

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, 9 May 2016.

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

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Dr. Jerry Henry, Pastor of First Baptist Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 25 April 2016, regular meeting; minutes of the 25 April 2016, work session; and minutes of the 25 April 2016, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Brewer addressed the City Council and presented Mike Groutt, Pedestrian and Bicycle Committee Chair, a proclamation for the month of May proclaiming it Bicycle Month. She mentioned multiple rides throughout the year; and a bike valet service being offered during the Eastern Shore Chamber Arts and Crafts Festival and on Earth Day. Councilmember Brewer also gave statistics on bicycle usage.

Councilmember Boone requested everyone to keep Councilmember Ford in their prayers for a speedy recovery.

Council President Burrell announced that Mayor Kant was invited to Washington, D.C. to be on a panel regarding our building codes and fortified homes. Erik Cortinas, City Building Official, stated that Fairhope has 21 percent of all fortified homes in Alabama; and 13 percent of all fortified homes nationwide.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing an ordinance to rezone the property of Fred and Kris Hayek from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development). This property is generally located at 848 N. Greeno Road, Fairhope, Alabama. Parcel No. 05-46-03-08-0-003-062.000. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

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Planning Director Jonathan Smith briefly explained the proposed ordinance. He stated the City Council wanted more restrictions spelled out, so the owner agreed. We put the three suggestions in the ordinance; and then re-advertised. The recommendation of the Planning Commission was an 8 to 1 vote with no one speaking in opposition to the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:20 p.m.

- 1) Steve McClure, 668 Colonial Drive in Colonial Acres Subdivision, addressed the City Council in opposition to the proposed ordinance. Mr. McClure said that this would open the doors for the destruction of Colonial Acres. He commented this is a gratuitous development.

The Public Hearing closed at 6:25 p.m.

Mr. Smith stated all proper notifications were sent out. He said the Comprehensive Plan is a steering document for the City to use; and the City has been working with Mr. Hayek for over 20 years. Mr. Smith stated the City requested Mr. Hayek to hire a land planner to come up with an idea and bring back to the City. He said Mr. Hayek agreed to the stipulations, the re-advertising, and is now before the City Council for your approval. Due to lack of a motion for immediate consideration, this ordinance will layover until the May 23, 2016 City Council meeting.

Councilmember Brewer introduced in writing Ordinance No. 1575, an ordinance to Repeal and Replace Ordinance No. 1438 and Ordinance No. 1488 to protect the Public Health, Safety and Welfare by providing Policy and Procedure for Park Usage within the City of Fairhope. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, and Boone. NAY - None. Councilmember Boone then moved for final adoption of Ordinance No. 1575. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, and Boone. NAY - None.

Councilmember Brewer introduced in writing Ordinance No. 1576, an ordinance to Repeal and Replace Ordinance No. 1438 and Ordinance No. 1488 to protect the Public Health, Safety and Welfare by providing Policy and Procedure for Sidewalk and/or Street Usage within the City of Fairhope. 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, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1576. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, and Boone. NAY - None.

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Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Sedgefield Phase 4 for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Sedgefield-Fairhope, LLC. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2530-16

WHEREAS, the Owners of Sedgefield, Phase 4 desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2557-D, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

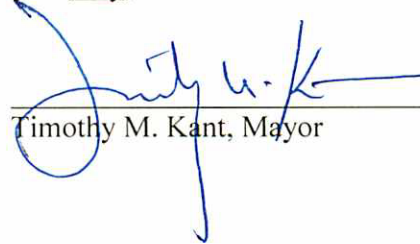
WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

WHEREAS, the Public Works Director has indicated that the improvements meet City requirements, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Sedgefield, Phase 4, maintenance bonds for the public improvements constructed for a period of 2 years, and;

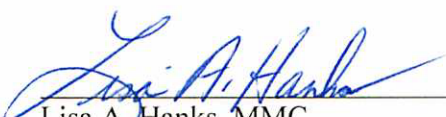
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Sedgefield, Phase 4 are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Sedgefield-Fairhope, LLC (the "Subdivider").

Adopted this 9th day of May, 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 accepting the all of Fairhope's public utilities located in public right-of-ways within The Highlands at Point Clear for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and The Highlands at Point Clear, LLC. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2531-16

WHEREAS, the Owners of The Highlands at Point Clear desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2555-D, accepted for maintenance by the City of Fairhope, Alabama, and;

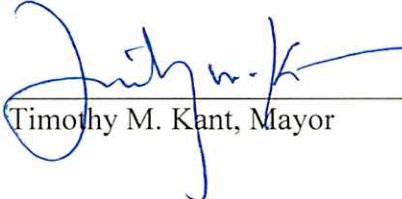
WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

WHEREAS, the Water and Sewer Superintendent has indicated that the improvements meet City requirements, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of The Highlands at Point Clear, financial guaranty for the public improvements constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for The Highlands at Point Clear are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and The Highlands at Point Clear, LLC (the "Subdivider").

Adopted this 9th day of May, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

9 May 2016

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Stone Creek Phase 3 for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Stone Creek, LLC. The motion was seconded by Councilmember Mueller. Councilmember Boone stated he would be abstaining due to a conflict of interest; his daughter lives in Stone Creek. After further discussion, motion passed by the following voice votes: AYE – Burrell, Mueller, and Brewer. NAY – None. ABSTAIN - Boone.

RESOLUTION NO. 2532-16

WHEREAS, the Owners of Stone Creek, Phase 3 desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2556-C, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

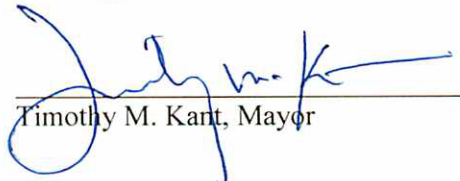
WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

WHEREAS, the Public Works Director has indicated that the improvements meet City requirements, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Stone Creek, Phase 3, maintenance bonds for the public improvements constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Stone Creek, Phase 3 are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Stone Creek, LLC (the "Subdivider").

Adopted this 9th day of May, 2016


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

9 May 2016

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Cascade System for Fire Station #3 for the Fairhope Volunteer Fire Department with the total bid proposal of \$39,835.15 (Bid No. 023-16). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2533-16

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

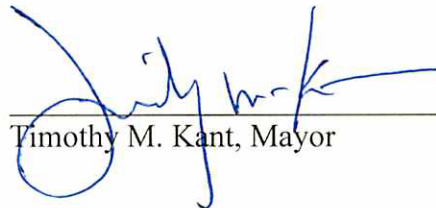
[1] That the City of Fairhope did request, receive, and open a bid for Cascade System for Fire Station #3 for the Fairhope Volunteer Fire Department (Bid Number 023-16) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for
Cascade System for Fire Station #3 for
the Fairhope Volunteer Fire Department

[3] After evaluating the bid proposals with the required bid specifications, Sunbelt Fire, Inc., with the total bid proposal of \$39,835.15, is now awarded the bid for Cascade System for Fire Station #3 for the Fairhope Volunteer Fire Department.

Adopted on this 6th day of March, 2014



Timothy M. Kant, Mayor

Attest:



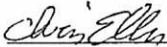
Lisa A. Hanks, MMC
City Clerk

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CITY OF FAIRHOPE
 BID TABULATION and Recommendation
 BID NO.: 023-16
 BID NAME: Cascade System for
 POST DATE: 4-7-16
 BID OPENING DATE: 4-21-2016 9:00 a.m.

VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Signed Addendum #1	Delivery lead time ARO in days	Manufacturer	Model	Bid Price
Sunbelt Fire, Inc.	yes	yes	60	Bauer	Mini Unicus 13H 600PSI system w/additional cylinders	\$39,835.15
North American Fire Equipment Company, Inc. (NAFECO)	yes	yes	45-60	Eagle Air	BlackHawk BH20F	\$43,748.00
Municipal Emergency Services, Inc. (MES)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID

Recommendation: Award Bid to Sunbelt Fire, Inc. in the amount of \$39,835.15 per their bid response.

 4/21/16
 Chris Ellis, Fire Chief

To my knowledge this is an accurate bid tabulation.

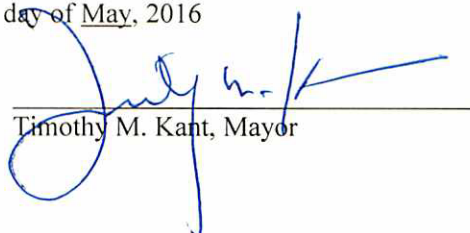
 4/21/16
 Daniel P. Ames, Purchasing Manager

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Treasurer is hereby authorized and directed to review the possibility of retiring a portion of the City's General Obligation Warrants, Series 2007, and refunding, at a lower interest rate, the balance of the Series 2007 Warrants, to discuss the matter with prospective lenders and bond counsel and to report to the City Council the results of such review and discussion. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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RESOLUTION NO. 2534-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City Treasurer is hereby authorized and directed to review the possibility of retiring a portion of the City's General Obligation Warrants, Series 2007, and refunding, at a lower interest rate, the balance of the Series 2007 Warrants, to discuss the matter with prospective lenders and bond counsel and to report to the City Council the results of such review and discussion.

Adopted on this 9th day of May, 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 Amendment No. 1 to Bid No. 018-11 RFP for Municipal Information System for the City of Fairhope by removing 28 "Conversions" with a value of \$49,040.00 and adding 41.5 "Implementation Days" with a value of \$48,762.50, with Tyler Technologies, Inc. Note: Additional expenses (per diem, travel, etc.) may be incurred, and are represented in the amendment language as "plus expenses". Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2535-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute Amendment No. 1 to Bid No. 018-11 RFP for Municipal Information System for the City of Fairhope by removing 28 "Conversions" with a value of \$49,040.00 and adding 41.5 "Implementation Days" with a value of \$48,762.50, with Tyler Technologies, Inc. Note: Additional expenses (per diem, travel, etc.) may be incurred, and are represented in the amendment language as "plus expenses".

Adopted on this 9th day of May, 2016


 Timothy M. Kant, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

9 May 2016

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to inform and submit the Municipal Water Pollution Prevention Program (MWPP) Report for 2015 to the Department of Environmental Management. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

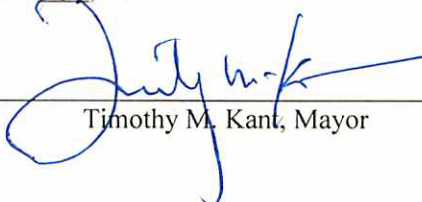
RESOLUTION NO. 2536-16

MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Complete the current wastewater treatment plant upgrades needed for regulatory compliance and to accommodate future growth.
 - (b) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.
 - (c) Continue to provide training opportunities for the operations staff to assist them with maintaining certification and knowledge of current methods and technologies.

Adopted this 9th day of May, 2016



 Timothy M. Kant, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Brewer moved to appoint Lee Webb to the Industrial Development Board for a six-year term which will expire May 2022. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

9 May 2016

City Council reviewed an application for a Special Retail Liquor License – more than 30 days by Thomas M. Marr, Jr., Hootenanny, LLC, d/b/a Terrace Grill and Deli located at 17107 Tennis Club Drive, Fairhope, Alabama. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Planning Director Jonathan Smith addressed the City Council to explain the requested Site Plan one year extension of the Site Plan approval that was granted for the property located at 406 Oak Street. Mr. Smith explained that our Zoning Ordinance only allows extensions for 180 days. After further discussion, Councilmember Brewer moved to approve the request from Pete Sikorowski with Dreamtech Design Services, pursuant to our ordinance, for a 180 days' extension of the Site Plan approval that was granted for the property located at 406 Oak Street. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

The following individuals addressed the City Council during Public Participation:

- 1) Gary Gover, 300 Lincoln Street, addressed the City Council regarding the paving projects and striping. He said that striping is a safety issue; and suggested for them to look at how the streets are paved and how the center lines are placed; i.e. width of the streets. He mentioned keeping the speed at 25 mph and reiterated that safety is the main issue.
- 2) Erik Cortinas, 9790 Terrace Drive, addressed the City Council and mentioned the spring football game with Spanish Fort scheduled for Thursday night. Mr. Cortinas said as a parent of two high school students he attended an awards ceremony. Mr. Cortinas commented there are 325 school seniors and out of those students over 17 million dollars plus worth of scholarships was awarded to this senior class.

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 6:50 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk