

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 2, 2021

The Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, February 2, 2021, at 9:00 a.m.

Present:

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

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 2, 2021

The City Council of the City of Mobile, Alabama met remotely via virtual meeting on Tuesday, February 2, 2021, at 10:30 a.m., in regular meeting.

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

Dr. Sterling Boykin, Ashland Place United Methodist Church, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Council President Manzie asked for a moment of silence in memoriam of Heather Pfefferkorn, owner of the Pillars.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER:

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

APPROVAL OF MINUTES:

The minutes of the meeting of January 26, 2021, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson announced that he joined USA Health at a press conference yesterday to provide information regarding vaccine opportunities.

Mayor Stimpson reported he and Mobile County Commissioner Merceria Ludgood toured the Gordon Parks exhibit at the Mobile Museum of Art. The Exhibit is in honor of Black History month.

MINUTES OF FEBRUARY 2, 2021

Mayor Stimpson noted that the Parks and Recreation Department is offering a month of virtual programming titled, "A Century of Black Life History and Culture."

Mayor Stimpson mentioned that citizens are participating in the Porch Parade/Yardi Gras in lieu of traditional parades. The City will be decorating Mardi Gras Park.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda and to declare the items on the agenda Essential/Covid-19 related, which move was seconded by Councilmember Rich and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted and all items declared Essential/Covid-19 related.

APPEALS

Request of Tony Pope for a waiver of the Noise Ordinance in Bienville Square on every Saturday and Sunday in February from 1:00-5:00 p.m. (District 2).

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

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

Nays: None

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

Request of Tamara Wallace, 100 Cody Road South, for a waiver of the Noise Ordinance on February 14, 2021, from 11:00 a.m. - 10:00 p.m. (District 7).

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

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

Nays: None

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

Request of Corlem, LLC, for a waiver of the Noise Ordinance at 564 Dauphin Street on February 5, 2021, from 7:00-10:00 p.m. (District 2).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 1590 & 1574 ST. STEPHENS ROAD AND 1563 BASIL STREET (NORTHWEST CORNER OF ST. STEPHENS ROAD AND DUNBAR STREET, EXTENDING TO THE WEST TERMINUS OF BASIL STREET) FROM B-3 AND R-1 TO B-3 (DISTRICT 2).

MINUTES OF FEBRUARY 2, 2021

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 1590 & 1574 St. Stephens Road and 1563 Basil Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 4583 CYPRESS BUSINESS PARK DRIVE (WEST SIDE OF CYPRESS BUSINESS PARK DRIVE, EXTENDING TO THE EAST SIDE OF INTERSTATE 10) FROM B-3 AND B-5 TO B-5 (OFFICE DISTRIBUTION DISTRICT) (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 4583 Cypress Business District Park Drive and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2762 THOMPSON DRIVE NORTH 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 2762 Thompson Drive North a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1907 ST. MONICA 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 1907 St. Monica Drive a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Edward Whigham, 304 Bay Shore Avenue, requested additional time to make improvements.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 854 PETTUS 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 854 Pettus Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

MINUTES OF FEBRUARY 2, 2021

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 1709 MARENGO 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 1709 Marengo 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 at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 4241 FURMAN 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 4241 Furman 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 at a later date.

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 714 IRIS AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 714 Iris Avenue a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

Terri Mitchell, spoke in favor of Ordinance 07-043.

Vivian Hentschel, 119 North Ann Street, spoke in favor of Ordinance 07-043.

Anna Bush, 21 Bienville Avenue, spoke in favor of Ordinance 07-043.

NON-AGENDA ITEMS:

Karlos Finley, 507 Church Street, offered a proposal to turn Hank Aaron Loop into a "Field of Dreams" display of professional baseball players from Mobile, such as Satchel Paige.

Eric Finley, 1231 Chimney Drive, Dora Franklin Finley African American Heritage Trail, announced the approval of two (2) new markers by the Mobile and the Alabama Historical Societies, the Social Justice marker and Sandtown marker.

Dr. Raoul Richardson, provided the Council with an update on the Mobile Police Citizens Community Relations Advisory Committee.

ESSENTIAL/COVID-19 ITEMS HELD OVER:

MINUTES OF FEBRUARY 2, 2021

ORDINANCE PERTAINING TO ANIMAL TETHERING. The following resolution, which was introduced and read at the regular meeting of December 22, 2020 and held over until the meetings of January 19, 2021, and February 2, 2021, was called up by the Presiding Officer.

ORDINANCE: 07-043-2020

Submitted by: Councilmember Richardson

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

Section 1:

Sec. 7-23. of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

Sec. 7-23. Animals at large; Tethering

a) It shall be unlawful for any Person to allow any Animal in his control or possession to go, stray or wander upon the public right of way or property of another Person. An Animal is running at large if it is not under control of the Owner and is not:

(1) Confined within a fence, electronic fence, wall, or other enclosure in such a manner so as to effectively prevent the Animal from traveling onto the public right of way or property of another Person;

(2) On a leash not more than ten (10) feet in length and secured by a collar or harness; or,

(3) On a single Animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the Animal without becoming tangled, wrapped around an object or shortened, and:

(A) is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, but does not allow the Animal access to the public right of way or property of another Person;

(B) allows the Animal access to water and Shelter;

(C) is an appropriate strength and weight given the size of the Animal and is affixed to the Animal by a proper fitting nylon or leather harness or collar with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

b) Sub-section a), above, shall not apply to an Animal that is:

(1) At a designated Animal or Dog park or in attendance at any legal event in which the Animal is a permitted attendee;

(2) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(3) Under the care of a veterinarian or groomer;

(4) Being utilized or trained in a law enforcement capacity;

(5) Being legally used for hunting.

c) It shall be unlawful for any Person to allow any Animal in his control or possession to be tied, leashed or chained to a doghouse, tree, post, stake, barrel, or other stationary object for a time period exceeding fifteen (15) minutes unless its Owner is physically present within sight of the Animal.

MINUTES OF FEBRUARY 2, 2021

Section 2 - Miscellaneous Provisions:

- (a) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (b) This Ordinance shall become effective within the City of Mobile sixty (60) days after its adoption and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Richardson moved that the ordinance be held over until the regular meeting of February 9, 2021, which was seconded by Councilmember Rich and the vote was as follows:

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

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

ORDINANCE TO REZONE PROPERTY LOCATED AT THE EAST TERMINUS OF BLUE RIDGE BOULEVARD, EXTENDING TO THE WEST TERMINUS OF OLD DOBBIN DRIVE NORTH, THE WEST TERMINUS OF HARNESS WAY, THE NORTH TERMINUS OF CREEKLINE DRIVE AND THE NORTH TERMINUS OF VALLEYDALE DRIVE FROM R-1, R-2, AND B-1 TO R-1 (DISTRICT 6). The following ordinance, which was introduced and read at the regular meeting of October 13, 2020, and held over until the regular meetings of October 20, 2020, January 19, 2021 and February 2, 2021, was called up by the Presiding Officer.

ORDINANCE: 64-036-2020
Sponsored by: Councilmember Rich

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

PARCEL A:

COMMENCING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTERS OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 5 SOUTH RANGE 2 WEST, MOBILE COUNTY, ALABAMA WHERE IT IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF A 40 FOOT SERVICE ROAD SOUTH OF AND PARALLEL WITH COTTAGE HILL ROAD, SAID POINT BEING THE NORTHEAST CORNER OF ASHVILLE, UNIT ONE, ACCORDING TO PLAT RECORDED IN MAP BOOK 66 PAGE 111 OF THE PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, RUN SOUTH 00 DEGREES 09 MINUTES 20 SECONDS WEST ALONG THE EASTERN BOUNDARY OF ASHVILLE, UNIT ONE 280.70 FEET TO A POINT; THENCE CONTINUING ALONG SAID EASTERN BOUNDARY OF ASHVILLE, UNIT ONE RUN NORTH 89 DEGREES 18 MINUTES 55 SECONDS EAST 221.41 FEET TO A POINT; THENCE CONTINUING ALONG SAID EASTERN BOUNDARY RUN SOUTH 68 DEGREES 34 MINUTES 44 SECONDS EAST 130.86 FEET TO THE NORTHWEST CORNER OF CARRIAGE HILLS, UNIT TWO, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 24, PAGE 92 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA, SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE ALONG THE

MINUTES OF FEBRUARY 2, 2021

WESTERN BOUNDARY OF SAID CARRIAGE HILLS, UNIT TWO, RUN AS FOLLOWS: SOUTH 16 DEGREES 14 MINUTES 47 SECONDS WEST 111.93 FEET, SOUTH 22 DEGREES 30 MINUTES 13 SECONDS EAST 170.00 FEET, SOUTH 04 DEGREES 24 MINUTES 43 SECONDS EAST 109.05 FEET, SOUTH 17 DEGREES 08 MINUTES 07 SECONDS WEST 70.0 FEET, SOUTH 00 DEGREES 08 MINUTES 07 SECONDS WEST 665.10 FEET TO THE NORTHWEST CORNER OF CARRIAGE HILLS, UNIT FOUR, ACCORDING TO PLAT RECORDED IN MAP BOOK 26 PAGE 31 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE WESTERN BOUNDARY OF SAID CARRIAGE HILLS UNIT FOUR, RUN AS FOLLOWS: SOUTH 42 DEGREES 38 MINUTES 07 SECONDS WEST 158.00 FEET SOUTH 19 DEGREES 08 MINUTES 51 SECONDS WEST 32.09 FEET, SOUTH 11 DEGREES 06 MINUTES 39 SECONDS EAST 170.00 FEET, SOUTH 00 DEGREES 36 MINUTES 39 SECONDS EAST 250.0 FEET, SOUTH 21 DEGREES 36 MINUTES 39 SECONDS EAST 260 FEET, NORTH 69 DEGREES 08 MINUTES 38 SECONDS EAST 71.40 FEET, SOUTH 08 DEGREES 15 MINUTES 32 SECONDS WEST 225.00 FEET, SOUTH 04 DEGREES 45 MINUTES 32 SECONDS WEST 205.00 FEET TO THE SOUTHWEST CORNER OF SAID CARRIAGE HILLS, UNIT FOUR; THENCE ALONG THE SOUTHERN BOUNDARY OF SAID CARRIAGE HILLS, UNIT FOUR, RUN SOUTH 71 DEGREES 14 MINUTES 28 SECONDS EAST 170.00 FEET TO THE NORTHWEST CORNER OF CARRIAGE HILLS, UNIT FIVE ACCORDING TO PLAT RECORDED IN MAP BOOK 26 PAGE 51 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE WESTERN BOUNDARY OF SAID CARRIAGE HILLS, UNIT FIVE, RUN SOUTH 39 DEGREES 05 MINUTES 43 SECONDS EAST 44.49 FEET TO THE NORTHWEST CORNER OF CARRIAGE HILLS, UNIT SIX ACCORDING TO PLAT RECORDED IN MAP BOOK 26 PAGE 109 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE WESTERN BOUNDARY OF SAID CARRIAGE HILLS, UNIT SIX, RUN AS FOLLOWS: SOUTH 35 DEGREES 47 MINUTES 57 SECONDS WEST 344.67 FEET, SOUTH 82 DEGREES 11 MINUTES 57 SECONDS WEST 84.95 FEET, SOUTH 00 DEGREES 12 MINUTES 03 SECONDS EAST 750.00 FEET, SOUTH 13 DEGREES 00 MINUTE 57 SECONDS WEST 215.05 FEET TO THE NORTHEAST CORNER OF CHELSEA, UNIT TWO, ACCORDING TO PLAT RECORDED IN MAP BOOK 58 PAGE 121 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE NORTHERN BOUNDARY OF SAID CHELSEA, UNIT TWO RUN AS FOLLOWS: NORTH 67 DEGREES 58 MINUTES 45 SECONDS WEST 23.28 FEET, SOUTH 73 DEGREES 23 MINUTE 36 SECONDS WEST 37.80 FEET, SOUTH 88 DEGREES 01 MINUTES 28 SECONDS WEST 100.40 FEET, NORTH 78 DEGREES 17 MINUTES 13 SECONDS WEST 38.00 FEET, SOUTH 73 DEGREES 35 MINUTES 25 SECONDS WEST 45.53 FEET, SOUTH 83 DEGREES 56 MINUTES 56 SECONDS WEST 82.26 FEET, SOUTH 80 DEGREES 05 MINUTES 10 SECONDS WEST 84.51 FEET, SOUTH 77 DEGREES 36 MINUTES 42 SECONDS WEST 96.74 FEET, SOUTH 69 DEGREES 00 MINUTES 48 SECONDS WEST 145.45 FEET, NORTH 66 DEGREES 00 MINUTES 52 SECONDS WEST 87.50 FEET, NORTH 70 DEGREES 01 MINUTES 43 SECONDS WEST 28.57 FEET, SOUTH 80 DEGREES 43 MINUTES 13 SECONDS WEST 55.18 FEET, SOUTH 44 DEGREES 07 MINUTES 19 SECONDS WEST 42.54 FEET, SOUTH 70 DEGREES 36 MINUTES 08 SECONDS WEST 149.28 FEET, SOUTH 44 DEGREES 56 MINUTES 38 SECONDS WEST 250 FEET, MORE OR LESS TO THE CENTER OF MILKHOUSE CREEK THENCE ALONG THE MEANDERING OF SAID CENTER OF MILKHOUSE CREEK RUN NORTHWARDLY 1350 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SHADOW CREEK, ACCORDING TO PLAT RECORDED IN MAP BOOK 84 PAGE 40 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE EASTERN BOUNDARY OF SAID SHADOW CREEK, SAID EASTERN BOUNDARY BEING THE CENTER OF MILKHOUSE CREEK RUN NORTHWARDLY 200 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SHADOW CREEK, SAID CORNER BEING THE SOUTHEAST CORNER OF CHARLESTON OAKS, UNIT FOUR, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 52 PAGE 77 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE EASTERN BOUNDARY OF SAID CHARLESTON OAKS, UNIT FOUR SAID EASTERN BOUNDARY BEING THE CENTER OF MILKHOUSE CREEK RUN NORTHWARDLY 620 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID CHARLESTON OAKS, UNIT FOUR, SAID

MINUTES OF FEBRUARY 2, 2021

POINT BEING THE SOUTHEAST CORNER OF CHARLESTON OAKS, UNIT FIVE ACCORDING TO PLAT RECORDED IN MAP BOOD 53 PAGE 31 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF MOBILE COUNTY, ALABAMA; THENCE ALONG THE EASTERN BOUNDARY OF CHARLESTON OAKS, UNIT FIVE, SAID EASTERN BOUNDARY BEING THE CENTER OF MILKHOUSE CREEK, RUN NORTHWARDLY 1670 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF SAID CHARLESTON OAKS, UNIT FIVE, SAID POINT BEING ON THE NORTH LINE THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5 TOWNSHIP 5 SOUTH RANGE 2 WEST; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5 TOWNSHIP 5 SOUTH RANGE 2 WEST, RUN SOUTH 89 DEGREES 50 MINUTES 05 SECONDS EAST 843.76 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE ALONG THE EAST LINE RUN NORTH 00 DEGREES 09 MINUTES 20 SECONDS WEST 25.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 50 MINUTES 05 SECONDS WEST 451 FEET, MORE OR LESS TO THE CENTER OF MILKHOUSE CREEK; THENCE ALONG SAID CENTER OF MILKHOUSE CREEK RUN NORTHWARDLY 344 FEET, MORE OR LESS TO A POINT THAT WOULD BE A WESTWARD EXTENSION OF THE SOUTHERN BOUNDARY OF THE AFOREMENTIONED ASHVILLE, UNIT ONE; THENCE ALONG SAID EXTENSION AND ALONG SAID SOUTHERN BOUNDARY OF ASHVILLE, UNIT ONE, RUN NORTH 76 DEGREES 18 MINUTES 45 SECONDS EAST 404 FEET MORE OR LESS TO A POINT; THENCE CONTINUING ALONG SAID SOUTHERN BOUNDARY OF ASHVILLE, UNIT ONE RUN NORTH 85 DEGREES 48 MINUTES 45 SECONDS EAST 238.07 FEET TO A POINT; THENCE ALONG THE SOUTHEASTERN BOUNDARY OF ASHVILLE, UNIT ONE, RUN AS FOLLOWS: NORTH 38 DEGREES 35 MINUTES 05 SECONDS EAST 150.00 FEET, NORTH 34 DEGREES 37 MINUTES 21 SECONDS EAST 50.12 FEET, NORTH 43 DEGREES 05 MINUTES 05 SECONDS EAST 165.00 FEET, NORTH 51 DEGREES 09 MINUTES 25 SECONDS EAST 170.38 FEET TO THE POINT OF BEGINNING.

PARCEL B:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 5, RANGE 2 WEST, ST. STEPHENS MERIDIAN AND RUN SOUTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, FOR A DISTANCE OF 1330.59 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 12 MINUTES 50 SECONDS WEST, 3050.01 FEET; THENCE RUN NORTHEASTWARDLY 380 FEET, MORE OR LESS, THENCE RUN NORTHWARDLY 830 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF UNO SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 121, PAGE 22; THENCE RUN SOUTH 88 DEGREES 02 MINUTES 54 SECONDS WEST, 63.01 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 28 SECONDS EAST, 276.71 FEET; THENCE RUN SOUTH 88 DEGREES 47 MINUTES 57 SECONDS EAST, ALONG THE SOUTH MARGIN OF SHADOW CREEK SUBDIVISION, AS SHOWN ON MAP OR PLAT THEREOF RECORDED IN MAP BOOK 84, PAGE 40, FOR A DISTANCE OF 615 FEET, MORE OR LESS TO A POINT IN THE CENTER OF MILKHOUSE CREEK; THENCE RUN SOUTHWARDLY ALONG THE CENTERLINE OF THE MEANDERINGS OF MILKHOUSE CREEK A DISTANCE OF 1350 MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF CHELSEA SUBDIVISION, UNIT TWO AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MAP BOOK 58, PAGE 121, THENCE RUN SOUTH 44 DEGREES 56 MINUTES 38 SECONDS WEST, A DISTANCE OF 42 FEET, MORE OR LESS, THENCE RUN SOUTH 17 DEGREES 28 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID CHELSEA SUBDIVISION, UNIT TWO AND ALSO CHELSEA SUBDIVISION, UNIT ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MAP BOOK 39, PAGE 82, FOR A DISTANCE OF 890.57 FEET, THENCE RUN SOUTH 14 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN SOUTH 04 DEGREES 54 MINUTES 01 SECONDS WEST A DISTANCE OF 430.02 FEET, THENCE RUN SOUTH 16 DEGREES 37 MINUTES 54 SECONDS EAST, A DISTANCE OF 659.14 FEET; THENCE RUN SOUTH 25 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 405.03 FEET; THENCE RUN SOUTH 39 DEGREES 35 MINUTES 49 SECONDS EAST, A DISTANCE OF 200.01 FEET; THENCE RUN SOUTH 00 DEGREES

MINUTES OF FEBRUARY 2, 2021

35 MINUTES 58 SECONDS EAST, A DISTANCE OF 360.02 FEET; THENCE RUN SOUTH 20 DEGREES 42 MINUTES 15 SECONDS EAST, A DISTANCE OF 278.19 FEET; THENCE RUN SOUTH 56 DEGREES 34 MINUTES 43 SECONDS, A DISTANCE OF 412.01 FEET, THENCE RUN NORTH 89 DEGREES 33 MINUTES 29 SECONDS, A DISTANCE OF 1673.23 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from R-1, Single-Family Residential District, R-2, Two-Family Residential District. And B-1, Buffer Business District to R-1, Single-Family Residential District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in an R-1, Single-Family Residential District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an R-1, Single-Family Residential District, until all of the conditions set forth below have been complied with: 1) 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 Rich moved that the ordinance be held over until February 16, 2021, which was seconded by Councilmember Small and the vote was as follows:

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

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

ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO INCLUDE THE REAL PROPERTY BUSINESS PRIVILEGE TAX APPLICABLE TO LESSORS OF RESIDENTIAL BUILDINGS AND DWELLINGS TO THE SCHEDULE OF LICENSES. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

ORDINANCE: 34-003-2021

Sponsored by: Mayor Stimpson

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

WHEREAS, the City wishes to clarify the license fees and requirements for persons engaging in the business of leasing residential buildings and dwellings by adding to the

MINUTES OF FEBRUARY 2, 2021

Schedule of Licenses in Mobile City Code, Chapter 34, a listing for Lessors of Residential Buildings and Dwellings; and,

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

WHEREAS, this Ordinance is enacted to accomplish said goals.

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

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

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

“Schedule of Licenses”

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

MINUTES OF FEBRUARY 2, 2021

NAICS	Code	Title	License Rate
531110	412	Lessors of Residential Buildings and Dwellings	0.002672
531110	412	All owners of real property who engage in renting or leasing of ten or more dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Lessors of Residential Building and Dwellings: All owners of real property who engage in renting or leasing less than ten dwelling units for residential purposes, in addition to any other applicable taxes or fees imposed for owning, renting, or leasing such property. If any location has more than one owner, each owner is jointly and severally responsible for the license fee. A license is required for each separate location. Definitions for the purposes of this license: "dwelling unit" is a single-family residence and each separate family apartment or housing accommodation in multiple-family building. "location" is a parcel as assessed for ad valorem taxes. "owner" is any person who is the holder of record title of any real property, and any assignee thereof. "residential purposes" is a residential occupancy for hire not subject to City Lodging Tax under Article IV of this Chapter. Exemptions: (1) Owner-occupied buildings or owner-occupied dwellings in which there are not more than three (3) dwelling units offered for rent or lease at the same location. A building or	\$25.00 per dwelling unit
		dwelling is owner-occupied only if it is the principal residence of the owner. (2) Residential properties assessed to the Mobile Housing Board Authority. Any owner claiming an exemption under the owner-occupied status, the Mobile Housing Board Authority exemption, or an exemption pursuant to Section 34-65(b), shall file an affidavit with the City Revenue Department which provides the name and address of the owner and property manager (if applicable) for said property, along with a detailed factual basis for the exemption.	

MINUTES OF FEBRUARY 2, 2021

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

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

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

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

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

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be held over until the regular meeting of February 17, 2021, which was seconded by Councilmember Small and the vote was as follows:

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

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

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR FOUR PIERCE FIRE PUMPER TRUCKS, \$2,306,628.00. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-043-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4792</u>	2021	(1510) FIRE ADMINISTRATION	4 PIERCE FIRE PUMPER TRUCKS (H-GAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$2,306,628.00	<u>(294963) EMERGENCY EQUIPMENT PROFESSIONAL, INC</u>

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

MINUTES OF FEBRUARY 2, 2021

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

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

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

APPROVE PURCHASE ORDER TO NXTWALL, LLC FOR ARCHITECTURAL WALL SYSTEM FOR WEST REGIONAL LIBRARY TEEN ROOM, \$47,043.87. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-044-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>2539</u>	2021	(3032) ARCHITECTURAL ENGINEERING	ARCHITECTURAL WALL SYSTEM FOR WEST REGIONAL LIBRARY TEEN ROOM (GSA CONTRACT)	\$47,043.87	<u>(296786)</u> <u>NXTWALL, LLC</u>

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

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

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

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

APPROVE PURCHASE ORDER TO PERSONS SERVICES CORP. FOR 14 ROOM DECONTAMINATION SYSTEMS, \$244,059.26. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

RESOLUTION: 08-045-2021

MINUTES OF FEBRUARY 2, 2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>887</u>	2021	(1530) PPOLICE ADMIN SERVICES	14 AEROCLAVE MODEL 3110 ROOM DECONTAMINATION SYSTEMS (SEALED BID 5498)	\$244,059.26	<u>(296938)</u> <u>PERSONS</u> <u>SERVICES CORP</u>

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

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

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

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

AUTHORIZE CONTRACT WITH SPIRE, LLC FOR MARKETING SERVICES FOR THE PARKS & RECREATION DEPARTMENT, NTE \$50,000.00. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-046-2021

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 SPIRE, LLC, in an amount not to exceed \$50,000.00, for a one-year period, for marketing services, as outlined in the contract attached hereto and made a part hereof as though set forth in full.

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

A copy of said contract is on file in the Office of the City Clerk.

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

MINUTES OF FEBRUARY 2, 2021

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

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

AUTHORIZE CONTRACT WITH MID-WESTERN COMMERCIAL ROOFERS, INC., FOR PUBLIC SAFETY MEMORIAL PARK BUILDING RE-ROOFING, \$72,720.00. The following resolution, which was introduced and read at the regular meeting of January 26, 2021, and held over until the regular meeting of February 2, 2021, was called up by the Presiding Officer.

RESOLUTION: 21-047-2021

Sponsored by: Councilmember Daves and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, that is necessary to perform essential minimum functions of the Council, by and between the City of Mobile, 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: Mid-Western Commercial Roofers, Inc.
Project Name: Public Safety Memorial Park Building – Re-Roofing
Project Number: PR-075-20
Amount: \$72,720.00

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

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

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF ESSENTIAL/COVID-19 ITEMS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Daves moved for the suspension of the rules to consider Essential/Covid-19 items 37-070 – 60-079 and 03-082 being introduced for the first time. The motion was seconded by Councilmember Williams and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

ESSENTIAL/COVID19 ITEMS BEING INTRODUCED:

ORDINANCE TO REZONE PROPERTY LOCATED AT 1590 & 1574 ST. STEPHENS ROAD AND 1563 BASIL STREET (NORTHWEST CORNER OF ST. STEPHENS ROAD AND DUNBAR STREET, EXTENDING TO THE WEST TERMINUS OF BASIL STREET) FROM B-3 AND R-1 TO B-3 (DISTRICT 2). The following resolution was held over until the regular meeting of February 9, 2021.

MINUTES OF FEBRUARY 2, 2021

ORDINANCE: 64-004-2021

Sponsored by: Councilmember Manzie

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

A PARCEL OF LAND LOCATED IN A PORTION OF GRANT SECTION 25, FRACTIONAL TOWNSHIP 04 SOUTH, RANGE 01 WEST IN MOBILE COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 6 OF "LAFAYETTE HEIGHTS" AS RECORDED IN MAP BOOK 133, PAGE 420 IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA, MARKED BY A FOUND 3/4 INCH CRIMPED PIPE; THENCE NORTH 04°08'05" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 6 A DISTANCE OF 191.68 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, MARKED BY A FOUND 3/4 INCH CRIMPED PIPE; THENCE NORTH 89°37'58" WEST ALONG THE NORTHERLY BOUNDARY LINE OF LOT 7, BLOCK 6 OF SAID SUBDIVISION A DISTANCE OF 49.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, MARKED BY A FOUND 1 1/2 INCH OPEN PIPE; THENCE NORTH 87°39'54" WEST ALONG THE NORTHERLY BOUNDARY LINE OF LOT 8, BLOCK 6 OF SAID SUBDIVISION A DISTANCE OF 50.22 FEET TO THE NORTHWEST CORNER OF SAID LOT 8, MARKED BY A FOUND 4 INCH BY 4 INCH CONCRETE MONUMENT; THENCE NORTH 04°20'22" EAST ALONG THE NORTHERLY BOUNDARY LINE OF "MCKINLEY SUBDIVISION" AS RECORDED IN MAP BOOK 113, PAGE 29, A DISTANCE OF 10.14 FEET TO A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE NORTH 44°27'26" WEST ALONG THE NORTHERLY BOUNDARY LINE OF SAID "MCKINLEY SUBDIVISION" A DISTANCE OF 96.44 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION AND THE NORTHEAST CORNER OF AN EXISTING ALABAMA POWER COMPANY (APCO) SUBSTATION AS RECORDED IN RECORD 270, PAGES 321 - 324, MARKED BY A FOUND 2 INCH CAPPED PIPE; THENCE CONTINUE NORTH 44°27'26" WEST ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID (APCO) SUBSTATION A DISTANCE OF 8.00 FEET TO THE NORTHERN MOST CORNER OF SAID APCO SUBSTATION, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTH 32°03'29" WEST ALONG THE WESTERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 274.00 FEET TO A POINT, MARKED BY A FOUND 6 INCH BY 6 INCH CONCRETE MONUMENT STAMPED "STA 11+40"; THENCE CONTINUE SOUTH 32°03'29" WEST ALONG THE WESTERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 14.60 FEET TO THE SOUTHWEST CORNER OF SAID APCO SUBSTATION; THENCE SOUTH 54°19'52" EAST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 149.44 FEET TO THE SOUTHEAST CORNER OF SAID APCO SUBSTATION, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE NORTH 06°36'09" EAST ALONG THE EASTERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 27.64 FEET TO THE SOUTHWEST CORNER OF SAID "MCKINLEY SUBDIVISION" AND ROAD RIGHT-OF-WAY DEDICATED BY SAID "MCKINLEY SUBDIVISION", MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTH 56°49'31" EAST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID "MCKINLEY SUBDIVISION" AND ROAD RIGHT-OF-WAY DEDICATED BY SAID "MCKINLEY SUBDIVISION" A DISTANCE OF 192.12 FEET TO A POINT, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE NORTH 05°00'26" EAST ALONG THE EASTERLY BOUNDARY LINE OF SAID "MCKINLEY SUBDIVISION" A DISTANCE OF 132.93 FEET TO A POINT ON THE SOUTHERLY LINE

MINUTES OF FEBRUARY 2, 2021

OF SAID LOT 7, MARKED BY A FOUND 5/8 INCH CAPPED REBAR STAMPED "ROWELL"; THENCE SOUTH 85°03'00" EAST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LOT 7 A DISTANCE OF 14.30 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT A STRIP OF LAND (STRIP #1), DEDICATED FOR ADDITIONAL BASIL STREET RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID SOUTHWEST CORNER OF LOT 6, BLOCK 6 OF "LAFAYETTE HEIGHTS" AS RECORDED IN MAP BOOK 133, PAGE 420 IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA, MARKED BY A FOUND 3/4 INCH CRIMPED PIPE; THENCE NORTH 04°08'05" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 6 A DISTANCE OF 188.25 FEET TO A POINT 25' FROM THE CENTERLINE OF BASIL STREET, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO", SAID POINT BEING THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED; THENCE CONTINUE NORTH 04°08'05" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 6 A DISTANCE OF 3.43 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, MARKED BY A FOUND 3/4 INCH CRIMPED PIPE; THENCE NORTH 89°37'58" WEST ALONG THE NORTHERLY BOUNDARY LINE OF LOT 7, BLOCK 6 OF SAID SUBDIVISION A DISTANCE OF 49.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, MARKED BY A FOUND 1 1/2 INCH OPEN PIPE; THENCE NORTH 87°39'54" WEST ALONG THE NORTHERLY BOUNDARY LINE OF LOT 8, BLOCK 6 OF SAID SUBDIVISION A DISTANCE OF 50.22 FEET TO THE NORTHWEST CORNER OF SAID LOT 8, MARKED BY A FOUND 4 INCH BY 4 INCH CONCRETE MONUMENT; THENCE SOUTH 04°20'22" WEST A DISTANCE OF 4.08 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 8 TO A POINT 25' FROM THE CENTERLINE OF SAID BASIL STREET, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTH 89°00'47" EAST A DISTANCE OF 99.57 FEET ALONG A LINE 25' OFFSET FROM THE CENTERLINE OF SAID BASIL STREET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPT A STRIP OF LAND (STRIP #2), DEDICATED FOR ADDITIONAL ST. STEPHENS ROAD RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 6 OF "LAFAYETTE HEIGHTS"; AS RECORDED IN MAP BOOK 133, PAGE 420 IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA, MARKED BY A FOUND 3/4 INCH CRIMPED PIPE; THENCE NORTH 85°03'00" WEST ALONG THE SOUTHERLY BOUNDARY LINE OF LOT 7, BLOCK 6 OF SAID SUBDIVISION A DISTANCE OF 14.30 FEET TO A POINT, MARKED BY A FOUND 5/8 INCH CAPPED REBAR STAMPED "ROWELL"; THENCE SOUTH 05°00'26" WEST ALONG THE EASTERLY BOUNDARY LINE OF "MCKINLEY SUBDIVISION", AS RECORDED IN MAP BOOK 113, PAG 29, A DISTANCE OF 132.93 FEET TO THE SOUTHEAST CORNER OF SAID "MCKINLEY SUBDIVISION" AND ROAD RIGHT-OF-WAY DEDICATED BY SAID "MCKINLEY SUBDIVISION", MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO", SAID POINT BEING THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED; THENCE NORTH 56°49'31" WEST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID "MCKINLEY SUBDIVISION" AND ROAD RIGHT-OF-WAY DEDICATED BY SAID "MCKINLEY SUBDIVISION" A DISTANCE OF 192.12 FEET TO A POINT, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTH 06°36'09" WEST ALONG THE EASTERLY BOUNDARY LINE OF AN EXISTING ALABAMA POWER COMPANY (APCO) SUBSTATION AS RECORDED IN RECORD 270, PAGES 321 ~ 324, A DISTANCE OF 27.64 FEET TO THE SOUTHEAST CORNER OF SAID APCO SUBSTATION, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE NORTH 54°19'52" WEST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 149.44 FEET TO THE SOUTHWEST CORNER OF SAID APCO SUBSTATION; THENCE NORTH 32°03'29" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID APCO SUBSTATION A DISTANCE OF 14.60 FEET TO A FOUND 6 INCH BY 6 INCH CONCRETE MONUMENT STAMPED "STA 11+40"; THENCE CONTINUE NORTH 32°03'29" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID APCO

MINUTES OF FEBRUARY 2, 2021

SUBSTATION A DISTANCE OF 30.60 FEET TO A POINT, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTHEASTERLY A CHORD BEARING OF SOUTH 11°27'04" EAST AND A CHORD DISTANCE OF 32.49 FEET ALONG A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST (CURVE TO THE LEFT) HAVING A RADIUS OF 25.00 FEET TO A POINT 50' FROM THE CENTERLINE OF ST. STEPHENS ROAD, MARKED BY A SET 5/8 INCH CAPPED REBAR "APCO"; THENCE SOUTH 54°57'37" EAST A DISTANCE OF 29.38 FEET ALONG A LINE 50' OFFSET FROM THE CENTERLINE OF SAID ST. STEPHENS ROAD TO A POINT, MARKED BY A SET 5/8 INCH CAPPED REBAR STAMPED "APCO"; THENCE SOUTH 56° 13'46" EAST A DISTANCE OF 277.76 FEET ALONG A LINE 50' OFFSET FROM THE CENTERLINE OF SAID ST. STEPHENS ROAD TO THE POINT OF BEGINNING.

ALL BEARINGS BASED ON ALABAMA STATE PLANE WEST ZONE GRID NORTH.

SAID PARCEL OF LAND, (MINUS 0.01 ACRES, MORE OR LESS, FOR ADDITIONAL BASIL STREET RIGHT-OF-WAY AND MINUS 0.09 ACRES, MORE OR LESS, FOR ADDITIONAL ST. STEPHENS ROAD) CONTAINING 1.59 ACRES, MORE OR LESS.

The classification of said property is hereby changed from B-3, Community Business District and R-1, Single-Family Residential District to B-3, Community Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in an B-3, Community Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an B-3, Community Business District, until all of the conditions set forth below have been complied with: 1) enclosure of the site within a solid masonry wall or wood fence at least eight feet high to obstruct view, noise and passage of persons; 2) completion of the Rezoning process prior to signing the Final Plat for the Subdivision; 3) denial of direct access to Basil St; and 4) 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.

ORDINANCE TO REZONE PROPERTY LOCATED AT 4583 CYPRESS BUSINESS PARK DRIVE (WEST SIDE OF CYPRESS BUSINESS PARK DRIVE, EXTENDING TO THE EAST SIDE OF INTERSTATE 10) FROM B-3 AND B-5 TO B-5 (OFFICE DISTRIBUTION DISTRICT) (DISTRICT 4). The following resolution was held over until the regular meeting of February 9, 2021.

ORDINANCE: 64-005-2021

Sponsored by: Councilmember Williams

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known, as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN NORTH WEST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 1

MINUTES OF FEBRUARY 2, 2021

WEST OF STEPHENS MERIDIAN AT MOBILE , MOBILE COUNTY ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR FOUND AT THE INTERSECTION OF THE NORTHWEST R/W LINE OF CYPRESS BUSINESS PARK DRIVE (60' PUBLIC R/W) WITH THE NORTHWEST R/W LINE OF HIGGINS ROAD (50' PUBLIC R/W) THENCE FROM SAID POINT N 76°46'16" W A DISTANCE OF 138.60' TO A POINT; THENCE N 13°16'44" E A DISTANCE OF 64.89' TO A 5/8" REBAR FOUND; THENCE N 76°48'15" W A DISTANCE OF 39.64' TO A 5/8" REBAR FOUND; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N 77°01'13" W A DISTANCE OF 20.43 FEET TO A POINT; THENCE S 13°06'23" W A DISTANCE OF 64.72 FEET TO A POINT; THENCE N 76-20'19" W A DISTANCE OF 123.27 FEET TO A POINT; THENCE N 45°45'46" W A DISTANCE OF 300.50 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 564.801 FEET TO A POINT, A DELTA ANGLE OF 25° 12' 57.11", AND WHOSE LONG CHORD BEARS N 33-9-17.024 W A DISTANCE OF 246.57 FEET TO A POINT; THENCE N 20°47'43" W A DISTANCE OF 924.60 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 788.41 FEET TO A POINT, A DELTA ANGLE OF 15° 38' 08.66", AND WHOSE LONG CHORD BEARS N 12-58-39.023 W A DISTANCE OF 214.49 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 791.021 FEET TO A POINT, A DELTA ANGLE OF 34° 17' 31.85", AND WHOSE LONG CHORD BEARS N 11-59-11.231 E A DISTANCE OF 466.40 FEET TO A POINT; THENCE N 29°05'58" E A DISTANCE OF 446.14 FEET TO A POINT; THENCE N 59°52'45" W A DISTANCE OF 40.04 FEET TO A POINT; THENCE N 25°43'12" E A DISTANCE OF 225.96 FEET TO A POINT; THENCE S 89°47'07" E A DISTANCE OF 393.29 FEET TO A POINT; THENCE S 65-00'30"E A DISTANCE OF 461.56 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 176.653 FEET TO A POINT, A DELTA ANGLE OF 16° 59' 03", AND WHOSE LONG CHORD BEARS S 6°22'14" W A DISTANCE OF 52.17 FEET TO A POINT; THENCE S 00-01'12" W A DISTANCE OF 319.15 FEET TO A POINT; THENCE N 89°55'53" W A DISTANCE OF 300.12 FEET TO A POINT; THENCE S 00-07'26" W A DISTANCE OF 219.84 FEET TO A POINT; THENCE S 00°02'-40" E A DISTANCE OF 200.17 FEET TO A POINT; THENCE S 00-04'58" W A DISTANCE OF 325.56 FEET TO A POINT; THENCE S 00-02'01" W A DISTANCE OF 174.36 FEET TO A POINT; THENCE S 00°05'21" W A DISTANCE OF 249.93 FEET TO A POINT; THENCE S 89°56'-35" E A DISTANCE OF 299.85 FEET TO A POINT; THENCE S 00°01'45" E A DISTANCE OF 50.00 FEET TO A POINT; THENCE N 89°56'-35" W A DISTANCE OF 299.92 FEET TO A POINT; THENCE S 00-00-52" W A DISTANCE OF 98.04 FEET TO A POINT; THENCE S 89°53'40" E A DISTANCE OF 299.99 FEET TO A POINT; THENCE S 00-01'45" E A DISTANCE OF 60.00 FEET TO A POINT; THENCE N 89°54'11" W A DISTANCE OF 300.00 FEET TO A POINT; THENCE S 00°02'25" W A DISTANCE OF 241.95 FEET TO A POINT; THENCE S 89°53'11" E A DISTANCE OF 300.00 FEET TO A POINT; THENCE S 00°01'-45" E A DISTANCE OF 50.00 FEET TO A POINT; THENCE N 89°53'11" W A DISTANCE OF 300.00 FEET TO A POINT; THENCE S 00°03'59" W A DISTANCE OF 292.83 FEET TO A POINT; THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 42.832 ACRES OR 1,865,776 SQ. FT.

The classification of said property is hereby changed from B-3, Community Business District, and B-5, Office-Distribution District, to B-5, Office Distribution District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-5, Office Distribution District, provided. however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-5, Office Distribution District until all of the conditions set forth below have been complied with:

(1) Compliance with the Engineering Comments:

MINUTES OF FEBRUARY 2, 2021

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).

2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.

3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters);

(2) Prior to the issuance of a certificate of occupancy, the Developer will be required to complete, or cause to be completed, the off-site roadway improvements recommended in the Kimley Horn December 2020 Traffic Study, or alternate improvements as approved by the City Traffic Engineering Department, or to provide a bond for the timely completion of the improvements, for the benefit of the City and satisfactory to the City in all respects; 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.

ORDINANCE TO AMEND CHAPTER 64 OF THE CITY CODE AND TO CREATE CHAPTER 65 RELATING TO URBAN FORESTRY, THE MOBILE TREE COMMISSION AND TREE PROTECTION AND MANAGEMENT. The following resolution was held over until the regular meeting of February 9, 2021.

ORDINANCE: 65-006-2021

Sponsored by: Mayor Stimpson

AN ORDINANCE TO AMEND CHAPTER 64 OF THE MOBILE CITY CODE AND TO CREATE CHAPTER 65 OF THE MOBILE CITY CODE RELATING TO URBAN FORESTRY, THE MOBILE TREE COMMISSION, AND TREE PROTECTION AND MANAGEMENT

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

SECTION ONE. That Section 64-4.H., Tree Protection Requirements, is hereby deleted from the Zoning Ordinance, Chapter 64 of the Mobile City Code.

SECTION TWO. That Chapter 65 to the Mobile City Code, to be entitled Tree Protection and Management, is hereby created and adopted so that it reads in its entirety as follows:

Chapter 65 – Tree Protection and Management

MINUTES OF FEBRUARY 2, 2021

Article I. General Purposes and Application.

1. Purposes. This Chapter is intended:

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

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

Article II. Definitions.

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

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

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

MINUTES OF FEBRUARY 2, 2021

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

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

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

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

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

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

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

Heritage Tree, existing: Any of the following list of trees which is at least 24 inches DBH: bald cypress (*Taxodium distichum*); hickory (*Carya* spp.); longleaf pine (*Pinus palustris*); Magnolia (*Magnolia* spp.); Oak (*Quercus* spp.), excluding water oak (*Quercus nigra*); river birch (*Betula nigra*); sweet gum (*Liquidambar styraciflua*); sycamore (*Platanus occidentalis*); and yellow poplar (*Liriodendron tulipifera*). In Historic Districts, Heritage Trees include the species previously noted, but have a minimum size of at least eight (8) inches DBH.

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

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

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

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

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

MINUTES OF FEBRUARY 2, 2021

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

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

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

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

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

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

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

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

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

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

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

Article III. Urban Forestry.

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

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

a. Direct the enforcement of this Chapter;

MINUTES OF FEBRUARY 2, 2021

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

Article IV. Mobile Tree Commission.

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

MINUTES OF FEBRUARY 2, 2021

h. The Commission shall cooperate with and coordinate its activities with the Urban Forestry Department, the Public Works Department, the Parks and Recreation Department, and other City departments. All departments of the City shall cooperate with the Commission in the exercise and discharge of the Commission's duties.

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

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

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

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

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

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

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

l. On or before the 1st day of March in each year, the Commission shall make a written report to the Mayor, the City Council, and the Planning Commission which report shall state:

i. The number of heritage trees and heritage live oak trees preserved during the previous twelve (12) months;

ii. The number of public trees and new heritage trees planted during the previous twelve (12) months;

iii. The contributions accepted by the Commission during the previous twelve (12) months and all expenditures of the Commission during that same time period; and

iv. Other pertinent information.

Article V. Tree Trails.

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

a. Government Street

b. Dauphin Street

c. Michigan Avenue

MINUTES OF FEBRUARY 2, 2021

- d. Park Avenue
- e. Houston Street
- f. Old Shell Road
- g. Springhill Avenue
- h. The Avenue of Oaks
- i. Dauphin Island Parkway, south of Interstate 10.

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

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

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

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

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

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

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

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

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

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

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

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

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

MINUTES OF FEBRUARY 2, 2021

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

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

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

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

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

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

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

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

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

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

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

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

Article VII. Trimming or Removal of Public Trees.

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

2. No Public Tree located on any City property other than a public right-of-way shall be removed without first filing a notice of intent with the Tree Commission at least two (2)

MINUTES OF FEBRUARY 2, 2021

weeks prior to obtaining a Resolution of Authority from the City Council. Said resolution and notice of intent requirements shall be in lieu of obtaining a permit from the Urban Forester. The foregoing provision shall not apply to public trees whose removal is authorized by the Urban Forester.

Article VIII. Tree Protection

1. Tree protection during construction.

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

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

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

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

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

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

Article IX. Tree Trimming/Removal Companies.

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

2. Display of permit; inspection.

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

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

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

MINUTES OF FEBRUARY 2, 2021

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

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

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

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

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

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

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

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

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

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

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

Article X. Tree Abuse.

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

MINUTES OF FEBRUARY 2, 2021

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

Article XI. Enforcement.

1. Interference with the Urban Forester. No person shall hinder, prevent, delay, or interfere with the Urban Forester, the Tree Commission, or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality.
2. Punishment. Any person found guilty of violating any of the provisions of this Chapter shall be punished as prescribed in Chapter 1, Article II, Division 2, Mobile City Code, with a fine not to exceed five hundred dollars (\$500) per violation, plus court costs, or by community service for a period not exceeding six (6) months, or by both fine and imprisonment and/or community service at the discretion of the judge.

SECTION THREE. The provisions of this Ordinance are supplemental and shall not be construed to repeal any other ordinance or law except to the extent of any conflict, in which case the provisions of this Ordinance shall prevail.

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

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

APPROVE PURCHASE ORDER TO AIRGAS USA LLC. FOR 10 RESPIRATOR KITS, \$18,133.50. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 08-062-2021

MINUTES OF FEBRUARY 2, 2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3378</u>	2021	(1510) FIRE ADMINISTRATION	10 MSA G1 PREMAIRE ESCAPE RESPIRATOR KITS (SEALED BID 5503)	\$18,133.50	<u>(291178) AIRGAS USA LLC</u>

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

APPROVE PURCHASE ORDER TO UJ CHEVROLET CO. INC, FOR CHEVROLET SILVERADO PICKUP TRUCK, \$27,632.54. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 08-063-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4718</u>	2021	(F7000) MOTOR POOL	CHEVROLET SILVERADO 4X2 ½ TON CREW CAB PICKUP TRUCK (SEALED BID 5473)	\$27,632.54	<u>(210000) UJ CHEVROLET CO INC</u>

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

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES INC. FOR THREE (3) FORD F250 TRUCKS, \$107,970.00. The following resolution was held over until the regular meeting of February 9, 2021.

MINUTES OF FEBRUARY 2, 2021

RESOLUTION: 08-064-2021

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>704</u>	2021	(F7000) MOTOR POOL	3 FORD F250 EXTENDED CAB TRUCKS WITH KNAPHEIDE 696 UTILITY BODY (SEALED BID 5497)	\$107,970.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

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

APPROVE PURCHASE ORDER TO DREAMSEATS LLC FOR FURNITURE FOR FIRE STATIONS, \$17,017.68. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 08-065-2021

Sponsored by: Mayor Stimpson

MINUTES OF FEBRUARY 2, 2021

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4622</u>	2021	(1510) FIRE ADMINISTRATION	CHAIRS, RECLINERS, SOFAS AND BEDFRAMES FOR FIRE STATIONS (TIPS COOPERATIVE PURCHASING AGREEMENT, NOT FOR LOWER PRICE ON STATE CONTRACT)	\$17,017.68	<u>(295300)</u> <u>DREAMSEATS</u> <u>LLC</u>

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

APPROPRIATE \$1,878,000 FROM THE 2020 ALABAMA MUNICIPAL GOVERNMENT TRUST ALLOCATION TO VARIOUS CAPITAL PROJECTS. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 09-066-2021

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,878,000 be appropriated in the Municipal Government Capital Improvement Fund (Fund 2010; Revenue Code CAR01 Annual Capital Trust Revenue) to the following Capital Projects:

C0029	Public Bldg Maintenance	100,000.00
New	Mus of Art/HVAC & Bldg Impr	60,000.00
DRC21	Citywide Drainage Repairs	100,000.00
BRC21	Citywide Bridge & Culvert Repairs	200,000.00
C0019	Public Facility Improvements	150,000.00
C0472	Traffic Engineering-I-165 – I-10	300,000.00
C0166	AfricaTown Welcome Center	50,000.00
C0499	Police Dept-GC Tech Center	200,000.00
New	Restore-St. Louis St (1/2)	175,000.00
C0031	Facility Maintenance	100,000.00
C0534	Citywide Safety Improvements	48,000.00
C0100	Police Headquarters Upgrades	100,000.00
New	Tennis Center-Video Cam-Courts	95,000.00

MINUTES OF FEBRUARY 2, 2021

New	Azalea City Golf-Range Building	150,000.00
New	Azalea City Golf-Equip Cover	50,000.00

AUTHORIZE CONTRACT WITH SOUTHERN EARTH SCIENCES, INC. FOR BI-ANNUAL GROUND WATER SAMPLING, STATISTICAL EVALUATIONS AND GROUND WATER MONITORING REPORTS FOR BOTH BATES C & D LANDFILL AND HICKORY STREET LANDFILL, \$56,538.90. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 21-067-2021

Sponsored by: Councilmembers Manzie & Gregory and Mayor Stimpson

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

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

Name of Company: Southern Earth Sciences, Inc.

Project Name: Annual Landfill Sampling Requirements for Bates C&D Landfill and Hickory Street Landfill (D2, D7)

Project No. 2021-3005-05

Estimated Cost: \$56,538.90

AUTHORIZE CONTRACT WITH D.O.T CONSTRUCTION SERVICES, INC., FOR 2019 MISCELLANEOUS DRAINAGE REPAIRS (GROUP A), COM PROJECT NO. 2019-3005-03 (D# 2, 3, &4); \$775,946.00. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 21-068-2021

Sponsored by: Councilmembers Manzie, Small & Williams & Mayor Stimpson

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

WHEREAS, bids for drainage repair for districts 2, 3, & 4 were received and opened November 25, 2020.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from D.O.T Construction Services, Inc., in the amount of \$775,946.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by D.O.T Construction Services, 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

MINUTES OF FEBRUARY 2, 2021

and made a part hereof as through set for in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: D.O.T Construction Services, Inc.
Project Name: 2019 Miscellaneous Drainage Repairs (Group A) (D#2, 3, & 4)
Project Number: 2019-3005-03
Amount: \$775,946.00

AUTHORIZE FY20 ASSISTANCE TO FIREFIGHTERS GRANT (AFG), CITY’S PORTION \$288,838.50. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 31-069-2021

Sponsored by: Mayor Stimpson

WHEREAS, the City Council of the City of Mobile, Alabama, finds that the subject of this Resolution is either necessary to respond to COVID 19, or necessary to perform essential minimum functions of the Council, the Mayor is authorized to apply, accept and receive from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), a Notice of Award for grant assistance in the approximate amount of \$288,385.00 for the FY 2020 Assistance to Firefighters Grant Program.

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

BE IT FURTHER RESOLVED that the Council authorizes the expenditure of 10% matching funds in the amount of \$28,838.50 in the event this grant is received.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE FOR AGAVE MEXICAN RESTAURANT, 5556 OLD SHELL ROAD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-070-2021

Sponsored by: Councilmember Gregory

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

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

Type of application: Restaurant Retail Liquor
Submitted by; Agave Corporation DBA Agave Mexican Restaurant
Location: Agave Mexican Restaurant
5556 Old Shell Road

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

MINUTES OF FEBRUARY 2, 2021

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

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

DECLARE THE STRUCTURE AT 2762 THOMPSON DRIVE NORTH A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-071-2021

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 2762 THOMPSON DRIVE N has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2762 THOMPSON DRIVE N as:

S 1/2 OF E 140 FT OF LOT 24 BLOCK 1 MERTZ CT SUB MBK 3 P 537-8 #SEC 51 T4S R1W #MP29 09 51 0 006

Parcel Number: 29 09 51 0 006 010.01

Last Assessed to: ENGLISH RUFUS

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

MINUTES OF FEBRUARY 2, 2021

DECLARE THE STRUCTURE AT 1907 ST. MONICA DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-072-2021

Sponsored by: Councilmember Small

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances,” adopted December 5, 2017, the accessory structure at 1907 ST. MONICA 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, 6, 8, and 15; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1907 ST. MONICA DRIVE as:

LOT 10, 1ST UNIT OF STEINWOOD MBK 5 P 444 #SEC 33 T4S R1W #MP29 11 33 3 000

Parcel Number: 29 11 33 3 000 019

Last Assessed to: WHIGHAM JOSEPH & VERA M

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

DECLARE THE STRUCTURE AT 854 PETTUS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-073-2021

Sponsored by: Councilmember Small

MINUTES OF FEBRUARY 2, 2021

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 854 PETTUS STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 854 PETTUS STREET as:

LOT 11 & 18 BLK B TERRY SUB CHOCTAW PT TRT DBK 80/327 GRANT SEC 37 T4S R1W #SEC 37 T4S R1W #MP29 10 37 0 008

Parcel Number: 29 10 37 0 008 160

Last Assessed to: CURRY TOMMIE & ANNA H C/O VIVIAN PRIMM

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

DECLARE THE STRUCTURE AT 1709 MARENGO DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-074-2021

Sponsored by: Councilmember Williams

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, “Abatement of Unsafe Buildings and Structural Nuisances,” adopted December 5, 2017, the accessory structure at 1709 MARENGO 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, 6, 7, 8, and 15; and

MINUTES OF FEBRUARY 2, 2021

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 1709 MARENGO DRIVE as:

LOT 143 GULF MANOR FIRST AD D MBK 8 P 159 #SEC 36 T5S R1W #MP32 03 36 0 004

Parcel Number: 32 03 36 0 004 024

Last Assessed to: JACKSON ALFRED

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

DECLARE THE STRUCTURE AT 4241 FURMAN DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-075-2021

Sponsored by: Councilmember Williams

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 4241 FURMAN 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, 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 4241 FURMAN DRIVE as:

MINUTES OF FEBRUARY 2, 2021

LOT 189 EVERGREEN GARDENS UNIT 2 MBK 5 P 699 #SEC 24 T5S R2W #MP33 06 24 3 002

Parcel Number: 33 06 24 3 002 015

Last Assessed to: WALKER LINDA

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

DECLARE THE STRUCTURE AT 714 IRIS AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-076-2021

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 714 IRIS AVENUE has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 714 IRIS AVENUE as:

BEG AT PT ON W/L OF IRIS AVE 637.5 FT N OF HOWELL AVE SD PT BEING PRESENT SE COR OF LOT 7 SHANNON HGTS MBK 3/307 RUN NLY ALG SD IRIS AVE 70 FT TO PT TH WITH AN INT ANG OF 89 DEG 45 MIN RUN WLY 150 FT TO PT TH WITH AN INT ANG OF 90 DEG 15 MIN RUN SLY 70 FT TO PT ON S/L OF SD LOT 7 TH WITH AN INT ANG OF 89 DEG 45 MIN RUN ELY 150 FT TO POB #SEC 29 T4S R1W #MP29 09 29 3 002

Parcel Number: 29 09 29 3 002 030.01

Last Assessed to: BRADLEY VALERIE & MICHAEL

MINUTES OF FEBRUARY 2, 2021

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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1607. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-077-2021

RESOLUTION ASSESSING THE COST OF REMOVAL OF NOXIOUS OR DANGEROUS WEEDS IN FRONT OF OR ON CERTAIN PARCELS OF LAND IN THE CITY OF MOBILE, ALABAMA.

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling such weeds, and the City Council being of the opinion that such report in all respects be confirmed.

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF MOBILE as follows:

Section 1. The amount set opposite each described parcel of real property contained in exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Weed Lien Group #1607 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

Section 2. It is directed that a copy of this resolution be delivered to the Tax Collector of the City of Mobile, and it shall be his duty to add the amounts of the above respective assessments to the next regular bills for ad valorem taxes levied against the said respective lots and parcels of land for municipal purposes, and such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedure on foreclosure and sale as in the case of delinquency as provided for ordinary ad valorem taxes.

MINUTES OF FEBRUARY 2, 2021

WEED LIEN						
1607						Res. No.
9/8/2020	LOTS TO BE DECLARED					58-
10/13/2020	LOTS FOR PUBLIC HEARING					58-
2/2/2021	LOTS TO BE ASSESSED FOR COST					58-
				Amount	Dis	N/A
No.	Address	SRO No.	CASE #	Assessed		CBO
1	1910 Belle Cour Dr N	6410	7427	\$ 50.00	3	CBO
2	2653/A/k/a 2651 Hayles St	6428	7428	\$ 219.00	1	
3	1827 St Charles St	6616	7429	\$ 175.00	1	
4	56 S Lafayette St	5997	7430	\$ 245.00	2	
5	0 Rochester St/3202 Rochester St (VL)	6190	7431	\$ 205.00	1	
6	2057 Hathcox St	6004	7432	\$ 219.68	1	
7	2665 McKinney St (VL)	5973	7433	\$ 182.00	1	
8	1573 Limerick St F/k/a 1573 Dominick St	6663	7434	\$ 348.00	3	
9	307 Stocking St	6669	7435	\$ 383.73	3	
10	711 Dauphin Island Pkwy	4969	7436	\$ 321.00	3	
11	718 Johnston Ave (VL)	6058	7437	\$ 383.78	3	
12	2854 Josephine St	5802	7438	\$ 210.00	1	
13	1709 Marengo Dr	6101	7439	\$ 399.59	3	
14	2105 Riverside Dr	6020	7443	\$ 50.00	3	CBO
15	551 English St (VL)	5859	7444	\$ 260.00	2	
16	1357 Spruce St (VL)	5699	7445	\$ 196.00	2	
17	1356 Spruce St (VL)	5695	7446	\$ 210.00	2	
18	8 Lemoyne Pl (VL)	6462	7447	\$ 50.00	2	CBO
19	1101 Basil St (VL)	6018	7448	\$ 234.00	2	
				\$ 4,341.78		
District total for this group		Numbers of lots cut				
1	6		1			
2	6		2			
3	7		3			
4	0		4			
5	0		5			
6	0		6			
7	0		7			
	19		0			
*ADD Added in from other Groups		*CBC Cut By Contractor				
*CBO Cut By Owner		*UDL Undeveloped Lot				
*N/A Taken out by Inspector						

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

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

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

APPROVE AWARD OF SPECIAL BONUS TO THE PARKS & RECREATION DEPARTMENT EMPLOYEE OF THE MONTH (CASSANDRA PETTWAY). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-078-2021

MINUTES OF FEBRUARY 2, 2021

Sponsored by: Mayor Stimpson

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

- February 2021 – Cassandra Pettway (Employee # 17631) Parks & Recreation

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

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

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

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

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

DETERMINE AN APPROPRIATION TO THE PROVIDENCE FOUNDATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$2,000.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-079-2021

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate \$2,000.00 to Providence Foundation for its Festival of Flowers, from her discretionary funds; and

WHEREAS, Providence Foundation 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 Providence Foundation will be used for their annual Festival of Flowers “Seminars and Demonstration Venue” to be held March 12th and 13th, 2021 at the Cathedral Square in downtown Mobile, 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 \$2,000.00 to Providence Foundation 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 that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

MINUTES OF FEBRUARY 2, 2021

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

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

APPROVE SETTLEMENT AGREEMENT WITH JOHN & PATRICIA BURKE CONCERNING 1775 PAKE AVENUE, 1801 PAKE AVENUE, & 2320 BOYKIN BOULEVARD. The following resolution was held over until the regular meeting of February 9, 2021.

RESOLUTION: 60-080-2021

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 and directed to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the settlement agreement arising out that certain civil action styled as "John Burke & Patricia Burke v. City of Mobile, Alabama, and the City Council of Mobile, Alabama," Mobile County Circuit Court Case No. CV-2020-902143, which constitutes an appeal of property demolitions determined by the City and City Council as to properties at 1775 Pake Ave., 1801 Pake Ave., and 2320 Boykin Blvd., Mobile, Alabama. This settlement does not include any payment to the Burkes by the City of Mobile. A copy of said settlement agreement is on file in the Office of the City Clerk.

APPOINT ANDREW THIGPEN TO THE SHORT-TERM RENTAL CITIZENS' ADVISORY COMMITTEE. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-082-2021

Sponsored by: City Council

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Andrew Thigpen is appointed to the ad hoc Short-Term Rental Citizens' Advisory Committee.

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 Daves moved that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

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

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

ORDINANCE PERTAINING TO ANIMAL TETHERING (REVISED VERSION). The following ordinance was held over until the regular meeting of February 9, 2021.

ORDINANCE: 07-007-2021

Sponsored by: Councilmember Richardson

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

Section 1:

MINUTES OF FEBRUARY 2, 2021

Sec. 7-23. of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

Sec. 7-23. Animals at large; Tethering

a) It shall be unlawful for any Person to allow any Animal in his control or possession to go, stray or wander upon the public right of way or property of another Person. An Animal is running at large if it is not Under control of the Owner and is not:

(1) Confined by an electronic collar system or within a fence, electronic fence system, wall, or other enclosure in such a manner so as to effectively prevent the Animal from traveling onto the public right of way or property of another Person;

(2) On a single Animal trolley or pulley system on a cable run that is fixed in a manner allowing smooth freedom of movement of the Animal without becoming tangled, wrapped around an object or shortened, and:

(A) is at least twelve (12) feet in length and mounted between four (4) and seven (7) feet off the ground, allowing access to a reasonable exercise area, but does not allow the Animal access to the public right of way or property of another Person;

(B) allows the Animal access to water and Shelter;

(C) is an appropriate strength and weight given the size of the Animal and is affixed to the Animal by a proper fitting nylon or leather harness or collar, all as determined by an Animal control officer, with swivel attachment; choke, pinch and prong collars are prohibited for this purpose.

b) Notwithstanding the foregoing, it shall be unlawful for any Person to place or keep a dog less than six (6) months of age on a trolley or pulley system as described in Sub-section a)(2), above, and it shall be unlawful for any Person to place or keep any Animal on such trolley or pulley system during National Weather Service Winter Storm Warnings, Tornado Warnings, Flood Warnings, Excessive Heat Warnings, Tropical Storm Warnings or Hurricane Warnings, or while the temperature is below thirty-two (32) degrees Fahrenheit.

c) Sub-section a), above, shall not apply to an Animal that is:

(1) On a leash, not more than ten (10) feet in length, secured by a harness or collar, or by an electronic collar system controlled by a Person that ensures the Animal stays within ten (10) feet of such Person, while being walked or exercised by a Person.

(2) At a designated Animal or Dog park or in attendance at any legal event in which the Animal is a permitted attendee or participant;

(3) Actively shepherding or herding cattle or livestock or assisting in cultivating agricultural products;

(4) Under the care a veterinarian or groomer;

(5) Being utilized or trained in a law enforcement or public safety capacity;

(6) Being legally used for hunting.

d) It shall be unlawful for any Person to allow any Animal in his control or possession to be tied, tethered or chained to a doghouse, tree, post, stake, barrel, or other stationary object for a total time period exceeding thirty (30) minutes per

MINUTES OF FEBRUARY 2, 2021

day and its Owner must be physically present at the premises where the Animal is being kept throughout such time period.

Section 2 - Miscellaneous Provisions:

- (a) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (b) This Ordinance shall become effective within the City of Mobile sixty (60) days after its adoption and publication as required by law.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 5001 & 5009 COTTAGE HILL ROAD (SOUTHWEST CORNER OF COTTAGE HILL ROAD AND NORTH DEMETROPOLIS ROAD) FROM R-1 AND B-2 TO B-2 (DISTRICT 4). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 41-081-2021

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

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

Notice of Public Hearing for the Proposed Rezoning of Property Located at 5001 & 5009 Cottage Hill Road from R-1 and B-2 to B-2

Pursuant to Resolution of the Mobile, Alabama City Council adopted February 2, 2021, a public hearing will be held on February 30, 2021, at 10:30 a.m., to consider adoption of the following ordinance to rezone property located at 5001 & 5009 Cottage Hill Road (southwest corner of Cottage Hill Road and North Demetropolis Road) from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2.

The public hearing will be held In the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama; provided, however, that if the Mobile City Council is still meeting remotely at that time as authorized by the March 18, 2020, Proclamation of the Governor of Alabama, the public hearing will be held on said date at said time via Zoom video conference and participants will be invited to participate directly in the Zoom meeting remotely or via a video and audio station set up outside the Council Chambers at 205 Government St., Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

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

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the

MINUTES OF FEBRUARY 2, 2021

same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

COMMENCE AT THE FORMER INTERSECTION OF THE SOUTH MARGIN OF COTTAGE HILL ROAD AND THE WEST MARGIN OF NORTH DEMETROPOLIS ROAD, SAID POINT MARKED BY A CONCRETE MONUMENT; THENCE SOUTH ALONG SAID WEST MARGIN 01°17'12" WEST A DISTANCE OF 35.59 FEET TO THE POINT OF BEGINNING, SAID POINT MARKED BY A CAPPED IRON ROD; THENCE CONTINUE ALONG SAID SOUTH MARGIN SOUTH 01°17'12" WEST A DISTANCE OF 154.34 FEET, THENCE DEPARTING SAID SOUTH MARGIN, NORTH 88°45'48" WEST A DISTANCE OF 140.18 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE SOUTH 04°52'02" EAST A DISTANCE OF 52.79 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE, THENCE SOUTH 70°58'53" WEST A DISTANCE OF 89.92 FEET TO A POINT MARKED BY A CRIMPED TOP PIPE; THENCE NORTH 07°56'18" WEST A DISTANCE OF 189.63 FEET TO A POINT ON SAID SOUTH MARGIN, SAID POINT MARKED BY CAPPED IRON ROD (REBAR); THENCE ALONG SAID SOUTH MARGIN, NORTH 72°14'14" EAST A DISTANCE OF 99.84 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE CONTINUING ALONG SAID SOUTH MARGIN, NORTH 72°14'14" EAST A DISTANCE OF 128.77 FEET TO THE POINT OF CURVATURE OF A 25.00' RADIUS CURVE TO THE RIGHT, SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.58 FEET (CHORD BEARS SOUTH 53°14'17" EAST, 40.72'); CONTAINING 41520 SQUARE FEET (0.95 ACRES), MORE OR LESS.

The classification of said property is hereby changed from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in B-2, Neighborhood Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an B-2, Neighborhood Business District until all of the conditions set forth below have been complied with: (1) Correction of the legal description to be the current legal description and not that of the proposed Subdivision after recording; (2) Completion of the Subdivision process; and (3) Full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as March 2, 2021.

ANNOUNCEMENTS:

Councilmember Small reminded the public that a community meeting will be held at 2:00 p.m. today, in the multi-purpose room regarding the rezoning of the property at 1901 Hurtel Street.

Councilmember Richardson offered comments about "Black History Month".

Councilmember Daves announced that the Finance Committee will meet today, immediately after the Council meeting, to discuss possible regulations for food trucks.

MINUTES OF FEBRUARY 2, 2021

Councilmember Daves stated that the Finance Committee will meet Monday, February 8, 2021, at 9:00 a.m., to discuss Ordinance 34-003.

Councilmember Gregory proposed that the Administrative Services Committee meet on Tuesday, February 9, 2021, immediately after the Council meeting, to discuss Ordinance 65-006.

Councilmember Gregory announced that the ribbon cutting ceremony for Fire Station 18 will be held on Wednesday, February 10, 2021, at 10:00 a.m.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 12:46 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK