

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

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

PRESENT:	BOLLINGER, LYONS, LARKIN, GREEN, LEE, JINRIGHT	--6
ABSENT:	BURKETTE, BELL, PRUITT	--3

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 Green and the Pledge of Allegiance.

Councillor Larkin made a motion to adopt the October 18, 2016, Work Session Minutes, as circulated, which motion carried with the following vote:

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

Councillor Bollinger made a motion to adopt the October 18, 2016, Regular Council Minutes, as circulated, which motion carried with the following vote:

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

Councillor Pruitt entered the Council Chamber at 5:07 p.m.

Councillor Bell entered the Council Chamber at 5:08 p.m.

Councillor Burkette entered the Council Chamber at 5:08 p.m.

Councillor Pruitt left the Council Chamber at 5:11 p.m.

Councillor Pruitt entered the Council Chamber at 5:14 p.m.

The Clerk stated this was the time and place to hear and consider the proposed authorization of demolition of an unsafe structure at 1621 Sanford Street.

Councillor Larkin requested this item be carried over to the next regular council meeting which was the consensus of the Council.

Councillor Bollinger recused himself and left the Council Chamber at 5:34.

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

ORDINANCE NO. 38-2016

**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 INST (Institutional) Zoning District to a B-2 (Commercial) Zoning District.

Commencing from the southeast corner of Taylor Road Baptist Church Plat No. 1 as recorded in the Office of the Judge of Probate in Montgomery County, Alabama in Plat Book 33 at Page 119; thence N11°46'11"E along the east right-of-way of Berryhill Road a distance of 25 ft.; thence N78°15'21"E along the north right-of-way of Berryhill Road a distance of 371.06 ft. to the point of beginning; thence leaving said right-of-way N11°44'40"W a distance of 925.37 ft. to a point on the south right-of-way of EastChase Lane said point lying on a curve; thence along the south right-of-way curving concavely whose chord is N81°08'21"E a distance of 67.41 ft. having a radius of 2,876.63 ft.; thence leaving said right-of-way of EastChase Lane S11°44'39"E a distance of 921.98 ft. to the north right-of-way of Berryhill Road; thence S78°15'21"W along the north right-of-way of Berryhill Road a distance of 67.33 ft. to the point of beginning. Said parcel of land is located in the east ½ of Section 20 and the west ½ of Section 21 all in T16N, R19E, Montgomery County, Alabama and contains 1.43 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. No one was present in opposition to this item.

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

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

Councillor Bollinger entered the Council Chamber at 5:35 p.m.

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

RESOLUTION NO. 198-2016

**A RESOLUTION REVOKING BUSINESS LICENSE
FOR FAILURE TO PAY SALES
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, John K. Lamberth and Robert L. Webber, a/k/a Bama Bowling Lanes LLC, d/b/a Bama Lanes, 3020 Atlanta Highway, Montgomery, AL 36109, have 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 John K. Lamberth and Robert L. Webber, a/k/a Bama Bowling Lanes LLC, d/b/a Bama Lanes, 3020 Atlanta Highway, Montgomery, AL 36109, more specifically identified in Exhibit A, and City Clerk is instructed to schedule a show cause hearing and notify licensee.



City of **Montgomery**, Alabama

Todd Strange, Mayor

Montgomery City Council Members
Charles W. Jinnright - President Richard Bollinger Arch Lee
Tracy Larkin - Pro Tem David Burkette Brantley Lyons
Fred F. Bell William Green, Jr. Glen Pruitt, Jr.

Barry O. Crabb, Finance Director

TO: MAYOR TODD STRANGE

THROUGH: BRENDA BLALOCK
CITY CLERK

FROM: BARRY CRABB *BC*
FINANCE DIRECTOR

DATE: October 26, 2016

RE: REQUEST TO REVOKE BUSINESS LICENSE
ACCOUNT# 031055

Exhibit A

I am hereby requesting that you ask the City Council to revoke any license under which the following business is operating in the City of Montgomery, because of failure to file sales tax, to order the owner to appear before the City Council to "Show Cause" why the license should not be revoked and the business closed by the City of Montgomery by and through the Finance Department. In addition, I request that the owner/proprietor of the business appear before the City Council prior to him/her being awarded any future business license.

NAME OF BUSINESS: Bama Bowling Lanes LLC dba Bama Lanes

NAME OF OWNER: John K. Lamberth (Keith) and Robert L. Webber

ADDRESS: 3020 Atlanta Hwy

Please let me know if you need any further information.

P. O. Box 1111 ♦ Montgomery, Alabama 36101-1111 ♦ Phone (334) 625-2036 ♦ Fax (334) 625-2994

Senior Staff Attorney Mickey McInnish was present representing the City.

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

The rules having been suspended, Councillor Burkette 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. 199-2016

**A RESOLUTION REVOKING BUSINESS LICENSE
FOR FAILURE TO PAY SALES
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, Brenda Huertas, d/b/a Tacos Favorito, 1863 Mt. Meigs Road, Montgomery, AL 36107, has been advised she is 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 Brenda Huertas, d/b/a Tacos Favorito, 1863 Mt. Meigs Road, Montgomery, AL 36107, more specifically identified in Exhibit A, and City Clerk is instructed to schedule a show cause hearing and notify licensee.

TO: MAYOR TODD STRANGE
THROUGH: BRENDA BLALOCK
CITY CLERK
FROM: BARRY CRABB *bc*
FINANCE DIRECTOR
DATE: October 26, 2016
RE: REQUEST TO REVOKE BUSINESS LICENSE
ACCOUNT# 030210

Exhibit A

I am hereby requesting that you ask the City Council to revoke any license under which the following business is operating in the City of Montgomery, because of failure to file sales tax, to order the owner to appear before the City Council to "Show Cause" why the license should not be revoked and the business closed by the City of Montgomery by and through the Finance Department. In addition, I request that the owner/proprietor of the business appear before the City Council prior to him/her being awarded any future business license.

NAME OF BUSINESS: Tacos Favorito
NAME OF OWNER: Brenda Huertas
ADDRESS: 1863 Mt. Meigs Rd

Please let me know if you need any further information.

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

The rules having been suspended, Councillor Larkin 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 Agenda Item No. 5 is now in compliance and has been withdrawn.

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

RESOLUTION NO. 200-2016

WHEREAS, DowntownBrew LLC, d/b/a Montgomery Metro, 555 Eastern Boulevard, has filed an application for Special Events 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, DowntownBrew LLC, d/b/a Montgomery Metro, 555 Eastern Boulevard, be and is hereby approved for a Special Events Retail Liquor License, and concurrence in the issuance of the license by the State of Alabama Alcoholic Beverage Control Board.

Mr. Bob Parker was present representing this item. No one was present in opposition to 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:	UNANIMOUS	--9
NAYS:	NONE	--0
ABSTAINED:	NONE	--0
ABSENT:	NONE	--0

The rules having been suspended, Councillor Larkin 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. 201-2016

WHEREAS, Dothel Edwards' term on the Montgomery Clean City Commission expired November 18, 2008; and

WHEREAS, Councillor Lyons has nominated Haskell Rhett to serve on said board:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Haskell Rhett be and is hereby appointed to the Montgomery Clean City Commission for an expired term ending November 18, 2017.

Councillor Lyons 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 Lyons 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 of the proposed demolition of an unsafe structure at 2100 Day Street by Ms. Natasha Coley. Ms. Coley was present representing this item. Ms. Coley stated she had three contractors to inspect the repair needed for property. She stated she has only had the property since December 2015; and needed more time to get the property repaired. Mr. Thomas Karrh, Chief of Housing Codes, stated that the paperwork on this property shows Mr. Gary Sharp as the owner. Ms. Coley plans to use the property as an after school care facility. Councillor Burkette stated he would like to allow Ms. Coley the proper time to make repairs. However, at the current time it is deemed as an unsafe structure by Housing Codes, which Ms. Coley agreed with.

Councillor Burkette made a motion to uphold that the structure at 2100 Day Street is an unsafe structure, 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. 202-2016

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

The rules having been suspended, Councillor Burkette 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. 203-2016

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 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:	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

Councillor Larkin introduced the following resolution:

RESOLUTION NO. 204-2016

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:

John Bonicelli
JB Waste Connection
PO Box 1085
Wetumpka, AL 36092
B: 334-301-4414 C: 334-657-4835
Jbwasteconnection@yahoo.com
Business License No. 1287

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

The rules having been suspended, Councillor Larkin 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 were approved by Mayor Strange contingent upon receiving the required paperwork:

MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock *BGB*
City Clerk
DATE: October 28, 2016
RE: District 4 - request for Council Contingency Funds

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

1. \$500.00 to Montgomery Cancer Wellness Foundation. (have all but e-verify)

CS

MEMORANDUM

TO: Mayor Todd Strange
FROM: Brenda Gale Blalock 34B
City Clerk
DATE: October 19, 2016
RE: District 7 – request for Council Contingency Funds

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

1. \$500.00 to Floyd Middle Magnet School, attn.: Cheerleaders
2. \$500.00 to Alpha Upsilon Lambda Chapter Educational Foundation for 21st MLK Scholarship Breakfast. (need W-9 and e-verify)

25

MEMORANDUM

TO: Mayor Todd Strange

FROM: Brenda Gale Blalock *BGB*
City Clerk

DATE: October 27, 2016

RE: District 8 – request for Council Contingency Funds

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

1. \$1000.00 to Bridge Builders. (We have all necessary paperwork)



MEMORANDUM

TO: Mayor Todd Strange

FROM: Brenda Gale Blalock *BGB*
City Clerk

DATE: October 28, 2016

RE: District 9 – request for Council Contingency Funds

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

1. \$1000.00 to Tuckabatchee Boy Scouts. (We have all)

TJS

MEMORANDUM

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

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

1. \$1000.00 to Valiant Cross Academy, 301 Dexter Avenue 36104). (We have called, they are a 501c3 and they are sending us the required paperwork.)



(4)

From Contingency Funds

1 \$600: Peter Crump Elementary School

2. ~~500.00~~ ~~Southwest League~~
~~Football Team~~

3. 600.00 ~~Fitzpatrick~~ School
Elementary

4. 600.00 McKee Middle School

5. \$500.00 Brewbaker Primary

6. 500.00 Brewbaker Middle School

3500
18
53
6
1630

7 500.00 Brew ^{Baker Magnet} Technology

8 500.00 Brewbaker Elementary School

9 500.00 McMillian International
Academy

10 500.00 McMillian Primary School

11. 500.00 IM ^{MPACT} PAK School

700.00 Woodley PK Neighborhood
Association

700.00 Spring Valley
Neighborhood Association

Councillor Burkette requested to add \$1,500.00 to Connecting the Body of Christ and \$1,000.00 to Helping Hands Outreach.

Councillor Green requested to add \$1,000.00 to Connecting the Body of Christ.

Councillor Pruitt left the Council Chamber at 5:45 p.m.

Councillor Bell requested to add \$500.00 to Bad Boys Boxing.

Councillor Larkin requested to add \$500.00 to Bad Boys Boxing; \$350.00 to George Washington Carver Basketball Program.

Councillor Lee requested to add \$500.00 to Bad Boys Boxing.

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

There being no further business to come before the Council, the meeting duly adjourned at 5:51 p.m.

BRENDA GALE BLALOCK, CITY CLERK

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