chapter and shall constitute failure to display the permit as required under this Chapter.

3. Arborists' license and bond. It shall be unlawful for any person, individual, corporation, institution, or agent of such, to engage principally in the business or occupation of trimming, pruning, fertilizing, or removing trees within the corporate limits of the City of Mobile, without first applying for and procuring the appropriate business license from the City. All arborists must abide by all relevant State laws and requirements.

4. Trimming or removal of trees in public rights-of-way or City parks.

a. Trimming or removal of trees in public rights of way or city parks by private companies, corporations or individuals must be done under the supervision of a properly certified, licensed and bonded arborist. Trimming or pruning shall comply with ANSI A300 standards.

b. Where federal, state, and local laws require the certification of any person, individual, corporation, institution, or agent of such, to utilize the services of workers certified to practice arboriculture, said certification shall apply, in addition to having a business license from the city.

c. Before any permit is issued for work within the public right-of-way, public parks or other City properties, the applicant shall:

i. Provide a performance bond to the Urban Forester, either in the amount of ten thousand dollars (\$10,000.00), or in the minimum amount specified by the City for the type of development activity being performed, whichever amount is the greater of the two:

ii. Furnish the City with a Certificate of Insurance evidencing that the applicant has insurance coverages acceptable to the City with a company licensed and qualified to do business in the State of Alabama, including comprehensive general liability, bodily injury protection, indemnity, completed operations, personal injury protection, and worker compensation, in compliance with requirements mandated by the City's Legal Department. All policies of insurance must have Additional Insured provisions and be endorsed to provide coverage to the City and its officers and employees as additional insureds, and the Certificate of Insurance shall evidence that the City and its officers and employees are additional insureds under all policies. The Certificate of Insurance shall further provide that the City must receive sixty (60) days written notice of cancellation, non-renewal, or change in the insurance coverage before the effective date of any such cancellation, non-renewal, or change in the insurance coverage. Any cancellations or lapses of such insurance shall be deemed a material breach of contract.

iii. Agree in a writing acceptable to the City Legal Department to indemnify and hold the City, its officers and employees, whole and harmless from and against all costs, liabilities, and claims for damages of any kind (including judgments, interest, attorney's fees, and costs of investigation and defense) arising out of the performance of any work under the permit or within the public right-of-way, public parks or other City properties.

iv. Provision of proper certification that an ISA (International Society of Arboriculture) certified arborist will be responsible for the work.

Article X. Tree Abuse.

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1. Removal, abuse or mutilation of Public Trees or Heritage Trees. No person shall:
 - a. Damage, cut, carve, transplant, mutilate, abuse, poison or remove any Public Tree or Heritage Tree;
 - b. Attach any rope, wire, nails, advertising posters, or other contrivance to any Public Tree or Heritage Tree;
 - c. Allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with any such tree;
 - d. Damage roots within the critical root zone (CRZ) through non-selective root pruning as opposed to selective root pruning as described in ANSI A300 (part 8) Best Management Practices, including roots damaged during curb cuts, sidewalk and driveway installation and repair.
2. Utility line clearing in conformance with International Society of Arboriculture, National Arborist Association Standards and the National Electrical Safety Code clearances does not constitute tree abuse.
3. No action in removing or trimming trees due to lightning, hurricanes, or other natural disasters shall be considered tree abuse.
4. The removal of trees for which permits have been issued shall not be prohibited by this Article.
5. No curb cuts which involve Public Trees or Heritage Trees shall be allowed without prior coordination with the Urban Forester.
6. Notwithstanding the foregoing, Heritage Trees may be removed pursuant to a properly filed and approved landscape plan.

Article XI. Enforcement.

1. Interference with the Urban Forester. No person shall hinder, prevent, delay, or interfere with the Urban Forester, the Tree Commission, or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.
2. Punishment. Any person found guilty of violating any of the provisions of this Chapter shall be punished as prescribed in Chapter 1, Article II, Division 2, Mobile City Code, with a fine not to exceed five hundred dollars (\$500) per violation, plus court costs and restitution as may be ordered by the Court, and/or by imprisonment for a period not exceeding three (3) months, and/or by community service for a period not exceeding three (3) months, or by a combination of any of the foregoing, all at the discretion of the judge. It is recommended that any such restitution be based on the most current version of the American Society of Consulting Arborists (ASCA) Tree and Plant Appraisal Process, should sufficient evidence of such process be presented.

SECTION TWO. The provisions of this Ordinance are supplemental and shall not be construed 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 within the City of Mobile from and after its adoption and publication as required by law.

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The move was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

The Presiding Officer then called for the vote on the ordinance as amended. Following comments from Councilmembers Gregory, Manzie and Rich and the vote was as follows:

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

Nays: None

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

AUTHORIZE MANAGEMENT AGREEMENT WITH MOBILE BOTANICAL GARDENS, \$150,000.00. The following resolution, which was introduced and read at the regular meeting of February 17, 2020, and held over until the regular meetings of February 23, 2021 and March 9 & 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-125-2021

Sponsored by: Councilmember Gregory

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 performance contract in the amount of \$150,000.00 with the Mobile Botanical Gardens to assist with operation of the Mobile Botanical Gardens, 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.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be held over until the regular meeting of March 30, 2021, which was seconded by Councilmember Rich and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, 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 HARRIS CONTRACTING SERVICES, INC., FOR SPANISH PLAZA – LIGHTING UPGRADES, \$370,444.00. The following resolution, which was introduced and read at the regular meeting of March 2, 2020, and held over until the regular meetings of March 9 & 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-146-2021

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, that is necessary to perform essential minimum functions of the Council, 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.

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Name of Company: Harris Contracting Services, Inc.
Project Name: Spanish Plaza – Lighting Upgrades
Project Number: PR-063-20
Amount: \$370,444.00

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

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

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

APPROVE PURCHASE ORDER TO TRANE US INC. FOR REPLACEMENT CENTRAL AIR/HEATING SYSTEM COMPONENTS FOR THE SAENGER THEATRE, \$579,965.00.
The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-164-2021
Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7139</u>	2021	(3032) ARCHITECTURAL ENGINEERING	REPLACEMENT CENTRAL AIR/HEATING SYSTEM COMPONENTS FOR SAENGER THEATRE (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$579,965.00	<u>(293908) TRANE US INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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

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

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

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN INC. FOR 2021 FORD F150 4X4 CREW CAB PICKUP, \$33,199.00. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-165-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7013</u>	2021	(F7000) MOTOR POOL	2021 FORD F150 4X4 CREW CAB PICKUP TRUCK (AL STATE CONTRACT)	\$33,199.00	<u>(292393)</u> <u>STIVERS FORD</u> <u>LINCOLN INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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

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

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

APPROVE ITEM BASED BID AWARD TO NEWMAN TRAFFIC SIGNS & VULCAN INC. FOR STREET NAME SIGNS AND BRACKETS. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-166-2021

Sponsored by: Mayor Stimpson

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BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Award, to the designated vendors, for the indicated time period, and if renewable, renewable without further action by Council, for the specified item(s) at the unit prices indicated.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5506</u>	Street Name Signs and Brackets	4	See attached bid tab	One year, renewable for two additional one-year periods	<u>(148412) Newman Traffic Signs Inc;</u> <u>(270927) Vulcan Inc.</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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

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

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

APPROVE PURCHASE ORDER TO CDW GOVERNMENT LLC FOR THE HPE NIMBLE ADAPTIVE FLASH BACKUP DATA STORAGE ARRAY, \$40,690.13. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-167-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6622</u>	2021	(5000) INFORMATION TECHNOLOGY	HPE NIMBLE ADAPTIVE FLASH BACKUP DATA STORAGE ARRAY WITH SERVICE PLAN (SOURCEWELL AND NATIONAL IPA COOPERATIVE PURCHASING AGREEMENTS, NOT ON STATE CONTRACT)	\$40,690.13	<u>(272932) CDW GOVERNMENT LLC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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

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

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

APPROPRIATE \$250,000.00 TO BISHOP STATE COMMUNITY COLLEGE FOR AN ADVANCED MANUFACTURING CENTER. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 09-168-2021

Sponsored by: City Council and Mayor Stimpson

WHEREAS, Bishop State Community College is building an Advanced Manufacturing Center (hereafter 'the Center') on its Main Campus in downtown Mobile, which will be an advanced world class training facility for technology, industrial maintenance, robotics, and other areas, designed to train a workforce to meet modern business and industry needs;

WHEREAS, the Center will attract high quality and high wage jobs to the City, provide a trained skilled work force and fill a jobs gap for the City, provide educational and training opportunities for our citizens, and help promote Mobile as a modern advanced business training center;

WHEREAS, Bishop State Community College has solicited monetary support to help fund the opening of the Center;

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WHEREAS, the Mobile County Commission has voted to approve a recommendation of the Bishop State Community College Foundation for two contributions toward the opening of the Center, including contributions toward a Lecture Hall in the amount of \$250,000.00, and toward the Health Sciences Building Nursing Simulation Suite in the amount of \$100,000.00; and

NOW BE IT RESOLVED, that the sum of \$250,000.00 within Capital Project #C0007 City Share-Economic Development Incentive be allocated to this contribution, which is a proper and justifiable use of public funds and serves a public purpose;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$250,000.00 to the Bishop State Community College Foundation for the purposes of funding construction and opening of the Center described hereinabove serves a public purpose and the Council further approves and directs the payment of same, finds that this action is necessary to perform essential minimum functions of the Council, and further authorizes the Mayor to execute the necessary contract or agreement for the allocation of said funds.

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

Ayes: Richardson, Manzie, Small, Williams, 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 OSPREY INITIATIVE, LLC, FOR REMOVAL OF LITTER ON DOG RIVER, THREE MILE & ONE MILE CREEKS, \$200,000.00. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-169-2021

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 insurance. A copy of said executed contract will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council and the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

Name of Company: Osprey Initiative, LLC

Project Name: Removal of Litter on Dog River, 3/1 Mile Creek
City Wide D1-D7

Estimated Cost: \$200,000.00

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

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Ayes: Richardson, Manzie, Small, Williams, 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 AEIKER CONSTRUCTION CORPORATION FOR LANGAN PARK – PAVILION IMPROVEMENTS, \$507,275.00 (2021 CIP ID#2021-P-053 D7). The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-170-2021

Sponsored by: Councilmember Gregory and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, that is necessary to perform essential minimum functions of the Council, 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: Langan Park – Pavilion Improvements

Project Number: PR-048-20

Amount: \$507,275.00 (2021 CIP ID#2021-P-053 D7)

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

Ayes: Richardson, Manzie, Small, Williams, 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 TINDLE CONSTRUCTION, LLC FOR TRIMMIER PARK IMPROVEMENTS RESTROOMS, CONCESSIONS & COMMUNITY CENTER, \$482,000.00 (CIP ID #1096 D3). The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-171-2021

Sponsored by: Councilmember Small 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, that is necessary to perform essential minimum functions of the Council, 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: Tindle Construction, LLC

MINUTES OF MARCH 16, 2021

Project Name: Trimmier Park Improvements Restrooms, Concessions & Community Center

Project Number: PR-033-20

Amount: \$482,000.00 (2019 CIP ID#1096 D3)

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

Ayes: Richardson, Manzie, Small, Williams, 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 WILLIAM SHAW, TECHNICIAN, GULF COAST TECHNOLOGY CENTER, \$49,500.00. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-173-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a revised professional services contract, by and between the City of Mobile and William Shaw. 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 Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, 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 JEREMIAH MOODY, TECHNICIAN, GULF COAST TECHNOLOGY CENTER, \$49,000.00. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-174-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Professional Services contract with Jeremiah Moody, in the amount of \$49,000.00, for cyber-security work in the Gulf Coast Technology Center, 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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

MINUTES OF MARCH 16, 2021

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, Williams, 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 ANDRE KING, TECHNICIAN, GULF COAST TECHNOLOGY CENTER, \$59,500.00. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-175-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Professional Services contract with Andre King, in the amount of \$59,500.00, for cyber-security work in the Gulf Coast Technology Center, 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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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, Williams, Rich and Gregory

Nays: None

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

ACCEPT PERMANENT DRAINAGE EASEMENT FROM DEBBIE L. PETTWAY FOR THE 2018 CIP TRINITY GARDENS AREA STREET DRAINAGE IMPROVEMENTS PROJECT. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 25-176-2021

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts a Permanent Drainage Easement, from Debbie Leeann Pettway, needed for the 2018 CIP Trinity Gardens Area Street Drainage Improvements Project, Tract 1.

SAID document with sketch being attached hereto and made a part hereof as fully as if set forth herein.

MINUTES OF MARCH 16, 2021

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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, Williams, Rich and Gregory
Nays: None

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

AMEND THE ESG PY 2019 & 2020 ACTION PLAN TO CHANGE ONE OF THE NONPROFITS PROVIDING SERVICES FOR HOMELESS PREVENTION. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 31-177-2021

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile receives grant funds from 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, the City periodically reallocates funds between eligible activities within the ESG program in accordance with the Citizen Participation Plan;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the 2019 and 2020 Action Plans are amended in accordance with the table below to reflect reallocation of funds:

ACTIVITY – PY 2019 & PY 2020 ACTION PLAN	REDUCTION	INCREASE
PY 2019 ESG Homeless Prevention – Lifelines Counseling	(\$9,089.89)	
PY 2019 ESG Homeless Prevention – Legal Services		\$9,089.89
PY 2020 ESG Homeless Prevention - Lifelines Counseling	(\$22,910.11)	
PY 2020 ESG Homeless Prevention – Legal Services		\$22,910.11
TOTAL	(\$32,000.00)	\$32,000.00

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 2019 and 2020 Action Plans 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 Gregory and the vote was as follows:

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

MINUTES OF MARCH 16, 2021

Nays: None

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

AUTHORIZE APPLICATION AND ACCEPTANCE OF ADECA CDBG-CV FUNDS. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 31-178-2021

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile receives grant funds from the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG), Program, under Title I of the Housing and Community Development Act of 1974 as amended. The CDBG Program is designed to develop viable communities by providing decent housing, a suitable living environment, and expanded economic opportunities; and

WHEREAS, the Alabama Department of Economic and Community Affairs has been allowed under the CARES Act (Public Law 116-136) to allocate a portion of funding to Entitlement Communities for eligible activities within the CDBG program to respond to, prepare for, and prevent coronavirus;

WHEREAS, the City Council of the City of Mobile, Alabama, finds that the subject of this Resolution is either necessary to respond to COVID-19, or necessary to perform essential minimum functions of the Council.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, or his designee, is authorized to apply for CDBG-CV funds through ADECA in accordance with the table below to reflect the additional allocation of funds: ADECA Community Development Block Grant-Coronavirus Response (ADECA CDBG-CV)

HUD Category

Administration (City of Mobile)	Administration	\$200,000
Acquisition of Real Property for Food Banks in Low/Mod Income Areas	Acquisition of Real Property for an Eligible Activity	\$550,000
Food Banks in Low/Mod Income Areas	Public Service	\$300,000
VIA Senior Portable Wellness Program	Public Services	\$34,232
Legal Services of Alabama-Fair Housing Education Program	Public Services	\$50,000
Low/Mod Income Area Pandemic Related Fire Protection Equipment	Public Facility	\$365,768

TOTAL ANTICIPATED ADECA CDBG-CV FUNDING \$1,500,000

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 application with ADECA, 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 and State funds.

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

MINUTES OF MARCH 16, 2021

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, Williams, Rich and Gregory

Nays: None

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

DETERMINE AN APPROPRIATION OF \$250,000.00 TO MOBILE COUNTY FOR THE CONSTRUCTION OF THE AFRICATOWN HERITAGE HOUSE MUSEUM. The following resolution, which was introduced and read at the regular meeting of March 9, 2021, and held over until the regular meeting of March 16, 2021, was called up by the Presiding Officer.

RESOLUTION: 60-183-2021

Sponsored by: City Council

WHEREAS, the preservation and promotion of the history of the Clotilda and Africatown provides educational and cultural benefits for the public, and results in regional and national recognition for Mobile and its role in history, and further provides cultural, economic and tourism opportunities for the City, thereby benefitting the public good; and

WHEREAS, Mobile County has planned and begun the process of constructing the Africatown Heritage House museum which will depict the story of the slave ship Clotilda and the community of Africatown (the "Project"), and is in need of financial assistance to supplement its funding for said construction; and

WHEREAS, helping fund the construction of the Africatown Heritage House Museum is a good, proper and justifiable use of public resources;

NOW, THEREFORE, BE IT RESOLVED that the sum of \$250,000.00 be paid to Mobile County, Alabama, to supplement funding for the construction of the Africatown Heritage House Museum;

BE IT FURTHER RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$250,000.00 to Mobile County, Alabama, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, that this action is necessary to perform essential minimum functions of the Council, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile 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.

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, Williams, 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 ESSENTIAL/COVID-19 ITEMS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Williams moved for the suspension of the rules to consider Essential/Covid-19 items 40-194 – 40-199, 58-201 – 60-208 being introduced for the first time. The motion was seconded by Councilmember Rich and the vote was as follows:

MINUTES OF MARCH 16, 2021

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

The Presiding Officer declared unanimous consent granted for the items.

ESSENTIAL/COVID19 ITEMS BEING INTRODUCED:

ORDINANCE DEEMING PROPERTY LOCATED ON WILKINS ROAD NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE TO ASHLEY R. BAILEY. The following ordinance was held over until the regular meeting of March 23, 2021.

RESOLUTION: 88-019-2021

Sponsored by: Councilmember Richardson 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 real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be sold to Ashley R. Bailey, an individual.

SEE ATTACHED EXHIBIT 'A'

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

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

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

SECTION FIVE: 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 sale of said property.

SECTION SIX: The proceeds from this sale are to be placed in a Public Facility Improvement Fund.

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

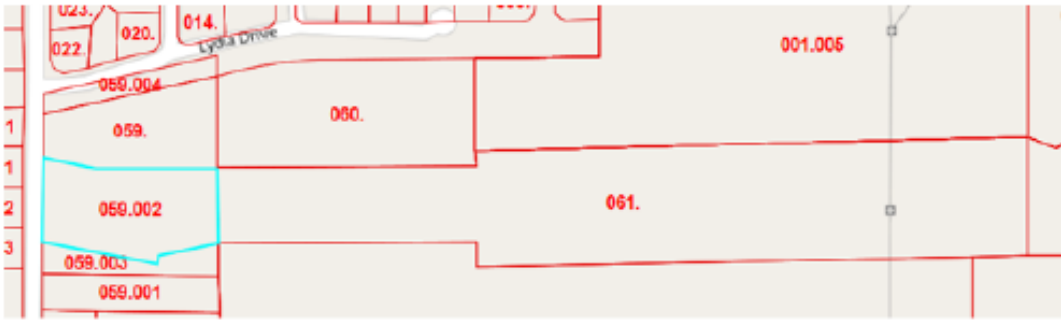
SECTION EIGHT: The City Council of the City of Mobile, Alabama, finds that this ordinance is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

EXHIBIT "A"

2 PARCELS, FRONTAGE ON WILKINS RD
KEY NOS. 1869231 & 436460, MOBILE, AL 36618

SUBJECT PROPERTY PARCEL 1

LOCATION: Fronting Wilkins Rd., Mobile, AL 36618, Key No. 186231. Please see diagrams within this RFB and Legal description below per attached 9-1-20 Survey-(Exhibit A).



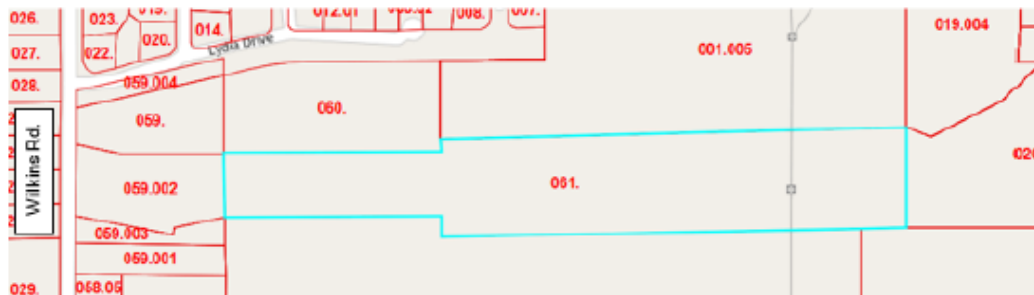
LEGAL DESCRIPTION: PARCEL 1

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN NORTH 89°-57' EAST A DISTANCE OF 250.0 FEET TO THE FORMER EAST RIGHT-OF-WAY LINE OF WILKINS ROAD (50' R/W); THENCE RUN SOUTH 00°-31' WEST ALONG SAID FORMER EAST RIGHT-OF-WAY LINE A DISTANCE OF 424 FEET TO A CRIMP TOP PIPE; THENCE RUN SOUTH 00°-37'-29" WEST ALONG THE PRESENT EAST RIGHT-OF-WAY LINE OF WILKINS ROAD A DISTANCE OF 121.13 FEET TO A CAPPED REBAR (WATTIER) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE RUN SOUTH 79°-03'-31" EAST A DISTANCE OF 135.50 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN EASTWARDLY ALONG THE ARC OF A CURVE TO THE LEFT (HAVING A DELTA OF 06°-24'-11", A RADIUS OF 2,774.79 FEET, A CHORD BEARING OF SOUTH 80°-15'-32" EAST, AND A CHORD LENGTH OF 309.93 FEET) AN ARC DISTANCE OF 310.09 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN SOUTH 00°-34'-21" WEST A DISTANCE OF 180.92 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN WESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT (HAVING A DELTA OF 02°-54'-49", A RADIUS OF 2,954.79 FEET, A CHORD BEARING OF NORTH 82°-22'-05" WEST, AND A CHORD LENGTH OF 150.24 FEET) AN ARC DISTANCE OF 150.26 FEET TO A CAPPED REBAR (FORE-SITE) ON THE NORTH LINE OF LOT 2, A & K SUBDIVISION, AS RECORDED IN MAP BOOK 69, PAGE 36 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 10°-58'-45" WEST ALONG SAID LOT 2 A DISTANCE OF 19.91 FEET TO A CAPPED REBAR (FORE-SITE); THENCE RUN NORTH 79°-02'-42" WEST ALONG SAID LOT 2 A DISTANCE OF 291.51 FEET TO A CAPPED REBAR (WATTIER) ON THE EAST RIGHT-OF-WAY LINE OF SAID WILKINS ROAD; THENCE RUN NORTH 00°-37'-29" EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 203.27 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL IS THE SAME PROPERTY AS DESCRIBED IN THE DOCUMENT RECORDED IN REAL PROPERTY BOOK 932, PAGE 65 AND CONTAINS 1.97 ACRES, MORE OR LESS.

See survey dated 9/1/2020 for difference between tax parcel & actual lot lines-(Exhibit A)

SUBJECT PROPERTY PARCEL 2

LOCATION: Adjoining and running Westley from parcel 1, Mobile, AL 36618, Key No. 436460. Please see diagrams within this RFB and Legal description below per attached 9-1-20 Survey-(Exhibit A).



LEGAL DESCRIPTION: PARCEL 2

COMMENCING AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE RUN SOUTH 00°-00'-00" WEST A DISTANCE OF 532.30 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°-00'-00" WEST A DISTANCE OF 270.85 FEET TO A CAPPED REBAR (WATTIER) ON THE NORTH LINE OF LOT 1, RESUBDIVISION OF FIRST ASSEMBLY OF CHICKASAW SUBDIVISION AS RECORDED IN MAP BOOK 99, PAGE 31 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN NORTH 89°-48'-04" WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 115.45 FEET TO A CAPPED REBAR (ILLEGIBLE) AT THE NORTHWEST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF LOT 1, PULL-A-PART SUBDIVISION AS RECORDED IN MAP BOOK 116 PAGE 99 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA; THENCE RUN NORTH 89°-14'-18" WEST ALONG THE NORTH LINE OF SAID LOT 1, PULL-A-PART SUBDIVISION A DISTANCE OF 1,221.37 FEET TO A CRIMP TOP PIPE; THENCE RUN NORTH 00°-32'-51" EAST ALONG SAID LOT 1 A DISTANCE OF 60.06 FEET TO A CAPPED REBAR (POLY); THENCE RUN SOUTH 89°-35'-35" WEST ALONG SAID LOT 1 A DISTANCE OF 647.51 FEET; THENCE RUN NORTH 00°-34'-21" EAST A DISTANCE OF 198.58 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN SOUTH 89°-13'-14" EAST A DISTANCE OF 646.10 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN NORTH 00°-09'-53" EAST A DISTANCE OF 44.75 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN NORTH 88°-41'-31" EAST A DISTANCE OF 983.00 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT (HAVING A DELTA OF 03°-27'-39", A RADIUS OF 5,919.65 FEET, A CHORD BEARING OF SOUTH 80°-37'-41" EAST, AND A CHORD LENGTH OF 357.51 FEET) AN ARC DISTANCE OF 357.56 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 12.21 ACRES, MORE OR LESS.

MINUTES OF MARCH 16, 2021

APPROVE PURCHASE ORDER TO JERRY PATE TURF & IRRIGATION, INC. FOR ROTARY MOWER, \$38,884.05. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 08-184-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6116</u>	2021	(F6130) AZALEA CITY GOLF COURSE	TORO 3500 GROUNDMASTER ROTARY ROUGH-CUT MOWER (SEALED BID)	\$38,884.05	<u>(101098) JERRY PATE TURF & IRRIGATION INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

APPROVE PURCHASE ORDER TO PETROLEUM TRADERS FOR DIESEL FUEL FOR VARIOUS LOCATIONS. The resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 08-185-2021

Sponsored by: Mayor Stimpson

MINUTES OF MARCH 16, 2021

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, purchase orders to the indicated vendors in the approximate amounts stated, and to approve the supporting bid awards, for the following requisitions as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7174</u>	2021	(2050) EQUIPMENT SERVICES	DIESEL FUEL FOR GARAGE (AL STATE CONTRACT)	\$16,875.00	(279229) PETROLEUM TRADERS CORPORATION
<u>7175</u>	2021	(2050) EQUIPMENT SERVICES	DIESEL FUEL FOR GARAGE (AL STATE CONTRACT)	\$16,875.00	(279229) PETROLEUM TRADERS CORPORATION
<u>7197</u>	2021	(2050) EQUIPMENT SERVICES	DIESEL FUEL FOR 4 TH PRECINCT (AL STATE CONTRACT)	\$16,875.00	(279229) PETROLEUM TRADERS CORPORATION
<u>7198</u>	2021	(2050) EQUIPMENT SERVICES	DIESEL FUEL FOR 4 TH PRECINCT (AL STATE CONTRACT)	\$16,875.00	(279229) PETROLEUM TRADERS CORPORATION

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

APPROVE PURCHASE ORDER TO BLUE RENTS INC. FOR SECOND MONTH TENT RENTAL FOR COVID VAX SITE, \$36,675.65. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 08-186-2021

Sponsored by: Mayor Stimpson

MINUTES OF MARCH 16, 2021

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>7542</u>	2021	(2560) PROCUREMENT	SECOND MONTH TENT RENTAL FOR CIVIC CENTER COVID VAX SITE (COVID EMERGENCY)	\$36,675.65	<u>(024500) BLUE RENTS INC</u>

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

AUTHORIZE CHANGE ORDER #1 TO CONTRACT WITH J HUNT ENTERPRISES GENERAL CONTRACTORS, LLC FOR LADD-PEEBLES STADIUM – WALKING TRAIL, PR-081-19, \$36,918.60. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 13-187-2021

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 Change Order No. (1) to the contract with J Hunt Enterprises General Contractors, LLC, that is necessary to perform essential minimum functions of the Council, by and between the City of Mobile, and the company listed below, whereby the sum of \$36,918.60 will be added to the original contract amount. A copy of said contract is on file in the office of the City Clerk.

Name of Company: J Hunt Enterprises General Contractors, LLC

Project Name: Ladd-Peebles Stadium – Walking Trail

Project Number: PR-081-19

Amount: \$36,918.60

AUTHORIZE CONTRACT WITH CYNTHIA CURRY FOR DRUG LAB TECHNICIAN SERVICES – MUNICIPAL COURT, \$31,519.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-188-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Professional Services contract with Cynthia Curry, in the amount of \$31,519.00, for professional services as a Drug Lab Technician for Municipal Court, as outlined in the contract attached hereto and

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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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

AUTHORIZE CONTRACT WITH CONNIE DEAS FOR PAYMENT CLERK SERVICES – MUNICIPAL COURT, \$31,519.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-189-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Professional Services contract with Connie Deas, in the amount of \$31,519.00, for professional services as a payment clerk for Municipal Court, 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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

AUTHORIZE 1-YEAR SERVICE CONTRACT WITH GORAM AIR CONDITIONING COMPANY FOR HVAC MAINTENANCE & REPAIRS AT VARIOUS CITY OF MOBILE FACILITIES; \$240,000.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-190-2021

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: GORAM AIR CONDITIONING COMPANY, INC.

Project Name: VARIOUS CITY OF MOBILE FACILITIES –
HVAC MAINTENANCE AND REPAIRS
(1 YEAR SERVICE CONTRACT)

Project Number: FM-122-21

Amount: \$240,000.00

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this Resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

AUTHORIZE CONTRACT AMENDMENT WITH GOODWYN, MILLS AND CAWOOD, INC. FOR MICHAEL FIGURES PARK – IMPROVEMENTS, \$16,400.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-191-2021

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Sponsored by: Councilmember 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, that is necessary to perform essential minimum functions of the Council, 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. Whereby, the sum of \$16,400.00 will be added to the original contract amount of \$49,865.00. A copy of said contract is on file in the office of the City Clerk.

Name of Company: Goodwyn, Mills and Cawood, Inc.

Project Name: Michael Figures Park – Improvements

Project Number: PR-039-20

Amount: \$16,400.00 (2020 CIP ID#2025 D1)

AUTHORIZE CONTRACT RENEWAL WITH NEEL-SCHAFER, INC. FOR STORM WATER MANAGEMENT PROFESSIONAL SERVICES (MS4) (THROUGH MARCH 30, 2022) NTE \$345,000.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-192-2021

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, an amendment to the contract, by and between the City of Mobile and Neel Schaffer, Inc. dated December 18, 2018 to revise the amount not to be exceeded to \$345,000 for Professional Services for Storm Water Management for the second one-year renewal period. An amendment to the contract is 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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

Name of Company: Neel-Schaffer, Inc.

Project Name: Storm Water Management Professional Services
City Wide D1-D7

Estimated Cost: \$345,000.00

AUTHORIZE CONTRACT WITH BILL SMITH ELECTRIC, INC. FOR HAROLD L. JOHNSON POLICE HEADQUARTERS – EMERGENCY GENERATOR REPLACEMENT, \$136,885.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 21-193-2021

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, that is necessary to perform essential minimum functions of the Council, by and between the City of Mobile,

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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: Bill Smith Electric, Inc.

Project Name: Harold L. Johnson Police Headquarters –
Emergency Generator Replacement

Project Number: PD-073-20

Amount: \$136,885.00

DECLARE THE STRUCTURE AT 456 BOOKER STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-194-2021

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances,” adopted December 5, 2017, the accessory structure at 456 BOOKER STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4 Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 6, 7, 8, and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 456 BOOKER STREET as:

A PT OF LOTS 1 & 2 SMITH OVERALL TRT DBK 67 NS P 160 DESC AS BEG AT PT 25 FT N OF SE COR LOT 2 SD SUB RUN N ALG E/L SD LOTS 34 FT TO PT TH RUN WLY & PAR WITH S/L OF LOT 1, 80 FT TO PT TH RUN S 9 FT TO PT ON S/L LOT 1 TH RUN W ALG SD S/L 17 FT TO PT TH RUN S 25 FT TO PT TH RUN ELY & PAR WITH S/L LOT 1, 90 FT TO PT ON W/L BOOKER ST & POB #SEC 28 T4S R1W #MP29 10 28 2 004

Parcel Number: 29 10 28 2 004 009.01

Last Assessed to: DWYER APRIL A

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 912 ELMIRA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-195-2021

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 912 ELMIRA STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4 Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 6, 7, 8, 14, and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 912 ELMIRA STREET as:

COMG AT NE COR OF ELMIRA ST & MARINE ST IN MOBILE ALA TH RUN E ALG THE N/L OF ELMIRA ST 104.5 FT TO BEG OF PPTY TH N & PAR WITH MARINE ST 124.5 FT TH RUN W & PAR WITH ELMIRA ST 52.5 FT TH S & PAR WITH MARINE ST 124.5 TO PT ON N/L OF ELMIRA ST TH RUN E ON N/L OF ELMIRA ST 52.5 FT TO BEG GRT SEC 38 T4S R1W #SEC 38 T4S R1W #MP29 10 38 0 002

Parcel Number: 29 10 38 0 002 044

Last Assessed to: TODD JAQUITA JAMES & JIMMIE TODD

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 1169 ELMIRA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 40-196-2021

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 1169 ELMIRA STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4 Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A – No. 4, 6, 7, 8, 14, and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1169 ELMIRA STREET as:

COMG SE COR ELMIRA ST & RAPIER AVE TH ELY 255 FT(S) TO BEG TH CONT ELY 45 FT TH SLY 154.75 FT TH WLY 45 FT TH NLY 154.75 FT TO POB BEING PT GRT SEC 38 T4S R1W #SEC 38 T4S R1W #MP29 10 38 0 003

Parcel Number: 29 10 38 0 003 103

Last Assessed to: HARTMAN THAD

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

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

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be held over until the regular meeting of May 18, 2021, which was seconded by Councilmember Small and the vote was as follows:

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

Nays: None

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

DECLARE THE STRUCTURE AT 1212 SENECA STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Williams.

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RESOLUTION: 40-197-2021

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 1212 SENECA STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1212 SENECA STREET as:

LOT 7 BLK 17 BASCOMBR TRT DBK 128 P 1 SD LOT BEG AT PT ON N/S SENECA ST 50 FT ELY OF NE COR BASCOMBE & SENECA STS TH RUN ELY ALG N/S OF SENECA ST 50 FT FOR FRONT & EXTENDING BACK NLY & PAR WITH BASCOMBE ST 150 FT FOR DEPTH WITH EQUAL WIDTH IN READ AS IN FRONT #SEC 37 T4S R1W #MP29 10 37 0 006

Parcel Number: 29 10 37 0 006 052

Last Assessed to: HARTMAN THAD

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

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

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be held over until the regular meeting of May 18, 2021, which was seconded by Councilmember Small and the vote was as follows:

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

Nays: None

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

DECLARE THE STRUCTURE AT 2504 COURTNEY STREET SOUTH A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-198-2021

Sponsored by: Councilmember Small

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

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the accessory structure at 2504 COURTNEY STREET SOUTH has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2504 COURTNEY STREET SOUTH as:

LOT 74 FAIRMONT MBK 5 P 223 #SEC 51 T4S R1W #MP29 09 51 0 007

Parcel Number: 29 09 51 0 007 040.01

Last Assessed to: BUSH CHARLIE L JR & VERONICA W

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 2304 BURMA HILLS COURT A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/REPAIRED AND DEAD TREE REMOVED. The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-199-2021

Sponsored by: Councilmember Williams

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances,” adopted December 5, 2017, the accessory structure at 2304 BURMA HILLS COURT has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2304 BURMA HILLS COURT as:

LOT 60 OAKLEIGH WOODS SUB UNIT 2 MBK 18 PG 28 #SEC 02 T5S R2W #MP33 01 02 2 003

Parcel Number: 33 01 02 2 003 058

Last Assessed to: LUDVIGSEN STIG MICHAEL & LISE-LOTTE LUDVIGSEN

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

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

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

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

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

ASSENT TO THE VACATION OF RIGHT OF WAY BETWEEN LOTS 3 & 4, WESTWOOD FARMS RESUBDIVISION ON HALLS MILL ROAD. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 47-200-2021

Sponsored by: Councilmember Williams

WHEREAS, pursuant to Ala. Code § 23-4-20 Pintail Properties, LLC ("Pintail") has submitted a petition to the City of Mobile for the vacation of an unopened public right-of-way, lying within the city limits of Mobile, Alabama, and the Mobile County Commission ("Mobile County") has consented to said petition and joined in Pintail's Declaration of Vacation.

