

1

ORDINANCE NO. _____

ORDINANCE DECLARING A MORATORIUM ON APPROVAL OF BUSINESS LICENSES FOR LIQUOR STORES AND OTHER SIMILAR BUSINESS OPERATIONS

WHEREAS, the Council of Montgomery envisions the City of Montgomery attracting and retaining a diverse combination of business enterprises; and

WHEREAS, in contrast to objectives and visions of the City Council, the City of Montgomery has experienced a proliferation and excessive growth of liquor stores, and other similar business operations in concentrated areas; and

WHEREAS, the excessive concentration of these types of businesses within the territorial confines of the Montgomery City limits, effectively limits the ability of the City of Montgomery to attract various and different types of businesses which would conform to the City's long-range comprehensive land use plan; and

WHEREAS, the City of Montgomery finds that it is in its best interest to have diversity in the types of businesses operating within its city limits, and that a proliferation of the similar or substantially similar types of businesses as described hereto in the Ordinance title frustrates and impairs the best interest of the City in having business operation diversity; and

WHEREAS, the City of Montgomery finds and determines that the concentration of the types of businesses described in the title of this Ordinance is nearing an unacceptable number and conflicts with the City's objectives for business diversity.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, AS FOLLOWS:

That a three (3) month moratorium is hereby declared on the issuance of any further approvals of business licenses for any businesses as described in the title of this Ordinance.

This Ordinance shall become effective upon passage, approval and publication or as otherwise provided by law.

ADOPTED this the _____ day of _____, 2020.

STEVEN L. REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

2 & 3

ORDINANCE NO. _____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 3 Alcoholic Beverages in the Code of Ordinances be amended by adding the following provisions and requirements for package stores:

SECTION 1: Definitions.

For the purposes of this ordinance, the following terms are defined hereinafter set forth, to wit:

Package Stores – Licensees for the retail sale of liquor for off-premises consumption.

SECTION 2:

(a) Package stores, as defined in section 1, above, shall be subject to the following:

(1) Licenses for the retail sale of liquor, beer and wine for off-premises consumption shall require a separation distance of 250 feet from any church grounds, school grounds, public park, youth club, group home, shelter home, halfway/transitional house or licensed daycare facility and measured in a straight line from the nearest property boundary of the licensed premises to the nearest property boundary of any use listed above.

(2) No two licenses for the retail sale of liquor, beer and wine for off-premises consumption shall be permitted to be located within 2,500 feet of each other.

(b) Any building in which one of the above-listed alcoholic beverage licensees is legally operating prior to the effective date of this ordinance shall be a lawful nonconforming use as that term is defined in Appendix C, Art. 1, Sec. 6, City of Montgomery Code of Ordinances. Such a lawful nonconforming use may continue in business at the location within the prohibited distance with the following limitations:

(1) No expansion of the building presently existing on the effective date of the ordinance from which this section is derived shall be permitted at the location unless such expansion is presently underway with an authorized city building permit and such construction is completed within 12 months from the date of the building permit so issued;

(2) If the building sustains damages or loss exceeding 60 percent of its current replacement value at the time of such damage, the lawful nonconforming status terminates. If the building sustains damages or loss of less than 60 percent of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the damage.

(3) If the nonconforming use is discontinued or abandoned for a continuous period of six months, it shall not be re-established, and any future use shall be in conformity with the provisions of this ordinance and all applicable zoning and licensing ordinances.

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(4) If the nonconforming use is changed to a conforming use, it shall not be permitted to revert to the original nonconforming use.

(c) Meeting the minimum distance requirements set forth in this section does not guarantee that a liquor license will be granted. Nothing in this section prevents the council from considering the proximity of an educational, religious and recreational facility, or any other relevant factor in reaching a decision on a proposed location for a retail establishment engaged in the sale of alcoholic beverages.

This ordinance shall become effective upon passage, approval and publications or as otherwise provided by law.

ADOPTED this the _____ day of _____, 2020.

STEVEN L. REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

4

ORDINANCE NO. _____-2020

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

WHEREAS, The Water Works and Sanitary Sewer Board of the City of Montgomery (the "Board") is the owner of that certain parcel of real property known as 2.72 acres on Bill Joseph, Parkway, Hope Hull, Alabama 36043 (the "Property"); and

WHEREAS, Board desires to sell the Property to The Westmoreland Company, Inc.; and

WHEREAS, the Council previously consented to the Board's disposal of the Property to The Westmoreland Company, Inc., in the manner it sees fit on September 1, 2020 as Ordinance No. 34-2020; and

WHEREAS, the Council desires to bring the date of its consent forward to comply with relevant law;

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

ADOPTED this _____ day of _____, 2020.

STEVEN REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

ORDINANCE NO.

AN ORDINANCE ALTERING AND ENLARGING THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY BY INCLUDING WITHIN THE BOUNDARIES OF THE SAID CITY AND INCORPORATING INTO CONTIGUOUS COUNCIL DISTRICT THAT TERRITORY OF REAL PROPERTY AS DESCRIBED HEREIN.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, as follows:

Section 1. Findings by the City Council of the City of Montgomery, Alabama. The City Council (herein called "the Council") of the City of Montgomery, Alabama (herein called "the City"), has caused investigations to be made of the matters hereinafter referred to and, on the basis of the facts disclosed by such investigations, does hereby find and declare that the following are true statements of facts:

(A) The City is an incorporated municipality under the laws of Alabama and is located wholly within the limits of Montgomery County in the said State. The City has a population in excess of two thousand (2,000) inhabitants. The real property hereinafter particularly described in Section 2 of this Ordinance lies within the County of Montgomery, and the boundary of the said real property is contiguous and adjacent to, and borders on, the corporate limits of the City of Montgomery. The said real property does not lie within either the corporate limits or the police jurisdiction of any other municipality, or, alternatively, lies wholly within an area that is closer to the corporate limits of the City of Montgomery than a point equidistant between the corporate limits of the City of Montgomery and any other municipality.

(B) The Council is the governing body of the City and is of the opinion that it will be in the best interest of the City and the inhabitants thereof if the said real property should be annexed to the City and the corporate limits of the City should be extended and rearranged so as to embrace and include the said real property so that, from and after publication of this Ordinance, the said real property will, in its entirety, be wholly within the boundaries of and will be a part of the corporate area of the City.

(C) A petition by the owner or owners of the property has been filed with the City Clerk of the City pursuant to Section 11-42-21, Code of Alabama, 1975, as last amended, in which petition it is requested that the said real property be annexed to the City and the corporate limits or boundaries of the City be extended and rearranged so that the said real property or territory not now within the corporate boundaries of the city shall be embraced and included therein, all as shown on said maps and description attached to said petition.

Section 2. Description of Property. The said real property annexed hereby is more particularly described as follows:

Lot 40, Block C, of Red Cedar Farms Plat No. 1A, as the Map thereof appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, Plat Book 44, Page 31.

Section 3. Assent by Council to Annexation. By the adoption of this Ordinance, the Council, as the governing body of the City, does assent to the annexation of the said real property to the City, and does hereby direct that upon this Ordinance becoming effective, the corporate City limits of the city shall be extended and rearranged so as to embrace and include the said real property, which shall become a part of the corporate area of the City upon the date of publication of this Ordinance.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, as follows:

Section 4. Findings by the City Council of the City of Montgomery, Alabama. The Council has caused investigations to be made of the matters hereinafter referred to and, on the basis of the facts disclosed by such investigations, does hereby find and declare that the following are true statements of facts:

(A) Act 618 of the 1973 Regular Session of the Alabama Legislature sets forth that after a change in the corporate limits of the City of Montgomery, the Mayor shall file with the Council a report in the form of an ordinance containing a recommended plan for reapportionment of the council district boundaries.

(B) By this ordinance, the Council is approving the annexation of certain real property to the City, thereby altering and enlarging the city limits.

Section 5. Description of Property. The newly annexed area is contiguous to Council District 4. Council District 4 shall be reapportioned to include this new area and all other districts shall remain unchanged. Attached hereto and incorporated herein, Exhibit A sets forth the newly reapportioned well-defined boundaries of Council District 4.

Section 6. Assent by Council to Incorporation. By the adoption of this Ordinance, the Council, as the governing body of the City, does assent to the incorporation of the said real property into Council District 4 and does hereby direct that upon this ordinance becoming effective, the corporate City limits of the city shall be extended and rearranged so as to embrace and include the said real property, which shall become a part of the corporate area of the City upon the date of publication of this Ordinance.

Section 7. Filing of Description. That a description of the property or territory annexed and incorporated be filed in the Office of the Judge of Probate in Montgomery County, Alabama.

Section 8. Publication and Effective Date of This Ordinance. This ordinance shall be published one time in a newspaper published and having general circulation in the city and also in Montgomery County, and shall become effective upon such publication.

ADOPTED this the _____ day of _____, 2020.

STEVEN L. REED, MAYOR

ATTEST:

BRENDA GALE BLALOCK, CITY CLERK

6
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RESOLUTION NO. _____

WHEREAS, pursuant to Ala. Code §11-42-200 *et seq.* (1975), the City Council may determine that it is in the interest of the public good of the citizens of the City of Montgomery that the corporate limits of the City of Montgomery be reduced and the boundaries thereof reestablished; and

WHEREAS, a request has been submitted to the City Council to deannex the following land parcel located at 2455 Pike Road, Pike Road Alabama 36064, as indicated in the proposed corporate limits of the City of Montgomery attached as Exhibit A:

WHEREAS, the City Council has considered the request to deannex those certain properties submitted as Exhibit A; and

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the corporate limits of the City of Montgomery be and are established as set out in Exhibit A and Mayor Reed is authorized to certify a copy of this Resolution, together with Exhibit A, and file with the Judge of Probate of Montgomery County, Alabama.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution, which was duly adopted by the Council of the City of Montgomery at its regular meeting held the _____ day of _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

RESOLUTION NO. _____

A RESOLUTION ASSENTING TO THE VACATION OF THE REMNANT OF FURNACE STREET

WHEREAS, Ronald Stokes, being the sole owner of all the lands abutting the hereinafter described streets within the City of Montgomery, Alabama, which street portions are described as follows:

BEGIN at a found iron pin located at the intersection of the South side of 8th Street and the East Right-of-Way (100') of Furnace Street; thence leaving said South side of 8th Street and the East Right-of-Way (100') of Furnace Street North 60.11' to the POINT OF BEGINNING for the hereon described parcel of land (said point also located on the North side of 8th Street and the East Right-of-Way (100') of Furnace Street; thence leaving said North side of 8th Street and the East Right-of-Way (100') of Furnace Street S 89°01'56" W 100.00' to a point located on the West Right-of-Way (100') of Furnace Street; thence along said West Right-of-Way (100') of Furnace Street N 00°58'04" W 525.00' to a point; thence leaving said West Right-of-Way (100') of Furnace Street N 89°01'56" E 100.00' to a point located on the East Right-of-Way (100') of Furnace Street; thence along said East Right-of-Way (100') of Furnace Street S 00°58'04" E 525.00' to the point of beginning. Containing 1.21 acres, more or less, and lying in and being a part of the SE % of Section 36, T-17-N, R-17-E, Montgomery County, Alabama.

WHEREAS, a Water, Sewer, Utility and Access easement to The Water Works and Sanitary Sewer Board of the City of Montgomery, in the street to portion to be vacated and being more particularly described as follows:

BEGIN at a found iron pin located at the intersection of the South side of 8th Street and the East Right-of-Way (100') of Furnace Street; thence leaving said South side of 8th Street and the East Right-of-Way (100') of Furnace Street North 60.11' to a point located on the North side of 8th Street and the East Right-of-Way (100') of Furnace Street; thence S 89°01'56" W 10.62' to the Point of Beginning for herein described Water Easement; thence N 00°58'04" W 65.73' to a point; thence S 89°01'56" W 15.00' to a point; thence S 00°58'04" E 50.73' to a point' thence S89°01'56" W 15.00' to a point; thence S 00°58'04" E 15.00' to a point; thence N 89°01'56" E 30.00' to the point of beginning. Said easement lies in the SE1/4 of Section 36, T-17-N, R-17E, Montgomery County, Alabama.

WHEREAS, Ronald Stokes has executed a Declaration of Vacation of the portions of the streets described above, as recorded in the Office of the Probate Judge of Montgomery County, Alabama in accordance with §35-2-54 of the Alabama Code; and

WHEREAS, Ronald Stokes has petitioned the City of Montgomery for its assent to the vacation of the above described street, divesting any and all rights which the public may have in and to said street portions, and this body's assent thereto; and

WHEREAS, it is reported to the City Council of the City of Montgomery, Alabama that a convenient and reasonable means of ingress and egress is afforded all property owners of the area in which these street portions are located by the remaining streets and avenues therein located; and

WHEREAS, it is made known to the City Council of the City of Montgomery, Alabama that all public utilities most generally affected by closing and vacating said streets, namely (Alabama Power, Spire Energy, A T& T. Cable, Dixie Electric Cooperative, Spectrum Cable Services, Montgomery Water Works and Sanitary Sewer Board, and WOW! Cable) have either indicated their assent and agreement to the closing and vacation of said street portions, or have been notified of the said vacation by certified mail and have failed to respond;

NOW THEREFORE, be it resolved by the City Council of the City of Montgomery, Alabama, that the vacation and closing of the said street portions described above, lying and being within the city limits of the City of Montgomery, which is requested in accordance with Code of Alabama 1975, §35-2-54 and §35-2-57, is in the public's interest, and is hereby assented to, acquiesced in, and authorized by the City Council of the City of Montgomery, Alabama.

ADOPTED this the ____ day of _____, 2020.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, **Brenda Gale Blalock**, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L REED, MAYOR

To: File

From: A. L. Milam, District Fire Chief

Date: October 13, 2020

RE: Closure of YU bar (163 Eastern Blvd.)

On October 10, 2020 at approximately 0037 hours, the Bureau of Investigations conducted a routine inspection at YU Bar (163 Eastern Blvd.). Upon arrival, contact was made with the manager, Yumeitrius Manuel, and advised him the inspection was being conducted. All occupants of the structure exited through the front door of the structure and at the conclusion of the count of patrons it was found the establishment was over maximum occupancy allowed by the Fire Marshal's office in accordance with City Ordinance 20-2020. The normal operating occupant load for this business is 300. However, in accordance with City Ordinance 20-2020 and the Covid-19 pandemic the business can operate at 50 percent of its normal operating capacity. The max occupant load is 150 patrons under the Covid-19 pandemic and City Ordinance 20-2020 and the establishment was found to have 190 patrons inside. This puts the establishment 40 patrons over its allowed occupant load. The manager was advised of the findings and informed that the establishment had to be shut down 16 hours from the time of the violation was given. The establishment was 27% over the occupant load set forth by Overcrowding Ordinance 30-2020. This means the dollar amount will total to \$50 dollars per person over the maximum occupant load which totals a \$2,000 dollar administrative fee. Administrative Fee must be paid in full within ninety-days (90) from the day the City Council finds that the business has exceeded that approved occupant load. If the assessed Administrative Fees are not paid within the set ninety-days (90), the business owner shall be brought before the City Council for a recommendation for suspension or revocation of the business license. The owner was also advised that a majority of his patrons were observed coming out of the establishment without mask. The owner was reminded that the mask ordinance is still in effect. The owner was issued the notice to appear, accompanied with an inspection form. This is the establishment's first time within a year being in violation of the City of Montgomery Ordinance No. 30-2020 and Ordinance No. 20-2020.


A.L. Milam, District Fire Chief
Inspections and Investigations Division
Montgomery Fire/Rescue

9
1

To: File

From: A.L. Milam, District Fire Chief

Date: October 13, 2020

RE: Closure of Signature Event Center (5050 Narrow Lane Road)

On October 10, 2020 at approximately 0037 hours, the Bureau of Investigations conducted a routine inspection at Signature Event Center (5050 Narrow Lane Road). Upon arrival, contact was made with the manager, Eddie Johnson, and advised him the inspection was being conducted. All occupants of the structure exited through the front door of the structure and at the conclusion of the count of patrons it was found the establishment was over maximum occupancy allowed by the Fire Marshal's office in accordance with City Ordinance 20-2020. The normal operating occupant load for this business is 300. However, in accordance with City Ordinance 20-2020 and the Covid-19 pandemic the business can operate at 50 percent of its normal operating capacity. The max occupant load is 150 patrons under the Covid-19 pandemic and City Ordinance 20-2020 and the establishment was found to have 205 patrons inside. This puts the establishment 55 patrons over its allowed occupant load. The manager was advised of the findings and informed that the establishment had to be shut down 16 hours from the time of the violation was given. The establishment was 37% over the occupant load set forth by Overcrowding Ordinance 30-2020. This means the dollar amount will total to \$50 dollars per person over the maximum occupant load which totals a \$2,750 dollar administrative fee. Administrative Fee must be paid in full within ninety-days (90) from the day the City Council finds that the business has exceeded the approved occupant load. If the assessed Administrative Fees are not paid within the set ninety-days (90), the business owner shall be brought before the City Council for a recommendation for suspension or revocation of the business license. The owner was also advised that a majority of his patrons were observed coming out of the establishment without mask. The owner was reminded that the mask ordinance is still in effect. The owner was issued the notice to appear, accompanied with an inspection form. This is the establishment's first time within a year being in violation of the City of Montgomery Ordinance No. 30-2020 and Ordinance No. 20-2020.


A.L. Milam, District Fire Chief
Inspections and Investigations Division
Montgomery Fire/Rescue

10

RESOLUTION NO. _____

WHEREAS, Crown Tobacco and Package Store Inc., d/b/a Crown Tobacco and Beverage Store, 4340 Narrow Lane Road, Montgomery, Alabama 36116, has filed application for Retail Beer & 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, Crown Tobacco and Package Store Inc., d/b/a Crown Tobacco and Beverage Store, 4340 Narrow Lane Road, Montgomery, Alabama 36116, be and is hereby approved for Retail Beer & Retail Table Wine (Off Premises Only) Licenses and concurrence in the issuance of the licenses by the State of Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR

11

RESOLUTION NO. _____

WHEREAS, Jubilee Seafood Inc., d/b/a The League of Municipalities Reception, 210 Water Street Union Station Train Shed, Montgomery, Alabama 36104, has filed application for a 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, Jubilee Seafood Inc., d/b/a The League of Municipalities Reception, 210 Water Street Union Station Train Shed, Montgomery, Alabama 36104, 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.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution which was duly adopted by the Council of the City of Montgomery, Alabama, at its regular meeting held the _____ day of _____, 2020.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this the _____ day of _____, 2020.

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: _____

STEVEN L. REED, MAYOR