

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, 10 October 2016.

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

There being a quorum present, Council President Burrell called the meeting to order at 6:06 p.m. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited.

Council President Burrell stated there was a need to add on one agenda item after Agenda Item Number 15: a Resolution to extend the Budget for the fiscal year through November 15, 2016 to allow invoices and expenditures to continue as needed.

Councilmember Boone moved to add on the above mentioned item **not** on the printed agenda. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Boone moved to approve minutes of the 22 September 2016, regular meeting; and minutes of the 22 September 2016, work session/budget meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Boone announced a Personnel Board meeting on Thursday at 7:15 a.m.; and invited everyone to join them.

Council President Burrell requested for Jennifer Fidler, Public Works Director, to give a brief presentation on her trip to California. Ms. Fidler said she had just returned from the American in Bloom Competition which was named “Plant Pride in Communities.” This competition was to recognize for communities floral award. She said the City of Fairhope was named in the Circle of Champions last year. This year we competed with mid-size and small cities, but did not win. The City was entered into the International competition, Communities in Bloom, which will be in Canada at the end of the month.

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Ms. Fidler announced that Mayor Kant won the John R. Holmes III Community Champion Award which recognizes an individual who exemplifies community leadership through actions that reflect the mission of the organization. The award recipient, who must be from a community that has participated or is currently participating or is currently participating in the program, will have demonstrated a vision and selfless commitment to moving the community forward. Ms. Fidler said there were nineteen nominees in the competition.

Council President Burrell thanked and congratulated Ms. Fidler and Mayor Kant on behalf of the City and City Council.

Council President Burrell mentioned the “Downtown Parking Shuttle” for the parking garage; and that someone wants to partner with the City to operate the shuttle. Councilmember Boone said this is a win-win for everyone.

Councilmember Brewer introduced in writing, and moved for the adoption of a resolution that the City Council approves the selection of Walcott, Adams, Verneuille Architects, Inc. for Professional Architectural Services for RFQ No. PS011-16 (Project No. PW001-16) for Exterior Repairs and Maintenance at Fairhope Library and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule. The motion was seconded by Councilmember Boone. Council President Burrell questioned Purchasing Manager Dan Ames regarding the fact that this was the Engineer of Record for building the Fairhope Public Library; and if the City pursued all issues on liability. Mr. Ames stated the only way to determine this is to engage a third party to investigate. City Attorney Wynne stated we did look into this matter; and any discussion should be done in Executive Session. After further discussion, Councilmembers Brewer and Boone withdrew their motion.

Councilmember Boone moved to table this item until the next City Council meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of FMS Engineering Services, Inc. for Professional Engineering Services for RFQ No. PS001-17 (Project No. PW001-17) for Fly Creek Marina Seawall Improvements 2017 and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

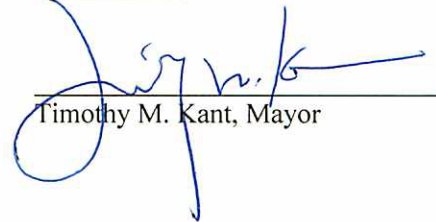
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10 October 2016

RESOLUTION NO. 2587-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of FMS Engineering Services, Inc. for Professional Engineering Services for RFQ No. PS001-17 (Project No. PW001-17) for Fly Creek Marina Seawall Improvements 2017 and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2016


Timothy M. Kant, Mayor

Attest:

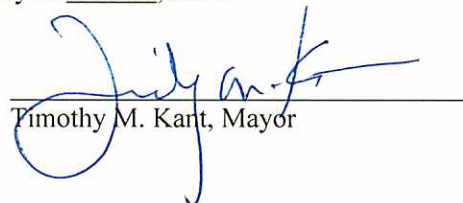


Lisa A. Hanks, MMC
City Clerk

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 the first extension of the Contract with BWI Companies, Inc. for Potting Soil for the Public Works Department (Bid Number 005-16) for an additional one year as per the terms and conditions of the original contract. The price will be \$9,729.00 per truckload (\$10.81 per bag x 900 bags) with an estimated annual cost for 4 truckloads of \$38,916.00. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2588-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute the first extension of the Contract with BWI Companies, Inc. for Potting Soil for the Public Works Department (Bid Number 005-16) for an additional one year as per the terms and conditions of the original contract. The price will be \$9,729.00 per truckload (\$10.81 per bag x 900 bags) with an estimated annual cost for 4 truckloads of \$38,916.00.

Adopted on this 10th day of October, 2016


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

10 October 2016

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the assignment from Azar's Uniforms d/b/a McCain Uniform Company, Inc. to Galls, LLC; and authorizes Mayor Timothy M. Kant to execute the assignment. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2589-16

WHEREAS, the City of Fairhope entered into a contract on July 19, 2016 with Azar's Uniforms d/b/a McCain Uniform Company, Inc. of Birmingham, AL for Police Department Uniforms (Bid No. 019-16); and

WHEREAS, Azar's Uniforms d/b/a McCain Uniform Company, Inc. joined Galls, LLC, of Lexington, KY on August 30, 2016; and as part of the terms and conditions of the contract, Azar's Uniforms d/b/a McCain Uniform Company, Inc. is requesting the City to approve the assignment for Police Department Uniforms between the City of Fairhope and Galls, LLC.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope approves the assignment from Azar's Uniforms d/b/a McCain Uniform Company, Inc. to Galls, LLC; and authorizes Mayor Timothy M. Kant to execute the assignment.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2016


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby approves and authorizes Mayor Timothy M. Kant to execute a Memorandum of Understanding between Faulkner State Community College and the City of Fairhope regarding the use of Halstead Amphitheater at 440 Fairhope Avenue on December 8, 2016 from 5:00 p.m. to 9:00 p.m. for an Outdoor Movie Event. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

10 October 2016

RESOLUTION NO. 2590-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Mayor Timothy M. Kant to execute a Memorandum of Understanding between Faulkner State Community College and the City of Fairhope regarding the use of Halstead Amphitheater at 440 Fairhope Avenue on December 8, 2016 from 5:00 p.m. to 9:00 p.m. for an Outdoor Movie Event.

Adopted on this 10th day of October, 2016


Timothy M. Kant, Mayor

Attest:

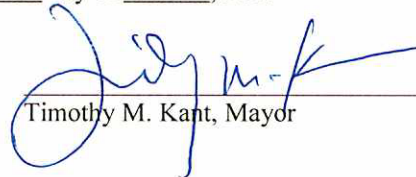


Lisa A. Hanks, MMC
City Clerk

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 Release and Settlement Agreement between Deviney Construction Company, Inc., on its behalf and on behalf of Auto-Owners Insurance Company; MJ Wire & Cable Installers, LLC; AT&T; and Bellsouth Telecommunications, Inc. and the City of Fairhope in regards to permit numbers: 1600503, 1600504, 1600505, 1600506, 1600507, 1600508, 1600509, and 1600773 in consideration of \$102,045.83 being paid to the City of Fairhope. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2591-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Release and Settlement Agreement between Deviney Construction Company, Inc., Auto-Owners Insurance Company; MJ Wire & Cable Installers, LLC; AT&T; and Bellsouth Telecommunications, Inc. and the City of Fairhope in regards to permit numbers: 1600503, 1600504, 1600505, 1600506, 1600507, 1600508, 1600509, and 1600773 in consideration of \$102,045.83 being paid to the City of Fairhope.

Adopted on this 10th day of October, 2016


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

10 October 2016

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to amend the Compensation and Job Classification Plan along with the Grade Order Sheet by Deleting a Job Position; and the Job Description and Grade of Pay for same. Council President Burrell explained the employee is retiring on October 21, 2016; and a new position will be created with specific job duties in the near future. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2592-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the Compensation and Job Classification Plan along with the Grade Order Sheet be amended and approved to delete the following Job Position; and the Job Description and Grade of Pay for same on October 21, 2016 at 5:00 p.m.:

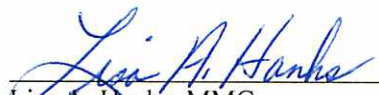
Deletion:	Job Positions	Grade of Pay
	General Superintendent	28

ADOPTED THIS 10TH DAY OF OCTOBER, 2016



 Timothy M. Kant, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Mueller moved to reappoint Patrick Waldrop and Harriett Gutknecht; and to appoint Craig Tappan to the Tree Committee for a three-year term which will expire in October 2019. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Community Affairs and Recreation Director Sherry Sullivan addressed the City Council and stated the Walking School Bus is using the lot behind the Library; and the Writing Cottage is also in use. She requested that this not be approved tonight and allow her to find another spot for the Eastern Shore Optimist Club.

Councilmember Mueller moved to table the request of the Eastern Shore Optimist Club requesting permission to use the City property behind the Fairhope Public Library from November 22, 2016 through December 16, 2016; and for the Fairhope Utility Department to have the cables for the Christmas trees in place by November 21, 2016. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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Councilmember Brewer moved to grant the request of Erin Langley, Eastern Shore Repertory Theatre, Inc. requesting permission to use Henry George Park from May 8, 2017 through May 14, 2017 for the tentative performance of "The Little Mermaid" with performances being held May 11, 2017 through May 13, 2017 at 7:30 p.m. The request is for use of City stage including set-up and barricades. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Boone moved to grant the request of Michael Graham, Executive Director of The Haven No-Kill Animal Shelter requesting permission to hold its annual fundraiser, Mystic Mutts of Revelry Parade on February 18, 2017, by allowing the streets in Downtown Fairhope to be closed from 12:00 p.m. to 2:00 p.m.; and the use of Community Park as staging and tent area. This fundraiser is used to offset operating costs, veterinary care, medical supplies, etc. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to extend the Budget for the fiscal year through November 15, 2016 to allow invoices and expenditures to continue as needed. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2593-16

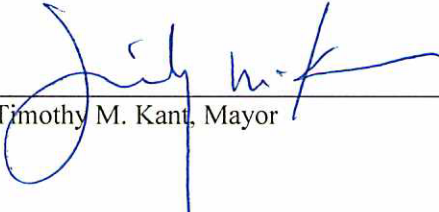
WHEREAS, the newly elected City Council will officially take office on November 7, 2016; and

WHEREAS, the Budget for the fiscal year ending September 30, 2017 has not been adopted by the incumbent City Council; and

WHEREAS, the City invoices need to continue being paid on a weekly basis, in order to take advantage of any available discounts, and to more nearly match the outflow of cash to the receipt of revenue from the three utility billing cycles.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the Budget for the fiscal year ending September 30, 2016 be extended through November 15, 2016 to allow the invoices and expenditures to continue as needed.

Adopted on this 10th day of October 2016


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

10 October 2016

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss current and pending litigation. The approximate time to be in Executive Session is 1 hour. Councilmember Boone moved to go into Executive Session. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Exited the dais at 6:40 p.m. Returned at 9:15 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 9:15 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk