

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 7, 2022

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 7, 2022, at 9:00 a.m.

Present:

Councilmembers: Penn, Carroll, Small, Reynolds, Daves, Jones, 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, JUNE 7, 2022

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, June 7, 2022, at 10:30 a.m., in the regular meeting.

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

Pastor Lonnie Lundy, Cottage Hill Baptist Church, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Councilmember Small asked for a moment of silence in memoriam of the mass shooting victims and their families across this country.

Present on Roll Call:

Chairman: Small
Councilmembers: Penn, Carroll, Reynolds, Daves, Jones, and Gregory
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council’s rules of procedure.

APPROVAL OF MINUTES:

The minutes of the meetings of May 24 & 31, 2022, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson announced that several parks have upgraded the lights on their baseball fields.

Mayor Stimpson shared that the Parks and Recreation Department will host a “Prince Tribute Band Concert,” at the Cooper Riverside Park tonight.

Mayor Stimpson reported that the Mobile Police Department held its 3rd Annual Youth Summit last Friday.

MINUTES OF JUNE 7, 2022

Mayor Stimpson announced that the Mobile Police Department will begin the “Youth Prevention Summer Days” starting this Thursday at Baumhauer-Randal Park from 3:00 – 6:00 p.m.

Mayor Stimpson and Councilmember Gregory introduced Cielo “Lo” Johnson, a 4-year-old Cancer survivor.

ADOPTION OF THE AGENDA:

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

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

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

PUBLIC HEARINGS:

PUBLIC HEARING TO REZONE PROPERTY LOCATED AT THE NORTHWEST CORNER OF COCHRANE CAUSEWAY AND DUNLAP DRIVE FROM R-1 AND I-2 TO I-2 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at the northwest corner of Cochrane Causeway and Dunlap Drive from R-1 and I-2 to I-2 and asked if there was anyone present to speak for or against this matter.

Paul Marcinko, Jade Consulting LLC, 208 N Greeno Rd, Fairhope, AL, was present to answer questions from the Council.

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 REZONE PROPERTY LOCATED AT 1248 MONTLIMAR DRIVE AND 3500 MICHAEL BOULEVARD FROM R-1 AND B-3 TO B-3 (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to rezone property located at 1248 Montlimar Drive and 3500 Michael Boulevard from R-1 and B-3 to B-3 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 DECLARE THE STRUCTURE AT 1354 OLD SHELL ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 1354 Old Shell Road 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 CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CARE KEEPERS HEALTHCARE TO OPERATE A SEDAN SERVICE.

MINUTES OF JUNE 7, 2022

The Presiding Officer announced that today was the day for the public hearing to consider approval of a certificate of public convenience and necessity to Care Keepers Healthcare to operate a sedan service 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:

AGENDA ITEMS:

None.

NON-AGENDA ITEMS:

1. Valerie Longa, 6621 Hounds Run South, Mobile Public Library, presented the 2022 Summer Library Celebration and the library's 120th Year Anniversary.
2. Shalela Dowdy, 1008 Barbara Drive, requested financial assistance from the Council to assist the Parks and Recreation Track and Field program to travel for championship events.
3. Jennifer Irby, 2267 Pesnell Court, commented about the community and Mobile Police Department in relation to gun violence.
4. Phil Arceneaux, 2609 Hillcrest Road, expressed opposition to the cannon painted to commemorate Pride month.
5. Kevin Halpern, 351 Conti Street, spoke in support of the Gayfer's Building project.
6. Reggie Hill, 1007 Center Street, spoke about the impacts of misuse of taxpayer resources on quality of life, Municipal Court and public safety.
7. Marvin Lue, 1252 Dr. Martin Luther King, Jr. Avenue, offered a possible solution to gun violence.
8. Reverend Calvin Martin, 2411 Cross Street, spoke about restructuring and repurposing the current plan for redistricting.
9. Darlene Martin, 2411 Cross Street, restructuring and repurposing current plan for redistricting.
10. Fred Wheeler, 8405 Sterling Drive, discussed how redistricting and annexation are joined.
11. Reverend Jim Flowers, 151 South Ann Street, expressed the need to keep redistricting and annexation separate.

ORDINANCES HELD OVER:

ORDINANCE TO ADOPT THE "CITY OF MOBILE UNIFIED DEVELOPMENT CODE."

The following ordinance, which was introduced and read at the regular meeting of March 22, 2022, and held over until the regular meetings of March 29, 2022, May 17 & 31, 2022, and June 7, 2022, was called up by the Presiding Officer.

ORDINANCE: 64-017-2022

MINUTES OF JUNE 7, 2022

Sponsored by: Councilmember Carroll

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the "City of Mobile Unified Development Code" attached hereto and fully incorporated by reference, which repeals and replaces the existing City of Mobile zoning ordinance set forth in Chapter 64 of the Mobile City Code, 1991, is hereby adopted to be effective as set forth in Article 9 thereof.

NOTE: The Unified Development Code is attached to the March 22, 2022, minutes as a separate file.

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

Councilmember Carroll moved to amend the ordinance and to include the proposed Africatown Safety Zone amendment as follows:

Proposed Africatown Safe Zone Amendment

1) 64-11-B-2(c) shall be amended to read "Foster New Development Standards in the Africatown overlay consistent with the Africatown Neighborhood Plan."

2) The amendment will add a new subsection I within the Africatown Overlay set forth in 64-11-1.

3) Subsection "I" shall be entitled "Africatown Safety Zone" and read as follows:

1. In order to avoid encroachment into or incompatible uses within residential areas, the Africatown Safety Zone is established.

2. As used in this article, the Africatown Safety Zone is the area depicted on the map below being bordered roughly in the northeastern section to the east and northeast by Paper Mill Road, by Woodland Avenue on the north, by Telegraph Road on the west, Chin Street on the southeastern side, and in the southeastern section by Stimrad Road on the southeastern side, I-165 on the southwestern side. New Bay Bridge Road on the northern side and portions of Telegraph Road on the eastern side.

MINUTES OF JUNE 7, 2022



3. Within the Africatown Safety Zone, any existing industrial use (as listed below) shall be considered a Nonconforming Use as set forth in Article 6. If the Nonconforming Use is abandoned or discontinued as set forth in 64-6-1(c), future uses on the Site or Premises shall be limited to uses allowed within the current zoning district for the Site or Premises except that in no event shall any of the following be allowed as new uses within the Africatown Safe Zone:

Industrial uses:

- Airport
- Auto Repair
- Boat Building
- Coal Handling Facility
- Dredged Material Management Facility
- Freight depot handling Hazardous Waste
- Fuel Distribution
- Hazardous Substance Storage Tank
- Hazardous Waste Disposal
- Hazardous Waste Transfer
- Industrial Launderer
- Junkyard
- Liquified Natural Gas Storage and Processing
- Manufacturing, General (but not meant to include the storage, warehousing or handling of products or materials that may be manufactured into other products elsewhere)
- Manufacturing, Hazardous Materials
- Manufacturing, Intensive
- Marine Salvage
- Mining & Quarrying
- Oil & Gas Company, (Drilling & Exploration)
- Oil & Gas Storage
- Petroleum Recovery
- Petroleum Recycling

MINUTES OF JUNE 7, 2022

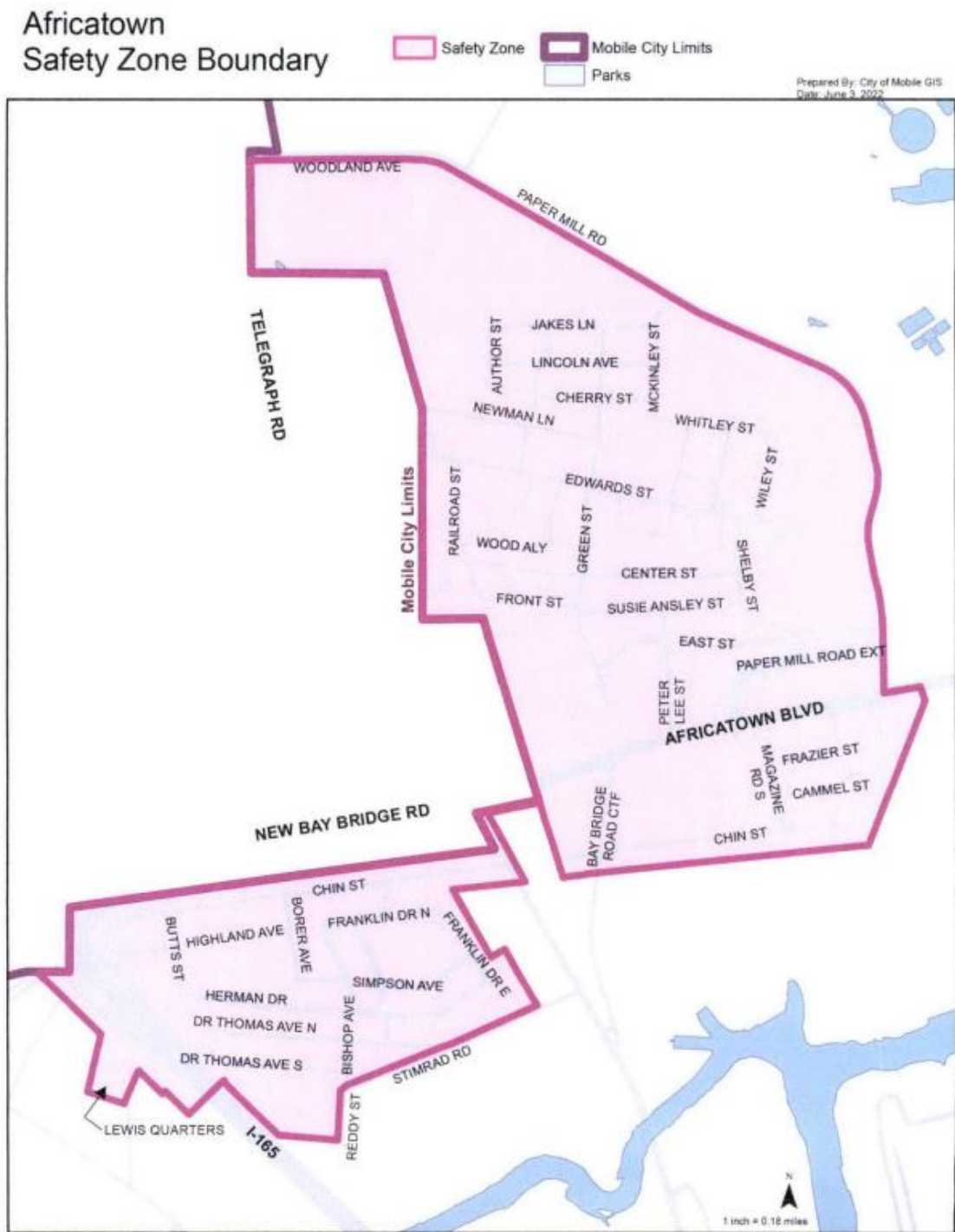
Port
Recycling Plant
Shipyard/Dry Dock
Solid Waste Disposal
Solid Waste Facility
Solid Waste Transfer
Stone Cutting
Truck Repair
Truck Service
Truck Stop

Any Site or Premises being put to a new use shall comply with the Site requirements applicable to the highest zoning district in which the new use is permitted.

4. Sites or Premises within the Africatown Safe Zone which are undeveloped as of the Effective Date will be limited to uses allowed within R-1, R-2, R-3, R-B, T-B, B-1, and B-2 districts.

5. The provisions of 64-6-4 do not apply to Sites or Premises within the Africatown Safe Zone.

6. All Sites and Premises within the Africatown Safe Zone are subject to the provisions of the Africatown Overlay and 64-6-2 concerning Nonconforming Structures and 64-6-3 concerning Nonconforming Sites.



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

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

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

Councilmember Daves moved to hold over the following ordinance until the regular meeting of July 12, 2022, which was seconded by Councilmember Carroll the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 6 OF THE MOBILE CITY CODE “AMBULANCES AND OTHER MEDICAL TRANSPORTATION.” The following ordinance, which was introduced and read at the regular meeting of May 24, 2022, and held over until the regular meetings of May 31, 2022, and June 7, 2022, was called up by the Presiding Officer.

MINUTES OF JUNE 7, 2022

ORDINANCE: 06-030-2022

Sponsored by: Mayor Stimpson

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

SECTION I: Chapter 6 of the Mobile City Code is hereby amended to read, in its entirety, as follows:

Chapter 6 – AMBULANCES AND OTHER MEDICAL TRANSPORTATION

ARTICLE I. IN GENERAL

Sec. 6-1, Purpose.

In order to lessen congestion caused by emergency vehicles on the public streets, to facilitate the prompt dispatch of emergency ambulances when needed to protect life and health, and to further promote health, safety and welfare of its citizens, it is hereby declared that the city designates the city fire department as the advanced life support/emergency ambulance provider for all 911 calls within the city limits pursuant to the procedures hereinafter stated. After careful consideration in order to lessen congestion by emergency vehicles on the public streets, to secure safety of pedestrians and vehicles using the public streets and thoroughfares, and additionally because the public necessity requires that such regulations be adopted to preserve and enforce the health, safety and welfare, and the good order and security of the city and its inhabitants, the rules and regulations of private ambulances and municipal emergency ambulances in the city as set out herein are hereby established by the city council exercising sound legislative judgement.

(Ord. No. 06-050, Art.I,7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-2. Definitions.

For the purpose of this chapter, the following words, terms, phrases and their derivations shall have the meanings respectively ascribed thereto by this article:

Advanced Life Support (ALS) shall mean the provision of life saving, stabilizing and supportive emergency medical procedures by firemedics and paramedics that are complex and invasive in nature.

Alabama Gulf Emergency Medical Services Inc. (AGEMS) shall mean the regional EMS committee as mandated by state law.

Ambulance shall mean any motor vehicle constructed, reconstructed, arranged, equipped or used for the purpose of transporting ill, sick, injured or individuals in need of or requesting medical attention.

Ambulance call shall mean the act of proceeding with an ambulance for the purpose of transporting any patient for compensation.

(1) Emergency shall mean a response to a call in which it is believed that the imminent loss of life or limb will result. To be accomplished with use of all warning devices and lights.

(2) Urgent shall mean a response to a call which does not require the use of all haste but does need to be achieved expeditiously. Warning devices may be used judiciously.

(3) Nonemergency shall mean a response that does not require the use of warning devices including, but not limited to interhospital transfers, discharges to home, visits to physicians' offices and the transport of the deceased patients to funeral homes.

Ambulance attendant shall mean any person licensed as an EMT who has the duty of performing or assisting in the performance of an ambulance call.

MINUTES OF JUNE 7, 2022

Basic Life Support (BLS) shall mean the provision of life saving, stabilizing and supportive emergency medical procedures by EMTs and Firemedics that are simple and non-invasive in nature.

Certificate shall mean a certificate of public convenience and necessity.

City shall mean all areas within the corporate limits of the City of Mobile, Alabama.

City council shall mean the city council of the City of Mobile, Alabama.

Driver shall mean any EMT who drives or attempts to drive any ambulance and who is responsible for the safe transport of the patient and ambulance attendant(s) to and from emergency scenes and the hospital.

Emergency Medical Technician (EMT) shall mean ambulance personnel with current certification and licensure from the Alabama Department of Public Health as a basic or specially skilled emergency medical technician. This individual may also be referred to as an ambulance attendant.

Emergency Physicians Advisory Board (EPAB) shall mean an advisory board established herein which will recommend medical protocols, regulations and performance standards related to the medical and clinical aspects of ambulance service in the city.

Emergency Vehicle Operator shall mean an ambulance driver with all of the following qualifications; (1) valid drivers license; (2) current emergency vehicle operations certificate from an approved course, maintained at all times in the emergency medical provider service's employee file; (3) current approved CPR card; (4) certificate of completion from a Department of Transportation Emergency Medical Responder Curriculum Course, or from the Alabama Fire College Emergency Care Provider Course.

EMS dispatch center shall mean the central communications center from which all E-911 dispatches originate.

EPAB director shall mean the licensed physician appointed by the EPAB to serve as administrative officer in carrying out the duties and powers of the EPAB.

Fire chief shall mean the chief of the fire department of the City of Mobile, Alabama or his duly authorized representative.

Fire department shall mean the fire department of the City of Mobile, Alabama.

Firemedic shall mean an EMT-P/firefighter employed by the fire department.

Firemedic ambulance shall mean any motor vehicle operated by the city fire department that meets the criteria for advanced life support/emergency ambulance.

Interfacility Emergency ALS transfer shall mean the transfer of a patient requiring advanced paramedic skills such as the administration of TPA from one facility to another where more advanced procedures are to be performed.

Medical control, off-line shall mean a physician holding a current license from the state medical license commissioner, who provides medical guidance and who oversees and provides quality assurance and medical liaison for an emergency medical service.

Medical control, online shall mean direction given to ambulance personnel by a base station physician through direct voice contact, with or without vital signs and/or telemetry, as required by applicable medical protocols.

Medical control physician shall mean a physician licensed to practice medicine in the state, knowledgeable in the applicable medical protocols, radio procedures and general operating policies of the southwest Alabama

MINUTES OF JUNE 7, 2022

Regional Emergency Medical Services Region, the city and the state department of public health, and a person from whom ambulance personnel shall, subject to the provisions of this code take medical direction in person, by radio, or by remote communications device.

Medical Protocol shall mean any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the EPAB and approved by the state EMS committee as the normal standard of pre-hospital care for a given clinical condition.

Medical Review shall mean a monthly review of ambulance reports and procedures by the offline medical control for quality assurance purposes.

Mutual Aid Call shall mean a request for emergency ambulance service issued by an ambulance dispatcher in one political jurisdiction to an ambulance dispatcher or ambulance crew in a neighboring political jurisdiction.

Owner shall mean a person engaged in business as the owner, manager, officer or proprietor of a company, firm or organization providing private ambulance service within the city.

Paramedic shall mean a person licensed by the state as an emergency medical technician paramedic.

Patient Transport shall mean:

(1) Category I - Emergency. Patients whose conditions are life threatening or will cause serious permanent physical impairment if not treated immediately.

(2) Category II - Urgent Patients whose conditions would not cause loss of life or serious permanent physical impairment if treatment is deferred or delayed but whose condition is such that transportation to a medical facility is warranted.

(3) Category III - Nonemergency. Individuals with minor medical conditions such as a sprained ankle or migraine headache where the time to treatment is not a critical factor. These patients will be directed to alternative forms of transportation.

Private ambulance shall mean any motor vehicle meeting the criteria designated by this chapter for ambulances which are owned and operated by a company or corporation doing business within the city.

State shall mean the state of Alabama.

State EMS committee shall mean the committee appointed by the state department of public health for the purpose of regulating emergency medical services in the state.

(Ord. No. 06-050, Art. II, 7-23-91; Ord. No. 06-069, § I.A, 10-25-94; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-3. Penalty.

(a) Any person who violates any of the provisions of this chapter, chapter 6 of the City Code (1991, as amended), shall be punished as prescribed in chapter 1, division 2, section 1-31et seq., City Code (1991, as amended).

(b) Each violation of this chapter shall constitute a separate offense. Continuing violations of this chapter shall constitute a separate offense each day the violation is in existence.

(c) This section shall not serve to limit any other remedies available to the city in law or equity.

(Ord. No.06-050, Art. VII,7-23-91; Ord. No.06-069, § I.B, 10-25-94; Ord. No. 06-028-2018, 10-9-18)

MINUTES OF JUNE 7, 2022

Sec. 6-4. Other state laws and regulations.

No portion of this chapter shall be construed in such a manner which is inconsistent with any federal, state or local law or regulations.

(Ord. No.06-050, § 4.07, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-5. Certificate, permits and fees required.

No company, with the exception of ambulance companies lawfully conducting business in the city on July 23, 1991, shall operate an ambulance for hire on any street of the city without first having obtained from the city council a certificate declaring that the public convenience and necessity require such an operation, except as provided herein. No person shall operate an ambulance for hire on any street of the city without having first obtained a business license from the city revenue department. All certificates and permits which are issued pursuant to the provisions of this chapter are nontransferable.

(Ord. No. 06-050, § 3.01, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-6. Governmental ambulance exemptions.

All ambulances owned and operated by governmental entities, such as the City, the County and the State, shall be exempt from the certificate, permit, business license and fee requirements of this chapter, but not from the vehicle safety and personnel training requirements herein. This exemption applies to a subdivision of the State providing transport at no charge from a facility it owns and operates in the City limits to another facility it owns and operates (Ord. No.06-050, § 3.02, 7-23-91.; Ord. No. 06-046, 7-6-93; Ord. No.06-028-2018, 10-9-18)

Sec. 6-7. Firemedic ambulance service.

(a) The fire department will determine the patient category of all individuals at the time of response based upon medical protocol.

(b) The fire department shall provide emergency medical treatment and transportation with regard to the patient and shall not refuse transport of any patient requiring category I (ALS/emergency) treatment to a hospital within the city; regardless of the patient's insurance status or ability to pay.

(c) The fire department will dispatch certified private ambulance services to respond to category II (BLS/urgent) calls on a rotating basis.

(d) The fire department will direct callers with category III (non-emergency) to alternative forms of transportation.

(e) Special Events. Sponsors/planners of special events to be held in the city limits with an attendance of 5000 or more, must contact the fire-rescue department EMS division not less than thirty (30) days prior to the event and submit a plan for ambulance services, including the number of units, equipment and personnel at the event. The EMS division may review the plan and suggest adjustments to the number of units, equipment and personnel. The sponsors/planners at all times remain responsible for public safety at the special event.

The event sponsor/planner shall be responsible for paying the cost for MFRD personnel at a rate of thirty-five dollars per person, per hour, plus any additional fees incurred by the Fire Department. The Fire Department may at its discretion adjust this rate to cover increases, if any, in costs and may, in addition, adjust its fees based on costs incurred for the special event.

MINUTES OF JUNE 7, 2022

Payment arrangements for any special events coverage shall be made through the chief of staff or his/her designee for the city's fire-rescue department prior to the event and payment shall be made not later than thirty (30) days after the event.

For events that are partially sponsored by the city in conjunction with other entities, the other entities shall be responsible for reimbursing the city the personnel overtime cost for each individual MFRD employee working the event for the total number of hours worked including pre-event briefings and post event debriefings.

(f) A firemedic ambulance may transport any patient from a special event as deemed appropriate by the firemedic and/or on-line medical control, regardless of the patient's transport category. The fee for the transport will be charged to the patient.

(Ord. No. 06-050, § 3.04, 7-23-91.; Ord. No. 06-069, § I.C, 10-25-94; Ord. No. 06-049, 9-26-00; Ord. No. 06-054, 10-1-02; Ord. No.06-049-2016, § 1, 9-27-16; Ord. No.06-028-2018, 10-9-18)

Sec, 6-8. Private ambulance ALS-Duties and responsibilities.

Private ambulance services within the city shall have the following ALS/emergency duties and responsibilities:

(1) Interfacility transfer of medically stable patients that may require a paramedic to monitor fluids, EKG rhythms or administer medications.

(2) Patients who, during routine non-emergency transport, develop problems that require ALS procedures.

(3) Continuation of ALS instituted outside the city limits and to a facility inside the city.

(4) Transport of those emergency patients who desire private ambulance service and who directly call the private organization to transport the individual to the facility of his or her choice.

(5) Interfacility transport of emergency ALS patients.

(6) All ambulances should have use of a TDD tied into the 911 number, and use other TDDS where and when needed.

(7) Comply with the Ambulance Service Policy of the City of Mobile Fire Department, including all requirements for responding to BLS calls from the City dispatcher.

(Ord. No.06-050, § 4.08, 7-23-91; Ord. No.01-044, § 1, 6-7- 93; Ord. No.06-028-2018, 10-9-18)

Sec. 6-9. Unlawful operation and prohibited acts.

(a) It shall be unlawful for any person to intentionally or knowingly:

(1) Follow any police car or fire apparatus which is traveling in response to an emergency call on the streets of the city or to follow any ambulance to or near the scene or an emergency call on the streets of the city.

(2) Solicit on the streets of the city the business of transporting injured or sick persons. This prohibition shall not be construed to prohibit lawful advertisements.

(3) Intercept any communication concerning traffic accidents on the streets of the city and divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication and no such solicitor, owner or person, not being entitled thereto, shall receive or assist in receiving any such message emanating through the radio medium of the police or fire department for his own benefit or for the benefit of another solicitor, owner or person in the business of furnishing ambulance service.

MINUTES OF JUNE 7, 2022

(4) Use a uniform, insignia, badge, title, identification card or vehicle marking that so closely resembles or mimics those of the fire department as to confuse the public.

(5) Own or cause to be operated an ambulance on any street of the city without first having obtained a permit thereof in accordance with this chapter or unless exempted therefrom by the provisions of this chapter.

(6) Request the services of any ambulance which is not licensed or permitted in accordance with the provisions of this chapter or exempted therefrom by the provision of this chapter.

(7) Perform duties as an ambulance attendant (EMT or paramedic) without a current permit issued by the licensing officer in accordance with this chapter.

(8) Give false information to induce the dispatch of an ambulance.

(9) Own or cause to be operated an ambulance on any street of the city without complying with the Ambulance Service Policy of the Mobile Fire Department, including requirements to respond to BLS calls from the City dispatcher.

(b) The fire department may update this list of prohibited acts from time to time subject to medical protocols and federal, state, and local laws.

(Ord. No.06-050, Art. V, 7-23-91; Ord. No.06-028-2018, 10-9-18)

Secs. 6-10 - 6-30. Reserved.

ARTICLE II. PERMITS AND CERTIFICATES

DIVISION 1, GENERALLY

Sec. 6-31. When certificates not needed.

No certificate of public convenience and necessity shall be required for any person operating emergency ambulance or other vehicles under the following conditions:

(1) Rendering assistance during any catastrophe or major emergency when the ambulances authorized to operate in the city by certificate are either insufficient in number or inadequate for any other reason, as determined by the fire chief or fire dispatch center;

(2) Operating an ambulance brought in solely for the purpose of a drill or training exercise;

(3) Operating any ambulance rendering requested assistance currently authorized by the city in cases of disaster or major emergency pursuant to provisions of a mutual aid agreement approved by the city.

(4) Traveling through the city, or the transporting of patients who are picked up beyond the limits of the city to locations within the city and returning those patients to their point of pickup.

(Ord. No.06-050, § 3.03, 7-23-91; Ord. No. 06-067, § 1, 9-1-92; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-32. Application for certificate of public convenience and necessity.

Applications for a certificate of public convenience and necessity for the operation of an ambulance within the city shall be in writing, signed and sworn to by the applicant, and shall be filed with the fire chief of the city or his duly authorized representative. The application shall be on a form prescribed by the fire chief and shall contain at least the following:

MINUTES OF JUNE 7, 2022

- (1) The name and address of the applicant and the trade name under which the applicant does or proposes to do business; if the applicant is an individual, the name, age and address of the applicant and the length of time the applicant has resided in the city; or if a partnership or association, the business name thereof and the name, age and address of each partner and the length of time each partner has resided in the city; or if a corporation, the names and addresses of all officers and directors of such corporation.
- (2) The number of vehicles the applicant desires to operate and the class, size, design and color scheme of each vehicle.
- (3) Whether or not the applicant has ever been convicted of any crimes directly or indirectly related to the duties and responsibilities of operating ambulances.
- (4) Whether or not the applicant, his associates or employees have any claims or judgments against them for damages resulting from the negligent operation of an ambulance, or any other vehicle.
- (5) The financial ability of the applicant to comply with the provisions of the chapter.
- (6) The nature and character of the service that the applicant proposes to render; the facts showing the demand for such service; the experience that the applicant has had in rendering such service and the period of time, if any, that he has rendered it in the city.
- (7) Documentation from the applicant's insurance carrier, stating that the insurance required hereunder is available to the applicant and that such coverage is or will be provided prior to the issuance by the fire chief of the certificate to operate hereunder, naming the City as an additional insured.
- (8) Agreement to comply with the Ambulance Service Policy of the Mobile Fire Department including all requirements for responding to BLS calls from the City dispatcher.

(Ord. No.06-050, § 4.01, 7 -23-91; Ord. No.06-028-2018, 10-9-18)

Sec. 6-33. Investigation of applications.

Upon receipt of a properly filed application for a private ambulance service certificate of public convenience and necessity the fire chief shall cause an investigation to be made of the information provided in the application to determine if it is accurate and complete.

(Ord. No. 06-050, § 4.02, 7 -23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-34. Public hearings upon the public convenience and necessity of issuing such certificate.

(a) Upon receipt of the written investigative report provided for in section 6-33, the council shall schedule a public hearing by resolution. Notice of such public hearing by the council shall be given by publishing said notice once in a newspaper of general circulation within the city at least ten (10) days prior to the date set for such hearing. The purpose of such public hearing shall be to determine, among other things, the following:

- (1) Whether or not the public convenience and necessity require the operation of such ambulance or ambulances;
- (2) Whether the applicant will be able to provide ambulance service of such permanence and quality as to best serve the public interest;
- (3) The experience that the applicant has had in rendering ambulance service;
- (4) The past experience of the applicant in satisfying judgments, if any, to claimants as a result of injuries received by reason of negligent operation of the ambulance;

MINUTES OF JUNE 7, 2022

(5) The financial ability of the applicant to respond to damages to property resulting from the negligent operation of an ambulance;

(6) The character and condition of the ambulance(s) and capabilities of ambulance attendant personnel to be used by the proposed ambulance business.

(b) In the event the city council finds that the public convenience and necessity require the issuance of such a certificate and that the applicant meets the required qualifications and will be able to give proper and adequate service in the best interest of the inhabitants of the city, the mayor shall direct the fire chief to issue a certificate of public convenience and necessity to the applicant said certificate of public convenience and necessity shall state any restrictions mandated by the city council, including but not limited to time periods and number of authorized ambulances.

(Ord. No.06-050, § 4.03, 7 -23-91; Ord No.06-028-2018, 10-9-18)

Sec. 6-35. Form, contents, and issuance of certificate,

(a) Every certificate issued hereunder shall be authorized by the city council and the mayor, signed by the fire chief and attested by the city clerk, and shall contain, in addition to the name and address of the applicant, the number of vehicles authorized to be operated pursuant to such certificate along with any time limits which may be applicable.

(b) The fire chief upon receiving direction from the mayor to issue a certificate to an applicant for the operation of ambulances hereunder, shall issue such certificate to the applicant. A copy of every certificate issued shall be filed with and maintained by the fire department and the city clerk's office.

(c) The term of a certificate will be up to ten (10) years.

(d) A certificate may be renewed by following the application procedures in this Division 1, provided the fire chief may waive investigation under Section 6-33.

(Ord. No.06-050, § 4.04, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-36. Causes of revocation, alteration or suspension of certificate or permit,

Every certificate or ambulance permit issued hereunder shall be subject to revocation, alteration or suspension by the city if any of the following conditions should occur:

(1) The public convenience and necessity no longer warrant such operation;

(2) The owner has refused to render the full service authorized by his certificate;

(3) The owner has been convicted of a crime which directly relates to the duties and responsibilities of the certified occupation;

(4) The certificate was obtained by an application in which any material fact was intentionally omitted or falsely stated;

(5) The owner has persisted in permitting his motor vehicles to be operated in violation of any law;

(6) The owner has willfully and knowingly violated or failed to comply with any of the provisions hereof;

(7) The owner or his agent has, without good cause, induced or sought to induce a change of destination to or from a hospital or other place specified by the person hiring the ambulance;

(8) The owner or his agent has allowed the service to be operated in a negligent manner;

MINUTES OF JUNE 7, 2022

(9) The insurance coverage required herein has been cancelled, reduced, withdrawn, suspended or terminated;

(10) The owner has allowed any of his vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use;

(11) The owner fails to comply with the terms of this chapter, including but not limited to failure;

(a) to maintain the financial ability to comply with the requirements of this chapter;

(b) to respond to Category II (BLS/urgent) calls as required by the Fire Department; or

(c) to comply with the Ambulance Service Policy of the Mobile Fire-Rescue Department; or

(d) to comply with any limitations imposed by the city council in the certificate;

(12) The owner has failed to comply with applicable federal, state, or local laws or regulations.

(Ord. No.06-050, § 4.05, 7-23-91 Ord. No.06-028-2018, 10-9-18)

Sec. 6-37. Procedure for revocation, alteration or suspension of certificate or permit.

The fire chief, or his duly authorized designee, may at any time give notice in writing to the certificate or permit holder or person in control of the operation and maintenance of such ambulance service and the city clerk's office that the certificate issued for the operation and maintenance of such ambulance service has been suspended or revoked. The notice shall outline the reason or reasons for suspension or revocation. The notice of suspension or revocation shall become final ten (10) days after the notice of suspension or revocation is received unless on or before the expiration of such ten (10) days the certificate holder shall file within the city clerk's office or the fire chief a written notice of appeal of such suspension or revocation. The appeal shall operate as a stay of suspension or revocation of the certificate until such time as the city council shall grant a hearing and make a final adjudication which shall be appealable to the circuit court of the county. This hearing before the city council will be held in a reasonable time.

(Ord. No.06-050, § 4.06, 7-23-91; Ord No.06-028-2018, 10-9-18)

Secs. 6-38-6-45. Reserved.

DIVISION 2. VEHICLE AND PERSONNEL

Secs. 6-46, 6-47. Reserved.

Editor's note(s)-Sections II.A and B of Ord. No. 06-069, adopted October 25, 1994, repealed §§ 6-46 and 6-47Editor's note(s)-, which pertained to permit requirements and fees and derived from Ord. No. 06-050, adopted July 23, 1991.

Sec. 6-48. Ambulance attendant personnel.

No ambulance attendant shall drive, manage or control any ambulance on any public street or thoroughfare in the city, attend or render any care to any passenger, or otherwise perform duties in any such ambulance for compensation without properly trained and licensed personnel.

(Ord. No.06-050, § 4.60, 7-23-91; Ord. No.06-069, § I.D, 10-25-94; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-49. Qualifications for ambulance attendants.

MINUTES OF JUNE 7, 2022

(a). Ambulance attendants shall meet the following minimum requirements:

(1) Each attendant must be the holder of a current valid driver's license.

(2) Each attendant must possess a current, valid EMT license issued by the Alabama Department of Public Health that identifies their level of certification. No one may perform the duties of an EMT in the city without a current, valid, state EMT license.

(3) Each attendant must be fluent in and be able to read and write the English language.

(4) Each attendant shall not have been convicted of a crime that directly relates to the duties and responsibilities of being an ambulance attendant.

(5) Each attendant shall be not less than eighteen (18) years of age.

Said minimum requirements may be updated from time to time by the firemedic division of the fire department subject to the approval of the fire chief.

(Ord No.06-050, § 4.61, 7-23-91; Ord. No.06-069, § I.E, 10-25-94; Ord. No.06-028-2018, 10-9-18)

06-028-2018,

Secs. 6-55 – 6-65. Reserved.

ARTICLE III. OPERATIONAL PROCEDURES

Sec. 6-66. Central place of business.

Each private ambulance service owner shall maintain a central place of business with at least one properly listed telephone for receiving all calls for ambulance service, where all business records and daily manifests herein required shall be maintained and available upon request and be generally responsible for the conduct and operation of its ambulance(s). Each owner shall, in writing, immediately notify the fire chief of any change of the business address or of the telephone number where said owner may be contacted at all times.

(Ord. No. 06-050, § 4.30, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-67. Certificate holder's records and reports.

(a) Each certificate holder shall maintain a daily manifest upon which shall be recorded the date, time call received and name of individual calling, time of arrival at requested location, place of origin, patient's name and address, destination and charges for each trip.

(b) Each such owner shall retain and preserve all daily manifests for at least twenty-four (24) months, and such manifests shall be available for inspection by the fire chief or his duly authorized representatives upon request.

(c) Each such owner shall maintain such records at a place readily accessible for examination by the fire chief or his duly authorized representative.

(d) Any violation of this section shall be subject to prosecution pursuant to the authority of City Code, section 1-31 et seq. (1991, as amended), in accordance with section 6-3.

(Ord. No.06-050, § 4.31, 7-23-91; Ord. No.06-069, § I.K, 10-25-94; Ord. No.06-028-2018, 10-9-18)

Sec. 6-68. Sanitary bed linens required per patient.

MINUTES OF JUNE 7, 2022

Clean and sanitary bed linens shall be provided for each patient carried and shall be changed after the discharge of each patient.

(Ord. No. 06-050, § 4.32 A, 7-23-91.; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-69. Attendants required.

For interfacility transfers and for Category II (BLS/urgent calls) described in section 6-8(1), each ambulance shall have a minimum of one (1) emergency vehicle operator and one (L) emergency medical technician. The technician shall remain in attendance to the patient being conveyed while the other may serve as the driver. Attendants should have access to interpreters, and other auxiliary aids and services, to assist disabled persons.

(Ord. No.06-050, § 4.32 B, 7-23-91; Ord. No. 01-044, § 1, 7-6-93; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-70. Standards of vehicle and equipment.

(a) All motor vehicles used for the purpose of providing ambulance service hereunder shall be designed and constructed to transport ill, sick, or injured persons in comfort and safety, and shall be maintained in clean, sanitary, and first-class mechanical condition at all times and comply with all applicable federal, state or local laws.

(b) All motor vehicles used for the purpose of providing ambulance service hereunder shall be equipped according to current federal, state, and local standards as may be updated from time to time by the EPAB and the firemedic division of the fire department subject to approval by the fire chief.

(Ord. No.06-050, § 4.33, 7-23-91; Ord. No.06-028-2018, 10-9-18)

Sec. 6-71. Ambulance equipment safety.

(a) All mechanical, safety and special equipment shall be subject to inspection at any time by the fire department.

(b) If an ambulance and/or its associated equipment is found to be a hazard to the health or safety of the public, the fire chief may order it removed from service until such hazard has been remedied.

(c) Upon completion of any necessary inspection, the inspecting mechanic shall furnish the fire chief a letter on his business stationery certifying that said vehicle is in sound mechanical condition and is safe for operation on the streets of the city as an emergency vehicle.

(d) No ambulance that has been substantially damaged or altered, since inspection in accordance with this law, shall be allowed back in service until it has been reinspected by the certifying garage and approved by the fire department.

(Ord. No.06-050, § 4.34, 7-23-91, Ord. No. 01-055, § 1, 7-6-93; Ord. No. 06-069, § I.L, 10-25-94; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-72. Fees.

Fees authorized by federal law and regulations, including regulations and guidance of the Center for Medicare and Medicaid Services, are permissible.

06-028-2018,

Sec. 6-73. Radio dispatcher procedure.

(a) In the event an owner receives a private call for ambulance service which is of any emergency nature, said owner shall report to the fire dispatcher such call, giving the

MINUTES OF JUNE 7, 2022

location and the nature of the call, if known, and request clearance to use their warning devices giving both the location of the incident and, when determined, the destination of the patient.

(b) It shall be unlawful for a private ambulance attendant or owner to make an emergency ambulance call on the city streets without:

(1) Having been requested by a private individual.

(Ord. No. 06-050, § 4.36, 7-23-91; Ord No. 06-028-2018, 10-9-18)

06-028-2018,

Sec. 6-74. General vehicular procedure in emergency situation.

(a) When the driver of any ambulance has reasonable grounds to believe that an emergency exists, the driver of the ambulance may:

(1) Park the ambulance or stand in any place in order to provide medical services irrespective of the otherwise applicable provisions of law, ordinance or regulations;

(2) Proceed with warning devices operating past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits permitted by law, ordinance or regulation; provided, however, that any governing directives issued by the city's chief of police are obeyed and that life and property are not endangered thereby;

(4) Disregard with warning devices operating laws, ordinances and regulations governing directions or movements or turning in specified directions.

(b) The foregoing provision shall not operate to relieve the driver of any ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Ord. No.06-050, § 4.38, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-75. Duties of the fire chief.

It shall be the duty and responsibility of the fire chief to:

(1) Administer the provisions of this chapter.

(2) Investigate or cause his designee to investigate all complaints involving any type of ambulance service within the city and take appropriate action where necessary.

(Ord. No.06-050, § 3.05, 7-23-91; Ord. No. 06-028-2018, 10-9-18)

Sec. 6-76. Professional conduct.

Paramedics, EMTs, drivers, dispatch personnel and all other personnel employed by the owner hereunder, including all persons involved in billing and collection activities, shall, at all times, conduct themselves in a professional manner as generally described in the "Rules for Ambulance Attendant."

(Ord. No.06-050, § 4.39, 7-23-91; Ord. No.06-028-2018, 10-9-18)

Secs. 6-77 – 6-85. Reserved.

ARTICLE IV. NON-EMERGENCY TRANSPORT

Sec. 6-86. Private company used for nonemergencies.

MINUTES OF JUNE 7, 2022

In order to provide maximum ALS/emergency medical coverage for the citizens of the city, the fire department shall inform individuals who request nonemergency transport when contacting 911 that they must contact a private ambulance company or use alternative forms of transportation. All nonemergency transport shall have access to TDDs and other auxiliary aids and services to assist disabled persons who use the service.

(Ord. No. 06-050, Art. IV B, 7-23-91; Ord. No. 01-044, § 1, 7-6-93., Ord. No. 06-028-2018, 10-9-18)

Sec. 6-87, Reimbursement of nonemergency ambulance transport.

Private ambulance service shall be responsible for the billing and collection of fees from private transported individuals. The city will not compensate private ambulance services for private ambulance transportation services rendered.

(Ord. No.06-050, § 4.20, 7-23-91; Ord. No.06-028-2018, 10-9-18)

Sec. 6-88. Reserved.

Editor's note(s)-Section II.C of Ord. No. 06-069, adopted October 25, 1994, repealed § 6-88 Editor's note(s)-, which pertained to procedures for nonemergency transport and derived from Ord. No.06-050, adopted July 23, 1991.

Sec. 6-89. Disposition of the deceased.

(a) Transport of individuals that are obviously dead, where the death is not of a suspicious nature and not under investigation by any law enforcement agency shall be the responsibility of the family of the deceased. Arrangements may be made with a private ambulance service or funeral home for transport. Where family of the deceased cannot be located the transport of the body shall be coordinated with the county medical examiner's office.

(b) Transport of deceased individuals where the deaths are being investigated by a local law enforcement agency shall be the responsibility of that agency.

06-028-2018, SECTION II: Section 1-32 (2) of the Mobile City Code is hereby amended as follows:

(a) Section 1-32 (2) in pertinent part currently sets out a fine for violations of sections 6-1 to 6-89 of the City Code as follows:

| Section | Name | Fine | Court Cost | Total (Fine and Court Cost) |
|----------|---|-------|------------|-----------------------------|
| 6-1—6-89 | Ambulances and other medical transportation | 70.00 | | 70.00 |

(b) The above provision in Section 1-32 (2) that addresses violations of Sections 6-1 to 6-89 of the City Code is hereby amended as follows:

| Section | Name | Fine | Court Cost | Total (Fine and Court Cost) |
|---------------------------------------|---|-------|---------------|-----------------------------|
| Chapter 6, unless otherwise indicated | Ambulances and other medical transportation | 70.00 | As applicable | 70.00 plus court cost. |

(c) No other provision of Section 1-32 is altered by this amendment.

REPEALER. All-City Code sections and ordinances or parts of City Code section and ordinances in conflict are hereby repealed.

EFFECTIVE DATE. This amendment shall be effective following adoption and publication.

MINUTES OF JUNE 7, 2022

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

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

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

ORDINANCE TO AMEND SECTION 57-17 OF THE MOBILE CITY CODE, PROCEDURES FOR VACATION OF STREETS, ALLEYS AND PUBLIC WAYS BY PETITION. The following ordinance, which was introduced and read at the regular meeting of May 24, 2022, and held over until the regular meetings of May 31, 2022, and June 7, 2022, was called up by the Presiding Officer.

ORDINANCE: 57-032-2022

Sponsored by: Councilmember Daves

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

Section 1. Amendment.

“Sec. 57-17. Procedures for vacation of streets, alleys and public ways by petition.” of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

Sec. 57-17. Procedures for vacation of streets, alleys and public ways by petition.

(a) Filing of petition with city clerk.

(1) Subject to the conditions and requirements of applicable state law and this section, the owner or owners of land abutting any street, alley, or dedicated public way, including unused rights-of-way, may petition the city council to have the street, alley, or public way vacated, in whole or in part.

(2) Any person who desires to vacate a street, alley, or dedicated public way, open or unopen, shall submit to the city clerk a written petition requesting that the street, alley, or public way be vacated. The written petition must contain notarized signatures evidencing the consent of all of the following:

a. The owner(s) of the land abutting the street, alley, or public way to be vacated; and

b. If the petition requests the vacation of an open, paved street, alley or public way, the owner(s) of any land contained within any platted subdivision in which the street, alley, or public way to be vacated is located; and

c. If the petition requests the vacation of an open, paved street, alley or public way, the owner(s) of any land within three hundred (300) feet of the area of such street, alley, or public way to be vacated.

(3) When the written petition is submitted, the person(s) submitting the petition shall provide the following to the city clerk either with or within such petition:

a. The correct legal description of the area sought to be vacated;

b. A plat or survey that clearly shows in detail:

1. The area sought to be vacated;

MINUTES OF JUNE 7, 2022

2. The location of all lots or tracts of land that abut the area sought to be vacated;
 3. The square footage of the area sought to be vacated;
 4. The square footage of each lot or tract of land that abuts the area sought to be vacated.
- c. The current year fair market appraised unimproved land value, as determined by the county revenue commissioner, of all lots or tracts of land that abut the area sought to be vacated.
 - d. If the petition requests vacation of a paved street or public way open to vehicular traffic, then a traffic impact study and report prepared by a transportation engineer in accordance with the recommendations of the Institute of Transportation Engineers must be submitted with the petition. The study must show that the proposed vacation will not impede the orderly flow of traffic within three hundred (300) feet of the street or public way to be vacated, and, if applicable, the platted subdivision in which such street or public way is located.
 - e. If the petition requests vacation of a paved street or public way open to vehicular traffic, then an agreement must be signed by all persons requesting the vacation and submitted to the city clerk wherein those persons jointly and severally agree to indemnify and hold the city, and its officials and employees, harmless of and from any costs, expenses, and attorney fees that may be incurred in connection with any litigation that may be brought by any person or entity challenging the decision to vacate the street, alley, or public way. Such indemnification and hold harmless agreement shall be in a form approved by the clerk.
 - f. Three (3) sets of printed adhesive labels containing the names and addresses of the owner(s) of any applicable land referred to in subsections (a)(2)a, b and c of this section.
 - g. An original declaration of vacation signed by all abutting landowners to the area to be vacated, and a proposed council resolution assenting to the proposed vacation, in forms approved by the clerk.
- (4) The person(s) submitting the petition shall pay a one hundred dollar (\$100.00) fee to the clerk at the time that the petition is submitted.
- (5) The person(s) submitting the petition, or their designee, shall be responsible for notifying in writing all utility companies (including but not limited to Mobile Area Water and Sewer System, Alabama Power, Spire, AT&T, and Comcast Cable), and any other person or entity that has any easement or right-of-way that would be affected by the proposed vacation, of the proposed request for vacation. Such notification shall contain a request that the utility or other easement or right-of-way holder consent in writing to the vacation, or submit written objection thereto. Such written responses from the utilities or other easement or right-of-way holders shall be provided to the city clerk at the time that the written petition is submitted.
- (6) A petition will not be considered to have been submitted until all of the requirements of this section have been met, unless otherwise permitted by the laws of the state.
- (7) The State of Alabama, Mobile County, Alabama, and other governmental and quasi-governmental agencies or entities shall be exempt from the requirements of subsections (a)(2)b, (a)(2)c, (a)(3)d and (a)(3)e of this section.
- (b) Review by city departments and officials.

Following receipt of the written petition, the city clerk will forward the petition and any other submitted documentation to the mayor, the city engineer, the city traffic engineer, the police department, the fire-rescue department, the city attorney, the council attorney, and the real estate department, for their review and comment. Written comments and objections from such persons or departments, if any, must be received by the city clerk within thirty (30) days thereafter in order to be considered by the council.

MINUTES OF JUNE 7, 2022

(c) Scheduling of public hearing.

(1) After the time period for submission of comments and any objections from city officials or departments has elapsed, the clerk will prepare a resolution to set a public hearing on said proposed vacation to be presented to the city council. Any interested City administration officials, or their respective designees, may attend the public hearing and shall be entitled to speak and respond to any council inquiries on the issue. They shall also be entitled to make known to the council either in person or by correspondence their comments and recommendations made in regard to the proposed vacation.

(2) The public hearing shall be scheduled within one hundred (100) days from the date that the written petition is completed and deemed submitted. Notice of the hearing shall be provided as set out in Code of Ala., § 36-25A-3, for notice of meetings and shall describe the street, alley, or public way, or portion thereof, requested to be vacated in the petition. A copy of the notice shall also be served by U.S. Mail at least thirty (30) days prior to the scheduled hearing to any owner identified in subsection (a)(2) hereof and to any entity known to have facilities or equipment such as utility lines, both above-ground or buried, within the public right-of-way of the street or alley, or portion thereof, requested to be vacated in the petition.

(3) In addition to the aforesaid notice provisions, two signs shall be conspicuously posted at the location of the street, alley, or public way, or portion thereof, requested to be vacated in the petition. The signs shall be plainly visible to passers-by and posted no less than fifteen (15) days before the day of the scheduled public hearing and shall remain so posted at all times until the hearing has been held. The signs shall be weatherproof and the petitioner shall be responsible for obtaining and posting such signs and providing photographic proof to the city clerk that such signs were and remained posted as required herein. The wording on the signs shall not be less than two inches in height and shall be in substantially the following form:

NOTICE OF PUBLIC HEARING APPLICATION HAS BEEN MADE TO THE CITY OF MOBILE TO VACATE THE STREET, ALLEY OR PUBLIC WAY ABUTTING THIS PROPERTY. FOR MORE INFORMATION CALL THE MOBILE CITY CLERK'S OFFICE AT 251-208-7474.

(4) The person(s) who submitted the petition shall pay all costs of scheduling the public hearing and providing notice thereof, including the costs of advertisement, mailing, and posting the signs required by this section. The clerk shall submit an invoice to the petitioner for such costs which must be paid prior to such hearing. Failure to pay such costs shall constitute a withdrawal of the petition unless the city council grants a waiver of this requirement.

(d) Criteria and conditions of vacation.

(1) The city council may consider in regard to any proposed vacation the present and long term effects on existing utilities, proposed utilities, master traffic plan, traffic patterns, traffic counts, reasonable and convenient ingress and egress, public services, and any other factor deemed relevant by the city council.

(2) Any vacation may be subject to reservation of easements and rights-of-way for utilities or conditioned upon easements or rights-of-way being granted or reserved to the city, or other conditions, in the discretion of the city council.

(3) Any entities with utility lines, equipment or facilities in place shall continue to have the rights set forth in Code of Alabama § 23-4-20(f), as same now exists or may hereafter be amended.

(4) No vacation of any street, alley, or dedicated public way shall deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets,

MINUTES OF JUNE 7, 2022

alleys, or dedicated public ways, then another street, alley, or dedicated public way affording such right must be dedicated as may be required by applicable state law.

(5) The city council further reserves its rights to close or vacate any street, alley or public way by its own action pursuant to its inherent and statutory police and other powers.

(6) Partial vacations may be approved but are not favored. Partial vacations of any alley will not be allowed without the notarized written consent of all owners of property that abut the entire length of the alley.

(e) Payment of fees.

(1) It shall be the policy of the city council to require abutting landowners who will benefit directly from the vacation of a road, street, alley, or other dedicated public way, open or unopen, to pay to the city a fee in accordance with Code of Ala. § 11-49-6.

(2) The fee shall be equal to the fair market appraised unimproved land value of the land which will be added to the holdings of the abutting landowners who will directly benefit from the vacation, as determined in accordance with Code of Ala. § 11-49-6.

(3) If the aggregate fee for all lots or tracts that will be added to the holdings of abutting landowners who will directly benefit from the vacation, as determined in accordance with Code of Ala. § 11-49-6, is less than five thousand dollars (\$5,000.00), then no fee shall be required.

(4) If the aggregate fee for all lots or tracts that will be added to the holdings of abutting landowners who will directly benefit from the vacation, as determined in accordance with Code of Ala. § 11-49-6, is equal to or greater than five thousand dollars (\$5,000.00), then the fee shall be finally determined and assessed by the city council after a public hearing, notice of which shall be published and mailed in accordance with the requirements of Code of Ala. § 11-49-6.

(5) The council may, in its discretion, waive any fee as it determines to be justified or warranted under the circumstances presented.

(f) Completion of process. Once all fee(s) and cost(s) have been paid, and any other conditions of the vacation have been met, and if the city council has approved the petition for vacation, the person(s) who submitted the petition for vacation will receive a certified copy of the council's resolution to be filed by them together with the declaration of vacation in the office of the judge of probate of the county.

Section 2. Miscellaneous.

(a) All other provisions and sections of the aforesaid Ordinance not amended herein shall remain in full force and effect.

(b) 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.

(c) This Ordinance shall be effective immediately upon its adoption and publication as required by law.

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

Councilmember Jones moved to amend the ordinance as follows:

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

MINUTES OF JUNE 7, 2022

Section 1. Amendment.

"Sec. 57-17. Procedures for vacation of streets, alleys and public ways by petition." of the Mobile City Code, 1991, is hereby amended and restated in its entirety to read as follows:

Sec. 57-17. Procedures for vacation of streets, alleys and public ways by petition.

(a) Filing of petition with City Clerk

(1) Subject to the conditions and requirements of applicable state law and this section, the owner or owners of land abutting any street, alley, or dedicated public way, including unused rights-of-way, may petition the city council to have the street, alley, or public way vacated, in whole or in part.

(2) Any person who desires to vacate a street, alley, or dedicated public way, open or unopen, shall submit to the city clerk a written petition requesting that the street, alley, or public way be vacated. The written petition must contain notarized signatures evidencing the consent of all of the following:

a. The owner(s) of the land abutting the street, alley, or public way to be vacated; and

b. If the petition requests the vacation of an open, paved and city maintained street, alley or public way, owners of eighty percent (80%) of the parcels of land contained within any platted subdivision in which the street, alley, or public way to be vacated is located.

(3) When the written petition is submitted, the person(s) submitting the petition shall provide the following to the city clerk either with or within such petition:

a. The correct legal description of the area sought to be vacated;

b. A plat or survey that clearly shows in detail:

1. The area sought to be vacated;

2. The location of all lots or tracts of land that abut the area sought to be vacated;

3. The square footage of the area sought to be vacated;

4. The square footage of each lot or tract of land that abuts the area sought to be vacated.

(b) Review by city departments and officials. Following receipt of the written petition, the city clerk will forward the petition and any other submitted documentation to the mayor, the city engineer, the city traffic engineer, the police department, the fire-rescue department, the city attorney, the council attorney, and the real estate department, for their review and comment. Written comments and objections from such persons or departments, if any, must be received by the city clerk within thirty (30) days thereafter in order to be considered by the council.

(c) Scheduling of public hearing.

(1) After the time period for submission of comments and any objections from city officials or departments" has elapsed, the clerk will prepare a resolution to set a public hearing on said proposed vacation, to be presented to the city council. Any interested City administration officials, or their respective designees, may attend the public hearing and shall be entitled to speak and respond to any council inquiries on the issue. They shall also be entitled to make known to the council either in person or by correspondence their comments and recommendations made in regard to the proposed vacation.

(2) The public hearing shall be scheduled within one hundred (100) days from the date that the written petition is completed and deemed submitted. Notice of the hearing shall be provided as set out in Code of Ala., § 36-25A-3, for notice of meetings and shall describe the street, alley, or public way, or portion thereof, requested to be vacated in the

MINUTES OF JUNE 7, 2022

petition. A copy of the notice shall also be served by U.S. Mail at least thirty (30) days prior to the scheduled hearing to any owner identified in subsection (a)(2) hereof and to any entity known to have facilities or equipment such as utility lines, both above-ground or buried, within the public right-of-way of the street or alley, or portion thereof, requested to be vacated in the petition.

(3) In addition to the aforesaid notice provisions, two signs shall be conspicuously posted at the location of the street, alley, or public way, or portion thereof, requested to be vacated in the petition. The signs shall be plainly visible to passers-by and posted no less than fifteen (15) days before the day of the scheduled public hearing and shall remain so posted at all-times until the hearing has been held. The signs shall be weatherproof and the petitioner shall be responsible for obtaining and posting such signs and providing photographic proof to the city clerk that such signs were and remained posted as required herein. The wording on the signs shall not be less than two inches in height and shall be in substantially the following form:

NOTICE, OF PUBLIC HEARING

APPLICATION HAS BEEN MADE TO THE CITY OF MOBILE TO VACATE THE STREET, ALLEY OR PUBLIC WAY ABUTTING THIS PROPERTY. FOR MORE INFORMATION CALL THE MOBILE CITY CLERK'S OFFICE AT 251-208-7414.

(4) The person(s) who submitted the petition shall pay all costs of scheduling the public hearing and providing notice thereof, including the costs of advertisement, mailing, and posting the signs required by this section. The clerk shall submit an invoice to the petitioner for such costs which must be paid prior to such hearing. Failure to pay such costs shall constitute a withdrawal of the petition unless the city council grants a waiver of this requirement.

(f) Completion of process. Once all fee(s) and cost(s) have been paid, and any other conditions of the vacation have been met, and if the city council has approved the petition for vacation, the person(s) who submitted the petition for vacation will receive a certified copy of the council's resolution to be filed by them together with the declaration of vacation in the office of the judge of probate of the county.

Section 2. Miscellaneous.

(a) All other provisions and sections of the aforesaid Ordinance not amended herein shall remain in full force and effect.

(b) 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.

(c) This Ordinance shall be effective immediately upon its adoption and publication as required by law.

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

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

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

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

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

MINUTES OF JUNE 7, 2022

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

ORDINANCE TO PROVIDE FOR THE REAPPORTIONMENT OF THE SEVEN CITY COUNCIL DISTRICTS FOR THE CITY OF MOBILE. The following ordinance, which was introduced and read at the regular meeting of May 24, 2022, and held over until the regular meetings of May 31, 2022, and June 7, 2022, was called up by the Presiding Officer.

ORDINANCE: 01-033-2022

Sponsored by: Councilmember Carroll

WHEREAS, Section 11-44C-13 of the Code of Alabama provides that the City Council's seven members shall be elected from districts which shall be, as near as practicable, of equal population according to the last decennial census; and,

WHEREAS, Section 11-44C-90 of the Code of Alabama requires that the seven City Council districts are to be reapportioned following a decennial census to account for changes in the population of the districts; and,

WHEREAS, based upon the results of the last decennial census the Council finds that reapportionment of the Council districts is necessary to provide fair and equal representation to all of the citizens of the City of Mobile; and,

WHEREAS, the Council finds that reapportionment of the Council districts as provided in this Ordinance will achieve the goal of equally apportioning the City's population so as to provide fair and equal representation to all citizens of the City of Mobile.

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

SECTION ONE: The seven city council districts shall be as follows:

A. DISTRICT ONE shall consist of: in Mobile Division, Mobile County:

The ordinance was read by the City Clerk; whereupon Councilmember Carroll moved that the ordinance be held over until the regular meeting of June 21, 2022, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

Abstained: Jones

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

RESOLUTIONS HELD OVER

UPDATE THE AMERICAN RESCUE PLAN ACTION PLAN TO INCLUDE REDEVELOPMENT FOR AFFORDABLE HOUSING (PROPERTY LOCATED AT 165 DAUPHINS STREET); \$8,000,000.00 TOTAL LOAN AMOUNT (\$24,000,000.00 FROM OTHER SOURCES). The following resolution, which was introduced and read at the regular meeting of May 17, 2022, and held over until the regular meetings of May 24, 2022, and June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 31-451-2022

Sponsored by: Mayor Stimpson

WHEREAS, the City of Mobile receives direct grant funds from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs

MINUTES OF JUNE 7, 2022

authorized by Title I of the Housing and Community Development Act of 1974 and Title II of the Cranston-Gonzalez National Affordable Housing Act, respectively and as amended; and

WHEREAS, the City of Mobile receives direct grant funds from the United States Department of Treasury (Treasury) through the American Rescue Plan (ARP), under the Coronavirus State and Local Fiscal Recovery Fund, utilizing the allocation formula derived from Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Treasury has published its Final Rule for eligibility of program expenses which include HOME rules and regulations as a safe harbor for affordable housing development expenses; and

WHEREAS, the HOME rules and regulations to be used as a safe harbor for affordable housing development expenses shall include a minimum of 20 years restriction to any HOME or ARP unit within the development requiring that it remain affordable utilizing HUD income and rent limits released annually to the participating jurisdictions; and

WHEREAS, the HOME rules and regulations to be used as a safe harbor for affordable housing development expenses shall also include annual property and records inspections for housing quality standards, code compliance, and project financial viability; and

WHEREAS, the City of Mobile published an affordable housing developer Request for Proposals on October 6, 2021, which announced multiple funding availabilities including CDBG, HOME, and ARP; and

WHEREAS, the City of Mobile has received a proposal from Gulf Coast Housing Partnership, Inc. that meets multiple criteria including those related to being a qualified developer, being near shovel-ready, elimination of blight, leverage of other funds, historic preservation, workforce housing, economic impact, and the goal of the HUD Office of Fair Housing and Equal Opportunity to increase dedicated affordable housing in high opportunity areas.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the American Rescue Plan Action Plan of the City of Mobile is updated to reflect the project located at 165 Dauphin Street Mobile, AL with an estimated overall cost of

The resolution was read by the City Clerk; whereupon Councilmember Carroll moved that the resolution be held over until the regular meeting of June 21, 2022, which was seconded by Councilmember Daves. Following comments made by Councilmembers Reynolds, Small, Carroll, Daves, Gregory, and Penn, the vote was as follows:

Ayes: Penn, Carroll, Daves, Jones, and Gregory

Nays: Small and Reynolds

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

AUTHORIZE CHANGE ORDER WITH GORAM AIR CONDITIONING COMPANY, INC. FOR MECHANICAL UPGRADES AT THE ARTHUR R. OUTLAW CONVENTION CENTER; \$243,000.00. The following resolution, which was introduced and read at the regular meeting of May 31, 2022, and held over until the regular meeting of June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 21-478-2022

Sponsored by: Councilmember Carroll and Mayor Stimpson

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

MINUTES OF JUNE 7, 2022

\$243,000.00 will be added to the original contract amount of \$830,000.00. A copy of said contract is on file in the office of the City Clerk.

Name of Company: Goram Air Conditioning Company, Inc.
Project Name: Arthur Outlaw Convention Center – Mechanical Upgrades
Project Number: CN-041-21
Amount: \$243,000.00

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

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

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

ACCEPT PERMANENT SIDEWALK EASEMENT FOR CONSTRUCTION OF SIDEWALK AT 1812 OLD SHELL ROAD. The following resolution, which was introduced and read at the regular meeting of May 31, 2022, and held over until the regular meeting of June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 25-479-2022

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City hereby accepts the following Permanent Sidewalk Easement from Gulf Health Properties, Inc. as required for compliance with the sidewalk waiver for the development at 1812 Old Shell Road.

SAID documents being attached hereto and made a part hereof as fully as if 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 Jones and the vote was as follows:

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

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

CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SLABBLIFE EXPRESS, INC. TO OPERATE A SHUTTLE SERVICE. The following resolution, which was introduced and read at the regular meeting of May 31, 2022, and held over until the regular meeting of June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 37-480-2022

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Slabblyfe Express, Inc., for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

MINUTES OF JUNE 7, 2022

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

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

Nays: None

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

ASSENT TO THE VACATION OF A PORTION MAGNOLIA STREET. The following resolution, which was introduced and read at the regular meeting of May 31, 2022, and held over until the regular meeting of June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 47-481-2022

Sponsored by: Councilmember Carroll

WHEREAS, the Alabama State Port Authority ("Port Authority") has submitted a Petition to the Mobile City Council to vacate a portion of Magnolia Street (referred to herein as the "Street"), described more particularly herein, a public street lying within the city limits of Mobile, Alabama, pursuant to Section 23-4-20 of the Alabama Code, *et seq.*; and

WHEREAS, the portion of the Street to be vacated is more particularly described as follows:

Magnolia Street

Beginning at the Southwest corner of Lot 1 of Distributors Realty Subdivision, according to plat thereof recorded in Map Book 42, Page 18, of the records in the office of the Judge of Probate of Mobile County, Alabama, said point being at the intersection of the North right of way line of Adams Street, (50-foot public R/W), with the East right of way line of Magnolia Street, (40-foot public R/W); Thence S-67°-31'-31"-W, leaving the East right of way line of said Magnolia Street, for 40.11 feet to a point at the Southeast corner of Lot 12 in Square 264 of the Orange Grove Tract per plat recorded in Deed Book N, Pages 527-528 of the records in the office of the Judge of Probate of Mobile County, Alabama, said point being at the intersection of the North right of way line of said Adams Street with the West right of way line of said Magnolia Street; Thence N-23°-00'-13"-W, along the West right of way line of said Magnolia Street and along the East line of said Lot 12 and continuing along the East line of Lot 11 in Square 264 of said Orange Grove Tract, for 304.83 feet to a point at the intersection of the West right of way line of said Magnolia Street with the South right of way line of Lipscomb Street, (50-foot public R/W); Thence N-66°-18'-04"-E, leaving the West right of way line of said Magnolia Street, for 40.51 feet to a point at the Northwest corner of Lot 2 of aforesaid Distributors Realty Subdivision, said point being at the intersection of East right of way line of said Magnolia Street with the South right of way line of said Lipscomb Street; Thence S-22°-55'-39"-E, along the East right of way line of said Magnolia Street, being the West line of Lots 1 and 2, said Distributors Realty Subdivision, for 305.69 feet to the Point of Beginning and containing 12304 square feet or 0.282 acres, more or less.

WHEREAS, the Port Authority has petitioned the City Council of Mobile, Alabama, to assent to the vacation of such public rights-of-way owned by the City of Mobile; and

WHEREAS, it has been shown to the satisfaction of the Mobile City Council that the Port Authority is the sole owner of the real property abutting the Street; and

WHEREAS, the vacation of the Street will not deprive any other property owner of such rights as such property owner may have to convenient and reasonable ingress and egress to and from their property; and

WHEREAS, notice of the hearing on the Petition was provided to all utility providers with utility lines or facilities in the Street in accordance with Section 23-4-2(a) of the Alabama Code, and such utility providers have issued their written consent to said vacation; and

MINUTES OF JUNE 7, 2022

WHEREAS, pursuant to Section 23-4-2(b) of the Alabama Code, entities with utility lines, equipment or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred; and

WHEREAS, notice of the hearing on the Petition was provided in accordance with Section 23-4-2(a) of the Alabama Code, including publication in a newspaper of general circulation in Mobile, Alabama; and

WHEREAS, the City Council finds that the Street is not needed as public rights-of-way in the City of Mobile, Alabama; and

WHEREAS, the City Council finds that vacation of the Street is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Mobile City Council that, upon hearing all parties and considering all information presented, that the portion of the Street, more particularly described above, is hereby vacated. Be it further resolved that entities with utility lines, equipment or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment and facilities to the same extent as if the vacation had not occurred. Be it further resolved that the right-of-way fee provided for in Alabama Code section 11-49-6 and City of Mobile Ordinance No. 57-029-2020 is hereby waived.

Notice of this Resolution shall be published in a newspaper of general circulation in Mobile, Alabama, within fourteen days of the date of adoption and this Resolution shall also be filed with the Mobile County Probate Court.

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

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

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

RESOLUTION TO CONSIDER A FEE FOR THE VACATION OF A PORTION OF MAGNOLIA STREET. The following resolution, which was introduced and read at the regular meeting of May 31, 2022, and held over until the regular meeting of June 7, 2022, was called up by the Presiding Officer.

RESOLUTION: 47-482-2022

Sponsored by: Councilmember Carroll

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 Magnolia Street by the Council as per Resolution 47-481-2022 is hereby waived.

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

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

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

ORDINANCES BEING INTRODUCED:

MINUTES OF JUNE 7, 2022

REZONE PROPERTY LOCATED AT THE NORTHWEST CORNER OF COCHRANE CAUSEWAY AND DUNLAP DRIVE FROM R-1 AND I-2 TO I-2. The following ordinance was held over until the regular meeting of June 14, 2022.

ORDINANCE: 64-034-2022

Sponsored by: Councilmember Carroll

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 1:

THAT PORTION OF LOT NO. 4 OF BLAKELY ISLAND, ACCORDING TO MAP OF SAID ISLAND OF RECORD IN THE CHANCERY COURT, MOBILE COUNTY, ALABAMA, IN CASE NO. 4485, THOMAS W. MCDONALD, ET AL., VS. WILLIAM OTIS, ET AL., A COPY OF WHICH MAP IS ALSO RECORDED IN DEED BOOK 65, PAGES 428 TO 433 INCLUSIVE, AS A PART OF THE FINAL DECREE IN SAID CHANCERY COUNTY CASE NO. 4485, WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT NO. 4 AND THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 90, A POINT 2615.28 FEET NORTH 11 DEGREES 20 MINUTES 28 SECONDS EAST, FROM REFERENCE POINT BLAKELY; THENCE TURNING TANGENT NORTH 21 DEGREES 29 MINUTES 26 SECONDS WEST, TO A CURVE TO THE RIGHT IN A NORTHERLY DIRECTION WITH A RADIUS OF 1492.74 FEET; THENCE ANGLE LEFT 88 DEGREES 00 MINUTES 34 SECONDS ALONG THE NORTHERLY LINE OF LOT NO. 4 ON A BEARING OF SOUTH 70 DEGREES 3 0 MINUTES WEST, FOR A DISTANCE OF 257.14 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 34 DEGREES 48 SECONDS FOR A DISTANCE OF 192.15 FEET ON A BEARING OF SOUTH 3 5 DEGREES 42 SECONDS WEST, TO A POINT OF CURVE WITH A RADIUS OF 458.10 FEET CONCAVE TO THE LEFT AND A CENTRAL ANGLE OF 8 DEGREES 40 MINUTES FOR A DISTANCE OF 69 .29 FEET, ARC LENGTH IN A SOUTHWESTERLY DIRECTION; THENCE TURN TANGENT SOUTH 27 DEGREES 2 MINUTES WEST, TO THE SAID DESCRIBED CURVE; THENCE ANGLE LEFT 135 DEGREES, AND 30 MINUTES ON A BEARING OF NORTH 71 DEGREES 32 SECONDS EAST, A DISTANCE OF 483 .15 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY 90; THENCE LEFT 99 DEGREES 15 MINUTES 40 SECONDS TO THE TANGENT OF A CURVE WITH A RADIUS OF 1492.74 FEET AND A CENTRAL ANGLE OF 6 DEGREES 14 MINUTES 14 SECONDS CONCAVE TO THE RIGHT IN A NORTHERLY DIRECTION, ARC LENGTH 162.50 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PART OF LOT NUMBER 5 OF BLAKELY ISLAND, ACCORDING TO MAP OF SAID ISLAND OF RECORD IN THE PROBATE COURT, MOBILE COUNTY, ALABAMA, IN CASE NO. 4485, THOMAS W. MCDONALD, ET AL VS. WILLIAM OTIS, ET AL, A COPY OF WHICH MAP IS ALSO RECORDED IN DEED BOOK 65 N.S., PAGES 428 TO 433, INCLUSIVE, AS A PART OF THE FINAL DECREE IN SAID PROBATE COURT CASE NO. 4485, WHICH LIES WEST OF THE WEST LINE OF U.S. HIGHWAY 90, WHICH SAID LOT IS PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6 AND RUN S 00° 14' 52" W, CE = 89.70 FEET; THENCE S 05° 07' 19" W, CE = 95.57 FEET; THEN S 09° 34' 36" W, CE= 111.14 FEET TO THE POINT OF BEGINNING; THENCE N 70° 30' 00" E, 988.57 FEET TO A POINT

MINUTES OF JUNE 7, 2022

ON THE WEST R.O.W. OF U.S. HIGHWAY 90/98; THENCE ALONG SAID R.O.W. IN A CURVE, CONCAVE LEFT (RADIUS = 1916.91 FEET) AT A CHORD S 22° 01' 13" E, CM = 171.40 FEET; THENCE LEAVING SAID R.O.W. S 70° 43' 50" W, 995.00 FEET TO A POINT ON THE EAST BANK OF THE MOBILE RIVER; THENCE ALONG SAID MOBILE RIVER AT THE FOLLOWING CHORD AND DISTANCES: N 22° 43' 38" W, CM = 123.20 FEET; THENCE NORTH 12° 36' 27" W, CE = 35.71 FEET; THENCE N 09° 34' 36" W, 8.91 FEET TO THE POINT OF BEGINNING. ALL LYING IN SECTION 00, T-4-S, R-1-W, MOBILE COUNTY, ALABAMA.

PARCEL 3:

ALL THAT PART OF LOT NUMBER 6 OF BLAKELY ISLAND, ACCORDING TO MAP OF SAID ISLAND OF RECORD IN THE CHANCERY COURT, MOBILE COUNTY, ALABAMA, IN CASE NO. 4485, THOMAS W. MCDONALD, ET AL., VS. WILLIAM OTIS, ET. AL], A COPY OF WHICH MAP IS ALSO RECORDED IN DEED BOOK 65 N.S., PAGES 428 TO 433 INCLUSIVE, AS A PART OF THE FINAL DECREE IN SAID CHANCERY COURT CASE NO. 4485, WHICH LIES WEST OF THE WEST LINE OF U.S. HIGHWAY 90, WHICH SAID LOT IS PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF LOT 6 AND RUN N 70°30'00" E, 916.61 FEET TO A POINT ON THE WEST R.O.W. OF U.S. HIGHWAY 90/98; THENCE ALONG SAID R.O.W. S 14°3 L '13" E, 116.24 FEET; THENCE ALONG SAID R.O.W. IN A CURVE, CONCAVE LEFT (RADIUS=1916.91 FEET) AT A CHORD S 16°59'21" E, CH=165.14 FEET; THENCE LEAVING SAID R.O.W. S 70°30'00" W, 988.57 FEET TO A POINT ON THE EAST BANK OF THE MOBILE RIVER; THENCE ALONG SAID MOBILE RIVER AT THE FOLLOWING CHORD BEARINGS AND DISTANCES: N 09°34'36" W, CH= L 11.14 FEET; THENCE N 05°07'19" E, CH=95.57 FEET; THENCE N 00°14'52" E, 89.70 FEET TO THE POINT OF BEGINNING. ALL LYING IN SECTION 00, T-4- S, R-1-W, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from R-1, Single-Family Residential District, and I-2, Heavy Industry District, to I-2, Heavy Industry 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 I-2, Heavy Industry 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 I-2, Heavy Industry District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) 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.

REZONE PROPERTY LOCATED AT 1248 MONTLIMAR DRIVE AND 3500 MICHAEL BOULEVARD FROM R-1 AND B-3 TO B-3. The following ordinance was held over until the regular meeting of June 14, 2022.

ORDINANCE: 64-035-2022

Sponsored by: Councilmember Daves

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 JUNE 7, 2022

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:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA, RUN NORTH 00 DEGREES, 32 MINUTES WEST ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2666 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES, 36 MINUTES EAST 1322.92 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES, 32 MINUTES EAST 994.87 FEET TO THE NORTHWEST CORNER OF FAMILY PLACE APARTMENTS (FORMERLY KIMBERLY MANOR APARTMENT COMPLEX); THENCE ALONG THE NORTHERN AND EASTERN BOUNDARY OF SAID FAMILY PLACE APARTMENTS (FORMERLY KIMBERLY MANOR) AS FOLLOWS; NORTH 89 DEGREES, 36 MINUTES EAST 400 FEET, SOUTH 00 DEGREES, 32 MINUTES EAST 794.39 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE CONTINUING ALONG SAID EASTERN BOUNDARY OF FAMILY PLACE APARTMENTS (FORMERLY KIMBERLY MANOR) AS FOLLOWS: SOUTH 89 DEGREES, 36 MINUTES WEST 112.16 FEET, SOUTH 00 DEGREES, 32 MINUTES EAST 300.0 FEET TO THE SOUTHEAST CORNER OF FAMILY PLACE APARTMENTS (FORMERLY KIMBERLY MANOR), SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF MICHAEL BOULEVARD (80 FOOT RIGHT OF WAY); THENCE ALONG SAID NORTH LINE OF MICHAEL BOULEVARD RUN SOUTH 74 DEGREES, 10 MINUTES EAST 116.9 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES, 32 MINUTES WEST 332.68 FEET TO THE POINT OF BEGINNING. CONTAINING 0.81 ACRES, MORE OR LESS.

LOT 9, MONTLIMAR OFFICE PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 33, PAGE 3 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA CONTAINING 0.7 ACRES MORE OR LESS. PAGE 2 AN ORDINANCE

The classification of said property is hereby changed from R-1, Single-Family Residential District, and B-3, Community Business 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 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 a B-3, Community Business District until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) 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 31-486, 40-487, 58-489 through 60-508 being introduced for the first time. The motion was seconded by Councilmember Daves and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

MINUTES OF JUNE 7, 2022

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR THE PROJECT SAFE NEIGHBORHOODS GRANT (NO LOCAL MATCH); \$30,000.00. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 31-486-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, the Mayor is authorized to apply, accept, and receive from the Department of Justice through the Alabama Department of Economic and Community Affairs (ADECA), a Subaward and Cooperative Grant Agreement for grant assistance in the amount of \$30,000.00 for the Project Safe Neighborhoods (PSN) Grant.

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 Alabama Department of Economic and Community Affairs. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 1354 OLD SHELL ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED. The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-487-2022

Sponsored by: Councilmember Carroll

WEHREAS, 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 1354 Old Shell Road 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 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 1354 Old Shell Road described as:

BEG AT A PT ON N/S OF OLD SHELL RD 148.90 FT WLY FROM N/W COR OF OLD SHELL RD & JULIA ST TH RUN WLY ALG SD N/S OLD SHELL RD 149.70 FT TH RUN NLY & PAR WITH JULIA ST 149/7 FT TH RUN ELY 49.26 FT TH RUN SLY & PAR WITH JULIA ST 150.0 FT TO POB #SEC 40 T4S R1W #MP29 06 40 0 008

Parcel Number: 29 06 40 0 008 041

MINUTES OF JUNE 7, 2022

Last Assessed to: NICHOLAS R COLLETTI

is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and 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 Nuisance."

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

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

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

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

HONORARILY RENAME RUSHING DRIVE TO "REVEREND DAVID CAMPBELL, SR. DRIVE." The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 46-488-2022

Sponsored by: Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Rushing Drive, between Roberta Drive and Stanton Road, be honorarily renamed "Rev. David Campbell, Sr. Drive".

DECLARE WEEDS NOXIOUS, WEED LIEN GROUP 1628. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 58-489-2022

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately-owned lots or parcels of land described in Exhibit "A." a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #,1628 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby

MINUTES OF JUNE 7, 2022

declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the 12th day of July, 2022, at ten-thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

| WEED LIEN | | | | | | |
|---------------------------------|------------------------------------|------------------------|--------|-----------------|-----|----------|
| 1628 | | | | | | Res. No. |
| 6/7/2022 | LOTS TO BE DECLARED | | | | | 58- |
| 7/12/2022 | LOTS FOR PUBLIC HEARING | | | | | 58- |
| //2022 | LOTS TO BE ASSESSED FOR COST | | | | | 58- |
| No. | Address | SRO No. | CASE # | Amount Assessed | Dis | N/A |
| 1 | 2010 Old Shell Rd | 13923 | 18816 | | 1 | |
| 2 | 5590 Old Pascagoula Rd | 26743 | 18817 | | 4 | |
| 3 | 806 Chin St | 18090 | 18847 | | 2 | |
| 4 | 0 Pinemont Dr | 16732 | 18848 | | 6 | |
| | Par. No. (28 08 28 1 002 106.XXX) | | | | | |
| 5 | 1106 Ross St | 26792 | 18849 | | 3 | |
| 6 | 802 Baltimore St | 27163 | 19195 | | 3 | |
| 7 | 2308 Cecelia St | 13505 | 18851 | | 1 | |
| 8 | 1151 Cottrell St | 7194 | 18852 | | 3 | |
| 9 | 508 Avondale Ct | 13125 | 19192 | | 2 | |
| 10 | 2515 Farnell Dr | 27423 | 19226 | | 3 | |
| 11 | 1342 Lola St | 26898 | 18855 | | 2 | |
| 12 | 1914 Nerline Lane | 26856 | 18856 | | 1 | |
| 13 | 506 Maple St | 26768 | 18857 | | 2 | |
| 14 | 2410 Cone St | 26849 | 18858 | | 1 | |
| 15 | 920 Cherry St | 17511 | 18859 | | 2 | |
| 16 | 2124 Hamilton Rd | 10039 | 18860 | | 1 | |
| 17 | 1606 Greenbrier Dr E | 27005 | 18861 | | 4 | |
| 18 | 950 Wildwood Ave | 10298 | 18862 | | 6 | |
| 19 | 815 Schaub Ave | 9622 | 18863 | | 6 | |
| 20 | 2070 Victory Dr W | 26880 | 18864 | | 3 | |
| | | | | \$ - | | |
| District total for this group | | Numbers of lots cut | | | | |
| 1 | 5 | | 1 | | | |
| 2 | 5 | | 2 | | | |
| 3 | 5 | | 3 | | | |
| 4 | 2 | | 4 | | | |
| 5 | 0 | | 5 | | | |
| 6 | 3 | | 6 | | | |
| 7 | 0 | | 7 | | | |
| | 20 | | 0 | | | |
| *ADD Added in from other Groups | | *CBC Cut By Contractor | | | | |
| *CBO Cut By Owner | | *UDL Undeveloped Lot | | | | |
| *N/A Taken out by Inspector | | | | | | |

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

MINUTES OF JUNE 7, 2022

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 PUBLIC SERVICES EMPLOYEE OF THE MONTH; SMITH. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-490-2022

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:

June 2022 – Jermaine Smith (Employee #10740 Public Services Maintenance - Public Services)

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

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 SOCIETY MOBILE-LA HABANA, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-491-2022

Sponsored by: Mayor Stimpson

WHEREAS, Mayor Stimpson wishes to appropriate \$14,500.00 to Society Mobile-La Habana, Inc., from his discretionary funds; and

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

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

WHEREAS, the Mobile City Council determines that this appropriation to Society Mobile-La Habana, Inc., will be used for expenses of research, writing, and publishing a book tentatively entitled Mobile and Havana Sister Across the Gulf, 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 \$14,500.00 to Society Mobile-La Habana, Inc., for the purposes described hereinabove serves a public purpose and the Council further

MINUTES OF JUNE 7, 2022

approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile mayor's discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 OPPORTUNITY 4 ENTERTAINERS & PERFORMING ARTS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-492-2022

Sponsored by: Councilmembers Penn, Carroll, Reynolds, and Daves

WHEREAS, Councilmember Penn wishes to appropriate \$2,000.00, Councilmember Carroll wishes to appropriate \$1,000.00, Councilmember Reynolds wishes to appropriate \$1,000.00, and Councilmember Daves wishes to appropriate \$1,000.00 (TOTAL \$5,000.00) to Opportunity 4 Entertainers & Performing Arts, from their 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 for the MOB Music Festival to be held July 8-10, 2022, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$5,000.00 to 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 City Clerk; whereupon Councilmember Reynolds moved that the resolution be adopted, which was seconded by Councilmember Carroll and the vote was as follows:

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

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RESTAURANT RETAIL LIQUOR LICENSE TO BIG BAD BREAKFAST; 1812 OLD SHELL ROAD. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 37-507-2022

MINUTES OF JUNE 7, 2022

Sponsored by: Councilmember Penn

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: Restaurant Retail Liquor License

Submitted by: BBB Mobile, LLC

Location: Big Bad Breakfast
1812 Old Shell Road Suite D
Mobile, AL 36607

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 SKY RANCH GARDEN CLUB SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-508-2022

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Reynolds wishes to appropriate \$9,218.50 to Sky Ranch Garden Club, from his discretionary funds-, and

WHEREAS, Sky Ranch Garden Club, 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 Sky Ranch Garden Club will be used to help install two security cameras at both entrances, 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 \$9,218.50 to Sky Ranch Garden Club, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

Nays: None

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

MINUTES OF JUNE 7, 2022

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH THE UNIVERSITY OF SOUTH ALABAMA FOR SIDEWALK ENHANCEMENT ON OLD SHELL ROAD. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 01-493-2022

Sponsored by: Councilmembers Jones & Gregory, and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Agreement between the City of Mobile ("City") and the University of South Alabama ("USA") for USA to repair or replace sidewalks on portion of its real property on the campus of the University of South Alabama, by adding Sidewalk Improvements ("Project"), and authorizing the City to contribute a total of \$36,000 towards the Project with \$18,000 from its District 6 2022 Capital Improvement Plan ("CIP") funds and \$ 18,000 from its District 7 2022 Capital Improvement Plan ("CIP") funds. A copy of said Agreement is on file in the office of the City Clerk.

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

Ayes: Penn, Carroll, Small, Reynolds, Daves, Jones, 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 DONOHOO CHEVROLET, LLC FOR 59 CHEVROLET TAHOE POLICE PACKAGE SUVs \$2,101,103.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-494-2022

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>9001, 9002</u> | 2022 | (F7000) MOTOR POOL | 59 CHEVROLET TAHOE POLICE PACKAGE SUVs FOR MPD (AL STATE CONTRACT) | \$2,101,103.00 | <u>(293039)</u> <u>DONOHOO</u> <u>CHEVROLET LLC</u> |

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR 7 FORD EXPLORER SUVs; \$226,002.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-495-2022

Sponsored by: Mayor Stimpson

MINUTES OF JUNE 7, 2022

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>9782</u> | 2022 | (1510) FIRE ADMINISTRATION | 7 FORD EXPLORER 4X4 SUVS FOR MFRD (AL STATE CONTRACT) | \$226,002.00 | <u>(292393)</u> <u>STIVERS FORD</u> <u>LINCOLN INC</u> |

APPROVE PURCHASE ORDER TO METALCRAFT MARINE US, INC. FOR A RAPID RESPONSE FIRE BOAT; \$1,257,312.16. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-196-2022

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>1788</u> | 2022 | (1510) FIRE ADMINISTRATION | FIRESTORM 43FT RAPID RESPONSE FIRE BOAT (GSA CONTRACT/RFP 5650) | \$1,257,312.16 | <u>(295604)</u> <u>METALCRAFT</u> <u>MARINE US, INC</u> |

APPROVE PURCHASE ORDER TO SOUND ASSOCIATES, INC. FOR AMPLIFIERS, MONITORS AND STAGE SPEAKERS FOR THE SAENGER THEATRE; \$138,188.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-497-2022

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 7, 2022

| Requisition | Fiscal Year | Department | Description | Amount | Vendor |
|-------------|-------------|-------------------------|--|--------------|--------------------------------------|
| <u>3679</u> | 2022 | (2590) GRANT MANAGEMENT | 12 CROWN IT-4X3500 AMPLIFIERS, 8 JBL VTX M20 MONITORS, 4 JBL VERTEC 4886 STAGE LINE ARRAY SPEAKERS FOR SAENGER THEATRE (SEALED BID 5679) | \$138,188.00 | <u>(194455) SOUND ASSOCIATES INC</u> |

APPROVE PURCHASE ORDER TO MUSCO SPORTS LIGHTING, LLC FOR FIELD LIGHTING FOR MATTHEWS PARK BASEBALL FIELD; \$318,000.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-498-2022

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>10043</u> | 2022 | (3032) ARCHITECTURAL ENGINEERING | FIELD LIGHTING (6 POLES, 49 LED LUMINAIRES) WITH LIGHT CONTROL SYSTEM FOR MATTHEWS PARK BASEBALL FIELD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT) | \$318,000.00 | <u>(278697) MUSCO SPORTS LIGHTING LLC</u> |

APPROVE PURCHASE ORDER TO MUSCO SPORTS LIGHTING, LLC FOR FIELD LIGHTING FOR FIGURES PARK BASEBALL FIELD; \$173,800.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-499-2022

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 7, 2022

| Requisition | Fiscal Year | Department | Description | Amount | Vendor |
|--------------|-------------|----------------------------------|--|--------------|---|
| <u>10326</u> | 2022 | (3032) ARCHITECTURAL ENGINEERING | FIELD LIGHTING (44 LED LUMINAIRES) WITH LIGHT CONTROL SYSTEM FOR FIGURES PARK BASEBALL FIELD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT) | \$173,800.00 | <u>(278697) MUSCO SPORTS LIGHTING LLC</u> |

APPROVE PURCHASE ORDER TO VAPTR, LLC FOR 10 TENNIS COURT DRYING MACHINES; \$29,950.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-500-2022

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>8219</u> | 2022 | (F6110) MOBILE TENNIS CENTER | 10 VAPTR ROLLER TENNIS COURT DRYING MACHINES FOR MOBILE TENNIS CENTER (SEALED BID 5678) | \$29,950.00 | <u>(297740) VAPTR LLC</u> |

APPROVE PURCHASE ORDER TO BAGBY & RUSSELL ELECTRIC CO., INC. FOR STREET LIGHTING PARTS AND REPAIRS; \$23,605.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 08-501-2022

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>10374</u> | 2022 | (2060) TRAFFIC ENGINEERING | STREET LIGHTING PARTS AND REPAIRS FOR BATTERY HEIGHTS (MOBILE COUNTY BID 133-21)) | \$23,605.00 | <u>(020320) BAGBY & RUSSELL ELECTRIC CO INC</u> |

APPROVE PURCHASE ORDER TO NIXON POWER SERVICES, LLC FOR EMERGENCY GENERATOR FOR MPD FIRST PRECINCT; \$36,774.00. The following resolution was held over until the regular meeting of June 14, 2022.

MINUTES OF JUNE 7, 2022

RESOLUTION: 08-502-2022

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>9761</u> | 2022 | (3032) ARCHITECTURAL ENGINEERING | KOHLER KG150 150KW EMERGENCY GENERATOR FOR MPD FIRST PRECINCT (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT) | \$36,774.00 | <u>(297820) NIXON POWER SERVICES LLC</u> |

AUTHORIZE A CONTRACT WITH MOFFATT & NICHOL, INC. FOR CONSULTANT SERVICES FOR THE MOBILE RIVERFRONT REDEVELOPMENT PROJECT; \$766,895.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 21-503-2022

Sponsored by: Councilmember Carroll and Mayor Stimpson

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

Name of Company: MOFFATT & NICHOL, INC.

Project Name: MOBILE RIVERFRONT REDEVELOPMENT PROJECT

Project Number: PR-029-22

Amount: \$766,895.00
(GRANT: G-GOMESA)

AUTHORIZE CONTRACT WITH THINKGARD, LLC FOR CYBER SECURITY SERVICES; \$291,510.00. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 21-504-2022

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 THINKGARD, LLC (a wholly owned subsidiary of VC3,Inc.) for provision of cybersecurity services for 41 months from the date of approval, in the amount of \$291,510, as outlined in the contract attached hereto and made a part hereof as though set forth in full.

MINUTES OF JUNE 7, 2022

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

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR THE ELECTRIC VEHICLE INFRASTRUCTURE PROGRAM; \$250,000.00 (20% LOCAL MATCH). The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 31-505-2022

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive a grant from the Alabama Department of Economic and Community Affairs (ADECA) grant assistance in the amount of \$250,000 in support of the Electric Vehicle Infrastructure Program. There is a 20% match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the Alabama Department of Economic and Community Affairs (ADECA). 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 Mobile City Council commits to local matching funds in the amount of \$50,000 if said grant is awarded.

CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CARE KEEPERS HEALTHCARE TO OPERATE A SEDAN SERVICE. The following resolution was held over until the regular meeting of June 14, 2022.

RESOLUTION: 37-506-2022

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Care Keepers Healthcare, LLC for a Certificate of Public Convenience and Necessity to operate a sedan service is hereby approved. A copy of said application is on file in the office of the City Clerk.

CALL FOR PUBLIC HEARINGS:

CALL FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE UNIFIED DEVELOPMENT CODE TO REPLACE THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 41-509-2022

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 in Mobile County the attached NOTICE OF PUBLIC HEARING AND CONSIDERATION OF THE ORDINANCE TO ADOPT THE CITY OF MOBILE UNIFIED DEVELOPMENT CODE TO REPLACE THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991, in the time and manner as sets forth in said notice.

NOTICE OF PUBLIC HEARING AND CONSIDERATION OF ORDINANCE TO ADOPT THE CITY OF MOBILE UNIFIED DEVELOPMENT CODE TO REPLACE THE CURRENT ZONING ORDINANCE, CHAPTER 64 OF THE MOBILE CITY CODE, 1991

NOTICE is hereby given that at 10:30 a.m. on July 12, 2022, in the Mobile Government Plaza Auditorium, 205 Government Street, Mobile, Alabama 36644, and pursuant to *Code of Alabama* § 11-52-77, the City Council for the City of Mobile will hold a public hearing on, take public comment on, and consider an ordinance to zone or rezone property by

MINUTES OF JUNE 7, 2022

adopting the City of Mobile Unified Development Code to repeal and replace the current Zoning Ordinance, Chapter 64 of the *Mobile City Code, 1991*. All persons may be heard in opposition to or in favor of the said ordinance at the said time and place. Government Plaza, 205 Government Street, Mobile, Alabama 36644, serves as the City Hall for the City of Mobile.

Written comments may be submitted. Those desiring to submit written comments may email them to cityclerk@cityofmobile.org, or may mail them to City of Mobile, City Clerk, P.O. Box 1827, Mobile, Alabama 36633, or may deliver them to the City Clerk's Office, Mobile Government Plaza, Ninth Floor, 205 Government Street, Mobile, Alabama 36644. Written comments must be received by noon on Friday, July 8, 2022.

The Unified Development Code is intended to coordinate the City's land use and zoning requirements to ensure consistency in the application of development standards, to regulate the kind, character and use of structures and improvements, and to streamline the procedures for specific land use decisions under the jurisdiction of the Mobile City Council, the Mobile Planning Commission, the Board of Zoning Adjustment, and the City's administrative departments involved in planning, zoning and land use.

The Unified Development Code is organized into 14 Articles and one Appendix as follows:

Article 1 Contains basic information about the Unified Development Code.

Article 2 Establishes a digital zoning map, zoning districts including permitted and conditional uses, urban and suburban subdistricts, and dimensional and design standards including height, yards, lot coverage, landscaping, civic space, and composite building and site design.

Article 3 Consolidates the development standards that apply to all development or redevelopment in the City, such as parking, landscaping, easements, streets, parks and civic spaces, and utilities.

Article 4 Establishes regulations for specific uses and development types that address their unique impacts, establish incentives that further the public interest, or to comply with state or federal legal requirements.

Article 5 Establishes workflows and processes for zoning and other land use applications.

Article 6 Protects and regulates nonconforming uses, structures, and sites.

Article 7 Establishes procedures to enforce the UDC, including penalties for violations.

Article 8 This is the glossary which defines terms and phrases used in the UDC and the applicable rules of interpretation.

Article 9 Includes technical legal language.

Article 10 Provides a checklist of the information that applicants need to submit for a complete application that the City can process.

Article 11 Africatown Overlay. Establishes supplementary zoning regulations that implement specific requirements of the area plans for Africatown.

Article 12 Peninsula Overlay. Establishes supplementary zoning regulations that implement specific requirements of the area plans for the Peninsula.

Article 13 Spring Hill Overlay. Establishes supplementary zoning regulations that implement specific requirements of the area plans for Spring Hill.

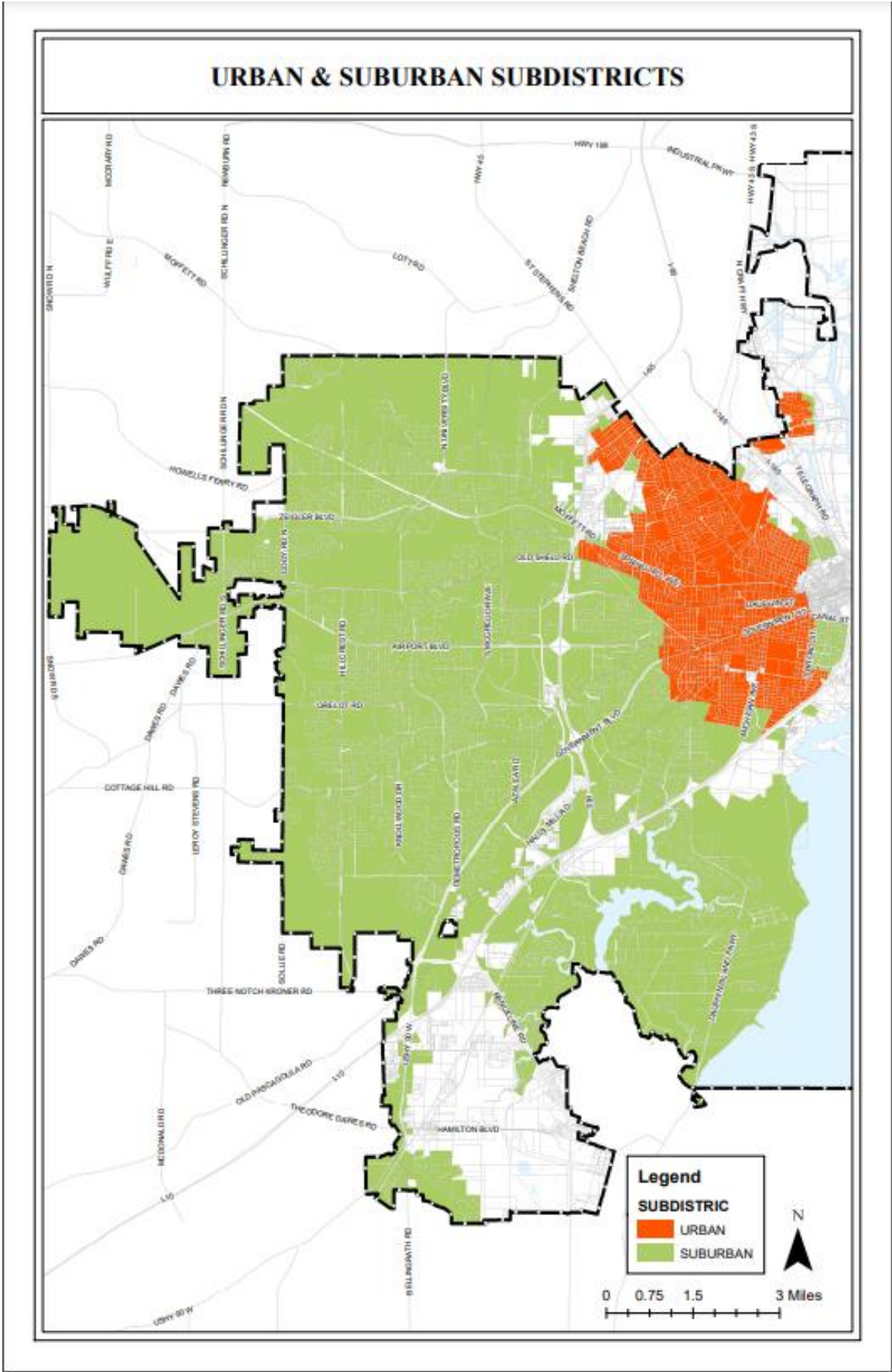
Article 14 Historic District Overlay. Establishes dimensional standards for properties in locally designated historic districts to preserve and maintain their existing character.

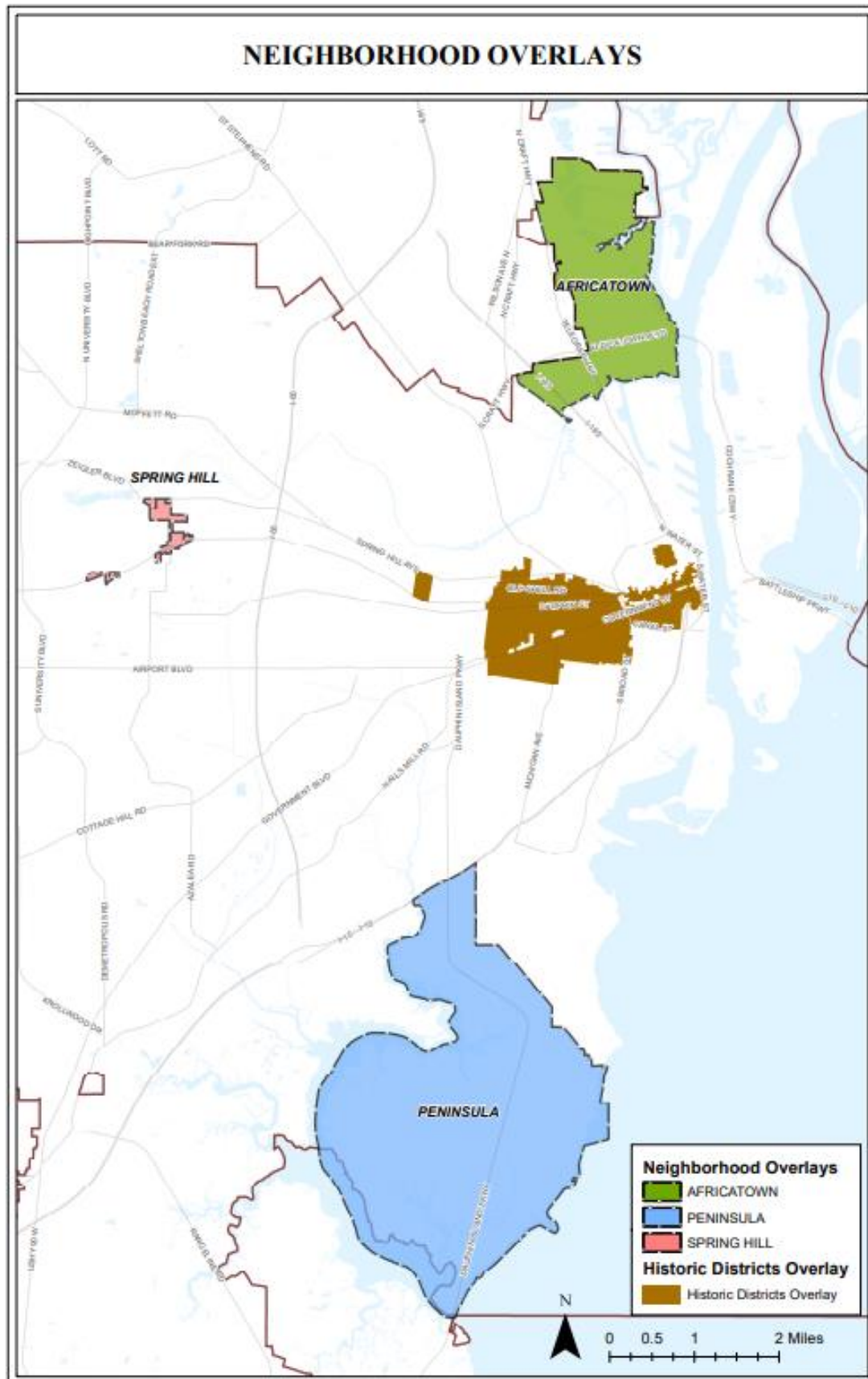
MINUTES OF JUNE 7, 2022

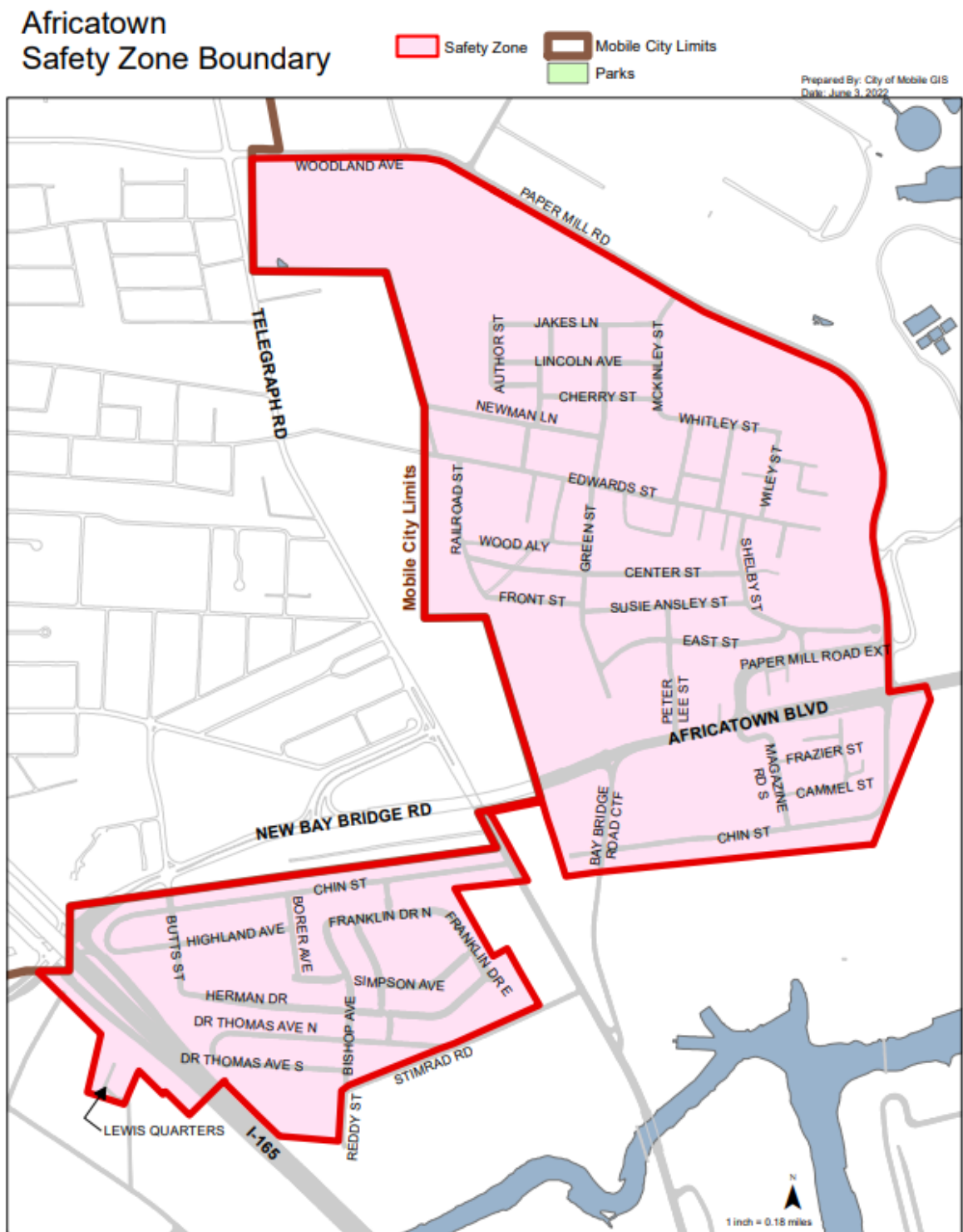
Appendix A Downtown Development Code. Establishes zoning regulations and requirements for the Downtown Development District.

The Unified Development Code and digital zoning map can be viewed on the City of Mobile's website at www.cityofmobile.org/udc. Maps showing the location of the property and also of the urban and suburban sub-districts and the Africatown, Peninsula, Spring Hill and Historic District Overlays are published herewith. A general description of the property proposed to be zoned or rezoned is the entirety of property within the corporate limits of the City of Mobile.

Copies of the Unified Development Code and hard copies of the maps are available for public inspection in City Hall in the Third Floor Lobby of Mobile Government Plaza, South Tower, 205 Government Street, Mobile, Alabama 36602. Copies of the Unified Development Code are also available for public inspection at the following branches of the Mobile Public Library: Ben May Main Library, 701 Government Street; Monte L. Moorer/Spring Hill Branch Library, 4 South McGregor Avenue; Parkway Branch Library, 1924-B Dauphin Island Parkway; Virginia Dillard Smith/Toulminville Branch Library, 601 Stanton Road; West Regional Library, 5555 Grelot Road; and Theodore Oaks Branch Library, 5808 Highway 90 West, Suite E.







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

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as July 12, 2022.

ANNOUNCEMENTS:

Councilmember Carroll asked the Administration for information about the closing of the Melton Fire Station.

Councilmember Reynolds reminded citizens that the Rules Committee meeting will be held in the Council Conference Room, on the 9th floor, today at 1:15 p.m.

MINUTES OF JUNE 7, 2022

Councilmember Penn shared that he attended a successful “Mobile Youth Espy Awards” this past weekend.

Councilmember Penn reminded citizens that the District 1 community meeting will be held at Centerpointe Assembly of God, today, at 6:00 p.m.

Councilmember Gregory shared that Phase 2 of the Zeigler Boulevard widening project has begun.

Councilmember Gregory voiced that she will attend the Hillsdale 2nd Annual “Jason Caffey Birthday and Educational Basketball Camp” this Saturday at the Recreation Center.

Councilmember Gregory announced the grand opening of Piggly Wiggly located at Moffett and Howells Ferry Roads.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:49 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK