

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 22, 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, August 22, 2023, at 9:00 a.m.

Councilmembers:

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

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 22, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, August 22, 2023, at 10:30 a.m., for the regular meeting.

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

Ed Connick, Public Safety Chaplain, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER

The minutes from the meeting August 15, 2023 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson said that Bienville Square will be closing soon for further renovations.

Mayor Stimpson stated that the proposed budget for the 2024 fiscal year was delivered to the City Council on Friday, August 18, 2023 as required by the Zogby Act.

Mayor Stimpson thanked Celia Sapp, Deputy Finance Director, and the Finance Department for their hard work on presenting a balanced budget.

ADOPTION OF THE AGENDA:

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

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

MINUTES OF AUGUST 22, 2023

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 Daryn Glassbrook for a waiver of the Noise Ordinance at Tricentennial Park on December 2, 2023, from 8:30 a.m. – 1:00 p.m. (District 1).

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

Ayes: Penn, Carroll, Small, 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 Jani Johnson for a waiver of the Noise Ordinance at Marid Gras Park on October 19, 2023, from 9:00 a.m. – 10:00 p.m. (District 2).

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

Ayes: Penn, Carroll, Small, 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 Geoffery Shaw for a waiver of the Noise Ordinance at Mardi Gras Park on October 28, 2023, from 12:00 p.m. – 7:00 p.m. (District 2).

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

Ayes: Penn, Carroll, Small, 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 Johnnie Robinson for a waiver of the Noise Ordinance at 4791 Le Sure Road on September 30, 2023, from 6:00 p.m. – 12:00 a.m. (District 4).

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

Ayes: Penn, Carroll, Small, 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 Geoffrey Shaw for a waiver of the Noise Ordinance at Medal of Honor Park on September 17, 2023, from 12:00 p.m. – 5:00 p.m. (District 6).

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

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

MINUTES OF AUGUST 22, 2023

Nays: None

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

Request of Cornelius Davis for a waiver of the Noise Ordinance at Langan Park on August 26, 2023, from 10:00 a.m. – 4:00 p.m. (District 7).

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

Ayes: Penn, Carroll, Small, 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 1861 LA SALLE 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 1861 La Salle 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 2510 GREENLAWN DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2510 Greenlawn Drive a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1157 KENTUCKY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1157 Kentucky Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 3105 EMELYE DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 3105 Emelye Drive a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

MINUTES OF AUGUST 22, 2023

Todd Seabore, 5217 Maudelayne Drive, owners, requested an extension to fix property.

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 400 LA ROSE DRIVE 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 400 La Rose Drive a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

Ritchie Prince, Spanish Fort, AL, requested a 60-day extension to finish repairs.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

James Jackson, Jr., 224 Garrison Avenue, – Concerns about the safety of all tax paying citizens when dealing with the Mobile Police Department. Would like the body cam footage released concerning the death of Jawan Dallas.

Carolina Dallas, Mobile, AL, sister of Jawan Dallas – To bring awareness to the community in hopes of the City of Mobile acting and releasing the bodycam footage concerning Jawan Dallas.

AGENDA ITEMS:

Kenneth Havens, 11381 Howells Ferry Road, gave comments regarding resolution 21-938.

NOTE: Councilmember Small recognized two students from the Revelation Christian Academy along with their principal, Patrice Casher.

ORDINANCES HELD OVER

REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MONDAY STREET AND ST. MADAR STREET, EXTENDING TO THE NORTHWEST CORNER OF HERCULES STREET AND MONDY STREET FROM R-2 TO R-3. The following ordinance which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-038-2023

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.

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 My 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:

MINUTES OF AUGUST 22, 2023

THE EAST HALF OF LOT 7, AND ALL OF LOTS 8, 9, 10, AND 11, BLOCK 12, FISHER TRACT, AS PER PLAT RECORDED IN DEED BOOK 22 PAGES 332-333, OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1" OPEN TOP IRON FOUND AT THE NORTHWEST CORNER OF LOT 11, BLOCK 12, FISHER TRACT, AS PER PLAT RECORDED IN DEED BOOK 22 PAGES 332-333, OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF ST. MADAR STREET; THENCE ALONG SAID SOUTHRIGHT OF WAY LINE OF ST. MADAR STREET, RUN S67° 38' 12"E 102.68 FEET TO A CAPPED (ROWE) REBAR FOUND AT THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE OF ST. MADAR STREET AND THE WEST RIGHT OF WAY LINE OF MONDAY STREET; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF MONDAY STREET, RUN S22° 19' 11"W 274.04 FEET TO A CAPPED (ROWE) REBAR FOUND AT THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE OF MONDAY STREET AND THE NORTH RIGHT OF WAY LINE OF HERCULES STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF HERCULES STREET, RUN N67°44'19"W 76.05 FEET TO A CAPPED (ROWE) REBAR THENCE RUN N22°14'20"E 110.10 FEET TO A CAPPED (ROWE) REBAR FOUND ON THE SOUTH BOUNDARY OF LOT 9 OF SAID BLOCK 12, FISHER TRACT; THENCE ALONG SAID SOUTH BOUNDARY OF LOT 9, BLOCK 12, FISHER TRACT. RUN N67°49'11"W 73.95 FEET TO A CAPPED (UNKNOWN) REBAR FOUND AT THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK 12, FISHER TRACT; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 9, BLOCK 12, FISHER TRACT, RUN N22°21'14"E 54.04 FEET TO A NAIL & FLAG WITH CAP FOUND AT THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 12, FISHER TRACT; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 9, BLOCK 12, FISHER TRACT, RUN S67°51'25"E 47.75 FEET TO A CRIMP TOP IRON FOUND AT THE SOUTHWEST CORNER OF LOT 11 OF SAID BLOCK 12, FISHER TRACT; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 11, BLOCK 12, FISHER TRACT, RUN N22°09'40"E 110.08 FEET TO THE POINT OF BEGINNING. CONTAINING 27,774 SQUARE FEET OR 0.64 ACRES, MORE OR LESS.

The classification of said property is hereby changed from R-2, Two-Family Residential Urban District to R-3, Multi-Family Residential Urban 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 R-3, Multi-Family Residential Urban District, provided, however, that the plans for any structure or building south 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 R-3, Multi-Family Residential Urban District 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.

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

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

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

CONSENT RESOLUTIONS HELD OVER

MINUTES OF AUGUST 22, 2023

APPOINT MEMBERS TO THE MOBILE HISTORIC DEVELOPMENT COMMISSION.

The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 03-867-2023

Sponsored by: Mayor Stimpson

WHEREAS, William S. Stimpson, Mayor, pursuant to Mobile City Code Section 44- 72(c), has nominated the below named individuals to serve on the Mobile Historic Development Commission;

BE IT RESOLVED THAT THE CITY COUNCIL FOR THE CITY OF MOBILE hereby appoints the following individuals to serve on the Mobile Historic Development Commission, as follows:

Virginia Behlen (Ashland Place) for a term ending August 2026

Virginia Edington (Church Street East) for a term ending August 2026

Alison Henry (Leinkauf) for a term ending August 2026

Jamie Betbeze (Oakleigh Garden) for a term ending August 2026

Stephen McNair (Old Dauphin Way) for a term ending August 2026

Jean Dodge (At Large) for a term ending August 2026

Joan Hoffman (At Large) for a term ending August 2026

Tim Maness (At Large) for a term ending August 2026

Jessica Fairley (At Large) for a term ending August 2025

Kimberly Knowles (At Large) for a term ending August 2025

Jeff Hartley (Lower Dauphin Street Commercial) for a term ending August 2025

Lynn Stewart (At Large) for a term ending August 2024

Peters Drey (DeTonti Square) for a term ending August 2024

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

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

Nays: None

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 310 HOSFELT LANE;

\$9,800.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-870-2023

Sponsored by: Councilmember Penn

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 310 Hosfelt Lane and the City Council of the City of Mobile having held such public hearing in connection therewith;

MINUTES OF AUGUST 22, 2023

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 310 Hosfelt Lane to be \$9,800.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

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

Section 1. The amount of **\$9,800.00** shall constitute a special assessment against the property at structure **310 Hosfelt Lane** and being that property more particularly described as follows:

THE W 120 FT OF LOTS 19 & 20 IN BURTONS SUB IN CREIGHTON ALA SEC 18 T4S R1W #SEC 18 T4S R1W MP29 08 18 1 003

Parcel No.: 29 08 18 1 003 063
Owner: SAMPSON JUANDA L C/O BUSH STEPHEN
1257 DABNEYDR
MOBILE AL 36605-1960

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the **demolition** of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall 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 Gregory, following comments from Councilmember Penn the vote was as follows:

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 1212 SENECA STREET; \$3,200.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-874-2023
Sponsored by: Councilmember Small

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolition of the structure at 1212 Seneca Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolition of the structure 1212 Seneca Street to be \$3,200.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

MINUTES OF AUGUST 22, 2023

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

\$3,200.00 shall constitute a special assessment against the property at structure **1212 Seneca Street** and being that property more particularly described as follows:

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

Parcel No.: 29 10 37 0 006 052.xxx

**Owner: JAMES BEVERLY MARIA
PO BOX 50923
MOBILE AL 36605-0923**

and the assessment hereby made and confirmed shall constitute a lien on and against said parcel of land for the amount of the assessment so made, and the report made to this body of the costs for the **demolition** of the structure upon said property is hereby in all respects confirmed.

Section 2. It is directed that a certified copy of this resolution shall be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk, whereupon Councilmember Small moved to hold the resolution over for one week, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, 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 one week until the regular meeting of August 29, 2023.

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH MICOR, INC., D/B/A MDS CONSTRUCTION, INC. FOR PLAYGROUND DEMOLITION AT FRY & MILL STREET PARKS; \$35,177.00 COMBINED. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-886-2023

Sponsored by: Mayor Stimpson and Councilmembers Penn 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, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: MICOR, INC. D/B/A MDS CONSTRUCTION, INC.

**Project Name: FRY PARK & MILL STREET PARK –
PLAYGROUND DEMOLITION**

Project Number: PR-038-23

MINUTES OF AUGUST 22, 2023

Amount: \$35,177.00 combined

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

Ayes: Penn, Carroll, Small, 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 CONTRACT WITH BAGBY & RUSSELL ELECTRIC COMPANY, INC. FOR TRAFFIC SIGNAL UPGRADES AT HILLCREST & COTTAGE HILL ROADS; \$458,146.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-887-2023

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 change order will be on file in the office of the City Clerk.

Name of Company: Bagby & Russell Electric Company, Inc
Project Name: Traffic Signal Upgrades at Hillcrest Rd and Cottage Hill Rd
Capital Project No.: CO442
Contract Amount: \$458,146.00

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

Ayes: Penn, Carroll, Small, 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 HELD OVER

AUTHORIZE AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION, FOR U.S. HWY 45 STREETSCAPE IMPROVEMENTS; \$375,000.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-888-2023

Sponsored by: Mayor Stimpson and Councilmember Penn

MINUTES OF AUGUST 22, 2023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Resurfacing on US-45 (SR-17) from Prichard Ave. to South Wilson Ave.; Project # ST-049-017-007; CPMS Ref # 100077133.

for the maintenance of the traffic control signal at the intersection of US Highway 90 and Alabama State Highway 193.

BE IT FURTHER RESOLVED that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

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

I, the undersigned qualified and acting Clerk of the City of Mobile, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City named therein, at a regular meeting of such Council held on the 22nd day of August, 2023, and that such resolution is on file in the City Clerk's Office.

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

Ayes: Penn, Carroll, Small, 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 BRENDAN CHARLES TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS AND RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-889-2023

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, an Agreement with Brendan Charles to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

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

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

Nays: None

MINUTES OF AUGUST 22, 2023

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

AUTHORIZE AGREEMENT WITH SEBASTIEN TORRES TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS AND RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-890-2023

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, an Agreement with Sebastien Torres to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

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

Ayes: Penn, Carroll, Small, 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 HANS LAUB TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS AND RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-891-2023

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, an Agreement with Hans Laub to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

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

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

MINUTES OF AUGUST 22, 2023

Nays: None

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

AUTHORIZE AGREEMENT WITH ELAINE CAMPBELL TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS AND RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-892-2023

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, an Agreement with Elaine Campbell to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

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

Ayes: Penn, Carroll, Small, 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 August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-893-2023

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:

MINUTES OF AUGUST 22, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13481</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
<u>13482</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
<u>13483</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
<u>13484</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
<u>13485</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
<u>13486</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION

<u>13487</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$22,346.64	(279229) PETROLEUM TRADERS CORPORATION
--------------	------	--------------------------------	---	-------------	--

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

Ayes: Penn, Carroll, Small, 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 DENNIS ALUMINUM PRODUCTS FOR DECORATIVE ALUMINUM SIGNPOSTS FOR TRAFFICE ENGINEERING; \$19,150.00.

The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-894-2023

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 AUGUST 22, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10320</u>	2023	(2060) TRAFFIC ENGINEERING	DECORATIVE ALUMINUM SIGN POSTS FOR TRAFFIC ENGINEERING (SEALED BID 5766)	\$19,150.00	<u>(44605) DENNIS ALUMINUM PRODUCTS</u>

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

Ayes: Penn, Carroll, Small, 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 INTERFACE SERVICES, INC. FOR CARPETING FOR OFFICE SPACES ON THE 5TH FLOOR OF GOVERNMENT PLAZA; \$84,240.42.

The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-895-2023

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>10726</u>	2023	(3032) ACHITECTURAL ENGINEERING	CARPETING FOR GOVT PLAZA 5 TH FLOOR OFFICE SPACES (OMNIA SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$84,240.42	<u>(297869) INTERFACE SERVICES INC</u>

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

Ayes: Penn, Carroll, Small, 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 JUBILEE DÉCOR, LLC FOR HOLIDAY DECORATIONS FOR PARKS & RECREATION DEPARTMENT; \$24,260.00.

The following resolution which was introduced and read at the regular meeting of August 15,

MINUTES OF AUGUST 22, 2023

2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-896-2023

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>11363</u>	2023	(4010) SPECIAL EVENTS	COMMERCIAL HOLIDAY DECORATIONS FOR MPRD (PRICE QUOTE)	\$24,260.00	<u>(296063) JUBILEE DÉCOR LLC</u>

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

Ayes: Penn, Carroll, Small, 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 KRONOS INCORPORATED FOR ANNUAL RENEWAL OF TELESTAFF WORKFORCE MANAGEMENT SOFTWARE FOR MFRD; \$24,242.36. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-897-2023

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 AUGUST 22, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13388</u>	2023	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF KRONOS TELESTAFF WORKFORCE MANAGEMENT SOFTWARE FOR MFRD (OMNIA/US COMMUNITIES COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$24,242.36	<u>(294306) KRONOSs INCORPORATED</u>

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

Ayes: Penn, Carroll, Small, 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 VERTIV CORPORATION FOR ANNUAL RENEWAL OF MAINTENANCE SERVICES FOR MIT DATA CENTER COOLING SYSTEM; \$15,588.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-898-2023

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>13493</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF MAINTENANCE SERVICES FOR MIT DATA CENTER VERTIV LIEBERT UPS COOLING SYSTEM (SOLE SOURCE/PRICE QUOTE)	\$15,588.00	<u>(295869) VERTIV CORPORATION</u>

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

Ayes: Penn, Carroll, Small, 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 AUGUST 22, 2023

AUTHORIZE CONSULTANT CONTRACT WITH BARTER & ASSOCIATES, INC. FOR CONSTRUCTION ADMINISTRATION FOR CATHODIC PROTECTION SYSTEM FOR BULKHEADS AT GULFQUEST AND THE CRUISE TERMINAL; \$64,000.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-899-2023

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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: BARTER & ASSOCIATES, INC.

Project Name: CITY OF MOBILE, ALABAMA -
CONSTRUCTION PHASE SERVICES FOR THE
CATHODIC PROTECTION SYSTEM OF BULKHEADS
AT THE MOBILE, ALABAMA CRUISE TERMINAL &
GULFQUEST MARITIME MUSEUM

Project Number: CT-018b-21

Amount: \$64,000.00

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

Ayes: Penn, Carroll, Small, 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 CONTRACT WITH ALLIED CORROSION INDUSTRIES, INC. FOR INSTALLATION OF CATHODIC PROTECTION SYSTEM FOR BULKHEADS AT GULFQUEST AND THE CRUISE TERMINAL; \$1,697,046.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-900-2023

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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: ALLIED CORROSION INDUSTRIES, INC.

Project Name: CITY OF MOBILE, ALABAMA -
CATHODIC PROTECTION SYSTEM OF BULKHEADS
AT THE MOBILE, ALABAMA CRUISE TERMINAL &

MINUTES OF AUGUST 22, 2023

GULFQUEST MARITIME MUSEUM

Project Number: CT-018b-21

Amount: \$1,697,046.00

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

Ayes: Penn, Carroll, Small, 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 CONTRACT WITH VOLKERT & ASSOCIATES, INC. FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES FOR THE CIVIC CENTER; \$945,259.47. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-901-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED by the City Council of Mobile, Alabama, that the Mayor and the City Clerk by, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, 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, A copy of said executed agreement will be on file in the office of the City Clerk.

Name of company: Volkert, Inc.

COM project name: Agreement for Professional Program Management Services Between City of Mobile and Volkert, Inc.

COM project number: CC-034D-22

Contract amount: \$945,259.47

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Reynolds

Councilmember Carroll moved to hold the resolution over for one week, which was seconded by Councilmember Small and the vote was as follows:

Ayes: Penn, Carroll, Small, 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 one week until the regular meeting of August 29, 2023.

ADOPT THE ALLOCATION PROVIDED BY ADECA FOR THE CDBG-DR PLANNING AWARD. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 31-902-2023

Sponsored by: Mayor Stimpson

MINUTES OF AUGUST 22, 2023

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

WHEREAS, the Alabama Department of Economic and Community Affairs (ADECA) has been awarded Community Development Block Grant-Disaster Recovery funds under the Disaster Relief Supplemental Appropriations Act of 2022 (Public Law 117-43); and

WHEREAS, ADECA has been directed by HUD to utilize the majority of their CDBG-DR funds in designated locations that have been identified as most impacted and distressed areas with regard to hurricanes Sally and Zeta in 2020; and

WHEREAS, the City of Mobile was identified by ADECA through its disaster needs analysis as being the most concentrated area impacted and distressed by these storms and the City staff that administers HUD funds has been verified to have the capacity to carry out CDBG-DR programs and projects directly; and

WHEREAS, prior to the distribution of project and program funds to the City of Mobile, ADECA requires all subrecipients to participate in a Local Recovery Planning Program to further assess local disaster recovery needs and plan for potential project types for implementation; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the CDBG-DR Planning Budget is hereby adopted. Said Planning Budget shall direct resources to identify disaster related needs of affected vulnerable and potentially vulnerable populations as they relate to hurricanes Sally, Zeta, and other potential storms of this nature. All CDBG-DR funds provided for recovery from hurricanes Sally and Zeta shall be adopted locally into the City of Mobile’s Comprehensive HUD Action Plan as part of its first installment within the City’s overall five-year 2023-2027 Consolidated Housing and Community Development Plan. This adoption will include all HUD and City Council approved Citizen Participation and Substantial Amendment requirements.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is to act on behalf of the City of Mobile in the filing of the Local Recovery Plan with the Alabama Department of Economic and Community Affairs, and that this authorization extends to the execution of all required certifications and to all other actions required to obtain referenced Federal funds through ADECA. The Mayor, or his designee, is further authorized to execute Subrecipient Agreements, Administrative Agreements, and associated security documents on behalf of the City in accordance with the table below to reflect the planning allocation:

Line Item	Cost Type	Total
Salaries and Fringe Benefits	Planning	\$237,986.58
Operating Costs	Planning	\$8,905.00
Professional Services	Planning	\$749,288.64
Other (Travel Costs)	Planning	\$3,819.78
Total	Planning	\$1,000,000.00

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

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

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

MINUTES OF AUGUST 22, 2023

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

AUTHORIZE THE PURCHASE OF 4231 SHIPYARD ROAD WITH GOMESA GRANT FUNDS; \$775,000.00. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-903-2023

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 hereby are, authorized to execute Purchase and Sale Agreement and to accept the Deed for the acquisition of 6.09± acres of land, a small cottage and workshop/shed, commonly known as 4231 Shipyard Road, Mobile, Alabama 36619, and more particularly described on Exhibit A, attached hereto and made a part hereof, as set out in the instruments attached hereto for the price of \$775,000.00.

Said property is being conveyed to the City of Mobile by CHARLES C. HINTON, JR., a single man, individually, and as Co-Personal Representative under the Last Will and Testament of Charles C. Hinton, Sr., deceased, and JOSEPH LEE HINTON, a single man, individually, and as Co-Personal Representative under the Last Will and Testament of Charles C. Hinton, Sr., deceased, and SHARON HINTON ANDERSON, a married woman, individually, and as Co-Personal Representative under the Last Will and Testament of Charles C. Hinton, Sr., deceased, and DANE ERIC HINTON, a married man, individually, and as Co-Personal Representative under the Last Will and Testament of Charles C. Hinton, Sr., deceased. and is to be used to accommodate conservation habitat goals and public recreational space in accordance with that certain Project Funding Agreement between State of Alabama Department of Conservation and Natural Resources hereinafter, referred to as "ADCNR", and the City of Mobile.

BE IT RESOLVED THAT THE EXECUTIVE DIRECTOR OF FINANCE be and is authorized and directed to request acquisition funds from the Gulf of Mexico Energy Security Act of 2006 (GOMESA) in the amount of the sales price less prorated share of property taxes payable to Title Company, Pierce Ledyard, PC.

BE IT FURTHER RESOLVED THAT THE DEPUTY DIRECTOR OF REAL ESTATE ASSET MANAGEMENT OF THE CITY OF MOBILE is hereby authorized and directed to execute for and in the name and on behalf of the City of Mobile whatever supporting documents, affidavits, closing statements, or other ancillary forms necessary to complete the purchase of said property.

Exhibit A

4231 Shipyard Road Mobile, AL 36619

KEY NO. - 001136087
PARCEL NO - 33 06 39 0 003 025

LEGAL DESCRIPTION: FROM A POINT WHERE THE EAST AND WEST HALF SECTION LINE OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA, INTERSECTS THE WEST LINE OF THE L&N RAILROAD RIGHT-OF-WAY RUN NORTH 28 DEGREES 21' 47" EAST, ALONG SAID WEST LINE, 3,054.65 FEET; THENCE SOUTH 61 DEGREES 38' 13" EAST, 100 FEET TO AN OLD IRON PIN ON THE EAST LINE OF THE L&N RAILROAD FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING LOCATED APPROXIMATELY 2,800 FEET NORTHEASTWARDLY FROM THE INTERSECTION OF THE EAST LINE OF THE L&N RAILROAD WITH THE SOUTH LINE OF THE ELEPHANT BEEBE TRACT; THENCE SOUTH 28 DEGREES 21' 47" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE L&N RAILROAD, 198.55 FEET TO A POINT; THENCE NORTH 67 DEGREES 48' EAST, ALONG THE NORTHERLY LINE OF THE LONG PROPERTY, 373.83 FEET TO A POINT; THENCE SOUTH 82 DEGREES 30' EAST, ALONG THE NORTHERLY LINE OF THE LONG PROPERTY, 87.95 FEET; THENCE NORTH 65 DEGREES 29' 35" EAST, ALONG THE NORTHERLY LINE OF THE LONG PROPERTY, 160 FEET, MORE OR LESS, TO THE SOUTHWESTERLY MARGIN OF HALLS MILL CREEK; THENCE NORTHWARDLY AND WESTWARDLY, ALONG THE MEANDERS OF THE CREEK 1320 FEET MORE OR LESS TO THE EAST LINE OF THE L&N RAILROAD RIGHT-OF-WAY; THENCE SOUTHWARDLY ALONG SAID EAST LINE, 1026 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



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

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

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

ASSENT TO THE VACATION OF A PORTION OF AN ALLEY ADJACENT TO 2411 WILSON AVENUE. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 47-904-2023

Sponsored by: Councilmember Penn

RESOLUTION OF A PORTION OF A ASSENTING TO VACATION UNUSED ALLEY RIGHT-OF-WAY

MINUTES OF AUGUST 22, 2023

WHEREAS, it having been made known to the City Council of the City of Mobile that:

The WHEREAS, JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE, constitute all of the abutting landowners surrounding an unused alley right-of-way in the City of Mobile, Mobile County, Alabama, said alley right-of-way being more particularly described as follows, to-wit:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, PAGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10°-11'-16"- WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' - 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

WHEREAS, said right-of-way constitutes an unused alley that serves no public purpose since a portion of said alley abutting the lands described herein has previously been vacated and is not open to the public; and,

WHEREAS, it has been shown to the satisfaction of the Mobile City Council JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE are the only owner of lands abutting said abandoned alley portion; and,

JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE desire to vacate said unused alley portion described above, have requested the City of Mobile to vacate same, and have provided notice of their 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, JORDAN YEAGER VALLAS, ELIZABETH S, DAVID L WALTERS, CHELSEA LAUREN FENTON, and DANIEL JOSEPH LAWRENCE have now submitted a request to the City of Mobile to vacate said unused alley portion more particularly described herein, being a public street lying within the city limits of the City of Mobile, Alabama, pursuant to Code of Alabama § 23-4-20, as amended; and,

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

WHEREAS, the said unused alley portion more particularly described herein is not needed as a public right-of-way in the City of Mobile, Alabama, and the aforesaid vacation is in the public interest; and,

WHEREAS, no other property owners own any land within or abutting the areas affected by this vacation 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: 345 SF – area to be vacated; 7814 SF – Vallas tract; 9319 SF – Walters tract; 6443 SF – Fenton tract; and the current year assessed values as determined by the Mobile County Revenue Commissioner on all tracts that abut the right-of-way sought to be

MINUTES OF AUGUST 22, 2023

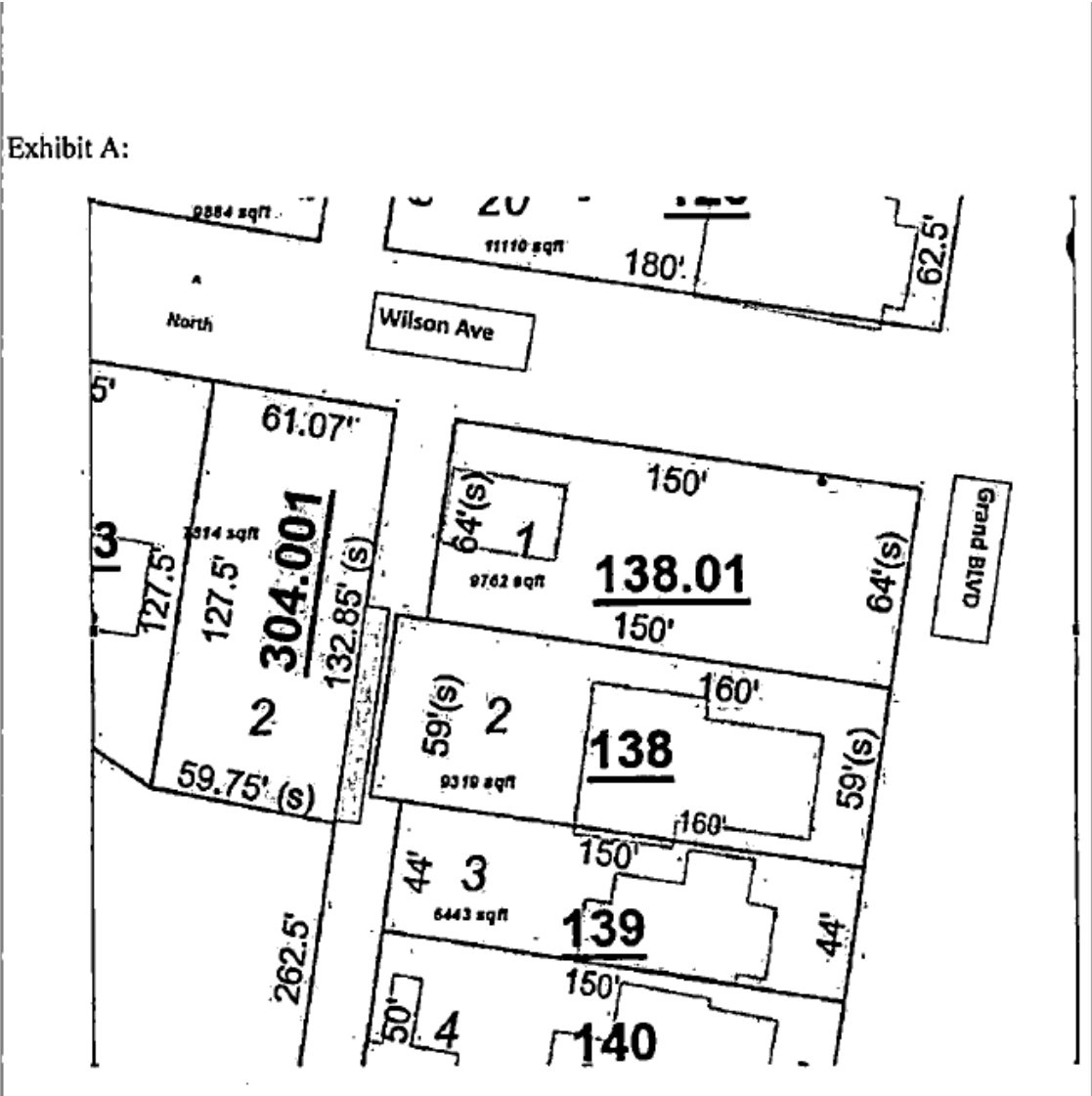
vacated are as follows: \$31,500 – Vallas tract; \$42,000 – Walters tract; \$42,000 – Fenton tract; and,

NOW, THEREFORE, the premises considered, BE IT RESOLVED by the City Council of the City of Mobile, pursuant to § 23-4-20 of the Code of Alabama (1975), as amended, that the following described right of way of Royal Street is hereby vacated:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, PAGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10° - 11' - 16" WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' - 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

Notice of this Resolution shall be published once in a newspaper in Mobile County no later than fourteen (14) days after its adoption.

ADOPTED this the 22ND day of August, 2023, in Mobile, Alabama.



COMMENCING AT THE NORTEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION AS RECORDED IN MAP BOOK 135, PAGE 2, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 10° - 11' – 16" WEST ALONG THE EAST LINE OF LOT 2 A DISTANCE OF 62.50 FEET TO A POINT ON THE

MINUTES OF AUGUST 22, 2023

WESTWARD EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 5, JACKSON PLACE AS RECORDED IN DEED BOOK 85, PAGE 178-179 OF THE AFORESAID RECORDS FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE EASTWARDLY ALONG SAID WESTWARD EXTENSION 10.00 FEET TO THE CENTERLINE OF AN ALLEY; THENCE SOUTHWARDLY AND PARALLEL WITH THE EAST LINE OF LOT 2, MIDTOWN MOBILE SUBDIVISION 65.62 FEET; THENCE WESTWARDLY 10.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, MIDTOWN MOBILE SUBDIVISION; THENCE NORTH 10° - 11' - 16" EAST 65.62 FEET TO THE POINT OF BEGINNING.

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

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

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

ASSENT TO THE VACATION OF A PORTION OF A U.S. HIGHWAY 90 WEST SERVICE ROAD. The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 47-905-2023

Sponsored by: Councilmember Reynolds

WHEREAS, TVH FARMS LLC, ("Petitioner"), is the owner of certain lands which abut a portion of a right of way situated in the City of Mobile, Alabama, hereinafter described;

WHEREAS, Petitioner has filed a Petition with the City Council of the City of Mobile (the "City requesting that the City Council adopt a resolution to vacate a portion of said right of way on;

WHEREAS, it has been shown to the satisfaction of the City Council that Petitioner is the sole property owner abutting said City of Mobile right of way, that the same is not needed as a right of way in the City Alabama, that the vacation of same will not deprive any other property owner a right to convenient and ingress and egress to and from any other property, and that it would be to the best interest of the City Council to vacate the same;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that its assent be and it is hereby given to TVH FARMS LLC, to the vacation and closing by them of the portion of the right of way of the City of Mobile, Alabama more particularly described as follows:

Beginning at the Southwest corner of Lot 21, Plantation Commercial Park, as recorded in Map Book 95, page 50 of the Probate Court Records, Mobile County, Alabama; Thence N-89°-49'-17"-W, along a westward extension of said Lot 21, for 50.23 feet to a point on the East right of way line of U.S. Highway 90, 174' public R/W; Thence N-05°-41'-43"-E, along the East right of way line of said U.S. Highway 90, for 104.82 feet; Thence S-84°-18'-17"-E, leaving the East right of way line of said U.S. Highway 90, for 50.00 feet to a point on the West line of aforesaid Lot 21; Thence S- 05°-41'-43"-W, along the West line of said Lot 21, for 100.00 feet to the Point of Beginning and containing 5120 square feet or 0.1175 acres, more or less.

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

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

MINUTES OF AUGUST 22, 2023

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

CONSIDER A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF A PORTION OF U.S. HIGHWAY 90 WEST SERVICE ROAD.

The following resolution which was introduced and read at the regular meeting of August 15, 2023, and held over until the regular meeting of August 22, 2023, was called up by the Presiding Officer.

RESOLUTION: 47-906-2023

Sponsored by: Councilmember Reynolds

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY TO BE VACATED PURSUANT TO RESOLUTION 47-904-2023 AND REQUIRING PAYMENT OF SUCH FAIR MARKET VALUE AS A CONDITION PRECEDENT TO THE VACATION

WHEREAS, Section 11-49-6 of the Code of Alabama provides that prior to the exercise of the power to vacate a public right-of-way, the City may, as a condition of the exercise of such power to vacate, require those landowners who will directly benefit from such vacation to pay the City a vacation of right-of-way fee equal to the fair market value of the land which will be added to the holdings of such landowners; and,

WHEREAS, Section 11-49-6 requires that such fair market value is to be determined after a public hearing; and,

WHEREAS, a public hearing was held before the Mobile City Council on the 15th day of August, 2023, with regards to the fair market value to be determined for the vacation of a portion of a U. S. Highway 90 West Service Road.

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

Section One: That the Council, after conducting the public hearing required by Section 11-49-6, does hereby determine that the fair market value of the public right-of-way being a portion of a U.S. Highway 90 West Service Road to be vacated pursuant to Resolution 47-904-2023 is \$7,014.40 and that such amount is due to be assessed as the reasonable fee for the vacation of such right-of-way.

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

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

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

Nays: None

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

ORDINANCES BEING INTRODUCED

ORDINANCE AMENDING CHAPTER 25, GARBAGE, TRASH AND LITTER OF THE MOBILE CITY CODE. The following ordinance was held over until the regular meeting of August 29, 2023.

ORDINANCE: 25-039-2023

Sponsored by: Mayor Stimpson

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

ARTICLE ONE: Amendment and Restatement of Chapter 25 GARBAGE, TRASH, AND LITTER

Chapter 25, Garbage, Trash and Litter of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

CHAPTER 25 GARBAGE, TRASH, AND LITTER

ARTICLE 1. GARBAGE AND TRASH

Sec. 25-1 – Applicability and Rule of Construction

(a) Except where otherwise provided, the provisions of this article apply throughout the City limits.

(b) If any portion of this article is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this article.

Sec. 25-2 – Definitions

As used in this article, the following terms are defined as follows:

(1) *Apartment* is a suite of rooms which composes a residence in a multi-dwelling unit, which the occupant(s) rents.

(2) *Balloon* is a flexible nonporous bag made from materials such as rubber, latex, polychloroprene, or nylon fabric that can be inflated or filled with fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water and then sealed at the neck, usually used as a toy or decoration.

(3) *Bulk container* is any dumpster, roll-off container, or stationary storage facility placed for the temporary containerization of solid waste at a place of business, multi-dwelling unit complex, industrial or construction site, and is tightly covered or constructed to eliminate wind-driven debris and unsightly litter on or about the premises.

(4) *Business* means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold, professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

(5) *Condominium* is a suite of rooms which compose a residence in a multi-dwelling unit, which the occupant(s) owns or rents from the owner.

(6) *Downtown Business District* means the area bounded by the Mobile River on the east, Canal Street on the south, Broad Street on the west, and Beauregard Street on the north.

(7) *Enforcement Officer* means a City of Mobile employee designated by the Mayor as the person to exercise the authority, enforce the provisions and perform the duties delegated by this Chapter in accord with the prescribed procedures of this jurisdiction.

(8) *Cigarette litter receptacle* is a container for the disposal of litter from smoking including cigarettes, cigars and their butts.

(9) *City* means the City of Mobile, in the County of Mobile, d in the State of Alabama.

MINUTES OF AUGUST 22, 2023

(10) *City limits* are the corporate boundaries of the City.

(11) *Commercial premises* is any lot or any building, or part thereof, used in connection with or for the conduct of any business, trade, occupation, or any profession for which a license is required by the City, and includes all unimproved real property not zoned for single-family residential use.

(12) *Commercial waste* means refuse from commercial premises including garbage, trash, kitchen waste, restaurant waste, food containers, paper, floor litter, sidewalk sweepings, leaves, grass, weeds, hedge trimmings, and small tree trimmings not exceeding five feet in length and four inches in diameter, and includes waste generated from a business operating on residential premises and waste generated from multi dwelling units.

(13) *Corrective notice* is a written notice or warning issued by an enforcement officer to inform the recipient of a violation of this article and specifying a period of time in which to correct the violation. A corrective notice does not impose a fine.

(14) *Construction Debris* means rubbish resulting from construction, demolition, or alteration of any building or structure, including scrap, lumber, plaster, roofing, concrete, brick and sanding dust, mortar and glass, resulting from the construction, repair, remodeling, removal, or demolition of any structure.

(15) *Domestic waste* Any waste capable of entering into or passing through a plumbing system. Such waste includes but is not limited to human excrement, bath water, kitchen and bathroom waste and waste from septic tanks, sumps, outhouses, or any other waste collection point. The term "domestic waste" does not include waste from any commercial or industrial process that is authorized by Mobile Area Water and Sewer System to be discharged into a sewage collection system.

(16) *Food service facility* Any establishment, retail food store, public or private school, correctional facility, hospital, food processing or preparing establishment, or other establishment where food is prepared for sale or offered for sale, including any establishment that slaughters, fabricates, bones, or processes animals, poultry, or fish whether or not required by law to be licensed or permitted by an agency of the state.

(17) *Garbage* means putrescible material and other daily non-putrescible disposable items when part of household garbage.

(18) *Garbage cart* is a 64- or 96-gallon container provided by the City for use with its automated garbage collection system.

(19) *Grease hauler* Any person who removes fat, oil, or grease waste of any form from a premises by means of transporting the waste over a public road. This includes waste from grease traps, grease interceptors, grease collection bins, or any other fats, oils, or grease collection point.

(20) *Hazardous materials/waste* means a substance in quantity and form which may pose an unreasonable risk to human health and safety or to the environment, including private property. Additionally, the definition of Hazardous waste includes any material regulated under Resource Conservation and Recovery Act Subtitle C (42 U.S.C. §§ 6921 – 6939g) including waste generated in the course of operating a business at a residence. Hazardous Materials includes pesticides, herbicides, fertilizer, antifreeze, batteries, acids, cleaners, paint, medications, fluorescent light bulbs, railroad ties, and petroleum products.

(21) *Household* means a single-family residence, an individual mobile home, and/or a multi-family residence.

(22) *Household garbage* means putrescible solid waste as well as ordinary waste generated by a household. t. This term does not include sewage, bodily waste, or ashes. Applies to areas zoned as single-family, duplex, tri-plex, or quad-plex. This term does not include Multi-dwelling unit waste and waste generated in the course of operating a business at a residence.

MINUTES OF AUGUST 22, 2023

(23) *Household trash* means non-putrescible solid waste consisting of yard clippings, leaves, wood, tree limbs and trunks, bedding, appliances, furniture, paper and cardboard, plastics, wood, wrappings, cans, and similar materials, but not ashes. This term does not include Multi-dwelling unit waste and waste generated in the course of operating a business at a residence.

(24) *Junk* refers to any vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, building material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition. This term includes a vehicle with one or more of the following characteristics: it is non-operating, abandoned, wrecked, or partially dismantled; or it has flat tires, or a missing engine, door(s), hood, windows, or other missing body parts.

(25) *Knowingly* means a person is aware of taking the action, behavior, or conduct which amounts to committing a violation. It is not a requirement that the person has knowledge that the behavior is an offense.

(26) *Litter* means any garbage, refuse, or noncontainerized man-made solid waste, such as paper, plastic, diapers, cigarette butts, bottles, cans, glass, crockery, scrap metal, construction materials, rubbish, disposable packages, or containers.

(27) *Litter receptacle* is a container constructed and placed for use as a depository for litter.

(28) *Manufactured home* means a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site and intended to be improved property.

(29) *Manufactured home park* means a manufactured home park or subdivision for which the facilities for servicing the lots on which the manufactured homes are affixed are constructed by the owner of the park or subdivision before placement of a manufactured home on an individual lot. The facilities servicing the lot include, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pad(s).

(30) *Multi-dwelling unit* is a building in which five or more multiple separate housing units for residential occupants are contained in one building or several buildings within one complex and under the same ownership or with multiple owners. Condominiums or apartments may compose the buildings in a multi-dwelling unit.

(31) *Multi-family residence* means two, three, or four family separate residential units in a single residential structure, such as a duplex, triplex, or fourplex.

(32) *Municipal offense ticket (MOT)* is a citation specifying a violation of a City ordinance issued by an enforcement officer of the City and directs the violator either to pay a fine and court costs or to appear in municipal court to answer the charge(s).

(33) *Occupant* is any owner, tenant, or person residing, in possession or in charge of any house, building, store, shop, lot, or premises.

(34) *Owner* is any person, agent, firm, corporation or other entity having legal title to real property, including any mortgagee bank, company, institution, individual, or other entity of record which has foreclosed on the property, or the estate of a deceased owner or the last recorded owner in the property tax records of the county revenue commissioner.

(35) *Person* means an individual, partnership, association, syndicate, company, firm, trust, corporation, government, corporation, department, bureau, agency, business, or any entity recognized by law, and any agents of those entities.

MINUTES OF AUGUST 22, 2023

(36) *Places of assembly* are buildings, structures, or portions of a building or structure used for the gathering of persons for purposes such as civic, social, or religious functions, recreation, food or drink consumption, or for awaiting transportation.

(37) *Premises* means any building or real property.

(38) *Private property* is property owned by any person as defined herein.

(39) *Public nuisance* includes any growth of weeds, scrub (wild) bushes, and grass exceeding community standards, normally ten inches in height, and/or nonorganic debris that presents a fire hazard, a health hazard, a flooding hazard, a safety hazard, or otherwise endangers human health and safety or the environment.

(40) *Putrescible* means an item that will rot or decay, such as food waste, and therefore is likely to attract vermin and other vectors.

(41) *Qualified Business Enterprise* is a restaurant, bar, or other substantially similar establishment approved by the Public Services Department operating within the defined Downtown Business District.

(42) *Refuse* is a term applied generally to trash, garbage, debris, litter, and any discarded materials.

(43) *Residential premises* are premises used as single- or multi-family dwellings, townhouses, apartments, and condominiums, both privately and publicly owned.

(44) *Septage hauler* Any person who removes domestic waste from a premises and transports the waste over a public road.

(45) *Single-family residence* is a one-family dwelling; a residential structure, which does not share any common walls with another residence; the dwelling may be owner-occupied or tenant-occupied.

(46) *Sky lantern* is a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

(47) *Trash* is non-putrescible solid waste consisting of yard clippings, leaves, wood, tree limbs and trunks, bedding, appliances, paper and cardboard, plastics, wood, wrappings, cans, and similar materials.

(48) *UNTCC* is a uniform non-traffic citation and complaint as set out in Rule 20 of the Alabama Rules of Judicial Administration. When issued electronically, it is known as an eUNTCC.

(49) *UTCC* is a uniform traffic citation and complaint as set out in Rule 20 of the Alabama Rules of Judicial Administration.

50) *Vehicle* is any device capable of moving and transporting persons or property upon a public highway, street, or waterway. This shall include any watercraft, boat, ship, vessel, barge, or other floating craft. For the purposes of this ordinance, *Vehicle* does not include devices moved by human power and those vehicles used exclusively for agricultural purposes, not licensed pursuant to state law, and that are not operated on any public highway for purposes other than crossing such public highways or along such highways between two tracts of the owner's land.

Sec. 25-3 – Department of Public Services, Sanitation Division

(a) The Department of Sanitation shall from time to time implement rules and guidelines consistent with the provisions of Chapter 25 in order to implement and effectuate the application of said provisions.

(b) The pickup schedule for household garbage and household trash will be fixed under guidelines and procedures implemented by the Department of Sanitation.

Sec. 25-4 – General Requirements

It shall be unlawful for any person to intentionally damage, remove, handle or to otherwise disturb the garbage containers or the contents thereof which have been placed on city right of way for servicing by the garbage collectors; provided, that this section does not apply to the owner, occupant, lessee, or tenant of the residence or dwelling so placing the container and contents.

Sec. 25-5 – Household garbage.

(a) *Frequency.* Pickup of household garbage is once per week based on the household address. Frequency may be governed by to guidelines implemented by the Department of Sanitation and is subject to change. Holiday schedules may vary.

(b) *Garbage cart issuance.* The City of Mobile will assign an initial 96-gallon or 64-gallon garbage cart to newly constructed residential units. All existing households eligible for collection are required to have a City assigned garbage cart. An additional or replacement garbage cart may be assigned to the address by the City for a fee (for a total limit of 2 per household). Title of the garbage cart shall at all times remain with the City. Payment options can be found by checking the City of Mobile website at www.CityofMobile.org or by calling Mobile 311 at 251-208-5311.

(c) *Garbage carts.*

(1) All household garbage shall be contained inside plastic bags and placed inside of a city-issued garbage cart. All garbage carts shall be closed to prevent animals from scattering the garbage. Garbage carts overloaded so that lids will not close will not be picked up.

(2) Garbage carts should be placed with the handle facing away from the street to ensure the cart is aligned with the garbage truck loading mechanism.

(3) No intentional marking, drawing, or writing with paint, ink, or another substance on, or the intentional etching into the garbage cart is allowed.

(4) Maintenance. Garbage carts that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the garbage collectors or others whose duty it is to handle these containers, will not be collected. Deteriorated carts must be replaced at the cost of household. Garbage carts shall be kept cleaned, maintained, sanitized, and free of any other forms of deterioration inside and outside.

(5) Removal of garbage cart from the assigned address shall be prohibited.

(6) Failure to comply with any provision of 25-5(c) shall be a violation punishable under Article Three hereof.

(d) *Quantity.* Each household shall be limited up to two (2) city issued garbage carts. Unauthorized garbage carts will not be picked up.

(e) *Location.* All containers shall be placed curbside and not placed in the street. Carts placed in medians or on vacant lots will not be collected. Garbage carts not serviced on the scheduled route due to placement or obstruction (i.e., blocked by vehicles, etc.) will not receive additional/return service.

(f) *Time.* Household garbage containers shall be placed by the curb by 6:00 a.m. on the regular collection day, and empty containers should be returned to the household as soon as possible, but not later than 11:59 p.m. on collection day. If a resident does not know the collection day for their area, they may request this information by contacting Mobile 311 at 251-208-5311 or check the City of Mobile website at www.cityofmobile.org. It shall

MINUTES OF AUGUST 22, 2023

be a violation of this Chapter punishable under Article Three hereof.to allow a container to remain by the curb beyond the time stated above.

(g) *Hazardous materials/waste and Household Trash*. It shall be a violation punishable under Article Three hereof.to place these materials, as defined in 25-2, in garbage carts even if they are in a plastic bag.

Sec. 25-6 – Household trash.

(a) *Frequency*. Pick-up is every other week, subject to change pursuant to guideline implemented by the Department of Sanitation. Holiday schedules may vary.

(b) *Quantity*.

(1) Maximum quantity for no additional charge is limited to approximately two (2) cubic yards (3 feet by 3 feet by 6 feet) or the equivalent of fifteen (15) bags of leaves, per household, every other week. (There is no charge for this amount.)

(2) Amounts exceeding the maximum collection limit will be considered an oversized load. The household will have the choice of taking it to an approved landfill or contacting the city to collect it for a fee. Trash piles that are requested for oversized loads will be evaluated by a Sanitation department official who will determine the collection fee based on the size of the pile. The Department of Sanitation may elect to collect the fee before removing the trash. Information and payment options can be found by checking the City of Mobile website at www.CityofMobile.org or by calling Mobile 311 at 251-208-5311.

(3) Where household trash exceeds the maximum allowed, that trash will not be collected, and a corrective notice will be given explaining the violation.

(c) *Time*. Household trash may not be placed for collection prior to forty-eight (48) hours before the designated pickup day.

(d) *Location*. Household trash shall be placed on the property where it originated as close to the street as possible without posing an obstruction to pedestrians or other risk to health and human safety. Trash piles that are not serviced on the scheduled route due to placement or obstruction (i.e., blocked by vehicles, etc.) will not receive additional/return service and it will be the responsibility of the property owner to remove. It shall be a violation of this Article to place household trash in any of the following locations or ways:

(1) On medians, on vacant or abandoned residential or commercial property.

(2) Obstructing sidewalks.

(3) Obstructing gutters, ditches, or any portions of the city's drain system.

(4) Obstructing the street, creating a traffic hazard.

(5) In a location that could cause a fire hazard, with trash not eligible for city pickup.

(6) Around fire hydrants, signposts, guy wires, power poles, over water meters, over masonry work, against fences, *or at the base of trees located within the City of Mobile rights-of-way*.

(7) Under low hanging power lines, TV cables or low tree limbs.

(e) *Leaves, straw, and grass clippings* may be placed by the curb for pickup at the scheduled time if bagged or boxed and limited to the quantities defined above.

(f) The following materials are not collectible as part of household trash, and it shall be a violation of this Article to place these materials on the curb:

(1) Limbs greater than twelve (12) inches in diameter;

MINUTES OF AUGUST 22, 2023

- (2) Limbs greater than six (6) feet in length;
 - (3) Construction debris (including home improvement projects);
 - (4) Debris from a lot clearing project;
 - (5) Materials from commercial projects;
 - (6) Materials from evictions; or
 - (7) Any materials accumulated from commercial businesses.
- (g) Failure to comply with any requirement of this Section 25-6 shall be a violation.

Sec. 25-7 – Hazardous materials/waste.

(a) It shall be a violation punishable under Article Three hereof.to place or include Hazardous materials/waste with household trash or household garbage. Said matter must be disposed of by the household at a facility legally permitted for the disposal of these items. b) Broken glass, sharp metal objects, or hypodermic needles and other household medical waste must be disposed of in puncture-proof sealed containers or biohazard waste bags.

Sec. 25-8 – Downtown Business District

(a) Except as provided below, the City of Mobile does not provide trash or garbage services to businesses or commercial enterprises.

(b). Commercial waste will be collected once each day from all qualified business enterprises located within the Downtown Business District.

(c) *Garbage Carts.*

(1) Issuance. Garbage carts must be obtained from City for a fee. Title of the garbage cart shall at all times remain with the City. The City will only service City garbage carts. Payment options can be found by checking the City of Mobile website at www.CityofMobile.org or by calling Mobile 311 at 251-208-5311.

(2) Maintenance. Garbage carts that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the garbage collectors or others whose duty it is to handle these containers, will not be collected. Deteriorated carts will be replaced by the City, for a fee paid by the business owner. Garbage carts shall be kept cleaned, maintained, sanitized, and free of any other forms of deterioration inside and outside.

(3) No intentional marking, drawing, or writing with paint, ink, or another substance on, or the intentional etching into the garbage cart is allowed.

(4) It shall be a violation punishable under Article Three hereof.to intentionally damage or remove a garbage cart from the assigned address.

(d) *Quantity.* All garbage consisting of kitchen waste, restaurant waste, food refuse or other matter offensive in sight or smell shall be bagged and placed in ninety-six (96) gallon garbage carts. The combined weight of garbage and cart shall not exceed one hundred (100) pounds each; garbage carts weighing in excess of one hundred (100) pounds will not be picked up.

(e) *Location.* Containers of commercial waste may be placed for collection on or near the curb line of the originating place of business, including streets at the front or rear, or the alley of that business's property, providing the alley is accessible to the collectors' trucks at the time of collection of garbage. Placement areas shall be kept cleaned, maintained, and sanitized.

MINUTES OF AUGUST 22, 2023

(f) *Time*. Garbage Carts in the Business District shall not be placed on the sidewalk or curb for collection between the hours of 10:00 a.m. and 5:00 p.m. After the garbage has been collected, the owners of the containers shall remove them from the streets of the City not later than two hours after the garbage has been collected. Waste containers may be placed in alleys at any time.

(g) Failure to comply with any provision of 25-8 shall be a violation of this section. punishable under Article Three hereof.

Sec. 25-9 – Commercial, Outside of Downtown Business District

(a) The provisions of this section shall apply to all Commercial Enterprises, Multi-dwelling units, manufactured home parks, and places of assembly that are located within the City limits and are outside of the Downtown Business District.

(b) Commercial pickup outside the business district will be arranged by the owner or occupant of the commercial enterprise.

(c) Commercial premises shall install dumpsters, bulk containers, or other containers to be emptied on a timely basis at the owner or occupant's expense.

(d) All dumpsters shall be affixed with an identification decal, which is legible and waterproof, that includes the following information:

(1) The name of the entity or business using the dumpster;

(2) If the business is also the owner of the property, the name, address, and telephone number of the person who is authorized to accept legal service for the owner; and

(3) If the business is a tenant on the property, the name address and telephone number of the person who is authorized to accept legal service for the tenant.

(e) In the event that an owner or occupant of commercial premises elects to enclose a dumpster or secure the dumpster with an automatic lock release in accordance with subsection (e) or is required to do so as provided in subsection (e), then said owner or operator must ensure the conditions noted below are met. Dumpster enclosures are not optional for an owner or occupant that has committed a second violation of Sec. 25-10 of this ordinance, in which case the City requires the owner or occupant to enclose the dumpster and secure it by installing an automatic lock.

(1) Dumpster enclosures must meet the following criteria:

(a) Constructed of wood or brick and at least the height of the dumpster, which is being enclosed, but not to exceed eight (8) feet in height.

(b) The dumpster enclosure may be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied.

(c) The dumpster enclosure must be of sufficient size to allow for placement and removal of the dumpster without causing damage to the enclosure.

(d) The dumpster enclosure must be kept in good repair and condition.

(e) Failure to comply with any provision above shall be a violation of this Article. Any owner or occupant of commercial premises that has a dumpster located thereon who pleads guilty to a violation of this section, or is found by a court of competent jurisdiction to be guilty of violating this section, may, on a first offense, be allowed the option to either pay the applicable fine and costs, or alternatively, to enclose the dumpster or secure the dumpster with an automatic lock release in accordance with the requirements of this section within the sixty-day period following the guilty plea or adjudication. Upon a second violation of this section, the occupant shall be required to enclose the dumpster or secure

MINUTES OF AUGUST 22, 2023

the dumpster with an automatic lock release in accordance with the requirements of this section in addition to all other fines, penalties, and costs that may be imposed. For purposes of this section, failure by the defendant to either pay a fine or appear in court as required by a properly served charging document shall be considered the same as pleading guilty to violating this section.

(1) To be deemed secured under this section, the dumpster must have a functioning automatic lock release, sometimes called a gravity lock release or similar product, that will cause the lid of the dumpster to be securely closed and sealed whenever the dumpster is not being filled or emptied.

(f) Failure to comply with any requirement of this Section 25-9 shall be a violation punishable under Article Three hereof.

Sec. 25-10 – Commercial Waste/Collection

(a) It shall be the duty of each owner, occupant, tenant, or lessee of any commercial premises, multi-dwelling unit premises, manufactured home park, or places of assembly to keep the premises clear and free of litter, trash, junk, and high grass and weeds as defined under “public nuisance” in Section 25-2-34. These areas include grounds, parking lots, roads, driveways, rights-of-way, loading and unloading areas, storm drains, vacant lots, and unimproved real property. See Sec. 52-56 for the circumstances in which the City may declare a nuisance.

(b) All persons performing construction and demolition work, and owners or occupants of commercial premises shall provide on-site receptacles for loose debris paper, building material waste, scrap building materials, and other litter products to prevent the scattering of such materials by wind or rain.

(c) No owner or occupant of commercial premises who is not a licensed junk dealer may grant permission to any person to dispose of litter, garbage, trash, or junk on the premises.

(d) All owners or occupants of commercial premises shall store their trash, garbage, or litter in appropriate containers; maintain their premises as clean, neat, and sanitary; and shall prevent litter from blowing or washing onto adjacent property thoroughfares or into storm drains or waterways. Spillage and overflow around containers shall be cleaned up as it occurs.

(e) Where commercial enterprises share parking lots, the occupant and/or owner must decide who will be responsible for the container. That enterprise must put their name and contact information on the container and take ownership over its maintenance.

(f) Containers required by this section shall be of sufficient size and material to hold the litter and other waste from visitors to the commercial enterprise.

(g) The occupant and/or owner of each commercial enterprise is responsible for emptying and otherwise maintaining the containers to limit litter, waste, or debris in the area.

(h) Any owner or occupant of commercial premises that has a trash or litter located within the parking lots, who pleads guilty to a violation of this section, or is found by a court of competent jurisdiction to be guilty of violating this section, may, on a first offense, be allowed the option to either pay the applicable fine and costs, or alternatively, provide appropriate containers, labeled with the responsible party’s (Dumpster info – 25-11-d) distributed evenly throughout the parking lot at a rate of one container every 12 parking places or at a maximum of a 60-foot spacing between each container for all on-site. Upon a second violation of this section, the owner or occupant if found by a court of competent jurisdiction to be guilty shall pay the applicable fine, court costs and provide one garbage can for every 12 parking spaces as required by this section. For purposes of this section, failure by the defendant to either pay a fine or appear in court as required by a properly served charging document shall be considered the same as pleading guilty to violating this section.

MINUTES OF AUGUST 22, 2023

(i) Failure to comply with any requirement of this Section 25-10 shall be a violation punishable under Article Three hereof.

Sec. 25-11 – Vehicles hauling garbage, trash, and refuse.

(a) Each truck or other vehicle used in the business of collecting and hauling trash, garbage and refuse for hire shall be designed so that the cargo does not escape the vehicle. Any said vehicle shall have the following characteristics:

(1) The vehicle shall have solid sides, a tailgate, a cover, and be watertight;

(2) The sides and tailgate should be at least four (4) feet in height.

(3) The top should be solid or rigged with a tarpaulin that can be spread tightly over the top of such truck to cover the entire opening and extend 12" down the sides. The solid top or tarpaulin shall be used at any time the vehicle is moving, except in those instances where the vehicle is collecting waste and moving fewer than one hundred (100) yards at an average speed less than 15 mph.

(4) Tanks, containers and other receptacles should be watertight and operators should use covers or lids in such a manner as to prevent the dropping, escaping, or spilling of any waste upon the road, street, alley, or any public or private property.

(b) If trash, garbage or refuse leaves a vehicle, the operator shall collect it at that time.

(c) Each truck or other vehicle used in the business of collecting and hauling of trash, garbage and refuse for hire shall have the cubic yardage of the body of the truck or vehicle painted in five-inch letters on the left side of the body near the cab. Each truck or vehicle shall have signs painted on both doors of the truck or vehicle indicating the correct name of the hauler and their telephone number.

(d) No such truck shall be used in the business of collecting and hauling trash, garbage and refuse unless there has been a City license procured by the operator thereof, and no license shall be issued by the city revenue officer for any such truck until such truck has been examined by the city police department and approved as complying with the provisions of this section. The license number for any such truck shall be prominently displayed and affixed outside of such truck to the left front door of the cab. Every such license shall be subject to revocation for a violation of any of the provisions of this chapter or any other ordinance of the city pursuant to the provisions for revocation of city licenses set forth in the license code of the city.

(e) No truck or other vehicle used in the business of collecting and hauling trash, garbage and refuse for hire shall operate or carry on its work between the hours of 8:00 a.m. and 6:00 p.m. of each day in the area bounded on the west by Broad Street, on the east by Mobile River, on the north by State Street and on the south by Monroe Street; provided, that where such trucks or other vehicles do not pick up garbage or trash on or along the streets of the city, but pick up trash and garbage only in private alleys off the streets, they may operate on the streets of the city at all hours of the day and night but shall comply in such operations with all other provisions of this section.

(f) Failure to comply with any provision of this section shall be a violation punishable under Article Three hereof.

(g) The provision of Sections 25-11 shall not apply to a responsible government agency which deposits sand or other substance to increase traction, or water or other substance to clean or maintain a street or roadway.

ARTICLE II. LITTER¹

Sec. 25-20 – Cleaning litter, trash, or junk from private property.

(a) The owner of any vacant or unoccupied private property shall at all times keep it clear of litter, garbage, junk, or trash. The owner must also properly dispose of litter, garbage,

junk, or trash located on that property. It shall not be a defense that the litter was placed or caused by a third party. (b) Licensed junk dealers or commercial premises used for the repair, rebuilding, reconditioning, or salvaging of goods whose work area is screened from public view by a fence, hedge, wall or similar device of sufficient height to provide a visual buffer, and who complies with the city's junk and zoning ordinances shall not be subject to the provisions of this section.

(b) The failure, neglect or refusal of any owner notified by an enforcement officer to properly dispose of litter, trash, garbage, or junk within ten (10) days after receipt of the notice shall constitute a violation of this article.

Sec. 25-21 – Litter receptacles.

(a) Except for premises within the business district, every owner or occupant of commercial premises shall, at their own expense, provide, place, and regularly maintain litter receptacles, including cigarette litter receptacles, at entrances, employee smoking areas and common pedestrian transition points. The number of litter receptacles shall be adequate to contain litter generated at these premises. In determining the adequate number of receptacles, it is suggested, but not mandatory except as required by subsection (c) below, that receptacles be distributed evenly throughout the parking lot at a rate of one container every 20 parking places for all on-site parking.

(b) Litter receptacles on any premises shall meet the following minimum standards:

(1) Constructed of such quality as to maintain the receptacle's original shape when kept in an outdoor location and reasonably resistant to rust and corrosion.

(2) Constructed and designed or covered in such a manner as to prevent or preclude litter from escaping from the receptacle.

(3) Serviced with such frequency as necessary to prevent spillage from overflow and to prevent offensive odor.

(c) Any owner or occupant of commercial premises who pleads guilty or is found by a court to be guilty of violating this section, may, on a first offense, either pay the applicable fine and costs, or alternatively, provide one (1) receptacle for every twenty (20) parking places for all on-site parking. Any owner or occupant who pleads guilty or is found by a court to be guilty of a second violation of this section, shall pay the applicable fine and court costs and shall thereafter provide one (1) litter receptacle for every twenty (20) parking spaces for all on-site parking. For purposes of this section, failure by the defendant to either pay a fine or appear in court as required by a properly served charging document shall be considered the same as pleading guilty.

d) It shall be a violation of this article for any person to deposit any item except litter into a litter receptacle. It shall be a violation of this article to fail to comply with any provisions of this section.

Sec. 25-22 – Littering from a vehicle.

(a) It shall be a violation of this article for any person in a vehicle to drop, deposit, discard or otherwise dispose of litter in or upon any public or private property within the city including but not restricted to, any street, median, right-of-way, sidewalk, park, vacant or occupied lot, body of water, except in litter receptacles or in an area designated by the state department of environmental management as a permitted disposal site.

(b) The owner of the motor vehicle shall be responsible in the event that any person commits the preceding unlawful acts while in a motor vehicle, whether it is moving or at rest.

(c) It shall be a violation of this article for any person, hauler, firm, or business falling within Section 25-11 to haul garbage, paper, trash, sand, gravel, wet cement, construction materials, other loose materials, or waste unless the truck or vehicle used is properly

MINUTES OF AUGUST 22, 2023

covered, secured or sealed to prevent any loss or spillage during hauling, or littering of streets or highways, or nuisances or hazard to the public health of the environment.

(d) It shall be a violation of this article for any person, hauler, firm, or business in 25-22(c) to allow materials being hauled to spill, drop from, or escape the vehicle, without immediately recovering the lost or spilled materials.

(e) Any person cleaning litter or junk from private property and operating a vehicle on a public right of way in the city limits from which any glass, nails or other sharp objects have fallen or escaped which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property shall immediately cause the public property to be clear of such objects and shall pay any cost thereof. It shall be a violation of this Section to fail to comply with any provision herein.

Sec. 25-23 – Sweeping litter into street.

(a) It shall be a violation of this article to blow, sweep, or push litter, junk, or trash, including yard clippings, leaves, grass, or cigarette butts, onto the city streets, alleys, stormwater structures, ditches, or waterways. All litter and trash shall be deposited into a garbage cart, garbage can, bag, or box, cigarette litter receptacle or litter receptacle and be tightly covered and secured to prevent scattering before pickup.

Sec. 25-24 – Dumping of litter, trash, or junk.

(a) It shall be a violation of this article for any person to discard or dump any litter, garbage, trash or junk on any private or public property unless disposed of in receptacles provided for public use that comply with the requirements of this article or in an area designated by the state department of environmental management as a permitted disposal site.

(b) For the purposes of this section, items found in an accumulation of garbage, trash or other discarded material including, but not limited to, bank statements, utility bills, bank card bills, and other financial documents, clearly bearing the name of a person, shall constitute a rebuttable presumption that the person whose name appears thereon knowingly deposited the litter. Advertising, marketing and campaign materials and campaign literature shall not be sufficient to constitute a rebuttable presumption under this section. No prosecution for violation of this section based on evidence that creates a rebuttable presumption shall be brought against a person unless he or she has been given written notice by an enforcement officer that items found in an accumulation of garbage, trash or other discarded materials contain his or her name, and that under this section, there is a rebuttable presumption that he or she knowingly deposited the litter. The notice shall advise the person of the penalty for violating this section, and shall provide that, unless the person can present satisfactory information or evidence to rebut the presumption to the designee of the city within fifteen (15) days of the date of the notice, an action under this section may be filed against him or her in municipal court. If the person responds to the notice and presents information or evidence to the designee of the city, the designee shall review the information of evidence presented and make a determination as to whether or not an action should be brought against the person for violating this section. The designee shall provide written notice to the person of the determination, and if the intent is to proceed with an action under this section, the notice shall be sent before an MOT or UNTCC is issued.

Sec. 25-25 – Removal of litter from litter receptacles.

(a) The removal of litter from receptacles placed at public parks, beaches, fishing areas and other public recreation sites shall be the responsibility of those state and local agencies responsible for the maintenance of these sites.

(b) The removal of litter from garbage cans, litter receptacles, or bulk containers placed on private property which are used by the public on commercial premises shall be the duty of the owner or occupant of those premises. It shall be a violation of this article for an owner or occupant to fail to regularly remove or provide for the regular removal of litter as required by this subsection.

Sec. 25-26 – Yard, garage sale, or other unauthorized temporary signs.

(a) It shall be a violation of this article to place any signs on trees or utility poles in the city rights-of-way without exception.

(b) *Exception.* Notwithstanding the provision of 25-26(a), special event directional signs may be placed on public property in compliance with Chapter 54, Section 122-125.

Sec. 25-27 – Balloon or Sky Lantern Release.

(a) It shall be a violation of this Section for any person to intentionally release, organize the release of, or intentionally cause to be released one or more sky lanterns or balloons inflated with gas that is lighter than air which includes but is not limited to, helium, with the exception of:

(1) Balloons released by a person or educational institution on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.

(2) Balloons released indoors.

(3) Balloon tests performed.

Article III – Enforcement

Sec. 25-30 – Violations

(a) The provisions of this Article III apply to provide enforcement procedures with regard to all violations of Chapter 25.

(b) It is a violation to fail to comply with any provision of Chapter 25.

(c) Violations of Chapter 25 may be enforced as applicable by one or more of the following actions: 1) Corrective Notice; 2) Municipal Offense Ticket (MOT); 3) Uniform Non-Traffic Citation and Complaint; and 4) Uniform Traffic Citation and Complaint.

Sec. 25-31 – Enforcement procedures.

(a) A city police officer may choose to cite and release defendant for a violation of Chapter 25. The UNTCC shall serve as the charging instrument and shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.

(b) A city employee designated as an enforcement officer may issue a municipal offense ticket (MOT) for a violation of Chapter 25. The person charged with a violation must do the following within the time period specified on the MOT, or within twelve (12) hours before the court date shown on the MOT:

(1) Appear in person before a magistrate, who will retain a copy of the ticket, sign the plea of guilty waiver of rights on the MOT, and pay the fine and applicable court costs; or

(2) Sign the plea of guilty waiver of rights provision on the MOT and mail or hand deliver to the clerk of the municipal court the signed page and payment for the amount of the fine and applicable court costs. Remittance by mail or hand delivery of the fine and costs constitutes a guilty plea and waiver of trial, even if the "plea of guilty waiver of rights" provision on the ticket has not been signed by the defendant. If the amount sent is insufficient, then the money received by the clerk shall be considered to be a partial payment of the penalty, and it shall be applied by the clerk to the fine and costs and shall be deposited as required by law. The clerk may give notice of the insufficiency, and a supplemental summons or warrant of arrest shall be issued for the defendant's arrest, and a judgment shall be entered by the magistrate for the balance due; or

MINUTES OF AUGUST 22, 2023

(3) Sign the MOT and agree to appear in court on the date and at the time shown on the MOT to protest the charges. If the defendant fails to appear, the municipal court may, in its discretion, issue further notice or a supplemental summons or warrant of arrest.

(c) Employees of the city designated as enforcement officers, who observe violations of Chapter 25, are further authorized to appeal before a magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.

(d) Employees of the city designated as enforcement officers may issue corrective notices to owners or occupants found to be in violation of any of the provisions of Chapter 25. The issuance of a corrective notice is not required prior to the issuance of an MOT or UNTCC.

Sec. 25-32 – Failure to comply with corrective notices.

It shall be a violation for any owner or occupant of property in the city limits who receives a corrective notice from an enforcement officer to fail or refuse to complete the corrective action within the time designated.

Sec. 25-33 – Penalties.

(a) It shall be unlawful for any person to violate any provision of Chapter 25.

(b) Knowing violation of article. For any violation of this article that is committed knowingly, the fine shall be three hundred fifty dollars (\$350.00), or imprisonment for up to three (3) months, or a combination thereof.

(c) Other violations of article. For all violations of this article that are not subject to paragraph (b) above, the fine shall be two hundred dollars (\$200.00), or imprisonment for up to thirty (30) days, or a combination thereof.

(d) Each day a violation of this article is committed or permitted to continue shall constitute a separate offense.

(e) Any person who appears in municipal court and is found guilty of a violation of this chapter may, in the discretion of the court, be punished by a fine of up to three hundred and fifty dollars (\$350.00) or imprisonment of up to three (3) months, or a combination thereof; or, in the alternative, may be subject to any lawful order including without limitation, community service or remedial action, including but not limited to picking up litter.

(f) A schedule of fines for violations of this article shall be published in the municipal court magistrate's fine schedule, which appears at section 1-32 of the City Code.

ARTICLE VI. SEPTAGE AND GREASE HAULER REGULATIONS

Sec. 25-40 – Title

This body of regulations shall be known as the septage and grease hauler regulations. (Ord. No. 25-086, § 1, 11-26-02)

Sec. 25-41 – Findings and purpose.

(a) The United States District for the Southern District of Alabama, Southern Division, entered a consent decree in a civil action styled United States of America, the State of Alabama, and Mobile Bay Watch, Inc. versus the Board of Water and Sewer Commissioners of the City of Mobile, Alabama, Case No. CV-99-0595-CB-S and 2002-58-CB-S.

(b) The consent decree requires the board of water and sewer commissioners (hereafter the "board") to develop, among other things, a grease control program.

MINUTES OF AUGUST 22, 2023

(c) In order to comply with the court's consent decree, the board has asked the city to cooperate by imposing reasonable regulations upon companies that are licensed by the

(d) The city believes that the board's request is reasonable and desires to accommodate the board; and the city further finds that such a policy is desirable and promotes the public health, safety and welfare as it will prevent unlicensed operation of such companies and will reduce illegal discharges of septage and grease.

Sec. 25-42 – License required.

No person shall engage in the business as a septage or grease hauler within the city or its police jurisdiction without first obtaining a business license in accordance with chapter 34 of the Mobile City Code.

Sec. 25-43 – Operating requirements.

(a) It shall be a violation of this code for any grease hauler or septage hauler to dispose of any waste at any location other than a disposal site permitted to accept such waste by the Alabama Department of Environmental Management (ADEM), the Alabama State Board of Health, the state department of agriculture, or another governmental agency with authority to permit such activity.

(b) Every vehicle used by any septage or grease hauler must prominently display on the exterior of the vehicle in at least four-inch lettering the following information: company name, business license number and business telephone number.

(c) Every vehicle used by any septage or grease hauler must maintain a chain of custody or manifest for each pick up, disposal or other service provided for each customer. Such document must identify the source of waste hauled, the type of waste hauled, the date and time waste were accepted by the hauling company, the amount of waste accepted, the disposal location for waste, and any applicable permit numbers associated with the process. When waste is removed from a food service facility, a copy of the completed manifest must be returned to the originating facility.

(d) Any violation of this code section, may result in the issuance of a MOT or UNTCC to the operator and or vehicle's owner of the septage or grease hauler vehicle.

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

Councilmember Gregory moved for the suspension of the rules to consider Ordinances 03-908 through 60-919 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

APPOINT EMMA HOLT TO THE MOBILE CITY COUNTY YOUTH COUNCIL. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-908-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Emma Holt is appointed to the Mobile City-County Youth Council effective immediately.

MINUTES OF AUGUST 22, 2023

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

Ayes: Penn, Carroll, Small, 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 UNITED STATES TENNIS ASSOCIATION FOR COURT RESURFACING; \$110,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-909-2023

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 from the United States Tennis Association, a Notice of Award for grant assistance in the amount of \$110,000. There is no match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and sign any agreements or other documents in connection with the grant application and to provide any information required by the United States Tennis Association. 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

Ayes: Penn, Carroll, Small, 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 UNITED STATES TENNIS ASSOCIATION FOR LIGHTS AND ELECTRIC CONTROL PANELS; \$125,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-910-2023

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 from the United States Tennis Association, a Notice of Award for grant assistance in the amount of \$125,000. There is no match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and sign any agreements or other documents in connection with the grant application and to provide any information required by the United States Tennis Association. 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

MINUTES OF AUGUST 22, 2023

Ayes: Penn, Carroll, Small, 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 1861 LA SALLE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-911-2023

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 1861 La Salle 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 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 **1861 La Salle Street described as:**

COM AT A PT ON THE E/L OF RICKARBY ST WHERE IT IS INT BY THE N/L OF A 12 FT ALLEY WHICH IS PAR TO & 144 FT S OF LASALLE AVE RUN TH N ALG THE E/L OF RICKARBY ST 127 FT & 8 IN TO A PT TH NEWLY & ALG THE ARC OF A CIR WHOSE CNTR IS THE CNTR OF LEE CIR 25 FT & 9 IN TO THE S/L OF LASALLE AVE TH E ON LASALLE AVE 60 FT & 8 IN TO A PT TH S & PAR TO RICKARBY ST 144 FT TO THE N/L OF THE ALLEY ABOVE MENTIONED TH W ALG THE N/L OF SD ALLEY 80 FT TO THE POB & BEING LOT 26 OF LEE PL DBK 132 N S PG 342 #SEC 28 T4S R1W #MP29 10 28 2 001

Parcel Number: 29 10 28 2 001 088

Last Assessed to: DEMARIO DAVIS & FLOYD DAVIS

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** 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 Gregory, and the vote was as follows:

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

MINUTES OF AUGUST 22, 2023

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

DECLARE THE STRUCTURE AT 2510 GREENLAWN DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-912-2023
Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2510 Greenlawn 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 **2510 Greenlawn Drive described as:**

LOT 78 1ST UNIT MORNINGSIDE MANOR MBK 6 P 431 #SEC 6 T5S R1W #MP32 02 06 0 001

Parcel Number: 32 02 06 0 001 185
Last Assessed to: AUSTIN DIXON

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

Ayes: Penn, Carroll, Small, 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 1157 KENTUCKY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-913-2023

MINUTES OF AUGUST 22, 2023

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 1157 Kentucky 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 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 **1157 Kentucky Street described as:**

THAT LOT OF LAND KNOWN AS L OT 13 IN SQ 22 OF BASCOMBE TRT AS PER MAP OF RECORD IN THE PROBATE COURT OF MOBILE CO AL SD LOT BEG AT PT ON S/S OF KENTUCKY ST 135 FT W OF SW COR OF KENTUCKY & KELLY STS TH RUNNING WLY ALG S/S OF KENTUCKY ST 45 FT FOR FRONT OF SD LOT & EXTENDING SLY PAR WITH KELLY ST 150 FT FOR A DEPTH WITH SAME WIDTH IN REAR AS IN FRONT BEING SAME PPTY CONVEYED TO SISTERS OF THE VISITATION A CORPORATION BY DUFFY BLACK & WIFE JULIA BLACK BY DEED DTD APRIL 1 1932 DBK 240 N S PG 88 MOBI LE CO RECORDS #SEC 37 T4S R1W #MP29 10 37 0 006

Parcel Number: 29 10 37 0 006 017

Last Assessed to: ROBERT M & YOLANDA H JONES

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

Ayes: Penn, Carroll, Small, 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 3105 EMELYE DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-914-2023

Sponsored by: Councilmember Reynolds

MINUTES OF AUGUST 22, 2023

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 3105 Emelye 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 **3105 Emelye Drive described as:**

LOT 10 DOSS S/D MBK 76/85 #SEC 44 T4S R1W #MP29 02 44 0 022

Parcel Number: 32 0211 4 002 016.01

Last Assessed to: ANGELA DAWN SEABURG

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 Reynolds moved to hold the resolution over for sixty days, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, 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 sixty days until the regular meeting of October 24, 2023.

DECLARE THE STRUCTURE AT 400 LAROSE DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 40-915-2023

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 400 Larose 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**

MINUTES OF AUGUST 22, 2023

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 **400 Larose Drive described as:**

LOT 10 BLK L BERKSHIRE HILLS PART C MBK 8 P 243 #SEC 38 T4S R2W #MP28 08 38 4 003

Parcel Number: 28 08 38 4 003 001

Last Assessed to: KEVIN A VAUGHN

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** 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 Reynolds moved to hold the resolution over for sixty days, which was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, 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 sixty days until the regular meeting of October 24, 2023.

RENAME LAFAYETTE HEIGHTS PARK TO "HISTORIC LAFAYETTE HEIGHTS NEIGHBORHOOD PARK". The following resolution was introduced by Councilmember Daves.

RESOLUTION: 46-916-2023

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, THAT Lafayette Heights Park officially be renamed "Historic Lafayette Heights Neighborhood Park".

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

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

Nays: None

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

NAME THE MULTI-PURPOSE ATHLETIC FIELD AT THOMAS SULLIVAN PARK TO THE "COACH HERSHEL WILSON, SR. MULTI-PURPOSE ATHLETIC FIELD". The following resolution was introduced by Councilmember Daves.

RESOLUTION: 46-917-2023

MINUTES OF AUGUST 22, 2023

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, THAT the multi-purpose athletic field, located at Thomas Sullivan Park be officially renamed "Coach Hershel Wilson, Sr. Multi-Purpose Athletic Field" in honor of Coach Wilson's 40 plus years of service to the Thomas Sullivan Park.

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

Ayes: Penn, Carroll, Small, 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 WEEDS NOXIOUS, GROUP 1646. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-918-2023

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as **Group #1646** under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the **26th day of September 2023**, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

MINUTES OF AUGUST 22, 2023

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

Ayes: Penn, Carroll, Small, 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 BAY AREA VETERANS DAY COMMISSION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-919-2023

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Sandy Stimpson wishes to appropriate **\$5,000.00** to Mobile Bay Area Veterans Day Commission, Inc., from his discretionary funds; and

WHEREAS, Mobile Bay Area Veterans Day Commission, 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 Bay Area Veterans Day Commission, Inc., will be used to assist with Veterans Day Activities on November 10, 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 **\$5,000.00** to Mobile Bay Area Veterans Day Commission, 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory, and the vote was as follows:

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

Nays: None

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

CIP RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO DIGITAL AERIAL SOLUTIONS, LLC FOR PROCESSING AND PRODUCTION OF MAP CONTOURS FOR GIS; \$39,271.69. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-920-2023

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

MINUTES OF AUGUST 22, 2023

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>12719</u>	2023	(5010) GEOGRAPHIC INFO SYSTEMS	PROCESSING AND PRODUCTION OF ONE-FOOT MAP CONTOURS FOR GIS (PROFESSIONAL SERVICE)	\$39,271.69	<u>(298622) DIGITAL AERIAL SOLUTIONS LLC</u>

AUTHORIZE CONTRACT WITH WATKINS ACY STRUNK DESIGN, INC. FOR SITE IMPROVEMENTS AT TRICENTENNIAL PARK; \$73,000.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-921-2023

Sponsored by: Mayor Stimpson and Councilmember Penn

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

Name of Company: WATKINS ACY STRUNK (WAS) DESIGN, INC.

Project Name: TRICENTENNIAL PARK SITE IMPROVEMENTS

Project Number: PR-004-23

Amount: \$73,000.00 (CIP:2023-P-009 01)

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

Councilmember Gregory moved for the suspension of the rules to consider Resolution 08-927 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the item.

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT WITH RAUL MALAVER TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS & RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 01-922-2023

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 AUGUST 22, 2023

and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Raul Malaver to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

APPROVE PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR IPAD TABLETS WITH VEHICLE MOUNTS FOR MFRD; \$15,514.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-923-2023

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>10844</u>	2023	(1510) FIRE ADMINISTRATION	15 IPAD TABLETS WITH VEHICLE MOUNTS FOR MFRD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, BELOW BID REQUIREMENT – PRICE QUOTE)	\$15,514.00	<u>(272392) CDW GOVERNMENT LLC</u>

APPROVE PURCHASE ORDER TO CINTAS CORPORATION, D/B/A CINTAS CORPORATION NO. 2, FOR INSULATED JACKETS AND BIB OVERALLS FOR PUBLIC SERVICES DEPARTMENT; \$16,275.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-924-2023

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 AUGUST 22, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12611</u>	2023	(2086A) ASPHALT	INSULATED JACKETS AND BIB OVERALLS FOR PUBLIC SERVICES (BELOW BID LAW AMOUNT - OMNIA COOPERATIVE PURCHASING AGREEMENT)	\$16,275.00	<u>(033070) CINTAS CORPORATION DBA CINTAS CORPORATION NO 2</u>

APPROVE PURCHASE ORDER TO GORDON COMPANIES, INC. FOR WALK-THROUGH CHRISTMAS TREE FOR PARKS AND RECREATION DEPARTMENT; \$28,000.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-925-2023

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>11931</u>	2023	(4010) SPECIAL EVENTS	ONE NORTHLIGHT 44FT WALKTHROUGH CHRISTMAS TREE FOR MPRD EVENTS (SEALED BID 5829)	\$28,000.00	<u>(295570) GORDON COMPANIES INC</u>

APPROVE PURCHASE ORDER TO GORDON COMPANIES, INC. FOR LIGHTED SNOWFLAKE STREET POLE DECORATIONS FOR PARKS & RECREATION DEPARTMENT; \$26,400.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-926-2023

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>14017</u>	2023	(4010) SPECIAL EVENTS	LIGHTED SNOWFLAKE STREET POLE DECORATIONS FOR MPRD EVENTS (BELOW BID REQUIREMENT-PRICE QUOTE)	\$26,400.00	<u>(295570) GORDON COMPANIES INC</u>

MINUTES OF AUGUST 22, 2023

APPROVE PURCHASE ORDER TO QUICK BUILDINGS, LLC FOR PORTABLE STAFF BUILDING FOR DIP RECYCLING DROP-OFF SITE; \$55,672.00. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 08-927-2023

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>13786</u>	2023	(3032) ARCHITECTURAL ENGINEERING	PORTABLE STAFF BUILDING FOR DIP RECYCLING DROP-OFF SITE (SEALED BID 5810)	\$55,672.00	<u>(290398) QUICK BUILDINGS LLC</u>

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

Ayes: Penn, Carroll, Small, 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 SUNSOUTH, LLC FOR JOHN DEERE TRACTOR; \$194,400.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-928-2023

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>13811</u>	2023	(2050) FLEET MANAGEMENT-GARAGE	JOHN DEERE 6110 TRACTOR WITH ALAMO 60IN CUTTER HEAD ON 25FT BOOM (SEALED BID 5765)	\$194,400.00	<u>(291912) SUNSOUTH LLC</u>

APPROVE PURCHASE ORDER TO TURNER WILSON FENCE CO., LLC FOR FENCING FOR CRUISE TERMINAL OFF-SITE PARKING; \$20,866.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-929-2023

MINUTES OF AUGUST 22, 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>14022</u>	2023	(F6020) CRUISE TERMINAL	FENCING FOR CRUISE TERMINAL OFFSITE PARKING (PRICE QUOTE)	\$20,866.00	<u>(294501)</u> <u>TURNER WILSON</u> <u>FENCE CO LLC</u>

APPROVE PURCHASE ORDER TO VC3, INC. FOR ANNUAL RENEWAL FOR MIT DATA SECURITY BACKUP AND RECOVERY SERVICES; \$126,000.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-930-2023

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>14006</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF MIT DATA SECURITY BACKUP AND RECOVERY SERVICES (SECURITY EXEMPT BY AL CODE 41-16-51(A)(15))	\$126,000.00	<u>(297843) VC3</u> <u>INC</u>

APPROVE PURCHASE ORDER TO VERTIV CORPORATION FOR ANNUAL RENEWAL OF MAINTENANCE SERVICES FOR MIT MUSEUM DRIVE; \$16,369.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 08-931-2023

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 AUGUST 22, 2023

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13494</u>	2023	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF MAINTENANCE SERVICES FOR MIT MUSEUM DRIVE DATA CENTER VERTIV LIEBERT UPS COOLING SYSTEM (SOLE SOURCE/PRICE QUOTE)	\$16,369.00	<u>(295869) VERTIV CORPORATION</u>

RE-ALLOCATE FUNDS FROM GENERAL FUND, REAM FACILITIES TO CAPITAL PROJECT FUND, CIVIC CENTER MARKETING TO FUND PROFESSIONAL SERVICES CONTRACT; \$90,000.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 09-932-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$90,000.00 be transferred from the General Fund, Real Estate Asset Management Facility Maintenance Department (10043035.40010) to the Capital Project Fund C0859 Civic Center Marketing (20002000.42200) to be used for professional services on a previously executed contract adopted May 23, 2023.

TRANSFER FUNDS FROM GENERAL FUND UNASSIGNED FUND BALANCE TO CITY HALL OVERHEAD LADD STADIUM FOR LADD STADIUM FISCAL PLAN; \$200,000.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 09-933-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$200,000.00 be specifically allocated pursuant to Alabama Code Section 11-44C-57 from the Unassigned Fund Balance in the General Fund (Fund 1000) to City Hall Overhead. Ladd Stadium #10049000.49240. These funds will be used for the Ladd Stadium Fiscal Plan.

AUTHORIZE CHANGE ORDER WITH ROB'T J. BAGGETT, INC. FOR JOINT REPLACEMENT AT THE CONVENTION CENTER EXHIBIT HALL; \$59,638.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 13-934-2023

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 though set forth in full. Whereby, the sum of \$59,638.00 will be added to the original contract amount of \$57,977.00. A copy of said contract is on file In the office of the City Clerk.

Name of Company: Rob't J. Baggett, Inc.

Project Name: A. R. Outlaw Convention Center - Exhibit Hall

MINUTES OF AUGUST 22, 2023

Expansion Joint Replacement

Project Number: CN-023-23

Amount: \$59,638.00

AUTHORIZE CONTRACT WITH HADLEY CONSTRUCTION SPECIALITIES, INC. FOR WINDOW REPAIRS AT 200 GOVERNMENT STREET; \$104,2900.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-935-2023

Sponsored by: Mayor Stimpson and Councilmembers 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 though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: HADLEY CONSTRUCTION SPECIALTIES, INC.

Project Name: 200 GOVERNMENT STREET -
WINDOW REPAIRS

Project Number: MX-076-22

Amount: \$104,290.00

AUTHORIZE CONTRACT WITH DOUBLE AA CONSTRUCTION COMPANY, LLC FOR RE-ROOFING AT MPD THIRD PRECINCT; \$182,400.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-936-2023

Sponsored by: Mayor Stimpson and Councilmembers Penn

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

Name of Company: DOUBLE AA CONSTRUCTION COMPANY, LLC

Project Name: POLICE THIRD PRECINCT RE-ROOFING

Project Number: BG-033-22

Amount: \$182,400.00

AUTHORIZE CONTRACT WITH H.O. WEAVER & SONS, INC. FOR 2022 PAYGO RESURFACING; \$10,826,321.48. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-937-2023

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small, Reynolds, Daves, Woods, & Gregory

MINUTES OF AUGUST 22, 2023

WHEREAS, bids for street resurfacing for districts 1,2,3,4,5,6 and 7 were received and opened on June 21, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from H. O. Weaver & Sons, Inc., in the amount of \$10,826,321.48.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by H.O. Weaver & Sons, Inc.

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: H. O. Weaver & Sons, Inc.
Project Name: 2022 PAYGO Resurfacing (D#1-7)
Project Number: 2023-3005-04
Amount: \$10,826,321.48

AUTHORIZE CONTRACT WITH WASTE PRO OF ALABAMA, INC. FOR RESIDENTIAL GARBAGE AND TRASH SERVICES; NTE \$1,200,000.00 FOR PER YEAR FOR 3 YEARS. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-938-2023
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 Waste Pro of Alabama, Inc., for three years, for an amount not to exceed \$1,200,000.00 per year, to provide residential garbage and trash services, as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the Office of the City Clerk.

AUTHORIZE CONTRACT WITH JOHN G. WALTON CONSTRUCTION CO., INC., FOR 2022 PAYGO, HAMILTON BOULEVARD RESURFACING; \$1,426,577.00. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 21-939-2023
Sponsored by: Mayor Stimpson and Councilmembers Reynolds

WHEREAS, bids for street resurfacing for district 4 was received and opened on June 28, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from John G. Walton Construction Company, Inc., in the amount of \$1,426,577.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by John G. Walton Construction Company, Inc.

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

MINUTES OF AUGUST 22, 2023

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: John G. Walton Construction Company, Inc.

Project Name: 2022 PAYGO Commission District 3, MCR2022-308 Hamilton Boulevard Resurfacing (D4)

Project Number: 2023-3005-06

Amount: \$1,426,577.00

WAIVE BUILDING PERMITS FEES FOR TEN RESIDENTIAL PROPERTIES ANNEXED INTO THE CITY EFFECTIVE JULY 25, 2023. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 28-940-2023

Sponsored by: Mayor Stimpson

WHEREAS, certain properties that were in the Police Jurisdiction of the City of Semmes were annexed into the City of Mobile effective July 25, 2023; and,

WHEREAS, prior to said annexation an estimated ten (10) builders of residential homes had paid for and obtained building permits from the City of Semmes; and,

WHEREAS, following the annexation the estimated ten (10) properties that are the subject of the building permits are now within the jurisdiction of the City of Mobile and subject to permitting and inspections by the City of Mobile; and,

WHEREAS, the City of Mobile desires to relieve the aforesaid builders of having to pay for two building permits issued by two separate governmental entities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that building permit fees assessed by the City of Mobile are hereby waived for those residential homes that are located in areas that were annexed into the City of Mobile effective July 25, 2023 and that were permitted by the City of Semmes prior to July 25, 2023.

APPROVE LICENSE WITH YUMUL INTERNATIONAL ENTERPRISES, LLC FOR CRUISE TERMINAL CREW SHOP; \$750.00 PER MONTH FOR 1 YEAR. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 37-941-2023

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 license, by and between the City of Mobile and YUMUL INTERNATIONAL ENTERPRISES, LLC, in the amount of \$750 per month to be paid to the City of Mobile, for one year, and renewable for two additional one-year periods without further Council approval, for the operation of a sundry shop and telephone center in the Mobile Alabama Cruise Terminal for the benefit of cruise ship crews, 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 SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BROWN. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 60-942-2023

MINUTES OF AUGUST 22, 2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Justin Brown, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; HOLDER.

The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 60-943-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Antronne Jermaine Holder, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; MARTIN. The following resolution was held over until the regular meeting of August 29, 2023.

RESOLUTION: 60-944-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Kristi Martin, a/k/a Martin Living Trust, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

ANNOUNCEMENTS

Councilmember Daves announced the following schedule for the Council to discuss the proposed 2024 budget the Administration delivered to them on last Friday:

- August 29, 2023, Finance Committee meeting in the pre-council room at 1:00 p.m.; no public comment will be allowed.
- September 5, 2023, public hearing will be held; public comment will be allowed in respect to the proposed budget.
- September 12, 2023, Finance Committee meeting in the pre-council room at 1:00p.m.; no public comment will be allowed.

Councilmember Carroll stated that the Parks & Recreation Department's STEM program was a great success this past weekend.

Councilmember Woods encouraged citizens to sign up for the District 6 newsletter and to download the Mobile 311 app.

Councilmember Woods said that District 6 community meetings will be starting soon.

Councilmember Reynolds commented on the City's purchase of Shipyard Road as a future waterway access point in District 4.

MINUTES OF AUGUST 22, 2023

Councilmember Penn expressed his excitement about the streetscape improvements for Highway 45.

Councilmember Penn stated that District 1 community meetings will be starting back in November.

Councilmember Gregory said that N. McGregor Avenue will be opening back up soon.

Councilmember Gregory reported that she and the Administration will be hosting a community meeting on Thursday, August 24, 2023, with members of homeowner associations that were newly annexed into the City.

Councilmember Small announced that a committee meeting about ordinance 25-039 will be on Tuesday, August 29, 2023, immediately following the Finance Committee meeting in the pre-council room.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 10:57 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK