

RESOLUTION NO. _____

WHEREAS, pursuant to Resolution No. 47-2021, under the provisions of Section 16-101 of the Code of Ordinances, the Business License of Mildred Shuford and Ron Stokes, d/b/a American Pallet, 1545 Furnace Street, Montgomery, AL 36104, was scheduled for a Show Cause Hearing as to why their business license for this establishment should not be revoked; and

WHEREAS, Mildred Shuford and Ron Stokes, d/b/a American Pallet, 1545 Furnace Street, Montgomery, AL 36104, were afforded a hearing on April 6, 2021, concerning said license; and

WHEREAS, after reviewing all the facts, the City Council is of the opinion that the business license of Mildred Shuford and Ron Stokes, d/b/a American Pallet, 1545 Furnace Street, Montgomery, AL 36104, should be revoked by adoption of this resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that said Council revokes said license and the Director of Finance is hereby instructed to revoke the Business Licenses of Mildred Shuford and Ron Stokes, d/b/a American Pallet, 1545 Furnace Street, Montgomery, AL 36104, and the owner/proprietor of the business must appear before the City Council prior to being awarded any future business license.

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

ORDINANCE AMENDING CHAPTER 14 OF THE MONTGOMERY MUNICIPAL CODE PERTAINING TO THE REGULATION OF UNATTENDED DONATION/COLLECTION BOXES IN THE CITY OF MONTGOMERY

WHEREAS, the City of Montgomery has an overriding interest in planning and regulating the use of property within the City. Implicit and any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods; and

WHEREAS, blighted areas can quickly deteriorate, with a negative impact to social, environmental and economic values; and

WHEREAS, it is the City's intent to limit nuisance-related and blighted conditions; and

WHEREAS, there is a proliferation and concentration of portable, unattended boxes for the reverse vending of salvageable personal property including, but not limited to, clothing and books ("Unattended Donation/Collection Boxes" or "UDCBs") which resulted in nuisance-related conditions, including, but not limited to trash, debris, illegal dumping and graffiti on and around the UDCBs; and

WHEREAS, many of the UDCBs and the areas around the UDCBs were not properly or consistently maintained and that resulted in blighted conditions in many areas of the City; and

WHEREAS, although the placement of UDCBs has proliferated in recent years and has been expressly regulated by the City, the City wishes to allow for placement of the UDCBs in a manner that will be acceptable to the City; and

WHEREAS, although UDCBs can become a public nuisance, as described above, they also provide a convenient way to reuse goods rather than place them in the waste stream:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the City Council for the City of Montgomery amends the Code of Ordinances of the City of Montgomery to create Chapter 14 Health and Sanitation, Article VII Unattended Donation/Collection Boxes. to ensure proper and consistent regulation and maintenance for UDCBs throughout the City to read as follows:

Chapter 14: HEALTH AND SANITATION

ARTICLE VIII. Unattended Donation/Collection Boxes

PART I – GENERAL PROVISIONS

Sec. 1 - Purpose

The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing the minimum blight-related performance standards for the operation of unattended donation/collection boxes (UDCBs). This includes establishing criteria to ensure that material is not allowed to accumulate outside of the UDCBs, the UDCBs remain free of graffiti and blight, UDCBs are maintained in sanitary conditions, and residents and/or users are fully informed of those who operate the UDCBs so that they can be contacted if there are any blight-related questions or concerns.

Sec. 2 – Conflicting Provisions

Where a conflict exists between the regulations or requirements in this chapter and applicable regulations or requirements contained in other chapters of the City of Montgomery Code of Ordinances, the applicable regulations and requirements of this chapter shall prevail.

Sec. 3 – Violation

Failure to comply with any of the provisions of this chapter is declared to be prima facie evidence of an existing violation, a continuing blight and a declared public nuisance and shall be abated by the Inspections Department in accordance with the provisions of the nuisance abatement procedures. Any person in violation will be subject to administrative penalties, citations, civil action and/or other legal remedies.

Sec. 4 – Responsibility

The Parcel Owner and the UDCB Operator (“Operator”) have joint and several liability for blight-related conditions and/or compliance with this chapter, including fees, administrative citations, civil actions, and/or legal remedies relating to a UDCB. The Parcel Owner remains liable for any violation of duties imposed by this chapter even if the Parcel Owner has, by agreement, imposed on the Operator the duty of complying with the provisions of this chapter.

Sec. 5 – Definitions

“Accessory Activity” means an activity that is incidental to, and customarily associated with, a specified principal activity.

“Agent” means a person who is authorized by the Parcel Owner to act on their behalf in filling out all the required forms of the parcel pursuant to this ordinance. A person who is given general authorization to act on the behalf of a Parcel Owner for various activities and transactions in regard to a property may be considered an agent.

“Blight” or “Nuisance” means a UDCB that is dilapidated, physically deteriorating, unsafe, unsanitary, marked with graffiti or generally unkempt as to constitute a threat or nuisance to the public.

“Inspections Department” means the Code Enforcement Officer and his or her successor in the title and his or her designees.

“City” means the City of Montgomery, Alabama and its police jurisdiction.

“Donated/Collected Material” means salvageable personal property, such as clothing, shoes, books and household items that are collected for periodic transport off-site for processing or redistribution or both.

“Parcel Owner” or “Property Owner” means the owner of real property on which a UDCB is or is proposed to be placed.

“Principal Activity” means an activity that fulfills a primary function of an establishment, institution, household, or other entity.

“Principal Building” means a main building that is occupied for a principal activity.

“UDCB Operator” or “Operator” means a person or entity who utilizes or maintains a UDCB to solicit donations/collections of salvageable personal property.

“UDCB Permit” means the City of Montgomery annually renewable permit required to place, operate, maintain, or allow a UDCB within the Montgomery City limits.

“Unattended Donation/Collection Boxes” or “UDCBs” means unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling, but shall not include furniture or other items too large to be contained within the UDCB. This term does not include any collection bin that is owned by the property owner and is used in connection with, or is an accessory to, the principal business of that property.

“Unpermitted UDCB” means a UDCB established either without a UDCB permit or with a UDCB permit that was issued in error or on the basis of incorrect or incomplete information supplied or in violation of any law, ordinance, rule, or regulation.

PART II – UDCB PERMIT REQUIREMENT AND PROCESS

Sec. 6 – Permit Required for UDCBs

- A. It is unlawful to place, operate, maintain or allow a UDCB on any real property unless the Parcel Owner/Agent and/or Operator first obtain an UDCB Permit from the City. A separate UDCB permit is required for each UDCB.
- B. The UDCB Permit applicant shall be the UDCB Operator and the permit may not be transferred, conveyed or otherwise assigned to another person or entity.
- C. Decisions regarding UDCB Permit applications shall be made by the Planning Department and the Inspections Department shall be considered the investigating official acting for the City.

Sec. 7 – Application Requirements

The UDCB Permit application shall be made on a form provided by the City. All applications shall be valid for one calendar year, filed with the Inspections Department and shall include:

- A. A signed agreement as provided by the City stating that the Operator will abide by all the processes and requirements described in this chapter and an expedited code enforcement process.
- B. A non-refundable application fee in the amount of one hundred dollars (\$100.00).
- C. A signed authorization from the Parcel Owner/Agent to allow placement of the UDCB on a form provided by the City.
- D. A signed acknowledgement of responsibility from the Parcel Owner/Agent and the Operator for joint and several liability for violations of conditions or regulations, and/or blight relating to the UDCB on a form provided by the City.
- E. Proof of general liability insurance of at least \$100,000.00 covering the applicant’s UDCB and naming the City of Montgomery and the Parcel Owner as additional insureds.
- F. For nonprofit Operators, evidence that the nonprofit has been registered as a non-profit organization with the State of Alabama.
- G. The name, address, email, website (if available) and telephone number of the UDCB Operator and Parcel Owner, including 24-hour contact information.
- H. A vicinity map showing 1) the proposed location of the UDCB; and 2) the distance between the site and all existing UDCBs within 1,000 feet of the proposed UDCB location.
- I. Photographs of the location and adjacent properties.
- J. A site plan containing:
 - 1. Location and dimensions of all parcel boundaries.
 - 2. Location of all buildings and building set back lines.
 - 3. Proposed UDCB location.
 - 4. Distance between the proposed UDCB and parcel lines and buildings.

- 5. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings.
- K. Elevations showing the appearance, materials, and dimensions of the UDCB, including the information required in this chapter to be placed on the UDCB and notice sign.
- L. A description and/or diagram of the proposed locking mechanism.
- M. A maintenance plan (including graffiti removal, pick-up schedule, monitoring schedule, and litter and trash removal on and around the UDCB) that is sufficient to prevent/eliminate blight-related conditions.
- N. The Land Use Division will process the application and circulate through applicable departments to check for conformance with this section and any other zoning or overlay districts. Once all applicable approvals are received, the application will be released to the Planning Department for permitting.

Sec. 8 – UDCB Permit Expiration and Renewal

- A. Unless renewed as described in Subsection B, below, each UDCB Permit shall expire and become null and void after December 31st of the year of issuance.
- B. A UDCB operator may apply for a permit for the subsequent calendar year by submitting an affidavit stating the information previously provided is accurate and up to date. Alternatively, if the information has changed, the operator must provide updated information as required by the Planning Department.
- C. The Planning Department shall either approve or deny the renewal of a UDCB permit within 30 calendar days of receipt of the complete renewal application and payment of the renewal fee.
- D. The Inspections Department shall approve the renewal of a UDCB Permit if he or she finds that no circumstances existed during the term of the UDCB Permit or existed at any time during the review of the application for renewal that are inconsistent with any criteria required for approval of a new UDCB Permit as specified hereinabove or that would justify the revocation of the UDCB Permit as specified in hereinabove.
- E. See Sections related to the appeal and petition processes for UDCB Permit decisions, including decisions regarding renewal.

Sec. 9 – Requirements for the Approval and Renewal of a UDCB Permit

The Building Department shall not issue a UDCB Permit or renewal unless each of the following is true:

- A. The applicant has submitted a complete and accurate application accompanied by the applicable fee:
- B. There are no open citations, unpaid fines or unresolved violations or complaints related to any UDCB managed by the proposed Operator;
- C. Any verified blight on the subject property has been abated and any case of a complaint to the City regarding blighted conditions on the subject property has been closed; and
- D. The proposal is consistent with all the requirements of this chapter.

- E. For renewals, the site does not have a history of being an attractive nuisance even if incidents of blight were abated. For the purpose of this subsection, “history of attractive nuisance” means the UDCB received three administrative citations in the previous 12 months.

Sec. 10– Time Limit for Final Decision

The Inspections Department shall provide a written decision regarding the placement of a UDCB within 30 calendar days of the submission of a complete application for a UDCB Permit.

Sec. 11 – Appeal and Petition Processes

- A. Within 10 calendar days after the date of a decision by the Building Department on an application for a UDCB permit or a renewal of such, an appeal from said decision must be filed by the applicant or any other interested party. The appeal shall be submitted to the City Council Clerk at City Hall. In the event the last date of appeal falls on a weekend or holiday when City offices are closed the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Department or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, which supports the basis of the appeal. If a hearing is held on the appeal, then during such hearing, the appellant will be limited to issues and/or evidence previously raised in the appeal itself. The appellant shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the appeal process. In considering the appeal, the City Council shall determine whether the proposal conforms to the requirements of this chapter, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The written decision of the City Council shall be final and shall be made within 60 calendar days of the submission of the appeal.
- B. The applicant seeking placement of a UDCB which would be affected by this chapter and who contends that the ordinance as applied to him or her would be unlawful under and/or conflict with federal, state, or local law or regulation, must submit a petition to the City Administrator requesting relieve from the ordinance. Petitions must be on the appeal form provided by the City and submitted to City Hall. The Petition shall identify the name and address of the applicant and property owner, the affected application number, and shall state specifically and completely how the ordinance as applied to him or her would be unlawful under and/or in conflict with federal, state, or local law or regulation. Failure to raise each and every issue that is contested in the petition and provide appropriate supporting evidence will be grounds to deny the petition. If a hearing is held on the petition, then during such hearing, the petitioner will be limited to issues and/or evidence previously raised in the petition itself. The petitioner shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the petition process. Within 60 calendar days of receipt of the completed petition, the City Council, or designee, shall mail to the applicant a written determination accepting or rejecting the petition. The written decision of the City Council is final. The City Council will utilize reasonable time, place and manner criteria to determine if the petition should be granted or denied consistent with this chapter. If the petition is granted, the City may impose reasonable time, place and manner-related conditions on the UDCB consistent with this chapter.

PART III – STANDARDS AND REQUIREMENTS

Sec. 12 – Location

- A. No more than one UDCB is permitted per parcel unless approved in advance by the City. UDCB's placed on separate, adjacent parcels, must be placed at least 500 feet away from the nearest UDCB.
- B. UDCBs are only allowed to be located in the industrial and commercial zones, which is designated in the zoning maps described in the City of Montgomery Zoning Ordinance. They may also be located on property used for religious facilities.
- C. No UDCBs are permitted in any other zones.
- D. A UDCB is only permitted on a lot that also contains a principal building that contains at least one operating business.
- E. UDCBs are prohibited within any of the following locations:
 - 1. The public right-of-way;
 - 2. Ten feet from the front or corner property line or Five feet from other property lines; or
 - 3. Landscaping or landscaping buffer
 - 4. Within public view in historic districts unless approved by the Architectural Review Board.
- F. UDCBs cannot block or impede access to:
 - 1. Required parking or driveways;
 - 2. Pedestrian routes;
 - 3. Emergency vehicle routes;
 - 4. Building ingress and egress;
 - 5. Required handicapped accessibility routes;
 - 6. Required easements;
 - 7. Trash enclosure areas or access to trash bins/trash enclosures; or
 - 8. Lot ingress and egress.
- G. UDCBs cannot impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- H. The donation/collection area must be visible from the principal building and be no more than ten feet from a continually operating light source.

Sec. 13 – Physical Attributes

- A. UDCBs shall:
 - 1. Be fabricated of steel;
 - 2. Be placed on ground that is paved with cement or asphalt;
 - 3. Have a collection opening that has a tamper-resistant locking mechanism;
 - 4. Not be more than 84 inches high, 72 inches wide and 72 inches deep;
 - 5. Not be electrically or hydraulically powered or otherwise mechanized;
 - 6. Not be a fixture of the site or considered an improvement to real property; and
 - 7. Have the following information conspicuously displaced on at least two-inch type visible from the front on the UDCB:
 - i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and Operator of the UDCB and the Parcel Owner/Agent;
 - ii. Address and parcel number of the site;

- iii. Instructions on the process to register a complaint regarding the UDCB to the City Code Enforcement Division, in substantially the following form: “To register a complaint regarding this UDCB, contact the City of Montgomery at 311 or with the permit number and location of the UDCB detaining the complaint.
- iv. The type of material that may be deposited;
- v. A notice stating that no material shall be left outside the UDCB.
- vi. The pickup schedule for the UDCB;
- vii. A City provided sticker that identifies the box as being properly permitted by the City;
- viii. If the UDCB is owned by a non-profit organization:
 - a. A statement describing the charitable cause that will benefit from the donations;
 - b. The Federal Tax identification number of the nonprofit organization operating the UDCB; and
 - c. The statement “This collection box is owned and operated by a nonprofit organization or religious facility.”
- ix. If the UDCB is owned by a for-profit entity:
 - a. “This donation is not a tax deductible” and
 - b. “This collection box is owned and operated by a for-profit organization.”

- B. The parcel containing the UDCB shall display an additional standalone sign with text in at least two-inch typeface stating that no material shall be left outside the UDCB. This sign shall be installed at a visually conspicuous location within a radius of 20 feet from the UDCB.

Sec. 14 – Maintenance

- A. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
- B. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- C. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described in this section.
- D. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- E. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

Sec. 15 – Liability

Applicants and/or owner(s) Agent shall maintain a minimum general liability insurance of \$100,000 for the duration of the operation of a UDCB at each site, to cover any claims or losses due to the placement, operation, or maintenance of the UDCB and naming the City of Montgomery as additional insured.

PART IV – CODE ENFORCEMENT

Sec. 16 – Compliance Process

- A. Whenever the Inspections Department determines that a UDCB with a valid permit does not conform to any requirement in this chapter he/she shall promptly notify the Parcel Owner/Agent and UDCB Operator through U.S. Mail of the violation. The violation must be abated and proof of such submitted to the City within 10 calendar days after receipt of such notification.
- B. If an Unpermitted UDCB is not within a permissible geographic area according to this ordinance then both the UDCB and any blight within 20 feet of the UDCB shall be removed within 10 days after the Parcel Owner/Agent and UDCB Operator is notified of the violation.
- C. If an Unpermitted UDCB is within a permissible geographic area according to this ordinance then

any blight within 20 feet of the site shall be removed and the Parcel Owner/Agent and/or Operator shall either: 1) apply for all UDCB Permits required by this chapter; or 2) remove the UDCB. This requirement shall be met within 72 hours after the Parcel Owner/agent and/or UDCB Operators are notified of the violation.
- D. Each day, after the 10-business day cure period, that a violation of a requirement of this chapter is not abated constitutes a new and separate offense.
- E. The operation or maintenance of an Unpermitted UDCB may be abated or summarily abated by the City in any manner by the Code or otherwise by law for the abatement of public nuisances. All expenses incurred by the City in connection with any action relating to public nuisances. All expenses incurred by the City in connection with any action to abate a public nuisance will be chargeable to the persons creating, causing, committing, or maintaining the public nuisance and is an express condition of the permit.
- F. The City shall issue administration citations against a Parcel Owner and/or Operator who fails to timely resolve a violation or verified compliance is not sent to the City showing the resolution of the violation relating to a UDCB after notice. The City shall issue administrative citations as follows:
 - 1. Not more than \$150.00 for the first citation after the 72-hour abatement period;
 - 2. Not more than \$250.00 for the second citation after the 72-hour abatement period; and
 - 3. Not more than \$500.00 for the third and each subsequent citation after the 72-hour abatement period.
- G. The daily administrative citations described in the Subsection F shall continue until either the violation is abated or the UDCB is removed. Removal of the UDCB shall be at the expense of the Parcel Owner and/or Operator. Any UDCBs removed shall also have any of its UDCB Permits revoked.
- H. The property owner and operator are jointly and severally liable and responsible for all fees, administrative citations, and compliance with the regulations.
- I. A party aggrieved by a final administrative decision of the City, after an appeal has been made pursuant to this ordinance, may seek judicial review of the administrative decision within fourteen days of the final decision of the City.
- J. All notices for Unpermitted UDCBs shall be in writing and personally delivered to the Parcel Owner/Agent and UDCB Operator or by depositing such notice in the United States mail, postage paid, and addressed to the Parcel Owner/Agent at the

owner(s) last known address as it appears on the last Montgomery County tax assessment and tax records rolls, as well as placed on the UDCB itself. If the City cannot reasonably determine the name and/or address of the Unpermitted UDCB Operators, placing the written notice on the UDCB itself constitutes sufficient notice. All notices regarding permitted UDCBs shall be through electronic mail.

- K. Administrative citations established in this chapter are in addition to any other administrative or legal remedy which may be pursued by the City to address violations identified in this chapter.

Sec. 17 – Notice Required for Removal

- A. Any UDCB scheduled to be removed by either the City or the operator shall clearly display a notice on the UDCB with at least four-inch type visible from the front on the UDCB that states the following text in capital letters: THIS BOX WILL BE REMOVED BY” followed by the date the UDCB is scheduled for removal. The entity who is removing the UDCB is responsible for placement of the notice on the UDCB.
- B. For UDCBs required to be removed by the City of Montgomery due to a nuisance resolution, the notice shall be posted immediately after the City notifies the Operator and/or Parcel Owner that the facility is required to be removed.
- C. Notice that a UDCB will be removed by the owner operator shall be posted at least 14 calendar days prior to the removal of the facility.

PART V – MISCELLANEOUS PROVISIONS

Sec. 18 – Forms

The required application material referenced in this ordinance, including the application and parcel owner agreement, are available on the City’s website or may be requested at the Land Use Division, 25 Washington Ave., Montgomery, AL.

Sec. 19 - Findings

The City Council expressly finds and determines: (a) the sole purpose of this Ordinance is to promote the public health, safety and/or welfare by reducing and/or eliminating the secondary, nuisance-related conditions that have become associated with UDCBs in a content neutral manner, based upon reasonable time, place and manner restrictions; (b) this Ordinance is not intended to, nor does it operate to, discriminate against any particular viewpoint, content, and/or UDCB operators/operations; (c) this Ordinance is the least restrictive means to regulate UDCBs; (d) this Ordinance is intended to, and does, function without regard to a UDCB, or UDCB Operator’s charitable purpose, or lack thereof; and UDCBs are deserving of regulatory treatment because UDCBs are not currently regulated in the Municipal Code as they are not considered accessory structures, they can attract dumping, graffiti, and/or blight and existing regulations for other box/container-type facilities are either not appropriate or insufficient for UDCBs.

Sec. 20 – Sequence

After the effective date of this Ordinance, any applications for UDCBs shall be taken on a first come, first serve basis in regard to the distance requirements in this Ordinance. Any applications received at the same time shall be entered into a lottery in the event of conflict of location under the requirements of this Ordinance.

Sec. 21 – Severability

If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.

Sec. 22 - Repealer

All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this ordinance, are to the extent of such conflict hereby repealed.

Sec. 23 - That this Ordinance shall become effective on January 1 of the year following adoption, and upon passage, approval and publication.

ADOPTED this the ____ day of _____, 2021.

STEVEN L. REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

ORDINANCE NO. _____-2021

ORDINANCE CONSENTING TO DISPOSAL OF CERTAIN REAL PROPERTY BY
THE WATER WORKS AND SANITARY SEWER BOARD OF
THE CITY OF MONTGOMERY

WHEREAS, The Water Works and Sanitary Sewer Board of the City of Montgomery (the "Board") is the owner of those certain parcels of real property known as 608 N. Court St, Montgomery, AL 36104 (the "Property"); and

WHEREAS, the Board desires to convey the Property to Equal Justice Initiative, or its assigns; and

WHEREAS, the Council previously consented to the Board's disposal of the Property to Jerry C. Kyser, in the manner it sees fit on September 1, 2020 as Ordinance No. 24-2020;

WHEREAS, the Board and Mr. Kyser mutually agreed not to move forward with the purchase of the of the Property, and there is a new interested party; and

WHEREAS, the Council desires to consent to the Board's disposal of the Property in the manner it sees fit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that The Council of the City of Montgomery consents to the sale, lease, or other disposal of any and all real property owned by The Water Works and Sanitary Sewer Board of the City of Montgomery in the City of Montgomery pursuant to and in consideration of the terms and conditions approved by the Board of Directors of The Water Works and Sanitary Sewer Board of the City of Montgomery for such transaction(s).

ADOPTED this _____ day of _____, 2021.

STEVEN REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

RESOLUTION NO. __

A RESOLUTION SUPPORTING ADOPTION OF AN ADMINISTRATIVE PLAN FOR A THIRTY PER CENT (30%) MINIMUM GOAL FOR DISADVANTAGED, MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE PARTICIPATION IN CITY OF MONTGOMERY GOVERNMENT CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS.

WHEREAS, it is the policy of the City of Montgomery to provide minorities and women owned businesses (also referred to as "disadvantaged businesses") equitable opportunity to participate in all aspects of City purchasing and contracting programs, including, but not limited to, participation in procurement, professional and construction contracts; and

WHEREAS, minorities, especially Black residents in the City of Montgomery have historically been oppressed, marginalized, and denied equal access to opportunities; and

WHEREAS, women have also historically been denied equal access to opportunities; and

WHEREAS, this history of systemic and systematic racial discrimination has created a racial wealth and pay gap between minorities and white-owned businesses and workers; and

WHEREAS, this history of gender discrimination has created a gender wealth and pay gap between women and male-owned businesses and workers; and

WHEREAS, the City of Montgomery actively seeks to identify qualified disadvantaged businesses and offer them an equitable opportunity to participate as providers of goods and services to the city; and

WHEREAS, disadvantaged business enterprise shall mean any legally constituted business enterprise which is majority owned by any legal resident of the United States who is a member of an ethnic, cultural, racial or national origin group which as a history of non-participation in government contracts, including women and disabled persons; and

WHEREAS, it is the intent of the City to widen equitable opportunities for participation for disadvantaged groups, eliminate the racial wealth and pay gaps, eliminate the gender wealth and pay gaps, increase competition, and to ensure the prudent and diligent use of public funds:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA: that, potential contractors are hereby given notice that the City of Montgomery is an equal opportunity employer in accordance with Title VII, Civil Rights Act of 1964, 42 U.S.C., 1981, 1983, 1986 and amendments, and it is the policy of the City of Montgomery to require contractors, vendors and suppliers providing goods and services to the City to afford equal opportunity for employment to all individuals, regardless of race, color, sex, age, religion, national origin, disability or veteran status; provided, further, that as part of their bids on City of Montgomery construction contracts, contractors shall cooperate and in good faith do all things legal, proper, and reasonable to achieve the goal of thirty per cent participation by disadvantaged, minority and women owned businesses, and, that all departments of the City of Montgomery government shall make a good faith effort to award at least thirty percent of their professional services and other contracts to disadvantaged, minority and women owned business enterprises.

PROCEDURE

The clause set forth below which required contractor compliance with federal law shall be incorporated into each Request for Proposal (RFP) to do business with the City of Montgomery:

- 1. It is the policy of the City of Montgomery to provide minorities and women owned businesses (also referred to as "disadvantaged businesses") equitable**

opportunity to participate in all aspects of City purchasing and contracting programs, including, but not limited to, participation in procurement, professional and construction contracts. Minorities, especially Black residents in the City of Montgomery have historically been oppressed, marginalized, and denied equal access to opportunities. Additionally, women have also historically been denied equal access to opportunities. This history of systemic and systematic racial discrimination has created a racial wealth and pay gap between minorities and white-owned businesses and workers. This history of gender discrimination has also created a gender wealth and pay gap between women and male-owned businesses and workers. Therefore, it is the intent of the City to widen equitable opportunities for participation for disadvantaged groups, eliminate the racial wealth and pay gaps, eliminate the gender wealth and pay gaps, increase competition, and to ensure the prudent and diligent use of public funds.

2. Applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C., 1981, 1983, 1986 and all amendments thereto relative to discriminatory employment practices. The contractor will ensure that qualified applicants are employed and, that during employment, employees are treated without regard to their race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to, the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other compensation; and selection for training, including apprenticeship.

3. In the event of the contractor's non-compliance with the equal opportunity clause of the contract, the contract may not be awarded or may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further City contracts.

4. The contractor shall certify compliance with the policy to the City prior to receipt of any contract or business with the City of Montgomery. (EXHIBIT A)

Additionally, all government construction contractors will include in their contracts that they will put forth a good faith effort to use DBE subcontractors and suppliers for at least thirty (30%) percent of the value of their bid in the performance of their contracts. Failure to put forth a good faith effort will result in termination of the contract for cause.

ADOPTED this the _____ day of _____, 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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

 BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

 STEVEN L. REED, MAYOR

EXHIBIT A

CITY OF MONTGOMERY, ALABAMA

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION FORM

Contractor/Vendor Name: _____

Address: _____

The contractor acknowledges receipt of the City of Montgomery, Alabama's Equal Employment Opportunity Contractor Compliance Policy and certified that it is an equal opportunity employer and agrees to the requirements of the Policy and the Equal Employment Opportunity Clause therein. The contractor further certified that it will require all subcontractors to execute an Equal Opportunity statement and certification of compliance.

The contractors will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status. The contractor will ensure that qualified applicants are employed, and that during employment employees are treated without regard to race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to, the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The contractor will furnish to the City of Montgomery, upon request, reports, notices, policies, and/or information certifying compliance with this policy.

In the event of the contractor's non-compliance with the equal employment clause of this contract, the contract may not be awarded or may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further City contracts.

Date

Signature

Title: _____

RESOLUTION NO. _____

A RESOLUTION EXPRESSING SUPPORT FOR RENAMING JEFF DAVIS AVENUE TO "ATTORNEY FRED D. GRAY AVENUE"

WHEREAS, we recently commemorated the 65th anniversary of the Montgomery Bus Boycott and the 56th anniversary of the Selma to Montgomery March; and

WHEREAS, there would be no better testimony to our path forward than naming a street in honor of local hero, Attorney Fred D. Gray.

WHEREAS, Attorney Gray has spent his career at the forefront of some of our nation's most significant landmark legal cases.

WHEREAS, Attorney Gray represented Rosa L. Parks during the Montgomery Bus Boycott and fought for the rights of people to march from Selma to Montgomery.

WHEREAS, the Montgomery native, whose childhood home was located at 705 West Jeff Davis Avenue, exemplifies the best of our city; and

WHEREAS, naming a street in his honor would be a reminder of all that is possible in Montgomery, Alabama and this country.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the Council of the City of Montgomery, Alabama hereby supports renaming East and West Jeff Davis Avenue to "Attorney Fred D. Gray Avenue".

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, a Special Election has been called for July 13, 2021, for the purpose of electing a Councilmember from District 1; and

WHEREAS, pursuant to Section 11-46-24, the governing body must designate voting places.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following places are hereby designate voting places for the Special Election to be held July 13, 2021 and for run-off election, if needed, August 24, 2021:

PRECINCT	POLLING LOCATION	ADDRESS
1A	Dalraida Church of Christ	3740 Atlanta Hwy
1B	Dozier Elementary School	200 Eastern Blvd
1C	Eastmont Baptist Church	4505 Atlanta Hwy
1D	Eastdale Baptist Church	400 Burbank Dr
1E	Arrowhead Country Club	50 Ocala Drive

BE IT FURTHER RESOLVED that the polls will be open from 7 a.m. to 7 p.m.

Absentee voting will be held at the Circuit Court Clerk’s Office, Montgomery, Alabama.

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, pursuant to Resolution No. 199-2020, the right to operate a business was revoked for Yumaracus Manuel, d/b/a The Yu Bar & Grill Inc., 163 Eastern Boulevard, Montgomery, Alabama 36117, due to failure to adhere to the stipulations agreed upon with the Montgomery Police Department and due to shooting inside the establishment; and

WHEREAS, Yumaracus Manuel, d/b/a The Yu Bar & Grill Inc., 163 Eastern Boulevard, Montgomery, Alabama 36117, has made application for a Business License; and

WHEREAS, Yumaracus Manuel has paid the Montgomery Fire Department's overcrowding fine; and

WHEREAS, pursuant to said resolution the owner/proprietor of the business must appear before the City Council prior to the issuing of any future business license; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, Yumaracus Manuel, d/b/a The Yu Bar & Grill Inc., 163 Eastern Boulevard, Montgomery, Alabama 36117, be and is hereby approved for a Business License.

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

9

WHEREAS, DOLGENCORP LLC, d/b/a Dollar General Store 7267, 2296 East South Boulevard, Montgomery, AL 36116, 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, DOLGENCORP LLC, d/b/a Dollar General Store 7267 East South Boulevard, Montgomery, AL 36116, 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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

10

WHEREAS, VIP Hooka Lounge LLC, d/b/a VIP Hooka Lounge, 1408 Madison Avenue, Montgomery, Alabama 36107, has filed an application for a Lounge Retail Liquor – Class I 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, VIP Hooka Lounge LLC, d/b/a VIP Hooka Lounge, 1408 Madison Avenue, Montgomery, Alabama 36107, be and is hereby approved for a Lounge Retail Liquor – Class I 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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

11

WHEREAS, Decades Cigars and Social LLC, d/b/a Decades Cigars and Social, 3518 Eastdale Circle Space F6, Montgomery, Alabama 36117, has filed an application for a Lounge Retail Liquor – Class I 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, Decades Cigars and Social LLC, d/b/a Decades Cigars and Social, 3518 Eastdale Circle Space F6, Montgomery, Alabama 36117, be and is hereby approved for a Lounge Retail Liquor – Class I 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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, Larry Peterson's on the Montgomery Clean City Commission expired December 31, 2019; and

WHEREAS, Councillor Mitchell has nominated DeVeeta Hines to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that DeVeeta Hines be and is hereby appointed to the Montgomery Clean City Commission for an un-expired term ending December 31, 2022.

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, Steve Kermish's term on the Industrial Development Board expired March 19, 2021; and

WHEREAS, Councillor Jinright has nominated Allison Prillaman to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Allison Prillaman be and is hereby appointed to the Industrial Development Board for an u six-term ending March 19, 2027.

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

WHEREAS, pursuant to the provisions of Section 12-32 of the Code of Ordinances of the City of Montgomery, certain contractors, companies, enterprises or individuals are to be designated Registered Nuisance Abatement Agents to abate noxious and dangerous weeds which have been designated as nuisances upon private property when awarded a contract for specific parcel of property which has been previously approved by resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following contractors, companies, enterprises or individuals listed below are hereby designated Registered Nuisance Abatement Agents:

Rotecia Powell
d/b/a T&T Lawn Care Service LLC
914 Maria Place
Montgomery, AL 36110
334-544-4285
Business License No. 202100010866

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 _____, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2021.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR