

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 4, 2024

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, June 4, 2024, at 9:00 a.m.

Councilmembers:

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

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

ASSISTANT CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 4, 2024

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Government Plaza on Tuesday, June 4, 2024, at 10:30 a.m., for the regular meeting.

The meeting was called to order by the Assistant City Clerk, Lana Gauthier.

Public Safety Chaplain, Rabbi Steven Silberman, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council’s Rules of Procedure.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson announced that Makers Market will be held at the Mobile Museum of Art on Saturday, June 8, 2024, from 3:00 – 6:00 p.m.

Mayor Stimpson offered updates concerning the Civic Center.

Mayor Stimpson stated that Volkert and the Office of Supplier Diversity will host a “Business Opportunity Fair” at the National Maritime Museum on Thursday, June 6, 2024, at 6:00 p.m.

ADOPTION OF THE AGENDA

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

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

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

APPEALS

Request of Isaiah 53 Holiness Church for a waiver of the Noise Ordinance at Trinity Gardens Park on June 8, 2024, from 3:00 p.m. – 6:00 p.m. (District 1).

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

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

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

Request of Antonio Franks for a waiver of the Noise Ordinance at 857 S. Scott Street on June 8, 2024, from 3:00 p.m. – 10:00 p.m. (District 3).

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

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

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

Request of Mobile County Health Department for a waiver of the Noise Ordinance at Lyons Park on August 8, 2024, from 7:00 a.m. – 12:30 p.m. (District 2).

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

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

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

Request of Church of the Divine Restoration for a waiver of the Noise Ordinance at 3315 Dauphin Island Parkway on June 15-21, 2024, from 7:00 p.m. – 10:00 p.m. (District 3).

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

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

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

Request of Johnnie Robinson for a waiver of the Noise Ordinance at 4791 LeSure Road, Theodore, AL 36582 on June 14-15, 2024, from 6:00 p.m. – 12:00 a.m. (District 4).

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

MINUTES OF JUNE 4, 2024

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

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

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 1109, 1111, AND 1113 WEST I-65 SERVICE ROAD, N. (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to consider modification of a previously approved planned unit development for property located at 1109, 1111, and 1113 West I-65 Service Road, N. 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 ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER A MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 4464 AND 4474 HALLS MILL ROAD (DISTRICT 4).

The Presiding Officer announced that today was the day for the public hearing to consider a modification of a previously approved planned unit development for property located at 4464 and 4474 Halls Mill Road and asked if there was anyone present to speak for or against this matter.

Andrew Hodges, representative for the applicant, stated that he was present for any questions the Council may have.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 3154 RIVERSIDE 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 3154 Riverside Drive a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 7151 13TH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 7151 13th Street a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Sylvia Reed, 6664 Lincolnshire Road, Offered comments about police brutality and an order for a house raid.

John Young, 4261 Sulin Court, Provided information about “Men United Against Violence’s” summer campaign.

Reggie Hill, Offered comments about fitness for duty, and the Parks and Recreation Department.

AGENDA ITEMS:

Johnna Rogers, 256 N. Jackson Street, Gave comments about Ordinance 88-036.

Reshawn Figures, Spoke about Ordinance 88-036.

Stephen Harvey, 11 N. Water Street, Suite 132900, Spoke on behalf of the applicant about Resolutions 47-512 and 47-513.

ORDINANCES HELD OVER

ORDINANCE DONATING CERTAIN CITY PROPERTY TO THE CITY’S AFFORDABLE HOUSING PROGRAM AND AUTHORIZING THE SALE. The following ordinance which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

ORDINANCE: 88-036-2024

Sponsored by: Mayor Stimpson

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the property at 311 N Claiborne Street hereinafter described is made available for donation and made available as program matching resources to the affordable housing program administered by the City of Mobile and that it is in the best interest of the City of Mobile and in the public interest that said properties be sold to FIGURES INVESTMENTS, INC. for the purpose of an affordable housing Project:

Property Description

Parcel Key: 00737224
Parcel ID: R022906400003036.000
Parcel Owner: CITY OF MOBILE
205 GOVERNMENT ST 4TH FLOOR
MOBILE, AI 36602

Legal Description

Lot 3 DeTonti Pointe, as recorded in instrument number 2023027310

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

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

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SECTION FOUR: Said Purchase Agreement and Warranty Deed are by reference made a part of this ordinance as fully as if set forth herein, and a copy of such will be on file in the office of the City Clerk and in the office of the Real Estate Officer of the City of Mobile, 4th Floor, Government Plaza, 205 Government Street, Mobile, Alabama.

SECTION FIVE: The Mayor and the City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name, and on behalf of the City of Mobile, the Developer Agreement and any required Security Documents to secure such Agreement requirement when prepared for the property shown above.

SECTION SIX: The Mayor is also hereby authorized and directed to remit an amount not to exceed fifty (50) percent (%) of the cash proceeds from said sale to the Board of School Commissioners of Mobile County pursuant to the acquisition requirements within the purchase/transfer agreement with the same entity.

SECTION SEVEN: 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 Assistant City Clerk, whereupon Councilmember Carroll moved to adopt the ordinance, which was seconded by Councilmember Woods

Councilmember Carroll moved to amend the resolution was follows:

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the property at 311 N Claiborne Street hereinafter described is no longer needed for municipal purposes, but pursuant to ALA. CODE § 11-96A-3, is made available for donation for a public purpose and made available as program matching resources to the affordable housing program administered by the City of Mobile and that it is in the best interest of the City of Mobile and in the public interest that said properties be sold to FIGURES INVESTMENTS, INC. for the purpose of an affordable housing Project:

Property Description

Parcel Key: 00737224
Parcel ID: R022906400003036.000
Parcel Owner: CITY OF MOBILE
205 GOVERNMENT ST 4TH FLOOR
MOBILE, AL 36602

Legal Description

Lot 3 DeTonti Pointe, as recorded in instrument number 2023027310

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

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

The Presiding Officer declared the amendment adopted.

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

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

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

STATE OF ALABAMA)
COUNTY OF MOBILE)

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I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 88–036 Series 2024, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on June 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand on this 4th day of June, 2024.



City Clerk

CONSENT RESOLUTIONS HELD OVER

DECLARE THE STRUCTURE AT 2154 GROVE COURT A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution which was introduced and read at the regular meetings of April 2, 2024, and May 7, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 40-293-2024

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 2154 Grove Court has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **2154 Grove Court described as:**

LOT 7 RESUB LOTS 34 THRU 38 BLK D RIVERSIDE MBK 3/412 #SEC 40 T5S R1W #MP32 06 40 0 003

Parcel Number: 32 06 40 0 003 014

Last Assessed to: MOZINGO JAMES & ANGIE

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

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

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Nays: None

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

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH H.O. WEAVER & SONS, INC. FOR 2024 CIP RESURFACING, DISTRICTS 6 & 7; \$2,789,867.36. The following resolution was held over until the regular meeting of June 4, 2024.

RESOLUTION: 21-486-2024
Sponsored by: Mayor Stimpson and Councilmembers Reynolds, Woods & Gregory

WHEREAS, bids for street repairs for districts 6 and 7 were received and opened on April 24, 2024.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from H.O. Weaver & Sons, Inc., in the amount of \$2,789,867.36.

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

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

Name of Company: H.O. Weaver & Sons, Inc.
Project Name: 2024 CIP Resurfacing City Council Districts 6 & 7
Project Number: 2024-3005-03
Amount: \$2,789,867.36

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

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

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

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO CLASSIC PAINT & BODY, INC. FOR DAMAGE REPAIR TO FIRE PUMPER TRUCK; \$21,115.96. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-487-2024
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

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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>9238</u>	2024	(2050) FLEET MANAGEMENT/ GARAGE	REPAIR WRECK DAMAGE TO 2016 ROSENBAUER FIRE PUMPER TRUCK (PRICE BELOW BID REQUIREMENT)	\$21,115.96	<u>(294881) CLASSIC PAINT & BODY INC</u>

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

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

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

APPROVE PURCHASE ORDER TO STIVERS CHRYSLER DODGE JEEP RAM FOR CREW CAB PICKUP TRUCK FOR TRAFFIC ENGINEERING; \$40,452.00. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-488-2024

