

ADJOURNED REGULAR MEETING
MONTGOMERY CITY COUNCIL
COUNCIL AUDITORIUM
December 30, 2019 – 10:00 A. M.

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The Council reconvened in an adjourned regular session on Monday, December 30, 2019, at 10:00 a.m., at the Council Auditorium, City Hall, with the following members present:

PRESENT: BOLLINGER, LYONS, GRAHAM, CALHOUN,
MITCHELL, MCINNIS, PRUITT, JINRIGHT -8

ABSENT: LARKIN -1

The Chairman stated this was the time and place for the Show Cause Hearing on the proposed Resolution revoking the Business License of Anna Cook, a/k/a Anna's Bar and Grill, d/b/a The Shack, 3200 Atlanta Highway. Mr. Jerry Cook and Ms. Amanda Cook, Attorney, were present representing this item. Chief Ernest Finley and Major Z.L. Dean of MPD, was present representing the City of Montgomery. Ms. Kenya Fuller and Mr. Lee Hall were present in support of this business. Ms. Fuller stated she was a patron and had never seen any issues. Mr. Hall stated he has been going to this establishment for 17 years and has never seen problems. He's witnessed security handling any problems that tried to escalate. Mr. Cook stated the business has made significant safety changes to prevent security problems and that the business should not be held accountable for random non-patrons coming into the parking lot. Mr. Cook said he had added security guards to the outside and added 6 foot privacy fences with locks to prevent anyone from coming in through the gate. Mr. Cook stated the business is open 24 hours a day and caters to shift workers where they can get a full meal. He also stated that they close at 2 am on Sundays. Chief Ernest Finley stated The Shack has failed to provide a safe and secure environment for patrons of their establishment during their hours of operation which has added additional responsibility to the MPD. The establishment had been given 90 days to shore-up their security and it's their responsibility to handle security inside and outside the establishment. Chief Finley asked Major Z.L. Dean to present a video showing an assault within the establishment on December 16, 2019 with minor injuries. Major Dean, also, reviewed the reported shootings at this location, i.e. August 24, 2019, 1 victim murdered; June 8, 2019, 3 subjects shot, non-life threatening; November 27, 2019, 5 shots reported from caller but no evidence at location; also, a report on October 26, 2019 of a female who reported a sexual assault while drunk and passed out. When she woke her tights and underwear were displaced and she felt as though she had been sexually assaulted. Major Dean stated there had been 10 calls for service since March 2019. Chief Finley stated that recent assaults were reported involving firearms, along with other disturbance calls; therefore, he is recommending the revocation of The Shack's business license. The Chairman declared that the show cause hearing was closed.

The Chairman stated this was the time and place to hear and consider the following proposed resolution:

RESOLUTION NO. 277-2019

WHEREAS, pursuant to Resolution No. 89-2019, the Business License of Anna Cook, a/k/a Anna's Bar and Grill Inc., d/b/a The Shack, 3200 Atlanta Highway, Montgomery, AL 36109, was scheduled for a Show Cause Hearing as to why the business license for the establishment should not be revoked; and

WHEREAS, Anna Cook, a/k/a Anna's Bar and Grill Inc., d/b/a The Shack, 3200 Atlanta Highway, was afforded a hearing on July 16, 2019, concerning said license and item was carried over for 3 months; and at the October 15, 2019 Council Meeting, it was remanded to the Montgomery Police Department for their review for 90 days; and

WHEREAS, Jerry Cook was present at meetings to discuss issues; and

WHEREAS, at the December 17, 2019 Council Meeting, MPD Chief Finley reported a serious incident at this location and recommended a new Show Cause Hearing as to why the business license should not be revoked for this establishment; and

WHEREAS, by consensus of the Council, the meeting was recessed to reconvened the Council Meeting December 30, 2019 at 10 a.m. for a Show Cause Hearing on the proposed revocation of the business license of Anna Cook, a/k/a Anna's Bar and Grill Inc., d/b/a The Shack, 3200 Atlanta Highway, Montgomery, AL 36109; and

WHEREAS, Jerry Cook was present at the December 17, 2019 Council Meeting and was given notice of said Show Cause Hearing for this establishment; and

WHEREAS, the Show Cause Hearing was held December 30, 2019 and facts presented by the Montgomery Police Department and representatives of The Shack; and

WHEREAS, after reviewing all the facts, the City Council is of the opinion that the business license of Anna Cook, a/k/a Anna's Bar and Grill Inc., d/b/a The Shack, 3200 Atlanta Highway, should be revoked by adoption of this resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the Council revokes said business license and the Director of Finance is hereby instructed to revoke the Business License of Anna Cook, a/k/a Anna's Bar and Grill Inc., d/b/a The Shack, 3200 Atlanta Highway, Montgomery, AL 36109, and the owner/proprietor of the business must appear before the City Council prior to being awarded any future business license.

Councillor Lyons made a motion to suspend the rules in order that the foregoing resolution would be placed upon its final passage, which motion was defeated by the following vote:

AYES:	BOLLINGER, LYONS, GRAHAM, CALHOUN, MITCHELL, MCINNIS, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LARKIN	--1

The rules having been suspended, Councillor Lyons made a motion to adopt the foregoing resolution, which motion carried with the following vote:

AYES:	BOLLINGER, LYONS, GRAHAM, CALHOUN, MITCHELL, MCINNIS, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LARKIN	--1

The Chairman stated this was the time and place to hear and consider Southeast Pallet & Box Inc., 4530 Washington Ferry Road – Neighborhood concerns, complaints and issues. Mr. Wayne Gill and Mr. Wendell Wood, Operations Manager, with Southeast Pallet & Box, Inc., were present representing the business.

Mr. Gill stated he had met with the community and gave them his cell phone number but he has not received any calls since the issues were addressed previously. He has never been invited to their neighborhood meetings. He reported that he has cleared the vines; they run the magnet every day to get nails off of the street; that ADEM had checked; takes 6 loads each to the dump rather than add to the piles of pallets; They do not load between 7 & 8 am to avoid big trucks blocking traffic; and the alarm company has fixed the alarm malfunctions and will not be sounding off in the middle of the night any longer. He also stated he has moved the grinder from the back of the plant to the middle of their operations to move it further away from the houses in order to avoid noise, debris, dust, etc., which he said has been approved by ADEM. Councillor Graham requested Mr. Gill provide the report by ADEM showing their approval of the operation of the business. Mr. Wood reported that he is in contact with many of the neighbors and that they had told him they were pleased with

the changes. Councillor Graham stated that calls have been made concerning these nuisance issues; and that she would encourage Hunter Station to invite them to their meetings so that these concerns could be addressed on a more regular basis. Mr. Gill and Mr. Wood agreed that they would be more than happy to attend any meetings in the community, if invited.

Mr. Roger McQueen, presented recent pictures around the property site to show the Council the company is operating with filth all around the property, i.e., dusty piles of trash, nails in the roadway, etc. , in rebuttal to Mr. Gill and Mr. Wood stating they have cleaned up the area. Mr. McQueen stated the residents in this area deserve to live in a cleaner and healthier environment. Resident Clark Hatfield made a complaint about the noise; nails in road, and alarms going off all times of night. Resident Wanda Hatfield stated the business does not need to be in the city limits. Resident Ernestine Hinkle reported her tires are always damaged from the roadway that they have to patched or replaced due to condition of the road with nails, etc. Resident Ms. Murphy stated she is tired of the trucks blocking the roadway. They also asked that the employees turn down their radios when coming onto the property for work. Councillor Graham asked the Southeast Pallet representatives to come back in front of the council in three (3) months to show significant cleanup has been done and the alarm system is working properly.

Councillor Bollinger addressed the ADEM report and asked why they had not noted that a lot of water is standing on the property and does not have proper drainage. He recommended watering the piles of sawdust so on windy days it would not fly over to the residential properties. Councillor Bollinger also stated the company hasn't addressed issues of moving the trailers.

Mr. Jerry Russell, Director of Inspections Department, stated on December 23, 2019, Mr. Thomas Karrh inspected the property and reported no violations of this business. Mr. Karrh reported that the piles he inspected were of inventory for the business, and not considered trash. Mr. Russell stated what was shown in the pictures was not a violation but relative to the commercial zoned business.

Councillor Pruitt, with Councillor Graham concurring, requested Mr. Gill report back before Council and provide to the Council in 30 days rather than 3 months, progress being made toward the issues presented at this council meeting, which was the consensus of the Council.

There being no further business to come before the Council, the meeting adjourned at 11:03 p.m.

BRENDA GALE BLALOCK, CITY CLERK

CHARLES JINRIGHT, PRESIDENT
COUNCIL OF THE CITY OF MONTGOMERY

RESOLUTION NO. _____

WHEREAS, Bottle Paradise Inc., d/b/a Bottle Paradise, 1709 Carter Hill Road, Montgomery, AL 36106, 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, Bottle Paradise Inc., d/b/a Bottle Paradise, 1709 Carter Hill Road, Montgomery, AL 36106, be and is hereby approved for a Lounge Retail Liquor – Class II (Package) 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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

101

**A RESOLUTION BY THE CITY COUNCIL TO
DISSOLVE THE CLEAN CITY COMMISSION**

WHEREAS the Clean City Committee formed by Resolution 629-75 has surpassed its original concept to support the "Action Research Model Project" and the committee's original functions are no longer germane, and

WHEREAS, the paid employees administering the business of the Clean City Committee have been successfully transitioned to an administrative function of the City of Montgomery:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Clean City Commission formed by Resolution 629-75 is hereby dissolved. A Clean City Advisory Committee may be formed to continue to advise the City to promote education, research and initiatives to address best practices in addressing problems associated with disposal of man-made litter within the corporate limits of the City of Montgomery. Members may come from recommendations from the Mayor and City Council representatives.

**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 _____, 2020.

Given under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

**BRENDA GALE BLALOCK
CITY CLERK**

APPROVED: _____

**STEVEN L. REED
MAYOR**



RESOLUTION NO. _____

WHEREAS, Akshardham Food Inc., d/b/a BusyAnt 1, 7600 Mobile Highway (PJ), Hope Hull, Alabama 36043, has filed applications 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:

WHEREAS, Montgomery County Sheriff Derrick Cunningham, Montgomery County Commissioner Dean, Councillor Graham and Police Chief Finley have no objections to the issuance:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, Akshardham Food Inc., d/b/a BusyAnt 1, 7600 Mobile Highway (PJ), Hope Hull, Alabama 36043, 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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR



RESOLUTION NO. _____

WHEREAS, Nilkanth Varni Food Inc., d/b/a BusyAnt 2, 7620 Mobile Highway, Hope Hull, Alabama 36043, 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, Milkantth Varni Food Inc., d/b/a BusyAnt 2, 7620 Mobile Highway, Hope Hull, Alabama 36043, be and is hereby approved for a Lounge Retail Liquor – Class II (Package) 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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

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WHEREAS, Nilkanth Varni Food Inc., d/b/a BusyAnt 2, 7624 Mobile Highway, Hope Hull, Alabama 36043, has filed 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, Milkanth Varni Food Inc., d/b/a BusyAnt 2, 7624 Mobile Highway, Hope Hull, Alabama 36043, 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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR



RESOLUTION NO. _____

WHEREAS, PRA Management LLC, d/b/a ZTEC McGehee Road, 3001 McGehee Road, Montgomery, Alabama 36111, has filed 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, PRA Management LLC, d/b/a ZTEC McGehee Road, 3001 McGehee Road, Montgomery, Alabama 36111, 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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

801

RESOLUTION NO. _____

WHEREAS, David H. Payne's term on the Architectural Review Board expired May 13, 2017; and

WHEREAS, Councillor Bollinger has nominated Hillary Morgan to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Hillary Morgan be and is hereby appointed to the Architectural Review Board for an unexpired term ending May 13, 2020.

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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR



9
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RESOLUTION NO. _____

WHEREAS, Ann Clemons' term on the Planning Commission expired December 31, 2015; and

WHEREAS, Councillor Mitchell has requested that she continue to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Ann Clemons be and is hereby reappointed to the Planning Commission for a three-term ending December 31, 2021.

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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR



DEMO GRADING SYSTEM

10

The structure located at 2070 Oklahoma St.

Parcel#10 03 05 1 012 005.000 is rated a

2

- E** *Emergency Demo.*
 - 1** *Structure in danger Needs Council Approval*
 - 2** *Structure is failing suggested Demo*
 - 3** *Blight needs Major Repairs*
 - 4** *Blight & needs repairs*
 - 5** *Blight only*
-

RESOLUTION NO. _____

WHEREAS, the Council of the City of Montgomery, Alabama ordered that the listed parcels of property in Exhibit "A" attached hereto be abated of the public nuisances described therein; and

WHEREAS, pursuant to Section 11-53B-1, et. seq. Code of Alabama, 1975, the Housing Code Division of the City of Montgomery is presenting to the City Council the cost of abating said unsafe structures in Exhibit "A" attached hereto:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the amount set opposite each described parcel of land contained in Exhibit "A" attached hereto shall constitute special assessments against such parcels of land and these assessments are hereby confirmed and shall constitute a lien on and against each respective parcel of land for the cost of removing the described unsafe structure. It is directed that a copy of the resolution be delivered to the Revenue Commissioner, County of Montgomery. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid.

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 on the _____ day of _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, it has been determined that an accumulation of Dangerous Nuisances exist on the properties described in Exhibit "A" attached hereto; and

WHEREAS, the owners of the described parcels of property have been identified utilizing the Tax Assessor's Records in the Montgomery County Court House as those persons listed in Exhibit "A" attached hereto; and

WHEREAS, the described parcels of property are all within the corporate limits of the City of Montgomery.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that pursuant to the provisions of Chapter 12 of the Code of Ordinances of the City of Montgomery, the nuisances on the properties described in Exhibit "A" are declared to be public nuisances, ordered to be immediately abated, and authorizing the assessment of the cost of the abatement of the nuisances.

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 _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

Item 13

13

Proclamation for American Heart Association's Women in Red Campaign.
(Sponsored by Councillor Jinright)

To be presented at Council Meeting.
