

MUNICIPAL BUILDING, MOBILE, ALABAMA, SEPTEMBER 12, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, September 12, 2023, at 9:00 a.m.

Councilmembers:

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

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 VICE PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, SEPTEMBER 12, 2023

The City Council of the City of Mobile, Alabama, met in the Multipurpose Room of the Mobile Government Plaza on Tuesday, September 12, 2023, at 10:30 a.m., for the regular meeting.

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

Patricia Evans, Public Safety Chaplain, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman:
Vice-Chairman: Gregory
Councilmembers: Penn, Carroll, Reynolds, Daves, and Woods
Absent: Small

STATEMENT OF RULES BY PRESIDING OFFICER

The minutes from the meeting September 5, 2023 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson read a proclamation declaring September 2023 as “Children Cancer Awareness Month” in Mobile.

Mayor Stimpson read a proclamation declaring September 16 – 23, 2023 as “National Estuaries Week” in Mobile.

Mayor Stimpson thanked everyone that helped the Mobile Fire Rescue Department get accredited by the Commission on Accreditation of Ambulance Services for the quality of its emergency medical services operations.

MINUTES OF SEPTEMBER 12, 2023

Mayor Stimpson announced that garbage pick up will start on October 2, 2023, for the newly annexed areas.

Jim DeLapp, Public Works Executive Director, presented the following employees of the month:

Kathy Sullivan - Parks and Recreation Department.

Lori Dickinson – Public Works at Large

Jimmie Davis, Jr. – Public Services

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS

Request of Christopher Raley for a waiver of the Noise Ordinance at 1906 Springhill Avenue on October 14, 2023, from 7:00 p.m. – 11:00 p.m. (District 1).

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

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

Nays: None

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

Request of Virginia Kinnier for a waiver of the Noise Ordinance at 1215 Selma Street on September 22, 2023, from 6:00 p.m. – 10:00 p.m. (District 2).

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

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

Nays: None

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

Request of Lifeline Counseling Services for a waiver of the Noise Ordinance at Cathedral Square on October 7, 2023, from 10:00 a.m. – 2:00 p.m. (District 2).

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

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

Nays: None

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

Request of Caleb Mizell for a waiver of the Noise Ordinance at Medal of Honor Park on October 1, 2023, from 5:00 p.m. – 6:00 p.m. (District 5).

MINUTES OF SEPTEMBER 12, 2023

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

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

Nays: None

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

Request of Clara King for a waiver of the Noise Ordinance at Public Safety Memorial Park on October 28, 2023, from 1:00 p.m. – 4:00 p.m. (District 5).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 170 N. ANN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 170 N. Ann Street a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1112 NEWMAN LANE 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 1112 Newman Lane a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Ranita Smith, 1112 Newman Lane, requested an extension to secure the structure.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 325 E I-65 SERVICE ROAD, S. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at E. I-65 Service Road S. a public nuisance and order it demolished/secured 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 future meeting.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 259 BORDER DRIVE, W. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

MINUTES OF SEPTEMBER 12, 2023

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 259 Border Drive, W. a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

Andrew Monahan, Birmingham, Al, gave comments regarding the property.

Nancy Kennedy, owner of property, stated that she is in the process of selling the property to Jacob Hartley, and the closing date is set for September 20, 2023.

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

PUBLIC HEARING TO ASSENT TO A VACATION OF A 40' UNDEVELOPED PORTION OF A SERVICE ROAD BORDERING 3812 AND 3820 COTTAGE HILL ROAD (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to assent to a vacation of a 40' undeveloped portion of a service road bordering 3812 and 3820 Cottage Hill Road and asked if there was anyone present to speak for or against this matter.

Robert Fluke, Attorney representing the applicants, gave comments regarding this property.

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

PUBLIC HEARING TO CONSIDER A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF A 40' UNDEVELOPED PORTION OF A SERVICE ROAD BORDERING 3812 AND 3820 COTTAGE HILL ROAD (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to consider a vacation of right-of-way fee as a condition of the vacation of a 40' undeveloped portion of a service road bordering 3812 and 3820 Cottage Hill 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 future meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Carolina Dallas, 71 W. Grant Street, Chickasaw, Al, asked the Council for the City to give stimulus payments to city residents to combat inflation.

Carla Lett, 6575 Red Maple Drive, expressed her concerns about no rail guards at the railroad crossing at Forest Hill Drive.

Tara McCook, 1750 Dauphin Street, spoke in defense of the LGBT citizens and against attempts to divide the community with book bans and smear campaigns.

Thomas Holmes, 2117 Charingwood Drive W., requested \$55,315.00 be appropriated to The Arc of Mobile County, Inc. to restart community services for Mobile citizens with intellectual and developmental disabilities.

Christine Dallas, 10523 Beverly Road, Irvington, Al, asked for transparency and accountability for the death of Jawan Dallas.

MINUTES OF SEPTEMBER 12, 2023

Norma Moore, 11005 Argyle Road, Irvington, Al, inquired about the status of the investigation of her Jawan Dallas death that involved the police.

Phil Williams, 10523 Beverly Road, Irvington, Al, asked for the release of the body cam footage concerning the death of Jawan Dallas.

Dr. Roderick Van Daniel, 1501 15th Avenue S. Birmingham, Al, addressed family concerns with viewing the law enforcement videos about Jawan Dallas.

Reggie Hill, 1007 Center Street, recommended amendments to the FY 2024 budget and SFTF FY24 Pillars Change.

ORDINANCES HELD OVER

CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT LOCATED AT 2609 CAMERON STREET. The following ordinance which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-044-2023

Sponsored by: Councilmember Penn

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development (PUD) was approved on January 21, 2010 to allow multiple buildings on a single building site and allow off-site parking on a separate building site for the property located at 2609 Cameron Street and 22 Tacon Street and described as follows:

LOT A, EBM MIDTOWN SUBDIVISION, AS RECORDED IN MAP BOOK 123 PAGE 89, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA

AND

LOT 84, TACON PLACE, AS RECORDED IN DEED BOOK 116 PAGE 242, PROBATE RECORDS, MOBILE COUNTY, ALABAMA

WHEREAS, the owner of said property applied for a Major Modification of the PUD on June 22, 2023 to be consistent with the proposed subdivision.

WHEREAS, the Planning Commission held a public hearing on the requested modification on July 20, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Provision of a note on a recorded site plan stating future development or development of the site may require additional modification of the PUD to be approved by the Planning Commission and City Council;
2. Retention of at least the 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13E of the Unified Development Code;
3. Revision of the site plan to illustrate the existing garage with carport addition;
4. Revision of the site plan to illustrate compliance with the conditions of approval for rezoning ordinance 64-044 (adopted June 18, 2002 by the Mobile City Council), or provision of a note on the recorded site plan stating the site must comply with the rezoning conditions;

MINUTES OF SEPTEMBER 12, 2023

5. Placement of a note on the recorded site plan stating the subdivision is denied direct access to Alexander Street;
6. Compliance with all Engineering comments note din the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report;
9. Compliance with all Fire Department comments noted in the staff report;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
11. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. The request is consistent with all applicable requirements of this Chapter;
- B. The request is compatible with the character of the surrounding neighborhood;
- C. The request will not impede the orderly development and improvement of surrounding property;
- D. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood.
 1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of building or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 2. Includes adequate public facilities and utilities; The request will minimize traffic hazards and traffic congestion on the public roads;
- E. The request will minimize traffic hazards and traffic congestion on the public roads;
- F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

Section One: That the Major Modification of the PUD is hereby approved with the following required conditions:

1. Provision of a note on a recorded site plan stating future development or development of the site may require additional modification of the PUD to be approved by the Planning Commission and City Council;
2. Retention of at least the 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13E of the Unified Development Code;
3. Revision of the site plan to illustrate the existing garage with carport addition;
4. Revision of the site plan to illustrate compliance with the conditions or approval for rezoning ordinance 64-044 (adopted June 18, 2002 by the Mobile City Council), or provision of a note on the recorded site plan stating the site must comply with the rezoning conditions;

MINUTES OF SEPTEMBER 12, 2023

5. Placement of a note on the recorded site plan stating the subdivision is denied direct access to Alexander Street;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report;
9. Compliance with all Fire Department comments noted in the staff report;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and
11. Full compliance with all municipal codes and ordinances.

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

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

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

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

CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT AT 350, 400, 530, AND 660 DUNLAP DRIVE. The following ordinance which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-045-2023

Sponsored by: Councilmember Carroll

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development (PUD) was approved on March 23, 2007 to allow multiple buildings on multiple parcels with shared parking and access located at 350, 400, 530, & 660 Dunlap Drive and described as follows:

Lots 1 and 3 as shown on the subdivision plat of Pinto Island Industrial Park recorded on March 30, 2023 as Instrument# 2023019114 in the public records of the Office of the Judge of Probate of Mobile County, Alabama.

WHEREAS, the owner of said property applied for a Major Modification of the PUD on June 16, 2023 to allow the construction of four (4) ship assembly bays for an existing shipyard in an 1-2, Heavy Industry District.

WHEREAS, the Planning Commission held a public hearing on the requested modification on July 20, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Full compliance with the UDC, including but not limited to the provision of adequate parking with required safety aisles, landscaping and tree plantings, surfacing and bicycle parking;
2. Obtaining of the required height variances from the Board of Zoning Adjustment;
3. Compliance with all Engineering comments noted in the staff report;

MINUTES OF SEPTEMBER 12, 2023

4. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
5. Compliance with all Urban Forestry comments noted in the staff report;
6. Compliance with all Fire Department comments noted in the staff report;
7. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning; and,
8. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. The request is consistent with all applicable requirements of this Chapter;
 - B. The request is compatible with the character of the surrounding neighborhood;
 - C. The request will not impede the orderly development and improvement of surrounding property;
 - D. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 2. Includes adequate public facilities and utilities; The request will minimize traffic hazards and traffic congestion on the public roads;
 - E. The request will minimize traffic hazards and traffic congestion on the public roads;
 - F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
 - G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
 - H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

Section One: That the Major Modification of the PUD is hereby approved with the following required conditions:

1. Full compliance with the UDC, including but not limited to the provision of adequate parking with required safety aisles, landscaping and tree plantings, surfacing and bicycle parking;
2. Obtaining of the required height variances from the Board of Zoning Adjustment;
3. Compliance with all Engineering comments noted in the staff report;
4. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
5. Compliance with all Urban Forestry comments noted in the staff report;
6. Compliance with all Fire Department comments noted in the staff report;
7. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning; and,
8. Full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

MINUTES OF SEPTEMBER 12, 2023

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

RESOLUTIONS HELD OVER

AUTHORIZE AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR U.S. HWY 45 STREETSCAPE IMPROVEMENTS. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-980-2023

Sponsored by: Councilmember Penn

WHEREAS, the City intends to construct a Streetscape Improvement Project of approximately 0.78 miles on U.S. Hwy 45,

WHEREAS, the City intends to resurface, add curb and gutter, and upgrade sidewalks to become ADA compliant,

WHEREAS, U.S. Hwy 45 is an Alabama Department of Transportation (ALDOT) maintained road,

WHEREAS, work within the ALDOT right-of-way requires permitting from ALDOT,

WHEREAS, ALDOT requires the City to accept the maintenance of these upgrades.

NOW THEREFORE, 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 Grading/Landscaping Permit and a Cooperative Maintenance Agreement, by and between the City of Mobile and the Alabama Department of Transportation.

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

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

Nays: None

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

AUTHORIZE CRUISE TERMINAL AND BERTHING AGREEMENT WITH CARNIVAL CRUISE LINE. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-981-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Cruise Terminal and Berthing Agreement between the City of Mobile and Carnival Cruise Line, attached hereto or one with wording substantially similar, and made apart hereof, as though set forth in full, and to take such further action necessary to effectuate the Agreement. A copy of said Cruise Terminal and Berthing Agreement is on file in the office of the City Clerk.

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

MINUTES OF SEPTEMBER 12, 2023

follows:

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

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

AUTHORIZE AGREEMENT WITH JOHNATHON AMES TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS & RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-982-2023

Sponsored by: Mayor Stimpson

This Professional Service Contract (sometimes hereinafter "Agreement") made and entered into this day of _____, _____ 2023, by and between THE CITY OF MOBILE, a Municipal Corporation of the State of Alabama (sometimes hereinafter "City") and JOHNATHON AMES (sometimes hereinafter Contractor)

WHEREAS, the Parties entered into that certain Professional Services Contract, dated as of April 19, 2022, for the purposes of professional tennis services (Original Agreement);

WHEREAS, the Parties desire to amend and restate the Original Agreement in its entirety; and

WHEREAS, Contractor is engaged in the business of teaching tennis lessons/clinics;

WHEREAS, City desires to engage this Contractor to provide said services upon the following terms and conditions;

NOW, THEREFORE, WITNESSETH:

City and Contractor, for and in consideration of the mutual covenants and agreements hereinafter set forth to be kept and performed by the other, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, do hereby covenant, and agree as follows:

I. PROFESSIONAL SERVICES TO BE PERFORMED

A. Contractor agrees that it will provide the services as described below and in the attached

Exhibit A, Statement of Work. To the extent that the terms of Exhibit A are inconsistent with those in this Agreement, the terms contained this Agreement shall control.

B. The Director, Mobile Tennis Center, or his designated representative, shall provide specific tasking to the Contractor with respect to the series described in Exhibit A.

II. COMPENSATION

City hereby agrees to pay the Contractor for the work performed according to the fee schedule and payment terms attached in Exhibit A. The total amount of this contract should not exceed \$80,000 per year.

III. TERM OF AGREEMENT

The term of this Agreement shall commence upon its execution by the City of and shall continue for thirty-six months or three years.

IV. GENERAL PROVISIONS

A. Contractor agrees to permit the City access to, and as requested copies of, all books and records received and developed in connection with the contract work.

B. Notwithstanding any of the provisions of this Agreement, it is agreed that City has no financial interest in the business of Contractor and shall not be liable for any debts or obligations incurred by Contractor, nor shall City be deemed or construed to be a partner, joint ventures, or otherwise interested in the assets of Contractor, or in the sums earned or derived by Contractor, nor shall Contractor at any time or times use the name or credit of City in purchasing or attempting to purchase any car, equipment, supplies, or other thing or things whatsoever.

C. Contractor, in the performance of its operations and obligations hereunder, shall not be deemed to be an agent of City but shall be deemed to be an independent Contractor in every respect and shall take all steps at its own expense, as City may from time-to-time request, to indicate that it is an independent Contractor. City does not and will not assume any responsibility for the means by which or the manner in which the services by Contractor provided for herein are performed, but on the contrary, Contractor shall be wholly responsible, therefore.

D. Contractor acknowledges that its identity and peculiar capacity to provide the services described hereinabove constitute a material consideration for City's having entered into this Agreement. Therefore, Contractor shall not transfer or assign this Agreement or any of the rights or privileges granted herein without the prior written consent of City, which such consent shall be granted or derived solely at City's discretion. All designs, logos, artwork graphics, or creative content created for this contract are the property of the City and are subject to prior review and approval by the City before public dissemination or publication.

E. Contractor hereby agrees to comply strictly with all ordinances of the City of Mobile Alabama, and the laws of the State of Alabama and of the United States while performing its obligations under the terms of this Agreement.

F. Contractor shall comply with all Federal, State and local laws concerning nondiscrimination, including but not limited to City of Mobile Ordinance No. 14-034 which requires, inter alia, that all contractors performing work for the City of Mobile not discriminate on the basis of race, creed, color, national origin or disability, require that all subcontractors they engage do the same, and make every reasonable effort to assure that fifteen percent of the work performed under contract be awarded to socially and economically disadvantaged individuals and business entities.

G. Contractor agrees that upon the violation of any of the covenants and agreements herein contained, on account of any act or omission or commission of Contractor, City may, at its option, terminate and cancel this Agreement. Contractor further agrees that the City may terminate this Agreement without cause by providing written notice 30 days in advance of the date of termination.

H. In the event of any breach or apparent breach by Contractor of any of its obligations under the terms of this Agreement, and in the further event that City shall engage the services of any attorney to protect or to enforce its rights with respect to said breach or apparent breach, then and in those events. Contractor agrees to pay and to reimburse any and all reasonable attorneys' fees and expenses which City may incur with respect to City's enforcement of this Agreement; regardless of whether said attorneys' fees and costs shall be incurred in connection with any litigation or in connection merely with advice and representation provided without litigation.

I. Contractor agrees to indemnify and hold the City, its elected officials, officers, agents, and employees whole and harmless from all costs, liabilities and claims for damages of any kind (including Interest and attorneys' fees) arising in any way out of the performance of this Agreement and/or the activities of Contractor, its principals, directors, agents, servants and employees in the performance of this Agreement, for which the City is alleged

MINUTES OF SEPTEMBER 12, 2023

to be liable. In the event that the City, through no fault of its own, is made a party to any lawsuit or legal proceeding arising in any way from this contract or any activities conducted pursuant thereto, Contractor hereby agrees to pay all of City's costs of defense, including but not limited to all attorneys' fees, court costs, expert witness fees and other expenses, through trial and, if necessary, appeal. This section is not as to third parties or to anyone a waiver of any defense or immunity or statutory damages cap otherwise available to Contractor or City, and these defenses and matters may be raised in the City's behalf in any action or proceeding arising under this Agreement.

J. The City's representative for purposes of this Agreement is the Director, Mobile Tennis Center. All notices of cancellation, requests, demands or other communications shall be in writing and duly delivered to the following address for City at:

Director, Mobile Tennis Center
City of Mobile
851 Gaillard Drive
Mobile, Alabama 36608

Copy to: City Attorney
City of Mobile Legal Department
PO Box 1827
Mobile, Alabama 36633-1827

And to Contractor at:
Johnathon Ames
3962 Wimbledon Park
Mobile, AL 36608

L. Entire Agreement. This Agreement embodies the entire agreement and understanding of the parties hereto in respect of the transactions contemplated by this Agreement and supersedes all prior agreements, contracts, representations, warranties, promises, covenants, arrangements, communications, and understandings, oral or written, express or implied, between or among the parties with respect to the subject matter hereof, including, without limitation, the Original Agreement, which Original Agreement shall be deemed null and void, and of no further force or effect whatsoever following the date hereof.

L. Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing and signed by authorized representatives of the party against whom enforcement is sought.

M. The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire agreement with respect to any party.

N. This Agreement shall be governed by the laws of the State of Alabama, and the appropriate venue for any actions arising out of this Agreement would be Mobile, Alabama.

O. Contractor shall obtain, at its own expense, all necessary licenses, permits, insurance, authorization, and assurances necessary in order to abide by the terms of this Agreement.

P. The contractor agrees that it shall comply with all the requirements of the State of Alabama Immigration Law (Act No. 2011-535 as amended by Act No. 2012-491, Alabama Code (1975) Section 31-13.1, et, seq., see Section 31-13-9) and all provisions of said Law, including all penalties for violation thereof. By signing this contract, the contracting parties affirm, for the duration of the understandings that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien with the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting there from.

MINUTES OF SEPTEMBER 12, 2023

Q. By signing this contract, Contractor represents and agrees that it is not currently engaged in, nor will it engage in, any boycott of a person or entity based in or doing business with a jurisdiction with which the State of Alabama can enjoy open trade.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the day and year first written.

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

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

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

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.

The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-983-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14462</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14463</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14464</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14465</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14467</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14468</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION

MINUTES OF SEPTEMBER 12, 2023

<u>14469</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14471</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14472</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION

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

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

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

APPROVE PURCHASE ORDERS FOR FUEL FOR THE WAVE TRANSIT SYSTEM. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-984-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, 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>14363</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$25,225.50	<u>(279229) PETROLEUM TRADERS CORPORATION</u>
<u>14364</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$24,849.00	<u>(279229) PETROLEUM TRADERS CORPORATION</u>
<u>14365</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$24,849.00	<u>(279229) PETROLEUM TRADERS CORPORATION</u>

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer

MINUTES OF SEPTEMBER 12, 2023

declared the resolution adopted.

APPROVE PURCHASE ORDER TO AUTONATION FORD MOBILE FOR 2 FORD F350 PICKUP TRUCKS; \$98,304.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-985-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14450</u>	2023	(1510) FIRE ADMINISTRATION	2 FORD F350 4X4 PICKUP TRUCKS (SEALED BID 5835)	\$98,304.00	<u>(270013)</u> <u>AUTONATION</u> <u>FORD MOBILE</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 MCKINNEY PETROLEUM EQUIPMENT TO REPLACE GARAGE GREASE-ROOM TANKS, PUMPS AND DISPENSING EQUIPMENT; \$79,097.40. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-986-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13743</u>	2023	(2050) FLEET MANAGEMENT-GARAGE	REPLACE GARAGE GREASE-ROOM TANKS, PUMPS, AND DISPENSING EQUIPMENT (SEALED BID 5821)	\$79,097.40	<u>(132500)</u> <u>MCKINNEY</u> <u>PETROLEUM</u> <u>EQUIPMENT</u>

MINUTES OF SEPTEMBER 12, 2023

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 WASTEQUIP MANUFACTURING COMPANY, LLC FOR RECYCLE BIN COMPACTOR FOR DIP RECYCLING CENTER; \$17,608.24. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-987-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14303</u>	2023	(2590) GRANT MANAGEMENT	RECYCLE BIN COMPACTOR FOR DIP RECYCLING CENTER (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$17,608.24	(294806) <u>WASTEQUIP MANUFACTURING COMPANY LLC</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR TETHERED CAMERA FOR MFRD; \$37,159.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-988-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF SEPTEMBER 12, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11972</u>	2023	(1510) FIRE ADMINISTRATION	1 FOTOKITE SIGMA TETHERED CAMERA UAV FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$37,159.00	<u>(294963) EMERGENCY EQUIPMENT PROFESSIONAL INC</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 BEST PRICE SERVICES, LLC FOR STORM DITCH CLEARING; \$390,000.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-989-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14066</u>	2023	(2086F) FLOOD CONTOL	STORM DITCH CLEARING, COLLEGE LANE TO MOORE CREEK, DEMOTROPOLIS TO I65 (SEALED BID 5824)	\$390,000.00	<u>(292420) BEST PRICE SERVICES</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 TRUCK EQUIPMENT SALES, INC. FOR 5 FORD F450 CREW-CAB TRUCKS WITH LANDSCAPE BODIES AND 3 CONTRACTOR DUMP BODIES FOR PUBLIC SERVIES; \$371,008.58. The following resolution which was

MINUTES OF SEPTEMBER 12, 2023

introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-990-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8896,</u> <u>14263</u>	2023	(F7000) MOTOR POOL	5 FORD F450CREW-CAB TRUCKS – 2 WITH LANDSCAPE BODIES FOR MPRD, 3 WITH CONTRACTOR DUMP BODIES FOR PUBLIC SERVICES MAINTENANCE (SEALED BID 5831)	\$371,860.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 VECTOR SOLUTIONS, INC. FOR ANNUAL RENEWAL OF LEARNING, PERFORMANCE, MANAGEMENT, AND APPARATUS CHECKLIST SOFTWARE FOR MFRD; \$67,008.58. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-991-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF SEPTEMBER 12, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14406</u>	2023	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF LEARNING, PERFORMANCE MANAGEMENT, AND APPARATUS CHECKLIST SOFTWARE FOR MFRD (PROFESSIONAL SERVICE)	\$67,008.58	<u>(295501) VECTOR SOLUTIONS, INC</u>

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 SMART SURROUND, LLC FOR FENCING FOR DIP RECYCLING DROP-OFF SITE; \$27,307.70. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-992-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14616</u>	2023	(2590) GRANT MANAGEMENT	FENCING FOR DIP RECYCLING DROP OFF SITE (PRICE QUOTE BELOW BID REQUIREMENT)	\$27,307.70	<u>(298686) SMART SURROUND LLC</u>

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

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

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

TRANSFER FUNDS FROM THE GENERAL FUND TO THE CAPITAL PROJECT FUND #CO660 FOR INVASIVE SPECIES REMOVAL AT BROOKLEY BY THE BAY; \$22,500.00. The following resolution which was introduced and read at the regular

MINUTES OF SEPTEMBER 12, 2023

meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 09-993-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$22,500.00 be transferred from the General Fund (1000), (10042012-41030) to the Capital Project Fund (2000) Project #CO660 to be used for invasive species removal at Brookley by the Bay.

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

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

Nays: None

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

ALLOCATE FUNDS FROM UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO VARIOUS CAPITAL PROJECTS; \$5,830,000.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 09-994-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$5,830,000.00 be specifically allocated pursuant to Alabama Code Section 11 44C-57 from the Unassigned Fund Balance in the General Fund (Fund 1000) to the following Capital Projects in the Capital Improvements Fund (Fund 2000):

C0875 N. Washington Ave-St & Culvert Repairs \$5,700,000.00

C0721 US 45 Median Improvements 130,000.00

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

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

Nays: None

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

AUTHORIZE CHANGE ORDER #1 WITH MCELHENNEY CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION OF THE THREE MILE CREEK GREENWAY TRAIL; \$1,904,166.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 13-995-2023

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

MINUTES OF SEPTEMBER 12, 2023

and attest, respectively, for and on behalf of the City of Mobile, a Change Order, by and between the City of Mobile and McElhenney Construction Company, LLC as outlined in the Change Order Number One (1), attached hereto and made a part hereof as though set forth in full, to increase their contract dated June 8, 2021 in total contract sum from \$1,405,086.40 to \$1,904,166.00. A copy of said Change Order and Justification is on file in the office of the City Clerk.

Name of Company: McElhenney Construction Company, LLC

Project Name: Three Mile Creek: Section 6 North

Project Number: No. 2022-2045-02

Amount: \$1,904,166.00

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

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

Nays: None

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

AUTHORIZE CHANGE ORDER #2 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR COMPLETION OF THE STORM WATER MANUAL, VOLUME 1; \$310,149.85. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 13-996-2023

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 Change Order, by and between the City of Mobile and WSP USA Environment & Infrastructure, Inc. as outlined in the Change Order Number Two (2), attached hereto and made a part hereof as though set forth in full, to increase their contract dated June 8, 2021 in total contract sum from \$284,976.85 to \$310,149.85. A copy of said Change Order and Justification is on file in the office of the City Clerk.

Name of Company: WSP USA Environment & Infrastructure, Inc.

Project Name: Mobile Area Storm Water Mapping and Resiliency Planning

Project Number: No. 2020-2045-07

Amount: \$310,149.85

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

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

Nays: None

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

MINUTES OF SEPTEMBER 12, 2023

AUTHORIZE CONTRACT WITH SAIN ASSOCIATES, INC. FOR GOVERNMENT STREET AND ROYAL STREET TRAFFIC SIGNAL IMPROVEMENTS; \$30,000.00. The following resolution which was introduced and read at the regular meeting of September 5, 2023, and held over until the regular meeting of September 12, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-998-2023

Sponsored by: Mayor Stimpson

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

Name of Company: Sain Associates, Inc

COM Project Name: Government Street and Royal Street Traffic Signal Improvements

Capital Project No.: CO624

Contract Amount: \$30,000.00

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

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

Nays: None

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

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

Councilmember Daves moved for the suspension of the rules to consider Consent Resolutions 02-1000 through 60-1013 being introduced for the first time. The motion was seconded by Councilmember Reynolds, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

AUTHORIZE MEMORANDUM OF UNDERSTANDING WITH MOBILE COUNTY FOR TRANSITION OF CITY SERVICES INTO ANNEXED AREAS. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 02-1000-2023

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 Memorandum of Understanding by and between the City of Mobile and Mobile County for the transition of

MINUTES OF SEPTEMBER 12, 2023

services within the areas that have recently annexed into the City on the subjects of road and bridge maintenance, permitting, and animal control. A copy of said Memorandum of Understanding is on file in the office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE A GRANT APPLICATION TO THE RECYCLING PARTNERSHIP FOUNDATION FOR THE RESIDENTIAL DROP-OFF RECYCLING GRANT PROGRAM; \$1118,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 31-1001-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive a grant from the Recycling Partnership for grant assistance in the amount of \$118,000.00 in support of the foundation's Residential Drop-Off Recycling Grant Program. There is no match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the Recycling Partnership Foundation. Any agreements for grant assistance, together with the exhibits shall be filed with the City Clerk after award and execution.

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL COMMON CARRIER LICENSE TO CARNIVAL SPIRIT; 201 S. WATER STREET. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-1002-2023

Sponsored by: Councilmember Carroll

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

Type of application: Retail Common Carrier License

Submitted by: Carnival License Holdings Limited

Location: Carnival Spirit

MINUTES OF SEPTEMBER 12, 2023

201 South Water Street
Mobil, Al 36602

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LICENSE TO SIP N PAINT; MARDI GARS PARK. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-1003-2023

Sponsored by: Councilmember Carroll

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

Type of application: Special Events Retail

Submitted by: Bottles Up Mobile, Inc.

Location: Sip N Paint
Mardi Gras Park
109 Government Street
Mobil, Al 36602

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS MORE THAN 60 DAYS LICENSE TO HAMPTON INN, 5478 INN ROAD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-1004-2023

Sponsored by: Councilmember Reynolds

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

Type of application: Special Events, More than 60 Days

Submitted by: Varun Hospitality, LLC

Location: Hampton Inn
5478 Inn Road

MINUTES OF SEPTEMBER 12, 2023

Mobile, Al 36619

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

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS MORE THAN 60 DAYS LICENSE TO HOME 2 SUITES BY HILTON TILLMAN'S CORNER, 5460 INN ROAD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-1005-2023

Sponsored by: Councilmember Reynolds

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

Type of application: Special Events, More than 60 Days

Submitted by: Shree Narayan Hospitality, LLC

Location: Home 2 Suites by Hilton Tillmans Corner
5460 Inn Road
Mobile, Al 36619

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 170 N. ANN STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-1006-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 170 N. Ann 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, 8,12, 14 and 15; and**

WHEREAS, the Mobile City Council has held a public hearing to determine whether said

MINUTES OF SEPTEMBER 12, 2023

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 **170 N. Ann Street** described as:

COM AT A PT ON SE COR OF STATE & ANN STS TH RUN SLY ALG E/L OF ANN ST NINETY (90) FT TO A PT TH IN AN ELY DIR NEARLY PAR TO STATE ST TH NLY & PAR WITH ANN ST SIXTY-EIGHT (68) FT M/L TO A PT ON S/L OF STATE ST WHICH IS ONE HUNDRED & EIGHTEEN (118) FT TO PL OF BEG #SEC 40 T4S R1W #MP29 06 40 0 007

Parcel Number: 29 06 40 0 007 200

Last Assessed to: HEIR OF EDRICE CRAYTON RIVERS, C/O BRIAN C RIVERS

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/secured** 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 Carroll moved to hold the resolution over for 30 days, which was seconded by Councilmember Penn and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for 30 days until the regular meeting of October 17, 2023.

DECLARE THE STRUCTURE AT 1112 NEWMAN LANE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-1007-2023

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1112 Newman Lane has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **1112 Newman Lane** described as:

LOT 61 BATTOTTI PL DBK 93 P 428 #SEC 44 T3S R1W #MP22 08 44 0 019

Parcel Number: 22 08 44 0 019100

Last Assessed to: RANITA SMITH

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 Carroll moved to hold the resolution over for 30 days, which was seconded by Councilmember Penn and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for 30 days until the regular meeting of October 17, 2023.

DECLARE THE STRUCTURE AT 325 E I-65 SERVICE ROAD, S. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-1008-2023

Sponsored by: Councilmember Daves

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 325 E1-65 Service Road S has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance:

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **325 E 1-65 Service Road S** described as:

LOT 5 SPRINGDALE MALL REPLAT CORRECTED PLAT IN 2022012767

Parcel Number: 28 06 24 4 000 009.005

Last Assessed to: SPRINGDALE/MOBILE LIMITED PARTNERSHP

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

MINUTES OF SEPTEMBER 12, 2023

structure be **demolished/secured** 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 Daves moved to adopt the resolution, which was seconded by Councilmember Reynolds

Councilmember Daves moved to amend the resolution as follows:

WHEREAS, under the provision so Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 325 E I-65 Service Road S has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **325 E I-65 Service Road S** described as:

LOT 5 SPRINGDALE MALL REPLAT CORRECTED PLAT IN 2022012767

Parcel number: 28 06 24 4 000 009.005

Last assessed to: SPRINGDALE/MOBILE LIMITED PARTNERSHIP

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 move was seconded by Councilmember Penn and the vote was as follows:

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

Nays: None

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 259 BORDER DRIVE, W. A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 40-1009-2023

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 259 Border Drive has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **259 Border Drive** described as:

LOT 417 & LOT 418 BLK R COUNTRY CLUB VILLAGE MBK 4 P 87-92 #SEC 15 T4S R2W #MP28 05 15 4 001

Parcel Number: 28 05 15 4 001 060

Last Assessed to: NANCY J KENNEDY

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

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

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

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

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

APPROVE AWARD OF SPECIAL BONUS TO THE PUBLIC WORKS AT LARGE EMPLOYEE OF THE MONTH; DICKINSON. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-1010-2023

MINUTES OF SEPTEMBER 12, 2023

Sponsored by: Mayor Stimpson

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

September 2023 – Lori Dickinson (Employee # 13655) Public Work at Large (Permitting and Development)

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

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 PARKS & RECREATION EMPLOYEE OF THE MONTH; SULLIVAN. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-1011-2023

Sponsored by: Mayor Stimpson

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

September 12, 2023 – Name: Kathy Sullivan (Employee #14387) Parks & Recreation (Seniors & Therapeutics Division)

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

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

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 DEARBORN YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-1012-2023

Sponsored by: Councilmember Penn

MINUTES OF SEPTEMBER 12, 2023

WHEREAS, Councilmember Penn wishes to appropriate **\$1,000.00** to Dearborn Young Men's Christian Association, Inc., from his discretionary funds; and

WHEREAS, Dearborn Young Men's Christian Association, 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 Dearborn Young Men's Christian Association, Inc., will be used to assist with the Jazzy Blues in the Park Benefit on Sunday, September 24, 2023, 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** Dearborn Young Men's Christian Association, 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 Reynolds moved to adopt the resolution, which was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Reynolds, Daves, Woods, 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 MOBILE LAW ENFORCEMENT FOUNDATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-1013-2023

Sponsored by: Councilmember Penn and Carroll

WHEREAS, Councilmember Penn wishes to appropriate **\$1,500.00**, and Councilmember Carroll wishes to appropriate **\$1,500.00 (TOTAL \$3,000.00)**, to Mobile Law Enforcement Foundation, Inc., from their discretionary funds; and

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

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

WHEREAS, the Mobile City Council determines that this appropriation to Mobile Law Enforcement Foundation, Inc., will be used to assist with the 2023 Annual Luncheon planned for November 15, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$3,000.00** to Mobile Law Enforcement Foundation, 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 SEPTEMBER 12, 2023

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

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

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

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH ALABAMA EXPORT RAILROAD, INC., FOR MICHIGAN AVENUE CROSSING RAILROAD AGREEMENT; \$44,265.04. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 01-1014-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll and Small

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, an agreement, by and between the City of Mobile and the company listed below, for work as outlined in the agreement attached hereto. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Alabama Export Railroad, Inc.

Project Name: Michigan Avenue Crossing Railroad Agreement
COM Project # 2023-3005-21

Estimated Cost: \$44,265.04

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR 49 FORD F150 PICKUP TRUCKS FOR MPD; \$1,982,197.00. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1015-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14536</u>	2023	(F7000) MOTOR POOL	49 FORD F150 RESPONDER SUPERCREW PICKUP TRUCKS FOR MPD (AL STATE CONTRACT)	\$1,982,197.00	<u>(292393)</u> <u>STIVERS FORD</u> <u>LINCOLN INC</u>

APPROVE PURCHASE ORDER TO SANSOM EQUIPMENT CO., INC. FOR A GARBAGE TRUCK; \$352,156.00. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1016-2023

MINUTES OF SEPTEMBER 12, 2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14549</u>	2023	(F7000) MOTOR POOL	GARBAGE TRUCK WITH NEW WAY SIDE LOAD BODY ON AUTOCAR CHASSIS (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$352,156.00	(190715) <u>SANSOM EQUIPMENT CO INC</u>

APPROVE PURCHASE ORDER TO DONOHOO CHEVROLET, LLC FOR 18 CHEVROLET TAHOES FOR MFRD; \$900,000.00. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1017-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11970</u>	2023	(1510) FIRE ADMINISTRATION	18 CHEVROLET TAHOE PPV SUVS FOR MFRD (NEGOTIATED PRICE QUOTE; NO BIDS RECEIVED SEALED BID 5840 – AL CODE 41-16-50(B)(4))	\$900,000.00	(293039) <u>DONOHOO CHEVROLET LLC</u>

APPROVE PURCHASE ORDER TO DONOHOO CHEVROLET, LLC FOR 32 CHEVROLET TAHOES FOR MPD; \$1,600,000.00. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1018-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF SEPTEMBER 12, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14532</u>	2023	(F7000) MOTOR POOL	32 CHEVROLET TAHOE PPV SUVS FOR MPD (NEGOTIATED PRICE QUOTE; NO BIDS RECEIVED SEALED BID 5840 – AL CODE 41-16-50(B)(4))	\$1,600,000.00	(293039) <u>DONOHOO</u> <u>CHEVROLET LLC</u>

APPROVE PURCHASE ORDER TO PRIMARY ARMS, LLC FOR 17 SEMI-AUTOMATIC RIFLES FOR MPD; \$49,992.25. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1019-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14578</u>	2023	(1530) POLICE ADMIN SERVICES	17 M4 89 SEMI-AUTOMATIC RIFLES WITH MOUNTS AND SUPPRESSORS FOR MPD (BUYBOARD COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$49,992.25	(298706) <u>PRIMARY ARMS</u> <u>LLC</u>

APPROVE PURCHASE ORDER TO COWIN EQUIPMENT CO., INC. FOR 2 EXCAVATORS; \$442,151.00. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 08-1020-2023

Sponsored by: Mayor Stimpson

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

MINUTES OF SEPTEMBER 12, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>2000, 9870</u>	2023	(F7000) MOTOR POOL	2 VOLVO TRACKED EXCAVATORS (ONE 52FT REACH AND ONE 35FT REACH) FOR PUBLIC SERVICES MAINTENANCE (SEALED BID 5827)	\$442,151.00	<u>(037501) COWIN EQUIPMENT CO INC</u>

AUTHORIZE CONTRACT WITH WHC AL, LLC, D/B/A ZTRIP, FOR PARKING SHUTTLE SERVICE AT THE CRUISE TERMINAL; NTE \$50,000.00 PER YEAR. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 21-1021-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and WHC AL, LLC, dba zTrip, in the amount not to exceed \$50,000 per year, for twelve months, and renewable without further approval by City Council for two additional twelve-month periods, for parking shuttle service for the City of Mobile Alabama Cruise Terminal, 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.

AUTHORIZE CONTRACT WITH SECURITAS SECURITY SERVICES USA, INC. FOR UNARMED SECURITY GUARD SECURITY SERVICES AT THE CRUISE TERMINAL; NTE \$75,000.00 PER YEAR. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 21-1022-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Securitas Security Services USA, Inc, in the amount not to exceed \$75,000 per year, for one year, and renewable without additional action by Council, for two additional years , for the provision of unarmed guard security services at the City of Mobile Alabama Cruise Terminal 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.

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION COMPANY, LLC FOR N. WASHINGTON AVENUE STREET AND CULVERT REPAIRS; \$5,212,887.35. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 21-1023-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, bids for street and culvert repairs for district 2 were received and opened on August 30, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from McElhenney Construction Company, LLC., in the amount of \$5,212,887.35.

MINUTES OF SEPTEMBER 12, 2023

WHEREAS, the City Council finds that the lowest responsible bid was submitted by McElhenney Construction Company, LLC.

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

Name of Company: McElhenney Construction Company, LLC
Project Name: N. Washington Avenue Street and Culvert Repairs (D #2)
Project Number: 2023-3005-19
Amount: \$5,212,887.35

AUTHORIZE CONTRACT WITH EMERALD COAST UTILITIES AUTHORITY FOR RECEIPT AND PROCESSING OF CITY RECYCABLES; NTE \$90,000.00 PER YEAR.

The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 21-1024-2023
Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Emerald Coast Utilities Authority, for a period to begin October 1, 2023, and to expire on September 30, 2023, renewable annually for up to two additional years without further City Council Approval, for the receipt and processing of City of Mobile recyclables in an amount as needed not to exceed \$90,000 per year, 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.

AUTHORIZE CONTRACT WITH TERRACON CONSULTANTS, INC. FOR N. WASHINGTON AVENUE STREET AND CULVERT REPAIRS; \$50,000.00.

The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 21-1025-2023
Sponsored by: Mayor Stimpson and Councilmember Carroll

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

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

Name of Company: Terracon Consultants, Inc.
Project Name: N. Washington Avenue Street and Culvert Repairs
COM Project No. 2023-3005-19
Estimated Cost: \$50,000.00

ASSENT TO A VACATION OF A 40' UNDEVELOPED PORTION OF A SERVICE ROAD BORDERING 3812 AND 3820 COTTAGE HILL ROAD. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 47-1026-2023

Sponsored by: Councilmember Daves

AMENDED RESOLUTION ASSENTING TO THE VACATION OF CERTAIN PUBLIC RIGHT-OF-WAY

WHEREAS, it has been shown to the satisfaction of the City Council of the City of Mobile ("City Council") that **Gregory J. Darling and Ann M. Darling and Jeffrey L. Byrd and Susan A. Byrd**, constitute all landowners owning property abutting a portion of the public right-of-way known as undeveloped forty foot (40') "service road" more particularly described as follows:

Commencing at the Southwest Comer of Lot I, Plotka Subdivision, as per Map Book 20, Page 70, as recorded in the Office of the Judge Probate Mobile County, Alabama; thence N 52° 27' 00" E 182.98' along the South line of said Lot 1, Plotka Subdivision to the POINT OF BEGINNING of the property herein described; thence N 37° 28' 33" W 40.00' to a point; thence N 52° 31' 22" E 133.18' to a point on the West line of Lot 1, Darling Oaks, as per Map Book 106, Page 52, as recorded in the Office of the Judge Probate Mobile County, Alabama; thence S 37° 36' 15" E 39.83' along the West line of said Lot 1, Darling Oaks to a point; thence S 52° 27' 00" W 133.27' back to the POINT OF BEGINNING, containing .012 acres, more or less;

WHEREAS, Gregory J. Darling and Ann M. Darling and Jeffrey L. Byrd and Susan A. Byrd desire that said right-of-way be vacated, have submitted a Petition to the City Council requesting that it assent to the vacation of same pursuant to Code of Alabama § 23-4-20; as amended, and have provided notice of such request to vacate to all utility providers with utility lines or facilities within the area to be vacated in accordance with the Code of Alabama; provided, however, that entities with utility lines, equipment or facilities in place within said right-of-way at the time of vacation shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred; and,

WHEREAS, all utility providers have issued their written consent to the aforesaid vacation; and,

WHEREAS, a public hearing as to the proposed vacation has been held, and, if necessary, a public hearing as to the right-of-way vacation fee to be determined has been held, with all necessary notice to interested parties having been provided for such hearing(s), all as required by law and ordinance; and,

WHEREAS, the above-described right-of-way is not needed as a public right-of-way in the City of Mobile, Alabama, and the proposed vacation of said right-of-way is in the public interest; and,

WHEREAS, no other property owners own any land within or abutting the areas affected by this proposed vacation, except for those who have joined in said Petition, and thus will not be denied means of ingress and egress to and from their property or be otherwise affected by the vacation of said right-of-way; and,

WHEREAS, the square footage of the area sought to be vacated and abutting tracts is as follows:

Area sought to be vacated:	5227.2 square feet
Darling tract (3820 Cottage Hill):	27007 (estimated)
Darling tract (3812 Cottage Hill):	12631.82
Byrd tract (3759 Cottage Hill Road):	19166 (estimated)

MINUTES OF SEPTEMBER 12, 2023

NOW THEREFORE, the premises considered, **BE IT RESOLVED** by the City Council of the city of Mobile, pursuant to Code of Alabama § 23-4-20, as amended, that, contingent upon pre-payment of the right-of-way vacation fee stated below, by **Gregory J. Darling, Ann M. Darling, Jeffrey L. Byrd, Susan A. Byrd**, having quitclaimed their interest in the right-of-way to be vacated as stated in the Amended Declaration of Vacation dated May 30, 2023, the following described public right-of-way is and shall be vacated:

Commencing at the Southwest Corner of Lot 1, Plotka Subdivision, as per Map Book 20, Page 70, as recorded in the Office of the Judge Probate Mobile County, Alabama; thence N 52° 27' 00" E 182.98' along the South line of said Lot 1, Plotka Subdivision to the POINT OF BEGINNING of the property herein described; thence N 37° 28' 33" W 40.00' to a point; thence N 52° 31' 22" E 133.18' to a point on the West line of Lot 1, Darling Oaks, as per Map Book 106, Page 52, as recorded in the Office of the Judge Probate Mobile County, Alabama; thence S 37° 36' 15" E 39.83' along the West line of said Lot 1, Darling Oaks to a point; thence S 52° 27' 00" W 133.27' back to the POINT OF BEGINNING, containing .012 acres, more or less;

BE IT FURTHER RESOLVED that the right-of-way fee provided for in Code of Alabama § 11-49-69 and the City of Mobile Ordinance No. 57-029-2020 is hereby determined and established to be \$10,924.85.

BE IT FURTHER RESOLVED that entities with utility lines, equipment or facilities in place within said right-of-way at the time of vacation shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred, including the right to cut and/or-trim trees which interfere with said facilities and the right to prohibit the use of the land vacated in a manner which violates the National Electric Safety Code.

Notice of this Resolution shall be published in a newspaper in Mobile County no later than fourteen (14) days after its adoption. This Resolution shall also be recorded in the land records of the Mobile County Probate Court.

CONSIDER A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF A 40’ UNDEVELOPED PORTION OF A SERVICE ROAD BORDERING 3812 AND 3820 COTTAGE HILL ROAD. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 47-1027-2023
Sponsored by: Councilmember Daves

Cottage Hill Road Vacation			
Adjoining Properties	Tax assessor Fair Unimproved Mkt Value 2023	Sq. Ft.	FMV / SF
Lot 1, Key No. 571624	\$ 15,000.00	27,007	\$0.56
Lot 2, Key No. 571615	\$ 50,700.00	12,631.82	\$4.01
Lot 3, Key No. 571991	\$ 32,500.00	19,166	\$1.70
			6.27/3 = 2.09

\$ 2.09 / SF AVERAGE X 5227.2 (SF TO BE VACATED) = \$10,924.85 Real Estate Department Assessment

APPROVE THE APPOINTMENT OF RICHARD LEE MOORE AS EXECUTIVE DIRECTOR OF FINANCE. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 03-1029-2023
Sponsored by: Mayor Stimpson

MINUTES OF SEPTEMBER 12, 2023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the appointment by Mayor William S. Stimpson of Richard Lee Moore, as Executive Director of Finance is hereby approved by the City Council of the City of Mobile, Alabama, said appointment and approval having been made pursuant to § 11-44C-38(a) of the Code of Alabama.

ADOPT THE 2023-2024 GENERAL FUND, CAPITAL IMPROVEMENT FUND, AND CONVENTION CENTER FUND BUDGETS. The following resolution was held over until the regular meeting of September 19, 2023.

RESOLUTION: 09-1030-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the 2023-2024 General Fund, Capital Improvements Fund, and Convention Center Fund budgets are adopted.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 258 NORTH HAMILTON STREET AND 263 NORTH FRANKLIN STREET, FROM T-4 AND T-5.1 TO T-4 (SCHEDULED FOR OCTOBER 17, 2023) (DISTRICT 2). The following resolution was introduced by Councilmember Daves.

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

Notice of Public Hearing for the Proposed Rezoning of Property
Located at 258 North Hamilton Street and 263 North Franklin Street

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 12, 2023, a public hearing will be held on the 17th day of October, 2023, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 258 North Hamilton Street and 263 North Franklin Street from T-4, a mixed-use district of low density, and T-5.1, a mixed-use district of medium density, to T-4, a mixed-use district of low density in the Downtown Development District.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

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

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

Commencing at the Southeast intersection of Congress Street and North Hamilton Street in the City of Mobile, run South 22°-04'-02" East and along the East right-of-way line of said North Hamilton Street (50 foot right-of-way), a distance of 70.00 feet to the Point of

MINUTES OF SEPTEMBER 12, 2023

Beginning of the property described herein; thence continue South 22°-04' -02" East and along said East right-of-way line, 39.96 feet to the Northwest corner of property conveyed by instrument recorded in Real Property Book 2395, Page 559, Probate Court Records, Mobile County, Alabama; thence North 67°-40'-47" East and along the North line of said property, 201.51 feet to the Northeast corner of property conveyed by instrument recorded in Real Property Book 4911, Page 574, said Probate Records; thence North 20°-30'-36" West and along the West right-of-way line of North Franklin Street (50 foot right-of-way), a distance of 69.60 feet to a point on the South line of property conveyed by instrument recorded in Land Records Book 7654, Page 568, said Probate Records; thence South 68°-35'-12" West and along the South line of said property, 107.00 feet to a point on the Eastern line of by property conveyed instrument recorded in Real Property Book 5523, Page 683, said Probate Records; thence South 22°-04' -12" East and along said East property line, 30.00 feet to the Southeast corner of said property; thence South 67°-39' -25" West and along the South line of said property, 94.50 feet to the Point of Beginning.

The classification of said property is hereby changed from T-4, a mixed-use district of low intensity and T-5.1, a mixed-use district of medium intensity to T-4, a mixed-use district of low intensity in the Downtown Development District. and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in T-4, a mixed-use district of low intensity, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a T-4, a mixed-use district of low intensity until all of the conditions set forth below have been complied with: 1) Completion of the Subdivision process; 2) Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and, 3) Full compliance with all municipal codes and ordinances.

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

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

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as October 17, 2023.

ANNOUNCEMENTS

Councilmember Daves announced a Finance Committee meeting would be held today at 1:00 p.m. in the pre-council conference room to discuss the proposed FY2024 budget.

Councilmember Penn stated that the Midtown community meeting will be held on September 19, 2023, at Springhill Avenue United Methodist Church, Westside Campus at 6:00 p.m. to discuss animal control concerns.

Councilmember Gregory said that she will be volunteering with Ransom Ministries at the St. Paul's annual poverty simulation from 7:30 a.m. – 11:00 a.m.

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

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

MINUTES OF SEPTEMBER 12, 2023

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:10 p.m.

Adopted:

COUNCIL VICE PRESIDENT

CITY CLERK