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>9536</u>	2024	(F7000) MOTOR POOL	2024 DODGE RAM 1500 CREW CAB PICKUP TRUCK FOR TRAFFIC ENGINEERING (AL STATE CONTRACT)	\$40,452.00	<u>(298035) STIVERS CHRYSLER DODGE JEEP RAM</u>

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

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

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

APPROVE PURCHASE ORDER TO UKG KRONOS SYSTEMS, LLC FOR ANNUAL RENEWAL OF SOFTWARE FOR MFRD; \$18,420.75. The following resolution which

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was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-489-2024

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>8747</u>	2024	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF KRONOS TELESTAFF WORKFORCE MANAGEMENT SOFTWARE FOR MFRD (BID EXEMPT AS SOFTWARE)	\$18,420.75	<u>(294306) UKG KRONOS SYSTEMS LLC</u>

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

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

Nays: None

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

APPROVE PURCHASE ORDER TO WISPERKOOL FOR PORTABLE HVAC UNIT FOR TENNIS CENTER; \$51,720.00. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-490-2024

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>7009</u>	2024	(F6110) MOBILE TENNIS CENTER	PORTABLE VERTICAL 30TON HVAC UNIT FOR TENNIS CENTER (SEALED BID 5883)	\$51,720.00	<u>(299031) WISPERKOOL</u>

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

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

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

RE-ALLOCATE \$1,000,000.00 IN THE CAPITAL IMPROVEMENT FUND TO CAPITAL PROJECT LANGAN PARK LAKE DREDGING. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 09-491-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,000,000.00 in the Capital Improvement Fund (2000) be reallocated from Capital Project #C0116 Capital Improvement Reserve to Capital Project C0964 Langan Park Lake Dredging.

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

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

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

RE-ALLOCATE \$600,000.00 FROM CAPITAL IMPROVEMENT RESERVE TO CAPITAL PROJECT SPRINGHILL COURT AND SPRINGHILL AVENUE SITE IMPROVEMENT. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 09-492-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$600,000.00 in the Capital Improvement Fund (2000) be reallocated from Capital Project #C0116 Capital Improvement Reserve to Capital Project C0965 Springhill Ct and Springhill Ave Site Improv. These funds will be used to acquire ROW, relocate retaining wall and construct sidewalks.

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

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

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

AUTHORIZE CONTRACT WITH BEST PRICE SERVICES, LLC FOR ROW MOWING, ZEIGLER BOULEVARD. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

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RESOLUTION: 21-493-2024

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 the Best Price Services, LLC, to provide right of way mowing services for Zeigler Boulevard, from Forest Hill Drive to 8050 Zeigler Boulevard, for one year, renewable annually without further approval required by Council, for up to a total of three years, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

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

AUTHORIZE CONTRACT WITH GEOTECHNICAL ENGINEERING TESTING, INC. FOR WESTERN BAYFRONT RESURFACING; \$38,600.00. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-494-2024

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: Geotechnical Engineering Testing, Inc.

Project Name: Western Bayfront Resurfacing
COM Project #2024-3005-04

Estimated Cost: \$38,600.00

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

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

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

AUTHORIZE CONTRACT WITH SPV ASSOCIATES, INC., D/B/A ONINDUS FOR EBUILDER; \$200,125.00. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

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RESOLUTION: 21-495-2024

Sponsored by: Mayor Stimpson

THAT THE Mayor and the City Clerk be, and hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, between the City of Mobile and the company listed below, for work as outlined in the contract attached hereto and made part hereof as set forth in full, subject to the company signing the contract. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: SPV ASSOCIATES INC. (DBA ONINDUS)

Project Name: CIP CONSULTANT FOR EBUILDER

Project Number: 2024-2045-03

Amount: \$200,125.00

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH THE PENINSULA OF MOBILE, INC. FOR THE FY23 HURRICANE RESPONSE DEBRIS REMOVAL GRANT; \$30,000.00. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-496-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with The Peninsula of Mobile, Inc., in an amount of \$30,000.00 for the FY23 Hurricane Response Debris Removal Grant Program, as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH USA INDUSTRIAL MEDICINE FOR EMPLOYEE PHYSICAL EXAMS; NTE \$100,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

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RESOLUTION: 21-497-2024

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 the University of South Alabama, USA Health HCA Industrial Medicine Clinic, LLC, to provide City employee physical exams and vaccinations, for three years, then month-to-month, without further approval required by Council, in an amount as needed not to exceed \$100,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

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

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

Nays: None

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

GRANT A PERMANENT EASEMENT TO ALABAMA POWER TO PROVIDE NEW UNDERGROUND SERVICE TO LAVRETTA PARK. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 25-498-2024

Sponsored by: Mayor Stimpson and Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an easement, to ALABAMA POWER COMPANY as set out in W.E. #A6554-06-AD24, a copy of which is attached hereto and made a part hereof as though fully set forth herein, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS, needed for ALABAMA POWER COMPANY to provide new underground service to Lavretta Park, as shown in yellow on attached drawing.

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

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; NELSON. The following resolution which was introduced and read at the regular meeting of May 28, 2024, and held over until the regular meeting of June 4, 2024, was called up by the Presiding Officer.

RESOLUTION: 60-500-2024

Sponsored by: Mayor Stimpson

MINUTES OF JUNE 4, 2024

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

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

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

Nays: None

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

ORDINANCES BEING INTRODUCED

CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 1109, 1111, AND 1113 WEST I-65 SERVICE ROAD N. The following ordinance was held over until the regular meeting of June 11, 2024.

ORDINANCE: 64-037-2024

Sponsored by: Councilmember Penn

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

WHEREAS, a Planned Unit Development (PUD) was approved on June 4, 2013 to allow multiple buildings on a single building site with shared access and parking on property located at 1109, 1111, & 1113 West I-65 Service Road North and described as follows:

LOT 2, SMITHS BAKER HARRIS SUBDIVISION, AS RECORDED IN MAP BOOK 76, PAGE 95

WHEREAS, the owner of said property applied for a Major Modification of the PUD on January 17, 2024 allowing multiple buildings on a single building site with shared parking and access.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on February 22, 2024 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Retention of a note on the final PUD site plan stating no structures shall be constructed in any easement without permission from the easement holder;
2. Revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site, along with the number of parking spaces provided;
3. Retention of the 25-foot minimum building setback line along West I-65 Service Road North, as required by Section 64-2-21.E. of the Unified Development Code;
4. Retention of the lot size labels in both square feet and acres, or provision of a table on the final PUD site plan with the same information;
5. Provision of the building sizes in square feet on the final PUD site plan;
6. Retention of the right-of-way along West I-65 Service Road North on the final PUD site plan;

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7. Provision of a note on the final PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
8. Submittal to, and approval by, Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;

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

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

1. Retention of a note on the final PUD site plan stating no structures shall be constructed in any easement without permission from the easement holder;
2. Revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site, along with the number of parking spaces provided;
3. Retention of the 25-foot minimum building setback line along West I-65 Service Road North, as required by Section 64-2-21.E. of the Unified Development Code;
4. Retention of the lot size labels in both square feet and acres, or provision of a table on the final PUD site plan with the same information;
5. Provision of the building sizes in square feet on the final PUD site plan;
6. Retention of the right-of-way along West I-65 Service Road North on the final PUD site plan;
7. Provision of a note on the final PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
8. Submittal to, and approval by, Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
9. 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.

CONSIDER A MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 4464 AND 4474 HALLS MILL ROAD.

The following ordinance was held over until the regular meeting of June 11, 2024.

ORDINANCE: 64-038-2024

Sponsored by: Councilmember Reynolds

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

WHEREAS, a Planned Unit Development (PUD) was approved on March 4, 2021 allowing multiple buildings on multiple building sites with shared access and reduced landscaping on property located at 4464 and 4474 Halls Mill Road and described as follows:

MINUTES OF JUNE 4, 2024

LOTS A, B, AND C, RESUBDIVISION OF PAUL PERSONS SUBDIVISION AS RECORDED IN MAP BOOK 120, PAGE 102, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA.