WHEREAS, right-of-way to be vacated has never been opened as a public street and Pintail, with the consent of Mobile County, petitions the Mobile City Council to assent to the requested vacation of the right-of-way more fully described below and has shown to the satisfaction of the Mobile City Council that Pintail and Mobile County are the sole owners of the real property abutting the right-of-way; and

WHEREAS, the vacation of the right-of-way will not deprive any other property owner of convenient and reasonable access for ingress and egress to such owners' property; and

WHEREAS, notice of the petition was provided to all utility providers and such providers have consented to the vacation provided, however, entities with utility lines, equipment or facilities within or adjacent to the right-of-way vacated shall have the right to continue to

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access, maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred; and

WHEREAS, notice of the hearing on the petition was provided in accordance with applicable law, including publication in the Mobile Press-Register, a newspaper of general circulation in Mobile, Alabama; and

WHEREAS, the Mobile City Council finds that the right-of-way is not needed as a public right-of-way and vacation of the same is in the public interest;

NOW THEREFORE, BE IT RESOLVED by the Mobile City Council that its assent be, and is hereby given to Pintail Properties, LLC and the Mobile County Commission as the abutting property owners, to the vacation and closing of the following described right-of-way:

BEGINNING AT A CAPPED REBAR (SE CIVIL) AT THE INTERSECTION OF THE CURRENT WEST RIGHT-OF-WAY LINE OF HALLS MILL ROAD AND THE NORTH LINE OF LOT 3 OF A SUBDIVISION OF WESTWOOD FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MAP BOOK 5, PAGE 46-47, MOBILE COUNTY PROBATE RECORDS; THENCE RUN NORTH 89 DEGREES 26 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF LOT 3, A DISTANCE OF 551.57 FEET TO A CRIMP TOP IRON AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 00 DEGREES 14 MINUTES 42 SECONDS EAST A DISTANCE OF 29.94 FEET TO A CRIMPED TOP IRON AT THE SOUTHWEST CORNER OF LOT 4 OF SAID SUBDIVISION OF WESTWOOD FARMS; THENCE - RUN SOUTH 89 DEGREES 26 MINUTES 43 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 561.06 FEET TO A CAPPED REBAR (SE CIVIL) ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF HALLS MILL ROAD; THENCE RUN SOUTH 17 DEGREES 45 MINUTES 44 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 31.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 0.38 ACRES (16,653 SQUARE FEET) MORE OR LESS.

AUTHORIZE REMOVAL OF WEEDS, GROUP #1611. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-201-2021

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 20 described in the resolution adopted on the 9th of February, 2021, 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 20, as described in the resolution

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adopted on the day of February, 2021, 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. 1611, 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.

BE IT FURTHER RESOLVED that the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

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WEED LIEN						
1611						Res. No.
2/9/2021	LOTS TO BE DECLARED					58-
3/16/2021	LOTS FOR PUBLIC HEARING					58-
//2021	LOTS TO BE ASSESSED FOR COST					58-
				Amount	Dis	N/A
No.	Address	SRO No.	CASE #	Assessed		CBO
1	2103 Gibson St	8424	9229		1	
2	1416 Old Shell Rd	8361	9230		2	
3	505 Osage St	8375	9231		2	
4	504 Osage St	8411	9232		2	
5	2610 Farnell Dr	6763	9233		3	
6	5671 Bob St	6892	9234		4	
7	1565 Limerick St	7576	9235		2	
8	2401 Goodman Ave	7366	9236		3	
9	718 Bankhead Pl/O Bankhead Pl	7392	9237		3	
	Parcel No (29 09 29 4 002 013.XXX)					
10	716 Shannon St	7399	9238		5	
11	1700 Sligo St	7414	9239		2	
12	1705 Sligo St	7417	9240		2	
13	904 S Warren St	6997	9241		3	
14	1852 Mott Dr S	8633	9242		1	
15	869 Highland Ave	8603	9243		2	
16	2063 Kentwood Ln	6187	9389		3	
17	929 Hannon Rd	7268	9245		3	
18	2180 Osage St	8362	9246		2	
19	5212 Isabel Way S	8323	9247		4	
20	0 Highland Ave	8604	9248		2	
	Parcel No (29 02 44 0 004 372.XXX)					
				\$ -		
District total for this group		Numbers of lots cut				
1	2		1			
2	9		2			
3	6		3			
4	2		4			
5	1		5			
6	0		6			
7	0		7			
	20		0			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector						

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

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

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

DETERMINE AN APPROPRIATION TO THE MOBILE MEDICAL MUSEUM SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$1,000.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-202-2021

Sponsored by: Councilmember Rich

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WHEREAS, Councilmember Rich wishes to appropriate \$1,000.00, to the Mobile Medical Museum, Inc., from her discretionary funds; and

WHEREAS, the Mobile Medical Museum, Inc., is a non-profit which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to the Mobile Medical Museum, Inc., will be used to support educational programming at the museum to be delivered virtual audiences and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$1,000.00 to the Mobile Medical Museum, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE CHILD ADVOCACY CENTER SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$2,500.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-203-2021

Sponsored by: Councilmember Williams

WHEREAS, Councilmember Williams wishes to appropriate \$2,500.00, to The Child Advocacy Center, Inc., from his discretionary funds; and

WHEREAS, The Child Advocacy Center, Inc., is a non-profit which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to The Child Advocacy Center, Inc., will be used to assist with their "SERVE IT UP WITH LOVE" Charity Tennis Tournament to be held on April 25-27, 2021 at the Copeland-Cox Tennis Center and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$2,500.00 to The Child Advocacy Center, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

MINUTES OF MARCH 16, 2021

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO THE VILLAGE OF SPRING HILL, INC., SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$8,500.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-204-2021

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate \$8,500.00 to The Village of Spring Hill, Inc., from her discretionary funds; and

WHEREAS, The Village of Spring Hill, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to The Village of Spring Hill, Inc., will be used to help with the maintenance of the landscaped median along Dauphin St., to the grassy area along Vickers Lane & S. McGregor Ave., and the yearly maintenance for Village of Spring Hill trees on the City's right of way which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$8,500.00 to The Village of Spring Hill, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO ADOPTION ROCKS, INC., SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$1,000.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-205-2021

Sponsored by: Councilmember Rich

WHEREAS, Councilmember Rich wishes to appropriate \$1,000.00, to Adoption Rocks, Inc., from her discretionary funds; and

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WHEREAS, Adoption Rocks, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Adoption Rocks, Inc., will be used to assist with their annual "TOUCH A TRUCK" Rapahope event to be held at the Hank Aaron Stadium parking lot on Saturday, May 15, 2021, and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$1,000.00 to Adoption Rocks, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO KEEP MOBILE BEAUTIFUL, INC., SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$3,000.00. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-206-2021

Sponsored by: Councilmember Rich

WHEREAS, Councilmember Rich wishes to appropriate \$3,000.00 to Keep Mobile Beautiful, Inc., from her discretionary funds; and

WHEREAS, Keep Mobile Beautiful, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Keep Mobile Beautiful, Inc., will be used to assist with a newly revitalized program, "Love Your Community" to combat the issue of littering and recycling which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$3,000.00 to Keep Mobile Beautiful, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO SUCCESS 4 THE FUTURE CHARITY FOUNDATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$1,000.00.
The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-207-2021

Sponsored by: Councilmember Richardson

WHEREAS, Councilmember Richardson wishes to appropriate \$1,000.00 to Success 4 the Future Charity Foundation 4 Kids Ages 3-18, Inc., from his discretionary funds; and

WHEREAS, Success 4 the Future Charity Foundation 4 Kids Ages 3-18, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Success 4 the Future Charity Foundation 4 Kids Ages 3-18, Inc., will be used to assist with the sponsorship of their 10 program participants who will be educated on making a difference in our community and local government which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$1,000.00 to Success 4 the Future Charity Foundation 4 Kids Ages 3-18, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

APPROVE AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH FOR FEBRUARY 2021 AS PART OF THE MAYOR'S INCENTIVE PROGRAM. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-208-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of 5500 to the following employee:

February 2021 - Officer Brian McMahan

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

Be it further resolved that the City Council finds this resolution is either necessary to respond to COVID-19 functions of the Council.

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

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

Nays: None

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

AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT WITH MOBILE COUNTY FOR THE MOBILE COUNTY SOCCER COMPLEX, \$250,000.00. The following resolution was held over until the regular meeting of March 23, 2021.

RESOLUTION: 01-209-2021

Sponsored by: Mayor Stimpson

WHEREAS, the promotion of athletics and sports provides health, recreation and cultural benefits for the public, and results in regional and national recognition for Mobile and its role in sports, and further provides cultural, economic and tourism opportunities for the City, thereby benefitting the public good; and

WHEREAS, Mobile County has planned the construction of Phase II of the Mobile County Soccer Complex (the "Project"), and is in need of financial assistance to supplement its funding for said construction; and

WHEREAS, helping fund the construction of Phase Two of the Mobile County Soccer Complex is a good, proper and justifiable use of public resources;

BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$250,000.00 to Mobile County, Alabama, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, that this action is necessary to perform essential minimum functions of the Council, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile 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.

ANNOUNCEMENTS:

Councilmember Williams stated that he recently met with Councilmembers Small and Daves, along with Captain Bagsby, Mobile Police Department, at Navco Baptist Church to discuss issues in the community with the congregation.

Councilmember Rich stated that Adoption Rocks, Inc. is partnering with Camp Rap-a-Hope for the Touch-a-Truck event which will be held in May.

Councilmember Rich announced that the funds allocated to Keep Mobile Beautiful from her discretionary funds will assist the "Love Your Community" program.

Councilmember Rich wished everyone a "Happy St. Patrick's Day."

Councilmember Gregory announced that Art Walk and the Festival of Flowers event were well attended.

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Councilmember Gregory joined with the Hillsdale Homeowners Association Saturday to help clean up the neighborhood entrances.

Councilmember Gregory reminded residents of the continued work on Zeigler Boulevard and to be aware of road closures and detours.

Councilmember Small stated that the CIP Committee meeting will be held on March 30, 2021, immediately following the Council meeting.

Councilmember Small announced that Revitalize DIP will host a community clean-up on Saturday, March 27, 2021, 9:00 a.m. until noon.

Councilmember Small invited the public to attend the Easter Egg Hunt on March 27, 2021, from 10:00 a.m. - 1:00 p.m., at the Duval Street Park.

Councilmember Small advised citizens to report overgrown weeds and grass issues to 311 or call 251-208-5311.

Councilmember Richardson announced that a community COVID-19 vaccine event will be held at Dotch Community Center on Thursday, March 18, 2021, from 1:00-4:00 p.m.

Councilmember Richardson requested the Administration provide a start date for the re-surfacing of Barretts Lane.

Councilmember Richardson announced that trees will be planted in Tricentennial Park in April.

Councilmember Richardson shared citizen complaints about trains blocking roadways for extended periods of time.

Councilmember Manzie said that the roundabout at Government and Canal Streets should be open soon.

Councilmember Manzie shared that the District 2 - Housing Rehab Initiative will be accepting applications for grants regarding exterior improvements on homes.

Councilmember Small moved to adjourn the meeting, which move was seconded by Councilmember Richardson and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, 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 12:31 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK