

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 6, 2024

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, February 6, 2024, at 9:00 a.m.

Councilmembers:

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

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

NOTE: Ricardo Woods, City Attorney, stated that it is appropriate for the Council to move into executive session to discuss a matter of pending litigation and about the safety and security of persons in the City.

Councilmember Daves moved for the Council to move into executive session and reconvene at the regular meeting, which move was seconded by Councilmember Reynolds and the vote was as follows:

Penn: Aye
Carroll: Aye
Small: Aye
Reynolds: Aye
Daves: Aye
Gregory: Aye

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the pre-meeting adjourned into executive session at approximately 9:50 a.m. and to reconvene at the regular meeting as scheduled at 10:30 a.m.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 6, 2024

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Government Plaza on Tuesday, February 6, 2024, at 10:30 a.m., for the regular meeting.

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

Council President, C.J. Small, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

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STATEMENT OF RULES BY PRESIDING OFFICER

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

APPROVAL OF MINUES

The minutes from the meeting of January 30, 2024, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson encouraged citizens to attend “Friday Night Live” at Mardi Gras Park on Friday, February 9, 2024, from 5:30 p.m. to 9:30 p.m.

Mayor Stimpson announced that the Africatown Redevelopment Corporation broke ground on its first “Forever Home” at 1121 Newman Lane.

Mayor Stimpson stated that the Senior Bowl weekend of festivities was very successful.

ADOPTION OF THE AGENDA

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

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

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

APPEALS

Request of Maynard Campbell for a waiver of the Noise Ordinance at 900 St. Anthony Street on February 10 – 13, 2024, from 10:00 a.m. – 12:00 a.m. (District 2).

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

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

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

Request of Karen Edmondson for a waiver of the Noise Ordinance at 1906 Springhill Avenue on May 11, 2024, from 6:30 p.m. – 10:30 p.m. (District 1).

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

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

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

Request of Gerald McKinney for a waiver of the Noise Ordinance at 901 Springhill Avenue on February 11, 2024, from 8:00 a.m. – 9:00 p.m. (District 2).

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

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

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

Request of Shanta Beckham for a waiver of the Noise Ordinance at 158 N. Broad Street on February 11 and 13, 2024, from 11:00 a.m. – 9:00 p.m. (District 2).

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

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

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

Request of Julia Hatley for a waiver of the Noise Ordinance on Canal Street between Broad and Washington Street on March 9, 2024, from 11:00 a.m. – 3:30 p.m. (District 2).

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

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

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

Request of Richard White for a waiver of the Noise Ordinance at Langan Park on March 31, 2024, from 2:00p.m. – 5:00 p.m. (District 7).

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

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

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

Request of Darius Archie for a waiver of the Noise Ordinance on Canal Street on February 11, 2024, from 10:00 a.m. – 7:00 p.m. (District 2).

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

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

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

Request of Adrian Martin for a waiver of the Noise Ordinance at Jefferson and St. Louis Streets on February 11, 2024, from 7:00 a.m. – 10:00 p.m. (District 2).

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

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

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Nays: None

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

Request of Creigh Shoemaker for a waiver of the Noise Ordinance at Springhill Avenue and Broad Street during the 2024 Marid Gras season, from 5:00 p.m. – 9:00 p.m. (District 2).

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

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

Nays: None

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

Request of LaBrandi Covey McFadden for a waiver of the Noise Ordinance at Broad Street and Springhill Avenue on February 13, 2024, from 6:00 a.m. – 10:00 p.m. (District 2).

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

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

Nays: None

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

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME-BASED DAY CARE FOR PROPERTY LOCATED AT 1016 BELVEDERE CIRCLE, EAST (DISTRICT 3).

The Presiding Officer announced that today was the day for the public hearing to consider approval of a conditional use permit to allow a home-based day care for property located at 1016 Belvedere Circle, East 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 REZONE NEWLY ANNEXED AREA IN THE COTTAGE HILL CORRIDOR FROM R-1 TO B-2 (DISTRICT 6).

The Presiding Officer announced that today was the day for the public hearing to rezone the newly annexed area in the Cottage Hill Corridor from R-1 and B-2 and asked if there was anyone present to speak for or against this matter.

Reggie Hill, 1007 Center Street, asked questions concerning annexation of new areas.

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 NEWLY ANNEXED AREA IN THE KINGS BRANCH, ORCHARD ESTATES, AND THE COTTAGE HILL CORRIDOR FROM R-1 TO B-3 (DISTRICT 6 AND 7).

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The Presiding Officer announced that today was the day for the public hearing to rezone newly annexed area in the Kings Branch, Orchard Estates, and the Cottage Hill Corridor from R-1 to B-3 and asked if there was anyone present to speak for or against this matter.

Reggie Hill, 1007 Center Street, offered comments regarding this rezoning.

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

PUBLIC HEARING TO CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNING APPROVAL FOR PROPERTY LOCATED AT 3650, 3704, 3708, AND 3758 SPRING HILL AVENUE (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to consider modification of a previously approved planning approval for property located at 3650, 3704, 3708, and 3758 Spring Hill Avenue and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 3650, 3704, 3708, AND 3758 SPRING HILL AVENUE (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to consider modification of a previously approved planned unit development for property located at 3650, 3704, 3708, and 3758 Spring Hill Avenue 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 237 ABRAMS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 237 Abrams Street a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

Jerrald Mosley, owner, requested an extension to secure structure.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2910 BERKLEY AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2910 Berkley Avenue a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

Latonya Young, the owner, asked the Council for an extension to secure the structure.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 2150 PLEASANT AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 2150 Berkley Avenue a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PUBLIC HEARING TO DECLARE THE STRUCTURE AT 605 GAYLE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to declare the structure at 605 Gayle Street a public nuisance and order it demolished/secured and asked if there was anyone present to speak for or against this matter.

Reggie Hill, 1007 Center Street, gave comments regarding this property.

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

PUBLIC HEARING TO FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 414 GASTON STREET; \$3,200.00 (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 414 Gaston Street; \$3,200.00 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 FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 730 BANKHEAD PLACE; \$3,700.00 (DISTRICT 5).

The Presiding Officer announced that today was the day for the public hearing to fix costs for demolition of the structure at 730 Bankhead Place; \$3,700.00 and asked if there was anyone present to speak for or against this matter.

No one appeared.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Sabrina Mass, 1050 Belvedere Circle West, Spoke in support of Holiday Transition Housing effort, "Mothers Involved Against Gun Violence," and Steppin Out Newspaper.

Patsy Alexander, 6721 Candlelight Court, Gave comments about the Holiday Transitional Center applying for funds from the Community Development Block Grant to rehabilitate the building at 1805 Government Street.

AGENDA ITEMS:

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Reggie Hill, 1007 Center Street, Gave comments regarding resolutions 01-069; 01-070; 21-075; 21-078; 09-083; 60-107; 08-112; 60-120; and 60-121.

ORDINANCES HELD OVER

ORDINANCE AMENDING CHAPTER 25, GARBAGE, TRASH AND LITTER OF THE MOBILE CITY CODE. The following ordinance which was introduced and read at the regular meeting of August 22, 2023, and held over until the regular meetings of August 29, 2023, October 3, 2023, October 24, 2023, November 14, 2023, January 9, 2024, and February 6, 2024, was called up by the Presiding Officer.

ORDINANCE: 25-039-2023

Sponsored by: Mayor Stimpson

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

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

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

CHAPTER 25 GARBAGE, TRASH, AND LITTER

ARTICLE 1. GARBAGE AND TRASH

Sec. 25-1 – Applicability and Rule of Construction

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

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

Sec. 25-2 – Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 25-4 – General Requirements

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

Sec. 25-5 – Household garbage.

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

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

(c) *Garbage carts*.

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

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

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

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

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

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

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

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

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

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

Sec. 25-6 – Household trash.

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

(b) *Quantity*.

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

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

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

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

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

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

(2) Obstructing sidewalks.

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- (3) Obstructing gutters, ditches, or any portions of the city's drain system.
- (4) Obstructing the street, creating a traffic hazard.
- (5) In a location that could cause a fire hazard, with trash not eligible for city pickup.
- (6) Around fire hydrants, signposts, guy wires, power poles, over water meters, over masonry work, against fences, *or at the base of trees located within the City of Mobile rights-of-way.*
- (7) Under low hanging power lines, TV cables or low tree limbs.
- (e) *Leaves, straw, and grass clippings* may be placed by the curb for pickup at the scheduled time if bagged or boxed and limited to the quantities defined above.
- (f) The following materials are not collectible as part of household trash, and it shall be a violation of this Article to place these materials on the curb:
 - (1) Limbs greater than twelve (12) inches in diameter;
 - (2) Limbs greater than six (6) feet in length;
 - (3) Construction debris (including home improvement projects);
 - (4) Debris from a lot clearing project;
 - (5) Materials from commercial projects;
 - (6) Materials from evictions; or
 - (7) Any materials accumulated from commercial businesses.
- (g) Failure to comply with any requirement of this Section 25-6 shall be a violation.

Sec. 25-7 – Hazardous materials/waste.

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

Sec. 25-8 – Downtown Business District

- (a) Except as provided below, the City of Mobile does not provide trash or garbage services to businesses or commercial enterprises.
- (b). Commercial waste will be collected once each day from all qualified business enterprises located within the Downtown Business District.
- (c) *Garbage Carts.*
 - (1) Issuance. Garbage carts must be obtained from City for a fee. Title of the garbage cart shall at all times remain with the City. The City will only service City garbage carts. Payment options can be found by checking the City of Mobile website at www.CityofMobile.org or by calling Mobile 311 at 251-208-5311.
 - (2) Maintenance. Garbage carts that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the garbage collectors or others whose duty it is to handle these containers, will not be collected. Deteriorated carts will be replaced by the

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City, for a fee paid by the business owner. Garbage carts shall be kept cleaned, maintained, sanitized, and free of any other forms of deterioration inside and outside.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(1) Dumpster enclosures must meet the following criteria:

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

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

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

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

(e) Failure to comply with any provision above shall be a violation of this Article. Any owner or occupant of commercial premises that has a dumpster located thereon who pleads guilty to a violation of this section, or is found by a court of competent jurisdiction to be guilty of violating this section, may, on a first offense, be allowed the option to either pay the applicable fine and costs, or alternatively, to enclose the dumpster or secure the dumpster with an automatic lock release in accordance with the requirements of this section within the sixty-day period following the guilty plea or adjudication. Upon a second violation of this section, the occupant shall be required to enclose the dumpster or secure the dumpster with an automatic lock release in accordance with the requirements of this section in addition to all other fines, penalties, and costs that may be imposed. For purposes of this section, failure by the defendant to either pay a fine or appear in court as required by a properly served charging document shall be considered the same as pleading guilty to violating this section.

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

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

Sec. 25-10 – Commercial Waste/Collection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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or any other ordinance of the city pursuant to the provisions for revocation of city licenses set forth in the license code of the city.

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

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

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

ARTICLE II. LITTER 1

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

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

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

Sec. 25-21 – Litter receptacles.

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

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

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

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

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

(c) Any owner or occupant of commercial premises who pleads guilty or is found by a court to be guilty of violating this section, may, on a first offense, either pay the applicable fine and costs, or alternatively, provide one (1) receptacle for every twenty (20) parking places.

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

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

Sec. 25-22 – Littering from a vehicle.

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

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

(c) It shall be a violation of this article for any person, hauler, firm, or business falling within Section 25-11 to haul garbage, paper, trash, sand, gravel, wet cement, construction materials, other loose materials, or waste unless the truck or vehicle used is properly covered, secured or sealed to prevent any loss or spillage during hauling, or littering of streets or highways, or nuisances or hazard to the public health of the environment.

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

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

Sec. 25-23 – Sweeping litter into street.

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

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

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

(b) For the purposes of this section, items found in an accumulation of garbage, trash or other discarded material including, but not limited to, bank statements, utility bills, bank card bills, and other financial documents, clearly bearing the name of a person, shall constitute a rebuttable presumption that the person whose name appears thereon knowingly deposited the litter. Advertising, marketing and campaign materials and campaign literature shall not be sufficient to constitute a rebuttable presumption under this

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

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

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

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

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

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

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

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

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

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

(2) Balloons released indoors.

(3) Balloon tests performed.

Article III – Enforcement

Sec. 25-30 – Violations

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

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

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

Sec. 25-31 – Enforcement procedures.

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

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

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

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

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

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

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

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

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

Sec. 25-33 – Penalties.

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

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

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

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

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

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

ARTICLE VI. SEPTAGE AND GREASE HAULER REGULATIONS

Sec. 25-40 – Title

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

Sec. 25-41 – Findings and purpose.

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

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

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

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

Sec. 25-42 – License required.

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

Sec. 25-43 – Operating requirements.

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

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

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

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

The ordinance was read by the City Clerk, whereupon Councilmember Woods moved to hold the ordinance over for thirty days, which was seconded by Councilmember Carroll and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for thirty days until the regular meeting of March 12, 2024.

CONSENT RESOLUTIONS HELD OVER

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE; 811 DAUPHIN ISLAND PARKWAY. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 37-085-2024

Sponsored by: Councilmember Small

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

Type of application: Retail Beer/Table Wine (Off Premises Only) License

Submitted by: MOS 1, LLC

Location: Dauphin Citgo
811 Dauphin Island Parkway
Mobile, Al 36606

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of February 14, 2024.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS II (PACKAGE STORE) LICENSE TO JM LIQUOR; 4701 AIRPORT BOULEVARD. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 37-087-2024

Sponsored by: Councilmember Woods

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.

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Type of application: Lounge Retail Liquor Class II
(Package Store) License

Submitted by: JM Liquor, LLC

Location: JM Liquor
4701 Airport Blvd, Suite 260
Mobile, AL 36608

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

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

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

DECLARE THE STRUCTURE AT 506 RICKARY STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 40-091-2024

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 506 Rickarby Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **506 Rickarby Street described as:**

COM AT A PT ON W/S OF RICKARBY ST 150 FT S OF S/L OF DUNCAN ST & RUN TH W & PAR TO DUNCAN ST 150 FT TO A PT TH S & PAR TO RICKARBY ST 50 FT TO A PT TH E 150 FT TO W/L OF RICKARBY ST TH N ON SD W/L 50 FT TO POB & BEING LOT 10 IN SQ 10 RICKARBY PLACE ACC TO MAP BYA S TOWLE C E DBK 116 NS P 208 #SEC 28 T4S R1W #MP29 10 28 2 003

Parcel Number: 29 10 28 2 003 004

Last Assessed to: ROBINSON SHANE LOWE

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

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

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

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

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

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH CERM, LLC FOR 2024 CIP RESURFACING; \$290,000.00. The following resolution was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-109-2024

Sponsored by: Mayor Stimpson and Councilmember Reynolds

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

Name of Company: CERM, LLC (Corporate Environmental Risk Management, LLC)

Project Name: 2024 CIP Resurfacing D4
COM Project #2024-3005-02

Estimated Cost: \$290,000.00

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

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

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

RESOLUTIONS HELD OVER

APPROVE AN APPLICATION SEEKING PERMISSION TO INCORPORATE A CAPITAL IMPROVEMENT COOPERATIVE DISTRICT AND AUTHORIZING SUCH INCORPORATION. The following resolution which was introduced and read at the regular meeting of October 3, 2023, and held over until the regular meetings of October 10, 2023, October 31, 2023, November 14, 2023, December 19, 2023, January 16, 2024, and February 6, 2024, was called up by the Presiding Officer.

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RESOLUTION: 14-1102-2023

Sponsored by: Councilmember Carroll

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

Section 1: That the City Council, upon evidence duly submitted to and considered by it, hereby finds and determines that the attached application has been duly filed with the governing body of the City of Mobile, that such application was signed by not less than three (3) natural persons, and that each of said persons is over the age of twenty-one (21) years and is a duly qualified elector of Mobile County, Alabama.

Section 2: That the City Council has reviewed and considered the foregoing application and has found and determined and does hereby find and determine as a matter of fact that it is wise, expedient, and necessary that the district be formed.

Section 3: That the City Council does hereby approve the proposed form of certificate of incorporation of the district attached to the foregoing application as hereinabove set forth.

Section 4: That the City Council does hereby grant permission to incorporate the district and does hereby authorize the persons making such application to form such district and file the attached certificate of incorporation in the Probate Court of Mobile County, Alabama.

Section 5: Upon proper incorporation and formation of the district, the City Council and the Mayor shall appoint directors for the district as set forth in the application and certificate of incorporation.

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

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

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

AUTHORIZE CONTRACT WITH KETOM CONSTRUCTION COMPANY, INC. D/B/A SOUTHERN PRESERVATION SYSTEMS, FOR EMERGENCY REPAIR AND REMEDIATION OF BRICK WALL AT THE CIVIC CENTER; NTE \$286,804.00. The following resolution which was introduced and read at the regular meeting of January 23, 2024, and held over until the regular meetings of January 30, 2024, and February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-075-2024

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, Code of Alabama 1975, Section 39-2-2 (e) provides an exception to the requirement for the advertisement of public works contracts in case of "emergency affecting public health, safety, or convenience which would result from delay"; and

WHEREAS, the City Engineer has determined that there is an emergency exterior wall brick issue of the Mobile Civic Center Theater building, 401 Civic Center Drive, facilities, emergency brick façade stabilization and removal. Total collapse is imminent and will cause potential risk of damage to property and persons and jeopardize the health and safety of the public;

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that pursuant to Section 39-2-2 (e) of the Code of Alabama, 1975, that, as of January 1, 2024, at 2:00 p.m., a public works "emergency affecting public health, safety or convenience" has existed as stated above warranting immediate remedial action;

BE IT FURTHER RESOLVED that the Deputy Director of Real Estate Asset Management is authorized to obtain a public works contract for the repair and remediation of the above emergency without advertisement; and said Deputy Director desiring to contract with Ketom Construction Company, Inc. d/b/a Southern Preservation Systems, for said repair and remediation in an amount not to exceed \$286,804.00;

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 contract between the City of Mobile and Ketom Construction Company, Inc., d/b/a Southern Preservation Systems attached hereto or one substantially similar, and made a part hereof, as though set forth in full, a copy of which is on file in the office of the City Clerk.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of February 14, 2024.

APPROVE PURCHASE ORDER TO CALLYO 2009 CORPORATION FOR ANNUAL RENEWAL OF MOBILE PHONE INVESTIGATIVE SOFTWARE; \$16,740.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-110-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3469</u>	2024	(1530) POLCE ADMIN SERVICES	ANNUAL RENEWAL OF CALLYO PLUS MOBILE PHONE INVESTIGATIVE SOFTWARE (BID EXEMPT AS SOFTWARE)	\$16,740.00	<u>(294761) CALLYO 2009 CORP</u>

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

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

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

APPROVE PURCHASE ORDER TO GRAYBAR ELECTRIC COMPANY INC. FOR STREET LIGHT POLES FOR TRAFFIC ENGINEERING; \$157,516.85. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-111-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>1911</u>	2024	(20260) TRAFFIC ENGINEERING	65 HAPCO STREET- LIGHT POLES WITH TRUSS ARMS FOR TRAFFIC ENGINEERING (SEALED BID 5862)	\$157,516.85	(75199) <u>GRAYBAR ELECTRIC CO INC</u>

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

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

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

APPROVE PURCHASE ORDER TO LEADSONLINE, LLC FOR ANNUAL RENEWAL OF CRIMINAL INVESTIGATION SOFTWARE FOR MPD; \$32,067.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-112-2024

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4411</u>	2024	(1530) POLICE ADMIN SERVICES	ANNUAL RENEWAL OF LEADSONLINE CRIMINAL INVESTIGATION SOFTWARE FOR MPD (EXEMPT FROM BID AS SOFTWARE)	\$32,067.00	<u>(292802)</u> <u>LEADSONLINE</u> <u>LLC</u>

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

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

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

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR 4 FORD MAVERICK PICKUP TRUCKS FOR PARKS DEPARTMENT; \$112,332.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-113-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4234</u>	2024	(F7000) MOTOR POOL	4 FORD MAVERICK PICKUP TRUCKS FOR PARKS DEPARTMENT (AL STATE CONTRACT)	\$112,332.00	<u>(292393)</u> <u>STIVERS FORD</u> <u>LINCOLN INC</u>

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

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

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

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR FORD TRANSIT CARGO VAN, FORD F150 PICKUP TRUCK AND F250 PICKUP TRUCKS FOR PARKS DEPARTMENT; \$178,209.00. The following resolution which was

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introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-114-2024

Sponsored by: Mayor Stimpson

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

Requisitions	Fiscal Year	Department	Description	Amount	Vendor
<u>4240,4242, 4245</u>	2024	(F7000) MOTOR POOL	ONE FORD TRANSIT CARGO VAN, ONE FORD F150 SUPERCREW PICKUP TRUCK, AND TWO F250 SUPER CREW PICKUP TRUCKS FOR PARKS DEPARTMENT (AL STATE CONTRACT)	\$178,209.00	<u>(292393) STIVERS FORD LINCOLN INC</u>

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

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

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

APPROVE PURCHASE ORDER TO STIVERS FORD LINCOLN, INC. FOR 20 FORD F150 PICKUP TRUCKS FOR PUBLIC SERVICES DEPARTMENT; \$921,360.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-115-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3455</u>	2024	(F7000) MOTOR POOL	TWENTY FORD F150 CREW CAB 4X4 PICKUP TRUCKS FOR PUBLIC SERVICES (AL STATE CONTRACT)	\$921,360.00	<u>(292393) STIVERS FORD LINCOLN INC</u>

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

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

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

APPROVE PURCHASE ORDER TO VULCAN, INC. FOR GALVANIZED STEEL SIGN POSTS FOR TRAFFIC ENGINEERING DEPARTMENT; \$46,088.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-117-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>2761</u>	2024	(20260) TRAFFIC ENGINEERING	1,400 10FT GALVANIZED STEEL SIGN POSTS FOR TRAFFIC ENGINEERING (SEALED BID 5861)	\$46,088.00	<u>(270972)</u> <u>VULCAN, INC</u>

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

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

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

AUTHORIZE CONTRACT WITH PYROTECNICO FIREWORKS, INC. FOR 4TH OF JULY FIREWORKS; \$35,750.00. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-118-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Pyrotecnico Fireworks, Inc. for the 4th of July Celebration Fireworks Display for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$35,750.00 as outlined in

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the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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

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

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

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

ADOPT THE COMMUNITY & HOUSING DEVELOPMENT CDBG, HOME, AND ESG 2024-25 ACTION PLANS. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

RESOLUTION: 60-120-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Action Plan for 2024 is hereby adopted. Said Plan shall direct resources to develop a viable urban community by providing decent affordable housing and a suitable living environment along with expanding economic opportunities for low and moderate-income persons. Said Action Plan is the second installment within the City’s overall five-year “2023-2027 Consolidated Housing and Community Development Plan,” and establishes projects for the next Program Year from May 1, 2024 through April 30, 2025, to be funded with assistance from the following three programs which are funded by the U.S. Department of Housing and Urban Development (HUD): Community Development Block Grants (CDBG), HOME Investment Partnership Grants (HOME), and Emergency Solutions Grants (ESG). This funding being authorized and permitted to be drawn on a first in first out accounting basis. The City followed its HUD and City Council approved Citizen Participation Plan throughout the process.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is authorized to act on behalf of the City of Mobile in the filing of this plan with HUD, and that this authorization extends to the execution of all required certifications and to all other actions required to obtain referenced Federal funds. The Mayor, or his designee, is further authorized to execute Subrecipient Agreements, Conditional Commitment Letters, Developer Agreements, Administrative Agreements, Loan Agreements, and associated security documents on behalf of the City in accordance with the funding recommendations attached herein as Exhibit 1. A copy of this Plan shall remain on file in the office of the City Clerk.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of February 14, 2024.

ADOPT AN ADDITIONAL PUBLIC SERVICE PROVIDER TO THE CDBG 2024-25 ACTION PLAN-BOYS AND GIRLS CLUB. The following resolution which was introduced and read at the regular meeting of January 30, 2024, and held over until the regular meeting of February 6, 2024, was called up by the Presiding Officer.

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RESOLUTION: 60-121-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Action Plan for 2024 adds the below public service provider.

Public Services	HUD Category	
Boys and Girls	Public Services	30,000
SUBTOTAL – ADDITIONAL PUBLIC SERVICES		30,000

BE IT FURTHER RESOLVED that the Mayor, or his designee, is authorized to act on behalf of the City of Mobile in the filing of the plan with HUD, and that this authorization extends to the execution of all required certifications and to all other actions required to obtain referenced Federal funds. The Mayor, or his designee, is further authorized to execute Subrecipient Agreements, Conditional Commitment Letters, Developer Agreements, Administrative Agreements, Loan Agreements, and associated security documents on behalf of the City in accordance with the funding recommendations as described. A copy of the Plan shall remain on file in the office of the City Clerk.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of February 14, 2024.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF ORDINANCES BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider Ordinances 64-012 and 64-013 being introduced for the first time. The motion was seconded by Councilmember Woods, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

ORDINANCES BEING INTRODUCED

CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME-BASED DAY CARE FOR PROPERTY LOCATED AT 1016 BELVEDERE CIRCLE, EAST. The following ordinance was held over until the regular meeting of February 14, 2024.

ORDINANCE: 64-011-2024

Sponsored by: Councilmember Small

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

WHEREAS, a Conditional Use Permit application was filed on October 18, 2023 to allow a home-based day care for 7-12 children in an R-1, Single-Family Residential Suburban District located at 1016 Belvedere Circle East and described as follows:

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LOT 32 UNIT 2 BELVEDERE PARK MBK 10 P 257 #SEC 51 T4S R1W #MP29 09 51 0 011

WHEREAS, the Planning Commission held a public hearing on the requested Conditional Use Permit on December 7, 2023 and recommended approval of the Conditional Use Permit subject to the following conditions:

- 1. Revision of the site plan to illustrate compliant parking;
- 2. Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
- 3. Placement of a note on the revised site plan stating any changes in the scope of operations (days of operation, number of outside staff, etc.) or to the site (parking layout, playground layout, etc.), will require a new Conditional Use Permit application and approval; and
- 4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

WHEREAS, the City Council finds that the Conditional Use Permit request:

- A. Is consistent with all applicable requirements of the Unified Development Code (UDC), including:
 - a. Any applicable development standards; and
 - b. Any applicable use regulations
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property; and
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood or be more injurious to property or improvements in the neighborhood. In making this determination, the Planning Commission and City Council considered:
 - a. The location, type and height of buildings or structures;
 - b. The type and extent of landscaping and screening;
 - c. Lighting;
 - d. Hours of operation; and
 - e. Other conditions that might require mitigation of the adverse impacts of the proposed development.
- E. Is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
- F. Is designed to minimize the impact on storm water facilities;
- G. Will be adequately served by water and sanitary sewer services;
- H. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- I. Shall not be detrimental to or endanger the public health, safety or general welfare; and
- J. The proposed use will meet City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

Section One: That the Conditional Use Permit is hereby approved with the following required conditions:

- 1. Revision of the site plan to illustrate compliant parking;
- 2. Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
- 3. Placement of a note on the revised site plan stating any changes in the scope of operations (days of operation, number of outside staff, etc.) or to the site (parking layout, playground layout, etc.), will require a new Conditional Use Permit application and approval; and
- 4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

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

REZONE NEWLY ANNEXED AREA IN THE COTTAGE HILL CORRIDOR FROM R-1 TO B-2. The following ordinance was introduced by Councilmember Daves.

ORDINANCE: 64-012-2024

Sponsored by: Councilmember Woods

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

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

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

Cottage Hill Corridor annexed area
(1 parcel)

R023303063000031.012

The classification of said property is hereby changed from **R-1, Single-Family Residential - Suburban** to **B-2, Neighborhood Business – Suburban**, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in B-2, Neighborhood Business – Suburban, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022.

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

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


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

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

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–012 Series 2024, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 14, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand on this 6th day of February, 2024.



City Clerk

REZONE NEWLY ANNEXED AREA IN THE KINGS BRANCH, ORCHARD ESTATES, AND THE COTTAGE HILL CORRIDOR FROM R-1 TO B-3. The following ordinance was introduced by Councilmember Daves.

ORDINANCE: 64-013-2024

Sponsored by: Councilmember Woods

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

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

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

Kings Branch annexed area
(28 parcels)

R022308283000001.002	R022309294000001.001
R022309293000014.001	R022309294000001.002
R022309293000014.003	R022309294000001.03
R022309293000015.000	R022309294000001.05
R022309293000015.01	R022309294000001.06
R022309293000027.000	R022309294000002.000
R022309293000028.000	R022309294000010.000
R022309293000028.001	R022309294000011.000
R022309293000028.002	R022309294000012.000
R022309293000050.000	R022309294000108.000
R022309293000077.001	R022309294000108.002
R022309293000077.002	R022309294000108.003
R022309293000077.003	R022309294000110.000
R022309293000077.004	R022309294000110.001

Orchard Estates annexed area
(32 parcels)

R022701010000096.000	R022701120000016.004
R022701120000001.000	R022803063000002.000
R022701120000002.000	R022803063000003.000
R022701120000003.000	R022803072000005.002
R022701120000003.002	R022803072000006.000
R022701120000016.000	R022803072000007.000
R022701120000016.003	R022803072000008.001

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R022803072000008.002	R022803072000012.000
R022803072000008.003	R022803072000013.000
R022803072000008.004	R022803072000014.000
R022803072000008.01	R022803072000015.000
R022803072000009.000	R022803073000001.01
R022803072000009.001	R022803073000016.000
R022803072000009.002	R022803073000016.003
R022803072000010.000	R022803073000016.004
R022803072000011.000	R022803073000017.002

Cottage Hill Corridor annexed area
(88 parcels)

R022706230000002.001	R023303063000030.004
R022706243000015.000	R023303064000002.000
R022706243000016.000	R023303064000005.000
R022706243000017.000	R023303064000006.000
R022706243000017.001	R023303064000007.000
R022706243000017.01	R023303064000008.000
R022707252000032.001	R023303064000009.000
R022707254000001.000	R023303064000010.000
R022707260000001.001	R023303064000011.000
R022707350000051.002	R023303064000012.000
R022707350000051.168	R023303064000013.000
R022707350000051.169	R023303064000014.000
R022707350000051.170	R023303064000015.000
R022707350000051.171	R023303064000016.000
R022707350000051.172	R023303064000017.001
R022707350000051.173	R023303064000019.000
R022707350000051.174	R023303064000020.000
R022707350000051.175	R023303064000020.001
R022707350000051.176	R023303064000020.003
R022707350000051.177	R023303064000021.000
R022707350000051.178	R023303064000022.000
R022707350000055.000	R023303064000023.000
R022809303000002.000	R023303064000023.001
R022809303000002.001	R023303064000024.000
R022809303000002.002	R023303064000025.000
R022809303000002.003	R023401014000002.000
R022809312000004.010	R023401014000002.001
R023303061000010.000	R023401014000002.003
R023303061000011.000	R023401014000002.004
R023303062000050.002	R023401014000002.005
R023303062000050.008	R023401014000002.006
R023303063000030.000	R023401014000002.011
R023303063000030.002	R023401020001075.000

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R023401020002009.000	R023401124000002.010
R023401020002009.001	R023401124000002.011
R023401020002009.002	R023401124000002.012
R023401020002009.003	R023401124000002.013
R023401020002009.004	R023401124000002.014
R023401124000001.000	R023401124000002.015
R023401124000002.000	R023401124000002.016
R023401124000002.003	R023401124000002.017
R023401124000002.007	R023401124000002.018
R023401124000002.008	R023401124000007.000
R023401124000002.009	

And the following portion of parcel R022707254000004.000:

Commencing at the Northwest corner of the Southeast quarter of the Southeast quarter of Section 25, Township 4 South, Range 3 West, Mobile County, Alabama; Thence N-89°-36'-58"-E, along the North line of the Southeast quarter of the Southeast quarter of said Section 25, for 628.51 feet to the Point of Beginning of the parcel herein described; Thence continue N-89°-36'-58"-E, along the North line of the Southeast quarter of the Southeast quarter of said Section 25, for 626.26 feet to a point at the intersection of the North line of the Southeast quarter of the Southeast quarter of said Section 25 with the West right of way line of Schillinger Road, (variable width public R\W); Thence S-02°-51'-49"-E, along the West right of way line of said Schillinger Road, for 130.56 feet; Thence S-00°-07'-34"-W, along the West right of way line of said Schillinger Road, for 99.81 feet; Thence S-05°-26'-09"-E, along the West right of way line of said Schillinger Road, for 100.53 feet; Thence S-00°-16'-27"-W, along the West right of way line of said Schillinger Road, for 99.89 feet; Thence S-08°-41'-35"-E, along the West right of way line of said Schillinger Road, for 42.32 feet; Thence N-89°-06'-28"-W, leaving the West right of way line of said Schillinger Road, for 176.41 feet; Thence S-00°-54'-47"-W for 12.08 feet; Thence N-89°-06'-28"-W for 340.78 feet; Thence S-22°-23'-32"-W for 34.36 feet; Thence N-89°-06'-28"-W for 199.89 feet; Thence N-01°-00'-57"-E for 231.47 feet; Thence S-89°-06'-28"-E for 90.00 feet; Thence N-00°-23'-02"-W for 270.52 feet to the Point of Beginning, and containing 323,785 square feet or 7.365 acres, more or less.

The classification of said property is hereby changed from **R-1, Single-Family Residential - Suburban** to **B-3, Community Business – Suburban**, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in **B-3, Community Business – Suburban**, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Unified Development Code of July 12, 2022.

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

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

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


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

STATE OF ALABAMA)
COUNTY OF MOBILE)

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I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64–013 Series 2024, was published in the Press Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 14, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand on this 6th day of February, 2024.



City Clerk

CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNING APPROVAL FOR PROPERTY LOCATED AT 3650, 3704, 3708, AND 3758 SPRING HILL AVENUE.

The following ordinance was held over until the regular meeting of February 14, 2024.

ORDINANCE: 64-014-2024

Sponsored by: Councilmember Small

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

WHEREAS, a Planning Approval was approved on May 7, 2020 to amend a previously approved Master Plan for an existing church and school in an R-1, Single-Family Residential District to allow an expansion of the site on property located 3650, 3704, 3708, & 3758 Spring Hill Avenue and described as follows:

LOT 1, RESUBDIVISION OF SAINT IGNATIUS PARISH SUBDIVISION, AS RECORDED IN MAP BOOK 125, PAGE 100 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

WHEREAS, the owner of said property applied for a Major Modification of the Planning Approval on October 31, 2023 to amend the Master Plan of an existing church and school in an R-1, Single-Family Residential Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on December 7, 2023 and recommended approval of the Major Modification of the Planning Approval subject to the following conditions:

- 1. Placement of a note on the site plan stating future development of the site may require Review by the Planning Commission, and approval from City Council;
- 2. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 3. Full compliance with all municipal codes and ordinances

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- G. Shall not be detrimental or endanger the public health, safety or general welfare; and

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H. Benefits Consideration. In addition, consideration was given to the City's and the larger, community's best interests and the need, benefit, or public purpose of the proposed request.

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

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

- 1. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
- 2. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 3. Full compliance with all municipal codes and ordinances

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

CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNET UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 3650, 3704, 3708, 3758 SPRING HILL AVENUE. The following ordinance was held over until the regular meeting of February 14, 2024.

ORDINANCE: 64-015-2024

Sponsored by: Councilmember Small

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

WHEREAS, a Planned Unit Development (PUD) was approved on May 7, 2020 to amend a previously approved Master Plan for an existing church and school in an R-1, Single-Family Residential District to allow an expansion of the site on property located 3650, 3704, 3708, & 3758 Spring Hill A venue and described as follows:

LOT 1, RESUBDIVISION OF SAINT IGNATIUS PARISH SUBDIVISION, AS RECORDED IN MAP BOOK 125, PAGE 100 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

WHEREAS, the owner of said property applied for a Major Modification of the PUD on October 31, 2023 to amend the Master Plan of an existing church and school in an R-1, Single-Family Residential Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested Major Modification on December 7, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

- 1. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
- 2. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 3. Full compliance with all municipal codes and ordinances

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;

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- C. Will not impede the orderly development and improvement of surrounding property;
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
- E. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- G. Shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

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

- 1. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
- 2. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 3. Full compliance with all municipal codes and ordinances

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Reynolds moved for the suspension of the rules to consider Consent Resolutions 37-124 through 60-146 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (ON/OFF PREMISES) LIQUOR LICENSE TO GRAZE CRAZE; 2104 AIRPORT BOULEVARD. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-124-2024

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: Retail Beer/Table Wine (On/Off Premises) Liquor License

Submitted by: Gulf Coast Investment Concepts, LLC

Location: Graze Craze
2104 Airport Boulevard
Mobile, AL 36606

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

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

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

DECLARE THE STRUCTURE AT 237 ABRAMS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-125-2024

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 237 Abrams Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **237 Abrams Street described as:**

LOT 3 ON PLAT OF RESURVEY OF LOTS 29 & 30 BLK 2 OF MECHEM & SAGES SUB OF INGATE PL MBK 13 P 13 #SEC 18 T4S R1W #MP29 0818 2 002

Parcel Number: 29 08 18 2 002 001

Last Assessed to: J ERALD L JOSEPH JUNIOR

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

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

The resolution was read by the City Clerk, whereupon Councilmember Penn moved to hold the resolution over for sixty days, which was seconded by Councilmember Daves and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of April 9, 2024.

DECLARE THE STRUCTURE AT 2910 BERKLEY AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Penn.

RESOLUTION: 40-126-2024

Sponsored by: Councilmember Penn

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2910 Berkley Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance; WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 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 **2910 Berkley Avenue described as:**

S 1/2 OF LOT 7 BLK D BOOKER T WASHINGTON GDNS A SUB PLAT BK 4/208 #SEC 44 T4S R1W #MP29 02 44 0 010

Parcel Number: 29 02 44 0 010 029

Last Assessed to: LATONYA MORIA YOUNG

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

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

The resolution was read by the City Clerk, whereupon Councilmember Penn moved to hold the resolution over for sixty days, which was seconded by Councilmember Daves and the vote was as follows:

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for sixty days until the regular meeting of April 9, 2024.

DECLARE THE STRUCTURE AT 2150 PLEASANT AVENUE A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-127-2024

Sponsored by: Councilmember Penn

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WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017, the accessory structure at 2150 Pleasant Avenue has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: **Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 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 **2150 Pleasant Avenue described as:**

BEG AT A PT ON THE N/S OF PLEASANT AVE 155.7 FT ELY FROM THE NW COR OF OWENS LANE & PLEASANT AVE RUN TH NLY & PAR WITH OWNES LANE 188.5 FT RUN TH ELY & PAR WITH PLEASANT AVE 55.3 FT RUN TH SLY & PAR WITH OWENS LANE 188.5 FT TO THE N/S OF PLEASANT AVE TH WLY FROM THE N/L OF PLEASANT AVE 55.3 FT TO THE PLACE OF BEG BEING PT OF LOT 32 DIVISION 1 OF PLAT OF SURVEY BY JAMES DOWELL REC IN MISC BK B PG 175 BEING SAME PPTY ACQUIRED BY JOE THOMAS FOUNTAIN BY DEED FROM V M REYNOLDS DATED FEB 91945 REC DBK447 NS PG 40 #SEC 42 T4S R1W #MP29 07 42 0 004

Parcel Number: 29 07 42 0 004 263

Last Assessed to: SMITH KENT L & PHILOMENA W SMITH

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

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

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

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

Nays: None

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

DECLARE THE STRUCTURE AT 605 GAYLE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED/SECURED. The following resolution was introduced by Councilmember Carroll.

RESOLUTION: 40-128-2024

Sponsored by: Councilmember Carroll

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances" adopted December 5, 2017,

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the accessory structure at 605 Gayle Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at **605 Gayle Street described as:**

COMG AT PT ON E/S OF GAYLE ST 103 FT 2 INS S OF SE COR OF GAYLE & NEW JERSEY STS & RUNNING TH SLY ON E/S OF GAYLE ST 51 FT 7 INS TH ELY & PAR W/NEW JERSEY ST 112 FT 6 INS TH NWL Y 51 FT 7 IN TH WL Y 112 FT 6 INS TO POB BEING LOT 4 SQ 236 OF MIDDLE DIVISION OF BERNOUDY TRACT#SEC 38 T4S R1W #MP2910 38 0 004

Parcel Number: 29 10 38 0 004 039

Last Assessed to: MOON EQUITIES, LLC

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

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

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution held over for one week until the regular meeting of February 14, 2024.

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 414 GASTON STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-129-2024

Sponsored by: Councilmember Carroll

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demolished of the structure at 414 Gaston Street and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolished of the structure 414 Gaston Street to be \$3,200.00 and the City Council, having received the report and heard all objections

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which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows: \$3,200.00 shall constitute a special assessment against the property at structure 414 Gaston Street and being that property more particularly described as follows:

BEG AT A PT ON THE E/S OF GASTON ST 100 FT SLY FROM THE SE INTERSEC OF GASTON ST & DAVIS AVE & RUN TH SLY ALG E/S OF GASTON ST 25 FT M/L TO N/L OF MARION I GOOD LOE TH ELY ALG SD N/L 135 FT M/L TO E/L OF LOT 17 SQR 69 OF CAMP GROUND TRT TH NLY ALG SD E/L 25 FT TO A PT TH WLY 135 FT M/L TO THE POB BEG THEN 1/2 OF LOT 17 IN SQR 69 OF CAMP GROUND TRACT #SEC 40 T4S R1W #MP29 06 40 0 004

Parcel No: 29 06 40 0 004 113.xxx

Owner: Jackson Deborah Howard
2755 Weston Drive
Mobile, Al 36695

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

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

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

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

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

FIX COSTS FOR DEMOLITION OF THE STRUCTURE AT 730 BANKHEAD PLACE.
The following resolution was introduced by Councilmember Daves.

RESOLUTION: 40-130-2024

Sponsored by: Councilmember Daves

WHEREAS, notice has been duly given pursuant to Ordinance No. 11-085, adopted November 26, 2002, affording to all persons an opportunity to be heard concerning the demo/is/zed of the structure at 730 Bankhead Place and the City Council of the City of Mobile having held such public hearing in connection therewith;

WHEREAS, an itemized report in writing has been made to the City Council of the City of Mobile showing the costs involved in the demolished of the structure 730 Bankhead Place to be \$3,700.00 and the City Council, having received the report and heard all objections which have been raised by any of the interested parties liable to be assessed for the cost of the work, finds and determines that such costs are reasonable and in all respects should be confirmed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows: \$3,700.00 shall constitute a special assessment against

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the property at structure 730 Bankhead Place and being that property more particularly described as follows:

LOT 11 BANKHEAD PL MBK 6 P 515 #SEC 29 T4S R1W #MP29 09 29 4 002

Parcel No: 29 09 29 4 002 015.xxx

Owner: Williams Lismer Jr.
9590 Saddlebrook Drive North
Mobile, AL 36695

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

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

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

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

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

DETERMINE AN APPROPRIATION OF SOUTHWEST MOBILE COUNTY CHAMBER FOUNDATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-131-2024

Sponsored by: Councilmember Reynolds

WHEREAS, Councilmember Reynolds wishes to appropriate **\$5,000.00** to Southwest Mobile County Chamber Foundation, from their discretionary funds; and

WHEREAS, Southwest Mobile County Chamber Foundation, is a non-profit corporation operating in Alabama and providing 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 Southwest Mobile County Chamber Foundation, will be used to assist with the 11th Year Tillman’s Corner Area Learning Leadership (T.A.L.L.) program.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to Southwest Mobile County Chamber Foundation, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO WEST SIDE ATHLETIC ASSOCIATION OF MOBILE, AL, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-132-2024

Sponsored by: Councilmember Woods

WHEREAS, Councilmember Woods wishes to appropriate **\$5,000.00** to West Side Athletic Association of Mobile, Alabama Inc., from their discretionary funds; and

WHEREAS, West Side Athletic Association of Mobile, Alabama Inc., is a non-profit corporation operating in Alabama and providing 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 West Side Athletic Association of Mobile, Alabama Inc., will be used to assist with the purchase of a new scoreboard on the Rookie Field.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$5,000.00** to West Side Athletic Association of Mobile, Alabama Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO HOUSING FIRST, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-133-2024

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$500.00** to Housing First Inc. from her discretionary funds; and

WHEREAS, Housing First, Inc., is an Alabama non-profit corporation which provides a service to the community; and

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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 Housing First, Inc., will be used to assist with its 10th Annual Project Homeless Connect event on Friday, January 26, 2024, 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 **\$500.00** to Housing First, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DETERMINE AN APPROPRIATION TO JAGUAR ATHLETIC FUND, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-134-2024

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$250.00** to Jaguar Athletic Fund, Inc., from her discretionary funds; and

WHEREAS, Jaguar Athletic Fund, 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 Jaguar Athletic Fund, Inc., will be used to assist with the 7th Annual Champagne Brunch & Bungo on March 16, 2024, 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 **\$250.00** to Jaguar Athletic Fund, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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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 THE BREAKFAST SPOT; 119 DAUPHIN STREET. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 37-145-2024

Sponsored by: Councilmember Carroll

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

Type of application: Restaurant Retail Liquor License

Submitted by: The Breakfast Spot, LLC

Location: The Breakfast Spot
119 Dauphin Street
Mobile, Al 36602

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

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

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

DETERMINE AN APPROPRIATION TO MOBILE AREA MARDI GRAS ASSOCIATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-146-2024

Sponsored by: Councilmember Small

WHEREAS, Councilmember Josh Woods wishes to appropriate \$500.00 to Mobile Area Mardi Gras Association from his discretionary funds; and

WHEREAS, Mobile Area Mardi Gras Association is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Mobile Area Mardi Gras Association, will be used to assist with the Mobile Youth Scholarship Fund, which will serve a public purpose benefiting 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 \$500.00 to Mobile Area Mardi Gras Association, 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.

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

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

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

RESOLUTIONS BEING INTRODUCED

APPOINT RICHARD PIPKINS AND GEORGE HUNTER TO THE INDUSTRIAL DEVELOPMENT BOARD. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 03-135-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Richard Pipkins and George Hunter are hereby appointed to the Industrial Development Board effective _____, 2024, for terms ending as follows:

TERM ENDING

Richard Pipkins March, 2027

George Hunter March, 2027

APPROVE PURCHASE ORDER TO CART DR., LLC FOR 2 YAMAHA UTILITY VEHICLES FOR TENNIS CENTER; \$27,860.20. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 08-136-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>1056</u>	2024	(F6110) MOBILE TENNIS CENTER	TWO YAMAHA UMAX RALLY LIGHT UTILITY VEHICLES FOR TENNIS CENTER (SEALED BID 5866)	\$27,860.20	<u>(290765) CART DR LC</u>

APPROVE PURCHASE ORDER TO CITISCO, LLC FOR 30 HEATED BANQUET CABINETS FOR THE CONVENTION CENTER; \$137,610.00. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 08-137-2024

Sponsored by: Mayor Stimpson

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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>3911</u>	2024	(F6080) CONVENTION CENTER	THIRTY HEATED MOBILE BANQUET CABINETS FOR CONVENTION CENTER (GSA CONTRACT)	\$137,610.00	<u>(298840)</u> <u>CITISCO LLC</u>

APPROVE PURCHASE ORDER TO GLOBAL INDUSTRIES, INC. FOR 6 OFFICE CUBICLE WORKSTATIONS FOR ACCOUNTING DEPARMTNE; \$25,987.85. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 08-138-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4525</u>	2024	(2510) ACCOUNTING	6 OFFICE CUBICLE WORKSTATIONS FOR ACCOUNTING DEPT (THE INTERLOCAL PURCHASING SYSTEM COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$25,987.85	<u>(073476) GLOBAL INDUSTRIES INC</u>

APPROVE PURCHASE ORDER TO KARDEX REMSTAR, LLC FOR AUTOUMATED STORAGE CAROUSEL FOR CITY CLERK’S OFFICE; \$67,655.75. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 08-139-2024

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>3849</u>	2024	(1030) CITY CLERK	LEKTRIEVER VERTICAL AUTOMATED STORAGE CAROUSEL FOR CITY CLERK (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$67,655.75	<u>(298960) KARDEX REMSTAR, LLC</u>

APPROVE PURCHASE ORDER TO TIMECLOCK PLUS, LLC FOR ANNUAL RENEWAL OF HARDWARE SUPPORT AND MAINTENANCE SERVICES FOR TIMEKAPPING EQUIPMENT; \$17,938.46. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 08-140-2024

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>4536</u>	2024	(5000) INFORMATION TECHNOLOGY	ANNUAL RENEWAL OF HARDWARE SUPPORT AND MAINTENANCE SERVICES FOR TIMECLOCK PLUS TIMEKEEPING EQUIPMENT (SOEL SOURCE)	\$17,938.46	<u>(295232) TIMECLOCK PLUS LLC</u>

AUTHORIZE CONTRACT WITH CHRIS BREWER CONTRACTING, INC. FOR 2024 ANNUAL STREET MAINTENANCE; \$705,650.00. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 21-141-2024

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

WHEREAS, bids for street repairs for districts 1,2,3,4,5,6 and 7 were received and opened on December 20, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from Chris Brewer Contracting, Inc., in the amount of \$705,650.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by Chris Brewer Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto

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

Name of Company: Chris Brewer Contracting, Inc.
Project Name: City Wide Small Asphalt Repairs (2024 City of Mobile Annual Street Maintenance (D #1-7)
Project Number: 2024-3005-06
Amount: \$705,650.00

AUTHORIZE CONTRACT AMENDMENT WITH MOFFATT & NICHOL, INC. FOR COOPER RIVERSIDE PARK BULKHEAD REPLACEMENT DESIGN CLOSEOUT AND CONSTRUCTION ADMINISTRATION; \$282,282.00. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 21-142-2024
Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. Whereby, the sum of \$282,282.00 will be added to the original contract. A copy of said contract is on file in the office of the City Clerk.

Name of Company: Moffatt & Nichol, Inc.
Project Name: Cooper Riverside Park bulkhead replacement design
Closeout and construction administration
Project Number: PR-029-22
Amount: \$282,282.00

AUTHORIZE CONTRACT WITH MOTOR CARRIER CONSULTANTS, INC. FOR WORKPLACE DRUG AND ALCOHOL TESTING FOR CITY EMPLOYEES; NTE \$75,000.00 PER YEAR. The following resolution was held over for one week until the regular meeting of February 14, 2024.

RESOLUTION: 21-143-2024
Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Motor Carrier Consultants, Inc., to provide workplace drug and alcohol testing services for City employees, for three years, then month-to-month without further approval required by Council, in an amount as needed not to exceed \$75,000.00 per year, as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the Office of the City Clerk.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 255, 257, AND 259 DOGWOOD DRIVE FROM R-1 TO B-1 (SCHEDULED FOR FEBRUARY 27, 2024) (DISTRICT 5). The following resolution was introduced by Councilmember Daves.

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RESOLUTION: 41-144-2024

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

Notice of Public Hearing for the Proposed Rezoning of Property Located at 255, 257, and 259 Dogwood Drive

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 6, 2022, a public hearing will be held on the 27th day of February, 2024, at 10:30 a.m., to consider adoption of an ordinance to rezone property located at 255, 257, and 259 Dogwood Drive from R-1, Single-Family Residential Suburban District, to B-1, Buffer Business Suburban District.

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

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

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

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

LOTS 1 - 3, GOVERNMENT STREET HIGHLAND, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 441 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA

The classification of said property is hereby changed from R-1, Single-Family Residential Suburban District to B-1, Buffer Business Suburban District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in a B-1, Buffer Business Suburban 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 Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a B-1, Buffer Business Suburban District until all of the conditions set forth below have been complied with: 1. Completion of the Subdivision process; 2. Submittal of an original notarized "Voluntary Conditions and Use Restrictions" form (Attached); 3. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and, 4. Full compliance with all municipal codes and ordinances.

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

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

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as February 27, 2024.

ANNOUNCEMENTS

Lisa Lambert, City Clerk, announced that the next Council meeting will be held on February 14, 2024, due to Mardi Gras.

Councilmember Penn stated that the Senior Bowl week of activities was a big success.

Councilmember Penn said that he attended the 90th birthday celebration of the late Hank Aaron on Monday, February 5, 2024.

Councilmember Penn invited citizens to attend the Trinity Gardens parade on Saturday, February 17, 2024.

Councilmember Carroll asked the Administration to reach out to the Mobile Area Water and Sewer System about the evasive plant species at Big Creek Lake.

Councilmember Gregory invited citizens to attend the Mobile Terrace parade after the Trinity Garden parade on Saturday, February 17, 2024.

Councilmember Small gave comments about the recent Senior Bowl events.

Councilmember Small pointed out that February was Black History Month.

Councilmember Penn announced that there will be an Entitlement Committee meeting today at 1:00 p.m.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:37 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK