

**REGULAR MEETING
COUNCIL OF THE CITY OF MONTGOMERY
JUNE 7, 2016 – 5:00 P.M.**

The Council met in regular session on Tuesday, June 7, 2016, at 5:00 p.m., in the Council Auditorium, City Hall, with the following members present:

PRESENT: BOLLINGER, LYONS, BURKETTE, GREEN, JINRIGHT --5
ABSENT: LARKIN, BELL, LEE, PRUITT --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 Councillor Burkette, and the Pledge of Allegiance.

Councillor Bell entered the Council Auditorium at 5:04 p.m.

Councillor Bollinger made a motion to adopt the May 17, 2016, Work Session Minutes, as circulated, which motion carried with the following vote:

AYES: BOLLINGER, LYONS, BURKETTE, --6
GREEN, BELL, JINRIGHT
NAYS: NONE --0
ABSTAINED: NONE --0
ABSENT: LARKIN, LEE, PRUITT --3

Councillor Bollinger made a motion to adopt the May 3, 2016, Regular Council Minutes, as circulated, which motion carried with the following vote:

AYES: BOLLINGER, LYONS, BURKETTE, --6
GREEN, BELL, JINRIGHT
NAYS: NONE --0
ABSTAINED: NONE --0
ABSENT: LARKIN, LEE, PRUITT --3

Councillor Larkin entered the Council Auditorium at 5:05 p.m.

Councillor Pruitt entered the Council Auditorium at 5:09 p.m.

Council Pruitt stated the Montgomery City Council's Ad Hoc Committee – Magnet Schools scheduled to meet Tuesday, June 21, 2016, has been cancelled. A new meeting was not scheduled at this time.

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

ORDINANCE NO. _____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following is adopted and added to Chapter 25, Division 4, Littering.

IMPOSITION OF FINES FOR VIOLATIONS:

Any person found to have violated this section shall be subject to the fines and penalties provided in Section 1-6 of this Code. The fine shall be determined based on the following:

- (a) *First Violation.* For first violation, upon conviction, the fine shall be a minimum of \$250.00.
- (b) *Second Violation and All Subsequent Violations.* For second violation and any subsequent violation within a 12-month period, upon conviction, the

fine shall be a minimum of \$500.00.

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

Councillor Lyons made a motion to adopted the foregoing ordinance.

Councillor Lyons made a motion to amend the foregoing ordinance to add at the end of line (a) "or 10 hours of community service" and add at the end of line (b) "or 20 hours of community service", to read: "(a) *First Violation*. For first violation, upon conviction, the fine shall be a minimum of \$250.00 or 10 hours of community service. (b) *Second Violation and All Subsequent Violations*. For second violation and any subsequent violation within a 12-month period, upon conviction, the fine shall be a minimum of \$500.00 or 20 hours of community service."

The Chairman called for the vote on the motion to amend the foregoing ordinance to add at the end of line (a) "or 10 hours of community service" and add at the end of line (b) "or 20 hours of community service", to read as follows: "(a) *First Violation*. For first violation, upon conviction, the fine shall be a minimum of \$250.00 or 10 hours of community service. b) *Second Violation and All Subsequent Violations*. For second violation and any subsequent violation within a 12-month period, upon conviction, the fine shall be a minimum of \$500.00 or 20 hours of community service." which motion carried with the following vote:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

The Chairman called for the vote on the motion to adopt the foregoing ordinance, as amended, which motion carried with the following vote, said ordinance to read as indicated below:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

ORDINANCE NO. 24-2016

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following is adopted and added to Chapter 25, Division 4, Littering.

IMPOSITION OF FINES FOR VIOLATIONS:

Any person found to have violated this section shall be subject to the fines and penalties provided in Section 1-6 of this Code. The fine shall be determined based on the following:

(a) *First Violation*. For first violation, upon conviction, the fine shall be a minimum of \$250.00 or 10 hours of community service.

(b) Second Violation and All Subsequent Violations. For second violation and any subsequent violation within a 12-month period, upon conviction, the fine shall be a minimum of \$500.00 or 20 hours of community service.

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

ORDINANCE NO. 25-2016

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE V

WHEREAS, in August of 2013, the Alabama Legislature passed the Alabama Private Investigation Regulatory Act; (hereinafter, "the Act") and

WHEREAS, the Act requires any person holding him or herself out to be a private investigator to hold a valid license issued by the State of Alabama; and

WHEREAS, the Act only authorizes municipalities to impose a bona fide occupational tax or business license fee; and

WHEREAS, prior to implementation of the Act, the City of Montgomery required private investigators to be licensed by the City of Montgomery;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 6, Article V, of the Code of Ordinances for the City of Montgomery, Alabama be amended to read as follows:

ARTICLE V. - PRIVATE INVESTIGATORS AND PRIVATE DETECTIVES

DIVISION 1. - GENERALLY

Sec. 6-201. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means any person employing a private investigator or detective or a person to act in that capacity for a client or patron of the agency. The term "agency" shall in no way include a governmental agency.

Private investigator means:

a. A person who, for compensation, performs one or more of the private investigation services defined and regulated by this chapter.

b. A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the board, that would otherwise be included in the definition of private investigation.

c. A person who is engaged in private investigation as defined herein and who is licensed by the Alabama Board of Private Investigation.

DIVISION 2. - LICENSE

Sec. 6-221. - Required.

- (a) It shall be unlawful for any person to carry on or be engaged in or to advertise as engaging in the vocation, profession or business as a private investigator or detective in the city until a license has been issued by the Alabama Private Investigation Board or after the license to so engage has been revoked.
- (b) It shall be unlawful for any person engaged in the vocation, profession, business or agency as a private investigator or detective to employ or engage the services of a

private investigator or detective who does not have the license required by the State of Alabama, and the violation of this section shall be reported to the Alabama Private Investigation Board.

Sec. 6-226. - Fee.

- (a) The license fee for a private investigator or detective shall be \$50.00 per year for each individual investigator or detective. If the application is approved and the license issued after July 1 of any year, a fee of \$25.00 for the remainder of the year shall be charged.
- (b) The license fee for a private investigating agency or detective agency or private detective agency shall be \$200.00 per year for each such agency. If the application is approved and the license issued after July 1 of any year, a fee of \$100.00 for the remainder of the year shall be charged.

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

ORDINANCE NO. 26-2016

AN ORDINANCE AUTHORIZING COMPLIANCE WITH STATE ALCOHOLIC BEVERAGE CONTROL LAWS AND AMENDING CHAPTER 3, SECTIONS 3-1, 3-2, 3-9 AND 3-14 AND AMENDING SECTION 3-13 OF THE CODE OF ORDINANCES FOR THE CITY OF MONTGOMERY, ALABAMA.

I. AUTHORIZING AND ADOPTING THE FOLLOWING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, THAT THE FOLLOWING IS ADOPTED:

COMPLIANCE WITH STATE ALCOHOLIC BEVERAGE CONTROL LAWS.

- (a) It shall be unlawful and a violation of this chapter for any person to do anything or commit any act or omission constituting a misdemeanor under the state alcoholic beverage control laws, which includes rules or regulations promulgated by the ABC board the violation of which have been denominated by the Code of Ala. 1975, § 28-3-20 as constituting a misdemeanor; which laws are incorporated herein by reference as if fully set forth.
- (b) Where the state alcoholic beverage control laws described in subsection (a) of this section refer to a state license, class of license, licensee, or licensed premises, the terms shall also mean and include a city license, class of license, licensee, or licensed premises.

- (c) Subject to the provisions of this chapter, where the aforementioned state alcoholic beverage control laws, which includes the Code of Ala. 1975, § 28-3A-25, establish unlawful acts or offenses relative to state licensees, their servants, agents, or employees, or to state licensed premises, in such case city licensees, their servants, agents, or employees, and city licensed premises, shall be subject to the same requirements, and failure to comply with same shall be a violation of this chapter.

II. AMENDING THE FOLLOWING SECTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 3, Sections 3-1, 3-2, 3-9, 3-13 and Section 3-14 of the Code of Ordinances for the City of Montgomery, Alabama be amended to read as follows:

SEC. 3-1. - DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage control laws mean the definitions and alcoholic beverage control laws of the state as set forth in Code of Ala. 1975, tit. 28 and the rules and regulations promulgated thereunder by the ABC board, as such laws may be amended or superseded from time to time.

Beer licensed place means a place at which malt or brewed beverages are licensed by the state alcoholic beverage control board to be so sold or served.

Beer licensee means a person licensed by the state alcoholic beverage control board to sell or serve malt or brewed beverages to consumers.

Liquor licensed place means a place at which liquor is licensed by the state alcoholic beverage control board to be so sold or served.

Liquor licensee means a person licensed by the state alcoholic beverage control board to sell or serve liquor to consumers.

On-premises means and includes any part of any sports arena, stadium or amusement area, which is enclosed by walls or fences or other barriers, or any premises which have been duly licensed by the city for the sale and consumption of such alcoholic beverages.

Restaurant means a place used for the purpose of preparing and serving meals for the public to consume on the premises and which meets one of the following requirements:

- (1) An establishment licensed as restaurant, where any alcoholic beverages, are sold, a minimum of 60 percent of the total gross sales, computed monthly, shall result from the sale of prepared food. The establishment shall serve either one of the following: breakfast, lunch or dinner or has a kitchen with equipment capable of serving breakfast, lunch or dinner.
- (2) Within a Smart Code zoning district, an establishment licensed as a restaurant, where alcoholic beverages, are sold, in the alternative to the requirements set out above in paragraph a., may elect to maintain and operate a fully equipped kitchen on the licensed premises and shall, upon order of a customer, prepare and serve all food items shown on its menu within the restaurant building or on the building site at outside tables. A minimum of 60 percent of the total gross sales, computed monthly, from the sale of prepared food shall not be required; however, business hours of operation are limited to any range of hours between 6:00 a.m. and midnight. Businesses of this type shall not operate after midnight and may include, but are not limited to, cafes, cafeterias, eateries, sandwich shops, snack shops, tea rooms or coffee shops.

SEC. 3-2. PENALTY, NUISANCE.

- (a) The penalty provisions of Section 1-6 of this Code shall apply to a violation of this chapter. In addition, in the case of a violation by the retail licensee, the city council may suspend or revoke the business license issued by the city as provided in Chapter 16.
- (b) This chapter is enacted for the protection of the health, morals, comfort, and welfare of the community and any violation of this chapter is declared to be a nuisance as being injurious thereto.
- (c) It shall be unlawful for any person to maintain or aid or abet in maintaining any such nuisance.

SEC. 3-9. - HOURS OF SALE.

Alcoholic beverages may be legally sold during the following days and hours of sale:

- (1) For on-premises consumption only, sale and consumption shall be legal 24 hours per day Monday through Saturday, and on Sunday before the hour of 2:00 a.m. and after the hour of 9:00 a.m.
- (2) Sales for off-premises consumption in a carton or container in which alcoholic beverages are originally packaged for the market by the manufacturer or importer, shall be legal seven days per week, 24 hours per day.

SEC. 3-13. - DRAFT OR KEG BEER.

Draft or keg beer within the city is hereby authorized and shall be legal to be sold, delivered or donated as provided in the state alcoholic beverage control board laws.

SEC. 3-14. - MISCELLANEOUS OFFENSES.

It shall be unlawful:

- (1) For any retail licensee, without an additional authorizing state license, to sell draft beer in other than open containers for consumption on the premises where sold, or to permit the patron to leave the premises with draft or keg beer which was dispensed and sold on the premises;
- (2) For any retail licensee to sell, trade or barter alcoholic beverages for on-premises consumption between the hours of 2:00 a.m. and 9:00 a.m. on Sunday;
- (3) For any person purchasing alcoholic beverages for on-premises consumption to remove such beverages from the premises from which it was sold for consumption or to remove the container in which the alcoholic beverage was sold for on-premises consumption, except from the premises of those licensees in the designated entertainment districts or as otherwise provided by state alcoholic beverage control laws.
- (4) For any retail license, without an additional authorizing state license, to repackage keg or draft beer for sale.

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 95-2016

WHEREAS, the Department of Justice, Bureau of Justice Assistance, has made funding for law enforcement activities available through the FY2016 Justice Assistance Grant (JAG), for which the Montgomery Police Department seeks to make application; and

WHEREAS, the City of Montgomery is of the opinion it would be beneficial to make application for such assistance in the amount of \$81,141, 100% federal funds for specific projects carrying no match fund requirement. These funds will be divided between the Montgomery Police Department and Montgomery County Sheriff's Office. The Montgomery Police Department will receive \$48,684.60. This amount of \$48,684.60 will be used to purchase software for the Montgomery Police Department Special Operations Division & Accreditation bureau:

NOW THEREFORE, BE RESOVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Mayor Strange, in his official capacity, be authorized to make application to the Department of Justice, Bureau of Justice Assistance for \$81,141 for financial assistance and, if awarded, be authorized to execute the grant.

Councillor Burkette 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

The Clerk stated Agenda Item No. 5 has been withdrawn.

Councillor Bell recused himself and left the Council Auditorium at 5:27 p.m.

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

RESOLUTION NO. 96-2016

[PROJECT RUMBA]

WHEREAS, each of the City of Montgomery (“City”) and Montgomery County, Alabama (“County”) have been approached by a foreign company whose identity is known to the City and County desiring to acquire, construct and equip a facility within the corporate limits of the City in the County, such project having a North American Industry Classification System code of 326199 (herein referred to as “Project Rumba”); and

WHEREAS, Project Rumba is expected to consist of approximately \$33,770,000 in capital expenditures relating to the acquisition, construction and equipping of the facility and to create an additional 245 full-time jobs within 4 years of commencement of operations; and

WHEREAS, in connection with Project Rumba, the foreign company has requested that each of the City and the County grant abatements for non-educational ad valorem taxes for the maximum exemption period, construction related transaction taxes and mortgage and recording taxes permitted under the Tax Incentives Reform Act of 1992 (Ala. Code §40-9B-1 et. seq.), as amended (“Act”); and

WHEREAS, pursuant to §40-9B-5(b) of the Act and subject to the Montgomery County Commission also granting its approval for the requested abatements from the County for Project Rumba, the City is willing to permit and authorize The Industrial Development Board of the City of Montgomery (herein the “IDB”) to act, for and on behalf of the City, to negotiate, approve and grant the permissible abatements under the Act for the City’s portion of non-educational ad valorem taxes for the maximum exemption period under the Act, the construction related transaction taxes (other than those local construction related taxes levied for educational purposes or for capital improvements for education; the construction related transaction taxes, excluding local construction related transactional taxes levied for educational purposes or for capital improvements, are herein referred to as “Transaction Taxes”), and mortgage and recording taxes for Project Rumba.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City that, subject to the Montgomery County Commission also granting the requested abatements of the County’s portion of the non-educational ad valorem taxes for the maximum exemption period under the Act, the Transaction Taxes and mortgage and recording taxes for Project Rumba, the City, pursuant to §40-9B-5(b)(2) of the Act, does hereby authorize the IDB, as a public industrial authority (as defined in §40-9B-3(21) of the Act), to negotiate, authorize and grant, for and on behalf of the City, abatements of the City’s portion of non-educational ad valorem taxes for the maximum exemption period under the Act, the Transaction Taxes and mortgage and recording taxes as permitted under the Act for Project Rumba and to provide the City’s consent on its behalf; and

BE IT RESOLVED, FURTHER, that such authorization and permission is granted solely for Project Rumba hereunder and does not constitute a grant of permission and authorization to the IDB for any other project, which authority (if given) must be specifically granted to the IDB by the City through an adopted resolution for other projects; and

RESOLVED, FURTHER, that such authority to grant the abatements by the IDB shall require the IDB to grant such abatement pursuant to a resolution duly adopted by its Board of Directors, a certified copy of which shall be provided to the City at the same time it is provided to the Montgomery County Commission pursuant to §40-9B-5(d) of the Act.

Councillor Green 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:

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

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

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

Councillor Bell entered the Council Auditorium at 5:27 p.m.

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

RESOLUTION NO. 97-2016

**A RESOLUTION DENYING AND/OR REVOKING RIGHT
TO OPERATE A BUSINESS FOR FAILURE
TO PURCHASE BUSINESS LICENSE**

WHEREAS, the City Council of the City of Montgomery has authorized and approved the issuance of business licenses and collection of taxes for businesses in the City of Montgomery and Police Jurisdiction; and

WHEREAS, Michael Hochhalter, d/b/a Michael's Table, 2960 Zelda Road, Suite A, Montgomery, AL 36106, has been advised they are in violation of the Montgomery City Code of Ordinances for failure to purchase business license; and

WHEREAS, Michael Hochhalter, d/b/a Michael's Table, 2960 Zelda Road, Suite A, Montgomery, AL 36106, continues to operate the business without purchase of a business license or otherwise complying with Chapter 16 of the City of Montgomery Code of Ordinances; and

WHEREAS, the City Council desires to deny and/or revoke Michael Hochhalter, d/b/a Michael's Table, 2960 Zelda Road, Suite A, Montgomery, AL 36106, the right to operate a business in the City of Montgomery and authorizes the Finance Department to close the business:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the City Council denies and/or revokes Michael Hochhalter, d/b/a Michael's Table, 2960 Zelda Road, Suite A, Montgomery, AL 36106, the right to operate a business in the City of Montgomery and authorizes the Finance Department to close the business. The owner/proprietor of the business must appear before the City Council prior to the issuing of any future business license.

Senior Staff Attorney Mickey McInnish was present representing the City.

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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 98-2016

**A RESOLUTION DENYING AND/OR REVOKING RIGHT
TO OPERATE A BUSINESS FOR FAILURE
TO PURCHASE BUSINESS LICENSE**

WHEREAS, the City Council of the City of Montgomery has authorized and approved the issuance of business licenses and collection of taxes for businesses in the City of Montgomery and Police Jurisdiction; and

WHEREAS, Karen O’Conner, d/b/a Joe Mac’s Lounge a/k/a Flanagan’s, 2015 Congressman W. L. Dickinson Drive, Montgomery, AL 36109, has been advised they are in violation of the Montgomery City Code of Ordinances for failure to purchase business license; and

WHEREAS, Karen O’Conner, d/b/a Joe Mac’s Lounge a/k/a Flanagan’s, 2015 Congressman W. L. Dickinson Drive, Montgomery, AL 36109, continues to operate the business without purchase of a business license or otherwise complying with Chapter 16 of the City of Montgomery Code of Ordinances; and

WHEREAS, the City Council desires to deny and/or revoke Karen O’Conner, d/b/a Joe Mac’s Lounge a/k/a Flanagan’s, 2015 Congressman W. L. Dickinson Drive, Montgomery, AL 36109, the right to operate a business in the City of Montgomery and authorizes the Finance Department to close the business:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the City Council denies and/or revokes Karen O’Conner, d/b/a Joe Mac’s Lounge a/k/a Flanagan’s, 2015 Congressman W. L. Dickinson Drive, Montgomery, AL 36109, the right to operate a business in the City of Montgomery and authorizes the Finance Department to close the business. The owner/proprietor of the business must appear before the City Council prior to the issuing of any future business license.

Senior Staff Attorney Mickey McInnish was present representing the City.

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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 99-2016

**A RESOLUTION REVOKING BUSINESS LICENSE
FOR FAILURE TO PAY SALES TAX
AND AUTHORIZING SHOW CAUSE HEARING**

WHEREAS, the City Council of the City of Montgomery has authorized and approved the collection of taxes for businesses in the City of Montgomery and police jurisdiction; and

WHEREAS, Carrie Lepoma, d/b/a Lepoma's Pizzeria, 1276 Eastdale Mall, Montgomery, AL 36117, has been advised they are in violation of the Montgomery City Code of Ordinances for failure to pay sales tax and have failed to remit same; and

WHEREAS, the City Council desires to revoke the business license of the business identified above and more specifically set forth in Exhibit A, which procedures requires the Council to adopt a resolution of revocation and schedule a show cause hearing why this business should not be revoked prior to finalization of revocation as set forth in Section 16-36 of the Montgomery City Code of Ordinances:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that, the Director of Finance is hereby instructed to revoke the Business License of Carrie Lepoma, d/b/a Lepoma's Pizzeria, 1276 Eastdale Mall, Montgomery, AL 36117, more specifically identified in Exhibit A, and City Clerk is instructed to schedule a show cause hearing and notify licensee.

Senior Staff Attorney Mickey McInnish was present representing the City.

Councillor Bollinger 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 100-2016

**A RESOLUTION REVOKING BUSINESS LICENSE
FOR FAILURE TO PAY SALES TAX
AND AUTHORIZING SHOW CAUSE HEARING**

WHEREAS, the City Council of the City of Montgomery has authorized and approved the collection of taxes for businesses in the City of Montgomery and police jurisdiction; and

WHEREAS, Kisha Caffey & Monique Green, d/b/a Another Level Seafood Pub and Grill, 5331 Young Barn Road, Montgomery, AL 36106, has been advised they are in violation of the Montgomery City Code of Ordinances for failure to pay sales tax and have failed to remit same; and

WHEREAS, the City Council desires to revoke the business license of the business identified above and more specifically set forth in Exhibit A, which procedures requires the Council to adopt a resolution of revocation and schedule a show cause hearing why this business should not be revoked prior to finalization of revocation as set forth in Section 16-36 of the Montgomery City Code of Ordinances:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that, the Director of Finance is hereby instructed to revoke the Business License of Kisha Caffey & Monique Green, d/b/a Another Level Seafood Pub and Grill, 5331 Young Barn Road, Montgomery, AL 36106, more specifically identified in Exhibit A, and City Clerk is instructed to schedule a show cause hearing and notify licensee.

Senior Staff Attorney Mickey McInnish was present representing the City.

Councillor Bollinger 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 101-2016

WHEREAS, ASL Enterprise Inc., d/b/a Varsity Convenience Store, 1218 Carter Hill 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, ASL Enterprise Inc., d/b/a Varsity Convenience Store, 1218 Carter Hill Road, be and is hereby approved for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Mr. Chris Hargott was present representing this item. No one was present in opposition of this item.

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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 102-2016

WHEREAS, Los Cabos II Inc., d/b/a Los Cabos 2, 8844 Minnie Brown Road, has filed an application for a Restaurant Retail Liquor 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, Los Cabos II Inc., d/b/a Los Cabos 2, 8844 Minnie Brown Road, be and is hereby approved for a Restaurant Retail Liquor License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Mr. Arthur Douglas was present representing this item. No one was present in opposition of this item.

Councillor Burkette 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 103-2016

WHEREAS, Montgomery Riverfront Development Foundation, d/b/a Taco Libre, 300 Water Street (Union Station Train Shed), has filed an application for a Non-Profit Tax Exempt Liquor 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, Montgomery Riverfront Development Foundation, d/b/a Taco Libre, 300 Water Street (Union Station Train Shed), be and is hereby approved for a Non-Profit Tax Exempt Liquor License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Ms. Sarah Baird was present representing this item. No one was present in opposition of this item.

Councillor Bollinger 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 104-2016

WHEREAS, Montgomery County Historical Society Inc., d/b/a Montgomery County Historical Society, 1 Court Square Fountain, has filed an application for a Non-Profit Tax Exempt Liquor 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, Montgomery County Historical Society Inc., d/b/a Montgomery County Historical Society, 1 Court Square Fountain, be and is hereby approved for a Non-Profit Tax Exempt Liquor License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Mr. William Gregory was present representing this item. No one was present in opposition of this item.

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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 105-2016

WHEREAS, Valencia Lambert, d/b/a Lamberts N.E.T.S. LLC, 445 Dexter Avenue, has made application for a permit to operate an Alternative Transportation Service in the City of Montgomery; and

WHEREAS, rules and regulations set out in Chapter 6 of the Code of Ordinances of the City of Montgomery have been complied with:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Valencia Lambert, d/b/a Lamberts N.E.T.S. LLC, 445 Dexter Avenue, be and is hereby granted approval to operate an Alternative Transportation Service in the City of Montgomery.

Ms. Valencia Lambert was present representing this item.

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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 106-2016

WHEREAS, Amit Patel's term on the Medical Clinic Board – Montco Center expired September 25, 2015; and

WHEREAS, it has been requested that John Stanley be appointed to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that John Stanley be and is hereby appointed to the Medical Clinic Board – Montco Center for a six-year term ending September 25, 2021.

Councillor Burkette 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 107-2016

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:

Charika Ward
d/b/a Ward Lawn Service
1550 Crane Street
Montgomery, AL 36108
334-561-4922 or 334-235-5705
Business License No. 12355

Councillor Burkette 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

RESOLUTION NO. 108-2016

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.

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Councillor Burkette 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

Councillor Pruitt introduced the following resolution:

RESOLUTION NO. 109-2016

WHEREAS, Paula Weiss' term on the Montgomery Clean City Commission expired December 31, 2013; and

WHEREAS, Councillor Pruitt has nominated Ronald Fulmer to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Ronald Fulmer be and is hereby appointed to the Montgomery Clean City Commission for unexpired term, ending December 31, 2016.

Councillor Pruitt 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:

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

The Clerk stated she was in receipt of the following requests for authorization of payment from the Council Contingency Account:

MEMORANDUM

To: Brenda Blalock, City Clerk, Montgomery, Alabama
From: Tracy Larkin, Councilor, 3rd District
Re: Council Contingency Fund
Date: June 7, 2016

Please facilitate the conveyance of the following amounts from Council Contingency Funds:

Jubilee Community Center.....	\$500.00
Attn: Amy Zimmer, Youth Programs	
Landmarks Foundation.....	\$500.00
Program needs	
North Pass Neighborhood Association.....	\$300.00
Attn: Daisy Fann, National Night Out	
Park Manor Neighborhood Association.....	\$300.00
Attn: Jimmy Smiley, National Night Out	
Camp Tukabatchee (Adventure Leadership Camp).....	\$300.00
Attn: Montgomery Police Department	
TOTAL.....	\$1900.00

Councillor Pruitt requested to add \$600.00 to Camp Tukabatchee (Adventure Leadership Camp) and \$250.00 to Montgomery Grey All Stars.

Councillor Larkin requested to add \$300.00 to Camp Tukabatchee (Adventure Leadership Camp).

Councillor Jinright requested to add \$100.00 to ECHO.

Mayor Strange approved the allocation of these funds.

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

AYES:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	LEE	--1

There being no further business to come before the Council, the meeting duly adjourned at 5:56 p.m.

BRENDA GALE BLALOCK, CITY CLERK

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