

1

ORDINANCE NO. _____

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

SECTION 1. That the Zoning Ordinance of Montgomery, Alabama, adopted September 17, 1963, be amended by removing the following described property from an R-60-d (Duplex Residential) Zoning District to a B-2 (Commercial) Zoning District.

The east 40 ft. of that certain lot described as follows: Beginning at a point on the south side of Mobile Road, at a point 26 ft. south, 46° west from the intersection of the south side of Mobile Road and the west side of Hill Street, thence S46°W along the south side of Mobile Road 98 ft., thence S23°30'E, 90 ft. to the right-of-way of the Alabama power Company Street railroad line to Washington Park, thence N33°E along said right-of-way 113 ft., thence N23°30'W, 61 ft. to the point of beginning, being a part of Lot 10, Block 12 of the Peacock Tract.

SECTION 2. This ordinance shall take effect upon its passage, approval and publication, or as otherwise provided by law.

ADOPTED this _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

ORDINANCE NO. _____

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

SECTION 1. That the Zoning Ordinance of Montgomery, Alabama, adopted September 17, 1963, be amended by removing the following described property from an R-60-d (Duplex Residential) Zoning District to an M-3-Q (General Industrial-Qualified) Zoning District.

Lot 7, Block 7, Kennedyville Subdivision, as recorded in the Office of the Judge of Probate, Montgomery County, Alabama in Book 1, Page 54.

SECTION 2. Restricted to a recreational vehicle (RV) for personal use.

SECTION 3. This ordinance shall take effect upon its passage, approval and publication, or as otherwise provided by law.

ADOPTED this _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

3 & 4

MAYOR'S BUDGET MESSAGE
FISCAL YEAR 2020

AUGUST 20, 2019

RESOLUTION NO. _____

WHEREAS, certain employees who have a minimum of twenty years of service with the City of Montgomery are entitled to pension benefits under a plan adopted in connection with the order of the District court of the United States in the case of the United States of America, Plaintiff, v. the City of Montgomery, Alabama, a Municipal Corporation, et al defendants and also under the Authority of Section 26, Act 1258, Regular Session 1971 Legislature of Alabama; and

WHEREAS, Noah Johnson has a total of over twenty (20) years of service, he wishes to request benefits under the old pension plan for the three (3) years five (5) months he worked as a laborer:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Noah Johnson be granted pension benefits effective September 6, 2019, and said benefits to be in the amount of \$1,995.41 annually or \$166.28 monthly.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2019.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

RESOLUTION NO. _____

WHEREAS, Big Cat Petroleum Inc., d/b/a Big Cat Package Store, 4715 Mobile Highway, Suite B, Montgomery, AL 36108, has filed an application for a Lounge Retail Liquor – Class II (Package) License, as indicated on the application form of the State of Alabama Alcoholic Beverage Control Board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, Big Cat Petroleum Inc., d/b/a Big Cat Package Store, 4715 Mobile Highway, Suite B, Montgomery, AL 36108, be and is hereby approved for a Lounge Retail Liquor – Class II License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2019.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

RESOLUTION NO. _____

WHEREAS, Big Cat Petroleum Inc., d/b/a Big Cat Petroleum Convenience Store, 4715 Mobile Highway, Montgomery, AL 36108, has filed an application for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Licenses, as indicated on the application form of the State of Alabama Alcoholic Beverage Control Board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, Big Cat Petroleum Inc., d/b/a Big Cat Petroleum Convenience Store, 4715 Mobile Highway, Montgomery, AL 36108, be and is hereby approved for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Licenses, and concurrence in the issuance of the licenses by the State of Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2019.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

Substitute for
Item No. 8

RESOLUTION NO. _____

WHEREAS, Section 40-3-2, Code of Alabama, 1975, requires that the governing body of the municipality in each county nominate three (3) persons for consideration in the selection of a County Board of Equalization; and

WHEREAS, each county and each county's Board of Education are required to do the same; and

WHEREAS, the State Commissioner of Revenue with approval of the governor shall appoint one (1) person from each list; and

WHEREAS, 1. Monnie Wills, 2. Morris Capouano, and 3. Terry S. Gray, each being property owners and qualified voters, have expressed an interest in serving on the Board of Equalization:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Council endorses 1. Allen Worrell, 2. Bill Coleman, and 3. Anita Archie as nominees to the County Board of Equalization.

BE IT RESOLVED, that Brenda Gale Blalock, City Clerk, is hereby authorized and directed to forward this list of nominees to the State Commissioner of Revenue.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery at its regular meeting held the _____ day of _____, 2019.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

Item No. 9

Canvassing of Municipal Election will be provided at Work Session due to provisionals being counted Tuesday at Noon.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MONTGOMERY, ALABAMA CHAPTER 5, ARTICLE III, SECTION 5-483: WELLS PROHIBITED IN THE CAPITAL CITY PLUME SITE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 5, Article III, Section 5-483 of the Code of Ordinances for the City of Montgomery, Alabama be amended and the following adopted:

Sec. 5-483. - Capital City Plume Area Requirements.

Section 1. Capital City Plume Site Area Defined

For purposes of the requirements of this Ordinance, the Capital City Plume Site area shall be defined as the following:

An area bordered on the West by the Alabama River, going North along the river to the extension of Goldbug Street, going East along the extension of Goldbug Street to Union Street, going South along Union Street to Washington Avenue, going West along Washington Avenue to Commerce Street, then going Northwest along Commerce Street to the Alabama River.

Section 2. Wells

It shall be unlawful for any person or entity to dig any wells or use any existing wells in the site identified as the Capital City Plume Site.

Section 3. Soil Vapor Barriers

A vapor retarder shall be required in accordance with the International Building Code and applicable EPA vapor intrusion guidelines for all new foundations located within the designated Capital City Plume Site.

Section 4. Certain Uses of First Floor Prohibited in Single Block Area

Schools, daycare facilities or residential use of first floor shall be prohibited in the single block area bordered on the west by N. McDonough Street, on the north by E. Jefferson Street, on the east by N. Hull Street and on the south by Madison Avenue.

Section 5. Alabama Department of Environmental Management

- (a) Requirements set forth in this Section are in compliance with Institutional Controls submitted in the Institutional Controls Plan by the Downtown Environmental Alliance and accepted by the Alabama Department of Environmental Management.
- (b) Any amendments or modifications to this Section are subject to notice, review and consent by the Alabama Department of Environmental Management.

ADOPTED this the _____ day of _____, 2019.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

TODD STRANGE, MAYOR

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING PURCHASE AND SALE AGREEMENT
AND SALE OF REAL ESTATE OWNED BY CITY OF MONTGOMERY**

(632 VIRGINIA AVENUE)

WHEREAS, the City of Montgomery, Alabama ("City") owns certain real property located in the City and County of Montgomery, as more particularly described in Exhibit "A" attached hereto ("Property"); and

WHEREAS, the Property is surplus property no longer needed for public or municipal purposes, and it is in the public's best interest that any right, title and interest the City may have in and to the said Property be transferred and conveyed to **Albert Garcia** with rights of ingress/egress thereto; and

WHEREAS, the City of Montgomery and **Albert Garcia** have entered into a Purchase and Sale Agreement dated the _____ day of September, 2019, copy attached as Exhibit "B", subject to the approval of the City Council, wherein the City agreed to sell and **Albert Garcia** has agreed to purchase this Property for a total purchase price **\$1,000.00** the certain real Property, more particularly described in Exhibit A.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery as follows:

(1) The Council has determined that the sale of the Property is for valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and

(2) The City hereby grants to the Mayor the authority to negotiate, enter into and execute the Purchase and Sale Agreement attached as Exhibit "B" and said Purchase and Sale Agreement is hereby approved and Todd Strange, as Mayor, is hereby authorized to sign and

execute said Purchase and Sale Agreement and to enter into and to execute a Statutory Warranty Deed in the form attached as Exhibit "C." The Property is to be conveyed subject to the following:

1. Any lien or charge for general or special taxes or assessment not yet delinquent.
2. By its acceptance of this conveyance, Grantee, for itself and its successors and assigns, hereby acknowledges and covenants (i) that Grantee accepts the Property "AS IS" and "WITH ALL FAULTS," and (ii) that Grantee releases and waives any claim against Grantor relating to the nature and condition of the Property, including, without limitation, the environmental condition thereof.
3. The buyer must follow all City of Montgomery regulations regarding the development of any structure on this parcel. The buyer must maintain the property in accordance with the rules, requirements and regulations of the City of Montgomery and its Housing Codes Division. The buyer shall ensure the property is secured and maintained for the entirety of its ownership. In the event of a failure to fulfill these covenants, all legal and equitable remedies, including injunctive relief, specific performance, damages and REVERSION of the property to Seller, shall be available to Seller. In the event Seller elects for the property to revert to it, upon thirty (30) days written notice to Purchaser, title to the Property together with any improvements shall automatically revert to the Seller and Purchaser shall execute and deliver a statutory warranty deed re-conveying property to Seller. No failure on the part of the Seller to enforce any covenant herein, nor the waiver of any right hereunder by the Seller, shall discharge or invalidate such covenant or any other covenant, condition or

restriction hereof, or affect the right of Seller to enforce the same in event of subsequent breach.

And to execute any and all other documents and instruments pertaining thereto.

ADOPTED the _____ day of September, 2019.

**_____
BRENDA GALE BLALOCK, CITY CLERK**

APPROVED: _____

**_____
TODD STRANGE, MAYOR**

EXHIBIT A

Street Address: 632 Virginia Avenue, Montgomery, AL 36104

Legal Description: SAYRE PLAT LOT 30 BLOCK 37 BOOK 018 PAGE 205. Being and intended to be and include all land that is part of Parcel #11-06-13-1-013-058.000.

EXHIBIT B

PURCHASE / SALE AGREEMENT