

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, 25 January 2016.

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 Deacon George Yeend of St. Lawrence Catholic Church and the Pledge of Allegiance was recited. Councilmember Boone moved to approve minutes of the 11 January 2016, regular meeting; minutes of the 11 January 2016, work session; and minutes of the 11 January 2016, agenda meeting. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and announced the Senior Bowl's South Team practice and signing of autographs. He mentioned a meeting with Byard for possible grants and trails; and tomorrow he will testify in front of the Transportation Committee.

The following individual addressed the City Council during Public Participation for Agenda Items:

- 1) Elizabeth Hammock, 254 N. Bayview Street, addressed the City Council regarding Agenda Item Number 22, a resolution authorizing Mayor Kant to execute a contract for professional consulting services with The Akribos Consulting Group to prepare the Comprehensive Education Study with a cost not to exceed \$49,000.00. She said this is an opportunity for a third party to get us information to be online with other schools.
- 2) Kerry Flowers, 11 North Ingleside and Chairman of the Education Advisory Committee ("EAC"), addressed the City Council regarding Agenda Item Number 22 regarding the Comprehensive Education Study. Mr. Flowers said he appreciated the Mayor and the City Council for renegotiating; and for allowing this academic audit.
- 3) Kenneth McDowell, 29 Cottage Drive, addressed the City Council regarding Agenda Item Number 22 regarding the Comprehensive Education Study. He commended the Mayor for negotiating the amount of the study from \$80,000.00 to \$49,000.00. He also mentioned there were five schools in this community.
- 4) Katherine Goldman, 7059 Windmere Place, addressed the City Council regarding Agenda Item Number 22 regarding the Comprehensive Education Study. She said this study is a great opportunity for our children.

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- 5) Molly Robertson, Main Street, addressed the City Council regarding Agenda Item Number 22 regarding the Comprehensive Education Study. She stated the condition of our schools is lacking; and the study is a good start for the community.
- 6) Bryan Injaian, owner of Accommodations Afloat, addressed the City Council regarding Agenda Item Number 10: an ordinance to approve an application for a Franchise Agreement to operate Sailing Charters and Overnight Rentals at the Fairhope Municipal Pier Marina. Mr. Injaian stated he had four to five captains in the area he may use along with his Dad. He thanked the City Council for considering his application.
- 7) Bryan Shue, 322 Poviner, addressed the City Council regarding Agenda Item Number 22 regarding the Comprehensive Education Study. He said this gives the City a closer look at our schools system and maybe the first step to solving issues.

LeeAnn May of Hartmann, Blackmon and Kilgore addressed the City Council and briefly went over the Comprehensive Annual Financial Report "CAFR" for the year ending September 30, 2015. Ms. May thanked the Mayor and City Councilmembers for allowing "HBK" to perform the audit. She also thanked the Treasury and Finance Departments for all of their help throughout the engagement.

Councilmember Mueller moved to accept the Comprehensive Annual Financial Report as presented. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Council President Burrell announced that Agenda Item Number 6; the presentation of the Quarterly Financial Report was pulled from the agenda and would be addressed at the next City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253, adopted 27 June 2005. Councilmember Brewer introduced in writing an ordinance to approve the Zoning Map for the Colony at the Grand Tourism District which includes adding 1.9 acres as Low-Rise and changing 34.4 acres that was previously dedicated as Mid-Rise Zone to Low-Rise Zone to the Land Use Map for the Colony at the Grand. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Jonathan Smith briefly explained the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:32 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:32 p.m.

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

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A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253, adopted 27 June 2005. Councilmember Brewer introduced in writing an ordinance to zone the property of The Teachers Retirement Systems of Alabama to Tourism Resort District concurrent with annexation into the City of Fairhope. This property is generally located on the west side of Section Street just north of Battles Road, Fairhope, Alabama. Parcel No. 05-46-09-30-0-000-078.001. Azalea at the Colony. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Jonathan Smith briefly explained the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:37 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:37 p.m.

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

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253, adopted 27 June 2005. Councilmember Boone introduced in writing Ordinance No. 1563, an ordinance to rezone the property of St. Lucia Properties, LLC from R-2 Medium Density Single Family Residential District to B-3a Tourist Resort Lodging District. This property is generally located at 206 S. Mobile Street, Fairhope, Alabama. Parcel No. 05-46-03-37-0-010-041.000. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Jonathan Smith briefly explained the proposed ordinance; and said there was no opposition at the Planning Commission's meeting. Jeremy Lee, owner of the property, addressed the City Council and explained the proposed plan. He said it will be three-units that will be as high class as they can using local architects to design; and it will greatly benefit the community. Councilmember Brewer commended Mr. Lee and said this is a great plan.

Council President Burrell opened the Public Hearing at 6:42 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:42 p.m.

In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Boone, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1563. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

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Councilmember Brewer moved for final adoption of Ordinance No. 1564, an ordinance to approve an Application from Bryan Injaian d/b/a Accommodations Afloat, for a Franchise Agreement to operate Sailing Charters and Overnight Rentals at the Fairhope Municipal Pier Marina, Fairhope, Alabama. (Introduced at the January 11, 2016 City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Boone commented the Harbor Board was okay with this franchise as long as Mr. Injaian had all of the necessary paperwork in place.

Councilmember Brewer introduced in writing Ordinance No. 1565, an ordinance to repeal Ordinance No. 1364 and to establish the use of Electronic Vote Counting Devices for use in all Municipal Elections. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Boone, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1565. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing Ordinance No. 1566, an ordinance to declare that certain real property (Fly Creek Fish Market a/k/a the Municipal Fisherman Dock property) of the City of Fairhope is not needed for public or municipal purposes in response to an offer to lease property from February 1, 2016 through January 31, 2017 by Seventeen Turtles Outfitters, LLC. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brewer, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1566. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Community Affairs and Recreation Director Sherry Sullivan addressed the City Council and explained the proposed Film Ordinance and the addition for the \$5,000.00 deposit. The following language needs to be added before the ordinance is introduced: Section IX Fees in the second paragraph after each production: “and a \$5,000.00 refundable deposit. Upon completion of filming, the \$5,000.00 refundable deposit will be returned if the Production Company has paid all outstanding bills to the City, its agents, residents and businesses; and pending the Production Conduction has followed the policies and procedures as set forth in this ordinance.”

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Councilmember Brewer introduced in writing Ordinance No. 1567, an ordinance to repeal and replace Ordinance No. 1538 known as the Fairhope Film Ordinance. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brewer, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Boone then moved for final adoption of Ordinance No. 1567. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the Submission of an FY2016 Transportation Alternatives Program Grant to the Alabama Department of Transportation to Construct Sidewalk and Trail Facilities for Pedestrians along Baldwin County Road 13 starting at the southernmost limit of the Manley Road Soccer Complex and terminating at Sedgefield Drive; and authorizing Mayor Timothy M. Kant to sign all required grant application documents on behalf of the City. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

RESOLUTION NO. 2467-16

AUTHORIZING THE SUBMISSION OF AN FY 2016 TRANSPORTATION ALTERNATIVES PROGRAM GRANT TO THE ALABAMA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT SIDEWALK AND TRAIL FACILITIES FOR PEDESTRIANS

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for FY 2016 Transportation Alternatives Program (TAP) Grants; and

WHEREAS, the City of Fairhope has identified the need to provide new sidewalk and trail facilities to provide safe routes to non-drivers along Baldwin County Road 13 starting at the southernmost limit of the Manley Road Soccer Complex and terminating at Sedgefield Drive in Fairhope;

WHEREAS, the total project cost is estimated at \$500,000, and if funded, the grant will pay 80% or \$400,000 and the City of Fairhope will be responsible for providing 20% or \$100,000; and

WHEREAS, if funded, the City will be responsible for paying 100% of engineering design fees; and

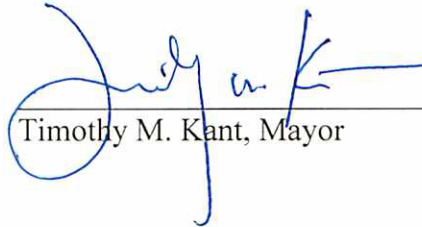
WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the new facilities;

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THEREFORE, BE IT RESOLVED BY THE City of Fairhope, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Fairhope authorizes submission of a TAP Grant to ALDOT requesting funds to construct new pedestrian facilities.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

DULY ADOPTED THIS 25TH DAY OF JANUARY, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller 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 Consulting Services for the City of Fairhope with Compliance Support Associates, LLC to help evaluate the current compliance of the City to the Alabama Disabilities Act (“ADA”) rules, regulations, and laws; RFQ No. PS001-16. The fee schedule is \$125.00 per hour on an “as needed” basis. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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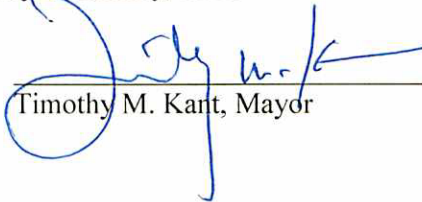
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RESOLUTION NO. 2468-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for the City of Fairhope with Compliance Support Associates, LLC to help evaluate the current compliance of the City to the Alabama Disabilities Act (“ADA”) rules, regulations, and laws; RFQ No. PS001-16. The fee schedule is \$125.00 per hour on an “as needed” basis.

Adopted on this 25th day of January, 2016


 Timothy M. Kant, Mayor

Attest:

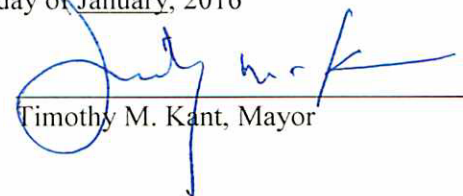


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Mueller 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 Engineering Design Technologies, Inc. to help evaluate the current compliance of the City to the Alabama Disabilities Act (“ADA”) rules, regulations, and laws; RFQ No. PS003-16. The fee schedule is attached to be utilized hourly on an “as needed” basis. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

RESOLUTION NO. 2469-16

BE IT RESOLVED BY 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 Engineering Design Technologies, Inc. to help evaluate the current compliance of the City to the Alabama Disabilities Act (“ADA”) rules, regulations, and laws; RFQ No. PS003-16. The fee schedule is attached to be utilized hourly on an “as needed” basis.

Adopted on this 25th day of January, 2016


 Timothy M. Kant, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

25 January 2016

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase Mobile Mounted Radios (Equipment and Warranties) for the Police Department and the type of equipment needed is on the Alabama State Department of Purchasing bid list and there for does not have to be let out for bid; and the total cost is \$158,439.55. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2470-16

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

[1] That the City of Fairhope has voted to purchase Mobile Mounted Radios (Equipment and Warranties) for the Police Department and the type of equipment needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

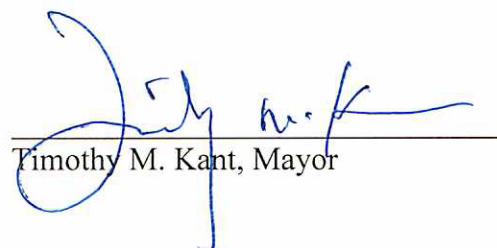
Bid Number: T300

Contract Number: 4012695

Mounted Radios
(Equipment and Warranties)


Cost is \$158,439.55

Adopted on this 25th day of January, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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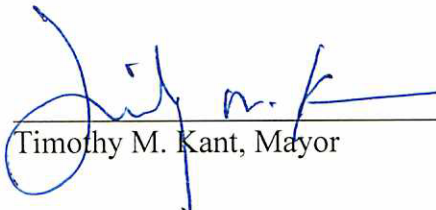
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase Two (2) Vehicle Lifts and Two (2) Rolling Jacks for the Mechanic Shop and requested items are available for direct procurement through the U. S. Communities Buying Group Contract. The cost is approximately \$35,529.00 plus freight. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2471-16

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

[1] That the City of Fairhope has voted to purchase Two (2) Vehicle Lifts and Two (2) Rolling Jacks for the Mechanic Shop and requested items are available for direct procurement through the U. S. Communities Buying Group Contract. The cost is approximately \$35,529.00 to allow for freight cost variations at ship time.

Adopted on this 25th day of January, 2016



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 of Fairhope approves the request from the Recreation Department requesting for Beard Equipment, as Sole Source Provider for Golf and Sports Equipment for Baldwin and Mobile Counties in Alabama, for Replacement Reels for John Deere Reel Mowers; and the expenditure for the Replacement Reels. The cost is approximately \$30,734.80 plus freight. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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RESOLUTION NO. 2472-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope approves the request from the Recreation Department requesting for Beard Equipment, as Sole Source Provider for Golf and Sports Equipment for Baldwin and Mobile Counties in Alabama, for Replacement Reels for John Deere Reel Mowers; and the expenditure for the Replacement Reels. The cost is approximately \$30,734.80 to allow for freight cost variations at ship time.

Adopted on this 25th day of January, 2016



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 of Fairhope has voted to purchase a John Deere Grounds Sprayer Unit (ProGator 2020A Vehicle and HD200 SelectSpray) for the Recreation Department and the requested item is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract; and therefore does not have to be let out for bid. The cost is approximately \$33,556.38 plus freight. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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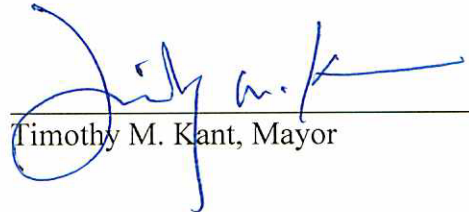
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RESOLUTION NO. 2473-16

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

[1] That the City of Fairhope has voted to purchase a John Deere Grounds Sprayer Unit (ProGator 2020A Vehicle and HD200 SelectSpray) for the Recreation Department and the requested item is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract; and therefore does not have to be let out for bid. The cost is approximately \$33,556.38 to allow for freight cost variations at ship time.

Adopted on this 25th day of January, 2016



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 of Fairhope has voted to purchase Gas Meters and Connections, as needed, for the Gas Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). The cost will be approximately \$64,000.00 (“approximately” due to freight variability). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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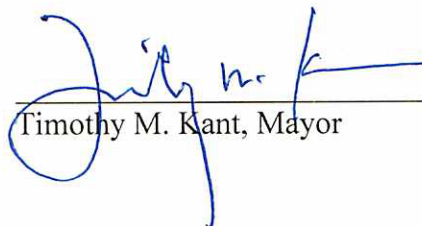
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RESOLUTION NO. 2474-16

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

[1] That the City of Fairhope has voted to purchase Gas Meters and Connections, as needed, for the Gas Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). The cost will be approximately \$64,000.00 (“approximately” due to freight variability).

Adopted on this 25th day of January, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

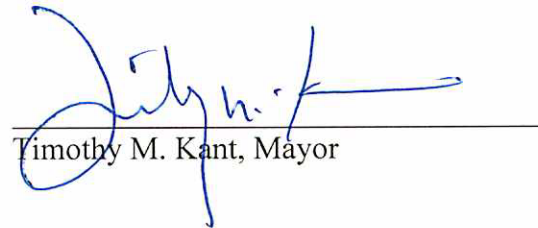
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for the City of Fairhope with The Akribos Consulting Group to prepare the Comprehensive Education Study for RFQ No. PS015-15 with a cost not to exceed \$49,000.00. The motion was seconded by Councilmember Mueller. Dr. Hollinger addressed the City Council and shared a revised estimate for the cost of the study. He said we have the desire to compare, will obtain an assessment that will be precise; and have a financial strategy. He said this will be a comprehensive overview for the top 10 schools and Fairhope. Councilmember Mueller commented there will not be enough information to support a separate school system. Councilmember Brewer stated this will be the gap we have needed. She said our teachers are wonderful and need the tools. Councilmember Boone commented he has no interest in an independent school system; and 67 percent voted against raising taxes. Councilmember Brewer replied we should give citizens a chance to say what they want. After further discussion, motion passed unanimously by voice vote.

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RESOLUTION NO. 2475-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for the City of Fairhope with The Akribos Consulting Group to prepare the Comprehensive Education Study for RFQ No. PS015-15 with a cost not to exceed \$49,000.00.

DULY ADOPTED THIS 25TH DAY OF JANUARY, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer moved to grant the request of Michael Graham, Executive Director with The Haven, requesting permission to hold their annual Mystic Mutts of Revelry Parade on Saturday, January 30, 2016 and to close streets (Morphy Avenue, Section Street, Fairhope Avenue, Summit Street, Saint James Street, Church Street); and use of the Fairhoper's Community Park between 10:00 a.m. to 3:00 p.m. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Brewer moved to grant the request of Pat Lee, Director of International Programs/Children of the World, Inc., requesting permission to hold their Annual Chinese New Year's Parade on February 6, 2016 which will begin at 11:00 a.m. at Fairhope United Methodist Church; and to use City resources to block intersections and for traffic control. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Kant left the dais at 7:23 p.m.

25 January 2016

City Council reviewed an application for a Non-Profit Tax Exempt License (Alcoholic Beverage License) by Randal Wright, The Friends of the Fairhope Public Library, Chocolate and Champagne Fantasy 2016 located at 501 Fairhope Avenue, Fairhope, Alabama on February 13, 2016 from 7:00 p.m. to 9:30 p.m. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Will Carlton, Jr., Warehouse Bakery and Donuts, LLC, d/b/a Warehouse Bakery and Donuts, located at 759 Nichols Avenue, Fairhope, Alabama. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

The following individual spoke during Public Participation for Agenda Items:

- 1) Erik Cortinas addressed the City Council and announced the Fairhope Middle School and High School Spring Pancake Breakfast at Fairhope Middle School on Saturday beginning at 8:00 a.m.

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 7:25 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk