

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 Thursday, 23 February 2017.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson, 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 Reverend Matt McCollum, Pastor of Trinity Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Boone moved to approve minutes of the 13 February 2017, regular meeting; minutes of the 13 February 2017, work session; and minutes of the 13 February 2017, agenda meeting. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Council President Burrell stated there was a need to add on one agenda item after Agenda Item Number 12: a Resolution that Mayor Karin Wilson is hereby authorized to execute a Four Party Agreement – MPO (FA STP Funds) between the City of Fairhope, the State of Alabama, acting by and through the Alabama Department of Transportation, Baldwin County, and the City of Daphne to cooperate in the widening and resurfacing of CR-13 from SR-104 to CR-48; and resurfacing from CR-64/CR-13 roundabout to Ottawa Drive.

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

Mayor Wilson addressed the City Council and stated she had met with the City's bond counsel regarding issues before the Airport Authority's bond goes through; and stated the City's borrowing power would be reduced. Mayor said she wanted to be put in the loop for negotiating leases and contracts at the front end. The March 7, 2017 Town Hall Meeting was mentioned; and the Budget Review will be either at a special-called meeting or during a Work Session.

The following individual spoke during Public Participation for Agenda Items:

- 1) Gary Gover, 300 Lincoln Street, addressed the City Council regarding Agenda Item No. 11: a request to Approve allocating a full-time police officer as a School Resource Officer using the two trained officers when needed to fill the position; and to Approve a new position of Police Officer for the Police Department with a Pay Grade of 21 (beginning at \$20.00 and APOST certified). He felt this was a good idea for the High School, but we need to have some idea what we want to accomplish.

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Councilmember Robinson commented on the KOER Mardi Gras Parade which has already been held with the remaining parades being the Maids of Jubilee and the Order of Mystic Magnolias.

Councilmember Conyers said the he and his family participated in the Mystic Mutts of Revelry and have enjoyed the parades.

Councilmember Brown thanked the Department Heads for their updates during the Work Session; and told everyone Happy Mardi Gras.

Council President Burrell commented that the borrowing power issue was only for this year; and if needed, the City could borrow money from a bank. Mayor Wilson replied the City could put items in place to help pay back the airport bond.

Council President Burrell announced that Councilmember Brown will recuse himself on Agenda Item No. 5; and he will not speak or vote on this item.

Councilmember Boone moved for final adoption of Ordinance No. 1589, an ordinance to Amend Zoning Ordinance No. 1253 and Request to rezone the property of Cliff Pitman from RA Residential/Agriculture District to R-2 Medium Density Single Family Residential District This property is generally located at 19940 County Road 13, Fairhope, Alabama. Parcel No. 05-46-05-22-0-000-001.565. (Introduced at the February 13, 2017 City Council Meeting) Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, and Boone. NAY – None. ABSTAIN - Brown.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the 15' Utility Easement currently existing on the lot line between Lot 35 and lot 36, Greystone Subdivision, Silverhill, Alabama as referenced in attached "Exhibit A," be declared surplus with the understanding that those two lots have been joined into one lot by the owner of said property, and the utility easements will still exist along the lot lines of the new lot created by the joining of Lot 35 and Lot 36; and that Mayor Karin Wilson is hereby authorized to execute a Quit Claim Deed from the City of Fairhope to Frank Leatherwood and Jennifer Coleman Leatherwood for the aforementioned Utility Easement. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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23 February 2017

RESOLUTION NO. 2685-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the 15' Utility Easement currently existing on the lot line between Lot 35 and lot 36, Greystone Subdivision, Silverhill, Alabama as referenced in attached "Exhibit A," be declared surplus with the understanding that those two lots have been joined into one lot by the owner of said property, and the utility easements will still exist along the lot lines of the new lot created by the joining of Lot 35 and Lot 36; and that Mayor Karin Wilson is hereby authorized to execute a Quit Claim Deed from the City of Fairhope to Frank Leatherwood and Jennifer Coleman Leatherwood for the aforementioned Utility Easement.

Adopted on this 23rd day of February, 2017



 Karin Wilson, 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 of Fairhope has voted to purchase Lighting System for Tennis Center 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 total cost is \$129,900.00. This has been nationally bid through the NJPA's bid process. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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23 February 2017

RESOLUTION NO. 2686-17

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 Lighting System for Tennis Center 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 total cost is \$129,900.00. This has been nationally bid through the NJPA’s bid process.

Adopted on this 23rd day February, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the Adult League Rules and Code of Conduct; and the Adult League Fees for the Mike Ford Tennis Center for Fairhope Municipal Tennis Courts as proposed by the Recreation Board. The motion was seconded by Councilmember Robinson. Community Affairs and Recreation Director Sherry Sullivan explained the Adult League fees of \$50.00 for a six to eight-week period. She stated the Recreation Board approved both the rules and code of conduct along with the \$50.00 Adult League Fees. After discussion, motion passed unanimously by voice vote.

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23 February 2017

RESOLUTION NO. 2687-17

WHEREAS, the City of Fairhope is desirous to protect the health, safety, and general welfare of the people by establishing the Rules and Code of Conduct for the Adult Leagues at the Mike Ford Tennis Center at Fairhope Stimpson Park; and

WHEREAS, the City of Fairhope hereby proposes the following Adult League Rules and Code of Conduct and Adult League Fees for the Mike Ford Tennis Center at Fairhope Stimpson Park (attached as Exhibit A); and

NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope approves the Adult League Rules and Code of Conduct; and the Adult League Fees for the Mike Ford Tennis Center for Fairhope Municipal Tennis Courts as proposed by the Recreation Board.

DULY ADOPTED THIS 23RD DAY OF FEBRUARY, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Nanks, MMC
City Clerk

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EXHIBIT "A"



**MIKE FORD TENNIS CENTER
In Fairhope at Stimpson Park
Adult Leagues Rules and Code of Conduct**

Effective MARCH 1st

Captain's responsibilities:

- Every Team Captain, prior the new league sign up begins, **must send written request regarding the use of Mike Ford Tennis Center as their home site.**
- Captain must send the league schedule (once officially published) to Tennis Manager. Tennis Manager will schedule all the home matches. Soft courts and hard courts will be scheduled upon the captain's request. City of Fairhope will do the best to accommodate soft court or hard court requests but will not guarantee assigning all 6 or all requested soft courts or hard courts for every home match.
- Captain and team must check and confirm their court reservations, 2 days prior their home match. Captain's will be responsible for the courts availability and match court reservations.
- League Fee: \$50.00 per player per season for nonmembers. Member has to be in good standings during the entire duration of the season.
- Captain is ultimately responsible for collecting all the league play fees.
- All the fees have to be paid prior the start of the new season.

City of Fairhope "Resident" and "Member" league sign up rules:

1. Every Team Captain must make his/her team available for the City of Fairhope residents or members and must allow them to sign up if all following rules apply:
 - The limit of maximum players on the team hasn't been reached.
 - If the player has a same USTA rating (2,5; 3.0; 3.5; 4.0; 4.5 etc.) or one level lower playing rating as team's league rating.
2. City of Fairhope is not responsible for the captain's decisions regarding the team line up, match scheduling and doubles teams pairing.

Captain is responsible for providing all the information related to the league play to their players (Sign up information, schedule, scheduling, team line up, site court information and court assignment, etc).

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Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of Neptune Gas Meter ERTS for the Gas Department for the fiscal year 2017, to be purchased as needed from Consolidated Pipe & Supply Co., Inc. as Sole Source Provider in the State of Alabama for Neptune Technology Group, Inc. The units must fit into our existing standardized system; and are exempt from formal bid pursuant to Code of Alabama 1975, Section 41-16-51(b)(7). The estimated number of units is 466 ERTS at \$75.00 per unit at a not to exceed annual cost of \$35,000.00. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 2688-17

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

[1] That the City of Fairhope approves the procurement of Neptune Gas Meter ERTS for the Gas Department for the fiscal year 2017, to be purchased as needed from Consolidated Pipe & Supply Co., Inc. as Sole Source Provider in the State of Alabama for Neptune Technology Group, Inc. The units must fit into our existing standardized system; and are exempt from formal bid pursuant to Code of Alabama 1975, Section 41-16-51(b)(7). The estimated number of units is 466 ERTS at \$75.00 per unit at a not to exceed annual cost of \$35,000.00.

Adopted on this 23rd day of February, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Planning Director Wayne Dyess addressed the City Council to explain the Site Plan Review request of Chris Haley, on behalf of William Haas, for Site Plan approval for Portico, a 56-unit project, located at the northeast corner of Fairhope Avenue and Brown Street.

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The proposed project is a mixed-use project with seven buildings and 56 units on 3.52 acres. Mr. Dyess said his concern with the approval as recommended is it does not meet the requirements of our Tree Ordinance. Councilmember Boone questioned the on-street parking issues identified by staff. Mr. Dyess explained that the Planning Commission approved the site plan as proposed by Mr. Haley. City Attorney Marion Wynne stated the Planning Commission approved as presented. Councilmember Conyers stated it was the general opinion that trees look better than a 20-foot greenspace. Mr. Dyess reiterated the stand-alone provision from the Tree Ordinance was his concern; and caught his attention. Mr. Wynne stated that the Planning Commission has the authority to override the Tree Ordinance.

Council President Burrell mentioned the Central Business District may possibly be extended down toward the corner of this property. Mayor Wilson commented that Mr. Thayer said the on-street parking may be a hazard due to faster traffic. Mr. Haley replied that he had a traffic study done at his own expense; and traffic speed would be less due to the parking. Mr. Haley also said the Tree Ordinance issue was given a waiver at the Planning Commission meeting.

Councilmember Boone moved to approve the proposed Site Plan with the removal of the parking on Fairhope Avenue. Motion failed for lack of a second.

Councilmember Conyers moved to approve the Site Plan property as presented for Portico owned by William Haas listed above. Seconded by Councilmember Robinson, motion passed by the following voice votes: AYE – Burrell, Robinson, Conyers, and Brown. NAY - Boone.

Chief Petties explained there was not a School Resource Officer (“SRO”) in the City’s Compensation Plan, but most Towns and Cities have a full-time SRO at schools. He stated there are issues at both schools. Councilmember Conyers moved to grant the request to Allocate a full-time police officer as a School Resource Officer using the two trained officers when needed to fill the position; and to Approve a new position of Police Officer for the Police Department with a Pay Grade of 21 (beginning at \$20.00 and APOST certified). Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

City Council reviewed an application for a Non-Profit Tax Exempt License (Alcoholic Beverage License) by Blair Bullen for the American Cancer Society, Inc., for The Black Out Ball located at 161 North Section Street, Fairhope, Alabama on March 31, 2017 from 6:30 p.m. to 11:00 p.m. Councilmember Robinson moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute a Four Party Agreement – MPO (FA STP Funds) between the City of Fairhope, the State of Alabama, acting by and through the Alabama Department of Transportation, Baldwin County, and the City of Daphne to cooperate in the widening and resurfacing of CR-13 from SR-104 to CR-48; and resurfacing from CR-64/CR-13 roundabout to Ottawa Drive. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2689-17

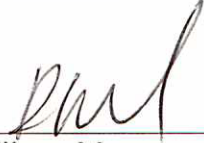
WHEREAS, The City of Fairhope shall enter into a Four Party Agreement – MPO (FA STP Funds) with the State of Alabama, acting by and through the Alabama Department of Transportation (“hereinafter referred to as the STATE”), Baldwin County, and the City of Daphne to cooperate in the widening and resurfacing of CR-13 from SR-104 to CR-48; and resurfacing from CR-64/CR-13 roundabout to Ottawa Drive. Project #STPOA-0215(251), BCP 02-43-15, CPMS Ref. #100064570; and

WHEREAS, This Agreement requires upon completion and acceptance of this project, the County, Daphne, and/or Fairhope will maintain the project; and

WHEREAS, Project # STPOA-0215(251) will be funded by FA STP Funds (Eastern-Shore Area Dedicated) and County Funds for an estimated total which includes E & I and Indirect Cost of \$786,559.00; and with Daphne and Fairhope bearing no cost.

BE IT RESOLVED, by the City Council of Fairhope, Alabama that Mayor Karin Wilson is hereby authorized to execute a Four Party Agreement – MPO (FA STP Funds) between the City of Fairhope, the State of Alabama, acting by and through the Alabama Department of Transportation, Baldwin County, and the City of Daphne to cooperate in the widening and resurfacing of CR-13 from SR-104 to CR-48; and resurfacing from CR-64/CR-13 roundabout to Ottawa Drive.

Adopted and Approved this 23rd day of February, 2017



 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

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The following individuals spoke during Public Participation for Non-Agenda Items:

- 1) Erik Cortinas on behalf of the Fairhope Pirate Booster Club addressed the City Council regarding the Drawdown and Silent Auction which is their biggest fundraiser for the year. He said it will be held on Saturday, March 4, 2017, at the Fairhope Civic Center.
- 2) Chuck Zunk, 59 White Avenue, addressed the City Council regarding the Fairhope Airport Authority and its upcoming biannual cycle in March. He said they should appoint the very best candidates for the Authority. The following are Mr. Zunk's suggestions for the appointments:
 - a) The candidates should have knowledge in aviation and business. Both the Mayor and Council should give each other any nominations they have and study all for the best appointments.
 - b) Employees are not a good idea because we need a fair opinion. The appointees need to be transparent with the same goals.
 - c) Terms are 6-year terms pursuant to the Code of Alabama. The law is for serving members. If Council does not appoint or the Mayor and Council do not come to a conclusion, the members remain until someone is confirmed.
 - d) People are volunteers, so we need to go through the process with respect and dignity.

Mayor Wilson commented she had interviewed seven to eight people and mentioned three nominations. She said Sherry-Lea Botop was to replace whatever position James Gillespie held.

- 3) Dean Mosher, 456 Oak Avenue, addressed the City Council and asked how long public participation was allowed for each person to speak. Council President Burrell stated it was a privilege for individuals to speak during public participation with three minutes each, however Mr. Zunk was granted more time.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:00 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk