

**REGULAR MEETING
COUNCIL OF THE CITY OF MONTGOMERY
OCTOBER 4, 2016 – 5:00 P.M.**

The Council met in regular session on Tuesday, October 4, 2016, at 5:00 p.m., in the Council Auditorium, City Hall, with the following members present:

PRESENT:	BOLLINGER, LYONS, LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--8
ABSENT:	LEE	--1

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 Deacon Jerry Jackson of Freewill Missionary Baptist Church and the Pledge of Allegiance.

Councillor Larkin made a motion to adopt the September 20, 2016, Work Session Minutes, as circulated, 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 Larkin made a motion to adopt the September 20, 2016, Regular Council Minutes, as circulated, 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 Lee entered the Council Auditorium at 5:07 p.m.

Councillor Pruitt reported that the Montgomery City Council's Ad Hoc Committee – Magnet Schools met September 30, 2016, and stated plans are to reconvene at a later date in order to further discuss magnet school issues.

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

RESOLUTION NO. _____

WHEREAS, OM SAI LLC, d/b/a Chisholm Package Store, 2819 Lower Wetumpka Road, has filed an application for Lounge Retail Liquor – Class II (Package) License, as indicated on the application form of the State of Alabama Alcoholic Beverage Control Board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, OM SAI LLC, d/b/a Chisholm Package Store, 2819 Lower Wetumpka Road, be and is hereby approved for Lounge Retail Liquor – Class II (Package) License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Mr. Brad Griffin, Attorney and Ms. Mita Mistry, Applicant, were present representing this item. Ms. Rebecca Martin, President of Chisholm Improvement Association, and Mr. Greg Roberts of North Montgomery Alliance Association, were present in opposition to this item. Ms. Martin was concerned because of a number of shooting incidents that had already happened in close proximity to this location, as well as,

the potential for increase in litter. She referred to an article in which the property owners in the area had worked to make improvements in their area. Mr. Roberts presented information concerning crime incidents in the neighborhood.

Councillor Larkin made the motion to deny the foregoing resolution, which motion carried with the following vote:

AYES:	LARKIN, BURKETTE, GREEN, BELL, PRUITT, JINRIGHT	--6
NAYS:	BOLLINGER, LEE	--2
ABSTAINED:	LYONS	--1
ABSENT:	NONE	--0

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

ORDINANCE NO. 37-2016

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

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

WHEREAS, the Property is surplus property no longer needed for public or municipal purposes, and it is in the public’s best interest that any right, title and interest the City may have in and to the said Property be transferred and conveyed to Montgomery Water Works and Sanitary Sewer Board (“MWWSSB”), for a Pump Station Site; and

WHEREAS, it is advantageous and in the public interest of the citizens of City to transfer and convey this Property located on Wares Ferry Road for a Pump Station Site; and

WHEREAS, the City of Montgomery agrees to sell to MWWSSB the certain real property, more particularly described in Exhibit “A” for the sum of Ten and 00/100 (\$10.00) Dollars.

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

(1) The Council has determined that the sale of the Property is for valid and sufficient public purpose, and

(2) The City hereby grants to the Mayor the authority to execute a Statutory Warranty Deed in the form attached as Exhibit “B.” The Property is to be conveyed subject to the following:

- 1. Any lien or charge for general or special taxes or assessment not yet delinquent.**
- 2. By its acceptance of this conveyance, MWWSSB, for itself and its successors and assigns, hereby acknowledges and covenants (i) that MWWSSB accepts the Property "AS IS" and "WITH ALL FAULTS," and (ii) that MWWSSB releases and waives any claim against City relating to the nature and condition of the Property, including, without limitation, the environmental condition thereof.**

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

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STATUTORY WARRANTY DEED

STATE OF ALABAMA)

MONTGOMERY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten and No/100 Dollars (\$10.00) and other valuable considerations to the undersigned Grantor in hand paid by the Grantee herein, the receipt and sufficiency of which is hereby acknowledged, **The City of Montgomery, Alabama**, an Alabama municipal corporation (hereinafter referred to as the "Grantor"), does hereby **GRANT, BARGAIN, SELL and CONVEY** unto **The Water Works and Sanitary Sewer Board of the City of Montgomery**, an Alabama public corporation, (hereinafter referred to as the "Grantee"), its successors and assigns, certain real estate situated in Montgomery County, Alabama, as shown generally on Exhibit "A," which is attached hereto and incorporated herein by reference, and more particularly described as follows, to-wit (the "Premises"):

Legal Description for Pump Station 27 Property

All of that triangular lot designated as the Pump Station Site in Block K of Montgomery East Plat No. 6 as shown in Plat Book 22 page 377 on record at the Office of the Judge of Probate of Montgomery County, Alabama; Said lot being bounded on the northwesterly side by an 80 foot wide right-of-way for Wares Ferry Road, bounded on the southwesterly side by Lot 25 Block K of said Montgomery East Plat No. 6, and bounded on the easterly side by the westerly lines of Lots 1, 3, 4, and 5, Block 31, of Montgomery East Plat No. 8 as recorded in Plat Book 23 page 187; Said Pump Station Site Lot contains 0.48 acres more or less, and is subject to any existing easements or right-of-ways.

This conveyance is made subject to covenants, restrictions, reservations, easements, rights-of-way, if any, heretofore imposed of record affecting title and use of property, and municipal zoning ordinances now or hereafter becoming applicable and taxes or assessments now or hereafter becoming due against said Premises and any matters which a current survey or inspection of the Premises would reveal.

For purposes of ad valorem tax appraisal only, the mailing address of the Grantee is **P. O. Box 1631, Montgomery, Alabama 36102-1631.**

TO HAVE AND TO HOLD, the aforementioned Premises, together with all improvements, easements and appurtenances thereunto appertaining, unto Grantee, its successors and assigns **FOREVER**.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and attested, and its seal affixed thereto, on this 6th day of October, 2016.

[EXECUTION ON THE FOLLOWING PAGE]

THE CITY OF MONTGOMERY, ALABAMA

(SEAL)

By: 
Todd Strange
Its: Mayor

ATTEST:

By: 
Brenda Gale Blalock
Its: City Clerk

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

I, *Anita Evans Clark*, a Notary Public in and for said County in said State, hereby certify that Todd Strange and Brenda Gale Blalock, whose names as Mayor and City Clerk of the City of Montgomery, Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents said instrument, they, as such officers and with full authority, executed the same voluntarily on behalf of the City of Montgomery, Alabama as of the date hereof.

Given under my hand and official seal this 6TH day of October, 20 16.

[SEAL]

Anita Evans Clark
NOTARY PUBLIC
My Commission Expires: 2-10-18

This instrument was prepared by:

Timothy J. Gallagher, Esq.
Sasser, Sefton & Brown, P.C.
445 Dexter Avenue, Suite 8050
Montgomery, AL 36103
(334)532-3400

The preparer of this instrument has performed no title work with respect to the Premises in connection with the preparation of this instrument.

Councillor Bollinger 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:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

RESOLUTION NO. 188-2016

A RESOLUTION AUTHORIZING REIMBURSEMENT PURSUANT TO UNITED STATES TREASURY REGULATION SECTION 1.150-2

WHEREAS, the Finance Director of the City of Montgomery, Alabama shall have the general management and control of the administration of the financial affairs of the City; and

WHEREAS, the City Council of the City of Montgomery annually approves through the Budget purchase of certain equipment and vehicles during the fiscal year; and

WHEREAS, certain financial institutions have requested alternatives to past lease purchase payment arrangements of that certain equipment and vehicles acquired during the fiscal year ending September 30, 2017 (the "FY 2017 Equipment").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, as follows:

Section 1. The City of Montgomery, Alabama (the "City") has determined that it may be necessary to acquire the FY 2017 Equipment.

Section 2. The City may determine to finance FY 2017 Equipment by the proceeds of a tax-exempt lease, and as such, prior to the execution and delivery of such tax-exempt lease, the City hereby declares its official intent that (i) proceeds received by the City with respect to such lease be used to reimburse the City for capital expenditures made by the City from the general funds thereof in amounts not exceeding \$6,500,000 and (ii) any such reimbursement be made in accordance with Treas. Reg. 1.150-2.

Section 3. This Resolution shall not compel the City to execute and deliver the tax-exempt lease referenced herein.

Section 4. All ordinances, resolutions, orders, or parts of any thereof, of the City in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 5. This Resolution shall take effect immediately.

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:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

RESOLUTION NO. 189-2016

**A RESOLUTION DENYING AND/OR REVOKING RIGHT
TO OPERATE BUSINESSES FOR FAILURE
TO PURCHASE BUSINESS LICENSES AND PAY SALES TAX**

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, A. Rahman, d/b/a Perfume Collections and A. Rahman, d/b/a Instyle, 1000 Eastdale Mall Kiosk, Montgomery, Alabama 36117, have been advised they are in violation of the Montgomery City Code of Ordinances for failure to purchase business licenses and pay sales tax; and

WHEREAS, A. Rahman, d/b/a Perfume Collections and A. Rahman, d/b/a Instyle, 1000 Eastdale Mall Kiosk, Montgomery, Alabama 36117, continues to operate the businesses without purchase of a business licenses, pay sales tax 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: 1. A. Rahman, d/b/a Perfume Collections and 2. A. Rahman, d/b/a Instyle, 1000 Eastdale Mall Kiosk, Montgomery, Alabama 36117, the right to operate businesses in the City of Montgomery and authorizes the Finance Department to close the businesses; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the City Council denies and/or revokes: 1. A. Rahman, d/b/a Perfume Collections and 2. A. Rahman, d/b/a Instyle, 1000 Eastdale Mall Kiosk, Montgomery, Alabama 36117, the right to operate businesses in the City of

Montgomery and authorizes the Finance Department to close the businesses. The owner/proprietor of the businesses must appear before the City Council prior to the issuing of any future business licenses.

Senior Staff Attorney Mickey McInnish was present representing the City of Montgomery.

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:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the appeal by John B. Loftin regarding unsafe structures at 146 and 152 West South Boulevard. Mr. John Loftin was present representing this item. Councillor Green stated he will pay for the demolition of the properties, and to allow the owner 90 days to remove items from property to storage. Mr. Loftin stated his approval to Councillor Green's proposal.

Councillor Green made a motion to uphold that 146 and 152 West South Boulevard were unsafe structures and for Housing Codes to move forward with procedures, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 328 Collinwood Avenue.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 328 Collinwood Avenue, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 581 Greyhound Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 581 Greyhound Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 528 Lincoln Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 528 Lincoln Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 2025 Luverne Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 2025 Luverne Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 2036 Luverne Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 2036 Luverne Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 2040 Luverne Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 2040 Luverne Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 2120 Luverne Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 2120 Luverne Street, which motion carried with the following vote:

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 2126 Luverne Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 2126 Luverne Street, which motion carried with the following vote:

AYES: UNANIMOUS --9
NAYS: NONE --0
ABSTAINED: NONE --0
ABSENT: NONE --0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 633 Stephens Street.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 633 Stephens Street, which motion carried with the following vote:

AYES: UNANIMOUS --9
NAYS: NONE --0
ABSTAINED: NONE --0
ABSENT: NONE --0

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 3500 Whiting Avenue.

Councillor Lee made a motion to authorize the demolition of an unsafe structure at 3500 Whiting Avenue, which motion carried with the following vote:

AYES: UNANIMOUS --9
NAYS: NONE --0
ABSTAINED: NONE --0
ABSENT: NONE --0

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

RESOLUTION NO. 190-2016

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 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:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

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

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The Clerk stated she was in receipt of the following requests for authorization of payment from the Council Contingency Account, which are approved by Mayor Strange contingent upon receiving the required paperwork:

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MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock *BGB*
City Clerk
DATE: October 3, 2016
RE: District 4 - request for Council Contingency Funds

Councillor Burkette has requested the following be presented to Council for their authorization:

1. \$7000.00 to Carver High School, attn.: Gary Hall, Principal.
2. \$3000.00 to Connecting Life Body of Christ, attn.: Bishop Roosevelt Crawford (all paperwork on file)
3. \$800.00 to ECHO, attn.: Aieda Harris. (Getting info)
4. \$500.00 to Women of Hope, attn.: Earnestine Hinkle. (all paperwork on file)
5. \$1,200.00 to Bellingrath Middle School for Cheerleaders, attn.: Shawntaca Jackson.
6. \$1009.00 to Montgomery Performing Arts Center,
7. \$1000.00 to ACTS/ADC, attn.: Bernard Lee. (all paperwork on file)



MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock *BGB*
City Clerk
DATE: September 28, 2016
RE: District 9 – request for Council Contingency Funds

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

1. \$450.00 to MPACT (Montgomery Preparatory Academy for Career Technologies) for trip for 15 students.



MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock **BGB**
City Clerk
DATE: September 27, 2016
RE: District 9 – request for Council Contingency Funds

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

1. \$500.00 to Montgomery Symphony Orchestra.
2. \$1000.00 to He-man Ministries. (We have contact information and are working on getting 501c3, W-9 and e-verify information.)
3. \$500.00 to Air Force Association. (We have contact information and are working on getting information)
4. \$8500.00 to Tuckabatchee Council.

This subject is 501c3

*as other organizations mentioned
live online*

BGB

MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock *BGB*
City Clerk
DATE: October 3, 2016
RE: District 9 – request for Council Contingency Funds

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

1. \$500.00 to Fitzgerald Museum. (no information on file – contacting McPhillips)

A handwritten signature in black ink, appearing to be the initials 'BGB' followed by a stylized flourish.

MEMORANDUM

To: Brenda Blalock, City Clerk, Montgomery, Alabama
From: Tracy Larkin, Councilor, 3rd District
Re: Contingency Funds
Date: October 4, 2016

Please facilitate the conveyance of Contingency Funds to the following named nonprofit organizations:

Shiloh Missionary Baptist Church.....\$500.00
Attn: Iva Davis for Hallelujah Fest activities

Vision of Grace Transition Home.....\$500.00
Attn: Lillian Blakey for program needs

Alabama State University TPaIDA Program.....\$500.00
Attn: Jayde S. Price for internship expenses

An' Justice for All.....\$500.00
Attn: Juliette Bennett for program needs

*(M) approved
submit to
Jafew*

Councillor Bollinger requested to add \$500.00 to Fitzgerald Museum and \$500.00 to That's My Child Youth Organization.

Councillor Green requested to add \$1,000.00 to Green Acres Neighborhood Association; \$1,000.00 to Gay Meadows/Gladelane Neighborhood Association; and \$250.00 to Bad Boys Boxing.

Councillor Burkette requested to add \$500.00 to Bad Boys Boxing and \$1,000.00 to That's My Child Youth Organization.

Councillor Lee requested to add \$1,000.00 to That's My Child Youth Organization.

Mayor Strange approved these additions contingent upon receipt of required paperwork.

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

AYES:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

There being no further business to come before the Council, the meeting duly adjourned at 5:55 p.m.

/S/
BRENDA GALE BLALOCK, CITY CLERK

/S/
CHARLES W. JINRIGHT, PRESIDENT
COUNCIL OF THE CITY OF MONTGOMERY