

STATE OF ALABAMA            )  
  :  
COUNTY OF BALDWIN        )(

The City Council, City of Fairhope, met in regular session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 28 December 2015.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Councilmember Boone and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 14 December 2015, regular meeting; minutes of the 14 December 2015, work session; and minutes of the 14 December 2015, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and thanked them for another successful year; and hopes for the same in 2016.

Councilmember Ford congratulated Mayor Kant on a good year.

Councilmember Boone commented on the New Year’s Eve Celebration and said it was a good community endeavor.

Council President Burrell mentioned the Ed Wall lease and the improvements. He requested the Harbor Board to make a recommendation. Mayor Kant and General Superintendent James Gillespie will go and look at the marina and boatyard.

A Public Hearing was held on a proposed ordinance for a Franchise Agreement with the City of Fairhope. Councilmember Brewer introduced in writing an ordinance to approve an Application from David Pantovic, Point Clear Tennis Academy, for a Franchise Agreement to operate Tennis Lessons at Stimpson Field, Fairhope, Alabama. Council President Burrell read the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:08 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:08 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the January 11, 2016 City Council meeting.

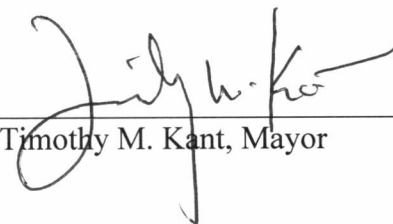
28 December 2015

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of The Akribos Consulting Group for Professional Consulting Services for Comprehensive Education Study for RFQ No. PS015-15; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule. Seconded by Councilmember Mueller, motion passed unanimously by voice vote. Councilmember Boone questioned where the funds would come from; none approved with new budget. Councilmember Brewer commented the funds will come from the EAC school funds.

**RESOLUTION NO. 2456-15**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of The Akribos Consulting Group for Professional Consulting Services for Comprehensive Education Study for RFQ No. PS015-15; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule.

DULY ADOPTED THIS 28TH DAY OF DECEMBER, 2015

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
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Lisa A. Hanks, MMC  
City Clerk

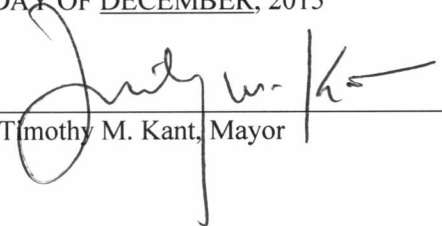
Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Engineering Design Technologies, Inc. for Professional Engineering Services for Federal and ALDOT Street Compliance for RFQ No. PS003-16; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Councilmember Brewer questioned who Engineering Design Technologies and their qualifications. Purchasing Manager Dan Ames replies they were run through the process and have great qualifications. He also said they are a local company and have performed these services.

28 December 2015

**RESOLUTION NO. 2457-15**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of Engineering Design Technologies, Inc. for Professional Engineering Services for Federal and ALDOT Street Compliance for RFQ No. PS003-16; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule.

DULY ADOPTED THIS 28TH DAY OF DECEMBER, 2015

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

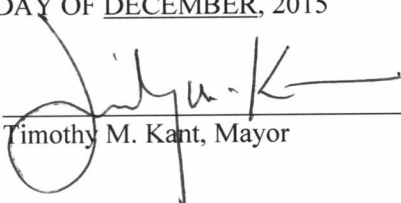
  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution That the City Council approves the selection of Thompson Engineering, Inc. for Construction Engineering and Inspection Services for ATRIP Phase 3; Resurfacing Fairhope Avenue from Bancroft to Highway 181 for Project No. PW002-14; ALDOT No. ACOA61156-ATRP(002) with a cost not to exceed \$107,017.58; and authorize Mayor Kant to execute the contract. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Council President Burrell mentioned per Mayor Kant that ALDOT will refund all funds.

**RESOLUTION NO. 2458-15**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of Thompson Engineering, Inc. as Engineer of Record for Construction Engineering and Inspection Services for ATRIP Phase 3; Resurfacing Fairhope Avenue from Bancroft to Highway 181 for Project No. PW002-14; ALDOT No. ACOA61156-ATRP(002) with a cost not to exceed \$107,017.58; and authorize Mayor Kant to execute the contract.

DULY ADOPTED THIS 28TH DAY OF DECEMBER, 2015

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

28 December 2015

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Engineering Services for the City of Fairhope with South Coast Engineers, LLC for RFQ No. PS002-16 for Fairhope Beach Management Plan with a cost not to exceed \$30,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Council President Burrell said the City will match up to \$15,000.00; and the "Grant" will match up to \$15,000.00.

**RESOLUTION NO. 2459-15**

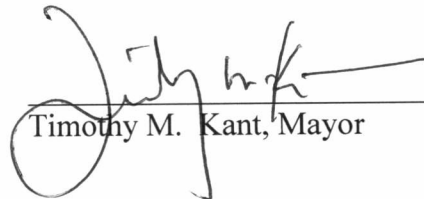
WHEREAS, the City of Fairhope recently accepted a Coastal Zone Management Section 306 Grant (No. CZM-306-16-1) from the Alabama Department of Conservation and Natural Resources (ADCNR) to develop a Beach Management Plan; and

WHEREAS, the total project cost is not to exceed \$30,000.00 of which the grant amount is up to \$15,000, and the City will provide a one to one local "in-kind" or cash match is up to \$15,000 on the project; and

WHEREAS, the City's Public Works Department will provide oversight of the project;

**THEREFORE BE IT RESOLVED THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Engineering Services for the City of Fairhope with South Coast Engineers, LLC for RFQ No. PS002-16 for Fairhope Beach Management Plan with a cost not to exceed \$30,000.00.

DULY ADOPTED THIS 28TH DAY OF DECEMBER, 2015

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk




28 December 2015

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute the Memorandum of Understanding and Agreement between Municipal Intercept Services and the City of Fairhope for Collection of Delinquent Debts pursuant to Article 3 of Chapter 18 of Title 40, Code of Alabama 1975. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

**RESOLUTION NO. 2460-15**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute the Memorandum of Understanding and Agreement between Municipal Intercept Services and the City of Fairhope for Collection of Delinquent Debts pursuant to Article 3 of Chapter 18 of Title 40, Code of Alabama 1975.

DULY ADOPTED THIS 28TH DAY OF DECEMBER, 2015



\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:



\_\_\_\_\_  
Lisa A. Manks, MMC  
City Clerk

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Potting Soil for the Public Works Department (Bid No. 005-16) to BWI Companies, Inc. with a total bid proposal of \$9,729.00. Mayor Kant commented that these items will begin coming before you if we normally go beyond the \$15,000.00 bid limit or think we will be going over during the year. Jennifer Fidler stated that we only have one bid because everyone else buys from BWI. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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28 December 2015

**RESOLUTION NO. 2461-15**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

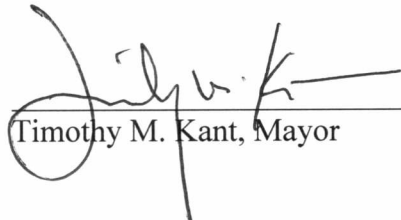
[1] That the City of Fairhope did request, receive, and open bids for Potting Soil for the Public Works Department (Bid Number 005-16) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, the following bid was opened and tabulated as follows; no other responses were received:


BWI - Semmes	Potting Soil	\$10.81 per 50 lb. Bag
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[3] After evaluating the bid proposals with the required bid specifications, BWI Companies, Inc. with the total bid proposal of \$9,729.00 (Truckload of 900 - 50 lb. Bags) is now awarded the bid for Potting Soil for the Public Works Department.

Adopted on this 28th day of December, 2015

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

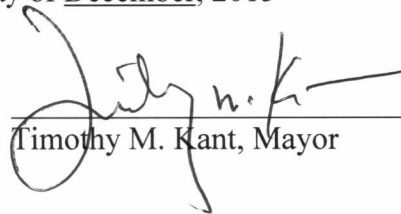
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that the City gratefully accepts the Deed of Gift for Nature Park from the Fairhope Single Tax Corporation to the City of Fairhope; and authorizes the Mayor to sign any documents necessary to complete the transfer. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

28 December 2015

**RESOLUTION NO. 2462-15**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA,** That the City gratefully accepts the Deed of Gift for Nature Park from the Fairhope Single Tax Corporation to the City of Fairhope; and authorizes the Mayor to sign any documents necessary to complete the transfer.

Adopted on this 28th day of December, 2015



\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:



\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Boone moved to grant Change Order #1. A change order by J & P Construction Co., Inc. for the Fairhope Waste Water Treatment Plant Upgrades, Project No. SEW001-12 by decreasing the contract by \$103,499.57. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Planning Director Jonathan Smith addressed the City Council to explain the Site Plan Review of property owned by the Fairhope Group, LLC. Located on the west side of North Greeno Road in the Ecor Rouge Shopping Center, Fairhope, Alabama for a proposed New Bank and Retail Center. Mr. Smith stated the site plan was unanimously approved by the Planning Commission.

Councilmember Brewer moved to approve the Site Plan property owned by the Fairhope Group, LLC listed above. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Planning Director Jonathan Smith addressed the City Council to explain the Site Plan Review of property owned by Harvey "Skip" Jones. Located on the southwest corner of the intersection of Fairhope Avenue and Bayview Street, Fairhope, Alabama for a proposed mixed-use development containing an 18-unit condominium development with a single office on the ground floor fronting Bayview ("Knoll Park Flats"). Mr. Smith stated the site place was approved by an 8 to 1 vote by the Planning Commission.

28 December 2015

The applicant is requesting encroachments on the City's right of way: a 2-foot balcony overhang into the right of way; and using the City's right of way for their required landscape buffer and greenspace percentage. The Planning Department is requesting that the applicant sign a Hold Harmless Agreement with the City if the encroachments are approved.

Mr. Jones addressed the City Council and commented the City right of way on Fairhope Avenue is undeveloped; they are going to be stabilizing the gully wall; and will plant additional on Bayview to complement the streetscape in Fairhope. Council President Burrell stated he did not have a problem with the encroachment of right of way. He did question the rezone to B3b, Tourist Commercial Residential, where short-term rentals are allowed.

Councilmember Ford moved to approve the Site Plan property owned by Harvey "Skip" Jones listed above. The motion was seconded by Councilmember Boone. City Clerk Lisa Hanks asked if this motion was for the recommendation of Planning Staff or the Planning Commission. Council President Burrell asked City Attorney Wynne if the motion needed to state with the attached note from Staff regarding the Hold Harmless Agreement. City Attorney Wynne stated we do these with other property agreements to protect the City; and the motion needs to include the note. Councilmember Ford withdrew his motion. Then, Councilmember Ford moved to approve the recommendation of the Planning Commission with the attached note: If approved, the City and the Applicant should enter into a Hold Harmless Agreement regarding the encroachments onto City property. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:41 p.m.

  
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Jack Burrell, Council President

  
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Lisa A. Hanks, MMC  
City Clerk