

**REGULAR MEETING  
COUNCIL OF THE CITY OF MONTGOMERY  
March 1, 2016 – 5:00 P.M.**

The Council met in regular session on Tuesday, March 1, 2016, at 5:00 p.m., in the Council Auditorium, City Hall, with the following members present:

**PRESENT: BOLLINGER, BELL, LEE, PRUITT, JINRIGHT --5**  
**ABSENT: LYONS, LARKIN, BURKETTE, GREEN --4**

President Charles Jinright presided as Chairman of the meeting, and Brenda Gale Blalock, City Clerk, served as the Clerk of the meeting. The meeting was opened with the invocation by Pastor Andrew Thayer, Church of the Ascension, guest of Councillor Lee, and the Pledge of Allegiance.

Councillor Bollinger made a motion to adopt the February 16, 2016, Work Session Minutes, as circulated, which motion carried with the following vote:

**AYES: BOLLINGER, BELL, LEE, JINRIGHT --4**  
**NAYS: NONE --0**  
**ABSTAINED: PRUITT --1**  
**ABSENT: LYONS, LARKIN, BURKETTE, GREEN --4**

Councillor Lyons entered the Council Auditorium at 5:11 p.m.

Councillor Green entered the Council Auditorium at 5:11 p.m.

Councillor Bollinger made a motion to adopt the February 16, 2016, Regular Council Minutes, as circulated, which motion carried with the following vote:

**AYES: BOLLINGER, LYONS, GREEN, BELL, LEE, PRUITT, JINRIGHT --7**  
**NAYS: NONE --0**  
**ABSTAINED: NONE --0**  
**ABSENT: LARKIN, BURKETTE --2**

Councillor Larkin entered the Council Auditorium at 5:12 p.m.

Councillor Burkette entered the Council Auditorium at 5:12 p.m.

The Clerk stated this was the time and place to hear and consider all objections and protests to the following proposed ordinance:

**ORDINANCE NO. 9-2016**

**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-s (Single-Family Residential) Zoning District to a B-2 (Commercial) Zoning District.**

**COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 17 EAST, MONTGOMERY COUNTY, ALABAMA; THENCE S01°32'E A DISTANCE OF 885.00 FEET, THENCE S88°29'W A DISTANCE OF 975.14 FEET TO AN IRON T-POST ON THE WEST RIGHT-OF-WAY OF CRANE STREET, THENCE S88°29'W A DISTANCE OF 130 FEET ON THE SOUTH LINE OF ASHLEY BROTHERS RESUB OF PLAT NO. 1 WESTVIEW GARDENS BLOCK 2 AS RECORDED IN PLAT BOOK 11 PAGE 67, SAID POINT BEING THE**

**“POINT OF BEGINNING” OF THE PROPERTY HEREAFTER DESCRIBED; THENCE S01°22’E A DISTANCE OF 425.14 FEET; THENCE S88°30’W A DISTANCE OF 410.65 FEET; THENCE N26°41’W A DISTANCE OF 469.6 FEET; THENCE N88°29’E A DISTANCE OF 611.24 FEET TO THE “POINT OF BEGINNING”. THUS DESCRIBING TRACT 1 OR PARCEL OF LAND LYING AND BEING SITUATED IN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 17 EAST, MONTGOMERY COUNTY, ALABAMA, AND CONTAINING 4.99 ACRES, MORE OR LESS.**

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

Mr. Tommy Tyson was present representing the Planning Commission. Mr. Horatio Lee, owner of property, was present representing this item. No one was present in opposition of this item.

Councillor Larkin made a motion to sustain the recommendation of the Planning Commission and adopt the foregoing ordinance, which motion carried with the following vote:

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

**RESOLUTION NO. 35-2016**

**A RESOLUTION AUTHORIZING THE DEVELOPMENT OF A NEIGHBORHOOD REVITALIZATION PLAN UNDER CHAPTER 70 OF THE CODE OF ALABAMA (11-70-1, *et seq.*), PROVIDING FOR THE TRANSFER OF TAX DELINQUENT AND ABANDONED PROPERTIES**

**WHEREAS**, The Montgomery City Council is desirous of authorizing a redevelopment plan for the City of Montgomery targeting blighted properties; and

**WHEREAS**, it is fitting, proper, and beneficial to the common good of the City to clear title and return such blighted properties to productive use as taxable entities; and

**WHEREAS**, the Alabama Legislature has approved legislation which provides for a fair and expedited procedure to clear title and make available tax delinquent parcels and abandoned properties for redevelopment, such legislation being codified at *Code of Alabama*, 11-70-1, *et seq.*; and

**WHEREAS**, under the aforementioned statute, a municipality “may initiate an expedited quiet title and foreclosure action... against a parcel of tax sale property located within its municipal limits and purchased by the municipality”; and

**WHEREAS**, the Council of the City of Montgomery has found and determined that the City of Montgomery has a myriad of abandoned and tax delinquent properties within its corporate limits; and

**WHEREAS**, it is wise and expedient to foster the public purpose of rehabilitating blighted properties which are in a non-revenue generating, non-tax producing status and a threat to the public’s health, safety, and welfare; and

**WHEREAS**, the Montgomery City Council, by this Resolution, hereby endorses and authorizes the requisite policies and procedures to implement a comprehensive program to acquire tax delinquent properties in depressed areas with the goal of returning said properties to productive use and to the tax lists;

**NOW, THEREFORE, BE IT RESLOVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the Mayor and Executive Branch of City Government is hereby authorized to:**

1. Create and administer a comprehensive program to achieve quiet title to abandoned, tax delinquent properties, and to otherwise acquire properties located within the City of Montgomery utilizing the quiet title procedure outlined in Code of Alabama, 11-70-1, *et seq.*, and to otherwise acquire, market, and convey any such properties in a manner consistent with the ‘Mission Statement’, which is attached as Exhibit “A” and made a part thereof, said program to be known as the “City of Montgomery Neighborhood Revitalization Program”, hereinafter “NRP”.
2. Pursue a quiet title action against any tax delinquent real property which is described in that certain statement of “Eligible Properties”, a copy of which is attached as Exhibit “B”, and to negotiate with any individual, non-profit corporation, for-profit corporation, or other entity described in the statement of “Eligible Developers”; such agreements are defined in the attached document marked as “Exhibit C”.
3. Enter into agreements with “Eligible Developers” pursuant to a “Private/Public Partnership Agreement”; such agreements are better defined in a document marked as Exhibit “D” and appended hereto.
4. Determine the purchase price a developer shall pay pursuant to a “Private Public Partnership Agreement”, in a manner consistent with the document titled “Purchase Price”, marked as Exhibit “E” and appended hereto.
5. Establish, supplement, and amend procedures utilizing the document titled “Acquisition Procedures”, which is marked as Exhibit “F” and appended hereto.
6. Acquire and dispose of side lots in substantial compliance with the document titled “Side Lot Disposition Policies and Procedures”, which is marked as Exhibit “G” and appended hereto.
7. Collaborate with neighborhood groups to make properties suitable for community gardens available for that stated purpose in substantial compliance with the document titled “Community Gardens”, which is marked as Exhibit “H” and appended hereto.

Further, the Executive Branch is hereby authorized to establish, supplement and amend those procedures described and referenced herein, to negotiate and enter into all such agreements and conveyances described herein, and to otherwise execute all relevant documents, and to do all other actions necessary to implement and administer the NRP in a manner consistent with this Resolution; provided, however, that nothing contained herein shall be deemed to authorize a seizure of private property by eminent domain.

EXHIBIT “A”

### **City of Montgomery Neighborhood Revitalization Program**

#### **MISSION STATEMENT AND VISION**

***Preamble:***

There are hundreds of parcels of vacant and neglected properties within the corporate city limits of Montgomery that have become unsafe or constitute a public nuisance. Most of these properties are vacant or are in such a state of disrepair that they are a blight on the neighborhoods where they exist. Moreover, many of them are tax delinquent and have been abandoned by the owner of record, often because the amount due in back taxes exceeds the value of the property. This economic reality is frequently made more complex by “title” problems.

Typically, such properties do not have clear ownership, a situation that is exacerbated by outstanding tax liens which result from non- payment of taxes. Because of the unattractive physical condition of the properties, the title problems, and the outstanding tax liens, there is little to no incentive for a private citizen or entity to purchase and rehabilitate a property. Consequently, the blighted properties impede economic and residential development and, thus, revitalization of distressed neighborhoods.

In an effort to remedy the situation, the Alabama Legislature passed enabling legislation, Alabama Code 11-70-1, which addresses the title problems encountered in gaining possession of tax delinquent and abandoned properties. The NRP will file an “Expedited Quiet Title and Foreclosure Action” against abandoned, tax delinquent properties. A successful “Quiet Title Action” will give the City the ability to convey a marketable title to a new owner who pledges to redevelop the properties, free and clear of any outstanding liens.

***Purpose:***

The City of Montgomery Neighborhood Revitalization Program (NRP) is established to acquire tax delinquent properties , surplus properties of local governments, and other properties located within the City of Montgomery with the goal of fostering the public purpose of returning non-revenue generating, nontax producing parcels to an effective utilization status to remove blight, provide housing, and stabilize neighborhoods.

The NRP is committed to:

- Create redevelopment opportunities by expeditiously returning abandoned and tax delinquent properties to productive use and to the property tax category.
- Abate blight by reducing the number of vacant or abandoned properties.
- Revitalize neighborhoods by creating new housing opportunities and conserving and improving existing housing stock.
- Protect and stabilize property values in the City of Montgomery’s traditional neighborhoods.

The City of Montgomery expects that the following outcomes will be realized from the transfer of abandoned properties to new owners and developers:

1. Residential redevelopment for both affordable and market rate housing;
2. Commercial and/or industrial redevelopment projects;
3. Side Lot acquisitions; and
4. Community Improvement Projects such as planned green spaces and community gardens.

The NRP is a public initiative which will facilitate the introduction of capital into these neighborhoods through partnerships with the private sector.

## **EXHIBIT “B”**

### **ELIGIBLE PROPERTIES**

The City of Montgomery may pursue a Quiet Title Action against any tax delinquent real property, provided:

1. The property has been abandoned;
2. The property is tax delinquent for three years or more;
3. A tax deed can be obtained from the State Land Commissioner; and
4. The subsequent transfer of the property does not conflict with any future governmental uses of the property.

The City may also acquire properties which are not tax delinquent through the Federal Community Block Grant Program, the Montgomery Housing Authority, or other funding sources.

To determine which “eligible properties” to pursue, the City will consider the following factors:

- The current status of the property, and whether it is blighted, the subject of an existing nuisance citation, or meets the criteria for demolition;
- The proposed use of the property and whether the development plan supports strategic existing neighborhood plans;
- The value of the property and whether the property will generate operating resources for the functions of the NRP; and
- Whether the property could form part of a land assemblage development plan, or can be “bundled” with other qualifying properties to make a greater impact.

***Property Inventory:*** The City of Montgomery will maintain an inventory of eligible NRP Properties on its website. In addition, signs will be posted on eligible properties stating that they are “NRP ELIGIBLE”. When applicable, properties may be posted with a sign seeking proposals for redevelopment of the property.

## **EXHIBIT “C”**

### **ELIGIBLE DEVELOPERS**

Applicants for NRP Properties may be an individual, nonprofit corporation, for profit corporation, or other suitable entity. All applicants for NRP Properties will be hereinafter known as “Developers”.

Potential developers for any qualifying tax delinquent parcel(s) must meet the following threshold requirements in order to obtain an eligible property:

- The Developer may not own any real property within the City of Montgomery, Montgomery County, or the State of Alabama that is tax delinquent;
- The Developer must not have been the prior owner of any real property in the City of Montgomery that was transferred to the State Land Commissioner as a result of tax delinquency;

- The Developer may not own any real property within the corporate limits of the City of Montgomery that has any unresolved citation or violation of any local codes and/or ordinances.

EXHIBIT “D”

## **PUBLIC- PRIVATE PARTNERSHIP AGREEMENTS**

The City of Montgomery will work with any potential developers who wish to acquire and improve abandoned, tax delinquent property. The City plans to pursue properties in concert with potential Developers through two instruments: *Option and Development Agreement and Purchase Agreement*.

Under the terms of these agreements, the Developer must agree to: 1) Purchase the property for the agreed upon purchase price; 2) Assume immediate ownership of the property following the conclusion of the Quiet Title Action; and 3) Demolish, rehabilitate, and/or develop the property within an agreed upon time period upon receipt of the property.

The City will satisfy the costs associated with obtaining a Quiet Title to the property. The Quiet Title Action will erase all outstanding liens against the property, including tax and municipal liens, and foreclose on any prior owner’s ability to redeem the property. At the conclusion of the Quiet Title Action, the Developer will receive unencumbered title to the property. The Developer’s failure to comply with the terms of the Agreements may result in the property returning to the City of Montgomery.

Sample Agreements will be made available on the City of Montgomery NRP Website.

### ***Policies and Requirements to be Incorporated into All Agreements***

The following policies and requirements will be incorporated into all *Option and Development Agreements* and *Purchase Agreements*. Please note that the statements which follow outline the general policies and requirements of the NRP Program, whereas an Agreement between the City and a Developer may tailor the policies and requirements to the specific project being considered.

#### ***1) Public Purpose Requirement***

In order for the City to convey property to a Developer, the future use of the property must promote a public purpose or bestow a benefit on the community. All proposals for and the subsequent transfer of tax delinquent property must stipulate that the development or redevelopment of the property conforms to one of the following public purposes:

- Blight Remediation
- Creation of Affordable Housing
- Creation of Employment Opportunities
- Neighborhood Stabilization and Revitalization
- Historic Preservation
- Increase tax revenues
- Community Improvement or Beautification

#### ***2) Future Use***

A narrative description of the future use of the property is required. The proposed use must be consistent with current zoning requirements, or a waiver for non-conforming use is a condition precedent to the transfer. Additionally, the use must comply with any existing formally adopted Master Plans for the neighborhood. Potential Developers must give consideration to the Community/Neighborhood Association and receive a Letter of Comment from the appropriate neighborhood group.

3) *Code Enforcement*

If a building code or ordinance violation exists with respect to the property at the time of the transfer, the elimination or correction of said violation must occur within 45 days upon receipt of the property. Failure to remedy said violation(s) within 60 days may result in the property reverting to the NRP, or further enforcement actions by the City.

4) *Deadlines for Substantial Completion*

**Demolition Only:** The demolition of blighted structures and debris removal must be completed within 45 days upon receipt of the property.

**Redevelopment Projects:** All new redevelopment projects must be started and be substantially complete within a 30 month time period, unless otherwise negotiated with the NRP Administrator. Commercial redevelopment projects will be completed within a time frame negotiated with the NRP Administrator.

**Rehabilitation:** The rehabilitation of residential structures on improved property must substantially comply with the City of Montgomery Building Codes within 24 months following the conveyance of the property.

- 5) **Historic Neighborhoods:** Projects involving the rehabilitation of historic properties and/or the redevelopment of vacant parcels located in National Register of Historic Places may be subject to review and approval by the City of Montgomery Architectural Review Board.
- 6) **Taxes and Liens:** The Developer must agree to pay future property taxes from time of conveyance. The Developer will not be required to pay back taxes or outstanding liens.
- 7) **Deed Restrictions and Property Forfeiture:** Transactions shall be structured in such a manner that permits the NRP to enforce recorded covenants or conditions upon title in order to encourage development within a specified period of time. Adequate completion shall be a condition to the release of deed restrictions or liens securing such performance. Failure to complete a project within the agreed upon deadline may result in the property returning to the City of Montgomery.

EXHIBIT "E"

**PURCHASE PRICE**

Property shall be conveyed to the Developer for an amount not less than either the fair market value or the property costs incurred by the City to effect the transfer.

*Property Costs* shall mean the aggregate costs and expenses, attributable to the specific property, incurred by the City of Montgomery during the property's acquisition and transfer. As such, property costs shall include any prorated staff salaries, legal expenses, maintenance, repair, demolition, marketing and indirect costs of the operations of the City allocable to the property.

The *Fair Market Value* of the property shall be determined by either a market analysis of comparable adjacent properties, information from the Tax Assessor, or an appraisal from an independent licensed appraiser.

When the *Option and Development Agreement* is signed, the City will require an administrative fee, the amount of said fee to be determined on a case by case basis. At closing, the fee will be treated as a deposit, and the remainder of the purchase price will be due and payable. Failure to close on a property may result in forfeiture of the administrative fee.

- The purchase price will be determined by the City of Montgomery in its sole discretion. The amount due may be above the Fair Market Value, between the Fair Market Value and the Property Costs, or less than the Property Costs.
- In most instances, commercial property shall be conveyed for an amount not less than the Fair Market Value of the property.
- Non Profit entities acquiring property for the development, operation, or maintenance of affordable housing or community improvements may do so at a price equal to the property costs. In the event there are competing non-profit entities interested in the same parcel, the price may be established by the highest bidder.
- If the property is (or potentially could be) the subject of nuisance proceedings under the City of Montgomery Code of Ordinances, the City may transfer the property for “property costs” in order to facilitate blight removal.
- In instances where there are competing parties interested in acquiring the same parcel, the property will be transferred to the highest and most responsive bidder pursuant to a Request for Proposals (RFP) for the redevelopment of the property at issue.
- In determining the amount and method of payment, the City of Montgomery may consider the benefit inured to the City by the development of affordable housing and/or community improvement projects.
- The purchase price may take the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, and/or other obligations and responsibilities of the Developer, or any combination thereof.
- *NRP Operating Costs*: All funds received by the NRP will be held in an account earmarked to cover the costs of future operations and NRP administration. Funds may also be used to finance community development initiatives in targeted neighborhoods.

EXHIBIT “F”

### **ACQUISITION PROCEDURES**

The City of Montgomery will employ a three-fold approach to market eligible NRP Properties:

- 1) Request for Proposals (RFPs): The City will publish a Request for Proposals for tax delinquent, abandoned property which is eligible for the NRP in strategic, identified neighborhoods. The City will be particularly focused on areas where multiple parcels may be assembled and transferred for commercial, industrial or residential development.

The RFP will seek qualified Developers to bid on and rehabilitate or redevelop qualifying properties. The City will publish the RFP via its website and in a local newspaper. Moreover, the City will post the property identified in the RFP. The notice will advertise the upcoming RFP. The RFP will specify the requirements necessary to submit a timely and responsive bid. Developers will be required to submit a complete and adequate response to the RFP in order to be considered. Properties will be awarded to the highest and most responsive bidder.

- 2) NRP Website: All parcels that do not receive an agreeable bid pursuant to an RFP will be placed on the City of Montgomery NRP Website. After parcels are placed on the website,



they are open for negotiation. Developers may propose a project for a property on the NRP Website by submitting an NRP Application to the City.

- 3) **Public Signs:** Signage will be posted on abandoned tax delinquent parcels that are also being cited for nuisance abatement. The signs will advertise the property as “NRP Eligible”. The parcels will also be advertised on the City of Montgomery NRP Website. Developers may propose a project for a property on the NRP website by submitting an NRP Application to the City of Montgomery.

### **APPLICATION PROCESS**

Developers who wish to access property must either respond to the Request for Proposal prior to the bid deadline or submit an application for a property. Application forms are available at the City of Montgomery NRP Website.

A complete NRP application must include the following:

- Project Description
- Rehabilitation specifications and/or new construction plans
- Timeline for substantial completion
- Development budget
- Proof of project financing (must include financial disclosure for the Developer and/or partners)
- Marketing Plan
- Evidence of Compliance with all applicable NRP policies

In the application, the Developer must be able to demonstrate the financial capacity to pay the purchase cost, future tax assessments, costs associated with the removal of any outstanding enforcement actions, and the ability to undertake the proposed development.

### **PURCHASE AND CLOSING**

When the City chooses a Developer pursuant to the RFP process or accepts a Developer’s NRP Application, the Developer must be ready and willing to enter into an *Option and Development Agreement*. Said agreement will specify the following:

- 1) The Developer’s future plans for the property
- 2) Purchase Price (including down payment)
- 3) Deadline for substantial completion of the project

The City of Montgomery will file the Quiet Title Action after the *Option and Development Agreement* has been executed. The City reserves the right, on a case by case basis where justified by public need and welfare, to quiet title to parcels prior to execution of such agreements. The Quiet Title Action may take up to four months. Upon receipt of an Order of Judgement in the Quiet Title Action, the City will expect the Developer to sign an immediate *Purchase Agreement* for the property and close on the property.

The Developer shall assume immediate possession of the property.

### **EXHIBIT “G”**

### **SIDE LOT DISPOSITION POLICIES AND PROCEDURES**

Property may be conveyed to adjacent and contiguous property owners in accordance with the following policies:

### ***Eligible Properties***

Properties eligible for inclusion in the Side Lot Disposition Program shall meet the following minimum criteria:

- The property shall be vacant unimproved real property or blighted property
- The property shall be physically contiguous to the adjacent property owner with not less than a 50 per cent common boundary line
- The property shall consist of no more than one lot capable of development
- Priority shall be given to the disposition of properties of insufficient size to permit independent development
- No more than one lot may be transferred per contiguous lot

### ***Eligible Developers***

- Developers must own the contiguous property
- Priority may be given to Developers who physically occupy the contiguous property
- Developers must not own real property currently in violation of a City of Montgomery Building Code or Ordinance
- Developers must not own real property that is tax delinquent

### ***Purchase Price***

- Property not capable of development according to City of Montgomery Zoning Codes may be conveyed for nominal consideration
- Property capable of development shall be conveyed for consideration in an amount not less than the property costs incurred by the City of Montgomery
- At the discretion of the NRP Administrator, low to moderate income developers may contribute “sweat equity” in lieu of financial consideration

In instances where two adjacent property owners are interested in the same property, the purchase price shall equal the highest bid, or the NRP may consider dividing the parcel between the competing parties and charging each a prorated share of the Fair Market Value of the property

### ***Additional Requirements***

As a condition of receipt of a side lot, the Developer must agree, under the terms of the Purchase Agreement, to consolidate the property with the Developer’s primary parcel to create one legal lot of record.

### ***Side Lot Disposition Procedures***

The potential Developer must submit an NRP Application to the NRP Administrator to include the following information:

- A narrative description of the intended use of the property, including picture identification

- A site plan detailing planned improvements, including location of fences, driveways, or walkways
- Proof of funds necessary to purchase the property
- Evidence of compliance with all NRP Side Lot Disposition Policies

Within 45 days of receiving a complete request packet, the NRP Administrator will present a Notice of Intent to Proceed with the Expedited Quiet Title Action, or state a reason for the inability to proceed.

EXHIBIT “H”

**COMMUNITY GARDENS**

The City of Montgomery will consider proposals from community organizations or neighborhood associations to acquire parcels to establish community gardens. In determining the terms and conditions of use of a parcel of land for this purpose, the NRP will take under advisement the following:

- The viability of the organization or association
- The management plan for maintaining the garden in a clean and aesthetically pleasing manner so as to not detract from surrounding property values
- The proposed availability of the community garden to all residents of the community

**Councillor Larkin made a motion to suspend the rules in order that the foregoing resolution could be placed upon its final passage, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

**The Clerk stated this was the time and place to hear and consider all objections and protest to the following proposed resolution:**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS, Osaka 8860 Inc., d/b/a Osaka Sushi Bar, 8860 Minnie Brown Road, has filed an application for Retail Beer (On or Off Premises) and Retail Table Wine (On or Off Premises) 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, Osaka 8860 Inc., d/b/a Osaka Sushi Bar, 8860 Minnie Brown Road, be and is hereby approved for Retail Beer (On or Off Premises) and Retail Table Wine (On or Off Premises) Licenses, and concurrence in the issuance of the licenses**

by the State of Alabama Alcoholic Beverage Control Board.

Mr. Yan D Li was present representing this item. Ms. Karen Jones was present in opposition of this item.

Councillor Lee made a motion to suspend the rules in order that the foregoing resolution could be placed upon its final passage, which motion was defeated by the following vote; therefore, tabling this item until the next regular meeting:

|                   |   |            |
|-------------------|---|------------|
| <b>AYES:</b>      | <b>BOLLINGER, LYONS, LARKIN, BURKETTE,<br/>GREEN, LEE, PRUITT, JINRIGHT</b> | <b>--8</b> |
| <b>NAYS:</b>      | <b>BELL</b>   | <b>--1</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>   | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>   | <b>--0</b> |

Councillor Bell stated he would not suspend the rules on any items which had opposition.

The Clerk stated this was the time and place to hear and consider all objections and protest to the following proposed resolution:

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS, LAL BAWA JI LLC, d/b/a Super Stop, 1015 Mobile Road, 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, LAL BAWA JI LLC, d/b/a Super Stop, 1015 Mobile Road, 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.**

Mr. Sanjay Patel was present representing this item. Ms. Karen Jones was present in opposition of this item.

The Chairman stated this item would be carried over until the next regular meeting.

The Clerk stated this was the time and place to hear and consider all objections and protest to the following proposed resolution:

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS, Patrick D. Bye, d/b/a Bye Bye Place, 1114 Adams Avenue, 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, Patrick D. Bye, d/b/a Bye Bye Place, 1114 Adams Avenue, 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.**

Mr. Patrick Bye was present representing this item. Ms. Karen Jones was present in opposition of this item.

The Chairman stated this item would be carried over until the next regular meeting.

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

**RESOLUTION NO. 36-2016**

**WHEREAS, Wallace Bush has resigned from the Board of Directors of Human Resources; and**

**WHEREAS, this is a Joint City-County Board; and**

**WHEREAS, the Montgomery County Commission has appointed Martha Demere to serve on said board for the remainder of the unexpired term ending September 5, 2019; and**

**WHEREAS, the City Council concurs in the appointment of Martha Demere to said board:**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Martha Demere be and is hereby appointed to serve on the Board of Directors of Human Resources for an unexpired term, ending September 5, 2019.**

Councillor Lee made a motion to suspend the rules in order that the foregoing resolution could be placed upon its final passage, which motion carried with the following vote:

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 375 Auburn Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 375 Auburn Street, which motion carried with the following vote:

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 719 Erskine Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 719 Erskine Street, which motion carried with the following vote:

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 8 Johnson Street.

**Councillor Lee made a motion to authorize the demolition of an unsafe structure at 8 Johnson Street, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

**The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 3745 Lower Wetumpka Road.**

**Councillor Lee made a motion to authorize the demolition of an unsafe structure at 3745 Lower Wetumpka Road, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

**The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 1429 South Holt Street.**

**Councillor Lee made a motion to authorize the demolition of an unsafe structure at 1429 South Holt Street, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

**RESOLUTION NO. 37-2016**

**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's Records, 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.**

**LEFT BLANK INTENTIONALLY**

Councillor Lee made a motion to suspend the rules in order that the foregoing resolution could be placed upon its final passage, which motion carried with the following vote:

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

**RESOLUTION NO. 38-2016**

**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 Revenue Commissioner'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.

**LEFT BLANK INTENTIONALLY**

**Councillor Lee made a motion to suspend the rules in order that the foregoing resolution could be placed upon its final passage, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

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

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

**The Clerk stated she was in receipt of the following requests for authorization of payment from the Council Contingency Account, having been approved by Mayor Strange:**

**LEFT BLANK INTENTIONALLY**

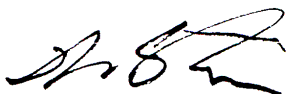


MEMORANDUM

TO: Mayor Todd Strange  
FROM: Brenda Gale Blalock *BGB*  
City Clerk  
DATE: February 26, 2016  
RE: District 1— request for Council Contingency Funds

Councillor Bollinger is requesting the following be presented to Council for their authorization:

1. \$1000.00 to County Downs Neighborhood Association for neighborhood improvements.



MEMORANDUM

TO: Mayor Todd Strange  
FROM: Brenda Gale Blalock *BGB*  
City Clerk  
DATE: February 25, 2016  
RE: District 7 – request for Council Contingency Funds

Councillor Lee is requesting the following be presented to Council for their authorization:

1. \$200.00 to Boys Scouts of America.



**Councillor Bollinger made a motion to authorize the payment of allocations from the Council Contingency funds, which motion carried with the following vote:**

|                   |                  |            |
|-------------------|------------------|------------|
| <b>AYES:</b>      | <b>UNANIMOUS</b> | <b>--9</b> |
| <b>NAYS:</b>      | <b>NONE</b>      | <b>--0</b> |
| <b>ABSTAINED:</b> | <b>NONE</b>      | <b>--0</b> |
| <b>ABSENT:</b>    | <b>NONE</b>      | <b>--0</b> |

**The Clerk stated she was in receipt of the following legal notices which would be advertised in the Montgomery Independent March 10 & 17, 2016 for hearing before the Council on April 5, 2016:**

**LEGAL NOTICE**

**Notice is hereby given that the Council of the City of Montgomery, Alabama, will meet at April 5, 2016, at 5:00 p.m., for the purpose of considering the adoption of the ordinance hereinafter set forth amending the Zoning Ordinance of the City of Montgomery, Alabama, adopted September 17, 1963, and notice is hereby given 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 adoption of such ordinance.**

**BRENDA GALE BLALOCK  
CITY CLERK**

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 M-3 (General Industrial) Zoning District to an R-99-s-Q (Mobile Home Subdivision-Qualified) Zoning District.

Commence at the southeast corner of Section 20, T16N, R16E, Montgomery County, Alabama and run north along the east section line of said Section 20, 2,737.8 ft. to the point of beginning, thence west 900 ft.; thence north 242 ft.; thence east 900 ft.; thence south 242 ft. to the point of beginning; all lying within the NE ¼ Section 20, T16N, R16E, Montgomery County, Alabama and being 5 acres more or less together with rights to a non-exclusive 30 ft. wide private access and utility easement running south and along the section line to Old Selma Road.

**SECTION 2.** Restricted to one (1) mobile home.

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

**LEGAL NOTICE**

Notice is hereby given that the Council of the City of Montgomery, Alabama, will meet at April 5, 2016, at 5:00 p.m., for the purpose of considering the adoption of the ordinance hereinafter set forth amending the Zoning Ordinance of the City of Montgomery, Alabama, adopted September 17, 1963, and notice is hereby given 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 adoption of such ordinance.

**BRENDA GALE BLALOCK  
CITY CLERK**

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 AGR-2 (General Agriculture) Zoning District to a B-2 (Commercial) Zoning District.

Lots 3, 4, and 5 of A. C. Lawrence Subdivision as recorded in Plat Book 13, at Page 23 in Office of Judge of Probate, Montgomery County, Alabama.

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

**LEGAL NOTICE**

Notice is hereby given that the Council of the City of Montgomery, Alabama, will meet at April 5, 2016, at 5:00 p.m., for the purpose of considering the adoption of the ordinance hereinafter set forth amending the Zoning Ordinance of the City of Montgomery, Alabama, adopted September 17, 1963, and notice is hereby given 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 adoption of such ordinance.

**BRENDA GALE BLALOCK  
CITY CLERK**

**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 AGR-1 (Residential Agriculture) Zoning District to a B-3 (Commercial) Zoning District.**

**Begin where the south line of Section 8, T15N, crosses the south right-of-way of U.S. Highway 231; thence along south right-of-way N36°00'W, 70.01 ft. to a right-of-way marker; thence N35°44'04"W, 277.66 ft.; thence S54°51'07"E, 198.57 ft.; thence S39°02'41"E, 229.02 ft. to the south line of Section 8, T15N, R19E; thence along said section line N87°26'39"E, 221.26 ft. to the point of beginning. Said parcel lying and being situated in the SW ¼ of the SW ¼ of Section 8, T15N, R19E, Montgomery County, Alabama and contains 1.27 acres; also Lot 1, according to the Correction Map of Candace Bowman Plat No. 1 as the plat appears of record in the Office of the Judge of Probate of Montgomery County, Alabama in plat book 33 at page 38.**

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

**The Clerk stated she was in receipt of the following legal notice which would be advertised in the Montgomery Advertiser March 14 & 21, 2016, for hearing before the Council on April 5, 2016:**

**LEGAL NOTICE**

**Notice is hereby given that the Council of the City of Montgomery, Alabama, will meet at April 5, 2016, at 5:00 p.m., for the purpose of considering the adoption of the ordinance hereinafter set forth amending the Zoning Ordinance of the City of Montgomery, Alabama, adopted September 17, 1963, and notice is hereby given 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 adoption of such ordinance.**

**BRENDA GALE BLALOCK  
CITY CLERK**

**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-65-d (Duplex Residential) Zoning District to a B-2 (Commercial) Zoning District.**

**Lot "N" Block 16 according to the Resurvey of Lots 1 to 18, inclusive, Block 15 and Lots 14 to 31, inclusive in Block 16 Ridgecrest as recorded in the Office of the Judge of Probate of Montgomery County, Alabama in plat Book 8 at page 48.**

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

**There being no further business to come before the Council, the meeting duly adjourned at 5:35 p.m.**

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**BRENDA GALE BLALOCK, CITY CLERK**

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**CHARLES W. JINRIGHT, PRESIDENT  
COUNCIL OF THE CITY OF MONTGOMERY**