TOGETHER WITH COMMENCING AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA, RUN SOUTH 89°-48'-01" WEST AND ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1389.8 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE NORTH 89°00'-37" EAST, 139.58 FEET TO A POINT ON THE EASTERN LINE OF LOT A, RESUBDIVISION OF PAUL PERSONS SUBDIVISION, AS RECORDED IN MAP BOOK 120, PAGE 102, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTH 00°-13'-26" WEST AND ALONG THE EAST LINE OF SAID LOT A, A DISTANCE OF 716.03 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF HALLS MILL ROAD (OLD U.S. HIGHWAY 90) (RIGHT-OF-WAY VARIES); THENCE NORTH 66°-28'-40" EAST AND ALONG SAID NORTH RIGHT-OF-WAY LINE, 149.52 FEET; THENCE NORTH 23°-41'-03" WEST, 144.96 FEET; THENCE NORTH 06°-17'-14" EAST, 528.95 FEET TO THE POINT OF BEGINNING.

WHEREAS, the owner of said property applied for a Major Modification of the PUD on January 16, 2024 allowing multiple buildings on multiple building sites and reduced landscaping.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on February 22, 2024 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Revision of the Final PUD site plan to reflect any/all revisions to easements as a result of the associated Subdivision-request;
2. Completion of the Use Variance process to amend a previously approved Use Variance, prior to issuance of development permits;
3. Placement of a note on the Final PUD Site Plan stating that, upon development of the site, as proposed, the entirety of Lot A-1 must comply with current UDC Landscaping & Tree standards as detailed in Article 3 Section 64-3-7 of the Unified Development Code;
4. Revision of the Final PUD Site Plan to remove Tree Planting, Landscaping, and Parking data and calculations as they are currently depicted;
5. Provision of a note stating that all proposed and future development must comply with current UDC requirements;
6. Revision of the Final PUD Site Plan such that notes referencing sections from the previous Zoning Ordinance are updated to their corresponding Sections in the Unified Development Code;
7. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
8. Revision of the site plan to illustrate compliance with the off-street loading facilities standards of Section 64-3-12.B;
9. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
10. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council's decision, or in compliance with Section 64-3-7;
11. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
12. Provision of a note on the site plan stating that all proposed and future protection buffers must comply with Section 64-3-8 of the UDC;
13. Retention of all easements, as illustrated;
14. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;
15. Provision of a note on the site plan stating future development or redevelopment of the site may require additional modification of the PUD to be reviewed and approved by the Planning Commission and City Council;
16. Compliance with all Engineering comments noted in the staff report;
17. Compliance with all Traffic Engineering comments noted in the staff report;
18. Compliance with all Urban Forestry comments noted in the staff report;

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19. Compliance with all Fire Department comments noted in the staff report;
20. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
21. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Will minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- G. Shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

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

1. Revision of the Final PUD site plan to reflect any/all revisions to easements as a result of the associated Subdivision request;
2. Completion of the Use Variance process to amend a previously approved Use Variance, prior to issuance of development permits;
3. Placement of a note on the Final PUD Site Plan stating that, upon development of the site, as proposed, the entirety of Lot A-1 must comply with current UDC Landscaping & Tree standards as detailed in Article 3 Section 64-3-7 of the Unified Development Code;
4. Revision of the Final PUD Site Plan to remove Tree Planting, Landscaping, and Parking data and calculations as they are currently depicted;
5. Provision of a note stating that all proposed and future development must comply with current UDC requirements;
6. Revision of the Final PUD Site Plan such that notes referencing sections from the previous Zoning Ordinance are updated to their corresponding Sections in the Unified Development Code;
7. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
8. Revision of the site plan to illustrate compliance with the off-street loading facilities standards of Section 64-3-12.B;
9. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
10. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council's decision, or in compliance with Section 64-3-7;
11. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
12. Provision of a note on the site plan stating that all proposed and future protection buffers must comply with Section 64-3-8 of the UDC;
13. Retention of all easements, as illustrated;
14. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;
15. Provision of a note on the site plan stating future development or redevelopment of the site may require additional modification of the PUD to be reviewed and approved by the Planning Commission and City Council;
16. Compliance with all Engineering comments noted in the staff report;
17. Compliance with all Traffic Engineering comments noted in the staff report;
18. Compliance with all Urban Forestry comments noted in the staff report;

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- 19. Compliance with all Fire Department comments noted in the staff report;
- 20. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
- 21. 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.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider consent resolutions 37-501 through 60-506 being introduced for the first time. The motion was seconded by Councilmember Small, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS I LICENSE TO 509 LIVE; 270 DAUPHIN STREET. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 37-501-2024

Sponsored by: Councilmember Carroll

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

Type of application: Lounge Retail Liquor Class I License

Submitted by: 509 Live LLP

Location: 509 Live
270 Dauphin Street
Mobile, AL 36602

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

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

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

DECLARE THE STRUCTURE AT 3154 RIVERSIDE DRIVE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-502-2024

Sponsored by: Councilmember Small

MINUTES OF JUNE 4, 2024

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 3154 RIVERSIDE 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. 3, 4, 5, 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 **3154 RIVERSIDE DRIVE described as:**

LOT 3 BLK I RIVERSIDE SUB MBK 3 P 318 #SEC 40 TSS R1W #MP32 07 40 0 004

Parcel Number: 32 07 40 0 004 036

Last Assessed to: BUSBY CHARLES J

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

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

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

DECLARE THE STRUCTURE AT 7151 13TH STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-503-2024

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 7151 13TH 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. 3, 4, 5, 7, 8, 14 and 15; and

MINUTES OF JUNE 4, 2024

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 **7151 13TH STREET** described as:

LOTS 47 & 48 BLK 26 MOBILE TERRACE DBK 156 NS P 540-542 #SEC 18 T4S R2W #MP28 0418 1 002

Parcel Number: 28 04 18 1 002 030

Last Assessed to: WASHINGTON JOSEPH SR C/O LATORYA MCCOVERY

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

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

Nays: None

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

AUTHORIZE REMOVAL OF WEEDS, GROUP 1657. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 58-504-2024

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

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

WHEREAS, Parcels Nos. 1 through 20 described in the resolution adopted on the 30th day of April, 2024, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

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

MINUTES OF JUNE 4, 2024

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

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 19, as described in the resolution adopted on the 30th day of April, 2024, and entitled: "A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES."

(Lot Cleaning Liens, **Group No.1657** on file in the office of the City Clerk).

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

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

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

Nays: None

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

ASSESS COSTS FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1653. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 58-505-2024

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:

MINUTES OF JUNE 4, 2024

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 1653** 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.

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

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

Nays: None

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

DETERMINE AN APPROPRIATION TO OPPORTUNITY 4 ENTERTAINERS & PERFORMING ARTS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT.

The following resolution was introduced by Councilmember Penn.

RESOLUTION: 60-506-2024

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$1,500.00** to Opportunity 4 Entertainers & Performing Arts, from his discretionary funds; and

WHEREAS, Opportunity 4 Entertainers & Performing Arts, 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 Opportunity 4 Entertainers & Performing Arts, will be used to assist with 2024-2025 MOB Music Festival on July 12-14, 2024, which serve a public benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,500.00** to Opportunity 4 Entertainers & Performing Arts, 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 Assistant City Clerk, whereupon Councilmember Penn moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

MINUTES OF JUNE 4, 2024

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

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider resolution 23-511 being introduced for the first time. The motion was seconded by Councilmember Small, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

APPROVE AWARED OF ITEM-BASED BID FOR MEDICAL EQUIPMENT. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 08-507-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5881</u>	Medical Equipment	51	See bid tab	Through 20 DEC 2024, then renewable for three additional eight-month periods	<u>Various, see bid tabulation</u>

APPROVE PURCHASE ORDER TO CARAHSOFT FOR ANNUAL SUBSCRIPTION FOR CONCUR TRAVEL MANAGEMENT SOFTWARE; \$17,571.33. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 08-508-2024

Sponsored by: Mayor Stimpson

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

MINUTES OF JUNE 4, 2024

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9756</u>	2024	(2510) ACCOUNTING	ANNUAL SUBSCRIPTION RENEWAL FOR CONCUR TRAVEL MANAGEMENT SOFTWARE FOR ACCOUNTING (BID EXEMPT AS SOFTWARE, PRICE BELOW BID REQUIREMENT)	\$17,571.33	(295556) <u>CARAHSOFT</u>

APPROVE PURCHASE ORDER TO KIMBALL INTERNATIONAL MARKETING, INC. FOR GUEST CHAIRS FOR SULLIVAN AND HILLSDALE RECREATION CENTERS; \$46,252.50. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 08-509-2024

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 requisitions as indicated below and attached herein:

Requisitions	Fiscal Year	Department	Description	Amount	Vendor
<u>9339, 9440</u>	2024	(2032) COMMUNITY CENTERS	105 MESH GUEST CHAIRS SPLIT BETWEEN SULLIVAN AND HILLSDALE REC CENTERS (AL STATE CONTRACT)	\$46,252.50	(282081) <u>KIMBALL INTERNATIONAL MARKETING INC</u>

AUTHORIZE CONTRACT WITH VITALEXAM, LLC FOR WELLNESS EXAMS FOR MFRD; NTE \$225,000.00 PER YEAR. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 21-510-2024

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 VITALExam, LLC, to provide wellness exams for firefighters, for three years, renewable for an additional three years, without further approval required by Council, in an amount as needed not to exceed \$225,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

ACCEPT DEED FROM THE STATE OF ALABAMA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE ACQUISITION OF HELEN WOOD PARK. The following resolution was introduced by Councilmember Gregory.

MINUTES OF JUNE 4, 2024

RESOLUTION: 23-511-2024

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts the Statutory Warranty Deed from the State of Alabama Department of Conservation and Natural Resources, State Lands Division for 7.4 acres known as Helen Wood Park.

SAID DEED will be recorded in the Mobile Probate office and kept on file in the office of the City Clerk and the Real Estate Office of the City of Mobile.

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

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

Nays: None

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

ASSENT TO THE VACATION OF A PORTION OF RIGHT-OF-WAY ON MEADOR DRIVE. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 47-512-2024

Sponsored by: Councilmember Penn

WHEREAS, a Declaration of Vacation and Petition for Vacation signed by Alabama Export Railroad, Inc., an Alabama corporation ("Petitioner"), as owner of all of the land abutting the below described portion of the public right of way known as Meador Drive, situated in the City of Mobile, County of Mobile, State of Alabama, has been duly presented to the City Council of the City of Mobile, Alabama, for the assent and approval of said governing body, said Declaration of Vacation being attached hereto Exhibit A and made part hereof; and

WHEREAS, said portion of said public right of way is more particularly described as follows:

MINUTES OF JUNE 4, 2024

Beginning at the Southeast corner of Lot 2, Central Business Park, Phase One as recorded in Map Book 29, Page 76 in the office of the Judge of Probate Mobile County, Alabama said point being a point on the North right-of-way of Meador Drive and the West right-of-way of Illinois Central Gulf Railroad; thence run S-31°00'57"-W along said West right-of-way of Illinois Central Gulf Railroad, 5.30 feet to a point; thence run Southwesterly along said West right-of-way of Illinois Central Gulf Railroad and a curve to the right having a radius 4900.00 feet, a chord of which bears S-31°20'05"-W, 54.54 feet, an arc distance of 54.54 feet to a point on the South right-of-way of Meador Drive; thence run Northwesterly leaving said West right-of-way of Illinois Central Gulf Railroad, along said South right-of-way of Meador Drive and a non-tangent curve to the left having a radius of 185.87 feet, a chord of which bears N-86°54'29"-W, 175.89 feet, an arc distance of 183.22 feet to a point; thence run S-64°51'07"-W along said South right-of-way of Meador Drive, 144.81 feet to a point; thence run N-25°08'53"-W leaving said South right-of-way of Meador Drive, 140.02 feet to a point; thence run Southeasterly along a non-tangent curve to the left having a radius of 40.00 feet, a chord of which bears S-70°10'23"-E, 56.83 feet, an arc distance of 63.20 feet to a point on said North right-of-way of Meador Drive; thence run N-64°50'19"-E along said North right-of-way of Meador Drive, 79.96 feet to a point; thence run Southeasterly along said North right-of-way of Meador Drive and a curve to the right having a radius of 242.11 feet, a chord of

which bears S-86°55'08"-E, 229.13 feet, an arc distance of 238.68 feet to a point; thence run S-58°40'36"-E along said North right-of-way of Meador Drive, 49.97 feet to the Point of Beginning, containing 32,365.63 square feet, more or less.

WHEREAS, it appears to the City Council of the City of Mobile, Alabama, that said portion of said right of way is bounded on each side by property owned only by the Petitioner and that the vacation of said right of way is in order and said vacation will not deprive any other property owners of such right as they may have to convenient and reasonable means of ingress and egress to and from their property, and that no other property owner will be adversely affected by such vacation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the vacation of the hereinabove described portion of said right of way is assented to and approved and the same is hereby vacated pursuant to the provisions of § 23-4-20, Code of Alabama, 1975, and Section 57-17 of the Code of Ordinances of the City of Mobile, subject, however, to following:

An easement over, under and across the aforesaid portion of said street and right of way is excepted from this vacation and is retained in favor of the Board of Water and Sewer Commissioners of the City of Mobile, Spire Gulf Inc. and AT&T (the "Utilities") in order to allow said Utilities to maintain, service and operate their respective existing lines, drains, systems and facilities located across, over and under the aforesaid portion of said street and right of way.

BE IT FURTHER RESOLVED THAT the City of Mobile further waives any fee to be paid to the City of Mobile for said portion of said right of way pursuant to Ala. Code § 11-49-6 (1975), said Section 57-17 of the Code of Ordinances, or otherwise.

The City Clerk of the City of Mobile is authorize and directed to certify true copies of this Resolution and attach such certified copies to the written Declaration of Vacation of the aforesaid portion of said public street and right of way and to deliver said documents to the aforesaid owner of real property abutting that portion of said public street and right of way hereby vacated.

CONSIDER A VACATION OF RIGHT-OF-WAY FEE AS A CONDITION OF THE VACATION OF A PORTION OF MEADOR DRIVE RIGH-OF-WAY. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 47-513-2024

Sponsored by: Councilmember Penn

BE IT RESOLVED by the City Council of the City of Mobile that the right-of-way fee for the vacation of a portion of a portion of Meador Drive right-of-way, by the Council as per Resolution 47-512 is hereby set at \$42,722.63.

AUTHORIZE ISSUANCE OF SUBPOENAS BY SPECIAL COUNSEL. The following resolution was held over until the regular meeting of June 11, 2024.

RESOLUTION: 60-514-2024

Sponsored by: City Council

WHEREAS, on May 28, 2024, the Mobile City Council passed Resolution 60-473 setting the scope and topics for an investigation into allegations made by former Mobile Police Department Chief Paul Prine and hiring a Special Counsel to conduct same; and

WHEREAS, that resolution authorized the issuance of subpoenas by the Special Counsel upon application for same to the City Council pursuant to ALA. CODE § 11-44C-87 or other applicable authority;

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

1. The subpoenas attached hereto are APPROVED by the City Council. The Special Counsel is hereby AUTHORIZED to take all reasonable and appropriate steps to issue, serve, execute, and/or enforce same, including but not limited to the use of the courts of the State of Alabama, as may be necessary, as well as the use of the courts and judicial systems of other states where witnesses or evidence may be located to the extent allowed by applicable law.

ANNOUNCEMENTS

Councilmember Carroll offered comments regarding Resolution 60-514.

Councilmember Carroll stated that the 2024 Lawn Festival at Prince of Peace Catholic Church on June 1, 2024, was a great success.

Councilmember Reynolds gave comments regarding his attendance at the 2024 Lawn Festival at Prince of Peace Catholic Church.

Councilmember Carroll said that the ribbon cutting celebration of the newly renovated Bienville Square was a great event.

Councilmember Penn stated that a District 1 Rally promoting peace at LeFlore High School's stadium on June 1, 2024, was well attended.

Councilmember Gregory said that the celebration of Pastor-Elect Reverend Tremayne Benson at Friendship Missionary Baptist Church on Saturday, June 1, 2024, was a great success.

Councilmember Small offered comments regarding the representatives from the National League of Cities visitation of the Africatown Heritage House on Saturday, June 1, 2024.

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Councilmember Small suggested that the Administration install the proper signage routing citizens and visitors to the Africatown Heritage House.

Mayor Stimpson gave comments about Ordinance 88-036.

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

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

The vote was then announced by the Assistant City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:36 p.m.

Adopted:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK